1959. No. 72 **[C]**

EDUCATION

Superannuation

Previous Employment

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers conferred on it by Section 20 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, and with the consent of the Ministry of Finance hereby makes the following rules:

1. These rules may be cited as the Teachers Superannuation (Previous Employment) Rules (Northern Ireland), 1959, and shall come into operation on the first day of May, 1959.

2.—(1) In these rules—

"the Act of 1950" means the Teachers (Superannuation) Act (Northern Ireland), 1950(**a**);

"the Act of 1956" means the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956(**b**);

"the Acts" means the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956;

"the Rules of 1959" means the Teachers (Superannuation) Rules (Northern Ireland), 1959(**c**);

"direction" means a direction under Section 20 of the Act of 1956;

"salary" means the salary on which a teacher's contributions under Section 6 or Section 9, as the case may be, of the Act of 1950, are for the time being calculated.

(2) The reference in rule 7 to contributory service shall be construed to include a reference to any periods which are treated under Section 9 of the Act of 1950 as periods of employment in contributory service for the purposes of Part 1 of the Act of 1950.

3.—(1) An application by a teacher for a direction that a period of previous employment shall count as contributory service shall be made to the Ministry—

(*a*) in the form contained in the First Schedule;

(*b*) if the teacher is employed in contributory service at the date of coming into operation of these rules, within six months of that date;

(*c*) if the teacher is not employed in contributory service at the date of the coming into operation of these rules, within six months of the date when he thereafter becomes so employed.

(2) No direction shall be given in respect of any teacher who, on first entry into employment in recognised or contributory service, either was under twenty-five years of age or had reached the age of fifty.

4. A teacher in respect of whom a direction is given shall pay additional contributions in accordance with either Method I as prescribed in rules 5 to 8 or Method II as prescribed in rule 9, and the method shall be chosen by him at the time he makes his application.

(**a**) 1950, c. 33, (**b**) 1956, c. 22, (**c**) S.R. & O. (N.I.) 1959, No. 8,

Additional contributions—Method I

5.—(1) Where a teacher has not attained the age of 55 years at the date of the direction he shall make periodical payments, by way of additional contribution in respect of each year of previous employment which is to count as contributory service, of an amount equal to the percentage of his salary for the time being shown in column (2) of the Second Schedule opposite to the age in column (1) which was his age at the date of the direction.

(2) Where a teacher has attained the age of 55 years at the date of the direction he shall make periodical payments by way of additional contribution of an amount equal to such percentage of his salary for the time being as the Ministry shall determine.

6. If the additional contributions payable by a teacher under the preceding rule, disregarding any reduction to be made under rule 14, would exceed nine per cent. of his salary at the date of the direction the amount of the excess shall be capitalised at such sum as the Ministry shall determine, and the teacher shall discharge his liability in respect of the excess by paying that sum, either in one payment or by instalments, under such arrangements as the Ministry may approve.

7.—(1) Additional contributions shall be payable under rule 5 during the contributory service of the teacher, and during any break in service which does not exceed a continuous period of one year, until he attains the age of 60 years, or until he becomes qualified for the grant of superannuation allowances under paragraph (*f*) of subsection (1) of Section 3 of the Act of 1950 or a short service gratuity under Section 4 of that Act, or until he dies, whichever is the earliest.

(2) During any such break in service as aforesaid the additional contributions shall be paid at the rate at which they were payable immediately before the break in service occurred.

8. If a teacher becomes employed in service which is treated as approved external service for the purposes of Section 13 of the Act of 1950 he shall discharge his liability for additional contributions by paying direct to the Ministry such a lump sum as in the opinion of the Ministry represents the capital value of the amount of his additional contributions outstanding.

Additional contributions—Method II

9.—(1) A teacher shall make one payment direct to the Ministry by way of additional contributions.

(2) If he has not attained the age of 55 years at the date of payment, he shall pay, in respect of each year of previous employment which is to count as contributory service, an amount equal to the percentage of his salary at the date of payment shown in column (4) of the Second Schedule opposite to the age in column (1) which was his age at the said date.

(3) If he has attained the age of 55 years at the date of payment, he shall pay an amount equal to such percentage of his salary at the date of payment as the Ministry shall determine.

General

10. The additional contributions payable under these rules shall be calculated on a teacher's full salary, notwithstanding that by reason of sickness his salary may for the time being be payable at less than the full rate.