2. The following emoluments shall be excluded from the sums which shall be taken to be the salary of a teacher for the purposes of the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956:—

Payments made to teachers in respect of evening work in accordance with Regulations which are made by the Ministry of Education to govern for the time being the salaries and allowances of teachers in Institutions of Further Education.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this twenty-seventh day of August, 1958, in the presence of

(L.S.) *A. C. Williams,*
Secretary.

The Ministry of Finance hereby approves of the foregoing Rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this twenty-seventh day of August, 1958, in the presence of

(L.S.) *K. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

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

These Rules exclude from the operation of the Teachers (Superannuation) Acts evening allowances paid to teachers in Institutions of Further Education.

SUPERANNUATION

Service in the Reserve and Auxiliary Forces

RULES, DATED 4TH JUNE, 1958, MADE BY THE MINISTRY OF EDUCATION UNDER SECTIONS 41 AND 44 OF THE RESERVE AND AUXILIARY FORCES (PROTECTION OF CIVIL INTERESTS) ACT, 1951, AS APPLIED BY ORDER IN COUNCIL DATED 11TH FEBRUARY, 1953, WITH THE CONSENT OF THE MINISTRY OF FINANCE.

1958. No. 97. [C]

The Ministry of Education in exercise of the powers conferred on it by Sections 41 and 44 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(a), as applied to Northern Ireland by the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland), Order, 1953(b), and all other powers

(a) 14 and 15 Geo. 6. c. 65. (b) S.I. 1953, No. 197.

enabling it in that behalf, and with the consent of the Ministry of Finance, hereby makes the following rules:—

1. These rules may be cited as the Teachers Superannuation (Service in the Reserve and Auxiliary Forces) Rules (Northern Ireland), 1958, and shall come into operation on the 1st day of July, 1958, but shall be deemed to have effect as from the 1st day of August, 1955.

2.—(1) In these rules

"the Act" means the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, as applied to Northern Ireland;

"the Teachers Acts" means the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956;

"the Teachers Act of 1950" means the Teachers (Superannuation) Act (Northern Ireland), 1950;

"contributions" means contributions payable by or in respect of a teacher under the Teachers Acts;

"former employment" means the last employment of a teacher in contributory service before the date on which the teacher enters upon relevant service;

"the Ministry" means the Ministry of Education;

"service pay", means pay for performing any period of relevant service to which these rules apply and includes marriage, family and other similar allowances;

"relevant service" means service of a description specified in the First Schedule to the Act, being service which commenced on or after the 1st day of August, 1955;

"teacher" includes any person who is treated as a teacher under the Teachers Acts.

(2) Other expressions which have meanings assigned to them by the Teachers Acts shall have the same respective meanings for the purposes of these rules.

3.—(1) The relevant service of a teacher who enters upon such service on or after 1st August, 1955, and who, immediately before he enters upon such service, is employed in contributory service shall be treated as contributory service and contributions shall be payable in respect thereof in accordance with the provisions of these rules.

(2) Where a teacher immediately before he enters upon relevant service is employed in service which is treated as contributory service under Section 8 or Section 11 or Section 12 of the Teachers Act of 1950, the period of his relevant service shall be treated as contributory service for the purposes of the Teachers Acts:

Provided that the same period of time shall not be reckoned both for the purposes of any superannuation benefits under the Teachers Acts which may become payable to or in respect of a teacher by virtue of any provisions of these rules and also for the purposes of naval, military or air force service retired pay, service pension, or service gratuity.

4. Where by virtue of these rules, the period of relevant service of a teacher is treated as a period of contributory service or approved external service, the salary in respect of that period which the teacher is to be regarded as receiving for the purposes of the Teachers Acts and of these rules (hereinafter called "the estimated salary") shall be such salary as in the opinion of the Ministry he would have received if he had been paid a salary by his former employer during that period.

5. Where, in accordance with rule 3, the relevant service of a teacher is treated as contributory service, contributions shall be payable on the estimated salary during such relevant service at the following rates:—

(*a*) in respect of a period of relevant service before 1st October, 1956, 5 per cent. by the teacher and 5 per cent. by the employer; and

(*b*) in respect of a period of relevant service on or after 1st October, 1956, 6 per cent. by the teacher and 6 per cent. by the employer.

Provided that—

(i) no contributions shall be payable by a teacher in respect of any period of relevant service if his service pay in respect of that period, together with any sum which his former employer may resolve to pay to, or in respect of, him in supplementation of that service pay, is less than his estimated salary after the deduction therefrom of an amount equivalent to the contributions which he would, if he had continued in his former employment, have been liable to pay thereon; and

(ii) the contributions payable by any teacher whose service pay together with any such sum as aforesaid is less than the estimated salary but is greater than the estimated salary after such deduction as aforesaid, shall not exceed, in respect of that period, the difference between his service pay, together with any such sum as aforesaid, and the amount of the estimated salary after such deduction as aforesaid.

6.—(1) Section 9 of the Teachers Act of 1950 which provides for the payment of contributions during intervals of service shall not apply to any period of relevant service.

(2) Where a teacher immediately before he enters upon relevant service is treated under Section 9 of the Teachers Act of 1950 as employed in contributory service, the period of his relevant service shall be treated as contributory service and contributions shall be payable in respect thereof in accordance with the following provisions of this rule, that is to say—

(*a*) where, immediately before the period covered by the said Section 9, the teacher was employed in contributory service under the Teachers Act of 1950 and continues in the employment of his former employer, his period of relevant service shall be treated as

contributory service for the purposes of that Act and contributions at the rate of 6 per cent. of his estimated salary shall be payable both by him and by that employer subject however to the provisions of the provisos to rule 5 in respect of the contributions payable by the teacher; and

(*b*) in any other case the teacher's period of relevant service shall be treated as contributory service under the Teachers Act of 1950 and contributions at the rate of 9 per cent. of his estimated salary shall be payable by the teacher; contributions so paid shall be treated as having been paid as to two-thirds by way of teacher's contributions and one-third by way of employer's contributions.

7.—(1) A teacher who is subject to the provisions of subparagraph (*a*) of paragraph (2) of rule 6 shall—

(*a*) if a new entrant for the purposes of the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951(a), be subject, for the period of his relevant service, to the modifications as respects contributions for which Regulation 5 of those Regulations provides;

(*b*) if an existing teacher who elects for modification as provided by those Regulations, be subject, for the period of his relevant service, to the modifications as respects contributions for which Regulation 8 of those Regulations provides.

(2) A teacher who is subject to the provisions of subparagraph (*b*) of paragraph (2) of rule 6 shall be subject to the provisions of Regulation 11 of the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951.

8. Where by virtue of proviso (i) or proviso (ii) to rule 5, a teacher is not required to pay contributions or the contributions payable by him are less than the full amount of the contributions which he would have been liable to pay, apart from the said provisos, the contributions payable by his former employer shall be increased so as to cover the full amount of the contributions which the teacher would have been liable to pay as aforesaid.

9.—(1) Contributions in respect of a period of relevant service shall be paid not later than two years after the date on which the teacher's relevant service ends.

(2) The Ministry may extend the time within which contributions are to be paid under paragraph (1) if it considers that there are reasonable grounds for so doing.

(3) Where the date prescribed in paragraph (1) is extended by the Ministry under paragraph (2), compound interest shall be

(a) S.R. & O. 1951, No. 129.

payable on the amount of the contributions from the date prescribed in paragraph (1) and such compound interest shall be calculated at 4 per cent. per annum with yearly rests.

(4) Contributions paid under this rule shall be attributed to the financial year in which the period of service in respect of which they are payable fell.

10. Where a teacher, immediately before he enters upon relevant service, is employed in approved external service, his period of relevant service shall be treated as approved external service.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this fourth day of June, 1958, in the presence of

(L.S.) *A. C. Williams,*
Secretary.

The Ministry of Finance hereby consents to the foregoing rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this fourth day of June, 1958, in the presence of

(L.S.) *K. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

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

The principal purpose of these Rules is to enable a teacher who is called upon for service in the Reserve and Auxiliary Forces to continue as a contributor under the Teachers (Superannuation) Acts and so to reckon his service as if it were pensionable service as a teacher. Provision is also made to secure that where a person is called up from other approved employment counting towards qualification for pension his service shall be reckoned in the same way as that other employment.

The Rules are given retrospective effect to a limited extent under the provisions of Section 44 of the Act.

Technical State Exhibitions

REGULATIONS, DATED 1ST APRIL, 1958, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1956, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1958. No. 41 [C]

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Section 77