

Superannuation Scheme (N.I.) applicable to Agricultural and Technical Teachers.

MADE BY THE LORDS JUSTICES AND PRIVY COUNCIL OF NORTHERN IRELAND UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1923, SECTION 71.

1926. No. 12.

WHEREAS the Ministry of Finance with the consent of the Ministry of Education, and in consultation with the said Ministry and the Ministry of Agriculture, has, in pursuance of section seventy of the Education Act (Northern Ireland), 1923, and of that section as applied to teachers in agricultural subjects by an Order made by the Governor of Northern Ireland in Council on the 29th day of May, 1925, framed a Superannuation Scheme applicable to technical and agricultural teachers in Northern Ireland, which Scheme is set out in the Schedule to this Order and is in this Order referred to as "the Scheme":

And whereas the Scheme has been laid before both Houses of Parliament and neither such House has, within the period prescribed in that behalf by section seventy-one of the said Act as amended by section four of the Rules Publication Act (Northern Ireland), 1925, presented an address praying the Governor of Northern Ireland to withhold his assent from the Scheme:

Now we, the Lords Justices of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in exercise of the powers conferred upon us by the said section seventy-one of the Education Act (Northern Ireland), 1923, do hereby approve of the Scheme and do hereby prescribe the dates mentioned in Article 25 of the Scheme as the respective dates for the operation of the several provisions thereof.

Given at the Law Courts, Belfast, this 4th day of February, 1926.

E. M. Archdale,
Thomas Moles.

Schedule.

In pursuance of Sections 70 and 71 of the Education Act (Northern Ireland), 1923, and of the said sections as applied to teachers in Agricultural subjects by the Order of the Governor in Council, dated 29th day of May, 1925, the Ministry of Finance after consultation with the Ministry of Education and the Ministry of Agriculture hereby frames the following Superannuation Scheme applicable to the classes of Teachers prescribed therein:—

Application of Scheme, etc.

1. This Scheme shall apply to agricultural and technical teachers in Northern Ireland and may be cited as the Agricultural and Technical Teachers Superannuation Scheme, 1925 (hereinafter referred to as "the Scheme").

2. In the Scheme "the Ministry" shall mean the Ministry of Finance for Northern Ireland.

The expression "the Education Act" shall mean the Education Act, (Northern Ireland), 1923.

The expression "teacher" shall include :—

- (a) full-time agricultural teachers employed by a Committee of a County Council established under the provisions of the Agriculture and Technical Instruction (Ireland) Act, 1899; or by any Sub-Committee of that Committee (hereinafter referred to as an Agricultural Committee).
- (b) full-time agricultural teachers employed by the Ministry of Agriculture in Institutions under the administration of that Ministry.
- (c) full-time technical teachers employed by an education authority established under the provisions of the Education Act, or by the Council of an Urban County District exercising the powers of an education authority under that Act (hereinafter referred to as an Urban District Council), or by a Board of Management approved by the controlling Ministry.

who are recognised as such for the purposes of Salary Regulations made by the Ministry of Education or the Ministry of Agriculture under section 99 (2) of the Education Act or who may be hereafter so recognised under the said or any amending Regulations (hereinafter referred to as "the Salary Regulations"), and who have attained the minimum ages prescribed herein.

The expression "existing teacher" shall mean a teacher who was entitled to salary at date of sealing of the Scheme or who would have been so entitled but for retirement between the operative dates as defined in Article 25 and such date. The expression "approved service teacher" shall mean a teacher not entitled to salary at the date of sealing of the Scheme, but who becomes so entitled within 5 years from that date and is admitted to the Scheme.

Subject to the special provisions of Article 19 the expression "service" shall mean any period during which a teacher is in receipt of salary, after he attains the age of 21.

The expression "contributing service" shall mean any period during which a teacher is liable to pay contributions as hereinafter provided.

The expression "non-contributing service" shall mean all periods of full-time employment in the capacities mentioned in paragraphs (a), (b) and (c) of this Article (or in such capacities as may be determined by the controlling Ministry with the concurrence of the Ministry to be analogous or equivalent) prior to the 1st April, 1925, in the case of agricultural teachers, and 1st August, 1923, in the case of technical teachers. In the case of approved-service teachers the date of admission to the Scheme shall be substituted for either of the two last-mentioned dates.

The expression "School Authority" shall mean—

- (i) The Agricultural Committee in the case of agricultural teachers.
- (ii) the Ministry of Agriculture in the case of agricultural teachers employed by that Ministry;
- (iii) the education authority, or the Urban District Council, or the Board of Management in the case of technical teachers.

The expression "controlling Ministry" shall mean the Ministry of Education in the case of technical teachers and the Ministry of Agriculture in the case of agricultural teachers.

The expression "salary" shall mean the salary allowed under the Salary Regulations.

The expression "the Fund" shall mean the Technical Teachers Superannuation Fund, Northern Ireland.

Payment of Contributions.

3.—(1) Every payment of salary to a teacher from the date of admission to the Scheme shall be liable to a deduction of a sum equal to 4 per cent. thereof as a contribution towards the provision of pensions (to be called the Teachers' Contribution). The date of admission shall be deemed to be 1st April, 1925, in the case of agricultural teachers who were so employed on that day, and 1st August, 1923, in the case of technical teachers who were so employed on that day.

(2) All contributions under this or the Article following which are not an exact multiple of 1d. shall be calculated to the next larger multiple of 1d.

(3) A contribution shall not become due until the end of the quarter or other period for which the salary is payable out of which the deduction is to be made.

4. There shall be paid to the Fund the following amounts :—

- (1) All amounts received from or in respect of teachers in the form of pension contributions, or refunds (with interest) of repaid contributions.
- (2) An amount (to be called the School Contribution) equal to $2\frac{1}{2}$ per cent. of each teacher's salary to be paid by deduction annually or otherwise as may be determined from any grant payable by the controlling Ministry to the school authority by whom the teacher has been employed.
- (3) An amount (to be called the State Contribution) equal to $2\frac{1}{2}$ per cent. of each teacher's salary to be paid from monies voted annually by Parliament.
- (4) All dividends and interest arising in each year out of the investment or use of the Superannuation Fund or any part thereof.
- (5) Such further sums as may be provided by Parliament.

5. Payments incurred in respect of benefits to teachers under the Scheme shall be charged on the Fund.

Conditions of Admission to Scheme.

6.—(1) No teacher shall on his first admission to the Scheme be less than 21 years of age or more than 30 years, provided, however, that a person between the age of 30 and 45 may be admitted if the controlling Ministry is satisfied that since he reached the age of 30 he has been continuously employed in educational institutions of appropriate standing or in some occupation consonant with the qualifications required of him as a teacher. Each teacher will be required to satisfy the controlling Ministry as to his physical fitness.

(2) Teachers who having interrupted their service resume after a period not exceeding 10 years may be admitted or re-admitted to the Scheme on the recommendation of the controlling Ministry.

Grant of Pensions.

7. A teacher shall not be entitled to a pension or gratuity under the scheme simultaneously with the receipt of a pension from a School Authority under any Act or Acts relating to the Superannuation of local officers.

8. At any time after reaching the age of 60 years any teacher may retire at his own request or may be called on by the controlling Ministry to retire, and on so retiring he shall be entitled to such pension as by the length of his service he is qualified to receive. Retirement shall be compulsory for every teacher on attaining 65 years of age. Retiring age.

Amount of Pension.

9.—(1) The pension to be granted to a teacher on retiring shall be for each completed year of service at the rate of one-eightieth of the average annual salary paid to him for the three years immediately preceding the date of retirement, but no pension shall be greater than forty-eightieths of such average annual salary.

(2) All pensions which are not an exact multiple of four in pence shall be increased to the next larger multiple of four in pence.

Notice of Claim, etc.

10.—(1) Where a teacher on leaving the service claims a pension, notice of his claim must be given to the Ministry within one year of the date on which he leaves the service, but if the teacher is of unsound mind, or otherwise unable in the opinion of the Ministry to make the claim himself, notice of the claim may be given by any other person on his behalf. If such notice is not given, the teacher shall forfeit his right to pension, but if he would save for the failure to give notice be entitled to receive a pension, he shall be entitled to repayment out of the Fund of the amount of contributions paid by him with compound interest thereon at the rate of 3 per cent. per annum. The Ministry may extend the time within which notice of claim for a pension may be given, provided that in its opinion reasonable cause has been shown for the omission to give notice.

(2) Pensions shall accrue from day to day, but any sum due on account of a pension shall not be payable until the quarter day following the date on which it becomes due, unless, in the case of a death of a teacher to whom a sum is so due, earlier payment is authorised by the Ministry.

(3) The quarter days for the purpose of this Article shall be the 31st day of March, 30th day of June, 30th day of September, and 31st day of December, in each year.

Conditions of grant of pension or gratuity.

11.—(1) No pension shall be granted to a teacher under the Scheme unless he has served for not less than ten years, and

(a) has attained the age of 60 ; or

(b) the controlling Ministry and the Ministry are satisfied that while actually serving as a teacher he has become incapable from infirmity of mind or body of discharging the duties of a teacher, and that such incapacity is likely to be permanent ; or

(c) having attained the age of 50 he ceases to receive salary on the ground of his inability to discharge the duties of a teacher efficiently and the Ministry consider that the circumstances of the case justify the grant of a pension.

Should a teacher retire through disability before completing ten years service he shall be awarded for each completed year of service a gratuity at the rate of one-tenth of the average annual salary paid to him for the three years immediately preceding the date of retirement.

(2) A pension or gratuity granted to any teacher who has become incapable from any infirmity of mind or body of discharging the duties of a teacher shall be less, by so much as the Ministry think fit, than the amount provided by Article 9 or by this Article, if such infirmity has been wholly or in part caused by his own misconduct or default.

(3) Where a pension has been granted to a teacher who has not attained the age of 50, it shall, until he has attained that age, be reconsidered at such intervals as the Ministry may direct, and the Ministry may suspend or determine the pension if they are satisfied that the teacher is no longer incapable from infirmity of body or mind of discharging the duties of a teacher.

(4) For the purpose of the reconsideration of a pension under this Article, the teacher shall furnish to the Ministry such medical evidence, and shall submit to such medical examination as the Ministry may require, and if the requirements of this Article are not complied with, the Ministry may suspend or determine the pension as it thinks fit.

12.—(1) In the event of the retirement or dismissal of a teacher who has been excluded by the provisions of Article 11 from the award of a pension or gratuity all contributions made by the teacher to the Fund shall be returned to him, on his making application for such repayment.

Repayment of contributions to teachers who fail to qualify for the grant of a pension. Re-employment.

(2) In the event of his re-employment as a teacher the teacher may within such period as the Ministry may determine refund the amount so repaid, together with compound interest thereon at the rate of 4 per cent. calculated from the date of such repayment; and his service prior to retirement or dismissal shall be reckoned as service for the purposes of this Scheme. Provided that if such teacher does not so pay such sum and interest as aforesaid, he shall be regarded for the purposes of this Scheme as a new entrant.

13.—(1) In the event of the death of a teacher before he has completed ten years service all contributions made by him to the Fund will be paid, together with compound interest thereon at the rate of 3 per cent., to his legal personal representative.

Provision on the death of serving teacher.

(2) In the event of the death of a teacher after he has completed ten years service, there shall be paid to his legal personal representative either an amount equal to one year's salary of the teacher, such year's salary to be the average salary paid or payable to the teacher during the three years immediately preceding his decease, or a repayment of all contributions paid by the teacher to the Fund, together with compound interest thereon at the rate of 3 per cent., whichever amount is the greater.

14. Where a teacher having retired with a pension is re-employed as a teacher, his pension shall cease, and his service

Re-entry of Pensioned Teachers

prior to retirement shall be reckoned as service for the purposes of the Scheme, provided however, that no fresh grant of a pension shall be of less amount than that of which he was in receipt at the date of re-entry.

Payments to be made on the death of a pensioner.

15. Where a teacher who has become entitled to a pension at any date from and after the date of commencement of his pension dies, and the amount received by him by way of pension is less than the amount which would have been paid to his legal personal representative had the teacher died at the date of his retirement, the amount of the difference shall be paid out of the Fund to such legal personal representative.

(2) Where a teacher having been in receipt of a pension from the Fund, is re-employed as a teacher, and dies whilst re-employed, the amount of contributions repayable to his legal personal representative shall be reduced by the amount which the teacher has received as pension.

Repayments in default of legal representatives.

16. Where on the death of a teacher any sum is due to his estate on account of any pension or repayment of contributions, the Ministry may, if probate or other proof of the title of the legal personal representative is not produced to it, pay the sum due to or distribute the same amongst the persons appearing to them to be beneficially entitled to the personal estate of the teacher; and the Ministry shall be discharged from any liability in respect of such payment or distribution.

Pensioner incapable of giving a receipt.

17. Where the Ministry is satisfied by the certificate of a fully qualified medical practitioner and such other information as they may consider necessary that a teacher in receipt of a pension is of unsound mind, or otherwise incapable of giving a receipt, the Ministry may pay any sum due on account of any such pension partly to the Institution or person having care of the teacher, and partly for the benefit of the dependents of the teacher, in such proportion and in such manner as the Ministry thinks fit, and the Ministry shall be discharged from any liability in respect of any sums so paid.

Transitional Provisions for Existing and Approved Service Teachers.

18.—(1) This Scheme shall not apply to any existing teacher to whom section 8 of the Local Government (Ireland) Act, 1919 (hereinafter called the Act of 1919) applies unless within 6 months of the date of confirmation of this Scheme by Order in Council the teacher shall signify in writing to the Ministry his desire that it shall so apply, whereupon the Scheme shall apply to such teacher (hereinafter called an "adopting teacher"). Any teacher to whom section 8 of the Act of 1919 has ceased or ceases to apply shall on such cessation come within the scope of this Scheme.

(2) An adopting teacher shall on retirement if at that date the terms and conditions of the Act of 1919 still apply to him, be per-

mitted to elect to receive pension either in accordance with the Scheme or in accordance with the provisions of the Act of 1919, and in the event of his election to be pensioned in accordance with the Act of 1919 all contributions paid to the Superannuation Fund by him and by the School Authority in respect of him shall be returned to the teacher and the School Authority respectively together with compound interest thereon at the rate of 3 per cent., and his rights under the scheme shall thereupon cease.

19. In the case of existing and approved-service teachers any period of non-contributing service shall for the purposes of the Scheme be reckoned as one-third of its actual duration save that for the purpose of Article 23 the actual duration shall not be so reduced. Pensionable Service.

20. For the average annual salary paid in the three years immediately preceding retirement or death, there shall be substituted, for the purposes of the Scheme in the case of an existing or approved-service teacher who retires or dies within three years from the date of admission to the Scheme, the annual rate of salary over such shorter period as the Ministry may determine. Average Salary.

21. Existing teachers who are 30 years of age or over on the date of admission to the Scheme will not be required to submit to any test of physical fitness. An existing teacher who is under 30 years of age on that date and is found to be medically unfit, shall be exempt from the payment of contributions and shall have no rights under the Scheme. Medical Fitness.

22. The limitations of age contained in Article 6 shall not apply to existing teachers. Existing teachers who are over 50 years of age on the date of admission to the Scheme and whose service continues to be efficient shall not be required to retire only by reason of age, until they have reached the age of 70, or until 15 years after the said date of admission, whichever is the earlier. Age Limit.

23.—(1) Where an existing male teacher who retires before 1st August, 1933, would under the conditions of the Scheme, receive a pension of less than £100 per annum, the Ministry may substitute for such pension either a pension of £100 or a pension calculated on the basis of the sum of £2 10s. in respect of each completed year of non-contributing and contributing service taken together, whichever is the less.

(2) Where an existing female teacher who retires before 1st August, 1933, would, under the conditions of the Scheme, receive a pension of less than £75 per annum, the Ministry may substitute for such pension either a pension of £75 or a pension calculated on the basis of the sum of £1 17s. 6d. in respect of each completed year of non-contributing and contributing service taken together, whichever is the less.

Provided, however, that any pension awarded under this Article may be increased by an amount not exceeding one-fifth of such pension if in the case of a male teacher his salary scale maximum is in excess of £300 and in the case of a female teacher in excess of £250.

24. The Scheme shall not be held to prejudice in any manner the rights of any person under the Government of Ireland Act, 1920.

Date of Operation.

25. The Scheme shall come into operation with effect from the 1st day of April, 1925, in the case of agricultural teachers, and 1st August, 1923, in the case of the technical teachers. Payment of the teacher's contributions and of the school contribution in respect of the period between the relative operative date and the date of the approval of the Scheme by Order in Council shall be made in such manner and by such payments as the Ministry may determine.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 13th day of October, 1925, in the presence of

G. C. Duggan,

Assistant Secretary.

(L.S.)

**Superannuation Scheme,
Public Elementary School Teachers'.**

MADE BY THE LORDS JUSTICES AND PRIVY COUNCIL OF NORTHERN IRELAND.

1926. No. 76.

Whereas the Ministry of Finance in consultation with the Ministry of Education has, in pursuance of section 70 of the Education Act (Northern Ireland), 1923 (in this Order referred to as the Act), framed a Superannuation Scheme applicable to Public Elementary School Teachers in Northern Ireland, which Scheme is set out in the Schedule to this Order :

And whereas the Scheme has been laid before both Houses of Parliament and neither such House has, within the period prescribed in that behalf by section 71 of the Act as amended by section 4 of the Rules Publication Act (Northern Ireland), 1925, presented an address praying the Governor of Northern Ireland to withhold his assent from the said Scheme :