

Section 5 of the 1962 Act contains a new code for increasing the retirement pension of a woman in a case where contributions are paid by her husband for a period when he is over 65. In such a case, this code improves the position during widowhood and after retirement of a woman who is under pensionable age during all or part of the period for which her husband paid such contributions. The existing code, contained in the National Insurance Act (Northern Ireland), 1946, continues to apply where both husband and wife were over pensionable age on 25th December, 1961, the day appointed for the operation of the section. These Regulations amend provisions of Regulations relating to women's retirement pensions for the purpose of applying some of these provisions to increases under the new code, and for the purpose of modifying the new code, and further modifying the existing code, in their application to women who marry when over 60.

Section 7(3) of the 1962 Act amends the power to provide for excepting insured persons from liability to pay contributions when their income does not exceed £156 a year by substituting £208 for that amount. These Regulations make corresponding amendments in provisions made under that power.

The Regulations also contain amendments which provide for a widow disqualified for a pension under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, to be treated as entitled thereto for the purpose of her right to a remarriage gratuity and make provision for the suspension of benefit under that Act in certain circumstances pending appeal or reference.

1962. No. 28

[C]

EDUCATION

Superannuation

THE TEACHERS (SUPERANNUATION) (OVERSEAS TERRITORIES RECIPROCITY) SCHEME (NORTHERN IRELAND), 1962*, DATED 22ND FEBRUARY, 1962, MADE BY THE MINISTRY OF EDUCATION UNDER SECTION 42 OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Education for Northern Ireland in pursuance of the powers vested in it by Section 42 of the Teachers (Superannuation) Act (Northern Ireland), 1950(a), as applied by the Ministries (Transfer of Functions) (Teachers Superannuation) Order, 1951(b), and of all other powers enabling it in that behalf, hereby makes the following Scheme:—

This Scheme may be cited as the Teachers (Superannuation) (Overseas Territories Reciprocity) Scheme (Northern Ireland), 1962, and effect is hereby given to the following arrangements made between the Ministry of Education for Northern Ireland and the authorities administering statutory schemes of superannuation in those overseas territories which are specified in the First Schedule to this Scheme.

(a) 1950. c. 33.

(b) S.R. & O. 1951, No. 162.

*Laid in draft before each House of Parliament for the statutory period as required by Section 42(2) of the Teachers (Superannuation) Act, Northern Ireland, 1950.

Interpretation

1. In this Scheme unless the context otherwise requires:—

“The Act of 1950” means the Teachers (Superannuation) Act (Northern Ireland), 1950.

“The Act of 1956” means the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956.

“The Acts” means the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956.

“Northern Ireland pensionable service” means service in respect of which a superannuation allowance or gratuity may be granted under the Acts.

“The Ministry” means the Ministry of Education for Northern Ireland.

“Overseas Scheme” means a statutory scheme of superannuation for school teachers in an Overseas Territory.

“Pensionable Service” means, in relation to an overseas territory, service in the capacity of a teacher in respect of which a pension, allowance or gratuity may be granted under the Overseas Scheme.

Extension of the Northern Ireland Acts

2.—(a) Pensionable service in an overseas territory shall, for the purpose of the Acts, be treated in the same manner as service in Great Britain which is approved external service under Section 13 of the Act of 1950, as amended by Section 21 of and the Second Schedule to the Act of 1956, except that—

(i) Paragraph (c) of Sub-section (2) of the aforesaid Section 13 (in so far as it relates to the calculation of average salary) shall not have effect; and

(ii) Paragraph 1 of the Second Schedule to the Act of 1956 shall have effect as if it read as follows:—

“(1) where a teacher has been employed in overseas service as well as in contributory or recognised service, and a pension is payable to the teacher in respect of the overseas service, then—

(a) if the aggregate of his contributory or recognised service and his overseas service so far as it is served before he has attained the age of 60 years (hereinafter referred to as his aggregate service under 60) exceeds 40 years, there shall unless the Ministry otherwise determines as respects the overseas territory concerned, for the purpose of calculating the amount of an annual allowance under Part I of the Act of 1950 be deducted from the period of his contributory or recognised service a period equal to the excess by which his aggregate service under 60 exceeds 40 years;

(b) if the aggregate of his contributory or recognised service and his overseas service, whenever served (hereinafter referred to as his aggregate service), after making any deduction required to be made under paragraph (a) hereof, exceeds 45 years, there shall, for the purpose of calculating the amount of any such annual allowance or additional allowance as aforesaid, be deducted from his contributory or recognised service a period equal to the excess by which his aggregate service exceeds 45 years.”

(b) Where a teacher ceases to serve in pensionable service in an overseas territory at any age lower than sixty years (or at any age lower than fifty-five years if that age were appropriate in a case to which paragraph (a) or para-

graph (c) of sub-section (1) of Section 3 of the Act of 1950 would apply) and thereupon becomes entitled to receive a pension under the Overseas Scheme:—

- (i) if the teacher so elects, that lower age shall, for the purpose of the grant of superannuation allowances under the Acts at that age, be substituted for the age of 60 years or 55 years, as the case may be, in the application to him of sub-section (1) of Section 3 of the Act of 1950; and
- (ii) if by virtue of these arrangements and by election as aforesaid, the teacher becomes entitled to receive superannuation allowances under the Acts at the said lower age, these allowances shall be at a reduced rate according to the appropriate scale set out in the Second Schedule hereto or (if lower age is not specified in that scale) at such reduced rate as the Ministry may determine.

Extension of Overseas Schemes

3. Northern Ireland pensionable service shall be treated as public service for the purposes of the pension laws of an overseas territory.

Decision of Questions

4. The Ministry shall accept as final any decision by the authority administering an Overseas Scheme with regard to a teacher's service in the overseas territory, and any such authority shall accept as final any decision by the Ministry with regard to a teacher's service in Northern Ireland.

Date of Operation

5. These arrangements shall have effect for each Overseas Territory as from the 1st March, 1962, and shall not apply with respect to any superannuation allowance or gratuity which became payable, or which might if these arrangements had been in operation have become payable, before that date.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 22nd day of February, nineteen hundred and sixty-two, in the presence of

(L.S.)

A. C. Williams,
Secretary.

The Ministry of Finance hereby approves of the foregoing Scheme.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 22nd day of February, nineteen hundred and sixty-two, in the presence of

(L.S.)

K. R. Shimeld,
Assistant Secretary.

FIRST SCHEDULE

Aden	Hong Kong	Seychelles
Barbados	Jamaica	St. Helena
British Guiana	Kenya	St. Vincent
British Honduras	Leeward Islands	Uganda
Dominica	Malta	The Territories of the Western Pacific High Commission
Falkland Islands	Mauritius	
Fiji	North Borneo	Zanzibar
Gambia	Northern Rhodesia	
Gibraltar	Nyasaland	
Grenada	Sarawak	

SECOND SCHEDULE

Age at date from which superannuation allowances are payable	Proportion payable of superannuation allowances due under the Northern Ireland Superannuation Acts on attainment of the undernoted age	
	55	60
45 years	56 per cent.	39 per cent.
46 "	59 " "	41 " "
47 "	62 " "	44 " "
48 "	66 " "	47 " "
49 "	70 " "	50 " "
50 "	74 " "	52 " "
51 "	79 " "	55 " "
52 "	84 " "	59 " "
53 "	89 " "	63 " "
54 "	94 " "	67 " "
55 "		72 " "
56 "		77 " "
57 "		82 " "
58 "		88 " "
59 "		94 " "

EXPLANATORY NOTE

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

This Scheme effects reciprocal superannuation arrangements between the teaching service in Northern Ireland and teaching service in the Overseas Territories specified in the First Schedule.