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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 38**

**Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009**

**PART 3**

**Supplementary and Consequential Provision**

**Teachers' pensions – entitlement to payment of retirement benefits**

**16.**—(1) For the purposes of this Order the Teachers' Superannuation Regulations (Northern Ireland) 1998<sup>(1)</sup> have effect subject to the provisions of this Article.

(2) In regulation E4 Case C is met if the requirements of paragraph (4) of that regulation are met and—

- (a) the Department of Education has notified the person in writing that the requirement specified in paragraph (3) is met, or
- (b) the requirement specified in paragraph (4) is met.

(3) The requirement is that IBB has not included, and is not considering including, the person in a barred list.

(4) The requirement is that IBB has included, or is considering including, the person in a barred list but the Department of Education is satisfied that there are exceptional circumstances relating to the person which make it appropriate that he should fall within Case C.

(5) Accordingly, in Case C the entitlement takes effect—

- (a) where, immediately before the person became incapacitated he was in excluded employment, on the day after the last day of his excluded employment; and
- (b) in any other case, as soon as the person falls within the Case or as soon as the person would have fallen within the Case had there not been a requirement that the Department of Education notify that person that the requirement specified in paragraph (3) is met.

(6) In paragraph (5) “excluded employment” has the same meaning as in the Teachers' Superannuation Regulations (Northern Ireland) 1998.

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(1) S.R. 1998 No. 333 as amended by S.R. 2001 No. 149, S.R. 2003 No. 147, S.R. 2005 No. 181, S.R. 2005 No. 495, S.R. 2006 No. 163, S.R. 2006 No. 366 and S.R. 2007 No. 137.