

1972. No. 279

[C]

## EDUCATION

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

REGULATIONS, DATED 26TH OCTOBER 1972, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1971.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State 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 every other power 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) 1972 and shall be deemed to have come into operation on 1st April 1971.

(2) The following Regulations are hereby revoked:

The Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Regulations (Northern Ireland) 1969(b);

The Institutions of Further Education: Teachers' Salaries (Compensation Allowances) Amending Regulations (Northern Ireland) 1969(c).

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 but shall not except as is provided in Regulation 8(1) include an allowance payable in an acting capacity;

"institution" means any place in which a local education authority provides facilities for further education, including a place used only 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 two 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 salary on the appropriate scale in the Salaries Regulations including any increase or addition in respect of a university degree or other qualification or course of training;

(a) 1947. c. 3.

(b) S.R. & O. (N.I.) 1969, No. 182.

(c) S.R. & O. (N.I.) 1969, No. 276.

“Salaries Regulations” means the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1972(d) 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) Other expressions which have meanings assigned to them by the Salaries Regulations 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 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) 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, and the local education authority for the area in which the institution is situated certifies to the Ministry within one year of the date on which the salary or allowance ceases or is reduced or within such longer period as the Ministry may in exceptional circumstances determine that the cessation of or the reduction in the salary or the allowance has been directly caused by movement of population from the area by reason of a slum clearance scheme, re-development scheme, road scheme or other similar scheme undertaken by a local or public authority the Ministry may deem the cessation of or the reduction in the salary or the allowance to be directly caused by reorganisation.

(2) Where the Ministry under paragraph (1) deems the cessation of or the reduction in the salary or the allowance payable to a teacher who held a protected post in an institution to be directly caused by reorganisation the institution shall be treated as an institution to which Regulation 3 applies and the Ministry shall determine the date on which the reorganisation was deemed to take place and the date on which the salary or the allowance ceased or was reduced and these shall be respectively the date of reorganisation and the appropriate date for the purpose of these Regulations.

5.—(1) In any case to which Regulation 3 or Regulation 4 applies, a teacher who

(a) held an allowance immediately before the date of reorganisation and held a protected post or posts throughout the whole of the qualifying period; or

(b) held a protected post immediately before the date of reorganisation 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 6.

(2) Where under the provisions of Regulation 3(1) or 4(1) the Ministry determines a period longer than one year from the appropriate date, any compensation allowance to which the teacher is entitled shall not be payable from a date earlier than the date on which the application or the certificate from the local education authority as is applicable 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 a protected post and the rate of salary or allowance then payable to him is less than the rate of salary or allowance payable to him before he relinquished the allowance or the post.

#### 6. 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 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 8 be equal to the amount, if any, by which the rate of salary payable to him is less than the rate of salary which would be payable to him if he had continued on his normal scale;
- (2) was an assistant lecturer or lecturer grade I 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 8, be an amount equal to his normal allowance;
- (3) was a lecturer grade I 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).

7.—(1) Entitlement to a compensation allowance under the superseded Regulations shall cease as from 1st April 1971.

(2) A teacher who on 31st March 1971 was entitled to a compensation allowance shall, from 1st April 1971, be entitled to a compensation allowance under these Regulations.

8.—(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 including an allowance payable to him in an acting capacity.

(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.

9.—(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 the salary or the salary and allowance he would have received in the post he held immediately before the date of reorganisation.

(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.

10. 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.

11. In any case in which a teacher becomes entitled to compensation under these Regulations and the teacher is also entitled to a redundancy payment under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(e) the amount of the compensation which would become due to the teacher shall be abated or reduced by the amount of the redundancy payment which is to be paid to the teacher and in so far as the compensation consists of more than one payment, the payments of such compensation as they become due shall be subject to such abatement or reduction as is necessary to reduce the amount of the compensation by the amount of the redundancy payment.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 26th day of October 1972.

(L.S.)

*P. K. McHugh,*  
Assistant 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 or in certain other circumstances and for the continuance of allowances to teachers who were entitled to such allowances under the Regulations revoked by these Regulations. Provision is also made for the abatement or reduction of Compensation Allowance in any case in which a teacher entitled to compensation is also entitled to a redundancy payment.