thereon from the 1st October next following the date prescribed in paragraph (1), calculated at 4 per cent. per annum with yearly rests.

(4) Contributions paid under Section 9 of the Act or Section 19 of the Act of 1956 shall be attributed to the financial year in which the period of service in respect of which they are payable fell.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 31st day of October, 1957, in the presence of

(L.S.) *R. S. Brownell,*
Secretary.

The Ministry of Finance hereby approves of the foregoing Rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 31st day of October, 1957, in the presence of

(L.S.) *K. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

These Rules prescribe the date from which interest payments on delayed contributions will be made; this has become necessary because of the new Rules relating to service in schools abroad. They also amend the existing Rules in relation to the date from which interest is calculated when contributions are being refunded to a teacher or to his legal personal representative.

Superannuation

Allocation of Annual Allowances

RULES, DATED 9TH OCTOBER, 1957, MADE BY THE MINISTRY OF EDUCATION UNDER THE TEACHERS (SUPERANNUATION) ACTS (NORTHERN IRELAND), 1950 TO 1956, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1957. No. 209 [C]

The Ministry of Education in exercise of the powers conferred on it by Section 14 of the Teachers (Superannuation) Act (Northern Ireland), 1950, as amended by Section 10 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, and as applied by the Ministries (Transfer of Functions)

(Teachers Superannuation) Order, 1951(a), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following rules:—

1. These rules may be cited as the Teachers (Superannuation) (Allocation) Rules (Northern Ireland), 1957, and shall be deemed to have come into operation on the first day of October, 1956.

2.—(1) In these rules, unless the context otherwise requires—

"the Ministry" means the Ministry of Education;

"annual allowance" means an annual superannuation allowance granted under paragraph (*a*) of sub-section (1) of Section 6 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, payable otherwise than by reason of infirmity of mind or body;

"make an allocation" means surrender part of an annual allowance by making an allocation declaration in accordance with these rules;

"beneficiary" means the person in whose favour an allocation is to be made;

"Option Tables" means the tables, issued by the Ministry and for the time being in force showing, according to relative ages, the amount of annual pension or annuity payable under these rules;

"retiring teacher" means a teacher to whom an annual allowance is granted;

"continuing teacher" means a teacher who, if he retired from his employment, would be entitled to an annual allowance;

"closing date" means—

(*a*) in relation to a retiring teacher, the day before the date of commencement of his annual allowance, or the day three months after the date on which he was supplied with a form of application for allocation under these rules, whichever is the later; and

(*b*) in relation to a continuing teacher, means the day three months after the date on which he was supplied with a form of application for allocation under these rules.

(2) In relation to a continuing teacher a reference to his annual allowance shall include a reference to that allowance as estimated under the provisions of paragraph (3) of rule 9.

(3) A reference to the date on which a teacher becomes eligible to make an allocation shall be to the date on which he would become entitled to an annual allowance if he were to retire from employment on that date.

3. A teacher, not being a teacher to whom an annual allowance has at any previous time been payable otherwise than by reason of infirmity of mind or body, may make an allocation

(a) S.R. & O., 1951, No 162.

in accordance with the provisions of these rules in return for the benefits provided for by these rules.

4.—(1) Benefit granted under these rules in respect of a spouse may, at the option of the teacher, be either—

(*a*) a pension payable to the spouse in respect of the period, if any, for which the spouse survives the teacher (option A); or

(*b*) an annuity payable to the teacher in respect of the period of their joint lives from the date of commencement of the teacher's annual allowance, and a pension payable to the spouse in respect of the period, if any, for which the spouse survives the teacher, and the rate of pension payable to the spouse shall be twice the rate of the aforesaid annuity payable to the teacher (option B).

(2) A pension granted under these rules in respect of a dependant (other than a spouse) shall be in accordance with option A, that is to say, it shall be payable to the dependant in respect of the period, if any, for which the dependant survives the teacher.

5. The amount of pension or annuity payable in return for each £1 of the teacher's annual allowance surrendered by him shall be the amount, according to the age and sex of the teacher and the age and sex of the beneficiary, shown in the appropriate Option Table in force, in the case of a retiring teacher, at the date of commencement of his annual allowance, or, in the case of a continuing teacher, at the date on which his allocation declaration is lodged with the Ministry.

6. Any annuity payable to a teacher under these rules, and any pension payable to a beneficiary thereunder, shall be payable in arrear in the same manner as the teacher's annual allowance is or would have been payable.

7. A teacher shall not surrender

(*a*) more than one-third of his annual allowance; or

(*b*) so much of his allowance as would make the amount of the allowance (as reduced by the amount surrendered) payable to him less than the amount of pension payable to the beneficiary after the teacher's death; or

(*c*) a smaller amount of the allowance than would secure for the beneficiary after the death of the teacher a pension equal to one-fourth of the amount of the allowance (as reduced by the amount surrendered) payable to the teacher; or

(d) an amount of the allowance that is not an exact number of pounds.

8. A teacher who has made an allocation as a continuing teacher may make a further allocation so long as

(*a*) the total amount of the allowance surrendered is in accordance with the provisions of the preceding rule;

(*b*) the further allocation is in favour of the same beneficiary and in accordance with the same option as before;

(*c*) the further allocation is made in all respects in accordance with these rules except that the Ministry may dispense with a further medical examination.

Procedure

9.—(1) A teacher may notify the Ministry in writing of his desire to consider the question of making an allocation not earlier than four months before the date on which he becomes eligible to make an allocation; and in the case of a retiring teacher such notification shall as far as possible be given at the time when he applies for his annual allowance.

(2) As soon as practicable after the receipt of the notification the Ministry shall furnish the teacher with:—

(*a*) a copy of a form of application for allocation;

(*b*) a copy of these rules and of the Option Tables; and

(*c*) a statement of the closing date for the purposes of these rules.

(3) The Ministry shall also furnish—

(*a*) to a retiring teacher a statement of the amount of the annual allowance and additional allowance which it is estimated will be payable to him at the date specified in the statement; and

(*b*) to a continuing teacher a statement of the amount of the annual allowance and additional allowance which it is estimated would be payable to him if he were to retire on a date specified, which date shall be approximately three months after the day the statement is sent to him.

10. The teacher shall, if he desires to make an allocation, furnish to the Ministry on the form of application for allocation the particulars required in respect of the beneficiary, who shall write his signature in the appointed space of that form; and the teacher shall, if so required, furnish to the Ministry certified copies of the certificates of birth and marriage of the beneficiary and himself, or such evidence and information with regard to these and other matters as the Ministry may consider necessary.

11. The Ministry may require independent verification of the particulars given by the teacher with regard to the beneficiary and for this purpose may require the beneficiary to make a declaration in the presence of, and to be attested by, a witness other than the teacher stating the beneficiary's date of birth and (where appropriate) particulars of his marriage, his relationship to the teacher and whether he is wholly or partially dependent on the teacher.

12.—(1) For the purpose of satisfying the Ministry that he is of good health, regard being had to his age, the teacher shall submit himself for examination to a medical officer nominated by the Ministry.

(2) If, as a result of that examination, the Ministry is not satisfied that the teacher is of good health, the teacher shall be notified accordingly and shall be offered an opportunity for a further medical examination by a medical referee nominated by the Ministry of Health and Local Government.

(3) The decision of the Ministry upon the question whether a teacher is of good health shall be conclusive.

13. If the date of commencement of a retiring teacher's annual allowance is postponed to a date more than three months after the date of the medical examination as a result of which the Ministry was satisfied that he was of good health the Ministry may require the teacher to undergo such further medical examination as it may direct.

14. If the Ministry is satisfied that the teacher is of good health and is also satisfied with the evidence and particulars furnished in accordance with rules 10 and 11, the teacher shall be notified that he may make an allocation declaration.

15.—(1) Every allocation declaration shall be made in the form set out in the Schedule to these rules and shall be lodged with the Ministry before midnight on the closing date.

(2) An allocation declaration which is not lodged with the Ministry before midnight on the closing date, or which does not comply with these rules, shall be invalid.

16.—(1) As soon as possible after the receipt of an allocation declaration, the Ministry shall inform the teacher whether such declaration is valid or invalid, and if the latter shall state the grounds upon which the declaration has been held to be invalid.

(2) If the declaration is valid the Ministry shall furnish—

(*a*) to a retiring teacher a statement or estimate of the amount of his annual allowance and of the annuity, if any, which will be payable to him and the pension which will be payable to the beneficiary; and

(*b*) to a continuing teacher a statement of the amount by which his annual allowance will be reduced on account of his making the allocation, and of the amount of the annuity, if any, which will be payable to him, and of the pension which will be payable to the beneficiary.

17.—(1) A teacher may cancel or amend his allocation declaration by notice in writing lodged with the Ministry on the form provided for the purpose at any time before midnight on the day before the date of commencement of his annual allowance, if he is a retiring teacher, or before midnight on the day before he becomes eligible to make an allocation if he is a continuing teacher.

(2) A retiring teacher who has made a valid allocation declaration and who is subsequently notified by the Ministry of an alteration in the amount or the estimated amount of his

annual allowance less than fourteen days before the closing date, or after the closing date but within six months after the date of the commencement of the allowance, may amend his declaration by notice (in writing on the form provided for the purpose) lodged with the Ministry before midnight on the fourteenth day after the receipt of the notification:

Provided that no notice of an amendment of an allocation declaration may be lodged with the Ministry after the closing date except for the purpose of increasing or decreasing the amount of annual allowance to be surrendered by an amount not exceeding the increase or decrease (to the nearest pound) in the amount of the allowance previously notified to such teacher in accordance with rule 9 of these rules.

(3) Save as is provided in this rule, an allocation declaration which is lodged with the Ministry may not be cancelled or amended.

(4) An amendment of an allocation declaration shall not be valid if the allocation declaration as so amended does not comply with these rules.

18. Where a retiring teacher has been informed in pursuance of rule 16 of these rules that an allocation declaration made by him is valid, that declaration shall remain valid, unless cancelled or amended by him in the manner and within the period permitted by these rules, notwithstanding that, as a result of a subsequent alteration in the amount, or estimated amount, of his annual allowance, the amount of the allowance to be surrendered no longer complies with paragraphs (*b*) and (*c*) of rule 7.

19.—(1) An allocation declaration made by a retiring teacher shall become void if either he or the beneficiary dies before midnight on the day before the date of commencement of the teacher's annual allowance, or before midnight on the day on which the declaration is lodged with the Ministry, whichever is later.

(2) An allocation declaration made by a continuing teacher shall become void if either he or the beneficiary dies before midnight on the day before the date on which he becomes eligible to make an allocation, or before midnight on the day on which the declaration is lodged with the Ministry, whichever is later.

(3) Where, as the result of an allocation declaration being lodged with the Ministry on or after the date of commencement of the teacher's annual allowance, any overpayment has been made to the teacher, the overpayment shall be brought into account on the next payment or payments due to him.

20. Where a teacher is living at a place outside the United Kingdom and the Ministry is satisfied that he will not on that account have a reasonable opportunity of carrying through in due time all the steps necessary to enable him to make an allocation, the Ministry may appoint a special closing date for that teacher.

21. Any fees or other expenses incurred by any person in connection with a medical examination under these rules or in satisfying the Ministry as to any claim to benefits or other question arising thereunder shall be paid by or on behalf of that person.

22. If any notice, declaration or other document is sent through the post it shall not be deemed to be lodged with the Ministry within the time prescribed by these rules unless it is posted at a time which will normally ensure its due delivery within the time so prescribed.

23. The Teachers Superannuation (Allocation) Rules (Northern Ireland), 1951 (a), are hereby revoked.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this ninth day of October, 1957, in the presence of

(L.S.) *R. S. Brownell,*
Secretary.

The Ministry of Finance hereby approves of the foregoing Rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this ninth day of October, 1957, in the presence of

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

SCHEDULE

Rule 15

Allocation Declaration under the Teachers (Superannuation) (Allocation) Rules (Northern Ireland), 1957

Name in full. I ..... hereby declare that I desire to surrender £..... of my annual allowance under the Teachers (Superannuation) (Allocation) Rules (Northern Ireland), 1957, in return for the grant of

Name in full. *(*a*) a pension payable in accordance with Option A to .... the beneficiary named by me on Form ..... or

Name in full. *(*b*) an annuity payable to me and a pension payable to .... the beneficiary named by me on Form ..... in accordance with Option B.

Signature .....

Date .....

Reference No. .....

(a) S.R. & O., 1951, No. 124.

* Strike out either paragraph (*a*) or (*b*) whichever is inapplicable