1993 No. 318

EDUCATION

Teachers' Salaries Regulations (Northern Ireland) 1993

Made	*16th July 1993*
Coming into operation . .	*30th July 1993*

ARRANGEMENTS OF REGULATIONS

PRELIMINARY

1. Citation and commencement
2. Revocation
3. Interpretation
4. Application

GENERAL

5. Entitlement to salary and allowances
6. Unit total and group

SALARY

7. Salary of principals
8. Salary of vice-principals
9. Standard scale for all teachers except principals and vice-principals

PROMOTION ALLOWANCES FOR TEACHERS OTHER THAN PRINCIPALS AND VICE-PRINCIPALS

10. Rate of allowances

PERIPATETIC AND SUPPLY TEACHERS

11. Entitlement to allowances

ADDITIONAL ALLOWANCES

12. Teachers of blind and deaf children
13. Temporary or acting allowances

TEMPORARY TEACHERS

14. Payment

PART-TIME TEACHERS

15. Payment
16. Incremental progression

UNQUALIFIED TEACHERS

17. Salary

ABSENCES OF TEACHERS

18. Interpretation
19. Absence due to illness
20. Absences for other causes

MISCELLANEOUS

21. Reassessment of salary following incorrect placing on the standard scale
22. Transitional provisions
23. Transitional provisions for certain unqualified teachers
24. Amendments

SCHEDULES

SCHEDULE 1 Groups, unit totals, promotion allowances and provisions for principals and vice-principals
SCHEDULE 2 Method of determining the position of a teacher on the standard scale
SCHEDULE 3 Transitional arrangements for teachers in service on 31st March 1993
SCHEDULE 4 Amendments
SCHEDULE 5 Regulations revoked

The Department of Education, in exercise of the powers conferred on it by Articles 69(1) and (2) and (3)(**a**), 70(1)(*b*)(**b**) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**c**), and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(**d**) and of every other power enabling it in that behalf, after consultation in accordance with Article 69(5)(*a*) of the Education and Libraries (Northern Ireland) Order 1986(**c**), hereby makes the following regulations:

(**a**) Article 69 was substituted by Article 166 of and Schedule 9 to S.I. 1989/2406 (N.I. 20)
(**b**) Article 70 was substituted by Article 8 of S.I. 1987/167 (N.I. 2) and amended by Article 157 of S.I. 1989/2406 (N.I. 20)
(**c**) S.I. 1986/594 (N.I. 3) to which there are other amendments not relevant to the subject matter of these Regulations
(**d**) 1962 c. 7 (N.I.)

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Teachers' Salaries Regulations (Northern Ireland) 1993 and shall come into operataion on 30th July 1993 and except where otherwise provided shall have effect from 1st April 1993.

Revocation

2. The regulations set out in Schedule 5 are hereby revoked.

Interpretation

3.—(1) In these regulations—

"group" in relation to a school means the group to which the school is assigned in accordance with regulation 6;

"the Order" means the Education and Libraries (Northern Ireland) Order 1986;

"part-time teacher" means a qualified teacher who is not full-time;

"qualified teacher" means a teacher who is recognised as a qualified teacher in the school in which he is employed or as a qualified peripatetic or supply teacher;

"recognised" means recognised by the Department;

"relevant body" means—

(*a*) in the case of a school without a delegated budget, the employing authority; and

(*b*) in the case of a school which has a delegated budget, the Board of Governors of the school;

and any reference to a school which has a delegated budget shall be construed in accordance with Article 50 of the Education Reform (Northern Ireland) Order 1989(**a**);

"reorganisation" means rearrangement of educational facilities carried out with the approval of the Department by an employing authority;

"standard scale" has the meaning assigned to it by regulation 9;

"teacher" means a full-time qualified teacher;

"temporary teacher" means a full-time teacher in respect of whose employment an agreement is not required under Article 70(3) of the Order;

"unqualified teacher" means a teacher who is not eligible for recognition as a qualified teacher in the school in which he is employed or as a qualified peripatetic or supply teacher;

"working day" means a day on which a school is in operation or such other day as the Department may determine to be a working day for the purposes of these regulations.

(**a**) S.I. 1989/2406 (N.I. 20)

(2) In these regulations—

(*a*) ''allowance'' means an allowance payable under these regulations;

(*b*) ''promotion allowance'' means a promotion allowance set out in regulation 10(1);

(*c*) ''salary'' shall not except in regulations 15, 16, 19 and 20 include any allowance under regulations 10(4)(*b*), 10(4)(*c*), 12 or 13 or a reorganisation allowance payable under the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987(**a**); and

(*d*) the rates indicated for salaries, allowances and increments are rates per annum.

(3) A grammar school with a preparatory department shall be regarded as a single school for the purposes of these regulations.

Application

4. These regulations shall apply to teachers employed in grant-aided schools and to peripatetic and supply teachers.

GENERAL

Entitlement to salary and allowances

5.—(1) Subject to regulation 14 (temporary teachers), regulation 17 (salary for unqualified teachers), and regulation 22 (transitional provisions) a qualified teacher in full-time service shall be entitled to a salary determined in accordance with regulation 7, 8 or 9 and any promotion or other allowances payable to him in accordance with regulations 10, 11, 12 and 13.

(2) A teacher in part-time service shall be entitled to a salary and allowances calculated in accordance with regulation 15.

Unit total and group

6.—(1) In relation to every primary and secondary school, there shall for the purposes of these regulations be determined a unit total and a group in accordance with Schedule 1 Part I and Annex A thereto.

(2) In relation to every special school there shall for the purposes of these regulations be determined a group in accordance with Schedule 1 Part II and Annex B thereto.

(a) S.R. 1987 No. 385

SALARY

Salary of principals

7. Subject to paragraphs 3(1) and 6 of Schedule 1 principals shall be paid the salary in column (3) hereunder opposite the group in column (1) or (2) hereunder to which their school is assigned—

Primary and Secondary School Group (1)	*Special School Group* (2)	*Salary* (3)
		£
1		23,505
2		24,240
3		24,972
4	3(S)	25,710
5	4(S)	26,808
6	5(S)	28,650
7	6(S)	30,360
8	7(S)	32,319
9	8(S)	34,404
10	9(S)	36,855
11		39,546
12		42,114
13		43,830
14		46,398

Salary of vice-principals

8. Subject to paragraphs 3, 6 and 7 of Schedule 1 vice-principals shall be paid the salary in column (3) hereunder opposite the group in column (1) or (2) hereunder to which their school is assigned—

Primary and Secondary School Group (1)	*Special School Group* (2)	*Salary* (3)
		£
Below 4		22,404
4	3(S)	22,770
5	4(S)	23,505
6	5(S)	23,874
7	6(S)	24,609
8	7(S)	25,710
9	8(S)	27,180
10	9(S)	28,650
11		29,874
12		31,341
13		32,808
14		33,789

Standard scale for all teachers except principals and vice-principals

9.—(1) A teacher other than a principal or a vice-principal shall be paid on the following scale (hereinafter referred to as "the standard scale") the point of entry on the scale and the award of increments being determined in accordance with the provisions of Schedule 2 and Schedule 3.

Scale Point	*Annual Salary*
	£
1	11,244
2	11,838
3	12,432
4	13,026
5	13,914
6	14,802
7	15,690
8	16,578
9	17,760
10	18,942

(2) Subject to paragraph (4), a qualified teacher, who on 1st May 1993 is in service and is employed either in a full-time permanent capacity, or in a full-time temporary capacity and paid in accordance with regulation 14(2), or employed in a part-time capacity and paid in accordance with regulation 15(3), shall be paid an additional sum of £90 or where paragraph (3) applies an additional sum determined in accordance with that paragraph.

(3) Where a qualified teacher to whom paragraph (2) applies is on 1st May 1993 receiving less than the full rate of salary which would be payable under the provisions of regulation 5(1) because of the provision of regulation 15(3), regulation 19, regulation 20 or the Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1987(**a**), he shall be paid an additional sum of such fraction of £90 as corresponds to the fraction of the full rate of salary in payment on 1st May 1993.

(4) The additional sum will not be paid to a teacher who is in receipt of an allowance under regulation 13(*a*) or was previously a principal or vice-principal and is in receipt of an allowance under the provisions of the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987(**b**).

(**a**) S.R. 1987 No. 206
(**b**) S.R. 1987 No. 385

PROMOTION ALLOWANCES FOR TEACHERS OTHER THAN PRINCIPALS AND VICE-PRINCIPALS

Rate of allowances

10.—(1) There shall be five promotion allowances, payable in accordance with this regulation as follows:—

Rate	*Amount*
	£
A	1,302
B	2,109
C	4,218
D	5,625
E	7,734

(2) Subject to paragraph (4)(*b*) not more than one promotion allowance shall be payable to a teacher.

(3) Subject to the provisions of this regulation and of paragraph 4 of Schedule 1 the relevant body may determine that a promotion allowance at one of the above rates shall be paid to a teacher in a primary or secondary school.

(4) (*a*) A promotion allowance of not less than rate B shall be paid to teachers in special schools.

(*b*) A promotion allowance at rate B may be paid to a teacher, other than a peripatetic or supply teacher or a teacher in receipt of an allowance at rate E, who is engaged wholly or mainly in teaching a class wholly or mainly of pupils in respect of whom a board is maintaining a statement of special educational needs under Article 31 of the Order.

(*c*) In the case of sub-paragraph (*a*) payment at a rate higher than rate B shall be subject to paragraph 8 of Schedule 1.

(5) Subject to the provisions of these regulations the appropriate proportion of a promotion allowance may be paid to a part-time teacher paid under the provisions of regulation 15(3) or to a temporary teacher, such proportion to be ascertained in accordance with regulations 14 and 15.

(6) A promotion allowance other than an allowance payable under paragraphs (4)(*b*) or under paragraph 2(2) of Schedule 3 shall not be paid to a teacher in a primary or secondary school unless the relevant body is satisfied that the teacher fufils at least one of the following criteria—

(*a*) he undertakes responsibilities beyond those common to the majority of teachers; or

(*b*) he has demonstrated outstanding ability as a classroom teacher; or

(*c*) he is employed to teach subjects in which there is a shortage of teachers; or

(*d*) he is employed in a post which is difficult to fill.

(7) A promotion allowance at a rate higher than rate B, other than an allowance payable under paragraph 2(2) of Schedule 3, shall not be paid to a teacher in a special school unless the employing authority is satisfied that the teacher fulfils at least one of the following criteria—

(*a*) he undertakes responsibilities beyond those common to the majority of teachers; or

(*b*) he has demonstrated outstanding ability as a classroom teacher; or

(*c*) he is employed to teach subjects in which there is a shortage of teachers; or

(*d*) he is employed in a post which is difficult to fill.

(8) A promotion allowance shall not be payable to a principal or to a vice-principal.

(9) (*a*) Subject to sub-paragraph (*b*) a promotion allowance shall not be payable to a teacher until he has satisfactorily completed the probation requirements of the Teachers' (Eligibility) Regulations (Northern Ireland) 1987(**a**).

(*b*) Sub-paragraph (*a*) shall not apply to—

(i) the payment of a promotion allowance at rate B under paragraph (4)(*a*);

(ii) the payment to a teacher in a secondary school of a promotion allowance, other than an allowance at rate B under paragraph (4)(*b*).

PERIPATETIC AND SUPPLY TEACHERS

Entitlement to allowances

11. In accordance with arrangements approved by the Department a qualified peripatetic or supply teacher may be paid one of the five promotion allowances set out in regulation 10.

ADDITIONAL ALLOWANCES

Teachers of blind and deaf children

12. A teacher who holds such qualifications as the Department may approve—

(*a*) for the teaching of the blind and who is engaged wholly or mainly in teaching visually impaired children; or

(*b*) for the teaching of the deaf and who is engaged wholly or mainly in teaching hearing impaired children,

shall, while so engaged, be entitled to an allowance of £702 save that in the case of a teacher other than a principal or vice-principal he shall not be entitled to such allowance until the first anniversary of his reaching the maximum of the standard scale.

(a) S.R. 1987 No. 266, to which there are amendments not relevant to these Regulations

Temporary or acting allowances

13. In accordance with arrangements approved by the Department—

(*a*) a teacher who is assigned and carries out the duties of a vice-principal or principal on a temporary basis may, so long as he is assigned and carries out those duties, be paid an allowance of such amount as is necessary to ensure that he receives remuneration equivalent to the total of the salary and allowances he would have received had he been appointed to that post;

(*b*) a promotion allowance (or a promotion allowance at a rate higher than he is already receiving under regulation 10) may be paid to a teacher, other than a principal or a vice-principal, during a period for which he is temporarily assigned responsibilities or duties (other than those specified in paragraph (*a*)) beyond those common to the majority of teachers; and an allowance paid under this paragraph shall be at one of the five rates set out in regulation 10 or the difference between the rate of promotion allowance the teacher was already receiving and the promotion allowance at the higher rate paid pursuant to this paragraph.

Temporary Teachers

Payment

14.—(1) A temporary teacher shall, except as provided in paragraph (2), be paid for each working day at the rate of 1/195th of the salary which he would receive if he were employed in a permanent capacity.

(2) A temporary teacher who is appointed for a period of not less than 12 months shall be paid salary as though he were employed in a permanent capacity.

(3) In the case of a temporary teacher who, in respect of any period of service, is paid on a daily basis in accordance with paragraph (1), each working day shall for the purposes of increment be reckoned as 1/195th of a year of service but in any twelve consecutive months any such period of service together with any other periods of teaching service which such teacher may perform during that time shall not be reckoned as more than one year of service.

(4) For the purposes of this regulation "salary" includes any allowances to which the temporary teacher is entitled herein and any reorganisation allowance payable under the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987(**a**).

(**a**) S.R. 1987 No. 385

PART-TIME TEACHERS

Payment

15.—(1) A part-time teacher (other than one mentioned in paragraph (5)) employed for a period of less than 12 months shall, except as provided in paragraphs (2) and (4) and regulation 16, be paid for each hour worked—

(*a*) if he is a qualified teacher, at the rate of 1/1265th of the annual salary which he would have received if he were employed in a permanent capacity; and

(*b*) if he is an unqualified teacher, at the rate of £8·93.

(2) For the purposes of this regulation, a part-time teacher with qualifications acceptable to the Department may be considered to be a qualified part-time teacher although such qualifications need not necessarily be acceptable for recognition as a qualified teacher employed in a full-time capacity and shall be remunerated at the rate of £11·52 for each hour worked.

(3) A part-time teacher (other than one mentioned in paragraph (5)) who is employed for a period of not less than 12 months shall be paid the same proportion of the salary which he would receive if he were employed in a full-time capacity as his part-time service bears to that full-time service.

(4) In such circumstances as the Department may determine, a part-time qualified teacher who falls within paragraph (1)(*a*) shall be paid as if paragraph (3) applied to him rather than that sub-paragraph.

(5) A part-time qualified teacher employed in a Homework Centre shall be paid at the rate of £11·52 for each hour worked.

Incremental progression

16.—(1) A part-time qualified teacher whose salary has been determined in accordance with regulation 15(1)(*a*) or (3) shall, subject to the Department's approval and these regulations, be granted an increment on the appropriate scale each time he completes the equivalent of 12 months full-time service:

Provided that no teacher shall be entitled to more than one such increment in any period of 12 months.

(2) For the purposes of paragraph (1) service as a teacher employed in a part-time capacity in a Homework Centre on or after 31st January 1991 shall not count towards the completion of any period of full-time service.

(3) The proportion of the increment payable to any teacher under paragraph (1) shall be the same as that which his salary bears to the salary he would have received had he been employed in a full-time capacity.

(4) Any periods of absence without pay of a part-time teacher shall not be counted as teaching service for the purposes of paragraph (1).

(5) An increment may at any time be withheld if a teacher's service is considered by the Department to be unsatisfactory.

(6) If an increment is withheld at any incremental date or at any two or more successive incremental dates and if, at the next following incremental date, the teacher's service is considered by the Department to have reached a

satisfactory standard he may be granted two increments (instead of one increment) on the standard scale.

UNQUALIFIED TEACHERS

Salary

17. The rate of salary for a full-time unqualified teacher shall be £8,298 and such a teacher shall be paid for each working day at the rate of 1/195th of his salary: however, a full-time unqualified teacher who possesses qualifications entitling him to recognition as a qualified teacher in another type of school or in an institution of further education shall be paid salary at the rate which he would be paid as a qualified teacher.

ABSENCES OF TEACHERS

Interpretation

18.—(1) In regulations 19 and 20 "teacher" means—

(*a*) a full-time teacher, other than a temporary teacher who is paid at the daily rate of 1/195th of his annual salary; and

(*b*) a part-time teacher who is paid in accordance with regulation 15(3).

(2) In regulation 19 "full rate", in relation to any teacher mentioned in paragraph (1)(*b*), means the rate of remuneration which would have been payable to the teacher concerned had he not been absent due to illness, and "full-time rate" shall be construed accordingly.

(3) In regulation 19 "service" means service in the United Kingdom.

Absence due to illness

19.—(1) A teacher shall, subject to the provisions of these regulations, be entitled, while absent because of illness, to receive salary in any period of one year, which shall be deemed to end on 31st March in accordance with the following scale:

(*a*) during the first year of service, salary at the full rate for twenty-five working days and after completing four months service, salary at one-half of the full rate for fifty working days;

(*b*) during the second year of service, salary at the full rate for fifty working days and at one-half of the full rate for fifty working days;

(*c*) during the third year of service, salary at the full rate for seventy-five working days and at one half of the full rate for seventy-five working days;

(*d*) during the fourth and successive years of service, salary at the full rate for one hundred working days and at one-half of the full rate for one hundred working days.

(2) The period of service required by paragraphs 1(*a*)–(*d*) for a full-time teacher shall be continuous service and shall include a period of not less than 3 months service in Northern Ireland immediately before the date of the commencement of the absence.

(3) The period of service required by paragraphs 1(*a*)–(*d*) for a part-time teacher shall be continuous service and shall include a period of not less than 6 months service in Northern Ireland immediately before the date of the commencement of the absence.

(4) A teacher who is appointed from a date other than 1st April shall be deemed for the purposes of paragraph (1) to have been appointed from the preceding 1st April but shall have completed four months actual service before being entitled while absent owing to illness to any salary at one-half of the full-time rate.

(5) The period from 1st April until the return to duty of a teacher absent owing to illness on 31st March in any year and who continues to be absent for this reason after that date shall be deemed to be part of the preceding year for the purpose of determining entitlement to salary and if such a teacher after returning to duty should subsequently be absent owing to illness before 1st April following, his entitlement to salary shall be determined under paragraph (1) and reckoned as from the date of returning to duty after his previous illness.

(6) Subject to the provisions of paragraph (7) a teacher who was ill immediately preceding a period of vacation and who continues to be ill shall be paid at the rate applicable to him under paragraph (1) on the last working day before the period of vacation commenced, and the vacation period shall not be counted against his entitlement under paragraph (1), or where he has ceased to be entitled to salary at one-half of the full rate he shall not be entitled to salary.

(7) A teacher who has been ill immediately preceding a vacation period and has ceased to be entitled to salary at the full rate or one-half of the full rate and who recovers from illness during the vacation period shall be regarded as having returned to duty on the day he is certified medically fit to do so by means of a medical certificate obtained for that purpose and salary at the full rate shall be paid to him from that date provided he actually resumes duty on the first day after the said vacation period.

(8) (*a*) Subject to sub-paragraph (*b*) a teacher who is absent because of illness shall not be entitled to salary for more than three successive days unless he furnishes to the Department—

(i) a self-certificate for absences of less than eight successive days; or

(ii) a medical certificate, giving the nature of the illness and certifying the teacher's incapacity for work, for absences of eight or more days.

(*b*) A teacher who has been absent because of illness for a total of twenty working days in any year ending 31st March and who has not furnished a medical certificate in respect of any of those twenty days shall not be entitled to salary for any subsequent days of absence through illness in that year unless he furnishes a medical certificate.

(9) Where a teacher is absent owing to illness and the absence includes any period of days which are not working days, other than vacation periods to

which paragraphs (6) and (7) apply, he shall be entitled to payment for each such period at the full rate of salary or at one-half of the full rate as the case may be on the same basis as the rate related to the last working day immediately preceding each such period, and where he has ceased to be entitled to salary at one-half of the full rate, he shall not be entitled to salary.

(10) Notwithstanding the above provisions, where a teacher's absence is certified by a registered medical practitioner to be due to pulmonary tuberculosis he shall be entitled to receive salary at the full rate in respect of the first twelve months of the absence and salary at one-half of the full rate for a further period of absence not exceeding six months.

(11) In this regulation "a self-certificate" means a declaration made by the teacher in writing that he has been unfit for work from a date or for a period specified in the declaration and may include a statement that the teacher expects to be unfit for work on days subsequent to the date on which it is made.

Absences for other causes

20.—(1) From 1st August 1993 a teacher other than a principal may be granted leave of absence with or without salary by the relevant body.

(2) From 1st August 1993 a principal may be granted leave of absence with or without salary by the relevant body—

(*a*) for a period of absence not exceeding 3 working days, or

(*b*) with the approval of the employing authority for a period of absence exceeding 3 working days.

MISCELLANEOUS

Reassessment of salary following incorrect placing on the standard scale

21.—(1) Where evidence becomes available that a teacher's placing on the standard scale is incorrect and a reassessment of his salary reveals that the rate of salary falls to be increased, the revised rate shall come into operation from a date not earlier than 1st July 1993 unless determined otherwise by the Department.

(2) For the purposes of this regulation "salary" includes any allowance properly payable to the teacher under the provisions of the Regulations which from time to time governed the salaries of teachers in recognised schools.

Transitional provisions

22.—(1) Subject to the provisions of this regulation the salaries and promotion allowances to be paid to teachers in service on 31st March 1993, other than principals and vice-principals, shall be determined in accordance with Schedule 3.

(2) Subject to paragraph (3), and to paragraph 2(1)(*b*) of Schedule 3, where the salary (including allowances) of any teacher payable under these regulations ("the new salary") would but for this paragraph be less than the salary (including allowances) which he was being paid on 31st March 1993 ("the old salary"), the teacher shall continue to be paid the old salary until

such time as the new salary that would be payable but for this paragraph equals or exceeds the old salary.

(3) Paragraph (2) shall, subject to paragraph 2 of Schedule 3, apply only so long as the teacher holds the same post.

Amendments

23. The statutory provisions specified in Schedule 4 shall have effect subject to the amendments specified in that Schedule.

Sealed with the Official Seal of the Department of Education on 16th July 1993.

(L.S.) *S. Peover*

Assistant Secretary

SCHEDULE 1 Regulations 6, 7, 8 and 10

Groups, unit totals, promotion allowances and provisions for Principals and Vice-Principals

PART I

PRIMARY AND SECONDARY SCHOOLS

Groups and unit totals

1. Subject to sub-paragraphs (6) to (8) of paragraph 2, the group to which a primary or secondary school shall be assigned shall be determined by reference to its unit total, calculated in accordance with paragraph 2, and columns (1) and (2) of the Table in Annex A to this Schedule (in this part referred to as "the Table").

2.—(1) Subject to the provisions of this paragraph the unit total of a school, other than a nursery school or a school which is newly opened or not yet open, shall be calculated by reference to the number of pupils enrolled in the school as shown on the most recent Form SR1, SR2 or SR3 as appropriate, as submitted to the Department.

(2) Subject to the exceptions in sub-paragraph (3) the calculation of the unit total shall be based on the ages of the pupils as at the preceding 31st August as follows:

For each pupil under 14 years of age	...	count 2 units
For each pupil aged 14 and under 15	...	count 4 units
For each pupil aged 15 and under 16	...	count 5 units
For each pupil aged 16 and under 17	...	count 7 units
For each pupil aged 17 and over	...	count 9 units

(3) The exceptions are:

(*a*) each pupil who attends for no more than half a day on each day for which he attends the school shall count half as many units as he would otherwise count;

(*b*) each pupil with a statement of special educational needs shall count 3 units more than he would otherwise count by virtue of sub-paragraph (2);

(*c*) a nursery class in a primary school shall count as 55 units and 2 nursery classes in a primary school shall count as 110 units.

(4) The unit total of a nursery school shall be 55 in the case of a one class school and 110 in the case of a 2 class school.

(5) The calculation of the unit total shall be carried out—

(*a*) whenever the Department considers a calculation appropriate;

(*b*) whenever it is proposed to appoint a new principal or vice-principal to a school;

(*c*) in any event, not more than three years after the last such calculation.

(6) The Department shall, subject to sub-paragraphs (7) and (8), assign each school to a group in accordance with columns (1) and (2) of the Table except that where the Department expects a school's enrolment to rise after the date to which the calculation of the unit total refers, the Department may instead assign the school to the group appropriate to the unit total which would result after the expected rise in numbers has taken place.

(7) The Department shall assign a school which is newly opened or not yet open to the group appropriate to the unit total expected not less than four years from the date of opening, revising the assignation, as necessary, as expectations change.

(8) The Department shall determine the group for a school which has been directly affected by re-organisation.

Principals and vice-principals

3.—(1) A principal or vice-principal serving in a school at a time when it is assigned to a lower group shall while he remains in post at that school continue to receive the salary appropriate to the group by reference to which it was determined before the change took place. However, if he is offered but unreasonably refuses to accept a post as a principal or vice-principal respectively in a school in a group not lower than that by reference to which he is being paid, the Department may determine that he be paid by reference to the group to which the school in which he is serving has been assigned.

(2) Subject to sub-paragraph (3), the number of teachers in a school who shall be paid as vice-principals shall be determined by the relevant body.

(3) If under sub-paragraph (2) the relevant body reduces the number of teachers in a school who are to be paid as vice-principals, any teachers who were being so paid immediately before that reduction shall continue to be paid as vice-principals while they remain in post at that school. However, this sub-paragraph shall cease to apply in the case of any teacher who is offered but unreasonably refuses to accept a post as a vice-principal in any other school at a rate of salary not lower than that which is being paid by virtue of this sub-paragraph.

Promotion allowances

4.—(1) Subject to sub-paragraphs (2) to (5) and to paragraph 2(2) of Schedule 3 the maximum rate of promotion allowances which may be paid in a school which has been assigned to a group specified in column (2) of the Table is set out opposite thereto in column (3).

(2) The limits set out in column (3) of the Table may be increased where the relevant body is of the opinion that the staffing and organisational needs of the school cannot otherwise be met and, in forming this opinion it shall have regard in particular, but not exclusively, to—

(*a*) whether the school is a secondary school in a group below group 9;

(*b*) the difficulties of recruiting and retaining teachers to serve in the school; and

(*c*) the proportion of children in the school belonging to families receiving income support.

(3) A teacher may be paid a promotion allowance at a rate for which no provision is made in the Table for the relevant group if—

(*a*) the allowance is payable pursuant to the transitional provisions in paragraph 2(2) of Schedule 3; or

(*b*) the teacher is already being paid such an allowance and the school is assigned to a lower group for which the particular allowance is no longer provided for in the Table.

(4) A teacher in a school being paid a promotion allowance in circumstances provided for in sub-paragraph (3) shall continue to receive it for so long as he remains in post at the same school.

(5) When the assignment of a school to a lower group causes the limits in column (3) of the Table to be exceeded (not counting any teacher who is being paid a promotion allowance in circumstances provided for in sub-paragraphs (2) to (4)) the teachers in the school being paid promotion allowances in excess of the limits shall continue to be paid those allowances while they remain in post at that school but no further promotion allowances in excess of the limits shall be paid.

PART II

SPECIAL SCHOOLS

Determination of school group

5.—(1) Subject to sub-paragraphs (2), (3), (4) and (5) the group to which a special school shall be assigned shall be determined by the Department in accordance with Table 1 in Annex B to this Schedule by reference to the approved staffing of the school and to the number of pupils enrolled in the school as shown on the most recent Form SR4 submitted to the Department on behalf of the school.

(2) The determination of the school group shall be carried out—

(*a*) whenever the Department considers a determination appropriate;

(*b*) whenever it is proposed to appoint a new principal or vice-principal to a school;

(*c*) when three years have elapsed since the last determination;

(*d*) where the school has been directly affected by re-organisation.

(3) If in the opinion of the Department the pupil and staff numbers of a school will increase after the date to which the determination of the school group refers the Department may assign the school to the group appropriate to the pupil and staff numbers which the Department estimates will result when the increase in pupil and staff numbers has taken place.

(4) Where a school is not yet open or is newly opened the group for that school shall be determined by reference to the Department's estimate of the number of staff and pupils likely to be reached four years after the date of opening and may be revised as the Department's estimates of staff and pupil numbers are revised.

(5) Where the group of a school cannot be determined from the table referred to in sub-paragraph (1) because the particular combination of numbers is not provided for, the school shall be assigned to the group which the Department consider appropriate.

Principals and vice-principals

6.—(1) This paragraph applies where the school group for a special school determined under paragraph 5 is lower than the group assigned to the school immediately preceding such determination.

(2) A principal or vice-principal in service on the date from which the lower group referred to in sub-paragraph (1) applies and who was employed in the same school and in the same capacity immediately preceding such date shall, subject to sub-paragraph (3), continue to receive the salary appropriate to the school group applying immediately preceding such determination.

(3) Where in the opinion of the Department a principal or vice-principal to whom sub-paragraph (2) applies is offered but unreasonably refuses to accept a post of principal or vice-principal respectively in a school in a group not lower than that by reference to which he is being paid the Department may determine that he be paid by reference to the group to which the school in which he is serving has been assigned.

7.—(1) Subject to sub-paragraph (2) the number of teachers in a special school who shall be paid as vice-principals shall be determined by the Department.

(2) If under sub-paragraph (1) the Department reduces the number of teachers in a special school who are to be paid as vice-principals any teachers who were being so paid immediately before that reduction shall continue to be paid as vice-principals while they remain in post at that school. However, this sub-paragraph shall cease to apply in the case of any teacher who is offered but unreasonably refuses to accept a

post as a vice-principal in any other special school at a rate of salary not lower than that which he is being paid by virtue of this sub-paragraph.

Promotion allowances

8.—(1) Subject to the following sub-paragraphs and to paragraph 2(2) of Schedule 3 the number of promotion allowances at rates C, D and E payable to teachers in a special school assigned to a group specified in column (1) of Table 2 in Annex B to this Schedule (in this paragraph referred to as "Table 2") shall be determined by the Department and shall fall within the percentage limits set out in columns (2) to (4) of Table 2 of the total number of approved full-time teaching posts at the school and where the percentage calculated does not result in a whole number the result shall be rounded up to the nearest whole number.

(2) A teacher may be paid a promotion allowance at a rate which is not provided for in the Table 2 for the relevant school group if—

(i) the Department considers that the needs of a particular school so justify; or

(ii) the allowance is payable under paragraph 2(2) of Schedule 3; or

(iii) the teacher is already being paid such an allowance and the school is assigned to a lower group for which the allowance is no longer provided for in Table 2,

and such a teacher shall continue to be paid such an allowance so long as he remains in post at that school.

(3) In determining the number of promotion allowances payable within the percentage limits set out in Table 2 for each allowance at rates C, D and E, the Department shall in particular have regard to—

(*a*) whether the number of pupils and staff of the school is likely to change to such an extent that the school will be re-assigned to a different group within the following five years; and

(*b*) the range of special educational needs of pupils at the school.

(4) Where the Department considers the staffing or organisational needs of a school cannot be met by the payment of promotion allowances within the limits set out in Table 2 for rates C, D and E the limits may be exceeded.

(5) Subject to sub-paragraph (6) where as a result of a reduction in the total number of approved full-time teaching posts at a school the percentage limits set out in Table 2 for promotion allowance at rates C, D or E are exceeded, the teachers in the school being paid the relevant allowances shall continue to be paid those allowances while they remain employed as teachers in that school but no further promotion allowances in excess of those limits shall be paid until the number of teachers being paid the relevant allowance falls within the limits.

(6) For the purposes of sub-paragraph (5) a teacher who is being paid a promotion allowance under sub-paragraph (2) or (4) shall be disregarded.

LIMITS RELATING TO PROMOTION ALLOWANCES IN PRIMARY AND SECONDARY SCHOOLS

TABLE

Unit Total (1)	*Group* (2)	*Maximum Rate of Promotion Allowances* (3)
Up to 100	1	Not higher than B
101– 200	2	Not higher than B
201– 300	3	Not higher than B
301– 500	4	Not higher than B
501– 700	5	Not higher than B
701–1000	6	Not higher than C
1001–1300	7	Not higher than C
1301–1800	8	Not higher than D
1801–2400	9	No limit
2401–3300	10	No limit
3301–4600	11	No limit
4601–6000	12	No limit
6001–7600	13	No limit
Over 7600	14	No limit

TABLE 1

SPECIAL SCHOOLS — DETERMINATION OF SCHOOL GROUP

Number of staff (including principal and vice-principals) (1)	*Number of pupils enrolled on 31st October* (2)	*Group* (3)
3– 6	1– 40	3(S)
	41– 85	4(S)
7–11	1– 20	3(S)
	21– 60	4(S)
	61–110	5(S)
	111–170	6(S)
12–16	1– 40	4(S)
	41– 85	5(S)
	86–140	6(S)
	141–200	7(S)
17–24	41– 60	5(S)
	61–110	6(S)
	111–170	7(S)
	171–230	8(S)
	231–280	9(S)
25 and over	86–140	7(S)
	141–200	8(S)
	201–280	9(S)

TABLE 2

LIMITS RELATING TO PROMOTION ALLOWANCES IN SPECIAL SCHOOLS

Group	*Percentage limits for promotion allowances*		
	Rate C	*Rate D*	*Rate E*
(1)	(2)	(3)	(4)
3(S)	—	—	—
4(S)	—	—	—
5(S)	10–25	—	—
6(S)	15–25	—	—
7(S)	15–25	0–15	—
8(S)	15–25	5–15	0–15
9(S)	15–25	5–15	5–15

Method of determining the position of a teacher on the Standard Scale

PART I

STARTING PAY

1. Subject to paragraphs 2, 3 and 4 a teacher shall enter the standard scale—

(*a*) at point 1; or

(*b*) if he is a good honours graduate at point 3.

2. (*a*) A teacher who has passed his 23rd birthday may, at the discretion of the Department, enter the standard scale at whichever point the Department considers appropriate having regard to any qualifications or experience he may have which the Department considers to be of value to him in the performance of his duties, provided that the point of entry shall not be higher than that which he would have reached by incremental progression, taking account of paragraph 6, had he entered in accordance with the provisions of paragraph 1 at age 22.

(*b*) The Department may decide that the point of entry for a teacher transferring to teaching service in Northern Ireland from teaching service in a grant-aided school in England and Wales may be higher than that which he would have reached by incremental progression, taking account of paragraph 6, had he entered in accordance with the provisions of paragraph 1 at age 22.

3. Paragraphs 1 and 2 shall apply to a teacher who takes up his first appointment as a teacher as well as to a teacher who takes up a new appointment or, subject to paragraph 9(3), re-enters teaching after a break in service save that the point of entry for a teacher who takes up a new appointment or who after a break in service re-enters teaching in a full-time or part-time capacity shall be no lower than—

(*a*) the scale point on which he was last paid under these regulations; or

(*b*) if he was last employed as a teacher before the coming into operation of these regulations, such point as is determined by the Department.

4. A teacher who was last employed as a principal or vice-principal and who takes up a new full-time appointment as a teacher in a full-time or part-time capacity shall enter at point 10 of the standard scale.

5. For the purposes of paragraph 4 "vice-principal" includes a teacher who was last employed as a second master or second mistress under the provisions of—

(*a*) regulation 14B(**a**) of the Handicapped Pupils and Special Schools Regulations (Northern Ireland) 1973(**b**), or

(*b*) regulation 23B(**a**) of the Primary Schools (General) Regulations (Northern Ireland) 1973(**c**), or

(*c*) regulation 29B(**a**) of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973(**d**).

(**a**) Revoked by S.R. 1987 No. 384
(**b**) S.R. & O. (N.I.) 1973 No. 390; relevant amending Regulations were contained in S.R. 1981 No. 113
(**c**) S.R. & O. (N.I.) 1973 No. 402; relevant amending Regulations were contained in S.R. 1981 No. 112
(**d**) S.R. & O. (N.I.) 1973 No. 403; relevant amending Regulations were contained in S.R. 1981 No. 111

6. A teacher who has been placed on the standard scale and who subsequently becomes a good honours graduate for the first time shall have the salary payable to him from the first day of the month in which the qualification is obtained increased by 2 increments subject to the maximum of the scale not being exceeded.

7. A "good honours graduate" means a teacher who has obtained—

(i) a first or second class honours degree or a higher degree, obtained as a result of examination or as a result of research work, of a university in the United Kingdom or in the Republic of Ireland or of the Council for National Academic Awards; or

(ii) any other qualification, whether obtained in the United Kingdom or abroad, which the Department regards as being of equivalent standard to a degree of the kind described in sub-paragraph (i).

PART II

INCREMENTS

Award of increments

8.—(1) After a teacher's rate of salary has been determined increments on the scale shall, subject to the Department's approval and these regulations, be granted.

(2) The normal incremental date of a teacher, other than a temporary teacher paid on a daily basis in accordance with regulation 14(1), shall fall on the first day of a month.

(3) A teacher other than a temporary teacher paid on a daily basis in accordance with regulation 14(1) who enters the standard scale under the provisions of paragraph 1 shall, subject to satisfactory continuous full-time service, qualify in the following year for the award of his first increment on the first of the month corresponding to that in which he was appointed provided that at that date his service amounts to at least eleven months and fifteen days but if at that date his service amounts to eleven months and a lesser number of days than fifteen, the increment will normally become due on the first day of the following month.

(4) Where a teacher, other than a temporary teacher paid on a daily basis in accordance with regulation 14(1), enters the standard scale under the provisions of paragraph 2 the date on which the next complete year of service would be attained shall be calculated and if the following day falls on any of the first fifteen days of a month, his increment shall be awarded from the first day of that month but otherwise from the first day of the following month subject to satisfactory continuous full-time service in the meantime.

(5) Where the aggregate of any periods of absence without pay of a teacher, other than a temporary teacher paid on a daily basis in accordance with regulation 14(1), from his teaching post in a period of twelve months terminating on his normal incremental date—

(*a*) amounts to fifteen days or less it shall be counted as teaching service for the purpose of the award of increments; or

(*b*) amounts to more than fifteen days but less than thirty days the teacher's incremental date shall be retarded by one month; or

(*c*) amounts to thirty days or more the teacher's incremental date shall be retarded by one month for each complete period of thirty days and by a further month where the residue of the period amounts to more than fifteen days but less than thirty days.

(6) A temporary teacher paid on a daily basis in accordance with regulation 14(1) shall be awarded an increment with effect from the first working day following completion of 195 working days satisfactory service.

(7) An increment may at any time be withheld if a teacher's service is considered by the Department to be unsatisfactory.

(8) If an increment is withheld at any incremental date or at any two or more successive incremental dates and if, at the next following incremental date, the teacher's service is considered by the Department to have reached a satisfactory standard he may be allowed two increments (instead of one increment) on the standard scale.

Credit for periods of absence

9.—(1) Periods of absence for which a teacher is entitled to full salary or salary at one-half of the full rate shall be regarded as teaching service for the purposes of these regulations.

(2) Subject to sub-paragraph (3) a period of absence in respect of which salary is not paid shall not be regarded as teaching service for the purposes of these regulations unless the Department shall determine otherwise.

(3) A period of absence because of pregnancy or confinement in respect of which salary is not paid shall be regarded as teaching service if throughout the period the teacher enjoyed a right to return to work under—

(*a*) Articles 28 to 30A of and Schedule 2 to the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**a**); or

(*b*) the Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1987(**b**).

(**a**) S.I. 1976/2147 (N.I. 28) as amended by S.I. 1982/528 (N.I. 8) Articles 13 and 14
(**b**) S.R. 1987 No. 206

Transitional arrangements for Teachers in Service on 31st March 1993

1. A teacher, other than a principal or vice-principal, who on 1st April 1993 was, and had immediately before that date been, in teaching service in a grant-aided school or as a peripatetic or supply teacher, shall from that date be placed on the standard scale at the point on the scale corresponding to that on which he would have received salary had the scale in operation on 31st March 1993 continued to apply.

2.—(1) (*a*) Subject to regulation 10(6) and (7) a teacher who was on 31st March 1993 in receipt of a promotion allowance payable under regulation 10 as it had effect on 31st March 1993 shall, subject to sub-paragraph (1)(*b*), from 1st April 1993 be paid the corresponding promotion allowance set out in regulation 10(1) except that in the case of an allowance payable under regulation 10(4)(*a*) or (*b*) this sub-paragraph shall apply only so long as the teacher holds the same post.

(*b*) Sub-paragraph (1)(*a*) shall cease to apply with effect on and from 1st September 1993 in the case of an allowance payable under regulation 10(4)(*b*), as it had effect on 31st March 1991, to a teacher who was responsible for remedial education in a primary or secondary school.

(2) Subject to sub-paragraph (3) a teacher who was on 31st March 1993 in receipt of a promotion allowance under paragraph 2(2) of Schedule 3 to the Teachers' Salaries Regulations (Northern Ireland) 1987(**a**) as it had effect on 31st March 1993 shall be paid the corresponding promotion allowance set out in regulation 10(1), unless it is superseded by an allowance of an equal or greater amount payable under regulation 10 or regulation 11.

(3) Sub-paragraph (2) shall apply only so long as the teacher holds the same post.

(**a**) S.R. 1987 No. 384 as amended by S.R. 1988 No. 304, S.R. 1989 No. 275, S.R. 1990 No. 270, S.R. 1991 No. 16, S.R. 1991 No. 256, S.R. 1991 No. 532 and S.R. 1992 No. 197

Amendments

The Handicapped Pupils and Special Schools Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No. 390 as amended by S.R. 1981 No. 113)

For Regulation 14D there shall be substituted—

"14D. Where any post in respect of which a teacher is paid a promotion allowance specified in the Teachers' Salaries Regulations (Northern Ireland) 1993 becomes vacant, the school authorities shall, unless the Department approves otherwise, appoint to the post a teacher serving in the school who is in receipt of a reorganisation allowance under the Teachers' Salaries (Reorgansiation Allowances) Regulations (Northern Ireland) 1987.".

The Primary Schools (General) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No. 402 as amended by S.R. 1981 No. 112)

For Regulation 23D there shall be substituted—

"23D. Where any post in respect of which a teacher is paid a promotion allowance specified in the Teachers' Salaries Regulations (Northern Ireland) 1993 becomes vacant, the school authorities shall, unless the Department approves otherwise, appoint to the post a teacher serving in the school who is in receipt of a reorganisation allowance under the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987.".

The Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No. 403 as amended by S.R. 1981 No. 111)

For Regulation 29D there shall be substituted—

"29D. Where any post in respect of which a teacher is paid a promotion allowance specified in the Teachers' Salaries Regulations (Northern Ireland) 1993 becomes vacant, the school authorities shall, unless the Department approves otherwise, appoint to the post a teacher serving in the school who is in receipt of a reorganisation allowance under the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987.".

SCHEDULE 5 Regulation 2

Regulations revoked

Regulations	*References*
Teachers' Salaries Regulations (Northern Ireland) 1987	S.R. & O. (N.I.) 1987 No. 384
Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1988	S.R. & O. (N.I.) 1988 No. 304
Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1989	S.R. & O. (N.I.) 1989 No. 275
Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1990	S.R. & O. (N.I.) 1990 No. 270
Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1991	S.R. & O. (N.I.) 1991 No. 16
Teachers' Salaries (Amendment No. 2) Regulations (Northern Ireland) 1991	S.R. & O. (N.I.) 1991 No. 256
Teachers' Salaries (Amendment No. 3) Regulations (Northern Ireland) 1991	S.R. & O. (N.I.) 1991 No. 532
Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1992	S.R. & O. (N.I.) 1992 No. 197

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations replace the Teachers' Salaries Regulations (Northern Ireland) 1987, as amended, and give effect from 1st April 1993 to an average increase of 0·55% in salaries and allowances for teachers in primary, secondary and special schools and for peripatetic and supply teachers; and an increase at 1% for principals and vice-principals—

(*a*) set out the revised scales of salary (Regulations 7, 8 and 9);

(*b*) set out revised promotion allowances and provide for payment of such allowances (Regulation 10 and Schedule 3);

(*c*) provide for the payment of temporary teachers (Regulation 14);

(*d*) set out the minimum rate of salary for unqualified teachers (Regulation 17);

(*e*) provide for the payment of part-time teachers (Regulation 15);

(*f*) provide for relevant bodies to approve leave of absence (Regulation 20); and

(*g*) revoke the regulations set out in Schedule 5.

These Regulations have retrospective effect by virtue of section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.