

1977 No. 13

EDUCATION

**Teachers' Salaries (Reduction during Absence owing to Illness)
Regulations (Northern Ireland) 1977**

Made 21st January 1977
Coming into operation 1st March 1977

The Department(a) of Education (hereinafter referred to as "the Department") in pursuance of the powers vested in it by Articles 57, 58 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf, and after consultation with the Department(a) of Finance, hereby makes the following regulations:

1. These regulations may be cited as the Teachers' Salaries (Reduction during Absence owing to Illness) Regulations (Northern Ireland) 1977 and shall come into operation on 1st March 1977.

2. The Teachers' Salaries (Abatement during Absence owing to Illness) Regulations (Northern Ireland) 1973(c) are hereby revoked.

3. In these regulations—

"benefit" means any of the following benefits payable under the Social Security (Northern Ireland) Act 1975(d);

(1) sickness benefit (including earnings related supplement and increases for dependants);

(2) invalidity benefit (including invalidity pension with increases for dependants and invalidity allowance);

(3) injury benefit;

(4) maternity allowance (including earnings related supplement and increases for dependants).

"paying authority" means the Department in the case of a teacher who is paid salary direct by the Department and in the case of a teacher who is paid salary by any other body, such body;

"salaries regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1976(e) or the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(f);

"teacher" means a full-time teacher employed in a grant-aided school or institution of further education or a teacher employed by an education and library board as a full-time peripatetic or full-time supply teacher.

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) S.I. 1972/1263 (N.I. 12)

(c) S.R. & O. (N.I.) 1973 No. 370 (II, p. 2081)

(d) 1975 c. 15

(e) S.R. 1976 No. 128

(f) S.R. 1976 No. 141

4.—(1) Subject to paragraph (2) and notwithstanding anything contained in any other regulations relating to the salaries or the conditions of service of teachers, the salary of a teacher who is entitled while absent owing to illness to be paid salary at full rate or at one-half of the full rate under the salaries regulations shall be reduced by the amount by which the total of the salary to which he is entitled at full rate or at one-half of the full rate and the benefit to which he is entitled (whether received or not) exceeds his salary at full rate.

(2) Pending the production to the paying authority of evidence as to the amount of benefit receivable by a teacher, reduction of salary under the provisions of this regulation may be made as if the rate of such benefit were the maximum rate payable to him under the Social Security (Northern Ireland) Act 1975.

5. Salary which has been reduced under the provisions of regulation 4 shall for the purposes of any regulations relating to the conditions governing the absence of teachers be deemed to be salary at the full rate or at one-half of the full rate as the case may be.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 21st January 1977.

(L.S.)

E. J. Kirkpatrick

Assistant Secretary

EXPLANATORY NOTE

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

The purpose of these regulations is to continue the arrangements for the reduction of the salary of a teacher who is absent owing to illness and is entitled to receive either sickness or injury benefit or maternity allowance and to extend these arrangements to apply to invalidity benefit.