

1978 No. 16

SOCIAL SECURITY

The Teachers' Superannuation (Contracted-out Employment) Regulations (Northern Ireland) 1978*Made* 17th January 1978*Coming into operation* 20th February 1978

The Department of Education in exercise of the powers conferred on it by Article 53 of, and paragraph 8 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(a) as amended by paragraph 18 of Article 18 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(b), and of every other power enabling it in that behalf and after making the consultation required by paragraph 8(2) of Schedule 2 to the above mentioned Order hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Teachers' Superannuation (Contracted-out Employment) Regulations (Northern Ireland) 1978 and shall come into operation on 20th February 1978.

(2) In these regulations—

“the Department” means the Department of Education for Northern Ireland;

“the Order” means the Social Security Pensions (Northern Ireland) Order 1975;

“contracting-out certificate” means such a certificate within the meaning of Article 33 of the Order;

“the Teachers' Superannuation Regulations” means the regulations relating to teachers' superannuation for the time being in force made under Article 11 of the Superannuation (Northern Ireland) Order 1972(c).

Application

2. These regulations shall apply to employment in which a person's service qualifies him for benefit under the Teachers' Superannuation Regulations.

Power of Department to act as employer

3.—(1) Without prejudice to regulation 14 of the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976(d) (public service pension schemes) in relation to employment to which these regulations apply—

(a) elections with a view to the issue, variation or surrender of contracting-out certificates shall be made and revoked by the Department instead of by the employer;

(b) any reference in Articles 33(3) and (4), 44(2) and (3) and 45(4) and (6) of the Order to the employer shall be construed as a reference to the Department; and

(a) S.I. 1975/1503 (N.I. 15)
(b) S.I. 1977/610 (N.I. 11)

(c) S.I. 1972/1073 (N.I. 10)
(d) S.R. 1976 No. 5 (I, p. 20)

- (c) those things which under any of the provisions specified in paragraph (2) are required or authorised to be done by or to an employer shall be done instead by or to the Department.
- (2) The provisions referred to in paragraph (1)(c) above are those of—
- (a) the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976; and
- (b) the Occupational Pensions Board (Contracting-out Certificates) Regulations (Northern Ireland) 1976(e).

Employment with a single employer

4. All employment to which these regulations apply shall be treated as employment under a single employer different from the employer in any other employment for the purposes of—

- (a) Article 44(1) and (2) of the Order (premium on termination of contracted-out employment), and
- (b) regulation 9(3) of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976(f) (termination of periods of contracted-out employment).

Sealed with the Official Seal of the Department of Education for Northern Ireland on 17th January 1978.

(L.S.)

E. J. Kirkpatrick
Assistant Secretary

EXPLANATORY NOTE

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

Part IV of the Social Security Pensions (Northern Ireland) Order 1975 contains provisions for contracting-out from full contributions and benefits under the Order.

These regulations deal with the operation and administration of Part IV of that Order in relation to persons subject to the Teachers' Superannuation Regulations in force under Article 11 of the Superannuation (Northern Ireland) Order 1972.

Regulation 3 provides that certain powers, duties and functions normally falling on the employers shall, instead, fall on the Department of Education. In particular, elections with a view to the issue, variation or surrender of contracting-out certificates are to be made and revoked by it.

Regulation 4 provides that, so far as concerns the termination of periods of contracted-out employment and the state scheme premium payable thereon, all employment to which the regulations apply shall be treated as employment under a single employer.

(e) S.R. 1976 No. 78 (I, p. 373)

(f) S.R. 1976 No. 29 (I, p. 114) as amended by S.R. 1977 No. 23