1978 No. 147

EDUCATION

Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1978

Made . . . . . 1*st June* 1978
Coming into operation . . . . 14*th July* 1978

The Department(a) of Education, after consultation as required by Article 11(5) of the Superannuation (Northern Ireland) Order 1972(b) with representatives of education and library boards and of teachers and with such representatives of other persons likely to be affected by these regulations as appear to it to be appropriate, and with the consent of the Department of the Civil Service(c), in exercise of the powers conferred upon it by Article 11 and Schedule 3 of the said Order and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1978 and shall come into operation on 14th July 1978.

Interpretation

2.—(1) These regulations shall be construed as one with the Teachers' Superannuation Regulations (Northern Ireland) 1977(d) (in these regulations referred to as "the Principal Regulations") and the Principal Regulations and these regulations may be cited together as the Teachers' Superannuation Regulations (Northern Ireland) 1977 and 1978.

(2) References in these regulations to a numbered regulation or schedule are references to the regulation or schedule so numbered in the Principal Regulations.

Amendment of Principal Regulations

3. The Principal Regulations shall be amended as follows:—

(*a*) In regulation 19(2) (Maximum purchase of added years) after "as a result of incapacity" there shall be inserted "or in such circumstances that regulation 48A applies".

(*b*) (i) At the end of sub-paragraph (*b*) of regulation 21(1) (Purchase of past added years) there shall be inserted "subject, however, to paragraph (1A).".

(ii) After regulation 21(1) there shall be inserted:—

"(1A) In the case of a teacher who has become entitled to allowances by virtue of regulation 48A, no account shall be taken for the purposes of this regulation of any period for which he was not employed in reckonable service falling after the date on which his employment was terminated as mentioned in that regulation.".

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) S.I. 1972/1073 (N.I. 10)
(c) Formerly a function of the Department of Finance: *see* S.R. 1976 No. 281 (II, p. 1339) Article 3 and Sch. 1
(d) S.R. 1977 No. 260

(*c*) At the end of regulation 22(2) (Election to purchase past added years) there shall be inserted "subject, however, to the provisions of regulation 21.".

(*d*) In regulation 23(5) (Method 1 contributions) after "sixtieth birthday" there shall be inserted "so, however, that, save in the case of a teacher who has become entitled to allowances by virtue of regulation 48A," and for "being", in both places where it occurs, there shall be substituted "shall be".

(*e*) In regulation 26(3) (Pre-1973 contributors) for "allowances under regulation 48 or 52" there shall be substituted "benefit under regulation 48(1)(*c*) or 52".

(*f*) For regulation 27(2) (Purchase of current added years) there shall be substituted:—

"(2) A teacher who has become employed in reckonable service after allowances have become payable to him under regulation 48(1)(*c*) or by virtue of regulation 48A may not purchase any years under this regulation unless, in the case of allowances under regulation 48(1)(*c*), his annual allowance has been suspended under regulation 72.".

(*g*) (i) At the beginning of regulation 41(3) (Deduction from terminal sum) there shall be inserted "Subject to paragraph (3A),".

(ii) After regulation 41(3) there shall be inserted:—

"(3A) In the case of a teacher who has become entitled to allowances by virtue of regulation 48A paragraph (3) shall not apply but—

(*a*) subject to sub-paragraph (*b*), regulation 61(3) shall have effect as if the service to which it applies by virtue of sub-paragraph (*b*) thereof were only the proportion here specified of the service specified in the said sub-paragraph, namely the proportion which the aggregate of the contributions which he has paid as there mentioned bears to the aggregate which he would have so paid had he continued to pay contributions under this section for the whole of the period specified under regulation 38(3)(*b*);

(*b*) if he so elects by notice in writing to the Department within three months of his ceasing to pay contributions under this section, sub-paragraph (*a*) shall not apply but there shall be deducted from the terminal sum payable in respect of him, or paid to the Department in such manner as may be approved, the actuarial equivalent of the balance outstanding of his contributions under this section.".

(*h*) After regulation 48 (Entitlement to allowances) there shall be inserted:—

"*Application of regulation* 48 *in certain cases of premature retirement*

48A.—(1) This regulation shall apply to a teacher who ceases to be employed in reckonable service having attained the age of fifty but not having attained the age of sixty, if by written notice given to the Department his employer certifies that his service has been terminated—

(*a*) by reason of his redundancy, or

(*b*) subject to paragraph 2, in the interests of the efficient discharge of his employer's functions,

so, however, that this regulation shall not apply in the case of a teacher who is incapacitated when his service is terminated.

(2) In the case of a teacher to whom regulation 48A(1)(*b*) applies the service of that teacher shall not be terminated unless the Department approves the reason for his retirement,