**1980 No. 305**

# EDUCATION

## Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1980

*Made* . . . . . *9th September 1980*

*Coming into operation* . . . *27th October 1980*

The Department(a) of Education, in exercise of the powers conferred on it by Articles 11 and 14 of and Schedule 3 to the Superannuation (Northern Ireland) Order 1972(b) and of every other power enabling it in that behalf, and after consultation with representatives of education and library boards and of teachers and such representatives of other persons likely to be affected by the regulations as appeared to it to be appropriate as required by Article 11(5) of the said Order, with the consent of the Department of the Civil Service(c) hereby makes the following regulations:

### PART I

### GENERAL

*Citation and commencement*

**1.**—(1) These regulations may be cited as the Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1980.

(2) These regulations shall come into operation on 27th October 1980 and shall have effect:

(*a*) for the purposes of Part II thereof, on and from 1st October 1977;

(*b*) for the purposes of Part III thereof, on and from 6th April 1978;

(*c*) for the purposes of Part IV thereof, on and from 27th October 1980.

*Interpretation*

**2.**—(1) In these regulations the "principal regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1977(d) and the principal regulations and these regulations may be cited together as the Teachers' Superannuation Regulations (Northern Ireland) 1977 to 1980.

(2) References in these regulations to a numbered regulation or a numbered schedule in the absence of a provision to the contrary are references to the regulation or schedule so numbered in the principal regulations.

*Protected benefits*

**3.**—(1) The reference in paragraph (2) of this regulation to protected benefit is a reference to any benefit which is being paid or may become payable under the principal regulations to or in respect of a teacher who is not employed in reckonable service on or after 27th October 1980 whether or not such teacher died before that date.

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(a) Formerly Ministry: 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) S.I. 1972/1073 (N.I. 10)
(c) Formerly a function of the Department of Finance: S.R. 1976 No. 281 (II, p. 1339) Art. 3 and Sch. 1
(d) S.R. 1977 No. 260 (II, p. 1375) as amended by S.R. 1978 No. 147 (I, p. 493), S.R. 1978 No. 351 (II, p. 1280) and S.R. 1979 No. 380 (II, p. 1574)

(2) Where in relation to a protected benefit a person is placed in a position worse than that in which he would have been placed had the principal regulations not been amended by these regulations he may, by notice in writing to the Department, elect that the principal regulations shall have effect in relation to him as if these regulations had not been made and if he shall so elect the principal regulations shall have such effect.

## PART II

### AMENDMENTS HAVING EFFECT ON AND FROM 1st OCTOBER 1977

*Amendments to interpretation of principal regulations*

**4.**—(1) In regulation 2(1) (Interpretation) in the definition of the expression—

"age of compulsory retirement" the words "the age at" shall be inserted after "means",

"previous provision" the words "a provision contained in, or made under" shall be inserted after "means" and the word "and" shall be inserted after "Northern Ireland".

(2) After regulation 2(3) there shall be inserted:

"(3A) For the purposes of these regulations a teacher is qualified, or qualified by service, for a benefit if, on the day following his ceasing to be employed in reckonable service, he is entitled to payment thereof or would be so entitled but for his age.

(3B) For the purposes of these regulations a teacher shall be taken to cease to be employed in reckonable service on the last day he is so employed.".

*Reckonable service*

**5.**—(1) In regulation 3(3) (Reckonable service) for "A teacher shall be treated as being in full-time employment for the purpose of paragraphs (1) and (2)" there shall be substituted "For the purposes of paragraph (2), a teacher shall be treated as being in such employment as is mentioned in sub-paragraphs (*a*) or (*b*) thereof as the case may be".

(2) For regulation 3(3)(*b*) there shall be substituted:

"(*b*) he is on sick leave or, in the case of a woman, sick leave or maternity leave, in respect of which he is in receipt of salary either at the full rate or a proportion thereof; or"

*Payment of teacher's contributions*

**6.** For regulation 11 (Payment of teacher's contributions) there shall be substituted the regulation set out in Annex 1 to these regulations.

*Method 3 contributions*

**7.** In regulation 25(5)(*b*) (Method 3 contributions) "applies" shall be substituted for "apply".

*Benefits after re-employment*

**8.**—(1) In regulation 56(1) (Benefits after re-employment)—

(*a*) for "have become payable by virtue of regulation 48(1)(*a*) or (*b*) or a previous provision to the like effect " there shall be substituted "other than incapacity allowances, have become payable";

(*b*) for the words following "reduced" in sub-paragraph (*b*) there shall be substituted "as provided in paragraph (4A).".

(2) In regulation 56(3)—

(*a*) for "allowances have become payable by virtue of regulation 48(1)(*c*) or a previous provision to the like effect" there shall be substituted "incapacity allowances have become payable";

(*b*) for the words following "reduced" in sub-paragraph (*b*) there shall be substituted "as provided in paragraph (4A).".

(3) After regulation 56(4) there shall be inserted:

"(4A) In the case of a teacher to whom there has become payable—

(*a*) an additional allowance (by virtue of regulation 48(1) (*a*), (*b*) or (*c*) or this regulation), or

(*b*) short-service gratuity (by virtue of regulation 52);

(which additional allowance or short-service gratuity is hereinafter termed "previous benefit") and who has again become employed in reckonable service, any additional allowance or short-service gratuity which subsequently becomes payable to him shall be reduced by the amount of his previous benefit, any deduction therefrom under regulation 36 or 41 being disregarded".

(4) After regulation 56(5) there shall be added:

"(6) In this regulation—

(*a*) a reference to an incapacity allowance is a reference to an allowance payable by virtue of regulation 48(1)(*c*) or by virtue of paragraph (3) of this regulation in the circumstances mentioned in paragraph (4)(*a*);

(*b*) except where the context otherwise requires, a reference to any provision of these regulations includes a reference to a previous provision to the like effect.".

*Interpretation of section B*

**9.** At the end of regulation 57(e) (Interpretation of section B) there shall be added:

"(*e*) "non-member" has the meaning assigned thereto by regulation 32.".

*Special pension for widow*

**10.** In regulation 63(*b*) (Special pension for widow) the words "(within the meaning of section C of Part II)" shall be omitted.

*Allocation of annual allowance*

**11.**—(1) For regulation 69(3) (Allocation of annual allowance) there shall be substituted:

"(3) No declaration shall take effect in the case of a teacher before he has—

(*a*) attained (subject to paragraph (7)) the age of 60, and

(*b*) completed so much service as is specified in regulation 48(1)(*a*) or (*b*);

but notice of intention to make an allocation may be given (for the purposes of paragraph 3(*a*) of Schedule 5) at any time within, but not earlier than, the four months preceding the earliest date on which a declaration could take effect under this paragraph.".

(2) In regulation 69(4)(*a*) the words "or that of his sixtieth birthday, whichever is the later"(**f**) shall be omitted.

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(**e**) Amended by S.R. 1978 No. 351 (II, p. 1280) Reg. 13
(**f**) Inserted by S.R. 1978 No. 147 (I, p. 493) Reg. 3(k)(ii)

(3) In regulation 69(6) after "begins to accrue or"(g) there shall be inserted "(subject to paragraph (7))".

(4) At the end of regulation 69 there shall be added:

"(7) In the case of a teacher to whom regulation 48A applies, paragraphs (3)(*a*) and (6), shall have effect as if the references therein to the age of sixty and the teacher's sixtieth birthday were references to the age of fifty and his fiftieth birthday.".

## PART III

### AMENDMENTS HAVING EFFECT ON AND FROM 6th APRIL 1978

*Transfer values*

**12.**—(1) For paragraph 1 of Part 1 of Schedule 6 (Transfer values) there shall be substituted the following provision (which as respects the period before 1st April 1979 shall have effect subject to paragraph (2) below):

"**1.**—(1) Subject to sub-paragraphs (2) to (5), the transfer value payable in respect of any teacher shall be of the aggregate amount of—

(*a*) a sum in respect of accrued gross pension reduced on account of national insurance modification by a sum calculated in accordance with paragraph 4;

(*b*) a sum in respect of accrued lump sum, and

(*c*) a sum in respect of accrued widow's pension,

calculated, in each case, in accordance with paragraph 2.

(2) Where a contributions equivalent premium (within the meaning of Article 44 of the Social Security Pensions (Northern Ireland) Order 1975)(**h**) is paid in respect of the teacher, the transfer value calculated in accordance with sub-paragraph (1) shall be reduced by the amount of that premium.

(3) Where the teacher ceased to be employed in reckonable service on or after 6th April 1978 and such a contributions equivalent premium is not paid in respect of him, the transfer value calculated in accordance with sub-paragraph (1) shall be reduced by the annual value of his guaranteed minimum allowance at the date he ceased to be employed in reckonable service multiplied by the factor set opposite his age at that date in the second column (or, in the case of a woman, in the third column) of the Table in Appendix I; and for the purposes of this sub-paragraph the annual value of a guaranteed minimum allowance shall be taken to be the weekly value thereof multiplied by 52.18.

(4) Where the teacher ceased to be employed in reckonable service on or after 1st April 1977 and the transfer value is not paid before the expiry of the period of 6 months beginning with the day after the date on which he so ceased to be employed, the transfer value calculated as aforesaid shall be increased by compound interest thereon, in respect of each complete period of 3 months on and after that date ending before the date of payment, calculated with 3 monthly rests at the rate of 9 per cent per annum.

(5) Where the teacher ceased to be employed in reckonable service before 1st April 1977, the transfer value calculated in accordance with sub-paragraph (1) shall be increased by compound interest thereon—

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(g) Inserted by S.R. 1978 No. 147 (I, p. 493) Reg. 3(k)(iii)
(h) S.I. 1975/1503 (N.I. 15)

(*a*) in respect of each complete period of a year after the date on which he so ceased to be employed and ending before 1st April 1977, calculated with yearly rests at the rate of 6 per cent per annum, and

(*b*) in respect of each complete period of 3 months on and after 1st April 1977 and ending before the date of payment, calculated with 3 monthly rests at the rate of 9 per cent per annum.''.

(2) As respects the period beginning on 6th April 1978 and ending immediately before 1st April 1979 paragraph 1 of Part 1 of Schedule 6, as substituted by paragraph (1) of this regulation, shall have effect as if for sub-paragraphs (4) and (5) thereof there were inserted:

''(4) The transfer value calculated as aforesaid shall be increased by compound interest thereon, in respect of each complete period of a year beginning with the day after the date on which the teacher ceased to be employed in reckonable service and ending before the date of payment, calculated with yearly rests at the rate of 6 per cent per annum.''.

*Altered Appendices*

**13.**—(1) After Part 2 of Schedule 6 there shall be inserted the Appendix styled Appendix I set out in Annex 2 to these regulations.

(2) The existing Appendix to Schedule 6 shall be restyled Appendix II.

(3) For the reference to Appendix in Note 1 to Part 1 of Schedule 6 there shall be substituted a reference to Appendix II.

## PART IV

### AMENDMENTS HAVING EFFECT ON AND FROM 27th OCTOBER 1980

*Modification of regulation 19 in certain cases*

**14.** For regulation 20 (Modification of regulation 19 in certain cases) there shall be substituted the regulation set out in Annex 3 to these regulations.

*Interpretation of section C*

**15.** In regulation 32 (Interpretation of section C) the definition of the expression ''notional service'' shall be omitted.

*Repayment on cessation of employment*

**16.**—(1) In regulation 42(2) (Repayment on cessation of employment) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980 and''.

(2) In regulation 42(3) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980''.

*Repayment at age of compulsory retirement*

**17.**—(1) In regulation 43(2) (Repayment at age of compulsory retirement) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980 and''.

(2) In regulation 43(3) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980''.

*Calculation of repayment under regulations 42 to 44*

**18.**—(1) In regulation 45(1) (Calculation of repayment under regulations 42 to 44) for ''of the contributions paid by the teacher'' there shall be substituted ''sum''.

(2) For regulation 45(2) there shall be substituted:

"(2) The aggregate sum referred to in paragraph (1) is the aggregate of the following amounts—

(*a*) the amount of any contributions in respect of a period of reckonable service paid as teacher's contributions by the teacher concerned (or treated as so paid), together with compound interest at 3 per cent per annum with yearly rests, from the first day of the financial year following that to which they were attributable under the provisions in force at the time they were paid until the date of calculation;

(*b*) where the teacher concerned is credited with reckonable service by virtue of interchange provisions and the receipt of a transfer value in respect of a period of previous service or employment in any capacity (other than such service as is mentioned in paragraph (4)) the amount of any award by way of repayment of contributions (however described) which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto, together with compound interest at 3 per cent per annum with yearly rests from the date on which the transfer value was received until the date of calculation.".

*Entitlement to allowances*

**19.** In regulation 48(1)(*b*) (Entitlement to allowances) after "specified in Schedule 4" there shall be inserted "which began before 12th February 1973".

*Short service gratuities*

**20.** In regulation 52(2)(i) (Short service gratuities) after "of the teacher's" there shall be inserted "average".

*Short term pensions*

**21.** For regulation 58 (Short term pensions) there shall be substituted the regulation set out in Annex 4 to these regulations.

*Entitlement to long term pension*

**22.**—(1) For regulation 59(2)(*b*)(j) (Entitlement to long term pension) there shall be substituted:

"(*b*) his reckonable service includes service on or after 6th April 1978 during a period in respect of which he has an earner's guaranteed minimum (within the meaning of Article 28(2) of the Social Security Pensions (Northern Ireland) Order 1975(k) being a period in respect of which, in pursuance of Article 44 of the Social Security Pensions (Northern Ireland) Order 1975 a contributions equivalent premium cannot be, or is not, paid by the Department.".

(2) At the end of regulation 59 there shall be added:

"(4) In relation to a teacher who died before 27th October 1980 paragraph (2)(*b*) shall have effect as if the words "during a period in respect of which he has an earner's guaranteed minimum (within the meaning of Article 28(2) of the Social Security Pensions (Northern Ireland) Order 1975) being a period" and the words "cannot be, or" were omitted therefrom.".

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(i) Inserted by S.R. 1978 No. 351 (II, p. 1280) Reg. 12(2)
(j) Amended by S.R. 1978 No. 351 (II, p. 1280) Reg. 14(2)
(k) S.I. 1975/1503 (N.I. 15)

*Duration of pensions*

**23.**—(1) In regulation 65(4A)(**l**) (Duration of pensions)—

(*a*) for "cohabits" there shall be substituted "live as husband and wife", and

(*b*) for "cohabiting" there shall be substituted "living".

(2) In regulation 65(4B) for "cohabit." there shall be substituted "live as husband and wife with a person to whom he or she is not married.".

*Counting reckonable service for benefit*

**24.** For regulation 67 (Counting reckonable service for benefit) there shall be substituted the regulation set out in Annex 5 to these regulations.

*Modification for teachers on reduced salary*

**25.** For regulation 68 (Modification for teachers on reduced salary) there shall be substituted the regulation set out in Annex 6 to these regulations.

*Receipts*

**26.** In regulation 81(*d*) (Receipts) after "Civil Service" there shall be inserted "or" and "or the Department of the Environment" shall be deleted.

*Payments*

**27.** In regulation 82(*b*) (Payments) after "Civil Service" there shall be inserted "or" and "or the Department of the Environment" shall be deleted.

*Records and information*

**28.** At the end of regulation 87(4) (Records and information) there shall be added:

"(5) In determining a period to be recorded as service the total service of a teacher in any financial year shall not exceed 365 days.".

*Payment of benefits*

**29.** At the end of regulation 88(6)(**m**) (Payment of benefits) there shall be added:

"(7) The written notice from the employer of a teacher required by regulation 48A(1)(**n**) shall be provided not later than three months before the date on which the service of the teacher is to be terminated.".

*Employment which is reckonable service*

**30.** For Schedule 1 (Employment which is reckonable service) there shall be substituted the Schedule set out in Annex 7 to these regulations.

*Non-reckonable service counting towards entitlement to allowances*

**31.** In paragraph 10 of Schedule 4 (Non-reckonable service counting towards entitlement to allowances) after the references to "that country" there shall be inserted "or that colony".

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(**l**) Inserted by S.R. 1978 No. 351 (II, p. 1280) Reg. 17
(**m**) Inserted by S.R. 1978 No. 351 (II, p. 1280) Reg. 23
(**n**) Inserted by S.R. 1978 No. 147 (I, p. 493) Reg. 3(h)

*Allocation declarations*

**32.**—(1) In paragraph 3 of Schedule 5 (Allocation declarations) for "within three months (or, in the case of a teacher resident outside Northern Ireland, four months), of the despatch of the notice to him under paragraph 5(1)," there shall be substituted "and given to the Department within the period specified by the table in paragraph 6(3)".

(2) In the table at the end of Schedule 5 after the entry relating to paragraph 3(*a*) there shall be inserted:

| *Paragraph* | *Subject matter* | *Retiring teacher* | *Continuing or retired(o) teacher* |
|---|---|---|---|
| 3 | Declaration of allocation | Within three months (or, in the case of a teacher resident outside Northern Ireland, four months) of his being notified by the Department as mentioned in paragraph 5(1). | As for a retiring teacher |

*Modifications relating to National Insurance*

**33.** In paragraph 3(3) of Schedule 8 (Modifications relating to National Insurance) for "regulation 67(*b*)" there shall be substituted "regulation 67(2)(*a*)".**(p)**

Sealed with the Official Seal of the Department of Education for Northern Ireland on 9th September 1980.

(L.S.) *A. E. Hawthorne*
Assistant Secretary

The Department of the Civil Service for Northern Ireland hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of the Civil Service for Northern Ireland on 9th September 1980.

(L.S.) *Maurice N. Hayes*
Deputy Secretary

(o) S.R. 1978 No. 147 (I, p. 493) Reg. 3(l)
(p) Inserted by Reg. 24 of these regulations

ANNEX 1 Regulation 6

**Regulation to be substituted for regulation 11 and having effect on and from 1st October 1977**

*Payment of teacher's contributions*

**"11.**—(1) The employer of a teacher in reckonable service shall deduct from every payment of salary made to him in the course of a financial year—

(*a*) the contributions payable by the teacher in respect of that payment, and

(*b*) in so far as the employer has failed to deduct contributions so payable in respect of previous payments so made in the course of that year, those contributions;

and any contributions so deducted shall be paid to the Department.

(2) There shall be payable to the Department by a teacher—

(*a*) any contributions in respect of payments of salary which the employer making those payments has failed to deduct in accordance with paragraph (1), and

(*b*) if he has been served by the Department with a notice specifying the amount of such contributions and has not paid that amount before the day following the expiry of six weeks after service, compound interest on the unpaid amount computed in accordance with regulation 14(3).

(3) Without prejudice to any other method of recovery any sum due to the Department under paragraph (2) may be recovered by deduction from any benefit payable to the teacher or, after his death, to his personal representatives.

(4) Without prejudice to any other method of recovery any sums payable to the Department by the employer of a teacher under paragraph (1) may be deducted by the Department from any grants due to the employer under the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973(**q**).

(5) In the case of a teacher whose salary is paid by the Department, whether on its own behalf or on behalf of any other person or body of persons, the teacher's contributions shall be deducted from the salary so paid.".

(**q**) S.R. & O. (N.I.) 1973 No. 403 (II, p. 2327)

ANNEX 2 Regulation 13(1)

**Appendix to be inserted after Part 2 of Schedule 6 and having effect on and from 6th April 1978**

APPENDIX I

**Reduction of transfer value in respect of guaranteed minimum allowance**

| *Age last birthday at date of transfer* | *Factor – men* | *Factor – women* |
|---|---|---|
| less than 20 | 1.47 | 2.20 |
| 20 | 1.50 | 2.24 |
| 21 | 1.53 | 2.28 |
| 22 | 1.56 | 2.32 |
| 23 | 1·59 | 2·36 |
| 24 | 1·62 | 2·40 |
| 25 | 1·65 | 2·45 |
| 26 | 1·68 | 2·50 |
| 27 | 1·71 | 2·55 |
| 28 | 1·74 | 2·60 |
| 29 | 1·78 | 2·66 |
| 30 | 1·81 | 2·71 |
| 31 | 1·85 | 2·77 |
| 32 | 1·88 | 2·82 |
| 33 | 1·92 | 2·88 |
| 34 | 1·95 | 2·93 |
| 35 | 1·99 | 2·99 |
| 36 | 2·02 | 3·05 |
| 37 | 2·06 | 3·11 |
| 38 | 2·10 | 3·17 |
| 39 | 2·14 | 3·24 |
| 40 | 2·18 | 3·31 |
| 41 | 2·22 | 3·38 |
| 42 | 2·26 | 3·45 |
| 43 | 2·30 | 3·52 |
| 44 | 2·34 | 3·59 |
| 45 | 2·39 | 3·66 |
| 46 | 2·44 | 3·74 |
| 47 | 2·48 | 3·82 |
| 48 | 2·53 | 3·90 |
| 49 | 2·58 | 3·98 |
| 50 | 2·62 | 4·06 |
| 51 | 2·67 | 4·15 |
| 52 | 2·72 | 4·24 |
| 53 | 2·78 | 4·33 |
| 54 | 2·84 | 4·43 |
| 55 | 2·90 | 4·53 |
| 56 | 2·97 | 4·63 |
| 57 | 3·04 | 4·74 |
| 58 | 3·12 | 4·85 |
| 59 | 3·20 | 4·97 |
| 60 | 3·28 | 5·10 |
| 61 | 3·36 | 5·30 |
| 62 | 3·44 | 5·60 |
| 63 | 3·53 | 6·00 |
| 64 | 3·64 | 6·40 |
| more than 64 | 3·80 | 6·80 |

ANNEX 3 Regulation 14

**Regulation to be substituted for regulation 20 and having effect on and from 27th October 1980**

*Modification of regulation 19 in certain cases*

**"20.**—(1) This regulation shall apply to a teacher who on last becoming employed in reckonable service was entitled in respect of any former employment, trade, profession, vocation or office to any such superannuation benefits as are mentioned in paragraph (2), whether or not they had then come into payment.

(2) The superannuation benefits referred to in paragraph (1) comprise—

(*a*) any benefits by way of pension, allowance, lump sum or gratuity if, but only if, the annuity for life from the age of 60 which is the actuarial equivalent of those benefits exceeds £52 a year; and

(*b*) any benefit by way of refund of contributions (with or without interest) if, but only if, it exceeded £2,000 and was received by the person concerned after he had attained the age of 45.

(3) In the case of a teacher to whom this regulation applies, regulation 19(1) shall have effect as if it provided that where the permitted maximum, determined in accordance with sub-paragraph (*a*) or (*b*) thereof, would exceed the number of years hereinafter mentioned, the permitted maximum should not be so determined but should be the number of years as would secure that the aggregate annual amount of—

(*a*) the annuity for life from the age of 60 which is the actuarial equivalent of the superannuation benefits mentioned in paragraph (1);

(*b*) the hypothetical annual allowance mentioned in paragraph (4); and

(*c*) the annuity for life from the age of 60 which is the actuarial equivalent of the hypothetical additional allowance so mentioned;

did not exceed two-thirds of his average salary determined in accordance with the scale of salary applicable in his case at the date of the purchase of the added years.

(4) The hypothetical annual allowance and additional allowance referred to in paragraph (3) are the allowances to which under regulation 48 the teacher would be entitled on attaining the age of 60 if—

(*a*) he were then qualified therefor;

(*b*) he continued to be employed in reckonable service until attaining that age; and

(*c*) his salary continued to fall to be determined in accordance with the scale applicable in his case at the date of purchase of added years;

and for the purposes of paragraph (3) the teacher's average salary shall be his average salary on attaining the age of 60 determined in accordance with the scale of salary applicable in his case at the date of the purchase of the added years.".

ANNEX 4 Regulation 21

**Regulation to be substituted for regulation 58 and having effect on and from 27th October 1980**

*Short term pensions*

"**58.**—(1) This regulation shall apply in respect of a teacher who dies—

(*a*) while employed in reckonable service;

(*b*) within one year of ceasing by reason of ill-health to be so employed; or

(*c*) while in receipt of an annual allowance.

(2) Subject to paragraph (3), in respect of a teacher who dies as mentioned in sub-paragraphs (1)(*a*) or (1)(*b*) a short term pension shall be paid—

(*a*) in the case of a teacher who leaves a widow, to his widow;

(*b*) in the case of a male teacher who does not leave a widow but is survived by a person nominated by him under regulation 60(1) or a previous provision to the like effect, to that person;

(*c*) in the case of a female teacher who is survived by a person so nominated by her, to that person;

(*d*) in the case of a male or female teacher, not falling within sub-paragraphs (2)(*a*), (2)(*b*) or (2)(*c*) who leaves a child or children, to or for the benefit of that child or those children jointly.

(3) A pension payable under paragraph (2) shall be paid for a period determined in accordance with paragraphs (8) or (9) at the annual rate at which the teacher's salary was payable on the last day on which he was employed in reckonable service.

(4) A pension in respect of a teacher shall not be payable under paragraph (2) if a pension is payable in respect of him under paragraph (5).

(5) In respect of a teacher who—

(*a*) dies as mentioned in sub-paragraph (1)(*c*); and

(*b*) falls within sub-paragraphs (2)(*a*), (2)(*b*) or (2)(*c*); and

(*c*) in respect of whom a pension is payable (otherwise than under this regulation or regulation 69(4)) to his widow or, as the case may be, the nominated person referred to in the relevant sub-paragraph;

a short term pension shall be paid to the widow or, as the case may be, nominated person.

(6) A pension payable under paragraph (5) shall for a period determined in accordance with paragraph (8) be paid at the annual rate at which the teacher's annual allowance was payable immediately before his death.

(7) A pension under paragraphs (2) or (5) shall begin to accrue on the day after the death of the teacher.

(8) A pension under paragraphs (2) or (5) in respect of a teacher who falls within sub-paragraphs (2)(*a*), (2)(*b*) or (2)(*c*) shall be paid for three months unless—

(*a*) he had less than five years service counting for benefit; and

(*b*) he left a child or children; and

(*c*) the beneficiary either is the teacher's widow or widower or has the care of that child or children;

in which case the pension shall be paid for four and a half months if he left only one child or for six months if he left more than one child.

(9) In respect of a teacher who falls within sub-paragraph (2)(*d*) a pension shall be paid for two months if he left only one child or for four months if he left more than one child.".

ANNEX 5 Regulation 24

**Regulation to be substituted for regulation 67 and having effect on and from 27th October 1980**

*Counting reckonable service for benefit*

"**67.**—(1) War service shall—

(*a*) be disregarded for the purposes ("qualifying purposes") of determining whether or not a person is entitled to any benefit under this Part, but

(*b*) count as to one-half of the period thereof as reckonable service for the purposes ("calculating purposes") of calculating any such benefit.

(2) For both qualifying and calculating purposes—

(*a*) where a proportion only of the contributions due in respect of a period of reckonable service has been paid, only the proportionate part of that period shall be counted unless the Department otherwise directs;

(*b*) where contributions due in respect of a period of reckonable service have not been paid by the teacher, that period shall be disregarded unless the Department otherwise directs; and

(*c*) where contributions paid by a teacher in respect of a period of reckonable service have been repaid, or are required to be repaid (where regulation 42(4)(r) operates, the teacher having applied therefor) in pursuance of Section D of Part II, that period shall be disregarded unless in pursuance of regulation 16 the contributions have been returned to the Department.

(3) For calculating purposes, where in respect of a period of reckonable service an annuity has been paid to a teacher under regulation 42(2) or 43(2) that period shall be disregarded.

(4) A reference in the preceding provisions of this regulation to a provision of these regulations shall be construed as including a reference to a previous provision to the like effect.".

(r) Inserted by S.R. 1978 No. 351 (II, p. 1280) Reg. 4

ANNEX 6 Regulation 25

**Regulation to be substituted for regulation 68 and having effect on and from 27th October 1980**

*Modifications for teachers on reduced salary*

**"68.**—(1) This regulation shall apply in the case of a teacher whose average salary by virtue of an election made under regulation 10(2) falls to be calculated by reference to his full salary within the meaning of regulation 6(6).

(2) The annual allowance payable to a teacher to whom this regulation applies shall not exceed that fraction of the sum specified in paragraph (4) as is set out in the following Table—

(*a*) in the case of a teacher whose reckonable service has been continuous opposite the age at which he first entered reckonable service, and

(*b*) in the case of a teacher whose reckonable service has not been continuous opposite an age determined by subtracting his aggregate reckonable service from sixty years.

| *Age* | *Fraction* |
|---|---|
| Under 50 | One-half |
| 50 | Two-fifths |
| 51 | Three-tenths |
| 52 | One-fifth |
| 53 | One-tenth |
| 54 | One-fourteenth |

(3) The additional allowance payable to a teacher to whom this regulation applies who has less than twenty years reckonable service shall not exceed three-eightieths of the sum specified in paragraph (4) multiplied by the number of years of his reckonable service aggregated (where he has 9 or more years reckonable service) with the additional period in years set out opposite the years of his reckonable service in the following Table:

| *Reckonable service in years* | *Additional period in years* |
|---|---|
| 19 | 17 |
| 18 | 15 |
| 17 | 13 |
| 16 | 11 |
| 15 | 9 |
| 14 | 7 |
| 13 or less | 8 less than the period of reckonable service in years |

(4) A sum which is the greater of—

(*a*) the highest amount received by way of salary by the teacher for any one of the last five years of his reckonable service; or

(*b*) the highest annual average of the amount so received by the teacher for a period of three consecutive years during which he was employed in reckonable service, being a period ending not more than ten years before the date when he ceased to be so employed.".

ANNEX 7 Regulation 30

**Schedule to be substituted for Schedule 1**

"SCHEDULE 1

**Employment which is reckonable service**

PART 1

**Service reckonable as such**

(1) Teacher in a grant-aided school if he is regarded as eligible for recognition or appointment, in accordance with the regulations of the Department for the time being in force, as a qualified teacher in a primary, nursery, secondary or special school or in an institution of further education.

(2) Teacher in an institution of further education.

(3) Peripatetic or supply teacher employed by an education and library board.

(4) Teacher in a college of education as defined in Article 8(1) of the Education (Northern Ireland) Order 1978(**s**).

(5) Teacher in the Ulster Polytechnic.

(6) Teacher in a training school or a remand home, as those expressions are defined in section 180(1) of the Children and Young Persons Act (Northern Ireland) 1968(**t**) who is recognised by the Northern Ireland Office after consultation with the Department as duly qualified at the commencement of the service to teach in such training school or remand home.

PART 2

**Service reckonable at the option of teacher or organiser**

(7) Teacher of a kind other than is specified in Part 1 if—

(*a*) he is employed by an education and library board and, with the agreement of the Department and his employer, he elects within six months of the commencement of his employment; or

(*b*) he is employed by a person or body in respect of whose expenditure for the purpose for which he is employed grants are made either by the Department or by an education and library board and, with the agreement of the Department and his employer, he elects within six months of the commencement of his employment.

(8) Organiser who is employed as youth and community worker, either by an education and library board for the purpose of its functions under Article 27 of the Education and Libraries (Northern Ireland) Order 1972(**u**) or by a body in respect of whose expenditure grants are made by an education and library board acting in the exercise of those functions, who is accepted by the Department for the purpose of this Schedule and who, with the consent of his employer, elects within six months of the commencement of his employment.

(9) Organiser, not accepted under paragraph 8, in the employment of—

(*a*) a person or body other than an education and library board in respect of whose expenditure grants are paid by the Department;

(*b*) an education and library board; or

(*c*) the Sports Council for Northern Ireland, who is accepted by the Department and who elects within three months of becoming employed.

(10) In this Schedule "elects" means elects by notice in writing to the Department that the employment mentioned shall be reckonable service.".

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(**s**) S.I. 1978/1040 (N.I. 10)
(**t**) 1968 c. 34 (N.I.)
(**u**) S.I. 1972/1263 (N.I. 12)

## EXPLANATORY NOTE

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

These Regulations further amend the Teachers' Superannuation Regulations (Northern Ireland) 1977 as previously amended in 1978 (twice) and 1979 (once) (See footnote **(d)** to Regulation 2).

The principal amendments made by the Regulations:

(*a*) provide that a teacher under age 60 may apply to allocate part of his annual allowance (Regulation 11);

(*b*) deal with the period for the receipt of the declaration of allocation (Regulation 32);

(*c*) introduce provisions ensuring that the teachers' superannuation scheme takes account of the social security legislation which governs the state pension scheme (Regulations 12, 13, 22 and 23);

(*d*) reflect a change in Inland Revenue rules regarding the return of contributions (Regulations 16 and 17);

(*e*) modify because of Inland Revenue requirements the provisions dealing with the purchase of past added years (Regulation 14) and the limitation of lump sum benefit in certain circumstances (Regulation 25);

(*f*) redraft the existing regulation dealing with short-term pensions (Regulation 21);

(*g*) clarify the distinction between (i) service which counts towards qualification for benefits (ii) service which counts for the calculation of benefits and (iii) service which counts for both these purposes (Regulation 24);

(*h*) require the submission to the Department of the certificate from an employer required in connection with premature retirement three months before the service of a teacher is due to be terminated (Regulation 29);

(*i*) redraft Schedule 1 of the existing regulations to improve its layout and to take account of new references (Regulation 30).

Existing teachers, or their beneficiaries, who are adversely affected by any of the regulations may elect that they shall not apply (Regulation 3).

The Regulations also deal with minor amendments (Regulations 4, 5, 6, 8, 18, 26, 27 and 28) and drafting improvements (Regulations 7, 9, 10, 15, 19, 20, 31 and 33).

Parts II and III of the Regulations have retrospective effect by virtue of Article 14(1) of the Superannuation (Northern Ireland) Order 1972.