
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 38

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

PART 3

Supplementary and Consequential Provision

Application of Articles 16 and 17

- 15.**—(1) Articles 16 and 17 apply in relation to a person falling within paragraph (2).
(2) A person falls within this paragraph if—
(a) the person has been referred to IBB in accordance with Article 3 or 4(3);
(b) information relating to the person has been provided to IBB in accordance with Article 4(3).

Teachers' pensions – entitlement to payment of retirement benefits

- 16.**—(1) For the purposes of this Order the Teachers' Superannuation Regulations (Northern Ireland) 1998⁽¹⁾ 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.

(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.

Modifications to the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004

17.—(1) The General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004⁽²⁾ shall have effect subject to the modifications set out in this Article.

(2) For regulation 3 (disqualification from registration), substitute—

“**3.** For the purposes of Article 35 of the 1998 Order, a person is not eligible for registration unless he is a qualified teacher or if he is not eligible to teach, or disqualified from being a teacher in any school, by virtue of—

- (a) section 3(3)(d) of the Teaching and Higher Education Act 1998⁽³⁾;
- (b) section 11 of the Teaching Council (Scotland) Act 1965⁽⁴⁾;
- (c) the Teachers’ (Eligibility) Regulations (Northern Ireland) 1997⁽⁵⁾;
- (d) regulations made under Article 36 of the 1998 Order;
- (e) his inclusion in the list kept under regulation 8 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007⁽⁶⁾; or
- (f) his inclusion in either of the barred lists maintained under Article 6 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁽⁷⁾.”

(2) [S.R. 2004 No. 38](#), as amended by the General Teaching Council for Northern Ireland (Approval of Qualifications) Regulations (Northern Ireland) 2007 ([S.R. 2007 No. 402](#)).

(3) [1998 c. 30](#).

(4) [1965 c. 19](#). (Section 11 was amended by section 50 of the Standards in Scotland’s Schools etc (Scotland) Act 2000.

(5) [S.R. 1997 No. 312](#).

(6) [S.R. 2007 No. 288](#).

(7) [S.I. 2007 No. 1351 \(N.I. 11\)](#).