1961. No. 250 **[C]**

EDUCATION

Teachers' Salaries (Compensation Allowances)

REGULATIONS, DATED 22ND DECEMBER, 1961, MADE BY THE MINISTRY OF EDUCATION AFTER CONSULTATION WITH THE MINISTRY OF FINANCE UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1960.

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 83 and 112 of the Education Act (Northern Ireland), 1947(**a**), and of all other powers enabling it in that behalf and after consultation with the Ministry of Finance hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland), 1961.

(2) These Regulations shall come into operation on 1st January, 1962.

(3) The Teachers' Salaries and Allowances (Compensation Grants) Regulations, 1953(**b**), and the Teachers' Salaries and Allowances (Compensation Grants) Amending Regulations (Northern Ireland), 1954(**c**), are hereby revoked.

2. In these Regulations the following expressions have the meanings hereby assigned to them:—

"allowance" means an annual allowance (other than salary or an allowance payable in respect of a university degree or other qualification) payable to a teacher in accordance with the Salaries Regulations;

"points score" means with reference to any school a points score determined for that school in the same manner as it is determined in accordance with the Salaries Regulations for the purpose of calculating the amount of the principal's allowance payable to the principal of the said school;

"protected post" means a post of principal or vice-principal in a school;

"reorganisation" means rearrangement of educational facilities carried out with the approval of the Ministry by the local education authority or the managers of a school or schools;

"Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland), 1961(**d**);

"school" means a grant-aided school not being a technical intermediate school.

3. Where a school is discontinued or the number of pupils enrolled in a school is reduced and in consequence the principal's or vice-principal's allowance payable to a teacher who held a protected post in the school ceases to be payable or is reduced, the Ministry, on application being made to it by or on behalf of such teacher, shall consider whether the discontinuance of the school or the reduction in the number of pupils enrolled in it has been directly caused by reorganisation which took place after 1st January, 1962.

(**a**) 1947. c. 3.
(**b**) S.R. & O. (N.I.) 1953, No. 95.
(**c**) S.R. & O. (N.I.) 1954, No. 120.
(**d**) S.R. & O. (N.I.) 1961, No. 249.

4. If it appears to the Ministry that the discontinuance of the school or the reduction in the number of pupils enrolled in it has been directly caused by such reorganisation as is referred to in Regulation 3, the Ministry shall determine—

(*a*) the date (hereinafter referred to as "the appropriate date") on which such reorganisation took place;

(*b*) the qualifying period, that is to say, the period of five years ending on the appropriate date;

(*c*) the points score of the school for the school year in which the appropriate date falls and each of the four school years immediately preceding that school year; and

(*d*) the average of the five points scores so determined (hereinafter referred to as "the average points score").

5.—(1) If a teacher has held one or more than one protected post throughout the whole of the qualifying period in the same school, being a school to which Regulation 4 applies, and if as a direct result of reorganisation the allowance payable to him in respect of any such post is discontinued or reduced to an amount less than the normal allowance determined in accordance with Regulation 6, he shall, subject to the provisions of these Regulations, be entitled to a compensation allowance, at an annual rate equal to the normal allowance so determined, for such period of service as a teacher in a school or grant-aided institution of further education after the appropriate date as is prescribed in paragraph (2).

(2) The period so prescribed shall be, if on the appropriate date—

(*a*) he had reached the age of 35 years but had not reached the age of 40 years—3 years;

(*b*) he had reached the age of 40 years but had not reached the age of 45 years—5 years;

(*c*) he had reached the age of 45 years but had not reached the age of 50 years—10 years;

(*d*) he had reached the age of 50 years—until, under the provisions of the Teachers (Superannuation) Act (Northern Ireland), 1950, he is deemed to reach the age of 65 years.

(3) A teacher shall not be entitled to a compensation allowance if on the appropriate date he had not reached the age of 35 years unless the Ministry directs that, having regard to the special circumstances of the case, he shall be entitled to a compensation allowance for such period not exceeding one year as the Ministry may determine.

6.—(1) If a teacher to whom paragraph (1) of Regulation 5 applies has throughout the whole of the qualifying period held the post of principal, his normal allowance shall be the principal's allowance which would have been payable to him immediately before the appropriate date in accordance with the Salaries Regulations if the said principal's allowance had been calculated by reference to a points score equal to the average points score of the school.

(2) If a teacher to whom paragraph (1) of Regulation 5 applies has during the whole or any part of the qualifying period held the post of vice-principal his normal allowance shall be the vice-principal's allowance which would have been payable to him immediately before the appropriate date if he had then

been vice-principal of the school and the said vice-principal's allowance had been calculated by reference to a points score equal to the average points score of the school.

7.—(1) In the case of any teacher who would have been entitled in accordance with paragraph (1) of Regulation 5 to a compensation allowance if during the whole of the qualifying period he had served in a protected post in the school in which he was serving immediately before the appropriate date, and who during the whole of the qualifying period when he was not so serving held a protected post in some other school or schools, the Ministry shall determine for the school year in which the appropriate date falls and each of the four school years immediately preceding that school year the points score of the school in which he was serving in each of the five said school years:

Provided that if in any school year he served in more than one school, the points score determined for that school year shall be that of the school in which he was serving at the beginning of that school year.

(2) These Regulations shall thereupon apply to such teacher as if during the whole of the qualifying period he had served in the school in which he was serving immediately before the appropriate date and as if the average points score of the school was the average of the five points scores determined under paragraph (1).

8.—(1) If and so often as during the period in which a teacher is entitled to a compensation allowance there is any change in the prescribed rates for principals' or vice-principals' allowances, the amount of the compensation allowance shall be increased or decreased by such amount (if any) as is necessary to make it equal to—

(*a*) the principal's allowance, if the teacher's normal allowance is one to which paragraph (1) of Regulation 6 applies; or

(*b*) the vice-principal's allowance, if the teacher's normal allowance is one to which paragraph (2) of Regulation 6 applies,

which would be payable from time to time to the principal or vice-principal respectively of a school of the same type (that is to say, a primary, intermediate, special or grammar school, as the case may be) as the school in which the teacher was serving immediately before the appropriate date, if the first-mentioned school had a points score equal to the average points score by reference to which the teacher's normal allowance was calculated.

(2) This Regulation shall not apply to a compensation allowance to which Regulation 10 applies.

9.—(1) Where under the Teachers' Salaries and Allowances (Compensation Grants) Regulations, 1953 (hereinafter referred to as "the previous Regulations"), a teacher, other than a teacher to whom Regulation 10 applies, was entitled on 31st December, 1961, to a compensation grant, he shall be entitled after the said 31st December, instead of such grant, to a compensation allowance under these Regulations until the expiry of the period during which he would have been entitled to a compensation grant if the previous Regulations had not been revoked.

(2) The compensation allowance to which a teacher is entitled under paragraph (1) shall be equal to—

(*a*) the principal's allowance, if the compensation grant was determined by reference to a principal's allowance held by the teacher; or

(*b*) the vice-principal's allowance, if the compensation grant was determined by reference to a vice-principal's allowance held by the teacher;

prescribed from time to time for the principal or vice-principal of a primary school having a points score equal to the normal enrolment by reference to which the teacher's normal allowance was calculated for the purpose of the previous Regulations.

10. A teacher who under the previous Regulations was entitled to a compensation grant by virtue of being a privileged assistant or of having held an allowance (other than a vice-principal's allowance) in respect of a post of special responsibility shall, subject to the provisions of Regulation 11, instead of such grant, be entitled under these Regulations to a compensation allowance at the rate of £100 per annum until the expiry of the period during which he would have been entitled to a compensation grant if the previous Regulations had not been revoked.

11.—(1) The amount of any compensation allowance payable to a teacher in any period shall be reduced by the amount of any other allowance or allowances which are payable to him in the same period.

(2) If the amount of any such other allowance or allowances in any period equals or exceeds the amount of the compensation allowance payable to the teacher in the same period, the teacher shall not be entitled to any payment in respect of the compensation allowance in the said period.

(3) Any period to which paragraphs (1) or (2) apply shall be treated as part of the period prescribed by paragraph (2) of Regulation 5 in relation to such teacher.

12. Where it appears to the Ministry, after consultation with the authorities of any school, that reorganisation affecting the said school will probably take place within a period of five years from the date on which the Ministry approves the appointment of a teacher to a protected post in the school, if notice of the probability of the said reorganisation is given in the advertisement inviting applications for the said post, or is otherwise given in writing before the said date by or on behalf of the school authorities or of the Ministry to the teacher appointed to the said post, the said teacher shall not be entitled to any compensation allowance in respect of the discontinuance or reduction of any allowance payable to him in respect of the said post.

13. A teacher, other than a teacher to whom Regulations 9 and 10 apply or a teacher who has attained the age of 55 years, shall not be entitled to a compensation allowance unless he gives to the Ministry an undertaking to take reasonable steps from time to time as opportunity arises to obtain a teaching post in respect of which an allowance is payable to him, and if thereafter before the teacher attains the age of 55 years the Ministry is of opinion that the teacher has failed to take such reasonable steps as aforesaid the Ministry may if it considers it proper to do so determine that he shall not be entitled to any further payment in respect of his compensation allowance.

14. A compensation allowance shall be payable at the same time, by the same person or body of persons and subject to the same conditions, including conditions affecting entitlement in respect of periods of absence from teaching duties, as allowances payable under the Salaries Regulations.