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STATUTORY INSTRUMENTS

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**1972 No. 1073**

**Superannuation (Northern Ireland) Order 1972**

Teachers

**Superannuation of teachers**

**11.**—(1) The Ministry of Education may, by regulations made with the consent of the Ministry, make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the regulations, are to be, or may be, paid<sup>[F1]</sup> to or in respect of teachers by the Department of Education or, in the case of injury benefit, by the Department of Education, an employer of teachers or such other person as the Department of Education may consider appropriate and may specify in the regulations].

<sup>[F2]</sup>(1A) Paragraph (1) is subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).]

(2) Without prejudice to the generality of paragraph (1), regulations under this Article may include all or any of the provisions referred to in Schedule 3.

<sup>[F1]</sup>(2A) Where regulations under this Article make provision with respect to money purchase benefits, they may also—

- (a) include provision enabling a person to elect for such money purchase benefits as are to be provided to or in respect of him under the regulations to be purchased from any authorised provider whom he may specify; and
- (b) notwithstanding paragraph (1), provide that the making of such an election shall have the effect, in such cases as may be specified in the regulations, of discharging any liability of the Department of Education to pay those benefits to or in respect of that person;

but no regulations under this Article shall be so framed as to have the effect that any money purchase benefits to be provided under them may only be provided in a manner which discharges that liability of that Department.]

(3) Where the regulations provide for the making of any such payment as is referred to in paragraph 3, 5 or 6 of Schedule 3, they may also provide for the payment to be made by the Ministry of Education.

<sup>[F1]</sup>(3A) Notwithstanding anything in the Pensions (Increase) Act (Northern Ireland) 1971, regulations under this Article may provide that the cost of increases under that Act of such of the pensions, allowances or gratuities payable under the regulations as may be prescribed by the regulations, or such part of those increases as may be so prescribed, shall be defrayed—

- (a) by contributions from employers of teachers or from such other persons or classes of person (apart from teachers) as the Department of Education may consider appropriate and may specify in the regulations; or
- (b) by contributions from such of those employers or other persons as may be so specified;

and any provisions of the said Act of 1971, or of regulations made under section 5 thereof, relating to liability for the cost of increases under that Act of pensions, allowances or gratuities payable under the regulations shall have effect subject to the provisions of any regulations made by virtue of this paragraph and for the time being in force.]

(4) Where regulations under this Article provide for the establishment of a superannuation fund, the regulations may also provide for the payment by the Ministry of Education—

- (a) of the administrative expenses of the persons by whom, in accordance with the regulations, the fund is to be administered; and
- (b) of such travelling, subsistence and other allowances to those persons as the Ministry of Education may, with the consent of the Ministry, determine.

(5) Before making any such regulations the Ministry of Education shall consult with [<sup>F3</sup>the Education Authority and with representatives] of teachers and with such representatives of other persons likely to be affected by the proposed regulations as appear to that Ministry to be appropriate.

(6) In this Article

[<sup>F1</sup>]<sup>F4</sup>“authorised provider” has the meaning given in Article 3;]

“injury benefit” means a pension, allowance or gratuity payable under the regulations to or in respect of a teacher in consequence of any injury sustained, or disease contracted, by him in the course of his employment in that capacity;

“money purchase benefits” has the meaning given by [<sup>F5</sup> section 176(1) of the Pension Schemes (Northern Ireland) Act 1993];]

“teachers” includes such persons as may be prescribed by regulations made under this Article, being persons employed otherwise than as teachers—

- (a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers; or
- (b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.

**F1** 1990 NI 13

**F2** Art. 11(1A) inserted (28.4.2014) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), **Sch. 8 para. 13**; S.R. 2014/123, art. 2(1)(r)

**F3** Words in art. 11(5) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

**F4** SI 2002/1555

**F5** 1993 c. 49

**Changes to legislation:**

There are currently no known outstanding effects for the Superannuation (Northern Ireland) Order 1972, Section 11.