1969. No. 182 **[C]**

EDUCATION

Institutions of Further Education: Teachers' Salaries (Compensation Allowances)

REGULATIONS, DATED 4TH JULY 1969, MADE BY THE MINISTRY OF EDUCATION 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 Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1969.

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

(3) Regulation 26 of the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1965(b) (hereinafter called "the superseded Regulation") is hereby revoked.

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

"allowance" means an allowance payable in respect of work of special responsibility or responsibilities of a supervisory or administrative nature;

"institution" means any place in which a local education authority provides facilities for further education, including a place used for part-time classes or as a technical intermediate school;

"protected post" means a post of principal, a senior post or a post in respect of which an allowance as defined in this Regulation 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;

"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 Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1965 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.

(a) 1947, c. 3. (b) S.R. & O. (N.I.) 1965, No. 280.

(2) Other expressions which have meanings assigned to them by the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1965 shall have the same respective meanings for the purposes of these Regulations.

3.—(1) Where the salary of a teacher who held a protected post in an institution or an allowance payable to such a teacher ceases or is reduced, the Ministry, on application being made to it by or on behalf of such a 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 cessation of or the reduction in the salary or the allowance has been directly caused by reorganisation.

(2) If it appears to the Ministry that the cessation of or the reduction in the salary or allowance payable to a teacher who held a protected post in an institution 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 the allowance 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 an 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 an allowance is payable

and whose salary or allowance 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 an institution or a school 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 or a senior post 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.

5. If a teacher

(1) held a protected post immediately before the date of reorganisation his normal scale at any point of time shall be the scale (excluding any allowance payable to the holder of an assistant lecturer Grade B post)

which would have been applicable to that post if the Salaries Regulations current at that point of time had been in force immediately before the date of reorganisation and the amount of compensation allowance shall, subject to the provisions of Regulation 7, be equal to the amount, if any, by which the rate of salary payable to him is less than the rate of salary (excluding any allowance payable to the holder of an assistant lecturer Grade B post) which would be payable to him if he had continued on his normal scale.

(2) was an assistant lecturer immediately before the date of reorganisation his normal allowance at any point of time shall be the allowance determined under the Salaries Regulations current at that point of time by reference to the rate of allowance held by the teacher immediately before the date of reorganisation and the compensation allowance shall, subject to the provisions of Regulation 7, be an amount equal to his normal allowance.

(3) was an assistant lecturer Grade B who held an allowance immediately before the date of reorganisation the amount of compensation payable shall be the total of the amounts of compensation determined under paragraphs (1) and (2).

6.—(1) Entitlement to a compensation allowance under the superseded Regulation shall cease as from 1st July 1967.

(2) A teacher who on 30th June 1967 was entitled to a compensation allowance shall, from 1st July 1967, be entitled to a compensation allowance under these Regulations.

(3) Subject to compliance with the provisions of paragraph (4), a teacher who prior to 1st July 1967 would have been entitled to a compensation allowance if these Regulations had been in force at the date of reorganisation as a direct result of which his salary or allowance was discontinued or reduced shall, subject to the conditions of having been in service on 1st July 1967 and of having served continuously as a teacher or a temporary teacher since the date of reorganisation, be entitled to a compensation allowance from 1st July 1967, provided, however, that the conditions relating to the teacher having been in service on 1st July 1967 and to continuous service since the date of reorganisation may be waived in circumstances deemed by the Ministry to have been exceptional.

(4) In the case of a teacher not in receipt of a compensation allowance on 30th June 1967 and to whom paragraph (3) applies, application for a compensation allowance under this paragraph must be made to the Ministry by or on behalf of the teacher within one year of the date of these Regulations, and any compensation allowance to which the teacher is entitled under these Regulations shall be payable from a date not earlier than 1st July 1967.

(5) For the purpose of the calculation of the compensation allowance to which a teacher is entitled under the preceding paragraphs the normal scale or allowance of a teacher shall be determined by the Ministry.

(6) A teacher who on 30th June 1967 was entitled to a compensation allowance under the superseded Regulation shall not by reason of the operation of these Regulations receive a lesser rate of compensation allowance than the compensation allowance to which he would have been entitled if the superseded Regulation had continued in force nor shall his entitlement to compensation allowance under that Regulation be diminished.

7.—(1) The amount of any compensation allowance payable to a teacher or a temporary teacher shall be reduced by the amount of any other allowance payable to him.

(2) If a teacher holds a more senior post than the post he held immediately before the date of reorganisation the amount of any compensation allowance payable to him shall be reduced by the amount by which his salary exceeds the salary which would be payable to him if he held a post of the same grade as the post he held immediately before the date of reorganisation.

8.—(1) A teacher other than a teacher in whose case the Ministry has determined otherwise, shall not be entitled to a compensation allowance unless he gives to the Ministry an undertaking to take reasonable steps from time to time as opportunity arises to obtain a teaching post in respect of which there would be payable a salary or salary and allowance which would be at least equal to his normal salary or his salary and normal allowance.

(2) Where the Ministry is of opinion that the teacher has failed to take such reasonable steps as aforesaid or where it appears to the Ministry, after consultation with the appropriate local education authority, that the teacher has unreasonably refused to accept an alternative teaching post the Ministry may, if it considers it proper to do so, determine that he shall not be entitled to any payment or any further payment in respect of his compensation allowance.

9. A compensation allowance shall be payable at the same time, by the same person or body of persons and subject to the same conditions, including conditions affecting entitlement in respect of periods of absence from teaching duties, as allowances payable under the Salaries Regulations.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 4th day of July 1969.

(L.S.) *J. M. Benn,*
Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make provision for the payment of Compensation Allowances to teachers in institutions of further education whose posts are discontinued or whose salaries or allowances are reduced through educational reorganisation. Provision is also made for the continuance of allowances to teachers who were entitled to such allowances under the Regulation revoked by these Regulations.