STATUTORY RULES OF NORTHERN IRELAND

2010 No. 136

The Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 2010

PART 1

GENERAL

Interpretation

2.—(1) In these Regulations—

(a) any reference to, or to things done or falling to be done under or for the purposes of, any provision of these Regulations is, if and so far as the nature of the reference permits, to be construed as including, in relation to circumstances or purposes in relation to which the corresponding provision in the 1991 Regulations has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purposes of, that corresponding provision; and

(b) any expression which is defined in the Superannuation Regulations has the same meaning as in those Regulations.

(2) In these Regulations –

"the 1971 Act" means the Pensions (Increase) Act (Northern Ireland) 1971(**1**);

"the 1989 Order" means the Education Reform (Northern Ireland) Order 1989(**2**);

"the 1991 Regulations" means the Teachers (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991(**3**)**;**

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**4**);

"annual compensation" without further qualification means annual compensation payable under regulation 7, regulation 12 or both;

"the appropriate person" in relation to a teacher means—

(a) in the case of a teacher who has ceased to be employed at a controlled school, the appropriate board;

(b) in the case of a teacher who has ceased to be employed at a Catholic maintained school, the appropriate board;

(c) in the case of a teacher who has ceased to be employed at a maintained primary school, other than a Catholic maintained primary school, the appropriate board or in the case of a voluntary primary school, which is not a maintained school, the manager; and

(d) in any other case, the person by whom he was formerly employed.

(**1**) 1971 c.35 (NI)
(**2**) S.I. 1989/ 2406 (N.I. 20)
(**3**) S.R. 1991 No. 132, as amended by SR 2002 No. 393
(**4**) S.I 1996/1919 (N.I. 16)

"assumed retirement lump sum" and "assumed retirement pension" are to be construed in accordance with regulation 12(5);

"board" means an education and library board;

"Catholic maintained school" has the meaning assigned to it by Article 141(3) of the 1989 Order;

"compensating authority" is to be construed in accordance with regulation 20;

"compensation" without further qualification means compensation payable under these Regulations;

"the Council" means the Council for Catholic Maintained Schools;

"credited teacher" means an eligible teacher who has been credited with a period of service under regulation 11, and "credited period" means the period with which he has been credited;

"deciding authority" is to be construed in accordance with regulation 11;

"delegated budget," in relation to a school, has the same meaning as in Part V of the 1989 Order;

"Department" means—

(a) in the case of a person who, immediately before the material date, was employed by a body which either directly or indirectly receives funds from the Department for Employment and Learning, the Department for Employment and Learning;

(b) in the case of a person who, immediately before the material date, was employed by the Juvenile Justice Board, the Secretary of State;

(c) in the case of a person who, immediately before the material date, was employed by a body which either directly or indirectly received funds from the Department of Culture, Arts and Leisure, the Department of Culture, Arts and Leisure;

(d) in the case of all other persons, the Department of Education;

"effective service" is to be construed in accordance with regulation 11(2);

"eligible teacher" is to be construed in accordance with regulation 4(6);

"employing authority" in relation to an eligible teacher, means a board, the Council, a Board of Governors of a voluntary grammar school or grant maintained integrated school or any other maintained school which is not a Catholic maintained school or the governing body of an institution of further education or other person or body by whom he is employed before the material date;

"former employment" in relation to an eligible teacher or a credited teacher, means relevant employment in relation to which the conditions in regulation 4(7) are satisfied, and "former employer" means the person who employed him in that employment;

"grant maintained integrated school" has the meaning assigned to it by Article 65 (3) of the Education Reform (Northern Ireland) Order 1989;

"institution of further education" has the meaning assigned to it by Article 2(2) of the Further Education (Northern Ireland) Order 1997(**5**);

"lump sum compensation" without further qualification means lump sum compensation payable under regulation 7, regulation 12 or both;

"material date", in relation to an eligible teacher or a credited teacher, means the date on which he ceased to hold his former employment;

"new employment" has the meaning given in regulation 18(1);

(**5**) S.I. 1997/1772 (N.I. 15)

"redundancy payment", in relation to a person's former employment, means the aggregate of the amounts paid in respect of its cessation by way of –

(a) the redundancy payment to which he became entitled under Part XII of the 1996 Order,

(b) any increase paid by the former employer before 18th August 1986 so that the payment, as increased, corresponded to that which would have been payable had the Redundancy Payments (Local Government etc) (Modification) (Northern Ireland) Order 1986(**6**) been in operation on the material date, and

(c) any compensation which was paid by the former employer under regulation 5 or was of an amount corresponding to that which would have been payable under that regulation if it had been in operation on the material date;

"relevant employment" is to be construed in accordance with regulation 3;

"the Superannuation Regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1998(**7**);"

"a week's pay" shall be calculated in accordance with Chapter IV of Part I of the 1996 Order but, for the purposes of these Regulations, the calculation date shall be the date that the person in question ceased to hold the relevant employment in question and that Chapter shall be applied as if Article 23(1) (c) of that Order had been repealed.

(3) Where these Regulations require anything to be done within a specified period after or from a specified day or event, the period begins immediately after the specified day or, as the case may be, the day on which the specified event occurs.

(4) In these Regulations

— controlled school;

— grammar school;

— maintained school;

— nursery school;

— primary school;

— secondary school;

— special school; and

— voluntary school,

have the meanings respectively assigned to them by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(**8**).

(**6**) S.R. 1986 No. 206

(**7**) S.R. 1998 No.333, as amended by S.R. 2001, No. 149, S.R. 2003 No. 147, S.R. 2005 No. 181, S.R. 2005 No. 495, S.R. 2006 No. 163, S.R. 2006 No. 366, S.R. 2007 No. 137 and S.R. 2008 No. 50

(**8**) S.I 1986/594 (N.I. 3)