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The Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1969(**b**) (hereinafter called "the superseded Regulations") are hereby revoked.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.