

1973. No. 32

[C]

**Superannuation (Teachers and Teachers' Families) (Amendment)
Regulations (Northern Ireland) 1973**

REGULATIONS, DATED THE 12TH DAY OF FEBRUARY 1973, MADE BY THE
MINISTRY OF EDUCATION, WITH THE CONSENT OF THE MINISTRY OF FINANCE
UNDER ARTICLE 11 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER
1972 AND UNDER SECTION 61 AND SECTION 103 OF THE NATIONAL INSURANCE
ACT (NORTHERN IRELAND) 1966.

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SCHEDULES

SCHEDULE 1—Non-reckonable service counting towards entitlement to allowances

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The Ministry of Education on behalf of the Secretary of State, in exercise of the powers conferred upon it by Article 11 of the Superannuation (Northern Ireland) Order 1972(a) and all other powers enabling it in that behalf; and after consultation with representatives of local education authorities and of teachers and with such representatives of other persons likely to be affected as required by Article 11(5) of the said Order, and with the consent of the Ministry of Finance, hereby makes the following Regulations, except regulation 19; and having made the consultations required by section 61(3) of the National Insurance Act (Northern Ireland) 1966(b) and having been determined by the Ministry of Finance to be the appropriate department under section 103(1) of that Act, in exercise of the powers conferred upon it by those sections and of all other powers enabling it in that behalf hereby makes regulation 19—

PART I

GENERAL

Citation, construction and commencement

1.—(1) These Regulations may be cited as the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1973.

(2)(a) Part II of these Regulations shall be construed as one with the Teachers' Superannuation Regulations (Northern Ireland) 1972(c) and shall be included among the regulations which may be cited under that title.

(b) Part III of these Regulations shall be construed as one with the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972(d) and shall be included among the regulations which may be cited under that title.

(c) These Regulations shall come into operation on 12th February 1973 and except as otherwise expressly provided shall have effect from 1st April 1972.

(a) S.I. 1972, No. 1073 (N.I. 10).

(b) 1966. c. 6 (N.I.).

(c) S.R. & O. (N.I.) 1972, No. 319.

(d) S.R. & O. (N.I.) 1972, No. 82.

Saving for existing rights

2.—(1) No provision made by these Regulations shall apply to any person to whom at any time from 1st April 1972 to 11th February 1973 (both dates inclusive) any allowance or other benefit under either regulations specified in paragraph 2(a) or 2(b) of regulation 1 was or is being paid, or became or may become payable if:—

- (a) he is placed by that provision in a worse position than he would have been if it had not applied in relation to that allowance or benefit; and
- (b) that provision relates to an allowance or other benefit paid or payable to or in respect of a teacher who ceased to be employed in reckonable service before 12th February 1973 or in respect of a teacher who died before that date; and
- (c) that person elects that that provision shall not apply to him.

(2) An election under this regulation shall be made in writing and delivered to the Ministry within three months of the day on which the right to the allowance or benefit in question accrues.

Transitory provision

3. Where any provision of these Regulations requires something to be done within a period of time beginning with the day upon which a specified event occurs, then if that event occurred before 12th February 1973 the reference in that regulation to the day upon which the event occurred shall be construed as a reference to 12th February 1973.

PART II

TEACHERS' SUPERANNUATION

Interpretation of Part II

4. In this Part of these Regulations any reference to a regulation not otherwise identified is to be construed as a reference to the appropriate regulation of the Teachers Superannuation Regulations (Northern Ireland) 1972.

External service

5.—(1) In regulation 5—

- (a) paragraph (2) shall cease to have effect and is hereby revoked; and
- (b) for paragraph (3) there shall be substituted the following—

“(3) For the purpose of calculating the average salary of a teacher under regulation 66 reckonable service shall be deemed to include any service of that teacher which is external service and, unless the teacher otherwise elects or has received payment of superannuation allowances under regulation 35(1)(a) or 35(1)(b) service of the kinds specified in paragraphs 1 and 2 of Schedule 1 to the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1972.”

- (2) In consequence of paragraph (1)
- (a) in regulation 37 (duration of annual superannuation allowances) for the words “class A or class B external service” there shall be substituted the words “in such service as is specified in regulation 5(3)”;
- (b) in Schedule 2 there shall be omitted the reference in Part I to class A external service and the whole of Part II (class B external service) and Part III (class C external service);

- (c) sub-paragraphs (e), (f) and (g) of regulation 42(1) (when contributions repayable) of the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972 shall be revoked; and
- (d) any reference to external service of any class and any reference to approved external service in any regulation or rule relating to the superannuation of teachers shall be construed as a reference to external service within the meaning of regulation 5 as amended by this regulation.

Qualifying service

6. Regulation 6 shall cease to have effect and is hereby revoked.

Exclusion from reckonable service

7. At the end of regulation 13 there shall be added as a new paragraph—

“(d) having on or after 1st April 1972 entered reckonable service for the first time at the age of fifty-five or over without having previously been employed in external service, he so elects by notice in writing to the Ministry within three months of his becoming so employed.”

Repayment of repaid contributions

8. In paragraph (1) of regulation 24 for the words “any 1923 Act Scheme, section 10 of the Act of 1950, section 16 of the Act of 1956 or regulation 29 or” there shall be substituted the word “regulation” and after that paragraph there shall be inserted as a new paragraph—

“(1A) Paragraph (1) shall apply to a teacher to whom contributions have been repaid before 1st June 1973 under any 1923 Act Scheme, section 10 of the Act of 1950, section 16 of the Act of 1956 or regulation 29 if but only if those contributions have not previously been repaid to the Ministry under this regulation, or under any provision superseded by this regulation which authorises the repayment of repaid contributions, after being repaid to the teacher under any of the provisions mentioned above; and except as provided above paragraph (1) shall not apply to a teacher to whom contributions have been repaid under any of those provisions.”

Repayment on cessation of employment

9. For regulation 29 there shall be substituted the following—

“Repayment on cessation of employment

29.—(1) Subject to paragraph (2) a teacher shall be entitled to be repaid by the Ministry a sum equal to the balance of his contributions computed as at the date of repayment, reduced in respect of any repayment after 5th April 1973 by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970 (charge to tax on repayment of employees contributions), if before attaining the age of compulsory retirement he has ceased or ceases to be employed in reckonable or external service; and

- (a) he neither

(i) is qualified for any allowance or gratuity under these Regulations; nor

(ii) has been employed since 31st March 1972 in periods of reckonable service, or of reckonable service and external service, amounting in the aggregate to five years; and

- (b) (i) he continues not to be employed in reckonable service or external service for a continuous period amounting to three months, or such shorter period as the Ministry may in the circumstances of the particular case direct; and
- (ii) that period is not a period of absence to which regulation 10 applies.

(2) Paragraph (1) shall not apply to a teacher whose salary in any year has exceeded the annual rate of £5,000; but any such teacher shall, if he has attained the age of sixty and would apart from this paragraph be entitled to be repaid any sum under that paragraph, be entitled to be paid by the Ministry an annuity equal to the amount determined by the Government Actuary as the actuarial equivalent of the balance of his contributions."

Repayment at age of compulsory retirement

10. For regulation 30 there shall be substituted the following—

"Repayment at age of compulsory retirement

30.—(1) Subject to paragraph (2) a teacher who was at any time employed in reckonable service who has attained the age of compulsory retirement and was then not qualified for any allowance or gratuity under these Regulations shall be entitled to be repaid by the Ministry a sum equal to the balance of his contributions computed as at the date on which he attained or attains that age, reduced in respect of any repayment after 5th April 1973 by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970.

(2) Paragraph (1) shall not apply to a teacher whose salary in any year has exceeded the annual rate of £5,000; but any such teacher shall, if he has attained the age of compulsory retirement and would apart from this paragraph be entitled to be repaid any sum under that paragraph, be entitled to be paid by the Ministry an annuity equal to the amount determined by the Government Actuary as the actuarial equivalent of the balance of his contributions."

Repayment to pensioners after further service

11. At the end of regulation 34 there shall be deleted everything after the word "together" and the following shall be substituted—

"if that service was for three hundred and sixty-five days or more, with compound interest thereon calculated at three per cent per annum with yearly rests, reduced (in either case) in respect of any repayment after 5th April 1973 by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970."

Qualifications for superannuation allowances

12.—(1) For regulation 35 (qualifications for superannuation allowances) there shall be substituted the following—

"Qualifications for superannuation allowances

35.—(1) Subject as provided in this Part, an annual superannuation allowance and an additional superannuation allowance by way of lump sum payment, each of the amounts specified in this Part shall be paid by the Ministry to a teacher who—

- (a) has attained the age of sixty and either—
 - (i) was employed in reckonable service on 1st April 1972 and has been employed, whether before or after that date, in such service for a total of not less than five years; or
 - (ii) has been employed in reckonable service after 31st March 1972 for a total of not less than five years; or
- (b) has attained the age of sixty and has been employed for a total of not less than ten years in reckonable service or service of a description specified in Schedule 1 to these Regulations; or
- (c) before attaining the age of sixty becomes, in the opinion of the Ministry, permanently incapable through infirmity of mind or body of serving efficiently as a teacher in such service and either—
 - (i) has been so employed as is specified in sub-paragraph (a)(i) or (a)(ii); or
 - (ii) has been employed in reckonable service after 31st March 1972 and has, whether before or after that date been so employed as is specified in sub-paragraph (b).

Provided that such superannuation allowances as are specified in this Part shall be paid by the Ministry to—

- (a) a female teacher who first entered reckonable service prior to 1st April 1972 on such teacher attaining the age of fifty-five if and only if she has been employed in reckonable service, external service as defined in regulation 5 of the Teachers Superannuation Regulations (Northern Ireland) 1972 as originally made or qualifying service as defined in regulation 6 of the Teachers Superannuation Regulations (Northern Ireland) 1972 as originally made for a total of not less than thirty years, of which not less than ten years was reckonable service or external service as so defined;
- (b) a teacher, not being a teacher first employed in reckonable service on or after 1st April 1972, who has attained the age of fifty-one and has been employed for not less than ten years in reckonable service and ceased to be employed in reckonable service on account of either—
 - (i) the number of pupils enrolled in the school has, after the teacher attains the age of fifty-one, declined to such an extent that under the Regulations of the Ministry for the time being in force relating to the staffing of primary schools, the number of teachers in the school shall have been reduced; or
 - (ii) the Ministry has, after the teacher attains the age of fifty-one, discontinued recognition of the primary school on account of a reduction of the number of pupils enrolled in the school.

(2) For the purpose of sub-paragraphs (a), (b) and (c) of paragraph (1) any period during which the teacher was employed in external service shall be treated as a period of reckonable service.

(3) For the purposes of this regulation any period of employment treated as contributory service by virtue of a direction under section 20 of the Act of 1956 and any period of previous employment which is reckonable service by virtue of regulation 12 shall be disregarded.”

(2) In consequence of paragraph (1) the references in regulations 28(5)(c)(ii), 37(3), 41(3) and 46(1) to regulation 35(1)(e) are to be construed as references to regulation 35(1)(c) as substituted by this regulation.

Amount of annual superannuation allowances

13.—(1) For paragraph (3) of regulation 36 there shall be substituted the following—

“(3) Subject to paragraph (4), where a teacher (not being a teacher who, having been employed in both reckonable service and external service, is last employed in external service) becomes as a result of events occurring while he was employed in reckonable service entitled to an annual superannuation allowance by virtue of regulation 35(1)(c), the amount thereof shall be calculated as if he had completed the number of years service specified as applicable to his case by the following provisions:—

- (a) in the case of a teacher who has completed less than ten years reckonable service, whichever is the less of twice the number of years of such service and the number of years in such service that he would have completed if he had remained in such service until he attained the age of sixty-five;
- (b) in the case of a teacher who has completed ten years or more of reckonable service, whichever is the greater of—
 - (i) the number of years not exceeding forty which he would have completed in such service if he had been employed therein for an additional six years and two hundred and forty-three days or had remained in such service until he attained the age of sixty, whichever is the less; or
 - (ii) the number of years not exceeding twenty which he would have completed if he had remained in reckonable service until he attained the age of sixty-five.

For the purposes of sub-paragraphs (a) and (b) any period during which the teacher was employed in external service is to be treated as a period of reckonable service.”

(2) At the end of regulation 36 there shall be added as new paragraphs—

“(4) Sub-paragraph (3) shall apply as regards every teacher only if the application for the allowance required by regulation 50 is made within six months after he was last employed in reckonable service or within such longer period as the Ministry may approve in the case of any teacher in respect of whom the Ministry is satisfied that the teacher could not reasonably have been expected to make the application within that period.

(5) In the application of this regulation to a teacher who becomes entitled to an annual superannuation allowance by virtue only of regulation 35(1)(b) the expression “average salary” in paragraph (1) shall have the meaning assigned to it by section 7 of the Act of 1950 as amended by section 9 of the Act of 1956 and accordingly in the interpretation of that expression the provisions of regulation 66(1) shall be disregarded unless either—

- (a) he attained the age of sixty after 31st March 1972; or
- (b) having attained that age before 1st April 1972, he is employed in reckonable service on or after that date.”

Amount of additional allowances

14.—(1) For paragraph (5) of regulation 38 there shall be substituted the following—

“(5) Where a teacher (not being a teacher who, having been employed in both reckonable service and external service, is last employed in external service) becomes as a result of events occurring while he was employed in reckonable service entitled to an additional superannuation allowance by virtue of regulation 35(1)(c) the amount thereof shall be calculated as if he had completed the number of years service specified as applicable to his case by the following provisions:—

- (a) in the case of a teacher who has completed less than ten years reckonable service, whichever is the less of twice the number of years of such service and the number of years in such service that he would have completed if he had remained in such service until he attained the age of sixty-five;
- (b) in the case of a teacher who has completed ten years or more of reckonable service, whichever is the greater of—
 - (i) the number of years not exceeding forty which he would have completed in such service if he had been employed therein for an additional six years and two hundred and forty-three days or had remained in such service until he attained the age of sixty, whichever is the less; or
 - (ii) the number of years not exceeding twenty which he would have completed if he had remained in reckonable service until he attained the age of sixty-five.

For the purposes of sub-paragraphs (a) and (b) any period during which the teacher was employed in external service is to be treated as a period of reckonable service.”

(2) After paragraph (5) of regulation 38 as substituted by paragraph (1) of this regulation there shall be inserted as a new paragraph—

“(5A) For the purposes of paragraph (2) above any additional period which the teacher is to be treated as having served for the purposes of sub-paragraph (a) or (b) of paragraph (5) shall be treated as a continuous period ending immediately before the commencement of his employment in reckonable service or external service; and in determining when that service commenced regulation 15 shall be disregarded.”

(3) At the end of the regulation there shall be added as new paragraphs—

“(7) Sub-paragraph (5) shall apply as regards every teacher only if the application for the allowance required by regulation 50 is made within six months after he was last employed in reckonable service or within such longer period as the Ministry may approve in the case of any teacher in respect of whom the Ministry is satisfied that the teacher could not reasonably have been expected to make the application within that period.

(8) In the application of this regulation to a teacher who becomes entitled to an additional superannuation allowance by virtue only of regulation 35(1)(b) the expression “average salary” in paragraphs (2) and (4) shall have the meaning assigned to it by section 7 of the Act of 1950 as amended by section 9 of the Act of 1956 and accordingly in the interpretation of that expression the provisions of regulation 66(1) shall be disregarded unless either—

- (a) he attained the age of sixty after 31st March 1972; or
- (b) having attained that age before 1st April 1972, he is employed in reckonable service on or after that date.”

Superannuation allowances of certain teachers with external service

15. In regulation 39—

- (a) in paragraph (1) sub-paragraphs (a) and (b) shall be omitted and there shall be inserted the words “is entitled to reckon external service for the purpose of calculating a pension”;
- (b) in paragraph (2), for the words “class A external service and other external service” there shall be substituted the words “and external service” and for sub-paragraphs (a), (b) and (c) there shall be substituted the words “such a period as bears to the excess the same proportion as his reckonable service under sixty bears to his aggregate service under sixty.”;
- (c) in paragraph (3), for the words “class A external service and other external service” there shall be substituted the words “and external service” and for sub-paragraphs (a), (b) and (c) there shall be substituted the words “such a period as bears to the excess the same proportion as his reckonable service bears to his aggregate service.”.

Short service gratuities

16. In paragraph 1(c) of regulation 40, for “three years” there shall be substituted “one year”.

Death gratuities

17.—(1) In paragraph (2) of regulation 41 after the words “death gratuity” there shall be inserted the words “under paragraph (1)” and at the end of sub-paragraph (b) there shall be added the words “and if any external service credited to him had been reckonable service.”

(2) After paragraph (2) there shall be inserted as new paragraphs—

“(2A) Except as provided in paragraph (3) a death gratuity of an amount specified in paragraph (2B) shall be paid by the Ministry to the personal representatives of a teacher who after leaving reckonable service on or after 1st April 1972 died having been immediately before his death credited with five years or more of such service and in respect of whom no death gratuity is payable under paragraph (1) of this regulation.

(2B) The amount of a death gratuity payable under paragraph (2A) shall be an amount equal to the sum that would have been payable to the teacher by virtue of paragraphs (2) to (4) of regulation 38 if he had been entitled to an additional allowance in accordance with those provisions of that regulation.”

Financing of benefits

18. In regulation 67(1) (financing of benefits) after the words “these Regulations” there shall be inserted the words “and the Teachers’ Superannuation (Family Benefits) Rules (Northern Ireland) 1972”.

National Insurance provisions

19.—(1) In paragraph (1) of regulation 78 (National Insurance) for the reference to Part V of Schedule 5 there shall be substituted a reference to Part IV of Schedule 5.

(2) In paragraph 11 of Schedule 5 the word “him” shall be deleted and there shall be substituted the words “the Ministry”.

PART III

FAMILY BENEFITS

Interpretation of Part III

20. In this Part—

“child” means a person who has not attained the age of seventeen or who, having attained that age, is receiving full-time education or attending a course of not less than two years’ full-time training for a trade, profession or calling;

“non-contributor” means a teacher to whom rule 24 of the Family Benefits Rules does not apply;

“the Family Benefits Rules” means the Teachers’ Superannuation (Family Benefits) Rules (Northern Ireland) 1972 as amended;

“the Teachers’ Regulations” means the Teachers Superannuation Regulations (Northern Ireland) 1972.

Widow’s short term pension

21.—(1) There shall be paid for three months to the widow of every teacher who dies after 31st March 1972 while employed in reckonable service a pension at an annual rate equal to the annual rate of his salary immediately before his death.

(2) There shall be paid a pension at an annual rate equal to the annual rate of the teacher’s salary immediately before his death

(a) to the widow of every teacher who dies after 31st March 1972 while employed in reckonable service without having completed five years of such service; and

(b) to a widow to whom a pension would have been payable under regulation 25 if she had not elected that that paragraph should not apply—

(i) if the teacher leaves a widow and one child—for one and a half months; and

(ii) if he leaves a widow and more than one child—for three months.

Any pension payable to a widow under this paragraph shall be in addition to any pension payable to her under paragraph (1) and shall begin to accrue on the termination of that pension.

Retired teacher’s widow’s short term pension

22. There shall be paid for three months to any woman to whom on the death of her husband after 31st March 1972 after being employed in reckonable service after that date a pension is payable by virtue of either the Family Benefits Rules or regulation 26 a pension at an annual rate equal to the annual superannuation allowance payable to him immediately before his death.

Children’s short term pension

23. There shall be paid in respect of every teacher who dies after 31st March 1972 while employed in reckonable service without having completed five years of such service and leaving a child but no widow a pension at an annual rate equal to the annual rate of his salary immediately before his death—

- (a) if he leaves one child, for two months to or for the benefit of that child; and
- (b) if he leaves more than one child, for four months to or for the joint benefit of those children.

Payment of short term pensions

24. The pension under regulation 21(1), 22 or 23 shall begin to accrue on the day after the death of the teacher.

Non-contributor's widow's pension

25.—(1) Unless she elects that this paragraph shall not apply there shall, subject to regulation 27, be paid a pension of the amount determined in accordance with paragraph (2) to—

- (a) the widow of a non-contributor who dies after 31st March 1972 while employed in reckonable service having completed five years of such service;
- (b) the widow of a non-contributor employed in reckonable service after 31st March 1972 who, having become qualified for superannuation allowances by virtue of regulation 35 of the Teachers' Regulations, dies before the service of a notice on him under regulation 26(2) or (if such a notice has been served) before the time specified in the notice without having elected that on his death a pension is to be paid to his widow.

(2) The annual amount of a widow's pension under paragraph (1) shall be one-half of the annual superannuation allowance that would have been payable to the teacher if on the day of his death he had qualified for such an allowance by virtue of regulation 35(1)(c) of the Teachers' Regulations.

(3) A pension under this regulation shall, if a short term pension is payable to the widow under the preceding provisions of these Regulations, begin to accrue on the termination of that pension and, if no such pension is payable, on the day following the death of the teacher.

Retired non-contributor's widow's pension

26.—(1) Subject to regulation 27 there shall be paid to the widow of a retired non-contributor to whom this regulation applies a pension equal to one-half of the annual superannuation allowance payable to the teacher immediately before his death.

(2) This regulation applies to a non-contributor employed in reckonable service after 31st March 1972 who, on becoming qualified for superannuation allowances by virtue of regulation 35 of the Teachers' Regulations, elects within such time as may be specified in a notice in writing served on him by the Ministry that on his death a pension is to be paid to his widow.

(3) For the purpose of this regulation any reduction of the annual superannuation allowance payable to the teacher made by virtue of regulation 48 of the Teachers' Regulations shall be disregarded.

(4) Notwithstanding regulation 56(7) of the Teachers' Regulations, a teacher who makes an election under paragraph (2) above may at the same time cancel any allocation declaration made by him under Part VI of those Regulations before any notice was served on him under paragraph (2) above; and in that event the allowance payable to him by virtue of regulation 35 of those Regulations shall be paid as if no such declaration had been made.

(5) A pension under this regulation shall, if a short term pension is payable to the widow under the preceding provisions of these Regulations, begin to accrue on the termination of that pension and, if no such pension is payable, on the day following the death of the teacher.

(6) In this regulation "widow" means the woman to whom the teacher is married on the day on which he is last employed in reckonable service.

Adjustment of terminal sum

27.—(1) Where a pension is payable by virtue of regulation 25 or 26 then if the amount determined by the Government Actuary as the sum necessary to finance the pension in so far as it relates to the teacher's reckonable service before 1st April 1972 exceeds the amount so determined as the actuarial equivalent of the further contributions which would have been payable by the teacher if he had remained in such service until he attained the age of sixty, the terminal sum payable to or in respect of the teacher shall be reduced by the amount of the excess.

(2) Any reduction authorised by paragraph (1) shall be made by deduction from the terminal sum or by payment to the Ministry in such manner as may be agreed.

Modification of Family Benefits Scheme

28. Schedule 2 to these Regulations shall apply for the modification of the Family Benefits Rules in their application to any teacher who—

- (a) was before 1st April 1972 a contributor to the Teachers', Widows' and Children's Pension Scheme; and
- (b) retires from, or dies in, reckonable service after 31st March 1972 without having had his contributions under that scheme repaid to him.

Children's pension

29.—(1) There shall be paid to the child of any teacher to whose widow a pension is payable under regulation 25 or 26 of these Regulations or rule 47 or 50 of the Family Benefits Rules a pension—

- (a) if the teacher leaves one child, of an annual amount equal to one-half of the widow's pension during her life and to two-thirds of that amount after her death; and
- (b) if he leaves more than one child, of an annual amount equal to the widow's pension during her life and to four-thirds of that amount after her death.

(2) There shall be paid to or for the benefit of the child of a teacher in respect of whom if he had left a widow there would have been payable to her a pension under regulation 25 or 26 of these Regulations or rule 47 or 50 of the Family Benefits Rules a pension of an annual amount equal—

- (a) if he leaves one child, to two-thirds of the pension which would have been payable to the widow; and
- (b) if he leaves two or more children, to four-thirds of that pension.

(3) A pension under this regulation shall, if a short term pension is payable under the preceding provisions of these Regulations, begin to accrue on the termination of that pension and, if no such pension is payable, on the day following the death of the teacher.

Notices

30. Any notice served by the Ministry by virtue of these Regulations shall inform the person to whom it is addressed of his right to make an election and shall set out—

- (a) the amounts of the pensions between which the person is entitled to elect; and
- (b) the amounts if any by which the terminal sum is required to be reduced or, as the case may be, further reduced.

Supplementary

31. The provisions of rules 23 (elections) and 55 (duration of children's pension) and Part VI (Miscellaneous and Supplementary) of the Family Benefits Rules shall, with the necessary modification, apply for the purposes of these Regulations as they apply for the purposes of those Rules.

Scaled with the Official Seal of the Ministry of Education for Northern Ireland this 12th day of February 1973.

(L.S.)

E. J. Kirkpatrick,
Assistant Secretary.

The Ministry of Finance, on behalf of the Secretary of State, hereby consents to the foregoing Regulations.

Scaled with the Official Seal of the Ministry of Finance for Northern Ireland this 12th day of February 1973.

(L.S.)

K. R. Shimeld,
Second Secretary.

SCHEDULE 1

Regulations 5 and 12

Non-reckonable service counting towards entitlement to allowances

1. Employment in the British Isles in a university or university college or as a full-time teacher in respect of which contributions are payable under the Federated System of Superannuation for Universities.

2. Employment of any person as a civil servant in a post to which paragraph 10 of schedule 2 of the Teachers Superannuation Regulations (Northern Ireland) 1972 was before 1st January 1973 applicable in his case.

3. Service as a member of the House of Commons which is reckonable service within the meaning of the Parliamentary and other Pensions Act 1972(e).

4. Employment in the United Kingdom as a civil servant which is not covered by paragraph 2.

5. Pensionable employment in the Isle of Man or the Channel Islands as a civil servant.

6. Employment which is contributory service for the purposes of the Overseas Service Pensions (Scheme and Fund) Regulations 1966(f).

7. Employment in any country specified in section 1(3) of the British Nationality Act 1948(ff) or any other country forming part of Her Majesty's dominions outside the British Isles which is or was pensionable under any law for the time being in force in that country or which is employment by the Government of that country or by a public authority therein in respect of which contributions are or were payable to a provident fund, being employment—

(a) as a full-time teacher;

(b) involving to a substantial extent the control or supervision of teachers; or

(c) as a civil servant.

8. Pensionable employment in a university or university college in any country specified in section 1(3) of the British Nationality Act 1948 or any other country forming part of Her Majesty's dominions outside the British Isles.

9. Employment in the Republic of South Africa or in the mandated territory of South West Africa of a kind specified in either paragraph 7 or 8, being employment of a person who at any time during the three months immediately preceding 31st May 1962 was employed in that Republic or in that territory in service which was approved external service within the meaning of section 13 of the Act of 1950.

10. Employment as a full-time teacher of a person holding a commission in the naval, military or air forces of the Crown or of any of the women's services mentioned in schedule 4 to the Superannuation Act 1965, being employment in respect of which retired pay is being earned.

11. Employment in respect of which contributions are payable to the Social Workers' Pension Fund.

12. Employment, other than employment to which paragraph 1 applies, in respect of which contributions are payable under the Federated System of Superannuation for Universities.

(e) 1972. c. 48.
(f) S.I. 1966, No. 1629.

(ff) 11 & 12 Geo. 6. c. 56.

13. Employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pensions Scheme.

14. Employment as an officer of an employing authority within the meaning of the Health Services (Superannuation) Regulations (Northern Ireland) 1962(g) and 1967(h) or the National Health Service (Superannuation) (Scotland) Regulations 1961(i) and 1966(j) or of the National Health Service (Superannuation) Regulations 1961(k) and 1966(l).

15. Employment in the Northern Ireland School of Physiotherapy in respect of which contributions are payable under the Federated Superannuation Scheme for Nurses and Hospital Officers.

16. Employment after reckonable service as a contributory employee or local Act contributor within the meaning of the Local Government Superannuation (Scotland) Act 1937(m).

17. Employment after reckonable service in employment to which interchange rules made by the Ministry for the time being apply.

18. Pensionable employment by a body representing teachers.

19. Pensionable service as a clerk in holy orders or as a regular minister of any religious denomination.

20. Service which is reckonable for the purposes of Part VIII of the Teachers' Superannuation Regulations 1967(n).

(g) S.R. & O. (N.I.) 1962, No. 237.

(h) S.R. & O. (N.I.) 1967, No. 55.

(i) S.I. 1961, No. 1398.

(j) S.I. 1966, No. 1522.

(k) S.I. 1961, No. 1441.

(l) S.I. 1966, No. 1523.

(m) 1 Edw. 8 & 1 Geo. 6. c. 69.

(n) S.I. 1967, No. 489.

SCHEDULE 2

Regulation 28

Modification of Family Benefits Rules

1. In rule 27 (payment of contributions) there shall be inserted immediately after paragraph (a):—

“(aa) In respect of every contributor who dies after 31st March 1972 such supplementary contributions as are prescribed by rule 40A;”

and after rule 40 there shall be inserted as a new rule:—

“Supplementary contributions

40A.—(1) In respect of every contributor who dies after 31st March 1972 there shall be payable a contribution equal to the amount determined by the Government Actuary as the amount by which the cost of defraying the pension payable to his widow under rule 47 is increased by reason of the amendment made to rule 48 by paragraph 3 of Schedule 2 to the Superannuation (Teachers' and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1972.

(2) A contribution payable under paragraph (1) shall be paid by deduction from the terminal sum payable in respect of the teacher or in such manner as may be agreed.”

2. In rule 47(1) (widow's pension) for the words “ten years” there shall be substituted the words “five years”.

3. In rule 48 (amount of widow's pension) paragraphs (2), (3) and (4)(c) shall not apply and in sub-paragraphs (a), (b) and (d) of paragraph (4) for the references to one-third of the annual superannuation allowance there shall be substituted references to the aggregate of (a) whichever the widow shall elect within such time as may be specified in a notice in writing served on her by the Ministry of one-third or one-half of so much of the annual superannuation allowance as relates to reckonable service before 1st April 1972 and (b) one-half of so much of that allowance as relates to reckonable service after 31st March 1972.

4. In rule 49(1) (duration of widow's pension) the reference to the day following the death of the husband shall, in the case of any teacher in respect of whom a short term pension is payable to his widow under regulation 21 or 22 of these Regulations, be construed as a reference to the day following the termination of that pension.

5. In rule 50(1)(a) (short service widow's pension) for the words “ten years” there shall be substituted the words “five years”.

6. In rule 51 (amount of short service widow's pension) for the table there shall be substituted the following table:—

(1)	(2)
Years of service	Annual amount
3	£78
4	£90

7. Rule 54 (amount of children's pension) shall not apply.

8. Under rule 55(1) (duration of children's pension) the reference to the day following the death of the contributor or deceased teacher shall, in the case of any teacher to whose child or children a short term pension is payable under regulation 23 of these Regulations, be construed as a reference to the day following the termination of that pension.

EXPLANATORY NOTE

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

These Regulations amend the provisions relating to the superannuation of teachers and the payment of pensions and other benefits to their dependants contained in the Teachers Superannuation Regulations (Northern Ireland) 1972 and the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1972.

The principal amendments to the first set of regulations are—

- (a) the elimination of most categories of external service (regulation 5);
- (b) the revocation of the provisions for qualifying service (regulation 6);
- (c) the alteration of the qualifying periods for age and infirmity allowances (regulation 12), short service gratuities (regulation 16) and death gratuities (regulation 17);
- (d) the provision of new conditions of enhancement of benefits for certain teachers who, while employed, become incapable of employment (regulations 13 and 14);
- (e) the introduction, in connection with the preservation by regulations 12 and 17 of certain contingent rights to benefit, of restrictions on the repayment of contributions (regulations 8 and 9).

Part III of the regulations provides for the payment of short term pensions to widows and children (regulations 21 to 24) and amends the second set of regulations referred to by (in particular) enabling, subject in each case to the teacher having completed five years service—

- (a) the widow of a non-member of the existing scheme who has served after 31st March 1972 to receive a pension subject to the payment of contributions in respect of service on or before that date (regulation 25);
- (b) a teacher who retires following reckonable service after 31st March 1972 to elect to pay contributions in respect of service on or before that date so as to secure for his widow a pension based on his entire service (regulation 26); and
- (c) the widow of a member of the existing scheme who dies in reckonable service after 31st March 1972 to elect that, subject to any necessary payment of contributions, that part of her pension referable to his service up to that date shall be at one-half (instead of one-third) of his pension.

The Regulations have retrospective effect by virtue of section 14(1) of the Superannuation (Northern Ireland) Order 1972.