1977 No. 215

EDUCATION

Teachers' Compulsory Absence and Maternity Leave (Amendment No. 2) Regulations (Northern Ireland) 1977

Made . . . . . 22*nd July* 1977

Coming into operation . . . 24*th August* 1977

The Department(a) of Education, in exercise of the powers conferred on it by Articles 57, 58 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) and by Section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(c) and of all other powers enabling it in that behalf and after consultation with the Department(a) of Finance as required by Article 57 of the said Order, hereby makes the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Teachers' Compulsory Absence and Maternity Leave (Amendment No. 2) Regulations (Northern Ireland) 1977, shall be construed as one with the Teachers' Compulsory Absence and Maternity Leave Regulations (Northern Ireland) 1976(d) (hereinafter referred to as "the principal regulations"), shall come into operation on 24th August 1977 and shall be deemed to have effect from 6th April 1977.

Revocation

2. The Teachers' Compulsory Absence and Maternity Leave (Amendment) Regulations (Northern Ireland) 1977(e) are hereby revoked.

Amendment of the principal regulations

3. For regulation 9 of the principal regulations (rate of salary during maternity leave) there shall be substituted:—

"**9.**—(1) Subject to the provisions of these regulations during a period of maternity leave a full-time teacher shall be paid salary (including any maternity pay to which she is entitled under the Industrial Relations (No. 2) (Northern Ireland) Order 1976(f)) as follows:—

(*a*) in respect of the first 4 weeks, an amount equivalent to her full salary, reduced by the amount of any maternity allowance (including earnings related supplement and increases for dependants) payable for these weeks under the Social Security (Northern Ireland) Act 1975(g) or which would have been so payable if she had satisfied all the requirements of that Act and any regulations made thereunder;

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12)
(c) 1962 c. 7 (N.I.)
(d) S.R. 1976 No. 323
(e) S.R. 1977 No. 83
(f) S.I. 1976/2147 (N.I. 28)
(g) 1975 c. 15

(*b*) in respect of the 5th and 6th weeks an amount equivalent to nine-tenths of her full salary reduced by the amount of any maternity allowance payable for these weeks under Part I of Schedule 4 to the Social Security (Northern Ireland) Act 1975, or which would have been so payable if she had satisfied all the requirements of that Act and any regulations made thereunder;

(*c*) in respect of the remaining weeks an amount equivalent to one-half of her full salary.

(2) In the case of a teacher who satisfies the requirements for maternity pay as set forth in the Industrial Relations (No. 2) (Northern Ireland) Order 1976 the amount of salary payable under paragraph (1)(*a*) for any one of the four weeks shall not be less than an amount equivalent to nine-tenths of her full salary reduced by the amount of any maternity allowance payable for that week under Part I of Schedule 4 to the Social Security (Northern Ireland) Act 1975 or which would have been so payable if she had satisfied all the requirements of that Act and any regulations made thereunder.

(3) Where the amount of salary payable under paragraph (1)(*c*) in respect of any period together with the amount of any maternity allowance (including earnings related supplement and increases for dependants) payable to that teacher under the Social Security (Northern Ireland) Act 1975, or which would have been so payable if she had satisfied all the requirements of that Act and any regulations made thereunder, exceeds salary at the full rate which would be payable in respect of that period the amount of salary payable under paragraph (1)(*c*) shall be reduced by the amount of such excess."

4. After regulation 10 of the principal regulations shall be added:—

"*Exclusion from the provisions of these regulations*

11. The provisions of these regulations shall not apply to teachers who are expectant mothers and who decide to exercise the rights of an employee in connection with maternity as set forth in the Industrial Relations (No. 2) (Northern Ireland) Order 1976."

5. Regulation 11 of the principal regulations shall be renumbered 12.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 22nd July 1977.

(L.S.) *E. J. Kirkpatrick*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations revoke and replace the amending regulations S.R. 1977 No. 83 and amend the principal regulations S.R. 1976 No. 323 with regard to the rate of salary payable to those teachers who qualify for payment during maternity leave. Existing arrangements for the absence and payment of salary paid to women teachers during a period of pregnancy and confinement are continued. The regulations provide that salary so paid to teachers will satisfy the requirements in this connection of the Industrial Relations (No. 2) (Northern Ireland) Order 1976.

They also provide that the rights of teachers who wish to avail themselves of the rights given to an employee in connection with maternity under the Industrial Relations (No. 2) (Northern Ireland) Order 1976 are not affected by the principal regulations.

They have retrospective effect from 6th April 1977 pursuant to powers conferred by Section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.