
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 136

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

PART 7

MISCELLANEOUS AND SUPPLEMENTAL

Liability for compensation

20.—(1) Subject to paragraph (3), the cost of compensation to which a person is entitled under Parts 4 and 5 is to be met by the compensating authority.

(2) Subject to paragraph (4) the compensating authority is to be ascertained from the first and third columns of the table in Part I of Schedule 1.

(3) The compensating authority may require the deciding authority to pay to it a sum equal to the actuarial value of the total compensation payable.

(4) If in consequence of any statutory provision, amalgamation, merger or other arrangement the compensating authority becomes part of another body (the “successor body”) and ceases to be a separate body, the successor body becomes the compensating authority.

Arrangements for payment

21.—(1) A compensating authority may—

- (a) itself pay any compensation for which it is liable under regulation 20; or
- (b) arrange for the compensation to be paid by any suitable person and for its reimbursement by the authority.

(2) Arrangements for reimbursement shall provide for—

- (a) a single payment by the authority of a sum equal to the actuarial value of the total compensation payable; or
- (b) with the approval of the Department of Education, for the payment of such a sum, by not more than five annual instalments.

Declaration where lump sum payments are made

22.—(1) The compensating authority may, before paying any lump sum under regulation 7, require the person to whom the payment is to be made to provide a declaration as specified in paragraph (2) by a date determined by the compensating authority.

(2) The declaration is a declaration, in a form specified by the Department, signed by that person, to the effect that paragraph 3A of Schedule 29 to the Finance Act 2004(1) does not apply.

(1) 2004 c.12, paragraph 3A of Schedule 29 to the Finance Act 2004 was inserted by section 159 of the Finance Act 2006 (c.25)

(3) Where no such declaration is received by the compensating authority by the date referred to in paragraph (1) the compensating authority may, in place of the lump sum, pay additional annual compensation representing the value of the lump sum.

(4) The amount of additional compensation referred to in paragraph (3) shall be determined by the compensating authority on the same basis as an additional pension is determined by the Department pursuant to regulation H6A of the Superannuation Regulations.

Notification

23.—(1) As soon as is reasonably practicable after—

- (a) an eligible teacher has been credited with a period of service under regulation 11;
- (b) a credited teacher has died;
- (c) a person becomes entitled to compensation under regulation 7; or
- (d) any adjustment had been made under regulation 8 or Part 6;

the compensating authority shall give a written notification to every person to whom compensation became payable or whose compensation is affected.

(2) The notification is to state—

- (a) where paragraph (1)(a) to (c) applies, what compensation is payable; and
- (b) where paragraph (1)(d) applies, what adjustment has been made;

and how the compensation or adjustment has been calculated.

Supply of information

24.—(1) A credited teacher or a person entitled to compensation under regulation 7 is, within one month after entering or leaving a new employment, to notify the compensating authority in writing that he has done so.

(2) A person to whom compensation is payable is to provide the compensating authority with such information, and to produce such documents, as the authority may reasonably require for the purposes of its functions under these Regulations.

Payment of compensation

25.—(1) Compensation, other than lump sum compensation, is to be paid in arrears—

- (a) at intervals of one month; or
- (b) at such longer intervals as may be agreed between the compensating authority and the recipient.

(2) Where compensation ceases to be payable before the next date on which a payment would be due, a proportionate payment is to be made for the period ending on the date of cessation.

(3) A proportionate payment is a payment of—

$$\left(\frac{A}{12 \times n}\right) \times \left(\frac{A \times C}{12 \times n}\right)$$

where—

- A is the annual rate of the compensation,
- B is the number of complete months, if any, in the period,
- C is the number of days remaining in the period after deducting B, and
- D is the number of days in the month in which the period ended.

(4) If a person entitled to payment of compensation has not attained the age of 18, or is incapable by reason of infirmity of mind or body of managing his affairs, the compensating authority may—

- (a) pay it to any person having the care of the person entitled; or
- (b) apply it for the benefit of the person entitled or his dependants.

Compensation not assignable

26.—(1) Any assignment of or charge on, or agreement to assign or charge, any compensation payable under these Regulations is void.

(2) On the bankruptcy of a person entitled to such compensation no part of the compensation shall pass to any trustee or other person acting on behalf of the creditors, except in accordance with an income payments order made by a court under Article 283 of the Insolvency (Northern Ireland) Order 1989(2).

Modified application in relation to persons entitled to admitted service benefits

27. In relation to a person with admitted service these Regulations have effect with the modifications set out in Schedule 2.

Revocation and transitional provisions

28.—(1) The following Regulations are revoked—

- (a) the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991;
- (b) the Teachers' (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations (Northern Ireland) 2002;
- (c) the Teachers' Superannuation (Amendment) (No.2) Regulations (Northern Ireland) 2005, regulations 5 to 7;
- (d) the Teachers' Pensions etc (Reform Amendments) Regulations (Northern Ireland) 2007, regulation 2(2) and Schedule 2.

(2) Where a period of time specified in, or applying by virtue of, a provision of the 1991 Regulations is current at the commencement of these Regulations, these Regulations have effect as if the corresponding provision of these Regulations had been in operation when that period began to run.