

1975 No. 136

## EDUCATION

**Teachers' Superannuation (War Service and Amendment) Regulations  
(Northern Ireland) 1975***Made* . . . . . 6th May 1975*Coming into operation* . . . . . 16th June 1975

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

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Teachers' Superannuation (War Service and Amendment) Regulations (Northern Ireland) 1975 and shall come into operation on 16th June 1975.

(2) Expressions used in these regulations which are used in the Teachers' Superannuation Regulations (Northern Ireland) 1972 to 1974(c) or the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1972 to 1974(d) shall, as the context may require, have the meanings respectively assigned to them by those regulations.

## WAR SERVICE

*War service to count for benefits*

2.—(1) Subject to paragraph (2) and regulation 5, any war service of a teacher to whom this regulation applies shall be treated as half that period of reckonable service for the purpose of calculating—

- (a) the amount of any allowance or gratuity payable by virtue of the Teachers' Superannuation Regulations (Northern Ireland) 1972 to 1974;
- (b) any transfer value payable by virtue of regulation 24 of the Teachers' Superannuation (Added Years and Interchange) Regulations (Northern Ireland) 1974(e); and
- (c) in a case to which regulation 7 applies, any pension payable by virtue of the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1972 to 1974 to which that regulation applies—

being an allowance (other than an additional superannuation allowance), gratuity, transfer value or pension payable after 31st August 1974 or an additional superannuation allowance whenever paid or payable.

(a) Formerly Ministry: see 1973 c. 36 sch. 5 para. 8(1)

(b) S.I. 1972/1073 (N.I. 10)

(c) S.R. & O. (N.I.) 1972 No. 319 (p. 1531); 1973 Nos. 32 (I, p. 160), 33 (I, p. 177), 476 (II, p. 2774); S.R. 1974 Nos. 185, 211

(d) S.R. & O. (N.I.) 1972 Nos. 82 (p. 276), 125 (p. 444), 246 (p. 1327); 1973 Nos. 32 (I, p. 160), 61 (p. 300), 81 (I, p. 367), 489 (II, p. 2816); S.R. 1974 No. 265

(e) S.R. 1974 No. 185

(2) This regulation does not apply if the first period of reckonable service referred to in regulation 3 is not treated as reckonable service for the purpose of calculating any such allowance, gratuity, transfer value or pension as is mentioned in paragraph (1).

(3) In these regulations "war service" means such service over the age of 18 as is mentioned in section 1 of the Superannuation (Northern Ireland) Act 1947(f) at any time between the beginning of September 1939 and the end of March 1949, but does not include any such service which was, or is treated as, contributory service or in respect of which a naval pension, a service pension (within the meaning of the Recall of Army and Air Force Pensioners Act 1948(g)) or retired pay is payable.

#### *Application of regulation 2*

3.—(1) Regulation 2 applies to any teacher who, after war service and without having first been employed in service which is or was pensionable under a scheme for the superannuation of teachers in any other part of the British Isles, was first employed in reckonable service before July 1950, or after June 1950 on the completion of either—

(a) a course of training approved for the purposes of regulation 29 of the Primary Schools (General) Regulations (Northern Ireland) 1949(h) or the Intermediate Schools (Grant Conditions) Regulations (Northern Ireland) 1948(i), being—

(i) a course provided under the scheme for the emergency recruitment and training of teachers established by the Ministry of Education or any scheme to the like effect established by the Ministry of Education, England and Wales, or the Scottish Education Department; or

(ii) a course in respect of which grants were paid to him under the Ministry of Education (Further Education and Training) Grant Regulations 1946(j), or the Further Education and Training Scheme administered by the Scottish Education Department; or

(iii) a course which he had begun before July 1950; or

(b) a combined university and teacher training course approved for the purpose of regulation 10 of the Training Colleges (Grant Conditions) Regulations (Northern Ireland) 1948(k) if he had begun the final year of any such course before November 1950.

(2) In this regulation "teacher" includes a person who was in reckonable service, or in receipt of superannuation allowances, at any time from 1st September 1974 until 16th June 1975.

(3) Any question arising under this regulation as to whether a teacher became employed in reckonable service on completion of a course to which paragraph (1) applies shall be determined by the Department and its determination shall be final.

(f) 1947 c. 18 (N.I.)

(g) 1948 c. 8 (12, 13 & 14 Geo. 6)

(h) S.R. & O. (N.I.) 1949 No. 100 (p. 61)

(i) S.R. & O. (N.I.) 1948 No. 44 (p. 141)

(j) S.R. & O. 1946/1291 (Rev. VI, p. 518; 1946 I, p. 392)

(k) S.R. & O. (N.I.) 1948 No. 257 (p. 209)

*Contributions in respect of war service*

4.—(1) For the purpose of defraying the costs of the increase in any benefits which is payable by virtue of regulation 2(1)(a) or (b) there shall be deducted from the additional superannuation allowance or gratuity payable to or in respect of the teacher an amount equal to the aggregate of—

- (a)  $3\frac{3}{4}$  per cent of the aggregate remuneration in respect of war service which would have been received by a teacher in receipt of a salary at an annual rate of £200 (if the teacher is a man) or £175 (if the teacher is a woman) during that period; and
- (b) compound interest on that sum at the rate of  $3\frac{1}{2}$  per cent per annum with yearly rests from 1st July 1950 until what is in the case of that teacher the relevant date as provided by paragraph (2).

(2) The relevant date as regards any teacher is—

- (a) the date of the payment of the allowance or gratuity from which the deduction falls to be made; or
- (b) in the case of a teacher in respect of whom after the end of August 1974 a transfer value falls to be paid by the Department under regulation 24 (payment of transfer value) of the Teachers' Superannuation (Added Years and Interchange) Regulations (Northern Ireland) 1974, the date on which he becomes subject to the approved superannuation scheme mentioned in paragraph (1) of that regulation; or
- (c) in the case of a teacher who on 1st September 1974 was in receipt of superannuation allowances awarded to him on or before that date, 1st September 1974.

*Exception*

5. Unless regulation 7 applies, regulations 2 and 4 shall not apply to any period of war service of a teacher if, apart from this regulation, the annual superannuation allowance payable to or in respect of him would not be more, or the death gratuity payable in respect of him would be less, than would have been the case if those regulations had not applied to that period.

*Elections*

6.—(1) A teacher may—

- (a) notwithstanding the provisions of regulation 7 of the Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973(1) make a first election for the purposes of regulations 4, 5 or 6 of those regulations; and
- (b) notwithstanding the provisions of regulation 7 of the Teachers' Superannuation (Added Years and Interchange) Regulations (Northern Ireland) 1974, but subject to regulation 6(1) of those regulations, make a first or further election for the purposes of regulation 6 or 12 of those regulations.

(2) A further election made in pursuance of paragraph (1)(b) may not reduce the number of added years which the teacher elected to purchase by more than half his war service.

(3) Any election made by virtue of this regulation shall be made not later than 31st December 1975 and shall otherwise comply with the provisions above referred to relating to such elections.

*Family benefits*

7.—(1) If a teacher to whom this regulation applies so elects, regulation 2 shall apply for the calculation of the amount of pension payable in respect of him under regulations 19 (widow or adult beneficiary) and 20 (child) of the Teachers' Superannuation (Family Benefits) (Amendment) Regulations (No. 2) (Northern Ireland) 1973.

(2) This regulation applies to—

- (a) any teacher in whose case the whole of his reckonable service would in the event of his death count for benefit for the purposes of regulation 19 of the Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973; and
- (b) any teacher in receipt of an annual superannuation allowance awarded after the end of May 1967 under the enactments relating to the superannuation of teachers in their application to Northern Ireland who either—
  - (i) paid additional contributions under the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1967(m) or 1972(n) in respect of the whole of his previous service as respectively defined in those regulations; or
  - (ii) elected under regulation 26(2) of the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1973(o) as originally made that on his death a pension was to be paid to his widow.

(3) In any case where a teacher makes an election for the purposes of this regulation the superannuation allowance or gratuity payable to or in respect of him shall be further reduced by the amount determined by the Government Actuary as the actuarial cost of the increase in the amount of any pension which is payable by virtue of this regulation.

(4) An election for the purposes of this regulation shall be made in writing and delivered to the Department so as to be received therein before the payment of the allowance or gratuity from which the reduction falls to be made.

(5) If the teacher dies without having made an election, the election may be made by his widow and paragraphs (3) and (4) shall apply with the necessary modifications accordingly.

## AMENDMENT

*Incapacitated children*

8. For the purposes of regulations 17 and 21 of the Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973 a person who is incapacitated on the day when, apart from this regulation, he would be treated as ceasing to be a child shall continue to be treated as a child for so long as that incapacity persists.

(m) S.R. & O. (N.I.) 1967 No. 124 (p. 394)

(n) S.R. & O. (N.I.) 1972 No. 82 (p. 276)

(o) S.R. & O. (N.I.) 1973 No. 32 (I, p. 160)

Sealed with the Official Seal of the Department of Education for Northern Ireland on 6th May 1975.

(L.S.)

*E. J. Kirkpatrick*  
Assistant Secretary

The Department of Finance hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 6th May 1975.

(L.S.)

*J. Armstrong*  
Assistant Secretary

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#### EXPLANATORY NOTE

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

These regulations provide for the war service of certain teachers who became employed in teaching after completing that service to count for the purpose of calculating the superannuation benefits payable to or in respect of them. They also amend the existing regulations relating to a child's pension in order to provide for pensions to be paid without limitation as to age to incapacitated children of deceased teachers.

Regulation 2 has retrospective effect by virtue of section 14(1) of the Superannuation (Northern Ireland) Order 1972.