

1973. No. 368

[C]

EDUCATION

Teachers' Salaries (Abatement during Absence on Service with the Ulster Defence Regiment) Regulations

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION AFTER CONSULTATION WITH THE MINISTRY OF FINANCE UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in pursuance of the powers vested in it by Articles 57, 58 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) (hereinafter referred to as "the Order") 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 (Abatement during Absence on Service with the Ulster Defence Regiment) Regulations (Northern Ireland) 1973.

(2) The Regulations shall come into operation on 1st October 1973.

(3) The Teachers' Salaries (Abatement during Absence on Service with the Ulster Defence Regiment) Regulations (Northern Ireland) 1971(b) are hereby revoked from 30th September 1973.

2. For the purpose of these Regulations—

"appropriate service with the Ulster Defence Regiment" means any period of service in excess of 4 hours for which a teacher who is a member of the Ulster Defence Regiment is called out for duty by the designated officer under the provisions of sub-section (2) of section 2 of the Ulster Defence Regiment Act 1969(c) and which is not relevant service for the purposes of Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(d);

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

"teacher" means a teacher in respect of whose employment an agreement is required under Article 58 of the Order and any temporary teacher paid salary as though he were employed in a permanent capacity in accordance with the Teachers' Salaries Regulations (Northern Ireland) 1973(e) or the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1972(f) or any Regulations superseding those Regulations.

(a) S.I. 1972, No. 1263 (N.I. 12).
 (b) S.R. & O. (N.I.) 1971, No. 279.
 (c) 1969 c. 65.

(d) 14 & 15 Geo. 6. c.65.
 (e) S.R. & O. (N.I.) 1973, No. 274.
 (f) S.R. & O. (N.I.) 1972, No. 132.

3. 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 absent from his teaching duties as a result of being called out for appropriate service with the Ulster Defence Regiment shall be abated by the amount of payment receivable in respect of such service, or by an amount equal to his salary as a teacher for the period of absence whichever is the lesser.

Provided that pending the production to the paying authority of evidence as to the rate of pay receivable in respect of such service by any teacher, abatement under the provisions of this Regulation may be made at such rate as the paying authority may determine.

4. Salary which has been abated under the provisions of Regulation 3 shall for the purposes of any Regulations relating to the conditions governing the absences of teachers be deemed to be salary at the full rate.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 28th day of September 1973.

(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 abatement of a full-time teacher's salary when the teacher is called out for service with the Ulster Defence Regiment and is absent from his teaching duties when his school is in operation and to extend these arrangements to apply to peripatetic and supply teachers.