
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 333

Teachers' Superannuation Regulations (Northern Ireland) 1998

Part E

Benefits

Entitlement to payment of retirement benefits

E4.—(1) Subject to regulation E33(2) (payment of benefits), a person qualified for retirement benefits becomes entitled to payment of them in any of the Cases described in this regulation.

(2) In Case A (normal age retirement) the person—

- (a) has attained the age of 60;
- (b) has ceased to be in pensionable employment; and
- (c) is not within Case B, C, D, E or F.

(3) In Case B (female early age retirement) the person—

- (a) has not attained the age of 60;
- (b) has attained the age of 55;
- (c) is female;
- (d) first entered pensionable employment prior to 1st April 1972;
- (e) has ceased to be in pensionable employment;
- (f) has been in pensionable employment or employed in external service as defined in regulation 5 of the 1972 Regulations as originally made or qualifying service as defined in regulation 6 of the 1972 Regulations as originally made for a total of not less than 30 years of which not less than 10 years was reckonable service or employment in external service as so defined; and
- (g) is not within Case F.

(4) In Case C (infirmity retirement) the person—

- (a) has ceased after 31st March 1972 and before attaining the age of 60 to be in pensionable employment;
- (b) is incapacitated and became so before attaining the age of 60; and
- (c) is not within Case F;

and where the pensionable employment ceased on or after 2nd November 1998, the Department has not notified him in writing that it has exercised, or is considering the exercise of its powers under regulation 9 of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997⁽¹⁾ to prohibit or restrict his employment or further employment on grounds of his misconduct;

(5) In Case D (infirmity retirement at normal retirement age where incapacitated before that age) the person—

- (a) has attained the age of 60;
- (b) has ceased after 31st March 1972 (and after attaining that age) to be in pensionable employment, but would have ceased to be in such employment before attaining that age had not the employment continued beyond the attainment of that age due to a period of paid sick leave; and
- (c) has become incapacitated before attaining that age; and
- (d) is not within case F,

and where the pensionable employment ceased on or after 2nd November 1998, the Department has not notified him in writing that it has exercised, or is considering the exercise of its powers under regulation 9 of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 to prohibit or restrict his employment or further employment on grounds of his misconduct.

(6) In Case E the person—

- (a) has attained the age of compulsory retirement; and
- (b) is in an employment which would be pensionable employment but for regulation B3(1)(a).

(7) In Case F (premature retirement) the person—

- (a) has not attained the age of 60;
- (b) has attained the age of 50;
- (c) has ceased after attaining the age of 50 to be—
 - (i) in pensionable employment;
 - (ii) in excluded employment; or
 - (iii) in employment which would be pensionable but for the fact that the person has not made an election under B1(4); and
- (d) is not within Case B or C; and

his employer has notified the Department in writing that his pensionable employment was terminated by reason of his redundancy or in the interests of the efficient discharge of the employer's functions.

(8) Where the employer has notified the Department in Case F that employment is to be terminated in the interests of the efficient discharge of the employer's functions the Department shall approve the reason for such termination.

(9) In Cases A, B and E the entitlement takes effect as soon as the person falls within the Case.

(10) In Cases C and D the entitlement takes effect—

- (a) where immediately before the person became incapacitated he was in employment of the type described in paragraph (7)(c)(ii) or (iii), on the day after the last day of his employment; and
- (b) as soon as the person falls within the Case or would have fallen within the Case had the Department not notified him that it had exercised, or was considering the exercise of its powers, under regulation 9 of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997; or
- (c) if later, 6 months before the date of the last of any medical reports considered by the Department in determining under regulation H6 that the person has become incapacitated.

(11) In Case F the entitlement takes effect as from the day after the end of the employment.

(12) In no Case shall a person be regarded as having ceased to be in pensionable employment until not less than one day has passed without that person being in pensionable employment.

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