1972. No. 31 [C]

EDUCATION

Teachers' Salaries (Compensation Allowances)

REGULATIONS, DATED 14TH FEBRUARY 1972, MADE BY THE MINISTRY OF EDUCATION AFTER CONSULTATION WITH THE MINISTRY OF FINANCE UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1971.

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) 1972.

(2) Except as otherwise provided herein these Regulations shall be deemed to have come into operation on 1st April 1971.

(3) The Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1969(**b**) (hereinafter called "the superseded Regulations") are hereby revoked.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/mistress, or a graded allowance held under the provisions of the Teachers' Salaries Regulations (Northern Ireland) 1969(**c**);

"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" shall, where the context so requires, be construed as either a post of principal, vice-principal, second master/mistress or other post in respect of which a graded allowance is payable in accordance with the Teachers' Salaries Regulations (Northern Ireland) 1969; or a post other than a post for which salary in accordance with Scale 1 for Assistant Teachers is payable under the provisions of the Salaries Regulations;

"qualifying period" means a continuous period of two 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" shall, where the context so requires, be construed as meaning either scale salary together with any increase or addition in respect of

(**a**) 1947. c. 3.
(**b**) S.R. & O. (N.I.) 1969, No. 120; S.R. & O. (N.I.) 1969, No. 235.
(**c**) S.R. & O. (N.I.) 1969, No. 183; S.R. & O. (N.I.) 1970, No. 86; S.R. & O. (N.I.) 1970, No. 148; S.R. & O. (N.I.) 1971, No. 306.

a university degree or other qualification or course of training payable in accordance with the Teachers' Salaries Regulations (Northern Ireland) 1969; or scale salary payable under the Salaries Regulations excluding any allowance under Regulation 21 or 22 of these Regulations.

"Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1972(**d**) 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.

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

3.—(1) Where a school is discontinued or the points category of a school is reduced and in consequence the salary or allowance of a teacher is reduced or ceases, 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 is reduced or ceases 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 points category has been directly caused by reorganisation.

(2) If it appears to the Ministry that the discontinuance of the school or the reduction in the points category of the school 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 or allowance of the teacher was reduced or ceased.

4.—(1) Where the points category of a school is reduced and in consequence the salary or allowance of a teacher is reduced or ceases, and the local education authority for the area in which the school is situated certifies to the Ministry within one year of the date on which the salary or allowance is reduced or ceases or within such longer period as the Ministry may in exceptional circumstances determine, that the reduction in the points category has been directly caused by movement of population from the area by reason of a slum clearance scheme, re-development scheme, road scheme or other similar scheme undertaken by a local or public authority, or such other exceptional circumstances as the local education authority with the approval of the Ministry shall consider proper, the Ministry may deem the reduction in the points category to be directly caused by reorganisation.

(2) Where the Ministry under paragraph (1) deems the reduction in the points category of a school to be directly caused by reorganisation the school shall be treated as a school to which Regulation 3 applies and the Ministry shall determine the date on which the reorganisation was deemed to take place and the date on which the salary or allowance of the teacher was reduced or ceased and these shall be respectively the date of reorganisation and the appropriate date for the purpose of these Regulations.

(**d**) S.R. & O. (N.I.) 1972, No. 30.

5.—(1) In any case to which Regulation 3 or Regulation 4 applies, a teacher who immediately before the date or reorganisation held a protected post or posts throughout the whole of the qualifying period and whose salary or allowance is reduced or ceases as a direct result of reorganisation will subject to paragraphs (3) and (4) be entitled to a compensation allowance determined in accordance with Regulation 6.

(2) Where under the provisions of Regulation 3(1) or 4(1) the Ministry determines a period longer than one year from the appropriate date 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 or the certificate from the local education authority as is appropriate 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 a protected post and the rate of salary or allowance then payable to him is less than the rate of salary or allowance payable to him before he relinquished the post.

6. If a teacher held a protected post immediately before the date of reorganisation his normal scale at any point in time shall be the scale which would have been applicable to that post if the Teachers 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 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.

Provided that in any case where the date of reorganisation is determined as having taken place on or before 31st March 1971 a teacher's normal scale shall be determined by reference to the provisions of Schedule 4 to the Salaries Regulations.

7.—(1) Entitlement to a compensation allowance under the superseded Regulations shall cease as from 1st April 1971.

(2) A teacher who on 31st March 1971 was entitled to a compensation allowance, shall from 1st April 1971, be entitled to a compensation allowance under these Regulations.

8. A teacher who under Regulation 7 of the superseded Regulations was entitled to a compensation allowance at the rate of £100 per annum shall be entitled under these Regulations to a compensation allowance at the same rate. Provided that the compensation allowance shall be reduced by the amount by which his salary exceeds the salary which would be payable to him if he held a post of the same grade as the post held immediately before the date on which he became entitled to a compensation allowance.

9. The amount of any compensation allowance payable to a teacher or a temporary teacher shall, on and after 1st August 1972, be reduced by the amount of any special schools, or special class allowance payable to him under the provisions of Regulation 21 of the Salaries Regulations, except where such an allowance was payable to him immediately before the date of reorganisation.

10.—(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 salary which would be at least equal to his normal salary.

(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.

11. 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 14th day of February 1972.

(L.S.) *P. Shea,*
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 teachers holding senior posts in grant-aided schools (other than technical intermediate schools) whose salaries are reduced as a result of a decrease in the number of such posts in their schools through educational reorganisation or by reason of a movement of population from the area due to a slum clearance scheme, a re-development scheme, or road scheme or other similar scheme undertaken by a local or public authority. Provision is also made for the continuance of allowances to teachers who were entitled to such allowances under the Regulations revoked by these Regulations.