1973. No. 488 **[C]**

EDUCATION

Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973

REGULATIONS, DATED 6TH DECEMBER 1973, MADE BY THE MINISTRY OF EDUCATION WITH THE CONSENT OF THE MINISTRY OF FINANCE UNDER ARTICLE 11 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Education on behalf of the Secretary of State, in exercise of the powers conferred upon it by Article 11 of the Superannuation (Northern Ireland) Order 1972(a) and 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 Ministry of Finance, hereby makes the following Regulations:—

INTRODUCTORY

Citation and commencement

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973.

(2) The Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972(b) as amended and these Regulations may be cited together as the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972 to 1973.

(3) These Regulations shall come into operation on 6th December 1973.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

"the Actuary" means the Government Actuary;

"child" in references to the child of a person, means a child (including an illegitimate child or adopted child) of that person, or a child accepted by that person as a member of the family and wholly or mainly dependent on him, who has not attained the age of seventeen or, having attained the age of seventeen, is receiving full-time education or attending a course of not less than two years full-time training for a trade, profession or calling—

(a) S.I. 1972, No. 1073 (N.I. 10).
(b) S.R. & O. (N.I.) 1972, No. 82; 1972, No. 125; 1972, No. 246; 1973, No. 32; 1973, No. 61; 1973, No. 81.

but does not include a married woman nor a person who is for the time being in receipt of a disqualifying income;

"disqualifying income" means remuneration payable to a person attending a course of full-time training at a rate not less than the annual rate for the time being payable of an official pension (within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(c)) which began on 1st April 1972 at the annual rate of £250;

"member" means a teacher employed in reckonable service on or after 1st April 1972 who immediately before that date had service counting for benefit within the meaning of Rule 41 of the Family Benefits Rules;

"non-member" means a teacher employed in reckonable service on or after 1st April 1972 who immediately before that date had no such service counting for benefit as is referred to above;

"reckonable service" has the meaning assigned to it by the principal Teachers' Regulations;

"the Family Benefits Rules" means the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972 as amended;

"the principal Teachers' Regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1972(d) as amended;

"the Teachers and Teachers' Families Regulations" means the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1973(e);

other expressions have the meanings assigned to them by the Family Benefits Rules.

(2) References to a teacher's widow do not include a woman who married him after the day on which he was last employed in reckonable service.

Service before 1st April 1972

3.—(1) Subject to paragraph (2) below, the service before 1st April 1972 counting for benefit for the purposes of these Regulations of a member shall, unless he retires without making an election for those purposes within the time prescribed by regulation 7(1) below, be the aggregate of—

(*a*) two-thirds of any such service in respect of which the full amount of normal contributions is held in the Fund ("deemed normal service");

(*b*) the number of years determined in accordance with schedule 1 as the actuarial value of any additional contributions held in the Fund on 31st March 1972 in respect of such service ("deemed additional service"); and

(*c*) the number of years determined by the Actuary as the actuarial value of his interest in the balance (so determined) of the Fund as at 31st March 1972 ("notional service").

(2) For the purposes of these Regulations the service before 1st April 1972 counting for benefit of a member who retired on pension after 31st March 1972 and before 6th December 1973 or after that date but without making an election for those purposes within the time prescribed by regulation 7(1) below, shall be the aggregate of—

(c) 1971. c. 35 (N.I.).
(d) S.R. & O. (N.I.) 1972, No. 319; 1973, No. 32; 1973, No. 33.
(e) S.R. & O. (N.I.) 1973, No. 32.

(*a*) two-thirds of any such service in respect of which contributions were paid to the Fund; and

(*b*) twice his notional service (within the meaning of paragraph (1)(*c*) above).

Non-member's contributions

4.—(1) Subject to paragraph (2) below, a non-member shall, if he so elects, pay contributions in accordance with these Regulations, in respect of his reckonable service before 1st April 1972.

(2) Any election for the purposes of this regulation shall relate to the whole of the reckonable service of the teacher before 1st April 1972 or, if that service amounts to five years or more, five or more complete years of that service, as he may elect.

Member's contributions

5.—(1) As from 1st May 1974 contributions payable by teachers for the purposes of family benefits in respect of service before 1st April 1972 may, and as from 1st November 1974 shall, be paid in accordance with this regulation and not in accordance with rules 32, 33, 34 and 39 of the Family Benefits Rules.

(2) A member shall pay contributions in accordance with these Regulations in respect of so much (if any) as he elects of his reckonable service before 1st April 1972 as exceeds the aggregate of his deemed normal service, his notional service, his deemed additional service (if any) (all within the meaning of regulation 3(1)) and one-sixth of the period of previous service for which he now elects to pay provided that this is not greater than the period of service before 1st April 1972 in respect of which he then paid or elected to pay family benefits contributions.

(3) A member who elected to pay additional contributions in respect of his previous service by Method III may, if he is employed in reckonable service on 1st May 1974 by notice in writing delivered to the Ministry before 1st November 1974 revoke his election to pay such contributions; and any such member who is not so employed or does not so revoke that election shall pay contributions in accordance with paragraph (2).

Retired member's contributions

6. A member who, having been employed in reckonable service on or after 1st April 1972 retires from such service before 6th December 1973, or after that date but without making an election for the purposes of these Regulations within the time prescribed by regulation 7(1) below, shall, if he so elects, pay contributions in the form of a lump sum equal to the actuarial equivalent of the contributions payable in respect of so much of his service before 1st April 1972 as does not exceed one-half of the amount by which one-third of the service in respect of which normal and additional contributions are held in the Fund on 31st March 1972 exceeds twice his notional service.

ELECTIONS

Time for making elections

7.—(1) Subject to paragraph (3) below, the first election for the purposes of regulation 4, 5 or 6 above shall be made so as to be received by the Ministry—

(*a*) for the purposes of regulation 4, if the teacher is employed in reckonable service on 6th December 1973 before 6th June 1974;

(*b*) for the purposes of regulation 5, if the teacher is employed in reckonable service on 1st May 1974 before 1st November 1974;

(*c*) for the purposes of regulation 6, before 1st November 1974; and

(*d*) for the purposes of regulations 4 and 5 in any case not falling within sub-paragraph (*a*) or (*b*) above, not later than six months from the date of the teacher becoming employed or as the case may be again employed in reckonable service or of the award to him of superannuation allowances under the principal Teachers' Regulations.

(2) For the purposes of regulation 6, the election may, if the member dies before 1st November 1974, be made by his widow and the provisions of these Regulations relating to the payment of contributions for the purposes of that regulation shall be construed accordingly.

(3) A man teacher who does not make an election within the time specified by paragraph (1) above may, notwithstanding that paragraph, make a first election for the purposes of regulation 4 or 5 within the six months next following the first to occur of any of the following events—

(*a*) his marriage if he is then employed in reckonable service;

(*b*) his becoming again employed in reckonable service after his marriage while not so employed;

(*c*) the nomination by him of an adult dependant under regulation 18 below;

and a woman teacher who does not make an election within the time specified by paragraph (1) above may, notwithstanding that paragraph, make a first election for the purposes of regulation 4 or 5 within the six months next following the nomination by her of an adult dependant under regulation 18 below.

Form of elections

8.—(1) The first election by any teacher for the purposes of these Regulations shall specify—

(*a*) the number of years in respect of which the teacher elects to pay contributions; and

(*b*) the rate at which the teacher elects to pay contributions expressed as a percentage, being a whole number not exceeding eight, of the rate of his salary from time to time.

(2) An election shall be made in writing and delivered to the Ministry and shall be effective from the date of its receipt.