

## 1987 No. 385

## EDUCATION

**Teachers' Salaries (Reorganisation Allowances)  
Regulations (Northern Ireland) 1987**

*Made* . . . . . 28th September 1987

*Coming into operation* . . . . . 1st October 1987

The Department of Education, in exercise of the powers conferred on it by Articles 69(1) and (4) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(a) and of every other power enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1987 and shall come into operation on 1st October 1987.

*Revocation*

2. The Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976(b) are hereby revoked.

*Interpretation*

3.—(1) In these regulations—

“acting allowance” means an allowance payable under regulation 14 of the salaries regulations but includes an acting allowance payable under the provisions of the regulations which from time to time governed the salaries and allowances of teachers in grant-aided schools and of peripatetic and supply teachers;

“actual salary” has the meaning assigned to it by regulation 6(3);

“allowance” means an allowance, other than a promotion allowance, payable under the salaries regulations;

“the appropriate date” has the meaning assigned to it by regulation 5(3);

“the date of reorganisation” has the meaning assigned to it by regulation 5(3);

“emoluments” means salary together with any acting allowance to which a teacher was entitled for a continuous period of not less than 2 years immediately before the date of reorganisation and any allowance payable under regulation 12 of the salaries regulations;

“notional salary” has the meaning assigned to it by regulation 6(2);

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(a) S.I. 1986/594 (N.I. 3)

(b) S.R. 1976 No. 237

“reorganisation” means rearrangement of educational facilities carried out with the approval of the Department by a board or by the managers of a school;

“salaries regulations” means the Teachers’ Salaries Regulations (Northern Ireland) 1987(a);

“salary” means—

(a) salary on the main scale together with any promotion allowance payable under the salaries regulations other than a promotion allowance payable under regulation 10(4)(b) of those regulations; or

(b) salary payable to a principal or vice-principal under regulation 7 or 8 of the salaries regulations;

“school” means a grant-aided school not being a technical intermediate school;

“the superseded regulations” means the Teachers’ Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976;

“teacher” means a person who at the date of reorganisation was employed as a full-time teacher (other than a temporary teacher) in a school or as a full-time peripatetic or supply teacher (other than a temporary peripatetic or supply teacher).

(2) Other expressions which have meanings assigned to them by the salaries regulations shall have the same respective meanings for the purposes of these regulations.

#### *Reorganisation allowance*

4. Where a teacher suffers a reduction in the rate of his emoluments (whether or not such reduction follows upon a change of employment), and the Department is satisfied that such reduction has been directly caused by reorganisation he shall, while he is in such employment as is described in regulation 6(3) and subject to and in accordance with these regulations, be paid an allowance to be known as a reorganisation allowance.

#### *Application*

5.—(1) A teacher who suffers a reduction in the rate of his emoluments may within one year from the appropriate date as defined in paragraph (3) or within such longer period as the Department may determine, apply to the Department for a reorganisation allowance.

(2) Where it appears to the Department that a reduction in the rate of emoluments of a teacher has been directly caused by movement of population by reason of a slum clearance scheme, redevelopment scheme, or the execution or proposed execution of any works in the exercise of statutory powers or by reason of such other exceptional circumstances as the Department shall consider proper, the Department may, for the purposes of regulation 4 and of any application under paragraph (1), deem such reduction to have been directly caused by reorganisation.

(3) Where on application being made to it in accordance with paragraph (1) the Department is satisfied that a teacher has suffered a reduction in the rate of his emoluments as a direct result of reorganisation it shall determine the date (in these regulations referred to as “the date of reorganisation”) on which such reorganisation took place and the date (in these regulations referred to as “the appropriate date”) on which the reduction in the rate of the emoluments of that teacher took place.

#### *Calculation of reorganisation allowance*

6.—(1) Subject to paragraph (4) the rate of reorganisation allowance payable in respect of any period to a teacher shall be the amount by which his notional salary as defined in paragraph (2) in respect of that period exceeds his actual salary as defined in paragraph (3) in respect of that period.

(2) In paragraph (1) “notional salary” means the rates of emoluments which a teacher would have received from time to time if he had continued to be employed in the post which he held immediately before the date of reorganisation and if the reduction in his emoluments had not taken place.

(3) In paragraph (1) “actual salary” means where a teacher is employed on a full-time basis as a teacher or temporary teacher in a school or as a peripatetic teacher or supply teacher or as a temporary peripatetic or supply teacher, the rates of salary and allowances (including an allowance payable under regulation 10(4)(b) of the salaries regulations) payable to that teacher in accordance with the salaries regulations provided that an allowance under regulation 10(4)(b) of the salaries regulations shall not be included where the teacher held such an allowance immediately before the date of reorganisation.

(4) Where as a result of reorganisation a teacher is in receipt of—

(a) a redundancy payment under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(a); and

(b) a reorganisation allowance,

the amount of reorganisation allowance payable to him in accordance with paragraph (1) shall be reduced by the amount of the redundancy payment.

#### *Conditions*

7.—(1) A teacher shall not be entitled to a reorganisation allowance where the post which he occupied immediately before the date of reorganisation was a post to which he was appointed for a fixed period unless he has held that post for a continuous period of not less than two years immediately before that date.

(2) A teacher shall not be entitled to a reorganisation allowance unless immediately after the date of reorganisation he remains in employment as a teacher or within a period of three months from the date of reorganisation or within such longer period as may be approved is re-employed as a teacher or temporary teacher in a school or as a peripatetic or supply teacher or as a temporary peripatetic or supply teacher.

(3) A reorganisation allowance payable to a teacher in any post shall cease to be payable if he voluntarily relinquishes that post to take up employment as a teacher or as a temporary teacher in a post for which the rates of actual salary are less than those for the relinquished post.

(a) 1965 c. 19 (N.I.) as modified by S.R. 1986 No. 206 which is in turn amended by S.R. 1987 No. 28

(4) A reorganisation allowance payable to a teacher shall cease to be payable if his actual salary shall at any time be equal to or exceed his notional salary, and unless the Department decides otherwise shall not thereafter again become payable by reason of the fact that his actual salary is not equal to or does not exceed his notional salary.

*Alternative employment*

8. A reorganisation allowance payable to a teacher in any post shall, unless the Department decides otherwise, cease to be payable if at any time the teacher is offered but unreasonably refuses to accept an alternative teaching post in respect of which the rate of emoluments payable would be not less than his notional salary.

*Payment of reorganisation allowance*

9.—(1) Subject to paragraph (2) a reorganisation allowance shall be paid from the appropriate date and at the same time as salary under the salaries regulations.

(2) Where under the provisions of regulation 5(1) the Department determines that an application for reorganisation allowance may be made more than one year after the appropriate date, any reorganisation allowance payable on foot of that application shall be payable from a date not earlier than the date on which the application is received by the Department.

*Transitional provisions*

10.—(1) Any person who immediately prior to the coming into operation of these regulations was in receipt of a reorganisation allowance under the superseded regulations shall, notwithstanding anything in these regulations, be paid a reorganisation allowance calculated in accordance with these regulations.

(2) Nothing in paragraph (1) shall affect the operation in relation to any person referred to in that paragraph of any provision of these regulations whereby a reorganisation allowance may cease to be payable.

(3) In these regulations “the date of reorganisation” shall, in relation to any person referred to in paragraph (1), mean the date of reorganisation determined under the superseded regulations and in regulation 6(3), the words “such an allowance” shall, in relation to such a person, include an allowance for teachers of handicapped pupils payable under the provisions of the regulations which from time to time governed the salaries and allowances of teachers in grant-aided schools and of peripatetic and supply teachers.

Sealed with the Official Seal of the Department of Education on 28th September 1987.

(L.S.)

*K. Clark*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations, which replace the Teachers' Salaries (Reorganisation Allowances) Regulations (Northern Ireland) 1976 ("the 1976 Regulations") make provision for the payment of reorganisation allowances to teachers in grant-aided schools and to peripatetic and supply teachers (other than temporary and part-time teachers) who suffer a reduction in emoluments (as defined in regulation 3(1)) as a result of educational reorganisation or the movement of population due to a slum clearance scheme, re-development scheme, public works or such other circumstances as the Department considers appropriate. The regulations provide for—

- (a) the time within which an application for a reorganisation allowance must be made (regulation 5);
- (b) the calculation of the reorganisation allowance (regulation 6);
- (c) the conditions for the payment of a reorganisation allowance and the circumstances in which such an allowance may cease to be payable (regulations 7 and 8);
- (d) the date from which the reorganisation allowance is payable (regulation 9); and
- (e) the payment of a reorganisation allowance to a person who immediately before the coming into operation of these regulations was in receipt of a reorganisation allowance under the 1976 Regulations (regulation 10).

These regulations do not apply to teachers employed in institutions of further education. The salaries of such teachers are safeguarded by regulation 27 of the Further Education Teachers' Salaries Regulations (Northern Ireland) 1985, S.R. 1985 No. 304, [as inserted by regulation 3(6) of the Further Education Teachers' Salaries (Amendment No. 2) Regulations (Northern Ireland) 1986, S.R. 1986 No. 280].