

- (ii) On Saturday (not being a customary holiday)—
- (a) In respect of that class of worker which customarily attends on six days in the week—
For all time worked in excess of 2½ hours TIME-AND-A-HALF
- (b) In respect of that class of worker which customarily attends on five days in the week—
For all time worked TIME-AND-A-HALF
- (iii) On Sunday or a customary holiday—
For all time worked DOUBLE TIME"

EXPLANATORY NOTE

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

This Order, which comes into operation on 29th November, 1960, amends the Rope, Twine and Net Wages Council (Northern Ireland) Wages Regulation Order, 1954 (Order N.I.R. (64)) as amended by the Rope, Twine and Net Wages Regulation (Amendment) Order (Northern Ireland), 1959 (Order N.I.R. (74)) by increasing the statutory minimum remuneration fixed by those Orders.

Order N.I.R. (74) is revoked.

1960. No. 184

[C]

EDUCATION

Superannuation

RULES, DATED 23RD NOVEMBER, 1960, MADE BY THE MINISTRY OF EDUCATION JOINTLY WITH THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 12A AND 25 OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950, WITH THE APPROVAL OF THE MINISTRY OF FINANCE,

The Ministry of Education (hereinafter referred to as "the Ministry") and the Ministry of Health and Local Government acting jointly in exercise of the powers conferred on them by sections 12A and 25 of the Teachers (Superannuation) Act (Northern Ireland), 1950(a), and with the approval of the Ministry of Finance, hereby make the following rules:—

Citation and commencement

1. These rules may be cited as the Teachers Superannuation (Transfer from the Health Services to the Teaching Service) Rules (Northern Ireland), 1960, and shall come into operation on 1st December, 1960.

Interpretation

2. In these rules the following expressions have the meanings hereby respectively assigned to them:—

(a) 1950, c. 33.

- “the Act” means the Teachers (Superannuation) Act (Northern Ireland), 1950;
- “the Act of 1956” means the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956(a);
- “the Health Services Regulations” means the Health Services (Superannuation) Regulations (Northern Ireland), 1954(b);
- “additional contributory payment” means any sum payable or deemed to be payable under the second schedule to the Health Services Regulations;
- “contributing service” and “non-contributing service” have the meanings respectively assigned to those expressions by the Health Services Regulations;
- “contributory service” and “recognised service” have the meanings respectively assigned to those expressions by the Act;
- “health service employee” means a person who has been duly admitted to participate in the benefits of the Health Services Regulations;
- “national service” in relation to any person means service of a description specified in the first schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(c), and includes any period immediately following the termination thereof during which the person, with the consent of the authority or body by whom he was employed before undertaking such service, continues in similar service;
- “modification regulations” means the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951(d);
- “transfer value” has the same meaning as “accrued superannuation value” as that expression is defined in section 86 of the Health Services Act (Northern Ireland), 1948(e).

Application of the Rules

3.—(1) Where, within the prescribed period as hereinafter in this rule defined, a person, after ceasing to be a health service employee and without having become entitled to any superannuation benefit other than a return of contributions, has become employed in contributory or recognised service otherwise than under a scheme made under section 42 of the Act, and otherwise than by virtue of paragraph (g) of sub-section (2) of section 13 of the Act or of rules made under section 22 of the Act of 1956, then subject to the provisions of these rules—

- (a) the period of his service which was reckonable as contributing service for the purposes of the Health Services Regulations at the time of his ceasing to be a health service employee shall be reckonable as contributory service under the Act; and
- (b) the period of his service (if any) which was reckonable as non-contributing service for the purposes of the Health Services Regulations at the time of his ceasing to be a health service employee shall be reckonable at half its actual length as contributory service under the Act:

Provided that for all the purposes of this paragraph any period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(a) 1956. c. 22.

(b) S.R. & O. (N.I.) 1954, No. 83.

(c) 14 & 15 Geo. 6. c. 65.

(d) S.R. & O. (N.I.) 1951, No. 129.

(e) 1948. c. 3.

(2) Notwithstanding the provisions of sub-paragraph (b) of paragraph (1) such part of a person's service as is mentioned in that sub-paragraph shall be reckonable at its actual length as contributory service for the purposes of—

- (a) determining whether he has completed the minimum period of contributory or recognised service required by the Act as necessary for any superannuation benefit to be paid to or in respect of him; or
- (b) calculating his average salary for the purposes of the Act and the Act of 1956.

(3) For the purpose of this rule the expression "prescribed period" shall mean—

- (a) in the case of a person who immediately after ceasing to be a health service employee became engaged in national service, six months after the termination of his national service; or
- (b) in the case of any other person, twelve months after ceasing to be a health service employee.

(4) Any period spent by a person on a course of study or training after ceasing to be a health service employee shall be excluded—

- (a) in reckoning the said period of twelve months or, as the case may be, the said period of six months; and
- (b) in determining whether a person has become engaged in national service immediately after ceasing to be a health service employee:

provided that this paragraph shall not apply unless the said course of study or training is, in the opinion of the Ministry, likely to be of value to him as a teacher.

(5) This rule shall apply to such a person as is referred to in paragraph (1) notwithstanding that he ceased to be a health service employee or commenced employment in contributory or recognised service before the date of coming into operation of these rules, not being earlier than 1st April, 1950:

Provided that this paragraph shall not apply in the case of a person who is not employed in contributory service at the date of coming into operation of these rules unless the Ministry consents.

(6) This rule shall not apply to such a person as is referred to in paragraph (1) unless, within three months after the date on which he has become employed in contributory service or within six months after the date of coming into operation of these rules, whichever period last expires, he has notified the Ministry, in writing, that he desires these rules to apply to him, furnished it with particulars of any national service in which he has been engaged since he ceased to be a health service employee and paid to it an amount equal to any sum received by him by way of a return of contributions on or after ceasing to hold his former employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such return.

Additional Contributory Payments

4. Where a person to whom rule 3 applies was at the date on which he ceased to be a health service employee in the course of making but had not completed making additional contributory payments then the right to receive the outstanding balance of the additional contributory payments shall be deemed to be transferred to the Ministry and the person shall be liable—

- (a) to pay to the Ministry an amount equal to any sum which may have been returned to him in respect of additional contributory payments made by him together with an amount equal to any income tax which was deducted from such payments in respect of such return; and
- (b) to pay the outstanding additional contributory payments to the Ministry in the manner in which they would have been payable if he had continued to hold the employment in which he was a health service employee.

National Service

5. Where a person to whom rule 3 has become applicable had before becoming employed in contributory or recognised service been engaged in any such national service as is therein referred to, the period of service which he becomes entitled to reckon as contributory service under the said rule shall be increased to the extent (if any) to which the said national service would have been reckonable for the purpose of the Health Services Regulations had he again become a health service employee on the termination of such national service.

Return of Contributions

6.—(1) Where a person to whom rule 3 has become applicable ceases to be employed in circumstances in which under section 10 of the Act there is payable to or in respect of him an amount by way of a return of contributions or a benefit which falls to be calculated by reference to any such amount, then for the purposes of the said section, the amount of his contributions shall be taken to be increased in respect of service which by virtue of these rules has become reckonable as contributory service by an amount equal to the amount which would have been payable by way of a return of contributions under the Health Services Regulations if on ceasing to be a health service employee he had been entitled to receive a return of contributions without interest.

(2) Compound interest shall be payable in respect of the amount by which contributions are increased under paragraph (1) calculated—

- (a) with regard to the period ending immediately before the date on which he became employed in contributory or recognised service in the manner in which it would have been calculated if he had received a return of contributions immediately before that date; and
- (b) with regard to the period beginning with the said date, in accordance with the provisions of section 10 of the Act:

Provided that if on or after ceasing to be a health service employee the person received a return of contributions and has repaid such contributions to the Ministry in accordance with paragraph (6) of rule 3, no interest shall be calculated thereon between the date on which they were returned and the date of repayment.

National Insurance

7. Where a person to whom rule 3 has become applicable was, in his employment as a health service employee, an insured person within the meaning of the National Insurance Act (Northern Ireland), 1946(a), then—

- (a) if he had been excepted from the operation of any provision (hereinafter called "the modification provision") of the Health Services

(a) 1946, c. 23.

Regulations modifying the superannuation benefits provided by the said regulations in relation to any such insured person as aforesaid, the modifications for which the modification regulations provide shall not apply to him;

(b) if he had not been so excepted—

- (i) the provisions of the modification regulations shall apply to him as if any service which he has become entitled to reckon as contributory service under rule 3(1), being service of which account would have been taken under the modification provision for the purposes of reducing any superannuation benefit to which he might have become entitled under the Health Service Regulations had he continued to be subject thereto, were contributory service in respect of which he was subject to the provisions of the modification regulations relating to new entrants; and
- (ii) if the modification provision modified any superannuation benefit to which he might have become entitled under the Health Services Regulations by reference to a Table and to his age at a given date, the modification regulations shall apply to him as they apply to an existing teacher within the meaning of those regulations except that the reference therein to his age at a given date shall be construed as a reference to his age at the date which was relevant for the purposes of the modification provision.

Relevance of Rules to Section 3(1)(b) of the Act

8. Where by virtue of these rules, a person has become entitled to reckon as contributory service any service which was reckonable for the purposes of the Health Service Regulations, then for the purposes of section 3(1)(b) of the Act the date on which the person first became employed in such service shall be deemed to be a date on which he became employed in contributory or recognised service.

Accounts

9. All sums received by the Ministry under these rules shall be paid into the Exchequer and under the provisions of paragraph (d) of sub-section (3) of section 2 of the Act of 1956 shall be treated as revenue of the Teachers Superannuation Account.

Sealed with the Official Seal of the Ministry of Education this 23rd day of November, nineteen hundred and sixty, in the presence of

(L.S.)

A. C. Williams,
Secretary.

Sealed with the Official Seal of the Ministry of Health and Local Government this 23rd day of November, nineteen hundred and sixty, in the presence of

(L.S.)

Ronald Green,
Secretary.

The Ministry of Finance hereby approves of the foregoing rules.

Sealed with the Official Seal of the Ministry of Finance this 23rd day of November, nineteen hundred and sixty, in the presence of

(L.S.)

K. R. Shimeld,
Assistant Secretary.