4. Where the payee dies before any payment in respect of any liability transferred or deemed to be transferred to the Ministry by regulation 12 is made and the amount unpaid does not exceed one hundred pounds, the amount so unpaid may be paid to the personal representative of the payee without probate or other proof of title, or may be paid or distributed to or among the persons appearing to the Ministry to be the persons beneficially entitled to the personal estate of the payee, and, in determining the persons to whom, and the proportions in which, the amount so unpaid shall be paid or distributed, the Ministry may have regard to any payments made or expenses incurred by any such person for or on account of the funeral of the payee.

## Adjustment of Teachers' Pensions in relation to National Insurance

REGULATIONS, DATED 29TH JUNE, 1948, MADE BY THE MINISTRY OF FINANCE UNDER SUB-SECTION (4) OF SECTION SIXTY-SIX OF THE NATIONAL INSURANCE ACT, (NORTHERN IRELAND), 1946.

1948. No. 192

WHEREAS the Ministry of Finance (hereinafter referred to as "the Ministry") has determined under sub-section (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946 (a), that it is the appropriate Department to make regulations under that sub-section for modifying the provisions of schemes in force in Northern Ireland relating to the Superannuation of teachers :

NOW THEREFORE the Ministry, in exercise of the powers conferred on it by the said sub-section, and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

PART I — INTRODUCTORY

**1.**—(1) These regulations may be cited as the National Insurance (Modification of Teachers Pensions) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st day of July, 1948.

(2) The Interpretation Act, 1889, as applied to Northern Ireland by the Interpretation Act, 1921, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these regulations, unless the context otherwise requires :—

"the Act" means the National Insurance Act (Northern Ireland), 1946 ;

"pension" means a pension payable to a teacher under a superannuation scheme ;

"contributions" means contributions payable by or in respect of a teacher under a superannuation scheme ;

"contributing service" does not include approved external service but subject thereto has the meaning defined by Section 10 of the Teachers Superannuation Act (Northern Ireland), 1926 ;

(a) 1946, c. 23.

" teacher " includes any person who is treated as a teacher for the purposes of a superannuation scheme ;

" existing teacher " has the meaning assigned to that expression by Article 3 (*b*) ;

" new entrant " has the meaning assigned to that expression by Article 3 (*a*) ;

" the material date " means the 1st July, 1948 ;

" superannuation scheme " means a scheme made in pursuance of Sections 70 and 71 of the Education Act (Northern Ireland), 1923, and of those Sections as applied to teachers in Agricultural subjects by an Order made by the Governor of Northern Ireland in Council on the 29th day of May, 1925.

" Approved external service " is as defined in Article 2 of the Teachers Superannuation (Reciprocal Arrangements) Scheme, 1929, as amended by the Scheme of 1935, (**a**) made under Section 8 of the Teachers Superannuation Act (Northern Ireland), 1926, viz., any period of service in Great Britain in respect of which pensions or gratuities may be granted under Part II of the Teachers (Superannuation) Act, 1925, or under the Education (Scotland) (Superannuation) Act, 1925.

**2.** Subject to the provisions of these regulations, superannuation schemes shall as from the material date have effect subject to the modifications hereinafter prescribed.

PART II — NEW ENTRANTS AND EXISTING TEACHERS

**3.** In these regulations the expression :—

(*a*) " new entrant " means a teacher not being an existing teacher who enters upon contributing service under a superannuation scheme for the first time on or after the material date ; and

(*b*) " existing teacher " means —

(i) a teacher employed in contributing service under a superannuation scheme at any time before the material date ; or

(ii) a person who before the 1st March, 1948, had completed a course of training for teachers, or was engaged on such course, or had been accepted or provisionally accepted for such course, or had applied to be accepted for and had subsequently become engaged on such course : provided that if any such person fails to enter upon contributing service within six months after completing such course or within such longer period as the Ministry of Education may allow he shall at the expiration of that period cease to be an existing teacher and any act which he may have performed by virtue of his

(a) S. R. & O's 1929 No. 54 and 1936 No.14.

being an existing teacher shall be deemed to have been void.

NEW ENTRANTS

Modification of Pensions

**4.** As respects new entrants, the annual pension payable to any man teacher after he has attained the age of 65 or woman teacher after she has attained the age of 60 shall be reduced by £1 14s. 0d. for each completed year of contributing service reckoned for pension after the material date or by £67 15s. 0d. whichever is the less.

Provided that in computing any reduction of pension where a teacher has served in approved external service and in contributing service any period of contributing service in excess of the period of such service upon which pension is calculated under the Teachers Superannuation (Reciprocal Arrangements) Schemes 1929 and 1935, shall be ignored, and the pension shall be reduced by £1 14s. 0d. in respect of each completed year and by a proportionate amount of £1 14s. 0d. in respect of a part of a year of contributing service reckoned for pension.

Modification of Contributions

**5.** The teacher's contributions payable by a new entrant shall be reduced by £2 19s. 0d. a year in the case of a woman and £2 8s. 0d. in the case of a man, and the employer's contribution where payable shall be reduced by £1 9s. 6d. a year in the case of a woman and £1 4s. 0d. in the case of a man.

EXISTING TEACHERS

Election for Modification

**6.**—(1) Excepting existing teachers who immediately before the 5th July, 1948, the appointed day for Section 1 of the Act, are over the age of 55 in the case of a man or 50 in the case of a woman, any existing teacher shall have the right to elect whether he shall be subject to the provisions of these regulations.

(2) Any teacher who wishes to exercise his right to elect as aforesaid shall do so at any time during the period beginning with the date on which these regulations come into operation and ending —

(*a*) on the 30th September, 1948, in the case of a teacher who on the material date is in contributing service ;

(*b*) three months after the date on which he returns to contributing service in the case of a teacher who is on war service on the material date ;

(*c*) three months after the date on which he first enters upon or resumes contributing service after the material date in the case of any other teacher.

Provided that the Ministry may, if it considers that there is reasonable ground for so doing, extend the period within which the existing teacher may so elect.

(3) Where an existing teacher elects for modification, the superannuation schemes shall, as respects that teacher, be modified as from—

(*a*) the first day of the month next following the month in which the teacher elects if either he elects after the material date or

he elects before the material date and is a voluntary contributor for an old age pension at the date when he elects ; and

(*b*) the material date, in the case of any other teacher.

(4) Any election for modification of the superannuation schemes shall be irrevocable and shall be in the form prescribed in Schedule I to these Regulations.

**Modification of Pensions**

**7.**—(1) A pension payable to an existing teacher who elects for modification and who serves in contributing service for any period after the material date shall in the case of a man after the age of 65 or in the case of a woman after the age of 60, be reduced by an appropriate yearly sum for each completed year of contributing service after the date of modification, being the appropriate yearly sum prescribed in column 2 or column 3 of Schedule II to these Regulations or by £67 15s. 0d. whichever is the less.

Provided that in computing any reduction of pension

(*a*) Years of contributing service beyond 40 shall be ignored.

(*b*) Where a teacher has served in approved external service and in contributing service, and his period of contributing service is reduced by deduction as provided by Article 3 of the Teachers Superannuation (Reciprocal Arrangements) (Amendment) Scheme, 1935, the period of service as respects which his pension shall be reduced under this Article shall be the reduced period less the period, if any, of contributing service in respect of which he is not subject to modification.

**Modification of Contributions**

**8.** The teacher's contributions payable by an existing teacher who elects for modification for periods of contributing service after the material date shall be reduced by £2 19s. 0d. a year in the case of a woman and £2 8s. 0d. in the case of a man, and the employer's contribution where payable shall be reduced by £1 9s. 6d. a year in the case of a woman and £1 4s. 0d. in the case of a man.

## PART III — SPECIAL PROVISIONS

**Teachers in approved external service**

**9.**—(1) Where a person, not being an existing teacher within the meaning of regulation 3 (*b*) (ii) of these regulations, who was not employed in contributing service at any time before the material date becomes employed in contributing service after that date, having previously been employed in approved external service, he shall be treated for the purposes of these regulations as —

(*a*) a new entrant if his employment in such approved external service is wholly after the material date ; or

(*b*) an existing teacher if his employment in such approved external service was wholly or partly before the material date.

(2) Where a person is treated as an existing teacher under paragraph (1) (*b*) of this regulation, or where a person having been employed

in contributing service at any time before the material date is employed in approved external service as aforesaid on or after the material date and subsequently becomes employed in contributing service —

(*a*) if in respect of his said approved external service he was subject to modification under any scheme applying to that service he shall be subject to the modifications for which these regulations provide ;

(*b*) if in respect of his said approved external service he was excepted from modification under any such scheme he shall not be subject to the modifications for which these regulations provide ; and

(*c*) if in respect of his said approved external service he was neither subject to nor excepted from modification under any such scheme he shall have the right to elect for modification under these regulations in accordance with Regulation 6.

(3) Where a teacher to whom paragraph (2) of this regulation applies becomes subject to the modifications for which these regulations provide, he shall be so subject during any period of contributing service after the date of modification and the appropriate yearly sum for that person under Schedule II to these regulations shall be ascertained by reference to the age of that person when he first became subject to modification whether under these regulations or under the scheme relating to his approved external service.

## Part IV — Miscellaneous Provisions

Women teachers who marry

**10.** Where the superannuation schemes are modified under these regulations as respects a woman teacher, they shall continue to be so modified as respects that teacher notwithstanding that she marries and elects thereafter to qualify for retirement pension by virtue of her husband's insurance.

Allocation of Pension

**11.** In the case of a teacher who is subject to the modifications for which these regulations provide, Article 7 of the Superannuation (Pension Allocation) Scheme, 1938 (a), which prescribes limits on the amount of pension which a teacher can surrender when making an allocation to a beneficiary under that Scheme, shall have effect with the following modifications :—

(*a*) references in paragraphs (*a*) and (*b*) of Article 7 to the pension of a teacher shall be deemed to refer to the pension of that teacher unreduced by the foregoing provisions of these regulations ; and

(*b*) the reference in paragraph (*c*) of that Article to the amount of a pension (as reduced by the amount surrendered) shall be deemed to refer to the reduced pension of the teacher.

(a) S. R. & O. 1938, No. 135.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of June, 1948, in the presence of

*J. I. Cook,*
Assistant Secretary.

(L.S.)

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SCHEDULE I

(REGULATION 6 (4) )

PRESCRIBED FORM FOR EXERCISE BY AN EXISTING TEACHER OF A RIGHT TO ELECT FOR MODIFICATION OF THE TEACHERS' SUPERANNUATION SCHEMES

The National Insurance (Modification of Teachers' Pensions) Regulations, (Northern Ireland), 1948

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I .....

Date of Birth .....

County .....

Roll No. .....

being an existing teacher for the purposes of the above regulations hereby notify the Ministry of Finance that I desire the Teachers Superannuation Schemes to be modified as respects myself in accordance with the provisions of the above regulations.

Signed .....

Date .....

Address .....

.....

SCHEDULE II

(REGULATION 7 (1) )

REDUCTIONS TO BE MADE IN THE ANNUAL PENSION PAYABLE TO EXISTING TEACHERS AT THE AGE OF 65 IN THE CASE OF MEN AND 60 IN THE CASE OF WOMEN.

| Age of existing teacher at date of modification | Yearly reduction of annual pension for each completed year of contributing service after date of modification | |
|---|---|---|
| | MEN | WOMEN |
| Column 1 | Column 2 | Column 3 |
| | £ s. d. | £ s. d. |
| 20 or under ... | 1 14 0 | 1 14 0 |
| 1 ... ... | 1 13 0 | 1 12 0 |
| 2 ... ... | 1 12 0 | 1 10 6 |
| 3 ... ... | 1 11 0 | 1 9 0 |
| 4 ... ... | 1 10 0 | 1 7 6 |
| 25 ... ... | 1 9 6 | 1 6 0 |
| 6 ... ... | 1 9 0 | 1 4 6 |
| 7 ... ... | 1 8 6 | 1 3 6 |
| 8 ... ... | 1 8 0 | 1 2 6 |
| 9 ... ... | 1 7 0 | 1 1 6 |
| 30 ... ... | 1 6 6 | 1 0 6 |
| 1 ... ... | 1 6 0 | 19 6 |
| 2 ... ... | 1 5 6 | 19 0 |
| 3 ... ... | 1 5 0 | 18 6 |
| 4 ... ... | 1 4 6 | 18 0 |
| 35 ... ... | 1 4 0 | 17 6 |
| 6 ... ... | 1 3 6 | 17 0 |
| 7 ... ... | 1 3 0 | 16 6 |
| 8 ... ... | 1 2 6 | 16 0 |
| 9 ... ... | 1 2 0 | 15 6 |
| 40 ... ... | 1 1 6 | 15 0 |
| 1 ... ... | 1 1 6 | 14 6 |
| 2 ... ... | 1 1 0 | 14 6 |
| 3 ... ... | 1 0 6 | 14 0 |
| 4 ... ... | 1 0 0 | 14 0 |
| 45 ... ... | 19 6 | 13 6 |
| 6 ... ... | 19 0 | 13 0 |
| 7 ... ... | 19 0 | 13 0 |
| 8 ... ... | 18 6 | 12 6 |
| 9 ... ... | 18 6 | 12 6 |
| 50 and over ... | 18 6 | 12 0 |

## Unestablished Service

REGULATIONS DATED 31ST JANUARY, 1948, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 3 OF, AND THE SECOND SCHEDULE TO, THE SUPERANNUATION ACT (NORTHERN IRELAND), 1947 (a).

1948. No. 30

The Ministry of Finance (in these Regulations referred to as " the

(a) 1947. c. 18.