1969. No. 120 **[C]**

EDUCATION

Teachers' Salaries (Compensation Allowances)

REGULATIONS, DATED 15TH MAY 1969, MADE BY THE MINISTRY OF EDUCATION AFTER CONSULTATION WITH THE MINISTRY OF FINANCE UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1968.

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**) (hereinafter referred to as "the Act") and of all 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) 1969.

(2) These Regulations shall be deemed to have come into operation on 1st July 1967.

(3) The Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1965(**b**) (hereinafter called "the superseded Regulations") are hereby revoked.

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

"allowance" means a vice-principal's allowance, an allowance in respect of a post of second master or second mistress, or a graded allowance;

"institution of further education" means any place in which a local education authority provides facilities for further education, including a place used only for part-time classes;

"protected post" means a post of principal, vice-principal, second master or second mistress or other post in respect of which a graded allowance is payable in accordance with the Salaries Regulations;

"qualifying period" means a continuous period of three years immediately before the date of reorganisation;

"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;

"salary" means scale salary together with any increase or addition in respect of a university degree or other qualification or course of training;

"Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1967(**c**) or any Regulations superseding those Regulations;

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

"teacher" for the purpose of these Regulations means a full-time teacher other than a temporary teacher.

(2) In these Regulations the expression "graded allowance" shall, where the context so requires, be construed as meaning an allowance in respect of a post of special responsibility.

(**a**) 1947. c. 3.
(**b**) S.R. & O. (N.I.) 1965, No. 278.
(**c**) S.R. & O. (N.I.) 1967, No. 291.

(3) Other expressions which have meanings assigned to them by the Teachers' Salaries Regulations (Northern Ireland) 1967 shall have the same respective meanings for the purposes of these Regulations.

3.—(1) Where a school is discontinued or the number of pupils enrolled in a school is reduced and in consequence the salary of the principal or an allowance payable to an assistant teacher ceases or is reduced, the Ministry, on application being made to it by or on behalf of such teacher within one year of the date on which the salary or allowance ceases or is reduced, or within one year from the date of these Regulations, or within such longer period as the Ministry may in exceptional circumstances determine, 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.

(2) 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 reorganisation, the Ministry shall determine the date (hereinafter referred to as the "date of reorganisation") on which such reorganisation took place and the date (hereinafter referred to as the "appropriate date") on which the salary of the principal or the allowance payable to an assistant teacher ceased or was reduced.

4.—(1) In any case to which Regulation 3 applies, a teacher who immediately before the date of reorganisation

(*a*) holds a graded allowance and held a protected post or posts throughout the whole of the qualifying period, or

(*b*) holds a protected post other than a post in respect of which a graded allowance is payable

and whose salary, if he is a principal, or allowance if he is an assistant teacher, ceases or is reduced as a direct result of reorganisation will subject to paragraphs (3) and (4) be entitled to a compensation allowance determined in accordance with Regulation 5.

(2) Where under the provisions of Regulation 3(1) the Ministry determines a period longer than one year from the appropriate date or from the date of the Regulations, as the case may be, any compensation allowance to which the teacher is entitled shall not be payable from a date earlier than the date on which the application is received in the Ministry.

(3) To be entitled to a compensation allowance under paragraph (1) a teacher must immediately after the date of reorganisation remain in employment as a teacher or as a temporary teacher in schools or institutions of further education, or become so employed within a period of three months from the date of reorganisation.

(4) Unless in exceptional circumstances the Ministry determines otherwise a teacher's entitlement to a compensation allowance shall cease if after a period of three months from the date of reorganisation he is not employed as a teacher or temporary teacher or if after such period he

(*a*) ceases to be employed as such, or

(*b*) voluntarily relinquishes an allowance payable to him or voluntarily relinquishes a post as principal and the rate of salary (including any allowance) then payable to him is less than the rate of salary (including any allowance) payable to him before he relinquished the allowance or the post.

5. If a teacher

(*a*) held a post of principal immediately before the date of reorganisation his normal scale at any point of time shall be the principals' scale which would have been applicable to that post if the Salaries Regulations current at that point of time had been in force immediately before the date of reorganisation and the amount of compensation allowance shall subject to the provisions of Regulation 8 be equal to the amount, if any, by which the rate of salary payable to him is less than the rate of salary which would be payable to him if he had continued on his normal scale;

(*b*) was an assistant teacher immediately before the date of reorganisation his normal allowance at any point of time shall be the allowance determined under the Salaries Regulations current at that point of time by reference to the grade of allowance held by the teacher immediately before the date of reorganisation and the compensation allowance shall subject to the provisions of Regulation 8 be an amount equal to his normal allowance.

6.—(1) Entitlement to a compensation allowance under the superseded Regulations shall cease as from 1st July 1967.

(2) A teacher who on 30th June 1967 was entitled to a compensation allowance shall, from 1st July 1967, be entitled to a compensation allowance under these Regulations.

(3) Subject to compliance with the provisions of paragraph (4), a teacher who prior to 1st July 1967 would have been entitled to a compensation allowance if these Regulations had been in force at the date of reorganisation as a direct result of which his salary or allowance was discontinued or reduced shall, subject to the conditions of having been in service on 1st July 1967 and of having served continuously as a teacher or a temporary teacher since the date of reorganisation, be entitled to a compensation allowance from 1st July 1967, provided, however, that the conditions relating to the teacher having been in service on 1st July 1967 and to continuous service since the date of reorganisation may be waived in circumstances deemed by the Ministry to have been exceptional.

(4) In the case of a teacher not in receipt of a compensation allowance on 30th June 1967, and to whom paragraph (3) applies, application for a compensation allowance under this paragraph must be made to the Ministry by or on behalf of the teacher within one year of the date of these Regulations, and any compensation allowance to which the teacher is entitled under these Regulations shall be payable from a date not earlier than 1st July 1967.

(5) For the purpose of the calculation of the compensation allowance to which a teacher is entitled under the preceding paragraphs the normal scale or allowance of a teacher shall be determined by the Ministry.

(6) A teacher who on 30th June 1967 was entitled to a compensation allowance under the superseded Regulations shall not by reason of the operation of these Regulations receive a lesser rate of compensation allowance than the compensation allowance to which he would have been entitled if the superseded Regulations had continued in force nor shall his entitlement to compensation allowance under those Regulations be diminished.

7. A teacher who under Regulation 10 of the superseded Regulations was entitled to a compensation allowance at the rate of £100 per annum shall, subject to the provisions of Regulation 8, be entitled under these Regulations to a compensation allowance at the same rate.

8. The amount of any compensation allowance payable to a teacher or a temporary teacher shall be reduced by the amount of any other allowance payable to him, or if he is a principal, having been an assistant teacher at the date of reorganisation, by the amount by which his salary as a principal exceeds the salary which would be payable to him if he were an assistant teacher.

9.—(1) A teacher other than a teacher in whose case the Ministry has determined otherwise, 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 there would be payable a principal's salary or salary and allowance which would be at least equal to his normal salary or his salary and normal allowance.

(2) Where the Ministry is of opinion that the teacher has failed to take such reasonable steps as aforesaid or where it appears to the Ministry, after consultation with the appropriate school authorities, that the teacher has unreasonably refused to accept an alternative teaching post the Ministry may if it considers it proper to do so determine that he shall not be entitled to any payment or any further payment in respect of his compensation allowance.

10. 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.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 15th day of May 1969.

(L.S.) *J. M. Benn,*
Secretary.

EXPLANATORY NOTE

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

These Regulations make provision for the payment of Compensation Allowances to the principals, vice-principals, second masters, second mistresses or holders of graded posts in grant-aided schools (other than technical intermediate schools) whose posts are discontinued or whose allowances are reduced as a result of reduction in the number of pupils in their schools through educational reorganisation. Provision is also made for the continuance of allowances to teachers who were entitled to such allowances under the Regulations revoked by these Regulations.