

1979 No. 380

EDUCATION

**The Teachers' Superannuation (Amendment) Regulations
(Northern Ireland) 1979***Made* 29th October 1979*Coming into operation* 10th December 1979

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 with 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:

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1979.

(2) These regulations shall come into operation on 10th December 1979 and shall have effect—

(a) for the purpose of regulation 9 as from 1st October 1977;

(b) for the purpose of regulation 10 as from 1st April 1979;

(c) for all other purposes as from 1st April 1972.

Interpretation

2.—(1) In these regulations a reference to the principal regulations is a reference to 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 1979.

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

Amendment of operative date of principal regulations

3. After regulation 1 (Citation and commencement) there shall be inserted:—

“(1A) For the purposes of Part V, these regulations shall have effect as from 1st April 1972 but, for all other purposes, shall have effect as from 1st October 1977.”

(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) Article 3 and Sch. 1

(d) S.R. 1977 No. 260 (II, p. 1375). These regulations were amended by S.R. 1978 No. 147 and S.R. 1978 No. 351

Amendment of interpretation provisions of principal regulations

4.—(1) At the end of regulation 2(3) (Interpretation) there shall be added “and, in Part V, includes a reference to a return of contributions”.

(2) After regulation 2(7) there shall be added:—

“(8) References to the receipt and payment of transfer values are to be construed as including references to transfer values which the Department is satisfied would have been received from, or paid to, the Department of the Civil Service or the Department of Health and Social Services but for arrangements between the Department and the other Department concerned for the avoidance of payments between Departments.”

Teachers' superannuation account

5.—(1) For regulation 80 (Teachers' superannuation account) there shall be substituted the regulation set out in Appendix 1.

(2) For Schedule 7 (Teachers' superannuation account) there shall be substituted the Schedule set out in Appendix 2.

Receipts

6. In regulation 81 (Receipts):—

(a) in sub-paragraph (a) after “regulation 9(2)(a)” there shall be inserted “(or a previous provision to the like effect)”;

(b) in sub-paragraph (b) after “regulation 9(2)(b)” there shall be inserted “(or a previous provision to the like effect)”;

(c) in sub-paragraph (d) for the words following “regulation 76(1)” there shall be substituted “(or a previous provision to the like effect)”.

Payments

7. In regulation 82 (Payments):—

(a) in sub-paragraph (b) for the words following “regulation 75(1)” there shall be substituted “(or a previous provision to the like effect)”; and

(b) at the end of sub-paragraph (c) there shall be added “(or a previous provision)”.

Interest

8. For regulation 83 (Interest) there shall be substituted the regulation set out in Appendix 3.

Revocation

9. Regulation 92(2) is hereby revoked.

Transfer values

10. In paragraph 1(b) of Schedule 6 “6 per cent” shall be deleted and “a rate determined by the Department” shall be substituted.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 29th October 1979.

(L.S.)

E. J. Kirkpatrick

Assistant Secretary

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

Sealed with the Official Seal of the Department of the Civil Service for Northern Ireland on 29th October 1979.

(L.S.)

J. Armstrong

Assistant Secretary

APPENDIX 1

Regulation substituted for Regulation 80 of the principal regulations*Teachers' superannuation account*

80.—(1) Any reference in this Part to an accounting period is a reference to a period of twelve months ending on 31st March.

(2) An account shall be kept by the Department, in the form specified in Part 1 of Schedule 7, of the receipts and payments under these regulations, or under the previous provisions for the accounting period ending on 31st March 1973 and every subsequent accounting period.

APPENDIX 2

Schedule substituted for Schedule 7 to the principal regulations

SCHEDULE 7 Regulations 80 and 83

Teachers' Superannuation Account

PART 1

Form of Account

THE TEACHERS' SUPERANNUATION REGULATIONS (NORTHERN IRELAND) 1977

Account of receipts and payments from 1st April 19 to 31st March 19

A	<i>Receipts</i>	£000's	B	<i>Payments</i>	£000's
I.	to balance on (end of period of previous account)		I.	by benefits—	
II.	to contributions—		(i)	annual allowances	
(i)	from teachers and other persons eligible		(ii)	additional allowances, gratuities in lieu thereof, supplementary death gratuities and short service gratuities	
(ii)	from employers		(iii)	death gratuities	
III.	to payments on re-entry into employment in reckonable service		(iv)	widows' pensions	
IV.	to amounts recovered from repayments of contributions in accordance with section 59(1) of the National Insurance Act (Northern Ireland) 1966 or Article 48 of the Social Security Pensions (Northern Ireland) Order 1975		(v)	children's pensions	
V.	to transfer values and other receipts		(vi)	other beneficiaries' pensions	
VI.	to interest on balance of receipts over payments calculated in accordance with regulation 83		(vii)	short-term pensions	
VII.	to interest on Teachers' Superannuation Fund		(viii)	repayments of contributions	
			II.	by payments in lieu of graduated contributions or by way of contributions equivalent premiums	
			III.	by transfer values and other payments	
			IV.	balance on 31st March 19	

PART 2

Notional Investments

1.—(1) For the purposes of regulation 83 the notional investments referred to in paragraph (1)(a) and (b) thereof shall comprise an investment in accordance with sub-paragraph (2) of a sum equal to the balance of receipts over payments during each accounting period in question (“the relevant period”).

(2) The sum in question shall be deemed to have been invested at the beginning of the relevant period in a government security selected by the Department after consulting the Government Actuary, and the price of the security shall be deemed to have been halfway between the highest and lowest prices shown therefor in the Official Daily List of the London Stock Exchange for 1st October in the relevant period or, if closed on that day, for the last preceding day on which it was open.

2.—(1) For the purposes of regulation 83 the notional investments referred to in paragraph (1)(c) thereof shall comprise—

- (a) £7,329,000 Funding 3½% stock 1999-2004;
- (b) £53,244,000 Treasury 5½% stock 2008-2012.

APPENDIX 3

Regulation substituted for Regulation 83 of the principal regulations*Notional interest*

83.—(1) In any accounting period ending on or after 31st March 1973 the sum representing interest referred to in regulation 81(e) shall, subject to regulations 84 and 85, be determined by reference to the interest which would have accrued for that period from the notional investments mentioned in Part 2 of Schedule 7 (“the notional investments”) and shall be the aggregate of the sums equal to—

- (a) one half of the interest which would have accrued for the accounting period in question from the notional investment referable to the balance of receipts over payments during that period;
- (b) the interest which would have so accrued from the notional investment referable to that balance during any previous accounting period ending on or after 31st March 1972, and
- (c) the interest which would have so accrued from the notional investment referable to the accumulated balance of revenue over expenditure as at 31st March 1971.

(2) In determining for the purposes of paragraph (1)(a) or (b) or of Schedule 7 the balance of receipts over payments during an accounting period—

- (a) no account shall be taken of the interest which would have accrued for the period in question from the notional investment referable to the balance of receipts over payments during that period, but
- (b) account shall be taken of the interest which would have so accrued from the notional investments referable to such balance during any previous accounting period ending on or after 31st March 1972 or referable to the accumulated balance mentioned in paragraph (1)(c);

and, for the purposes hereof, paragraph (1) shall have effect in relation to the accounting period ending on 31st March 1972 subject to any necessary modifications.

(3) For the purposes of this regulation and of Schedule 7, any reference to receipts, revenue, payments or expenditure is a reference to receipts, revenue, payments or expenditure for the purposes either of these regulations or of a previous provision.

EXPLANATORY NOTE

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

These regulations amend provisions contained in the Teachers' Superannuation Regulations (Northern Ireland) 1977 (the principal regulations) relating to transfer values, pensions increases and the teachers' superannuation account.

Regulation 4(2) provides that where payment and receipt of transfer values are waived in certain cases the regulations will apply as if such payments and receipts had actually been paid or received.

Regulation 5(1) provides in regulation 80 of the principal regulations that the teachers' superannuation account shall include receipts and payments under those regulations or under the previous provisions.

A revised form of the teachers' superannuation account is provided for in regulation 5(2) to cater for a new class of receipts and payments in connection with the contracting-out of the teachers' superannuation scheme from the State pension scheme (contributions equivalent premiums).

Regulations 6 and 7 respectively provide that receipts and payments under the teachers' superannuation account shall also include receipts and payments arising from previous provisions. Regulation 8 determines the interest to be paid into the account.

Regulation 9 relates to the commencement date of a pension for pensions increases and regulation 10 provides for a revised rate of interest on transfer values.

These regulations have (as permitted by Article 14(1) of the Superannuation (Northern Ireland) Order 1972) retrospective effect as set out in regulation 1(2).