1975 No. 136

EDUCATION

Teachers' Superannuation (War Service and Amendment) Regulations (Northern Ireland) 1975

Made . . . . . *6th May* 1975

Coming into operation . . . . *16th June* 1975

The Department(a) of Education in exercise of the powers conferred upon it by Articles 11 and 14 of the Superannuation (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, and after consultation with representatives of education and library boards and of teachers and with such representatives of other persons likely to be affected as required by Article 11(5) of the said Order and with the consent of the Department(a) of Finance, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Teachers' Superannuation (War Service and Amendment) Regulations (Northern Ireland) 1975 and shall come into operation on 16th June 1975.

(2) Expressions used in these regulations which are used in the Teachers' Superannuation Regulations (Northern Ireland) 1972 to 1974(c) or the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1972 to 1974(d) shall, as the context may require, have the meanings respectively assigned to them by those regulations.

WAR SERVICE

War service to count for benefits

2.—(1) Subject to paragraph (2) and regulation 5, any war service of a teacher to whom this regulation applies shall be treated as half that period of reckonable service for the purpose of calculating—

(*a*) the amount of any allowance or gratuity payable by virtue of the Teachers' Superannuation Regulations (Northern Ireland) 1972 to 1974;

(*b*) any transfer value payable by virtue of regulation 24 of the Teachers' Superannuation (Added Years and Interchange) Regulations (Northern Ireland) 1974(e); and

(*c*) in a case to which regulation 7 applies, any pension payable by virtue of the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1972 to 1974 to which that regulation applies—

being an allowance (other than an additional superannuation allowance), gratuity, transfer value or pension payable after 31st August 1974 or an additional superannuation allowance whenever paid or payable.

(a) Formerly Ministry: *see* 1973 c. 36 sch. 5 para. 8(1)
(b) S.I. 1972/1073 (N.I. 10)
(c) S.R. & O. (N.I.) 1972 No. 319 (p. 1531); 1973 Nos. 32 (I, p. 160), 33 (I, p. 177), 476 (II, p. 2774); S.R. 1974 Nos. 185, 211
(d) S.R. & O. (N.I.) 1972 Nos. 82 (p. 276), 125 (p. 444), 246 (p. 1327); 1973 Nos. 32 (I, p. 160), 61 (p. 300), 81 (I, p. 367), 489 (II, p. 2816); S.R. 1974 No. 265
(e) S.R. 1974 No. 185

(2) This regulation does not apply if the first period of reckonable service referred to in regulation 3 is not treated as reckonable service for the purpose of calculating any such allowance, gratuity, transfer value or pension as is mentioned in paragraph (1).

(3) In these regulations "war service" means such service over the age of 18 as is mentioned in section 1 of the Superannuation (Northern Ireland) Act 1947(f) at any time between the beginning of September 1939 and the end of March 1949, but does not include any such service which was, or is treated as, contributory service or in respect of which a naval pension, a service pension (within the meaning of the Recall of Army and Air Force Pensioners Act 1948(g)) or retired pay is payable.

Application of regulation 2

3.—(1) Regulation 2 applies to any teacher who, after war service and without having first been employed in service which is or was pensionable under a scheme for the superannuation of teachers in any other part of the British Isles, was first employed in reckonable service before July 1950, or after June 1950 on the completion of either—

(*a*) a course of training approved for the purposes of regulation 29 of the Primary Schools (General) Regulations (Northern Ireland) 1949(h) or the Intermediate Schools (Grant Conditions) Regulations (Northern Ireland) 1948(i), being—

(i) a course provided under the scheme for the emergency recruitment and training of teachers established by the Ministry of Education or any scheme to the like effect established by the Ministry of Education, England and Wales, or the Scottish Education Department; or

(ii) a course in respect of which grants were paid to him under the Ministry of Education (Further Education and Training) Grant Regulations 1946(j), or the Further Education and Training Scheme administered by the Scottish Education Department; or

(iii) a course which he had begun before July 1950; or

(*b*) a combined university and teacher training course approved for the purpose of regulation 10 of the Training Colleges (Grant Conditions) Regulations (Northern Ireland) 1948(k) if he had begun the final year of any such course before November 1950.

(2) In this regulation "teacher" includes a person who was in reckonable service, or in receipt of superannuation allowances, at any time from 1st September 1974 until 16th June 1975.

(3) Any question arising under this regulation as to whether a teacher became employed in reckonable service on completion of a course to which paragraph (1) applies shall be determined by the Department and its determination shall be final.

(f) 1947 c. 18 (N.I.)
(g) 1948 c. 8 (12, 13 & 14 Geo. 6)
(h) S.R. & O. (N.I.) 1949 No. 100 (p. 61)
(i) S.R. & O. (N.I.) 1948 No. 44 (p. 141)
(j) S.R. & O. 1946/1291 (Rev. VI, p. 518: 1946 I, p. 392)
(k) S.R. & O. (N.I.) 1948 No. 257 (p. 209)