1976 No. 236

EDUCATION

Institutions of Further Education Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976

Made . . . . . *6th August* 1976

Coming into operation . . *1st September* 1976

The Department(a) of Education (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Articles 57 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf, and after consultation with the Department(a) of Finance, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Institutions of Further Education Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976 and shall come into operation on 1st September 1976.

Interpretation

2.—(1) In these regulations—

"actual salary" has the meaning assigned to it by regulation 5(3);

"allowance" means an allowance payable under the salaries regulations to a head of department or to a lecturer grade 1 and any acting allowance to which the teacher was entitled for a continuous period of not less than 2 years immediately before the date of reorganisation but shall not include an allowance for evening work;

"the appropriate date" has the meaning assigned to it by regulation 4(3);

"board" means an education and library board established under Article 3 of the Order;

"comparable post" has the meaning assigned to it by regulation 7(1);

"the date of reorganisation" has the meaning assigned to it by regulation 4(3);

"institution" means any place grant aided by the Department in which a board provides facilities for further education, including a place used only for part-time classes;

"notional salary" has the meaning assigned to it by regulation 5(2);

"reorganisation" means rearrangement of educational facilities carried out with the approval of the Department by a board;

"salaries regulations" means the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(c);

"salary" means salary on the appropriate scale in the salaries regulations;

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

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12)
(c) S.R. 1976 No. 141

"special class or special schools allowance" means an allowance for teachers of handicapped pupils payable under the Teachers' Salaries Regulations (Northern Ireland) 1976(d);

"the superseded regulations" means the Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972(e);

"teacher" means a person who at the date of reorganisation was employed as a full-time teacher (other than a temporary teacher) in an institution.

(2) Other expressions which have meanings assigned to them by the salaries regulations shall have the same respective meanings for the purposes of these regulations.

Reorganisation allowance

3. Where a teacher suffers a reduction in the rate of his salary or allowance (whether or not such reduction follows upon a change of employment), and the Department is satisfied that such reduction has been directly caused by reorganisation he shall, while he is in such employment as is described in regulation 5(3) and subject to and in accordance with these regulations, be paid an allowance to be known as a reorganisation allowance.

Application

4.—(1) A teacher who suffers a reduction in the rate of his salary or allowance may within one year from the appropriate date as defined in paragraph (3) or within such longer period as the Department may determine, apply to the Department for a reorganisation allowance.

(2) Where a board certifies to the Department that a reduction in the rate of salary or allowance of a teacher employed by that board has been directly caused by movement of population by reason of a slum clearance scheme, redevelopment scheme, or the execution or proposed execution of any works in the exercise of statutory powers or by reason of such other exceptional circumstances as the Board with the approval of the Department shall consider proper, the Department may, for the purposes of regulation 3 and of any application under paragraph (1), deem such reduction to have been directly caused by reorganisation.

(3) Where on application being made to it in accordance with paragraph (1) the Department is satisfied that a teacher has suffered a reduction in the rate of his salary or allowance as a direct result of reorganisation it shall determine the date (in these regulations referred to as "the date of reorganisation") on which such reorganisation took place and the date (in these regulations referred to as "the appropriate date") on which the reduction in the rate of the salary or allowance of that teacher took place.

Calculation of reorganisation allowance

5.—(1) Subject to paragraph (4) the rate of reorganisation allowance payable in respect of any period to a teacher shall be the amount by which his notional salary as defined in paragraph (2) in respect of that period exceeds his actual salary as defined in paragraph (3) in respect of that period.

(d) S.R. 1976 No. 128
(e) S.R. & O. (N.I.) 1972 No. 279 (p. 1466)