1976 No. 128

EDUCATION

Teachers' Salaries Regulations (Northern Ireland) 1976

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The Department of Education(a), hereinafter called "the Department", in pursuance of the powers vested in it by Articles 57 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b), hereinafter referred to as "the Order" and by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(c) and of all other powers enabling it in that behalf, and after consultation with the Department of Finance, hereby makes the following regulations:

(a) Formerly the Ministry of Education; *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1972/1263 (N.I. 12)
(c) 1962 c. 7 (N.I.)

INTRODUCTION

Citation and commencement

1. These regulations may be cited as the Teachers' Salaries Regulations (Northern Ireland) 1976 and shall come into operation on 29th April 1976 and shall have effect from 1st April 1976.

Regulations revoked

2. The regulations set out in Schedule 6 are hereby revoked.

Definitions

3.—(1) In these regulations—

"approved" means approved by the Department for the purposes of the context;

"assistant teacher" means a qualified teacher who is not a principal;

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

"employing authority" means an education and library board or, in the case of a school not under the management of an education and library board, the managers of the school;

"incremental point" means the rate of salary related to any of the points on the scales as shown in Schedule 2;

"peripatetic teacher" shall have the meaning assigned to it by Article 53(2)(*a*) of the Order;

"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 for the purposes of the context;

"reorganisation" means rearrangement of educational facilities carried out with the approval of the Department by the education and library board or the managers of a school or schools;

"supply teacher" shall have the meaning assigned to it by Article 53(2)(*b*) of the Order;

"temporary teacher" means a full-time teacher in respect of whose employment an agreement is not required under Article 58 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;

"1974 Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1974(**d**);

"1975 Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1975(**e**).

(d) S.R. 1974 No. 87 (I, p. 253), as amended by S.R. 1974 Nos. 137 (I, p. 477) and 228 (I, p. 951)

(e) S.R. 1975 No. 59 as amended by S.R. 1975 No. 267

(2) In these regulations, except where otherwise provided—

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

(*b*) "salary" shall not, except in regulations 32 to 34, include any allowance under regulations 23(2), 25 or 26, or salary supplement under regulation 28, or compensation allowances payable under the Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972(**f**) or any regulations superseding those regulations; and

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

(3) A grammar school containing a preparatory department in addition to a secondary department shall be regarded as a single school for the purposes of these regulations.

(4) Other expressions to which meanings have been assigned in the Nursery Schools Regulations (Northern Ireland) 1973(**g**), the Nursery Classes in Primary Schools Regulations (Northern Ireland) 1973(**h**), the Primary Schools (General) Regulations (Northern Ireland) 1973(**i**), the Handicapped Pupils and Special Schools Regulations (Northern Ireland) 1973(**j**), the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973(**k**), shall have for the purposes of these regulations the same respective meanings in relation to the schools to which those regulations respectively apply.

Application

4.—(1) These regulations shall apply to teachers employed in grant-aided schools other than technical intermediate schools and to peripatetic and supply teachers.

(2) In the regulations which follow, except where otherwise indicated, "teacher" means a full-time qualified teacher.

PLACING OF TEACHERS ON THE SALARY SCALES

Salary scales

5. The scales of salaries for teachers shall be those set out in Schedule 2.

Placing on scales

6. A teacher shall be placed on the appropriate salary scale in accordance with the provisions of Schedule 4, and Part II of this Schedule shall apply to a teacher who does not come within the provisions of Part I of the Schedule.

Appropriate salary scales

7. The appropriate salary scale—

(*a*) for a principal shall subject to the provisions of regulation 10 be determined in respect of a primary or secondary school in accordance with regulation 18 and Part III of Schedule 2, and in respect of a special school in accordance with regulation 20, Schedule 5 and Part III of Schedule 2;

(**f**) S.R. & O. (N.I.) 1972 No. 31 (p. 142), as amended by S.R. & O. (N.I.) 1972 No. 93 (p. 358)
(**g**) S.R. & O. (N.I.) 1973 No. 400 (p. 2307), as amended by S.R. 1974 No. 104 (I, p. 344)
(**h**) S.R. & O. (N.I.) 1973 No. 401 (p. 2313)
(**i**) S.R. & O. (N.I.) 1973 No. 402 (p. 2316), as amended by S.R. 1974 No. 105 (I, p. 346)
(**j**) S.R. & O. (N.I.) 1973 No. 390 (p. 2175), as amended by S.R. 1974 No. 81 (I, p. 243)
(**k**) S.R. & O. (N.I.) 1973 No. 403 (p. 2327), as amended by S.R. 1974 Nos. 107 (I, p. 350) and 302 (II, p. 1411); S.R. 1975 No. 183 and S.R. 1976 No. 77

(*b*) for a vice-principal or second master/mistress shall subject to the provisions of regulation 10 be determined in respect of a primary or secondary school in accordance with regulation 18 and Part II of Schedule 2, and in respect of a special school in accordance with regulation 20, Schedule 5 and Part II of Schedule 2;

(*c*) for an assistant teacher, other than a vice-principal, a second master/mistress, a senior teacher, or a teacher appointed to a post on any of the scales 2 to 4, 2(S) or 3(S), shall be scale 1.

Teachers appointed to a post on any of the scales 2 to 4, 2(S) or 3(S) or as senior teachers

8.—(1) The number of teachers in a primary or secondary school who may be paid on any of the scales 2 to 4 and on the senior teacher scale shall be determined in accordance with the provisions of regulation 19, and also, in the case of senior teachers, in accordance with the provisions of regulations 15(1) and 15(2) and the employing authority shall determine the duties which may be attached to any such post to which it has appointed a teacher provided however that:

(*a*) the scale score for primary schools shall as from the date of these regulations be used in respect of a distribution of posts on scales 2 to 4 as set out in Part I of Schedule 3;

(*b*) subject to the provisions of regulation 19(6), the limitation indicated in Part II of Schedule 3 as to the scales on which assistant teachers, other than vice-principals and second masters/mistresses, in secondary schools may be paid shall apply, provided however that a teacher who is on a scale above the highest scale to which the school is entitled by virtue of its points category shall continue on that scale so long as he continues in the same post.

(2) The number of teachers in a special school who may be paid on the scales 2(S) and 3(S) shall be determined in accordance with the provisions of regulation 21, and the number of teachers who may be paid on the senior teacher scale shall be determined in accordance with the provisions of regulation 15(3), and the employing authority shall determine the duties which may be attached to any such post to which it has appointed a teacher.

9. Unless the Department shall approve otherwise, the employing authority of a school shall appoint to a post on one of the scales 2 to 4, 2(S) or 3(S) where a post on one of these scales has become vacant, a teacher serving in the school who is in receipt of a compensation allowance under the Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972 or the Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1972(I) or any regulations superseding those regulations.

PRINCIPALS, VICE-PRINCIPALS, SECOND MASTERS/MISTRESSES AND SENIOR TEACHERS

Salary protection for certain teachers

10.—(1) Where a points category is determined for a primary or secondary school in accordance with sub-paragraph 1(*a*) or 1(*b*) of Regulation 18, or a school group is determined for a special school in accordance with Regulation 20 and Schedule 5, a principal, vice-principal or second master/

(I) S.R. & O. (N.I.) 1972 No. 279 (p. 1466)