1982 No. 194

EDUCATION

Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1982

Made	*30th June 1982*
Coming into operation . . .	*29th July 1982*

The Department(a) of Education, in exercise of the powers conferred on it by Articles 57(1) and (4) and 125(1) 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 every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Teachers' Salaries (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 29th July 1982 and except where otherwise provided shall have effect on and from 1st April 1982.

Amendment of Teachers' Salaries Regulations (Northern Ireland) 1981

2. The Teachers' Salaries Regulations (Northern Ireland) 1981(d) shall be amended as follows:—

(1) In regulation 10(2) (principals and vice-principals: additional provisions relating to scales and allowances) for "£381" there shall be substituted "£405".

(2) With effect on and from 1st August 1982 for regulation 13 (points category) there shall be substituted:

"**13.**—(1) The points category for the purposes of Parts II and III of Schedule 1 and for Schedule 4 shall, for the period 1st August 1982 to 31st July 1985 inclusive, be determined by reference to the points average for the period 1st August 1982 to 31st July 1985.

(2) In the case of a school newly opened on or after 1st August 1975, or of a school which has been directly affected by reorganisation, or in such other circumstances as the Department considers proper, the Department may determine a points category for any purpose of these regulations in respect of any period.".

(3) With effect on and from 1st August 1982 in regulation 14 (scale scores):

(*a*) for sub-paragraph (*a*)(ii) there shall be substituted the following sub-paragraph:

"(ii) Where the points category determined for a school under the provisions of regulation 13(1) is lower than the points category that applied to the school for the immediately preceding triennial period, then the scale score, as determined under sub-paragraph (*a*)(i) for the period 1st August 1982 to 31st July 1985, shall be increased by one half of the difference between it and the scale score that applied immediately prior to 1st August 1982, any resulting fraction being rounded up to the next scale score point.";

(*b*) paragraph (7) shall cease to have effect.

(a) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12); a new Article 57 was substituted by Article 9 of S.I. 1980/1958 (N.I. 16)
(c) 1962 c. 7 (N.I.)
(d) S.R. 1981 No. 103

(4) In regulation 20 (allowance for teachers of handicapped pupils) for "£639" in both places where it occurs there shall be substituted "£678".

(5) For regulation 22 (award of increments) there shall be substituted:

"**22.**—(1) After a teacher's rate of salary has been determined increments on the scale shall, subject to the Department's approval and this regulation, be granted.

(2) The normal incremental date of a teacher, other than a temporary teacher paid on a daily basis in accordance with regulation 30(1), shall fall on the first day of a calendar month.

(3) A teacher, other than a temporary teacher paid on a daily basis in accordance with regulation 30(1), on any of the salary scales set out in Schedule 1 who has no previous service or experience at the date of his appointment 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 11 months and 15 days, but if at that date his service amounts to 11 months and a lesser number of days than 15, 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 30(1), is placed or replaced on any of the salary scales set out in Schedule 1 and for this purpose his past service and experience is assessed under Schedule 5 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 30(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 30(1) shall be awarded an increment with effect from the first working day following completion of 190 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 appropriate scale."

(6) In regulation 25 (absence due to illness) for paragraphs (5) and (6) there shall be substituted:

"(5) If a teacher forwards to the Department a certificate certifying that during a vacation period or for any part of such period he was in all respects fit to

undertake teaching duties, he shall be regarded as having returned to duty from the date so certified and salary at the full rate shall be paid to him from that date provided he actually resumes duty on the day the school re-opens after the vacation.

(6) A teacher who is absent because of illness shall not be entitled to salary unless a certificate, specifying the nature of the illness and certifying the incapacity of the teacher for the performance of duty, is furnished to the Department."

(7) For regulation 28 (minimum salary) there shall be substituted:

"28. The minimum rate of salary for a full-time unqualified teacher shall be £3,741 and such a teacher shall be paid for each working day at the rate of 1/190th of the annual 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 assistant teacher or principal as the case may be."

(8) In regulation 29(1) (unqualified women teachers appointed in primary schools before 1st January 1947) for "£4,653" there shall be substituted "£4,932".

(9) For regulation 30 (payment of temporary teachers) there shall be substituted:

"30.—(1) A temporary teacher shall, except as provided in paragraph (2), be paid for each working day at the rate of 1/190th of the annual 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 one year during the absence of a teacher—

(*a*) to whom leave of absence has been granted for approved purposes including attendance at an approved course of study or training, or

(*b*) who has been seconded under the Secondment of Teachers Overseas Regulations (Northern Ireland) 1961(**a**),

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 1/190th 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) A temporary teacher who is paid on a daily basis in accordance with paragraph (1) shall have his rate of salary determined on 1st April 1982 and on each subsequent 1st April if employed on that day, or at the date of first employment after each 1st April or at any date from which the scales of salary set out in Schedule 1 are revised and the rate so determined shall, notwithstanding the provisions of these regulations, be the teacher's rate of salary until the following 31st March unless he is awarded an increment under regulation 22(6).

(5) For the purposes of this regulation—

(*a*) not more than five working days shall be counted in any one week; and

(*b*) "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) 1976 or the Institutions of Further Education Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976(**b**) or any regulations superseding those regulations."

(**a**) S.R. & O. (N.I.) 1961 No. 163
(**b**) S.R. 1976 No. 236

(10) In regulation 31(1) (part-time teachers: payment) in the table for "£5.94", "£4.92" and "£4.07" there shall be substituted respectively "£6.30", "£5.22" and "£4.31".

(11) In regulation 34 (safeguarding of existing salaries) for "31st March 1981" there shall be substituted "31st March 1982".

(12) For Schedule 1 there shall be substituted the Schedule set out in these regulations.

(13) In Schedule 2 Part I (transfer to salary scales):

(*a*) for "1st April 1981" in all places where it occurs there shall be substituted "1st April 1982";

(*b*) for "31st March 1981" in all places where it occurs there shall be substituted "31st March 1982";

(*c*) in paragraph 2(*a*) for "£8,478" there shall be substituted "£8,988";

(*d*) in paragraph 2(*b*) for "£9,117" there shall be substituted "£9,663".

(14) In Schedule 2 Part II (salary placing of teachers to whom Part I does not apply):

(*a*) for "1st April 1981" in all places where it occurs there shall be substituted "1st April 1982";

(*b*) in paragraph 2(*b*) after the words "1978 Salaries Regulations" there shall be inserted "or on the scales which applied to 31st March 1982 under these Regulations";

(*c*) in paragraph 4(3) for "31st March 1981" where it twice occurs there shall be substituted "31st March 1982";

(*d*) in sub-paragraph 10(*b*)(i) and in sub-paragraph 10(*c*) for "£639" there shall be substituted "£678".

(15) In Schedule 5 in paragraph 5(*a*) (incremental credit on scale 1):

(*a*) for "£111" there shall be substituted "£117";

(*b*) for "£198" there shall be substituted "£210";

(*c*) for "£219" there shall be substituted "£231".

Sealed with the Official Seal of the Department of Education on 30th June 1982.

(L.S.) *T. Johnston*

Assistant Secretary