1974. No. 265 **[C]**

EDUCATION

Teachers' Superannuation (Family Benefits) (Amending) Regulations (Northern Ireland) 1974

REGULATIONS, DATED 23RD OCTOBER 1974, MADE BY THE DEPARTMENT OF EDUCATION WITH THE CONSENT OF THE DEPARTMENT OF FINANCE UNDER THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972.

The Department of Education in exercise of the powers conferred upon it by Articles 11 and 14 of the Superannuation (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, and after consultation with representatives of education and library boards 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 Department of Finance, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Family Benefits) (Amending) Regulations (Northern Ireland) 1974 and shall come into operation on 1st November 1974.

(2) The Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972(**b**) as amended and these regulations may be cited together as the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972 to 1974.

(3) In these regulations—

"the 1967 regulations" means the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1967(**c**);

"the 1972 regulations" means the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972;

"the 1973 regulations" means the Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973(**d**).

Other expressions have the meanings assigned to them by the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972.

Member's contributions

2. Regulation 5 of the 1973 regulations shall have effect with the substitution for paragraphs (2) and (3) of the following paragraphs:

"(2) A member who elected to pay additional contributions by Method I or II shall pay contributions in respect of so much (if any) as he elects of his reckonable service before 1st April 1972, not exceeding five-sixths of the length of the period by which the aggregate of the period in respect of which he elected to pay those contributions and his reckonable service between 1st June 1967 and 31st March 1972 exceeds his credited service (that is to say, 162 per cent of the aggregate of his deemed normal service and his deemed additional service).

(a) S.I. 1972, No. 1073 (N.I. 10).
(b) S.R. & O. (N.I.) 1972, No. 82, as amended by S.R. & O. (N.I.) 1972, Nos. 125, 246; 1973, Nos. 32, 61, 81 and 489.
(c) S.R. & O. (N.I.) 1967, No. 124, as amended by S.R. & O. (N.I.) 1968, No. 198; 1969, Nos. 218, 339; and 1971, No. 141.
(d) S.R. & O. (N.I.) 1973, No. 488.

(3) A member who elected to pay additional contributions in respect of his previous service by Method III may, if he is employed in reckonable service on 1st November 1974, by notice in writing delivered to the Department before 1st May 1975 revoke his election to pay such contributions; and any such member who is not so employed or does not so revoke that election shall pay contributions in respect of so much (if any) as he elects of his reckonable service before 1st April 1972, not exceeding five-sixths of the length of the period by which that service exceeds the aggregate of his credited service and six-fifths of the period (if any) in respect of which he elects to pay contributions under paragraph (2) above.

(4) A member who elected to pay additional contributions for family benefits purposes in respect of part only of his reckonable service before 1st June 1967 shall pay contributions in respect of so much (if any) of the balance of his service before that date as he elects to cover.".

Amount of pension for widow or adult beneficiary

3. For regulation 19 of the 1973 regulations there shall be substituted:

"**19.**—(1) Subject to paragraph (4) below the annual amount of a pension payable to a widow or an adult nominated beneficiary shall be equal to the teacher's average salary multiplied by a fraction which has for its numerator the number of years of his reckonable service counting for benefit for the purposes of this regulation and for its denominator a figure of one hundred and sixty.

(2) The reckonable service of a teacher counting for benefit for the purposes of this regulation is his reckonable service since 1st April 1972 and so much of the service prescribed by paragraph (3) below as does not exceed the aggregate of his reckonable service between 1st June 1967 and 31st March 1972 and any service (whether reckonable or not) before 1st June 1967 in respect of which he could have elected to pay additional contributions under the 1967 regulations or the 1972 regulations.

(3) The service prescribed for the purposes of paragraph (2) is—

(*a*) his reckonable service since the beginning of April 1972;

(*b*) any reckonable service before 1st April 1972 in respect of which the teacher elected to pay contributions under regulation 4 above;

(*c*) any service (whether or not it is reckonable service) before 1st April 1972 in respect of which he paid contributions or elected to pay (and did not revoke his election to pay) additional contributions under the Family Benefits Regulations—

(i) augmented by so much of any other service as is specified in an election by him to pay contributions under regulation 5; or

(ii) in any case where the service counting for benefit is not augmented under sub-paragraph (*c*)(i) above, reduced by six-fifths of the period (if any) of his service before 1st April 1972 in respect of which he did not elect to pay contributions under regulation 5;

(*d*) so much of his credited service (within the meaning of regulation 5(2) above) as exceeds the service prescribed by sub-paragraph (*c*) above.

(4) Where the service prescribed by paragraph (3) above exceeds the period specified by paragraph (2), paragraph (1) shall be read with the substitution for the numerator of the fraction there specified of the number of years of the aggregate of the reckonable service of the teacher and the amount of the excess.".

Amount of child's pension

4. Regulation 20 of the 1973 regulations shall have effect with—

(*a*) the insertion at the beginning of paragraph (1) of the words "subject to paragraph (3) below",

(*b*) the substitution in paragraph (2)(*b*) for the words "sub-paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*)" of the words "sub-paragraphs (*a*), (*b*) and (*c*)", and

(*c*) the addition at the end of the regulation of the following new paragraph—

"(3) Where the reckonable service of a teacher by reference to which any pension payable under this regulation is calculated exceeds the period specified by regulation 19(2) above, the numerator of any fraction specified in this regulation shall be the number of years of the aggregate of the reckonable service of the teacher and the amount of the excess.".

Increase in amount of pensions

5.—(1) The basic rate (within the meaning of section 15(1) of the Pensions (Increase) Act (Northern Ireland) 1971(**e**)) of any pension to which this regulation applies shall be increased by 50 per cent with effect from whichever is the later of 1st April 1973 and the date when the pension became, or as the case may be becomes, payable.

(2) For the purposes of the Pensions (Increase) Act (Northern Ireland) 1971 the amount of any increase payable by virtue of this regulation shall be deemed to be an official pension (within the meaning of that Act) beginning on 1st April 1973; and section 8(2) of the Act shall have effect accordingly.

(3) This regulation applies to any pension payable under the 1967 regulations or the 1972 regulations in respect of a teacher who ceased to be employed in reckonable service before 1st April 1972 the amount of which is not increased by virtue of any such service on or after that date.

Minor and consequential amendments

6.—(1) Regulation 29 of the Teachers' Superannuation Regulations (Northern Ireland) 1972(**f**) (as substituted by regulation 9 of the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1973(**g**)) shall have effect with the insertion after the reference in paragraph (1)(*b*)(ii) to regulation 10 of the words "of these regulations or regulation 13 of the Teachers' Superannuation (Added Years and Interchange) Regulations (Northern Ireland) 1974"(**h**).

(2) Regulation 40A(1) of the 1972 regulations (as added by paragraph 1 of Schedule 2 to the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations (Northern Ireland) 1973) shall have effect with the insertion of the words "(if any)" immediately after the word "amount" in line 2.

(3) Regulation 7(1)(*a*) of the 1973 regulations shall have effect with the substitution for the words "on 6th December 1973, before 6th June 1974" of the words "at any time from 6th December 1973 to 1st October 1974, before 1st April 1975".

(e) 1971. c. 35.
(f) S.R. & O. (N.I.) 1972, No. 319.
(g) S.R. & O. (N.I.) 1973, No. 32.
(h) S.R. (N.I.) 1974, No. 185.

(4) Regulations 5(1), 7(1)(*b*), 7(1)(*c*), 7(2) and paragraph 2 of Schedule 4 of the 1973 regulations shall have effect with the substitution for the date "1st May 1974" of "1st November 1974" and for the date "1st November 1974" of "1st May 1975" where either or both appear.

(5) Regulation 18(3)(*d*) of the 1973 regulations shall have effect with the substitution of the word "is" for the word "was".

(6) Table 1 of Schedule 2 to the 1973 regulations shall have effect from 1st April 1974 with the addition of the following column:—

"9%
.32
.33
.335
.34
.345"

Sealed with the Official Seal of the Department of Education for Northern Ireland this 23rd day of October 1974.

(L.S.) *E. J. Kirkpatrick,*
Assistant Secretary.

The Department of Finance hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland this 23rd day of October 1974.

(L.S.) *J. S. H. Gaw,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations amend the provisions contained in the Teachers' Superannuation (Family Benefits) Regulations (Northern Ireland) 1972 to 1973 relating to the payment of pensions to the widows or widowers of teachers and their families and other dependants.

Regulation 2 amends the provisions of the Teachers' Superannuation (Family Benefits) (Amending) Regulations (No. 2) (Northern Ireland) 1973 relating to the ascertainment of the service of teachers counting for benefit for the purposes of the regulations in the light of the valuation of the Teachers' Family Benefits Fund made in pursuance of regulation 21 of the Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1972 as amended by regulation 2 of the Teachers' Superannuation (Family Benefits) (Amending) Regulations (Northern Ireland) 1973. Regulations 3 and 4 make consequential provision with regard to the calculation of benefits.

Regulation 5 increases by 50 per cent. the basic rate payable to the dependants of teachers who ceased to be employed in reckonable service before 1st April 1972 in cases where the pension was, or if the Teachers' Family Benefits Fund had not been wound up would have been, a liability of the Fund.

Regulations 5 and 6(6) have retrospective effect by virtue of Article 14(1) of the Superannuation (Northern Ireland) Order 1972.