1961. No. 250 **[C]**

EDUCATION

Teachers' Salaries (Compensation Allowances)

REGULATIONS, DATED 22ND DECEMBER, 1961, MADE BY THE MINISTRY OF EDUCATION AFTER CONSULTATION WITH THE MINISTRY OF FINANCE UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1960.

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**), and of all other 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), 1961.

(2) These Regulations shall come into operation on 1st January, 1962.

(3) The Teachers' Salaries and Allowances (Compensation Grants) Regulations, 1953(**b**), and the Teachers' Salaries and Allowances (Compensation Grants) Amending Regulations (Northern Ireland), 1954(**c**), are hereby revoked.

2. In these Regulations the following expressions have the meanings hereby assigned to them:—

"allowance" means an annual allowance (other than salary or an allowance payable in respect of a university degree or other qualification) payable to a teacher in accordance with the Salaries Regulations;

"points score" means with reference to any school a points score determined for that school in the same manner as it is determined in accordance with the Salaries Regulations for the purpose of calculating the amount of the principal's allowance payable to the principal of the said school;

"protected post" means a post of principal or vice-principal in a school;

"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;

"Salaries Regulations" means the Teachers' Salaries Regulations (Northern Ireland), 1961(**d**);

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

3. Where a school is discontinued or the number of pupils enrolled in a school is reduced and in consequence the principal's or vice-principal's allowance payable to a teacher who held a protected post in the school ceases to be payable or is reduced, the Ministry, on application being made to it by or on behalf of such teacher, 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 which took place after 1st January, 1962.

(**a**) 1947. c. 3.
(**b**) S.R. & O. (N.I.) 1953, No. 95.
(**c**) S.R. & O. (N.I.) 1954, No. 120.
(**d**) S.R. & O. (N.I.) 1961, No. 249.

4. 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 such reorganisation as is referred to in Regulation 3, the Ministry shall determine—

(*a*) the date (hereinafter referred to as "the appropriate date") on which such reorganisation took place;

(*b*) the qualifying period, that is to say, the period of five years ending on the appropriate date;

(*c*) the points score of the school for the school year in which the appropriate date falls and each of the four school years immediately preceding that school year; and

(*d*) the average of the five points scores so determined (hereinafter referred to as "the average points score").

5.—(1) If a teacher has held one or more than one protected post throughout the whole of the qualifying period in the same school, being a school to which Regulation 4 applies, and if as a direct result of reorganisation the allowance payable to him in respect of any such post is discontinued or reduced to an amount less than the normal allowance determined in accordance with Regulation 6, he shall, subject to the provisions of these Regulations, be entitled to a compensation allowance, at an annual rate equal to the normal allowance so determined, for such period of service as a teacher in a school or grant-aided institution of further education after the appropriate date as is prescribed in paragraph (2).

(2) The period so prescribed shall be, if on the appropriate date—

(*a*) he had reached the age of 35 years but had not reached the age of 40 years—3 years;

(*b*) he had reached the age of 40 years but had not reached the age of 45 years—5 years;

(*c*) he had reached the age of 45 years but had not reached the age of 50 years—10 years;

(*d*) he had reached the age of 50 years—until, under the provisions of the Teachers (Superannuation) Act (Northern Ireland), 1950, he is deemed to reach the age of 65 years.

(3) A teacher shall not be entitled to a compensation allowance if on the appropriate date he had not reached the age of 35 years unless the Ministry directs that, having regard to the special circumstances of the case, he shall be entitled to a compensation allowance for such period not exceeding one year as the Ministry may determine.

6.—(1) If a teacher to whom paragraph (1) of Regulation 5 applies has throughout the whole of the qualifying period held the post of principal, his normal allowance shall be the principal's allowance which would have been payable to him immediately before the appropriate date in accordance with the Salaries Regulations if the said principal's allowance had been calculated by reference to a points score equal to the average points score of the school.

(2) If a teacher to whom paragraph (1) of Regulation 5 applies has during the whole or any part of the qualifying period held the post of vice-principal his normal allowance shall be the vice-principal's allowance which would have been payable to him immediately before the appropriate date if he had then