1969. No. 120 **[C]**

EDUCATION

Teachers' Salaries (Compensation Allowances)

REGULATIONS, DATED 15TH MAY 1969, MADE BY THE MINISTRY OF EDUCATION AFTER CONSULTATION WITH THE MINISTRY OF FINANCE UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1968.

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) 1969.

(2) These Regulations shall be deemed to have come into operation on 1st July 1967.

(3) The Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1965(**b**) (hereinafter called "the superseded Regulations") are hereby revoked.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 or second mistress, or a graded allowance;

"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" means a post of principal, vice-principal, second master or second mistress or other post in respect of which a graded allowance is payable in accordance with the Salaries Regulations;

"qualifying period" means a continuous period of three 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" means scale salary together with any increase or addition in respect of a university degree or other qualification or course of training;

"Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1967(**c**) 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.

(**a**) 1947. c. 3.
(**b**) S.R. & O. (N.I.) 1965, No. 278.
(**c**) S.R. & O. (N.I.) 1967, No. 291.

(3) Other expressions which have meanings assigned to them by the Teachers' Salaries Regulations (Northern Ireland) 1967 shall have the same respective meanings for the purposes of these Regulations.

3.—(1) Where a school is discontinued or the number of pupils enrolled in a school is reduced and in consequence the salary of the principal or an allowance payable to an assistant teacher ceases or is reduced, 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 ceases or is reduced, or within one year from the date of these Regulations, 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 number of pupils enrolled in it has been directly caused by reorganisation.

(2) If it appears to the Ministry that the discontinuance of the school or the reduction in the number of pupils enrolled in it 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 of the principal or the allowance payable to an assistant teacher ceased or was reduced.

4.—(1) In any case to which Regulation 3 applies, a teacher who immediately before the date of reorganisation

(*a*) holds a graded allowance and held a protected post or posts throughout the whole of the qualifying period, or

(*b*) holds a protected post other than a post in respect of which a graded allowance is payable

and whose salary, if he is a principal, or allowance if he is an assistant teacher, ceases or is reduced as a direct result of reorganisation will subject to paragraphs (3) and (4) be entitled to a compensation allowance determined in accordance with Regulation 5.

(2) Where under the provisions of Regulation 3(1) the Ministry determines a period longer than one year from the appropriate date or from the date of the Regulations, as the case may be, any compensation allowance to which the teacher is entitled shall not be payable from a date earlier than the date on which the application is received in the Ministry.

(3) To be entitled to a compensation allowance under paragraph (1) a teacher must immediately after the date of reorganisation remain in employment as a teacher or as a temporary teacher in schools or institutions of further education, or become so employed within a period of three months from the date of reorganisation.

(4) Unless in exceptional circumstances the Ministry determines otherwise a teacher's entitlement to a compensation allowance shall cease if after a period of three months from the date of reorganisation he is not employed as a teacher or temporary teacher or if after such period he

(*a*) ceases to be employed as such, or

(*b*) voluntarily relinquishes an allowance payable to him or voluntarily relinquishes a post as principal and the rate of salary (including any allowance) then payable to him is less than the rate of salary (including any allowance) payable to him before he relinquished the allowance or the post.