1973. No. 400 **[C]**

EDUCATION

Nursery Schools

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION 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 56, 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, hereby makes the following Regulations:—

Introductory

1.—(1) These Regulations may be cited as the Nursery Schools Regulations (Northern Ireland) 1973.

(2) These Regulations shall have effect from 1st October 1973.

2. The Regulations named in the Schedule are hereby revoked.

3. In these Regulations—

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"controlled school" means a grant-aided school under the management of a board;

"maintained school" means a voluntary school for which a committee has been appointed under Part I of Schedule 5 to the Order;

"maintained school committee" means a committee appointed by a board under Part I of Schedule 5 to the Order;

"nursery school" means a primary school used mainly for the purpose of providing education for children who have attained the age of two years but have not attained the age of five years;

"recognised" means recognised by the Ministry;

"school" means a recognised primary school which is managed and conducted as a nursery school;

"school authorities" means, in the case of a controlled school, the board and, in the case of a maintained school, the mantained school committee;

"school day" does not include a Saturday or a Sunday;

"school year" means a year beginning on 1st August and ending on 31st July;

"teacher" does not include a nursery assistant.

4. These Regulations prescribe the conditions which shall be satisfied by a school in order that grant may be payable in respect thereof under the Order and by a teacher in order that she may be recognised by the Ministry.

(a) S.I. 1972, No. 1263 (N.I. 12).

General conditions

5. In order to be recognised a school shall comply with the requirements imposed on it by or under the Order.

6. Recognition of a new school shall be dependent upon the Ministry being satisfied that not less than twenty children between the ages of two years and five years will be enrolled in the school. The continued recognition of a school shall be dependent upon the maintenance of such average daily enrolment of pupils as the Ministry may determine.

7. A school shall not be used for political meetings, the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary, Northern Ireland Assembly or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

8. A school shall be conducted on approved lines and kept on a satisfactory level of efficiency.

9.—(1) In each school training and activities suitable to the ages of the pupils shall be provided, and a time-table shall be exhibited showing how the day will be spent.

(2) The school shall be open on each school day for at least four hours of which not less than three hours shall be spent in suitable training and activities.

Time-table, registration and attendance of pupils

10.—(1) Except with the approval of the Ministry, a pupil shall not be admitted to a school if he is under the age of two years or retained after he has attained the age of five years.

(2) The arrangements made for the admission of pupils shall provide that not more than five pupils under the age of three years shall be included in a class of twenty-five pupils unless the Ministry is satisfied that the circumstances are such as would justify the inclusion of a larger number.

11.—(1) A school shall be in operation for three terms in any school year; the first term shall end in December, the second in March or April and the third in June or July.

(2) Subject to the provisions of paragraphs (4) and (5), a school shall be in operation during the school year for at least 200 school days.

(3) Subject to the provisions of Regulation 12, the dates of school holidays shall be determined by the school authorities.

(4) A school may at the discretion of the school authorities be closed for a number of optional holidays, not exceeding ten days in any school year, and such optional holidays may be counted as days when the school is in operation for the purposes of paragraph (2).

(5) In exceptional circumstances the Ministry may sanction a reduction in the number of days prescribed in paragraph (2).

12.—(1) The dates of school holidays, other than optional holidays, shall in the case of maintained schools be subject to the approval of the board for the area in which the school is situated.

(2) Not later than 31st March in any year the principal of every maintained school shall furnish to the board, in such form as the board may prescribe, a statement of the dates on which it is proposed that the school will be closed in the ensuing school year including (so far as is known at that time) the dates of optional holidays.

(3)(*a*) The board's approval to proposals for school holidays as submitted in accordance with paragraph (2) shall not be unreasonably withheld and the board shall take into account any representations made by or on behalf of the school authorities.

(*b*) In the event of the board being unwilling to approve the proposals for holidays submitted in accordance with paragraph (2) (or any amended proposals submitted after consultation between the board and the school authorities) the board shall determine the dates of such holidays and shall notify the school authorities of its decision.

(*c*) If the school authorities are unwilling to accept the decision of the board about the dates of holidays they may, within fourteen days of receipt of the notification referred to in the preceding sub-paragraph, refer the matter to the Ministry for final determination.

13. The Ministry may require that such of the Regulations relating to the registration and attendance of pupils as it may from time to time direct shall be complied with and the school authorities shall keep and preserve such records and furnish such returns as the Ministry may consider necessary.

Staffing of schools

14. The teaching and nursery assistant staff of a school shall be such as the Ministry may from time to time approve, having regard to the actual, or prospective, enrolment.

15.—(1) The Ministry may approve the appointment of one or more part-time teachers instead of a full-time teacher in any case where it considers it expedient to do so.

(2) The Ministry may approve the appointment of one or more part-time teachers in a school in addition to the full-time teaching staff who may be appointed under the provisions of Regulation 14 where it is satisfied that they are required for the needs of the school.

16.—(1) A full-time teacher shall be required to be in attendance in the school in which she is engaged for at least twenty-five hours in each week in which the school is open.

(2) A part-time teacher is a teacher who is not a full-time teacher.

Appointment and recognition of teachers

17.—(1) Every advertisement issued pursuant to paragraphs 3 and 6 of Schedule 10 to the Order shall state—

(*a*) the nature of the appointment, the salary scale and whether a principal or assistant;

(*b*) the name, location and average daily enrolment of the school;

(*c*) that forms of application and particulars of the position may be obtained on application to the board;

(*d*) the latest date for receiving completed application forms;

(*e*) such special conditions and other relevant particulars as the board may consider should be stated.

(2) Every such advertisement shall be published in such newspapers or educational journals, and with such frequency as the Ministry, after consultation with the board, may direct.

(3) The board shall, after the latest date appointed as aforesaid for receiving such applications, proceed as may be appropriate in the manner prescribed in Part I or Part II of Schedule 10 to the Order having regard to the nature of the appointment.

18. To be eligible for recognition by the Ministry as a qualified teacher in a school a person must —

(*a*) have successfully completed an approved full-time course of training;

(*b*) have been recognised as a qualified teacher in a primary school prior to the operative date of these Regulations; or

(*c*) hold such other qualifications as the Ministry may approve.

19. The Ministry shall not save in exceptional circumstances and as a temporary measure approve the appointment of a person who is not eligible for recognition under Regulation 18.

20. A teacher shall not be employed before she attains the age of 20 years or after 31st July next following the date on which she attains the age of 65 years, except for limited periods in cases where there are special circumstances and the Ministry so approves.

21.—(1) Every full-time teacher will be required to satisfy the Ministry of her health and physical capacity for teaching.

(2) The Ministry may refuse recognition to or withdraw recognition from a teacher on the grounds of inefficiency or misconduct.

22. A teacher or nursery assistant shall not engage in any activities which, in the opinion of the school authorities or of the Ministry, would interfere with the proper discharge of her duties as a teacher or nursery assistant, as the case may be.

23. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct or conviction of a criminal offence the school authorities shall report the facts to the Ministry.

24. The Ministry may, as a condition of recognition, or continued recognition, require a teacher to attend such further courses of study or to comply with such other conditions as it may determine.

Probation of teachers

25.—(1) Subject to the provisions of paragraph (2) a teacher who is recognised under Regulation 18 shall be on probation for an initial period of three terms or such period or periods as the Ministry considers equivalent to three terms. While a teacher is on probation her recognition shall be provisional.

(2) If a teacher has previous teaching experience or in special circumstances the Ministry may waive probation in whole or in part.

(3) Unless the Ministry in special circumstances considers that it is necessary to defer a decision, it shall at the end of the period or periods of probation referred to in paragraph (1) and of any period by which such period or periods are extended under the provisions of this paragraph confirm the teacher's recognition or extend her probation for a further period, or withdraw her recognition.

(4) If a decision is deferred under paragraph (3) but at the end of the period of deferment the Ministry confirms the teacher's recognition, the Ministry shall determine from what date recognition would have been confirmed if the decision had not been deferred and the teacher's recognition shall be deemed to have been confirmed from that date.

26. If a teacher's recognition is withdrawn the Ministry may in special circumstances provisionally restore her recognition for such period and subject to such conditions as it may determine. During such period the teacher shall be on probation and at the end of such period the Ministry shall either confirm the teacher's recognition or withdraw it.

Salaries of teachers and nursery assistants

27.—(1) The rates of salaries for teachers employed in schools shall be those prescribed from time to time by the Ministry.

(2) The salary payable to a nursery assistant shall be subject to the approval of the Ministry.

28. The Ministry may approve the appointment by the school authorities of a substitute for a teacher and may pay the substitute's salary, provided that—

(*a*) the absence of the teacher is due to a cause which the Ministry considers reasonable in the circumstances; and

(*b*) the Ministry is satisfied that, having regard to the estimated duration of the teacher's absence the appointment of a substitute is desirable.

Grants

29. If, in respect of any school, the school authorities fail to satisfy the requirements of these or any other relevant Regulations of the Ministry, the Ministry may either withdraw recognition from the school after such notice, if any, as it may determine, or withhold or make deduction from grant payable in respect of the school under the Order.

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

(L.S.)

T. R. Meharg,
Assistant Secretary.

SCHEDULE Regulation 2

Statutory Rules and Orders revoked

Year	*Number*	*Title*
1948	97	Nursery Schools Regulations (Northern Ireland) 1948
1953	12	Nursery Schools (Amendment) Regulations (Northern Ireland) 1953
1953	90	Nursery Schools (Amendment) Regulations (Northern Ireland) No. 2 1953
1962	228	Nursery Schools Amending Regulations (Northern Ireland) 1962
1963	47	Nursery Schools Amending Regulations (Northern Ireland) 1963
1964	124	Nursery Schools Amending Regulations (Northern Ireland) 1964
1965	93	Nursery Schools Amending Regulations (Northern Ireland) 1965
1967	193	Nursery Schools Amending Regulations (Northern Ireland) 1967
1969	93	Nursery Schools Amending Regulations (Northern Ireland) 1969

EXPLANATORY NOTE

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

These Regulations prescribe the conditions which must be fulfilled by nursery schools in order that they may be eligible for grants and by teachers in nursery schools in order that they may be recognised by the Ministry.