

1987 No. 315

EDUCATION

**Teachers' Superannuation (Amendment No. 3) Regulations
(Northern Ireland) 1987**

Made 30th July 1987

Coming into operation 2nd September 1987

The Department of Education in exercise of the powers conferred on it by Articles 11(1), (2) and 14(1) of, and paragraphs 1, 4, 6, 11, 12 and 13 of Schedule 3 to the Superannuation (Northern Ireland) Order 1972(a) 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 appear to it to be appropriate as required by Article 11(5) of the said Order, with the consent of the Department of Finance and Personnel(b) hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Teachers' Superannuation (Amendment No. 3) Regulations (Northern Ireland) 1987.

2. These regulations shall come into operation on 2nd September 1987 and shall have effect—

- (a) for the purposes of Part II as from 1st September 1986;
- (b) for the purposes of Part III as from 1st April 1987;
- (c) for the purposes of Part IV as from 2nd September 1987.

Interpretation

3. In these regulations "the principal regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1977(c).

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

(b) Formerly Ministry of Finance: see S.I. 1982/338 (N.I. 6) Art. 3. Consent function was transferred from the Department of the Civil Service by S.I. 1982/338 (N.I. 6) Art. 4

(c) S.R. 1977 No. 260. Relevant amending rules are S.R. 1978 No. 147, S.R. 1978 No. 351, S.R. 1980 No. 305, S.R. 1982 No. 346 and S.R. 1987 No. 76

PART II

AMENDMENTS HAVING EFFECT AS FROM 1ST SEPTEMBER 1986

4. The principal regulations shall be amended as follows:—

- (a) In regulation 2(1) (Interpretation) after the definition of “teacher” there shall be added—
 “ “temporary teacher” means a full-time teacher in respect of whose employment an agreement is not required under Article 70(3) of the Education and Libraries (Northern Ireland) Order 1986(a) and who is paid salary for each working day at the rate of 1/190th of the salary which he would receive if he were employed in a permanent capacity;”;
- (b) At the end of regulation 3(2)(b) (Reckonable service) the hyphen shall be replaced by the word “or” and there shall be added the following—
 “(c) in part-time employment in a capacity mentioned in regulation 3A and which is treated as full-time employment by virtue of that regulation and which was subsisting on or commenced on or after 1st September 1986—”;
- (c) In regulation 3(3) for “(a) or (b)” there shall be substituted “(a), (b) or (c)”;
- (d) After regulation 3 there shall be inserted:—

“Part-time service

3A.—(1) There shall be treated as full-time employment the part-time employment in any capacity specified in paragraphs (1), (4) and (6) of Schedule 1 of a teacher not employed in reckonable service who so elects by notice in writing to the Department.

(2) An election for the purposes of this regulation shall have effect from the first day of the month following that in which the Department notifies the teacher of its acceptance or such earlier date as may be approved and may be revoked at any time in writing.

(3) For the purposes of regulation 48 part-time employment to which this regulation applies shall be treated as if it were full-time employment; and for all other purposes of these regulations there shall be treated as reckonable service of the teacher in any financial year the number of days which bears to 365 the same proportion as the salary payable to him (or, in a case falling within regulation 28(1), the salary which in the opinion of the Department he could have expected to receive) during that year bears to the salary which would have been payable to him if he had been employed full-time.

(4) For the purposes of paragraph (3)—

- (a) no account shall be taken of any allowances or additional payments which were, or would have been payable to the teacher if their exclusion from the salary which was or would have been

payable to him would result in the number of days treated as reckonable service being more than they would have been if account had been taken of those allowances or additional payments;

- (b) any reduction of salary during any such period of absence as is mentioned in regulation 3(3)(b) shall be disregarded;
- (c) a half or greater fraction of a day shall be reckoned as a day and a smaller fraction shall be disregarded; and
- (d) the total reckonable service of a person in any financial year shall not exceed 365 days.

(5) "Part-time service" means—

service during which a teacher is paid a proportion of the annual salary that would be appropriate if he were employed in a full-time capacity, but does not include service—

- (i) of a teacher to whom an annual allowance is payable under regulation 48(1)(a) or (b) or 48A or a previous provision to the like effect;
- (ii) of a teacher to whom an annual allowance is for the time being payable under regulation 48(1)(c) or a previous provision to the like effect;
- (iii) during which the remuneration of the teacher is expressed in terms of an hourly rate.

(6) Any question arising under this regulation as to the salary which would have been payable to the teacher if he had been employed full-time shall be determined by the Department.”;

(e) In Regulation 6 (Average salary)—

- (i) in paragraph (1) for the words “average salary means” there shall be substituted:
“Subject to paragraph (7) where a teacher has been in part-time employment, “average salary” means—”;
- (ii) in paragraph (6) in the definition of “terminal service” the words “subject to paragraph (7) where a teacher has been in part-time employment — ” shall be inserted after “means”;
- (iii) after paragraph (6) there shall be added:

“(7) Where for any period a teacher employed in reckonable service has been in part-time employment (“period of part-time employment”) then paragraph (1) and the definition of “terminal service” in paragraph (6) shall have effect as if—

- (a) during the period of part-time employment he had not been continuously employed in reckonable service but had only been so employed for the number of days treated as reckonable service in his case, in pursuance of regulation 3A(3), by reason of the period in question, but
- (b) his full salary for the period of part-time employment were in respect of those days (the annual value of his full salary being calculated accordingly where paragraph (1)(b) applies);

so, however, that for the purposes hereof periods of part-time employment for which the teacher's salary was payable at different rates shall be treated as separate periods of part-time employment.”;

- (f) For regulation 16A(b) there shall be substituted:
 “if he is employed in reckonable service, other than full-time service (hereinafter referred to as part-time reckonable service) or in comparable Northern Ireland service, by instalments payable in accordance with regulation 17”;
- (g) In regulation 16B(4) (Return of contributions by deduction from salary) after the words “continues in” there shall be added “part-time reckonable service or”;
- (h) In regulation 17(5), (6) (Return of contributions by payment of instalments) after the words “employed in” there shall be inserted the words “part-time reckonable service or”;
- (i) In regulation 21 (Purchase of past added years — current provisions)—
- (i) in paragraph (4) the words from “, in the case of a further election to pay contributions by method B or C” to “of any election”, shall be deleted;
 - (ii) in sub-paragraph (4)(b) heads (i) and (ii) shall be renumbered (ii) and (iii) respectively and the following head shall be inserted in the appropriate place:
 “(i) in the case of a teacher employed in part-time reckonable service, method B,”;
 - (iii) after paragraph (4) there shall be inserted the following paragraph—
 “(4A) Any notice under paragraph (4) in respect of a further election to pay contributions by method B or C shall (unless it is in respect of a further election to pay contributions by method B in relation to part-time reckonable service) be given within six months of the teacher last having become employed in reckonable service.”;
- (j) In regulation 39(2) (Determination by the Department) for the full-stop at the end of sub-paragraph (b) shall be substituted “; or” and the following sub-paragraph shall be added:
 “(c) the amount of his contributions is reduced by reason of the teacher being for the time being employed in part-time reckonable service or (in the case of a teacher already so employed) being so employed for a smaller proportion of his time.”;
- (k) In regulation 70(5) (Abatement of annual allowance on re-employment) in the definition of “previous salary” after the word “employed” where it first occurs there shall be inserted “(or, in the case of a teacher last employed in part-time service would have been employed if that service had been full-time)”;
- (l) In Part II of Schedule 1A—

- (i) in paragraph 1(a)(ii) for the words “paragraphs 3 and 4” there shall be substituted “paragraphs 3, 4 and 4A”;
- (ii) in paragraph 3(2) for the words “paragraph 4” there shall be substituted “paragraphs 4 and 4A”;
- (iii) after paragraph 4 there shall be inserted the following paragraph—

“4A.—(1) This paragraph shall apply in the case of a teacher who, on the date on which the notice of election was given, was in part-time employment which, by virtue of regulation 3A, was treated as employment in reckonable service for the purposes of regulation 48.

(2) In such case the references in paragraph 1(a)(ii) and 3(2) to his full salary shall be construed as references to the full salary which would have been payable to him if he had been employed full-time.”.

PART III

AMENDMENTS HAVING EFFECT AS FROM 1st APRIL 1987

5.—(1) At the beginning of paragraph 1 of Schedule 1 to the principal regulations for the word “Teacher” there shall be substituted “Subject to paragraph 7(c) a teacher”.

(2) At the end of paragraph 7(b) of Schedule 1 to the principal regulations for the fullstop there shall be substituted “; or” and there shall be added:

“(c) immediately before 1st April 1987 he was a Mental Health Officer within the meaning of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984(a) and was transferred to the employment of an Education and Library Board on that date under the Education (Transfer of Officers) Scheme 1987 and elects within six months of the date of transfer.”.

PART IV

AMENDMENT HAVING EFFECT AS FROM 2nd SEPTEMBER 1987

6. After regulation 5(2)(b) of the principal regulations (Service not reckonable) there shall be added the following sub-paragraph:

“(c) in the case of a temporary teacher in receipt of allowances under regulations 48(1)(a) or (b) or 48A unless such a teacher:

- (i) was in receipt of such allowances immediately prior to 2nd September 1987; and
- (ii) within one month of commencing employment as a temporary teacher after 1st September 1987 by notice in writing to the Department elects that his service as a temporary teacher should continue to count as reckonable service,

and such an election once made shall be irrevocable and shall apply to all future service as a temporary teacher.”.

(a) S.R. 1984 No. 336 to which there are amendments not relevant to these regulations

Sealed with the Official Seal of the Department of Education on 30th July 1987.

(L.S.)

R. T. Holmes

Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 31st July 1987.

(L.S.)

J. R. Ingram

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations extend the provisions of the Teachers' Superannuation Regulations (Northern Ireland) 1977 as amended (the principal regulations) to cover part-time teachers serving in grant-aided schools and certain other educational establishments. In so far as the regulations do so with retrospective effect, this is authorised by Article 14(1) of the Superannuation (Northern Ireland) Order 1972.

Subject to certain modifications and exceptions the provisions of the principal regulations which relate to full-time teachers are applied by these regulations to part-time teachers who elect that the regulations apply to them. They do not apply to part-time service undertaken after superannuation allowances have been awarded (regulation 4(b) and (d)).

The amount of pensionable service credited to a part-time teacher in any year is proportionate to the fraction of full annual salary paid (regulation 4(d)).

The regulations also amend the principal regulations so that after 1st September 1987 the service of a teacher in receipt of superannuation allowances as a temporary teacher paid on a 1/190th basis is not pensionable. Teachers who have been awarded superannuation allowances before 2nd September 1987 will however be able to elect that they continue to contribute to the Teachers' Superannuation Scheme (regulations 4(b) and 6).

The regulations also permit those officers who, on 31st March 1987, held Mental Health Officer status under the provisions of the Health and Personal Social Services (Superannuation) (Northern Ireland) Regulations 1984 and who transferred to the employment of an Education and Library Board pursuant to the Education (Northern Ireland) Order 1987, to elect within 6 months from 1st April 1987 to join the Teachers' Superannuation Scheme (regulation 5).

1987 No. 316**Road Races (Ulster Grand Prix) Order
(Northern Ireland) 1987**

This Order, being of a temporary character, is not printed at length in this volume.