
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 333

Teachers' Superannuation Regulations (Northern Ireland) 1998

Part E

Benefits

Family benefits generally

E22.—(1) Pensions are payable in accordance with regulations E24 to E30 to widows, widowers, children and nominated beneficiaries of persons who die in, or after having been in, pensionable employment.

(2) References in those regulations to a surviving spouse are references to a widow or widower; but

- (a) in the case of a person who has not been in pensionable employment, or paying additional contributions for a current period under regulation C6 or C7 at any time after 5th April 1978, such references, and references to a widow or to a widower, do not include references to a man or woman married by that person after his last day in pensionable employment or, as the case may be, the end of the period for which any such contributions were paid;
- (b) subject to paragraph (3), in the case of a woman who has not been in pensionable employment or paying additional contributions for a current period under regulation C6 or C7 at any time after 5th April 1988, such references and references to a widower do not include references to a man married by that woman after her last day of pensionable employment, or as the case may be, the end of the period for which such contributions were paid.

(3) Where a woman who nominated a person under regulation E23 subsequently marries, paragraph (2)(b) shall have effect with the substitution of “1978” for “1988”.

(4) 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.

(5) 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 (6) to (8).

(6) Subject to paragraphs (7), (8), and (10) for the purposes of regulations E23 to E30 a person is a child while he is unmarried and—

- (a) he has not attained the age of 17; or
- (b) having attained that age he is receiving full-time education or attending a course of not less than 2 years' full-time training for a trade, profession or calling and he has been receiving such education or attending such course of training or both continuously since having attained that age without a break at any one time of longer than a year; or

- (c) having ceased while incapacitated to fall within sub-paragraph (a) or (b), he continues to be incapacitated.
- (7) For the purposes of paragraph (6)(b) a person shall be treated—
 - (a) as receiving full-time education up to and including the week which includes 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) as not attending a course of training while he is receiving disqualifying remuneration.
- (8) For the purposes of paragraph (7)(b), 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, 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.
- (9) References in regulations E24 to E30 to a nominated beneficiary are to a person nominated under regulation E23.
- (10) In paragraph (6)(b) the words “and he has been receiving such education or attending such course of training or both continuously since having attained that age without a break at any one time of longer than a year” shall not apply in relation to a provision to or for the benefit of a child of a person who died before the commencement of these Regulations.