

1983 No. 157

EDUCATION

**Teachers' Salaries (Reduction during Absence owing to Illness)
Regulations (Northern Ireland) 1983**

Made 21st June 1983

Coming into operation 1st August 1983

The Department of Education, in exercise of the powers conferred on it by Articles 57(1)(a) and (4)(a), 58(2)(b) and 125(1) of the Education and Libraries (Northern Ireland) Order 1972(c) 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 (Reduction during Absence owing to Illness) Regulations (Northern Ireland) 1983 and shall come into operation on 1st August 1983.

Revocation

2. The Teachers' Salaries (Reduction during Absence owing to Illness) Regulations (Northern Ireland) 1977(d) are hereby revoked.

Interpretation

3. In these regulations—

“benefit” means statutory sick pay payable under the Social Security (Northern Ireland) Order 1982(e) and any of the following benefits payable under the Social Security (Northern Ireland) Act 1975(f)—

- (1) Sickness benefit (including increases for dependants);
- (2) Invalidity benefit (including invalidity pension with increases for dependants and invalidity allowance);
- (3) Maternity allowance (including increases for dependants).

“the Order” means the Education and Libraries (Northern Ireland) Order 1972;

“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) 1981(g) or the Institutions of Further Education Salaries Regulations (Northern Ireland) 1981(h);

“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) As substituted by S.I. 1980/1958 (N.I. 16) Art. 9

(b) As amended by S.I. 1978/1040 (N.I. 10) Art. 8

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

(d) S.R. 1977 No. 13

(e) S.I. 1982/1084 (N.I. 16)

(f) 1975 c. 15 (N.I.)

(g) S.R. 1981 No. 103 as amended by S.R. 1982 No. 194 and S.R. 1983 No. 131

(h) S.R. 1981 No. 138 as amended by S.R. 1982 No. 13, S.R. 1982 No. 163 and S.R. 1983 No. 141

“part-time teacher” means a part-time teacher employed by a maintained school committee or by the proprietor of a voluntary primary or special school.

Reduction of salary

4.—(1) Subject to paragraph (2), the salary of a teacher or a part-time 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 the full rate.

(2) Pending the production to the paying authority of a document issued under the Social Security (Northern Ireland) Act 1975 or the Social Security (Northern Ireland) Order 1982 showing 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 and the Social Security (Northern Ireland) Order 1982.

Saving

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 June 1983.

(L.S.)

T. Johnston

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations continue the arrangements for the reduction of the salary of a teacher who is absent owing to illness and who is entitled to receive either sickness or invalidity benefit or maternity allowance and extend these arrangements to statutory sick pay. Provision for the reduction of salary in respect of injury benefit has been removed as this benefit is no longer payable.