

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

Under Section 14 of the Teachers (Superannuation) Act (Northern Ireland), 1950, a teacher may, in accordance with rules made under the Act, surrender on retirement a part of his pension and obtain a pension for his spouse or other dependant; the Teachers Superannuation (Allocation) Rules (Northern Ireland), 1951, set out the procedure. Section 10 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, has extended the provisions of Section 14 of the 1950 Act so as to give the same right to a continuing teacher, that is to say a teacher who does not retire from his employment but who would have become entitled to a pension if he had done so. The new rules accordingly revoke and re-enact the provisions of the 1951 rules with additions to cover the case of the continuing teacher, who will be able to make his allocation at the date he becomes entitled to retire on pension, or at any time thereafter. Certain minor amendments are also made.

Superannuation

Modification of Annual Allowances

REGULATIONS, DATED 9TH OCTOBER, 1957, MADE BY THE MINISTRY OF EDUCATION UNDER SECTION 23 OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1957. No. 210

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The Ministry of Education in exercise of the powers conferred on it by Section 23 of the Teachers (Superannuation) Act (Northern Ireland), 1950, as applied by the Ministries (Transfer of Functions) (Teachers Superannuation) Order, 1951(a), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

1. These regulations may be cited as the National Insurance (Modification of Teachers Annual Allowances) Amending Regulations (Northern Ireland), 1957, and shall be deemed to have come into operation on 1st October, 1956.

2. Regulation 1(4) of the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951(b), (hereinafter referred to as the principal regulations) shall be amended as follows:—

(a) after the definition of "the Act of 1950" there shall be added the following definition—

“the Act of 1956” means the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956”; and

(b) the following definition shall be substituted for the definition of “approved external service”—

“approved external service” means approved external service within the meaning of Section 13 of the Act of 1950 and any service which by virtue of any Act, Regulation or other instrument is to be treated as approved external service for the purpose of the said Section 13”.

3. Regulations 4 and 7 of the principal Regulations (which provide for the reduction of the amounts of annual allowance payable) shall be amended as follows:—

(a) after the words “each completed year” where they occur in both Regulations there shall be inserted the words “and by a proportionate amount in respect of a part of a year”;

(b) the proviso to Regulation 4 shall be replaced by the following:

“Provided that—

(i) in computing any reduction of annual allowance where the teacher has served in approved external service and in recognised and/or contributory service, any period of recognised and/or contributory service in excess of the period of such service upon which the annual allowance is calculated under paragraph 1 of the Second Schedule to the Act of 1956, shall be ignored;

(ii) any additional period reckoned under Section 7 of the Act of 1956 as recognised or contributory service shall be reckoned as recognised or contributory service after 1st July, 1948, for the purposes of this Regulation”.

(c) The proviso to Regulation 7 shall be replaced by the following:

“Provided that in computing any reduction of annual allowance

(a) years of recognised and contributory service beyond 40 shall be ignored;

(b) where the teacher has served in approved external service and in recognised and/or contributory service, and his period of recognised and/or contributory service is reduced under paragraph 1 of the Second Schedule to the Act of 1956, (which period as so reduced is herein called “the reduced period”) the period of service as respects which his annual allowance shall be reduced under this regulation shall be the reduced period less the period, if any, of recognised and/or contributory

service in respect of which he is not subject to modification;

- (c) any additional period reckoned under Section 7 of the Act of 1956 as recognised or contributory service shall be reckoned as recognised or contributory service after 1st July, 1948, for the purposes of this Regulation”.

- (d) In Regulation 7 for the words “a pension” there shall be substituted the words “an annual allowance”.

4. In the case of a teacher who is subject to modification, Rule 7 of the Teachers (Superannuation) (Allocation) Rules (Northern Ireland), 1957, which prescribes limits on the amount of annual allowance which a teacher can surrender when making an allocation to a beneficiary under those Rules, shall have effect with the following modifications:—

- (a) reference in paragraphs (a) and (b) of Rule 7 to the annual allowance of a teacher shall be deemed to refer to the allowance of that teacher unreduced by these regulations; and
- (b) both references in paragraph (c) of that Rule to the amount of the allowance shall be deemed to refer to the annual allowance of that teacher reduced by these regulations.

Sealed with the official seal of the Ministry of Education for Northern Ireland this ninth day of October, 1957, in the presence of

(L.S.)

R. S. Brownell,
Secretary.

The Ministry of Finance hereby approves of the foregoing Regulations in witness whereof the seal of the Ministry has been fixed thereto this ninth day of October, 1957.

(L.S.)

K. R. Shimeld,
Assistant Secretary.

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

In view of the benefits payable under the National Insurance Act (Northern Ireland), 1946, the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951, modified the provisions of the Teachers (Superannuation) Act (Northern Ireland), 1950, in relation to contributions and annual allowances. These new Regulations make amendments to the 1951 Regulations consequential on the passing of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, and other amendments of a drafting character.