Monday in August, Christmas Day and the two next following days excluding Sunday, the day appointed to be kept as the Queen's birthday, and all days appointed by proclamation to be observed as days of general fast, humiliation, or thanksgiving or as public holidays in pursuance of the Bank Holidays Act, 1871, the Holidays Extension Act, 1875, or any Act extending or amending the same."

1959. No. 8 **[C]**

EDUCATION

Superannuation

RULES, DATED 15TH JANUARY, 1959, MADE BY THE MINISTRY OF EDUCATION UNDER THE TEACHERS (SUPERANNUATION) ACTS (NORTHERN IRELAND), 1950 TO 1956, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Education in exercise of the powers conferred on it by the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956, and 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) Rules (Northern Ireland), 1959.

2. The rules mentioned in the schedule to these rules are hereby repealed.

3.—(1) In these rules

"the Ministry" means the Ministry of Education;

"local education authority" has the meaning assigned to that expression by Section 2(1) of the Education Act (Northern Ireland), 1947;

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

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

"1923 Act Scheme" means any superannuation scheme made under Sections 70 and 71 of the Education Act (Northern Ireland), 1923 (whether as originally enacted or as applied by Order in Council under Section 79 of that Act).

(2) In the headings to the following rules the references to Sections are to the Sections of the Acts under which the rules are severally made.

4. The following kinds of service taking place on or after the 1st April, 1951, shall be contributory service for the purposes of the sections of the Act respectively mentioned in this rule:

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

Section 2(1)(*a*)(iii) *of the Act*—Service as a teacher in a grant-aided special school as defined in section 6(5) of the Education Act (Northern Ireland), 1947 (other than a grant-aided special school managed by a local education authority), by any person who possesses the qualifications prescribed by Rule 5 hereof.

Section 2(1)(*a*)(vii) *of the Act*—Service in a training school (other than a training school managed by the Ministry of Home Affairs or a local authority) approved by the Ministry of Home Affairs under section 106 of the Children and Young Persons' Act (Northern Ireland), 1950, as a teacher by any person who is recognised by the Ministry of Home Affairs after consultation with the Ministry as duly qualified at the date of the service to teach in such a school.

Section 2(2)(*a*) *of the Act*

5. A teacher shall be deemed to possess the prescribed qualifications if in accordance with the Regulations of the Ministry for the time being in force he—

(i) is regarded as eligible for permanent recognition as a teacher in a primary school; or

(ii) is eligible for appointment in an intermediate school, a grammar school, a special school, a nursery school or an institution of further education; or

(iii) is a teacher in a grant-aided training college.

Section 3(1)(*d*) *of the Act*

6. The circumstances in which a teacher ceases to be employed in contributory service shall be as follows—

(*a*) either where the number of pupils enrolled in the school has, after the teacher attains the age of 51, declined to such extent that under the Regulations of the Ministry for the time being in force relating to the staffing of primary schools, the number of teachers in the school shall have been reduced; or

(*b*) the Ministry has, after the teacher attains the age of 51, discontinued recognition of the primary school on account of a reduction in the number of pupils enrolled in the school.

Section 7(1) *of the Act as amended by Section* 8(4)(*a*) *of the* 1956 *Act*

7. The following emoluments shall be excluded from the sums which shall be taken to be the salary of a teacher for the purposes of the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956:—

Payments made to teachers in respect of evening work in accordance with Regulations which are made by the Ministry to govern for the time being the salaries and allowances of teachers in Institutions of Further Education.

Section 10(5)(*b*) *of the Act*

8.—(1) Unless the Ministry shall in any particular case otherwise direct and subject to the provisions of paragraph (2), interest on contributions paid by a teacher within any financial year ending on the 31st day of March shall begin to run from the 1st day of October in that financial year.

(2) Interest on contributions paid under Section 9 of the Act or Section 19 of the Act of 1956 shall begin to run from the first day of the financial year following that to which the payment is attributable.

Section 10(6) *of the Act*

9. The contributions paid by a teacher under a 1923 Act Scheme, the Act, or any statutory superannuation scheme applicable to teachers in any part of Great Britain (excluding any contributions which have been previously repaid), together with compound interest thereon up to the date as at which the balance is to be computed, shall be aggregated and therefrom there shall be deducted the amount of any sums payable to him or to his legal personal representatives under a 1923 Act Scheme, the Act or any statutory superannuation scheme applicable to teachers in any part of Great Britain.

Section 11(1)(*c*) *of the Act*

10. Service of the following officers on the staff of a grant-aided training college or in a training college established and managed by the Ministry shall be treated as contributory service—

(*a*) Principals, Registrars, Wardens, Matrons and Housekeepers;

(*b*) Clerks, Typists, and persons engaged on both clerical and typing duties; and

(*c*) such other categories as may from time to time be approved by the Ministry.

Section 25(1)(*a*) *and* (*c*) *of the Act*

11.—(1) Unless the Ministry shall in any particular case otherwise direct, teacher's and employer's contributions shall be collected in accordance with the provisions of this rule.

(2) The Ministry shall deduct the amount of employer's contributions from any grants payable to the employer.

(3) In the case of a teacher whose salary is paid by the Ministry, 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.

(4) In the case of a teacher to whom the foregoing paragraph of this rule does not apply, the employer of such teacher shall deduct the amount of the teacher's contributions from the teacher's salary and shall pay the said amount to the Ministry in such time and in such manner as the Ministry may from time to time direct:

Provided that in lieu of such payment the Ministry may deduct the said amount from any grants payable to the employer.

(5) In respect of any teacher whose liability to contribute is for the time being in doubt, the Ministry may direct that the teacher's and employer's contributions shall provisionally be collected as prescribed in the foregoing provisions of this rule.

(6) Where a married woman teacher is required to be absent from her school duties without pay in accordance with Regulations made under the Education Acts (Northern Ireland), 1947 to 1956, the teacher's contribution shall be paid direct to the Ministry by the teacher within a period of thirty-nine weeks from the first day of such absence and contributions not paid in respect of such teacher within such period shall not be accepted.

Section 25(1)(*b*) *of the Act*

12.—(1) Contributions in respect of a period of employment treated as contributory service under Section 9 of the Act or Section 19 of the Act of

1956 shall be paid not later than the 30th day of September in the financial year after that in which the period terminated.

(2) The Ministry may extend the time within which contributions are to be paid under paragraph (1) if it considers that there are reasonable grounds for so doing.

(3) Any contribution in respect of which the date prescribed in paragraph (1) is extended by the Ministry under paragraph (2) shall be payable together with compound interest 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.

Section 25(1)(e) of the Act

13. A teacher shall be deemed to be in service and in receipt of salary at the appropriate full rate notwithstanding that during absence on leave his salary is—

(1) abated because of sickness benefit or injury benefit under the National Insurance Act (Northern Ireland), 1946; and/or

(2) is payable at only half the appropriate full rate.

Provided that a married woman teacher during an absence to which paragraph (6) of Rule 11 applies shall be deemed to be in service and in receipt of salary at the appropriate full rate notwithstanding that during such absence her salary is not payable.

Section 25(1)(f) of the Act

14.—(1) Application for superannuation benefit shall be made in writing to the Ministry not later than six months after the date from which it begins to accrue or on which it may be paid; provided that, if the application is not made within the six months herein stated, the Ministry may in the case of an annual allowance award the allowance as from the date of the application.

(2) Where an application for superannuation benefit is made on the ground that the teacher has become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in contributory service, the Ministry may nominate a medical officer to examine the teacher.

(3) The Ministry may extend any time within which anything is to be done under this Rule, provided there are reasonable grounds for so doing.

Section 8(1) of the Act of 1956

15. Where a teacher suffers a reduction in his salary within the meaning of sub-section (1) of Section 8 of the Act of 1956, the time within which he may elect that that sub-section shall apply to him shall be a period of three months from the date on which he suffered such reduction, or such longer period as the Ministry may, in the special circumstances of a particular case, determine.

Sealed with the official seal of the Ministry of Education for Northern Ireland this fifteenth day of January, 1959, in the presence of

(L.S.) *A. C. Williams,*
Secretary.