

## SCHEDULE 5

### Transitional Provisions and Savings

#### PART 3

##### Transitional Provisions and Savings relating to the Teachers' Superannuation Regulations (Northern Ireland) 1998

4. In this Part “the 1998 Regulations” means the Teachers' Superannuation Regulations (Northern Ireland) 1998.

5. Where, before 1st April 2007, a person over the age of compulsory retirement was in employment which would have been pensionable but for regulation B3(1)(a) of the 1998 Regulations, the amendment made to that provision by paragraph 3(a) of Schedule 3 does not have the effect of making pensionable any employment which occurred before 1st April 2007 but after the person was over the age of compulsory retirement.

6. Paragraphs (10) and (13) of regulation C3 of the 1998 Regulations shall (despite paragraph 8 of Schedule 3) continue to have effect in relation to any election made under that regulation before 1st April 2007.

7.—(1) Regulation C4 of the 1998 Regulations shall (despite paragraph 8 of Schedule 3) continue to have effect in relation to any person who died before 1st April 2007.

(2) Where that regulation continues to have effect—

- (a) references in that regulation to regulation C3 shall have effect as references to old regulation C3, and
- (b) regulation G2(2)(a) of the 1998 Regulations shall have the effect as if it included a reference to regulation C4.

8.—(1) Regulation C6 of the 1998 Regulations shall (despite paragraph 10 of Schedule 3) continue to have effect in relation to any person who left pensionable employment before 1st April 2007.

(2) Where a person left pensionable employment before 1st April 2007 but has not made an election before that date that regulation shall have effect as if for paragraph (10) there were substituted—

“(10) An election under this regulation must be made by giving written notice to the Department which must specify the period and must be given before 31st May 2007.”.

(3) Where regulation C6 of the 1998 Regulations continues to have effect by virtue of sub-paragraph (1)—

(a) paragraph (7) of that regulation shall have effect as if for sub-paragraph (b) there were substituted—

“(b) the percentage is the aggregate of the rate of contributions specified under regulation C2(1) and the required percentage determined in accordance with regulation G5.”,

(b) paragraphs 1 and 2 of Schedule 3 to the 1998 Regulations shall continue (despite paragraph 63(a) of Schedule 3) to apply for the purpose of determining the maximum length of the period in respect of which any election may be made.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

9.—(1) Regulation E11 of, and Schedule 10 to, the 1998 Regulations shall (despite paragraphs 27 and 69 of Schedule 3), shall continue to have effect where a declaration was delivered to the Department pursuant to regulation E11(4) of the 1998 Regulations before 1st April 2007.

(2) Where the provisions mentioned in sub-paragraph (1) continue to have effect by virtue of that sub-paragraph regulations E14(3) and E34(2) of the 1998 Regulations shall have effect without the amendments made by paragraphs 29(b) and (c)(iii) and 48 respectively.

10.—(1) Regulation E31 of the 1998 Regulations shall continue to have effect without the amendments made by paragraph 44 of Schedule 3 for the purpose of determining the average salary of a person where—

- (a) the person's entitlement to payment of retirement benefits took effect before 1st April 2007, or
- (b) (where the person does not fall within paragraph (a)) the person ceased to be in pensionable employment before 1st April 2007 and is not at any time in pensionable employment on or after that date before attaining the age of 60.

(2) For the purposes of sub-paragraph (1) a person is to be treated as being in pensionable employment during any period for which he is paying additional contributions under old regulation C6 or regulation C7 of the 1998 Regulations.

(3) Where the entitlement of a person (other than a person falling within paragraph (1)(b)) to payment of retirement benefits took effect on or after 1st April 2007 but before 1st April 2009 the average salary of that person shall be the greater of—

- (a) the average salary determined in accordance with regulation E31, or, where applicable, regulation E31A of the 1998 Regulations, and
- (b) the average salary determined in accordance with regulation E31 of the 1998 Regulations without the amendments made by paragraph 44 of Schedule 3.

11. Where, before 1st April 2007, a person was in pensionable employment and would, but for regulation E32(2)(b) of the 1998 Regulations have reckonable service in excess of 40 years before attaining the age of 60, the amendment to regulation E32(2) of the 1998 Regulations made by paragraph 46(a) of Schedule 3 does not have the effect of increasing reckonable service undertaken before 1st April 2007.