Provided, however, that any pension awarded under this Article may be increased by an amount not exceeding one-fifth of such pension if in the case of a male teacher his salary scale maximum is in excess of £300 and in the case of a female teacher in excess of £250.

24. The Scheme shall not be held to prejudice in any manner the rights of any person under the Government of Ireland Act, 1920.

Date of Operation.

25. The Scheme shall come into operation with effect from the 1st day of April, 1925, in the case of agricultural teachers, and 1st August, 1923, in the case of the technical teachers. Payment of the teacher's contributions and of the school contribution in respect of the period between the relative operative date and the date of the approval of the Scheme by Order in Council shall be made in such manner and by such payments as the Ministry may determine.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 13th day of October. 1925, in the presence of

G. C. Duggan,
Assistant Secretary.

(L.S.)

Superannuation Scheme, Public Elementary School Teachers'.

MADE BY THE LORDS JUSTICES AND PRIVY COUNCIL OF NORTHERN IRELAND.

1926. No. 76.

Whereas the Ministry of Finance in consultation with the Ministry of Education has, in pursuance of section 70 of the Education Act (Northern Ireland), 1923 (in this Order referred to as the Act), framed a Superannuation Scheme applicable to Public Elementary School Teachers in Northern Ireland, which Scheme is set out in the Schedule to this Order :

And whereas the Scheme has been laid before both Houses of Parliament and neither such House has, within the period prescribed in that behalf by section 71 of the Act as amended by section 4 of the Rules Publication Act (Northern Ireland), 1925, presented an address praying the Governor of Northern Ireland to withhold his assent from the said Scheme :

Now we the Lords Justices of Northern Ireland by and with the advice of the Privy Council of Northern Ireland, in exercise of the powers conferred upon us by the said section 71 of the Act, do hereby approve of the said Scheme.

Given at the Council Chamber, Stormont Castle, this 29th day of July, 1926.

(Signed) JAMES CRAIG,
H. M. POLLOCK,
R. D. BATES,
J. M. ANDREWS,
E. M. ARCHDALE.

Schedule.

IN PURSUANCE OF SECTION 70 OF THE EDUCATION ACT (NORTHERN IRELAND), 1923 (HEREINAFTER REFERRED TO AS "THE ACT") THE MINISTRY OF FINANCE FOR NORTHERN IRELAND, AFTER CONSULTATION WITH THE MINISTRY OF EDUCATION FOR NORTHERN IRELAND, HEREBY FRAMES THE FOLLOWING SUPERANNUATION SCHEME APPLICABLE TO THE CLASS OF TEACHERS PRESCRIBED THEREIN:—

Application of Scheme.

1. (1) This scheme shall not apply to any teacher who by virtue of any rights conferred on him by Section 71 (2) of the Act elects not to adopt the scheme. (4)

(2) Save as aforesaid, this Scheme shall apply to full-time Teachers in Public Elementary Schools in Northern Ireland and shall supersede all rules which have hitherto been made under the National School Teachers (Ireland) Act, 1879, and the Superannuation Scheme for Lay Assistant Teachers and Junior Assistant Mistresses in Public Elementary Schools in Northern Ireland made under Section 70 of the Act, both of which are in this Scheme referred to as the superseded rules.

(3) This Scheme may be cited as the Public Elementary Teachers' Superannuation Scheme, 1926, and shall, save as otherwise provided herein, come into operation on the 1st day of April, 1926 (which date shall hereinafter be called the operative date).

Interpretation.

2. In this Scheme, the expression "teacher" shall include all persons recognised by the Ministry of Education as full-time

teachers in Public Elementary Schools in Northern Ireland and receiving salary directly from that Ministry, other than Industrial teachers and Teachers who elected not to come under the operation of the National School Teachers (Ireland) Act, 1879.

An "existing teacher" shall mean a teacher to whom the superseded rules applied prior to the operative date, and shall include teachers temporarily out of the service at that date.

"The Ministry" shall mean the Ministry of Finance for Northern Ireland and "The Ministry of Education" shall mean the Ministry of Education for Northern Ireland.

The expression "salary" shall mean the remuneration received by the teacher from the Ministry of Education out of moneys provided by Parliament for duty in a Public Elementary School, other than fees for evening school instruction, gratuities paid for the instruction of pupil-teachers and monitors, and the value of any teacher's residence.

The expression "service" shall mean the period in respect of which the teacher has been in receipt of salary after attaining the age of 18 years, and shall, in the case of an existing teacher, include such period or periods as the teacher is, at the operative date, entitled to have reckoned for superannuation purposes under the superseded rules, and the expression "serve" shall be construed accordingly.

Deductions on account of contributions for pension.

3 (1) Every payment of salary to a teacher shall be liable to a deduction of a sum equal to 4 per cent. thereof as a contribution towards the provision of benefits (to be called the teacher's contribution).

(2) All contributions under this or the Article following which are not an exact multiple of one penny shall be increased to the next larger multiple of one penny.

(3) A contribution shall not become due until the end of the quarter or other period for which the salary is payable out of which the deduction is to be made.

Conditions of admission to Scheme.

4. (1) No teacher shall on his first admission to the scheme be less than eighteen or more than thirty years of age, provided, however, that a person between the ages of thirty and forty-five may be admitted if the Ministry of Education is satisfied that since he reached the age of thirty he has been continuously employed in educational institutions of appropriate standing. Each teacher will be required to satisfy the Ministry of Education

as to his physical fitness : Provided, however, that the foregoing limitations and requirements shall not apply to any existing teacher.

(2) Teachers who, having interrupted their service in Public Elementary Schools in Great Britain or Ireland, resume service in such schools in Northern Ireland before the interruption has covered a period of ten years may be admitted or readmitted to the Scheme on the recommendation of the Ministry of Education, provided that teachers whose previous service was given wholly in Great Britain are not over forty-five years of age at the date of their proposed admission to the Scheme.

Grant of Pensions.

5. (1) The pension to be granted to a teacher on retiring shall be for each completed year of service at the rate of one-eightieth of the average annual salary paid to him for the three years of actual service prior to 31st March immediately preceding retirement, but no pension shall be greater than forty-eightieths of such average annual salary.

(2) All pensions which are not an exact multiple of four in pence shall be increased to the next larger multiple of four in pence.

Notice of Claim, etc.

6. (1) Where a teacher on leaving the service claims a pension notice of his claim must be given to the Ministry within one year from the date on which he leaves the service, but if the teacher is of unsound mind, or otherwise unable, in the opinion of the Ministry, to make the claim himself, notice of the claim may be given by any other person on his behalf. If such notice is not given, the teacher shall forfeit his right to pension, but if he would, save for the failure to give notice, be entitled to receive a pension, he shall be entitled to repayment out of the fund of the amount of contributions paid by him with compound interest thereon at the rate of three per cent. per annum. The Ministry may extend the time within which notice of claim may be given provided that in its opinion reasonable cause has been shown for the omission to give notice.

(2) Pensions shall accrue from day to day, but any sum due on account of a pension shall not be payable until the quarter day following the date on which it becomes due unless, in the case of the death of a teacher to whom a sum is due, earlier payment is authorised by the Ministry.

(3) The quarter days for the purpose of this article shall be the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December in each year.

Conditions of grant of pension or gratuity.

7. (1) No pension shall be granted to a teacher under the scheme unless he has served for not less than ten years and—

(*a*) has attained the age of sixty; or

(*b*) the Ministry of Education and the Ministry are satisfied that while actually serving as a teacher he has become incapable from infirmity of mind or body of discharging the duties of a teacher, and that such incapacity is likely to be permanent; or

(*c*) having attained the age of fifty, he ceases to receive salary on the ground of his inability to discharge the duties of a teacher efficiently and the Ministry considers that the circumstances of the case justify the grant of a pension.

(2) Should a teacher retire through disability before completing ten years' service, he shall be awarded for each completed year of service a gratuity at the rate of one-tenth of the average annual salary paid to him for the three years or such shorter period as the Ministry may determine ending 31st March immediately preceding the date of retirement.

(3) A pension or gratuity granted to any teacher shall be less by so much as the Ministry thinks fit than the amount provided by this Article if the infirmity or inefficiency has been wholly or in part caused by his own misconduct or default.

(4) Where a pension has been granted to a teacher who has not attained the age of fifty, it shall, until he has attained that age, be reconsidered at such intervals as the Ministry may direct, and the Ministry may, after consultation with the Ministry of Education, suspend or determine the pension if it is satisfied that the teacher is no longer incapable from infirmity of body or mind of discharging the duties of a teacher.

(5) For the purpose of the reconsideration of a pension under this article, the teacher shall furnish to the Ministry such medical evidence, and shall submit to such medical examination as the Ministry may require, and if the requirements of this article are not complied with, the Ministry may, after consultation with the Ministry of Education, suspend or determine the pension as it thinks fit.

Repayment of Contributions to teachers who fail to qualify for the grant of a pension.

8. (1) In the event of the retirement or dismissal of a teacher who has been excluded by the provisions of article 7 from the award of a pension or gratuity, all contributions made by him to the fund shall be returned to him, on his making application for such repayment; and in the event of his re-employment as a

teacher or in the event of the re-employment of a teacher who has received a gratuity under the provisions of article 7 (2), such teacher may, within such period as the Ministry may determine, refund the amount so repaid or the amount of the gratuity as the case may be, together with compound interest thereon at the rate of four per cent. per annum calculated from the date of the repayment of contributions or receipt of gratuity ; whereupon the service of the teacher prior to retirement or dismissal shall be reckoned as service for the pupose of the Scheme : provided that if such teacher does not so pay such sum and interest as aforesaid, he shall be regarded for the purpose of the Scheme as a new entrant.

(2) The Ministry may allow any payment to the fund under this article to be made by deduction from salary.

Provision on the death of serving teacher.

9.—(1) In the event of the death of a teacher before he has completed ten years' service, all contributions made by him to the fund will be paid, together with compound interest thereon at the rate of three per cent. per annum, to his legal personal representative.

(2) In the event of the death of a teacher after he has completed ten years' service, there shall be paid to his legal personal representative either an amount equal to the average annual salary paid or payable to the teacher in respect of the three years actual service given by him prior to the 31st March immediately preceding his decease, or a repayment of all contributions paid by the teacher to the fund together with compound interest thereon at the rate of three per cent. per annum, whichever amount is the greater.

(3) For the purpose of this article, the Ministry may, subject to such conditions as may appear to it to be equitable treat the case of a person who dies within twelve calendar months of his ceasing to be a teacher as if he had died in the service.

Re-entry of pensioned Teachers.

10.—(1) When a teacher having retired with a pension under this scheme or under the superseded rules is re-employed as a teacher his pension shall cease.

(2) Subject as hereinafter provided the service of such teacher prior to retirement shall be reckoned as service for the purposes of the Scheme ; provided, however, that if such a teacher has been awarded a pension by reason of infirmity of mind or body—

(*a*) the Ministry of Education shall certify to the Ministry that such teacher has, prior to retirement, given efficient service, and the teacher shall submit medical

testimony satisfactory to the Ministry that the state of his health has so improved as to fit him for the efficient discharge of his school duties, and that such improvement is likely to be permanent;

(*b*) he may be required by the Ministry to submit to examination by a Medical Officer nominated by the Ministry in order to test his fitness for re-employment, the cost of such examination to be defrayed by the teacher: this requirement may also be applied to a re-employed teacher who retired on grounds other than disability.

(3) No pensioned teacher readmitted to the service shall be eligible for increased pension until five years' regular and continuous service after re-admission has been completed; and in the event of failure to qualify for increased pension under this rule, all contributions paid from the date of readmission, with compound interest thereon at the rate of three per cent. per annum shall be returned to the teacher on leaving the service.

(4) No fresh grant of a pension shall be of less amount than that of which the teacher was in receipt at the date of re-entry.

(5) The provisions of this article shall be interpreted as applying to a teacher who received a gratuity under the provisions of article 7 (2), and that article shall be read in conjunction with this article.

Payments to be made on the death of a pensioner.

11.—(1) Where a teacher who has become entitled to a pension dies at any date from and after the date of commencement of his pension, and the amount received by him by way of pension is less than the amount which would have been paid to his legal personal representative had the teacher died at the date of his retirement, the amount of the difference shall be paid out of the Fund to such legal personal representative.

(2) Where a teacher having been in receipt of a pension from the Fund is re-employed as a teacher and dies whilst re-employed, the amount of premiums repayable to his legal personal representative shall be reduced by the amount which the teacher has received as pension, together with compound interest thereon at the rate of three per cent. per annum.

(3) Where on the death of a teacher any sum is due to his estate on account of any pension or gratuity, or repayment of premiums, the Ministry may, if probate or other proof of the title of the legal personal representative is not produced to it, pay the sum due to, or distribute it amongst the persons appearing to the Ministry to be beneficially entitled to the personal estate of the teacher; and the Ministry shall be discharged from any liability in respect of such payment or distribution.

Pensioner incapable of giving a receipt.

12. Where the Ministry is satisfied by the certificate of a fully qualified medical practitioner and such other information as it may consider necessary that a teacher entitled to a pension is of unsound mind or otherwise incapable of giving a receipt, the Ministry may pay any sum due on account of such teacher's pension partly to the Institution or person having care of the teacher and partly for the benefit of the dependents of the teacher in such proportion and in such manner as the Ministry thinks fit, and the Ministry shall be discharged from any liability in respect of any sums so paid.

Preservation of Superannuation rights on transfer of teachers between Northern Ireland and the Irish Free State.

13.—(1) Where a teacher transfers his service with or without a break from a National School in the area of jurisdiction of the Government of the Irish Free State to a Public Elementary School in the jurisdiction of the Government of Northern Ireland, the service of such a teacher prior to transfer shall be reckoned as service for the purposes of this Scheme, provided that the appropriate Department of the Irish Free State pays to the Fund a sum equal to four times the amount of all pension premiums to the credit of the teacher together with compound interest at the rate of two and a half per cent. per annum on each premium payment reckoned up to the date on which the teacher came under the jurisdiction of the Government of Northern Ireland.

(2) Where a teacher transfers his service with or without a break from a Public Elementary School in the area of jurisdiction of the Government of Northern Ireland to a National School in the jurisdiction of the Government of the Irish Free State, the Ministry shall pay from the Fund to the appropriate Department of the Irish Free State a sum equal to four times the amount of all pension contributions to the credit of the teacher together with compound interest thereon at the rate of two and a half per cent. per annum on each contribution reckoned up to the date on which such teacher came under the jurisdiction of the Government of the Irish Free State.

(3) Where a teacher who has been dismissed or has retired from a school in the area of jurisdiction of the Irish Free State without being entitled to a pension, and has received a repayment of the pension premiums to his credit, enters the service in a school in the jurisdiction of the Government of Northern Ireland, such teacher may pay to the Fund with compound interest at the rate of two and a half per cent. per annum any sum repaid to him in respect of pension premiums, and thereupon his service prior to such dismissal or retirement shall be reckoned as service for the purposes of this scheme.

(4) Where a teacher who has retired from the service from a National School in the area of jurisdiction of the Government of the Irish Free State with a pension enters the service in a Public Elementary School in the jurisdiction of the Government of Northern Ireland, the service of such teacher prior to such retirement shall, in so far as it was pensionable under the superseded rules, be reckoned as service for the purposes of this Scheme, provided that the appropriate Department of the Irish Free State pays to the Fund a sum calculated as in (1) of this article, but diminished by a sum equal to the total pension payments made, together with compound interest on each several pension payment reckoned at the same rate and up to the same date as in the case of premium payments.

(5) Where a teacher who has retired from the service from a Public Elementary School in the area of jurisdiction of the Government of Northern Ireland with a pension enters the service in a National School in the jurisdiction of the Irish Free State, his pension shall cease, and the Ministry shall pay from the Fund a sum calculated as in (1) of this article, but diminished by a sum equal to the total pension payments made, together with compound interest on each several pension payment reckoned at the same rate and up to the same date as in the case of the contribution payments.

(6) This article shall only apply to teachers who are employed in a capacity which is pensionable under the Rules in force both in Northern Ireland and the Irish Free State, and shall only apply to such teachers so long as the agreement effected by the Ministry with the Ministry of Finance for the Irish Free State for securing the continuity of superannuation rights of teachers transferred between Northern Ireland and the Irish Free State remains in force.

(7) This article shall be deemed to have had effect as from the 1st February, 1922.

Limitation in the case of certain teachers.

14. In the case of an existing teacher whose superannuation is governed by Rules enacted prior to 9th October, 1914—

(*a*) service prior to the operative date shall not be reckoned in calculating the amount of pension as provided in article 5, but such service may be reckoned as part of the qualifying period of ten years prescribed by article 7 (1);

(*b*) benefit may on retirement be granted as follows: that is to say, a pension or other payment calculated under the superseded rules as on voluntary retirement or disablement at the operative date together with a pension under this scheme based on the teacher's service subsequent to the operative date.

15. An existing teacher shall be entitled to have reckoned for superannuation purposes one-third of the actual duration of any period of full-time employment prior to 1st February, 1922, as a Lay Assistant teacher in a Convent Public Elementary School, a Junior Assistant Mistress, or a Manual Instructress, provided that service as Lay Assistant shall not be so reckoned unless it was rendered by a teacher whose employment in that capacity was duly recognised by the Commissioners of National Education.

16. Where under the operation of this Scheme an existing teacher being in receipt of a personal salary from the Ministry of Education as a Lay Assistant teacher in a Convent Public Elementary School, who was recognised in that capacity on or before 1st February, 1922, would on retirement receive a pension of less than £75 per annum, the Ministry may substitute for such pension either a pension of £75 per annum or a pension calculated on the basis of £1 17s. 6d. for each year of employment as a teacher, whichever is the less.

17. Where under the operation of this Scheme an existing teacher being a Junior Assistant Mistress in a Public Elementary School who was recognised in that capacity on or before 1st February, 1922, would receive a pension of less than £50, the Ministry of Finance may substitute for such pension either a pension of £50 or a pension calculated on the basis of £1 5s. 0d. for each year of employment as a teacher, whichever is the less.

18. The Ministry shall, as soon as possible after the Scheme has been confirmed by Order in Council, notify the terms of the Scheme to each existing teacher; and if any such teacher shall, within one month of the despatch of such notification or within such longer period as the Ministry may allow in any special case, give notice of his desire that the Scheme shall not apply to him, thereupon the Scheme shall not apply to such teacher, and the superseded Rules shall, to the extent to which they applied to him prior to the date of this Scheme, continue to apply to such teacher.

19. Save for the purposes of article 13, interest shall be calculated by yearly rests and for the purposes of such calculation all payments within each financial year under the Scheme shall be deemed to have been made on the 30th September in that financial year.

Sealed with the Official Seal of the Ministry of Finance this 17th day of May, 1926, in the presence of

G. C. Duggan,
Assistant Secretary.

(L.S.)