1969. No. 218 **[C]**

EDUCATION

The Teachers' Superannuation (Family Benefits) (Amending) Rules (Northern Ireland) 1969

RULES, DATED 14TH AUGUST 1969, MADE BY THE MINISTRY OF EDUCATION UNDER SECTION 11 OF THE TEACHERS (SUPERANNUATION) (AMENDMENT) ACT (NORTHERN IRELAND) 1956 AS AMENDED BY THE TEACHERS SUPERANNUATION (AMENDMENT) ACT (NORTHERN IRELAND) 1967, WITH THE CONSENT OF THE MINISTRY OF FINANCE.

The Ministry of Education hereinafter called "the Ministry" with the consent of the Ministry of Finance and after consultation with representatives of local education authorities and teachers, in exercise of the powers vested in it by Section 11 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland) 1956(a) as amended by the Teachers Superannuation (Amendment) Act (Northern Ireland) 1967(b) and of all other powers enabling it in that behalf hereby makes the following Rules:—

1. These Rules may be cited as the Teachers' Superannuation (Family Benefits) (Amending) Rules (Northern Ireland) 1969 and shall come into operation on 14th August 1969.

2. The existing Rules hereby amended are the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1967(c).

3. For rule 17 of the existing Rules there shall be substituted the following rule:—

"Investments

17.—(1) Subject as hereafter in this rule provided, the Board shall invest any property for the time being held for the purposes of the Investment Account and not needed as a balance for working purposes, whether at the time in a state of investment or not, in accordance with the provisions of this rule, and may also from time to time vary any investments so made.

(2) The property held for the purposes of the Investment Account on 14th August 1969 shall, as soon as may be thereafter, be divided into two parts (hereinafter in this rule referred to as the narrower-range part and the wider-range part) in such manner that the value at cost of the wider-range part shall as nearly as possible be three times that of the narrower-range part.

(3) When the division required by paragraph (2) above has been made no transfer shall be made from one part to the other unless either—

(*a*) the transfer is authorised or required by the following provisions of this rule; or

(*b*) a compensating transfer is made at the same time.

(a) 1956. c. 22.
(b) 1967. c. 3 (N.I.).
(c) S.R. & O. (N.I.) 1967, No. 124.

(4) When any property accrues to the Investment Account after the division required by paragraph (2) has been made, then—

(*a*) if, not being dividends or interest in respect of investments, it accrues in respect of property comprised in either the narrower-range part or the wider-range part, it shall be treated as belonging to that part; and

(*b*) in any other case, by apportionment of the accruing property or the transfer of property from one part to the other, or both, the value of the wider-range part shall be increased by an amount equal to three-quarters of the value of the accruing property and of the narrower-range part by an amount equal to one-quarter of that value.

(5) Property belonging to the narrower-range part shall be invested only in investments for the time being falling within Part I or Part II of the First Schedule to the Act of 1961 and any property invested in any other manner which is or becomes comprised in the narrower-range part shall either be transferred to the wider-range part, with a compensating transfer, or be re-invested in such investments as aforesaid as soon as may be.

(6) Subject as hereafter in this rule provided, property belonging to the wider-range part shall be invested in—

(*a*) investments for the time being falling within Part I, Part II or Part III of the First Schedule to the Act of 1961;

(*b*) the acquisition, development or management (whether in association with any other person or not) of land situated in the United Kingdom or any interest in such land;

(*c*) fixed interest securities issued by the government of any country outside the United Kingdom or by a public, municipal or local authority or a publicly controlled or nationalised industry or undertaking in such a country; or

(*d*) the stocks, shares, debentures or other securities issued in the United Kingdom or elsewhere by a company incorporated outside the United Kingdom.

(7) No investment shall be made in pursuance of sub-paragraphs (*c*) and (*d*) of paragraph (6) if it would result in more than one-tenth of the total value at cost of the property held for the purposes of the Investment Account being invested in securities the price of which is not quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act 1958(**d**) or the Belfast stock exchange.

(8) In relation to investments made in pursuance of paragraph (5) and sub-paragraph (*a*) of paragraph (6)—

(*a*) paragraphs 1, 2 and 3 of Part IV of Schedule 1 to the Act of 1961 shall not apply; and

(*b*) paragraphs 4, 5, 6 and 7 of that Part shall apply.

(9) If for the purposes of paragraph (4) the Board obtains, from a person reasonably believed by the Board to be qualified to make it and whether made in the course of his employment as an officer or servant or not, a valuation in writing of any property, the valuation shall be conclusive in determining whether any transfer or apportionment of property made under paragraph (4) has been duly made.

(**d**) 1958. c. 45.

(10) When property falls to be taken out of the Investment Account nothing in this rule shall restrict the discretion of the Board as to the choice of property to be taken out.

(11) In this rule—

"the Act of 1961" means the Trustee Investments Act 1961(e);

"compensating transfer", in relation to any property transferred between the narrower-range part and the wider-range part, means a transfer in the opposite direction of property of equal value;

"property" includes real and personal property of any description, including money and things in action, but does not include an interest in expectancy."

4. Rule 23 of the existing Rules shall be amended by the insertion of the following sub-paragraph after sub-paragraph (*b*) thereof:—

"(*c*) in a case to which rule 22(5) applies, be the date of commencement of the period during which he may elect that it shall apply to him."

5. Rule 35 of the existing Rules (which relates to the payment of additional contributions on death) is hereby revoked.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 14th day of August 1969.

(L.S.) *Leslie Arndell,*
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing Rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 14th day of August 1969.

(L.S.) *James Reid,*
Assistant Secretary.

(e) 1961, c. 62.

EXPLANATORY NOTE

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

These Rules amend the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1967 with respect to the management and investment of the Teachers' Family Benefits Fund. The previous requirement that not more than one half of the total value of the Fund should be invested in preference, preferred or ordinary stocks or shares is replaced by provision for the division of the Fund's investments into wider-range and narrower-range parts in the proportions, respectively, of three to one and for limited investment in real property.

The addition to Rule 23 defines the date from which the Scheme shall apply to a contributor to whom Rule 22(5) applies.

The revocation of Rule 35 removes the requirement that at least one year's additional contributions are payable in the case of a contributor under Method I or II who dies before such contributions have been paid for a period or periods amounting to one year.