
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 333

Teachers' Superannuation Regulations (Northern Ireland) 1998

Part B

Pensionable Employment

Employment — general

B1.—(1) Subject to paragraphs (2), (4) and (5) and regulations B3 to B5, a person is in pensionable employment while he is in employment in a capacity specified in Schedule 2.

(2) Employment in a capacity described in Part II of Schedule 2 is not pensionable unless the person has elected that it is to be so.

(3) An election for the purposes of paragraph (2) shall not be made without the consent of the employer.

(4) A person who is in part-time employment is not in pensionable employment unless he has at some time made an election for the purposes of this regulation.

(5) A person who is employed as a temporary teacher or is in part-time employment is not in pensionable employment while he is entitled to be paid a teacher's pension.

(6) An election for the purposes of this regulation—

(a) may be made at any time by giving written notice to the Department; and

(b) has effect from the first day of the month following that in which the Department notifies the person making it of its acceptance unless the Department specifies an earlier date.

Continuing employment

B2. Subject to regulations B3 to B5, a person who immediately before 2nd November 1998 was in employment ("the first employment") which was pensionable employment by virtue of regulation 3(2)(b) of the 1977 Regulations⁽¹⁾ (employment in continuation of employment treated as reckonable service for the purposes of the 1972 superannuation Regulations) is in pensionable employment—

(a) while he is in the first employment; and

(b) while he is in employment which is in continuation of the first employment.

Exclusion from pensionable employment

B3.—(1) A person is not in pensionable employment unless he is—

(a) 18 years old or older and under the age of compulsory retirement; and

⁽¹⁾ S.R. 1977 No. 260 as amended by S.R. 1978 No. 147, S.R. 1978 No. 351, S.R. 1979 No. 380, S.R. 1980 No. 435, S.R. 1981 No. 151, S.R. 1982 No. 12, S.R. 1982 No. 162, S.R. 1982 No. 346, S.R. 1987 No. 76, S.R. 1987 No. 86, S.R. 1987 No. 315, S.R. 1988 No. 64, S.R. 1988 No. 167, S.R. 1988 No. 363, S.R. 1989 No. 25, and S.R. 1989 No. 181

- (b) entitled to be paid his salary in full, or on sick leave and entitled to be paid not less than half his salary, or on maternity leave and entitled to be paid any contractual remuneration or statutory maternity pay or in part-time employment and has made an election in accordance with regulation B1(4).

(2) A person is not in pensionable employment while he is in an employment which immediately before 2nd November 1998 by virtue of regulation 5(1) of the 1977 Regulations (employments treated as not being reckonable service by previous provisions) was not pensionable employment.

(3) A person is not in pensionable employment in respect of any employment which commenced on or after 2nd November 1998 while he is entitled to be paid a teacher's pension, including cases where the annual rate of the pension has been reduced to zero in accordance with regulation E14 (abatement of retirement pension during further employment).

Election not to be pensionable

B4.—(1) A person who—

- (a) is in pensionable employment; or
- (b) is not in pensionable employment but expects to enter an employment which would otherwise but for this regulation be pensionable employment,

may at any time, by giving written notice to the Department, make an election under this regulation.

(2) As from the date from which the election has effect—

- (a) where paragraph (1)(a) applies, the person ceases to be in pensionable employment for all purposes of these Regulations; and
- (b) in any case, subject to regulation B5, no subsequent employment of his is pensionable employment.

(3) Where paragraph (1)(a) applies, an election under this regulation—

- (a) if the notice is given within 3 months after the start of the person's pensionable employment, has effect as from the first day of his pensionable employment; and
- (b) in any other case, has effect from the first day of the month after that in which the notice was given.

(4) Where paragraph (1)(b) applies, the election has effect as from the day before that on which the person first enters any such employment as is there mentioned.

Election to rejoin pensionable service

B5.—(1) A person who has made an election under regulation B4, who has since been in employment which would otherwise have been pensionable employment ("excluded employment"), and who—

- (a) is in excluded employment; or
- (b) is not in, but expects to enter, excluded employment,

may at any time, by giving written notice to the Department, make an election under this regulation.

(2) As from the date on which the election has effect, subject to regulation B4 any employment on and after that date which would otherwise have been excluded employment is pensionable employment.

(3) Where paragraph (1)(a) applies, an election under this regulation—

- (a) if the notice given within 3 months after the start of any period of excluded employment, has effect as from the first day of that employment; and

- (b) in any other case, has effect from the first day of the month after that in which the notice was given.
- (4) Where paragraph (1)(b) applies, the election has effect as from the day before that on which the person first enters any excluded employment.