

1988 No. 363

EDUCATION

**Teachers' Superannuation (Miscellaneous Provisions
No. 2) Regulations (Northern Ireland) 1988***Made* 12th October 1988*Coming into operation* 18th November 1988

The Department of Education in exercise of the powers conferred on it by Articles 11(1) and (2), and 14(1) of, and paragraphs 1, 4, 6 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 (Miscellaneous Provisions No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 18th November 1988 and shall have effect as from 6th April 1988.

Interpretation

2.—(1) In these Regulations “the principal regulations” means the Teachers' Superannuation Regulations (Northern Ireland) 1977(c).

(2) Other expressions in these regulations have the same meaning as in the principal regulations.

PART II
AMENDMENT OF THE PRINCIPAL REGULATIONS

3. The principal regulations shall be amended as provided in this Part.

Interpretation

4. In regulation 2(1) the definitions of “child” and “disqualifying income” shall be deleted.

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

(b) Formerly Department 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 regulations are S.R. 1978 No. 351, S.R. 1980 No. 305 and S.R. 1987 No. 76

Repayment on cessation of employment

5. In regulation 42(1) there shall be substituted for sub-paragraphs (a) and (b) the following:

- “(a) he is treated as having ceased to be employed in reckonable service by virtue of an election under regulation 12 of the Teachers’ Superannuation (Miscellaneous Provisions No. 2) Regulations (Northern Ireland) 1988, and he has for the purposes of regulation 48 been employed in reckonable service for less than two years;
- (b) in any other case, he is not qualified by service for any benefit;”.

Entitlement to allowances

6. In regulation 48 there shall be substituted—

(a) for paragraph (1)(a)(i) and (ii) the following:

- “(i) was on 6th April 1988 employed in reckonable service and has been employed in such service, whether before or after that date, for at least two years;
- (ii) has been employed in reckonable service after 5th April 1988 for at least two years; or”;

(b) for paragraph (1)(b) the following:

- “(b) has attained the age of 60 and has been employed for at least five years in reckonable service, or partly in reckonable service and partly in service of a description specified in Schedule 4, for at least five years; or”;

(c) for the words “five years”, in both places where they occur, in paragraph (3) the words “two years”.

Amount of annual allowance and additional allowance

7. In regulations 49(3) and 51(4) after the words “regulation 48(1)(c)” there shall be added the words “and he has for the purposes of regulation 48 been employed in reckonable service for five years or more”.

Death gratuities

8.—(1) Subject to paragraph (2) in regulation 53(2)(b) for the word “five” there shall be substituted the word “two”.

(2) Paragraph (1) shall not have effect in relation to a person who died before 6th April 1988.

Family benefits

9. For regulations 57 to 62 there shall be substituted the following:—

“Family benefits generally

57.—(1) Pensions are payable in accordance with regulations 59 to 65 to widows, children and nominated beneficiaries of persons who die while, or after having been, employed in reckonable service.

(2) References in those regulations to a widow include references to a widower; but in the case of a person who has not been employed in reckonable service, or paying contributions under regulations 27 and 28, at any time after 5th April 1978, they do not include references to a man or woman married by that person after his last day of employment in reckonable service or, as the case may be, the end of the period for which any such contributions were paid.

(3) Where those regulations provide for a pension to be payable to a widow and there are two or more widows, the widows are jointly entitled to the pension.

(4) References in those regulations to a person's child are to a person who is—

- (a) his legitimate, adopted or illegitimate child; or
- (b) accepted by him as a member of the family and wholly or mainly dependent on him,

and who is a child within the meaning given in paragraphs (5) to (7).

(5) Subject to paragraphs (6) and (7), for the purposes of regulations 58 to 65 a person is a child while he is unmarried and—

- (a) he has not attained the age of 17;
- (b) having attained that age, he is receiving full-time education or attending a course of not less than two years' full-time training for a trade, profession or calling; or
- (c) having ceased while incapacitated to fall within sub-paragraph (a) or (b), he continues to be incapacitated.

(6) For the purposes of paragraph (5)(b)—

- (a) a person is to be treated as receiving full-time education up to (but not including) the first Monday in January or the first Monday after Easter Monday or the first Monday in September next following the end of the last term in which he received it, and
- (b) a person is to be treated as not attending a course of training while he is receiving disqualifying remuneration.

(7) Disqualifying remuneration is remuneration at a rate not less than the annual rate at which an official pension, within the meaning of the Pensions (Increase) Act (Northern Ireland) 1971(a), would for the time being be payable if it had begun, and first qualified for increases under that Act, on 1st April 1972 and had then been payable at an annual rate of £250.

(8) References in regulations 58 to 65 to a nominated beneficiary are to a person nominated under regulation 58 or nominated before 18th November 1988 for the purposes of this Part or of previous provisions relating to family benefits.

(9) In this Section "member" and "credited service" have the same meaning as in Section C of Part II.

Nomination of beneficiaries

58.—(1) Subject to paragraph (2), an unmarried person (“the appointor”) may at any time while employed in reckonable service, by giving written notice to the Department, nominate an eligible person who is wholly or mainly financially dependent on the appointor and who is not a child to receive a pension under regulations 59 to 65.

(2) A person may not be nominated while a previous nomination under this regulation has effect.

(3) The eligible persons are—

- (a) a parent of the appointor;
- (b) a brother or sister of the appointor; or
- (c) a widowed step-parent of the appointor.

(4) A nomination under this regulation may be revoked by giving written notice to the Department, and if not previously revoked ceases to have effect—

- (a) on the death or marriage (or as the case may be remarriage) of the person nominated; or
- (b) on the marriage of the appointor.

(5) The references in paragraphs (2) and (4) to a nomination under this regulation include references to a nomination made before 18th November 1988 for the purposes of this Part or of previous provisions relating to family benefits.

Entitlement to short-term family benefits

59.—(1) Subject to paragraph (3), a short-term pension is payable, from the day after that of his death, if a person dies—

- (a) while employed in reckonable service;
- (b) during a period for which he is paying contributions under regulations 27 and 28;
- (c) within 12 months after ceasing to be employed in reckonable service, or to pay such contributions, as a result of ill-health, but before becoming entitled to payment of allowances; or
- (d) after becoming entitled to payment of allowances.

(2) The short-term pension is payable—

- (a) subject to paragraph (3)(a), if the deceased leaves a widow, to the widow;
- (b) if a nomination had effect at the time of his death, to the nominated beneficiary; or
- (c) if there is no widow or nominated beneficiary and the deceased is survived by a child or children of his, to or for the benefit of the child or, as the case may be, the children jointly.

(3) No short-term pension is payable—

- (a) to a widower if one is payable to another person as a nominated beneficiary;
- (b) if there is no widow, nominated beneficiary or surviving child; or

- (c) where paragraph (1)(d) applies, to a person who is not entitled under regulation 61 to a long-term pension.

Amount and duration of short-term family benefits

60.—(1) Subject to paragraph (2), the annual rate of a short-term pension under regulation 59—

- (a) if regulation 59(1)(a) or (c) applies, is the annual rate of the deceased's salary on his last day of employment in reckonable service, disregarding any reduction by reason of sick leave or maternity leave;
- (b) if regulation 59(1)(b) applies, is the annual rate, at the time of his death, of the salary described in regulation 28(1);
- (c) if regulation 59(1)(d) applies, is the annual rate, at the time of his death, of his annual allowance; and
- (d) if regulation 59(1)(a) and (d) both apply, is the total of the rates specified in sub-paragraphs (a) and (c).

(2) If—

- (a) the short-term pension is payable to the deceased's widow; and
- (b) the annual rate calculated in accordance with paragraph (1) is less than that of a long-term pension to which the widow is prospectively entitled under regulation 61,

the annual rate of the short-term pension is the same as that of the long-term pension.

(3) Subject to paragraphs (4) and (5), a short-term pension is to be paid for 3 months.

(4) If—

- (a) either—
- (i) no long-term pension is payable under regulation 61; or
- (ii) less than two years' service counts in the calculation of a pension payable under that regulation;
- (b) the deceased is survived by children of his; and
- (c) the short-term pension is payable to his widow, or to a nominated beneficiary who has the care of the children,

the short-term pension is to be paid for 4½ months if there is one child and for 6 months if there are 2 or more children.

(5) If the short-term pension is payable to or for the benefit of one child, it is to be paid for 2 months; if it is payable to or for the benefit of 2 or more children, it is to be paid for 4 months.

Entitlement to long-term family benefits

61.—(1) Long-term pensions are payable in accordance with paragraph (4) if a person dies who—

- (a) has been employed in reckonable service at any time after 31st March 1972, and
- (b) has relevant service amounting to at least two years,

but in the case of a person who ceased to be employed in reckonable service before 6th April 1988 sub-paragraph (b) has effect with the substitution for "two years" of "five years".

(2) In the case of a man, and in the case of a woman in relation to a nominated beneficiary or a widower on whose marriage to her a nomination ceased to have effect, relevant service comprises—

- (a) any period of employment in reckonable service after 31st March 1972;
- (b) any period beginning after that date for which additional contributions have been paid under regulations 27 and 28 or corresponding previous provisions;
- (c) any period for which contributions have been paid for past added years in accordance with an election made after 1st November 1974;
- (d) if a transfer value has been received in respect of comparable Northern Ireland service, the period that would, immediately before its receipt, have counted for family benefits in the relevant superannuation scheme;
- (e) any period counting as reckonable service by virtue of the receipt of any other transfer value under regulation 76 or corresponding previous provisions or under the Teachers' Superannuation (Added Years and Interchange) Regulations (Northern Ireland) 1974(a);
- (f) any period for which family benefit contributions have been paid under Section C of Part II or corresponding previous provisions; and
- (g) in the case of a member so much of his credited service as does not exceed the total of the service in respect of which he paid contributions under regulation 25 of the 1967 regulations or regulation 27 of the 1972 family benefits regulations and any period in respect of which he paid contributions under regulation 26 of the 1967 regulations or under regulation 28 or 29 of the 1972 family benefits regulations, and in addition any period in respect of which a deduction falls to be made under regulation 41(1).

(3) In relation to a widower who is not a nominated beneficiary and is not a person on whose marriage to the deceased a nomination ceased to have effect, the deceased's relevant service comprises only—

- (a) so much of the periods described in paragraph (2)(a), (b), (d) and (e) as consists of, or is attributable to, service after 5th April 1988; and
 - (b) any period for which contributions have been paid for past added years in accordance with an election made after 17th November 1988.
- (4) If paragraph (1) applies—
- (a) subject to paragraph (5), if the deceased leaves a widow, a long-term pension is payable to the widow;

(b) if a nomination had effect at the time of his death, a long-term pension is payable to the nominated beneficiary; and

(c) if a pension is payable under sub-paragraph (a) or (b) and the deceased is survived by a child or children of his, a long-term pension is payable to or for the benefit of the child or, as the case may be, of the children jointly.

(5) Subject to paragraph (7) no long-term pension is payable to a widower if one is payable to another person as a nominated beneficiary.

(6) If when a person dies paragraph (4) does not apply but he—

(a) has been employed in reckonable service at any time after 31st March 1972;

(b) is qualified for benefits; and

(c) is survived by a child or children of his,

a long-term pension is payable to or for the benefit of the child or, as the case may be, of the children jointly.

(7) Subject to paragraph (8), if neither paragraph (4) nor paragraph (6) applies but the deceased had a guaranteed minimum in relation to benefits under these regulations and leaves a widow, a long-term pension is payable to the widow.

(8) If a contributions equivalent premium within the meaning of Article 44 of the Social Security Pensions (Northern Ireland) Order 1975(a) is paid by the Department, paragraph (7) is to be treated as not having applied.

(9) Notwithstanding anything in paragraphs (1) to (6), only one pension is payable to or for the benefit of children at any one time; and where more than one such pension would otherwise be payable the one to be paid is the largest of them.

Amounts of widow's and nominated beneficiaries' long-term pensions

62.—(1) Subject to paragraph (2), the annual rate of a pension payable under regulation 61 to a widow or nominated beneficiary is 1/160th of the deceased's average salary multiplied by the length of his family benefit service.

(2) If—

(a) regulation 41(5) applies; and

(b) a person entitled to limit the amount of the deduction has done so, the retrospective salary increase is not to be taken into account in calculating the deceased's average salary.

(3) Subject to paragraphs (4) to (7), if the pension is payable to a nominated beneficiary, to a widower on whose marriage to the deceased a nomination ceased to have effect, or to a woman whom the deceased married before the end of his employment in reckonable service the deceased's family benefit service comprises:—

(a) S.I. 1975/1503 (N.I. 15) Article 44 was amended by S.I. 1985/1209 (N.I. 16) Schedule 5 paragraph 17 and by S.I. 1986/1888 (N.I. 18) Schedule 9 paragraph 12

- (a) any period falling within regulation 61(2)(a) to (f);
- (b) in the case of a member, his credited service and any period in respect of which a deduction falls to be made under regulation 41(1); and
- (c) any period related to war service in respect of which an additional contribution has been paid under regulation 33 or under Schedule 2 to the Teachers' Superannuation (War Service) Regulations (Northern Ireland) 1982(a) or which counts under Part IV of that Schedule.
- (4) If the member's credited service exceeds the total of the service in respect of which he paid contributions under regulation 25 of the 1967 regulations or regulation 27 of the 1972 family benefits regulations and any period in respect of which he paid contributions under regulation 26 of the 1967 regulations or under regulation 28 or 29 of the 1972 family benefits regulations, for the purposes of paragraph (3)(b) his credited service is reduced by $\frac{1}{6}$ th of the excess.
- (5) This paragraph applies if the deceased died—
- (a) while employed in reckonable service;
- (b) during a period for which he was paying contributions under regulations 27 and 28;
- (c) within 12 months after ceasing to be employed in reckonable service as a result of ill-health but before becoming entitled to payment of allowances; or
- (d) after becoming entitled to payment of allowances, if they fell to be enhanced under regulation 49(3).
- (6) If paragraph (5) applies and the family benefit service calculated in accordance with paragraphs (3) and (4) is less than the reckonable service counting for calculating purposes under regulation 67, his family benefit service is increased by $A \times C$, where—
- $\frac{A \times C}{B}$
- A is the family benefit service calculated in accordance with paragraphs (3) and (4);
- B is his effective reckonable service apart from C; and
- C is the period by which his reckonable service was, or would have been, enhanced under regulation 49(3).
- (7) If paragraph (5) applies and A is not less than B, his family benefit service is increased by C.
- (8) If the deceased has been employed in reckonable service after 5th April 1978 and the pension is payable to a woman whom he first married after his last day in such employment, his family benefit service comprises—
- (a) any period of employment in reckonable service after 5th April 1978;

- (b) any period for which contributions for past added years have been paid in accordance with an election made after that date;
- (c) any period beginning after that date for which contributions have been paid under regulations 27 and 28;
- (d) if a transfer value has been received after that date in respect of comparable Northern Ireland service, any period of reckonable service attributable to comparable Northern Ireland service after that date; and
- (e) any period counting as reckonable service by virtue of the receipt after that date of any other transfer value.

(9) If the pension is payable to a widower who is not a nominated beneficiary and is not a person on whose marriage to the deceased a nomination ceased to have effect, the deceased's family benefit service comprises the relevant service described in regulation 61(3).

Amounts of children's long-term pensions

62A.—(1) Subject to paragraphs (3) to (6), if long-term pensions become payable under regulation 61—

- (a) to a widow or nominated beneficiary (an "adult pension"); and
- (b) to or for the benefit of children (a "children's pension"),

the annual rate of the children's pension is the appropriate fraction of the deceased's average salary multiplied by the length of his family benefit service.

(2) The appropriate fraction—

- (a) while a children's pension is payable to or for the benefit of two or more children, is 1/160th; and
- (b) while a children's pension is payable to or for the benefit of one child, is 1/320th.

(3) Subject to paragraphs (4) to (6), if—

- (a) an adult pension becomes payable to a widow whom the deceased married after his last day of employment in reckonable service;
- (b) before that day he had married another woman; and
- (c) the persons to or for whose benefit a children's pension is payable include children who were children of the deceased's at any time during the earlier marriage,

the annual rate of the children's pension is the appropriate fraction of his average salary multiplied by the length of what would have been his family benefit service if regulation 62(3) had applied ("the notional family benefit service").

(4) If the children's pension is payable to, or for the benefit of—

- (a) one child who was a child of the deceased's during the earlier marriage; and
- (b) one or more children who were not children of his during that marriage,

the annual rate of the children's pension is $A + B$, where—

- A is $\frac{1}{320}$ th of his average salary multiplied by the length of the notional family benefit service; and
 B is $\frac{1}{320}$ th of his average salary multiplied by the actual length of his family benefit service.

(5) If—

- (a) no adult pension becomes payable; or
 (b) an adult pension ceases to be payable,

the annual rate of a children's pension is the applicable fraction of the deceased's average salary multiplied by the greater of C and D, or where regulation 62(5) applies the greater of C and (D + E), where—

- C is the notional family benefit service;
 D is the deceased's effective reckonable service apart from E; and
 E is the period by which his reckonable service was, or would have been, enhanced under regulation 49(3).

(6) The applicable fraction—

- (a) while a children's pension is payable to or for the benefit of two or more children, is $\frac{1}{120}$ th; and
 (b) while a children's pension is payable to or for the benefit of one child, is $\frac{1}{240}$ th.”.

10. In regulation 63(ii) (Special pension for widow) there shall be substituted for the words “not less than five one hundred and sixtieths” the words “not less than $\frac{1}{80}$ th”.

11. For regulation 73B (Teacher with guaranteed minimum) there shall be substituted the following—

“73B.—(1) This regulation applies, and overrides anything in these regulations that is inconsistent with it, in the case of a teacher who has a guaranteed minimum under Article 37(a) of the Social Security Pensions (Northern Ireland) Order 1975 (“the Pension Order”) (earners guaranteed minimum).

(2) Unless entitled to an annual allowance at a higher rate, the teacher is, from insured pensionable age, entitled to a pension at a weekly rate equal to the guaranteed minimum.

(3) If the teacher is a man and dies (whether before or after attaining insured pensionable age) leaving a widow who is not entitled to a widow's pension at a higher rate, the widow is entitled to a pension at a weekly rate of half his guaranteed minimum.

(4) If the teacher is a woman and dies (whether before or after attaining insured pensionable age) leaving a widower who is not entitled to a widower's pension at a higher rate, then in circumstances prescribed under Article 38(7A) of the Pensions Order(b) the widower is entitled to a pension payable for the period so prescribed.

(a) Article 37 was amended by S.I. 1986/1888 (N.I. 18), Article 11(1) and (2) and Schedule 8, paragraph 6

(b) Article 38(7A) was inserted by S.I. 1986/1888 (N.I. 18), Article 11(3)(c)

(5) The weekly rate of a widower's pension payable under paragraph (4) is half of that part of the teacher's guaranteed minimum which is attributable to earnings factors for the tax year 1988-89 and subsequent tax years.

(6) In paragraph (5) "earnings factors" means the earnings factors referred to in Article 37(5) of the Pensions Order and "tax year" means a period of 12 months beginning with 6th April."

PART III

MEMBERSHIP AND SUPPLEMENTARY

Voluntary membership

12.—(1) A person who—

(a) is employed in reckonable service; or

(b) is not so employed but expects to enter employment in which he otherwise would be,

may at any time, by giving written notice to the Department, make an election under this regulation.

(2) As from the date from which the election has effect, the person is to be treated for all purposes of the principal regulations—

(a) where paragraph (1)(a) applies, as having ceased to be employed in reckonable service; and

(b) in any case, subject to regulation 13 as-not becoming so employed in any subsequent employment.

(3) Where paragraph (1)(a) applies, an election under this regulation—

(a) if the person was employed in reckonable service immediately before and the notice is given within 3 months after, 6th April 1988 has effect as from that date;

(b) if he becomes so employed on or after 6th April 1988 and the notice is given within 3 months after becoming so employed, has effect as from the date on which he became so employed; and

(c) in any other case, has effect from the first day of the month after that in which the notice was given.

(4) Where paragraph (1)(b) applies, the election has effect as from the day before that on which he first enters any such employment as is there mentioned.

Resumption of membership

13.—(1) Subject to paragraphs (5) and (6), a person who has made an election under regulation 12, who has since been in employment which would otherwise have been employment in reckonable service ("excluded employment"), and who—

(a) is in excluded employment; or

(b) is not in, but expects to enter, excluded employment,

may at any time, by giving written notice to the Department, make an election under this regulation.

(2) As from the date on which the election has effect, subject to regulation 12, any employment on and after that date which would otherwise have been excluded employment is employment in reckonable service.

(3) Where paragraph (1)(a) applies, an election under this regulation—

(a) if the notice is given within 3 months after the start of any period of excluded employment, has effect as from the first day of that employment; and

(b) in any other case, has effect from the first day of the month after that in which the notice was given.

(4) Where paragraph (1)(b) applies, the election has effect as from the day before that on which the person first enters any excluded employment.

(5) If after making an election under this regulation a person makes a further election under regulation 12, he may make a further election under this regulation only if, since he made the further election under regulation 12, there has been a qualifying period during which he was not in any excluded employment.

(6) Unless the Department approves a shorter period in the particular case, a qualifying period is one of not less than five years.

Supplementary

14.—(1) Notwithstanding that regulation 9 has effect as from 6th April 1988, a person nominated as a beneficiary after 5th April 1988 and before 18th November 1988 whose nomination was effective when made is a nominated beneficiary for the purposes of the regulations substituted by that regulation for regulations 57 to 62 of the principal regulations even if the nomination was not one that could have been made under regulation 58 of those substituted regulations.

(2) Any notice given before 18th November 1988 which, if these regulations had been in force, would have constituted notice of an election under regulation 12 or 13 shall be treated as having constituted notice of such an election.

15. In regulation 7(2)(a) of the Teachers' Superannuation (Miscellaneous Provisions) Regulations (Northern Ireland) 1988(a) for "that Act" there shall be substituted "that Order".

Sealed with the Official Seal of the Department of Education on 12th October 1988.

(L.S.)

S. Peover

Assistant Secretary

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

No. 363

Education

1897

Sealed with the Official Seal of the Department of Finance and Personnel
on 12th October 1988.

(L.S.)

J. R. Ingram

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Teachers' Superannuation Regulations (Northern Ireland) 1977 ("the principal regulations") and also make provision for membership of the scheme constituted by the principal regulations to be voluntary.

Regulation 5 precludes a leaver who has qualified for benefits, or a person opting out under regulation 12 who has 2 or more years service counting towards qualification for benefits, from being repaid his contributions.

Regulation 6 reduces from 5 years to 2 years, and from 10 years to 5 years, the periods of service giving rise, in differing circumstances, to an entitlement to benefits (immediate or deferred, according to age) on ceasing to be employed in reckonable service.

Regulation 7 provides that, notwithstanding those reductions, where benefits become payable early by reason of incapacity they are enhanced only if 5 or more years of reckonable service have been completed.

Regulation 8 reduces from 5 years to 2 years the period of service required for payment of a death gratuity.

Regulation 9 substitutes new regulations, numbered 57 to 62A, for regulations 57 to 62 of the principal regulations (which concerned family benefits). The main changes are as follows:—

- (1) Provision is made for the payment of pensions to widowers (substituted regulation 57(2)); the service counting towards some such pensions is, however, restricted (substituted regulations 61(3), 62(9)).
- (2) Widows of a polygamous marriage are jointly entitled to any widow's pension that becomes payable (substituted regulation 57(3)).
- (3) A descendant of one of the teacher's parents may no longer be nominated to receive family benefits; nor may a child, however related to the teacher, or a woman teacher's husband; written notice of a nomination is now required (substituted regulation 58(1), (3)).
- (4) Where the deceased was a re-employed pensioner, the rate of a short-term pension is the total of the rates derived from his final salary and from his pension, instead of the latter only; where only a short-term pension is payable to a person who has the care of a child or children, the period of service giving rise to an increase in its duration is reduced from 5 years to 2 years (substituted regulation 60(1)(d), (4)(a)).
- (5) The period of service giving rise to an entitlement to long-term pensions is reduced from 5 years to 2 years (substituted regulation 61(1)(b)).
- (6) Where the deceased had been employed in reckonable service after 5th April 1978 and, after ceasing to be so employed, re-married a

woman who had been his wife while he was so employed, service before 6th April 1978 now counts in calculating her long-term widow's pension (substituted regulation 62(3), (8)).

- (7) A children's long-term pension is payable at a higher rate not only where no long-term pension is payable to an adult but also where an adult pension ceases to be payable (substituted regulation 62A(5)).

Regulation 10 makes a reduction, proportionate to the reduction of qualifying periods from 5 years to 2 years, in the minimum rate of a widow's special pension.

Regulation 11 makes the provision for widowers' guaranteed minimum pensions that is required by Article 38 of the Social Security Pensions (Northern Ireland) Order 1975, as amended by Article 11(3) of the Social Security (Northern Ireland) Order 1986.

Regulation 12 reconciles the principal regulations with Article 17 of the Social Security (Northern Ireland) Order 1986 (which makes void, *inter alia*, any rule to the effect that an earner must be a member of a particular occupational pension scheme), by conferring a right to elect to cease to be, or not to become, subject to the principal regulations as an employee in reckonable service.

Regulation 13 allows a person who has made such an election to elect to become subject again to the principal regulations.

Article 14 of the Superannuation Order (Northern Ireland) 1972 confers express power to make regulations retrospective in effect. These regulations are retrospective, but rights in relation to former employees are not adversely affected. Regulation 14 makes supplementary provision in connection with the retrospective application of regulations 9, 12 and 13.

Regulation 15 corrects an error in the Teachers' Superannuation (Miscellaneous Provisions) Regulations (Northern Ireland) 1988.