staff of the said primary school and had been so serving for a period of not less than six months and who is transferred to the said intermediate school on or before 1st January, 1951,

may be regarded as eligible for appointment subject to such conditions as the Ministry may determine."

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 22nd day of September, 1949, in the presence of

(L.S.) *J. A. Glen,*
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Regulations in witness whereof the Seal of the Ministry has been fixed thereto this 22nd day of September, 1949, in the presence of

(L.S.) *John I. Cook,*
Second Secretary.

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## Primary Schools (General)

REGULATIONS, DATED 16TH JUNE, 1949, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1949. No. 100

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 19, 83, 84, 104 and 112 of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf, with the approval of the Ministry of Finance in so far as Sections 83 and 104 are concerned, hereby makes the following Regulations :—

*Introductory*

**1.**—(1) These Regulations may be cited as the Primary Schools (General) Regulations (Northern Ireland), 1949.

(2) These Regulations shall come into operation on the date hereof.

**2.** These Regulations shall not apply to a primary school which is managed and conducted as a nursery school.

**3.** In these Regulations, unless the contrary intention appears, the following expressions have the meanings hereby assigned to them, that is to say :—

(*a*) " The Act " means the Education Act (Northern Ireland), 1947 ;

" approved " means approved by the Ministry ;

" nursery class " means a class specially approved for the purpose of providing education mainly for children who have attained the age of 3 years but have not attained the age of 5 years ;

" quarter " means a period of three months ending 31st March, 30th June, 30th September or 31st December ;

" recognised " means recognised by the Ministry for the purposes of these Regulations ;

" school " means a recognised primary school other than a nursery school ;

" infants' school " means a school at which education is provided mainly for children who have not reached the age of eight years ;

" mixed school " means a school for boys and girls ;

" school authorities " means, in the case of a county school, the local education authority and, in the case of a voluntary school, the managers of that school ;

" school year " means the year beginning on 1st August and ending on 31st July.

(*b*) Other expressions which have meanings assigned to them by the Act shall have the same respective meanings for the purposes of these Regulations.

*Recognition and Management of Schools*

**4.** Recognition of a school shall be dependent upon the maintenance of an average daily enrolment of at least 20 pupils : Provided that, in exceptional circumstances, the Ministry may recognise a school in which an average daily enrolment of 20 pupils is not maintained.

**5.** Where the Ministry considers that the amalgamation of two or more schools would result in the more efficient instruction of the majority of the children attending them, the Ministry may require that they be amalgamated or may require that any further appointment of a teacher in any of the schools shall be approved only as a temporary appointment.

**6.**—(1) Where a school for boys and a school for girls are conducted in the same neighbourhood and the Ministry considers that such schools could be conducted more efficiently or more economically as one school, it may direct that they be amalgamated and should such direction not be carried out, the Ministry may withdraw recognition of either or both of the schools.

(2) Where the average daily enrolment at either of the schools for the preceding calendar year has been less than 50, the schools shall be amalgamated on the occurrence of a vacancy in either of the schools unless for special reasons, the Ministry directs otherwise.

**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 or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

**8.** For a voluntary school other than a voluntary school for which a committee is appointed under the provisions of Sub-section (2) of Section 81 of the Act, the Ministry may recognise a suitable person or persons as manager or may recognise a committee of management.

**9.** As a condition for recognition, a manager of a voluntary school shall give an undertaking, in the approved form, to comply with the Regulations of the Ministry, and in the event of his failure to observe such undertaking the Ministry may refuse or withdraw such recognition.

**10.** No financial responsibility in connection with the maintenance of a school shall rest with a teacher.

*Organisation*

**11.**—(1) The instruction to be given in a school shall be determined with due regard to the ages, abilities and aptitudes of the pupils, and the curriculum, syllabus and time-table shall be subject to the approval of the Ministry.

(2) The Ministry may prohibit the use in a school of any book of which it does not approve.

**12.** A school shall be open during the school year for at least 210 days (exclusive of Sundays), of which not more than five days may be counted in any one calendar week from Sunday to Saturday, inclusive :

Provided that in exceptional circumstances, the Ministry may sanction a reduction in the minimum of 210 days.

**13.**—(1) 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 in the case of pupils who are over or under compulsory school age.

(2) In respect of all pupils the school authorities shall keep such records and furnish such returns as the Ministry may consider necessary.

**14.**—(1) A child under three years of age shall not be registered as a pupil in a school.

(2) A child who has reached the age of three years but has not reached the age of four years shall not be so registered unless the child is enrolled in a nursery class.

(3) A child who is under the lower limit of compulsory school age shall not be registered for the first time as a pupil in a school on any date other than one of the dates prescribed by the appropriate education authority under the authority's bye-laws relating to school attendance. This part of this Regulation does not apply to the registration of a child for enrolment in a nursery class.

**15.** A child who is not a registered pupil of a school shall not be permitted to be in a classroom during the hours when the school is open, except in accordance with arrangements approved by the Ministry.

**16.**—(1) Subject to the provisions of paragraph (2) of this Regulation :—

(*a*) a boy who is under the age of seven shall not be registered in a school in which the teaching staff does not include at least one woman teacher ;

(*b*) a boy who is registered as a pupil in a girls' school shall cease to be so registered before the 1st August next following the date on which he reaches the age of eight years ;

(*c*) a child shall not be registered as a pupil in an infants' school on or after the 1st August next following the date on which he reaches the age of eight years ;

(*d*) a child attending a school which provides instruction only for junior pupils shall be transferred to a school which provides instruction for senior pupils not later than 1st August next following the date on which he reaches the age of eleven years.

(2) The Ministry may sanction the modification of the provisions of this Regulation where it is satisfied that such modification is necessary.

*Staffing of Schools*

**17.** The appointment of a teacher shall be subject to the approval of the Ministry and no person whose appointment has not been so approved shall be employed as a teacher.

**18.** Subject to the provisions of Regulations 19 to 26 of these Regulations, the maximum number of teachers in a school, in addition to a principal, in respect of whose salaries grant may be paid by the Ministry, shall be as follows :—

| *Average daily enrolment of pupils for year ending 31st December* | *Maximum number of assistants (in addition to a principal) for the year commencing 1st August following* |
|---|---|
| At least 25 but not exceeding 64 pupils | 1 |
| Exceeding 64 ,, ,, 104 ,, | 2 |

and so on, an extra teacher being allowed for each additional 40 pupils on the roll.

**19.** When teachers employed in a school give instruction to the pupils of that school in domestic science, handwork, horticulture, nature study, elementary science, art, physical education or such other subject as the Ministry may approve for the purpose of this Regulation, the Ministry may pay grant in respect of an assistant or assistants in excess of the appropriate maximum number calculated in accordance with the provisions of Regulation 18 of these Regulations: Provided that such an assistant shall be recognised and grant in respect of his salary paid only where the Ministry is satisfied that suitable accommodation and equipment for the instruction of the pupils in such a subject are available.

The maximum number of assistants who may be so recognised shall be determined as follows:—

| *Average daily enrolment of pupils in standard V and above for the year ending 31st December* | *Maximum number of assistants who may be recognised under the provisions of this Regulation in the year commencing 1st August following* |
|---|---|
| Exceeding 120 but not exceeding 240 | 1 |
| ,, 240 ,, ,, 360 | 2 |

and so on, one assistant being allowed for each additional 120 pupils enrolled in standard V and above.

**20.** Notwithstanding the provisions of Regulations 18 and 19 of these Regulations, the Ministry may, for such period and subject to such conditions as it may determine, recognise and pay grant in respect of the salary of an assistant or assistants in a school in excess of the maximum number of assistants for which provision is made in those Regulations, if

(*a*) the number of pupils enrolled is substantially greater than the figure of average daily enrolment on which, in accordance with the provisions of Regulation 18, the maximum number of teachers to be employed in the school is based; or

(*b*) educational instruction of a special or experimental nature is being provided; or

(*c*) the school has been enlarged; or

(*d*) the facilities for primary education in the district have been re-organised ; or

(*e*) under the provisions of Regulations which are superseded by these Regulations, a teacher has been granted a right to continued recognition in a school notwithstanding that the number of pupils enrolled in the school is not sufficient to justify such recognition ; or

(*f*) the maximum number of teachers who may be recognised under Regulations 18 and 19 is insufficient because of special circumstances connected with the organisation of the school, the welfare of the pupils or the efficient discharge of their duties by the teachers in the school.

**21.**—(1) Where the average daily enrolment of pupils in a school for a year ending 31st December exceeds 200, a vice-principal may be recognised during the school year commencing 1st August following.

(2) Where the average daily enrolment of pupils in a school for a year ending 31st December exceeds 300, a second post of special responsibility may be recognised during the school year commencing 1st August following.

(3) Where the average daily enrolment of pupils in a school for a year ending 31st December exceeds 500, a third post of special responsibility may be recognised during the school year commencing 1st August following.

(4) In a school in which there is a post of vice-principal and a second post of special responsibility, one of such posts shall normally be held by a woman teacher and in a school in which the average daily enrolment of pupils exceeds 500, one of such posts shall normally be held by a woman in charge of the infants' department.

**22.** The conditions governing the recognition of teachers in a new school and the maximum number and the rank of teachers in such a school shall be determined by the Ministry.

**23.** In the event of a dispute as to the order of seniority of the assistants, other than a vice-principal or the holder of a post of special responsibility in a school, the question may be referred to the Ministry for determination.

**24.**—(1) In a mixed school in which only one teacher is employed such teacher shall be a woman.

(2) On the occurrence of a vacancy in the post of principal in a mixed school with an average daily enrolment of fewer than 35 pupils for the year ending 31st December preceding the occurrence of the vacancy, the post shall not, save in exceptional circumstances, by filled by a male teacher.

(3) The Ministry may require that in any school a stated minimum number of male teachers shall be employed.

**25.** A locum tenens may be recognised for a limited period pending the appointment of a principal or an assistant.

**26.** The Ministry may refuse to sanction the appointment of a teacher to a school if it is not satisfied that the accommodation in the school is adequate and suitable for the provision of reasonable teaching facilities having regard to the enrolment of pupils and the organisation of the school.

*Appointment and Transfer of Teachers in County Primary Schools*

**27.**—(1) Every advertisement issued pursuant to Sub-section (1) of Section 19 of the Act shall state —

(*a*) the nature of the appointment (principal, assistant, etc.) and, if necessary, whether a male teacher or a female teacher is required ;

(*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 local education authority ;

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

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

(2) Every advertisement as aforesaid shall be published in such newspapers or educational journals and for such periods as the Ministry, after consultation with the local education authority, may direct.

(3) The local education authority shall, without undue delay, after the latest date appointed as aforesaid for receiving such applications, transmit the said applications along with the particulars of the candidates to the school management committee by which the school is managed.

**28.**—(1) In every case in which Sub-section (1) of Section 19 of the Act does not apply and which comes under paragraph (*a*) of Sub-section (3) of the said Section 19, and in which the local education authority proposes, in pursuance of the powers contained in the last-named sub-section, to appoint or transfer a teacher to a county primary school, it shall be the duty of the local education authority to inform the school management committee by which the school is managed of the proposal as soon as possible after the meeting at which the resolution embodying the proposal is adopted.

(2) If the school management committee desires, under Subsection (4) of the said Section 19 of the Act, to appeal to the Ministry against the said proposal, such appeal must be lodged with the Ministry within a period of 21 days reckoned from the date of the said meeting of the local education authority. Every such appeal must state clearly the grounds upon which it is made.

(3) If no appeal is received from the school management committee within the said 21 days, the Ministry shall confirm the proposed appointment or transfer if it is satisfied that it is otherwise in accordance with the Ministry's Regulations.

*Recognition of Teachers*

**29.**—(1) To be eligible for recognition as a qualified teacher a person must —

(*a*) have completed successfully an approved course of training for teachers in a training college or other institution for the training of teachers approved by the Ministry ; or

(*b*) have been recognised by the Ministry as a trained teacher in a primary school prior to the date on which these Regulations take effect ; or

(*c*) have been admitted by the Ministry to the scale of salaries for qualified teachers by virtue of having completed twenty years' service as an untrained teacher ; or

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

**30.**—(1) Subject to the provisions of Regulation 31, recognition as an unqualified teacher may be granted to a person who does not fulfil the conditions for recognition as a qualified teacher, if he has reached a standard of education satisfactory to the Ministry and is otherwise suitable.

(2) A person who, prior to the date on which these Regulations took effect, was recognised as an untrained teacher shall, if he is not entitled to recognition as a qualified teacher, be recognised as an unqualified teacher and any conditions hitherto applicable to his employment as a teacher shall continue to have effect.

**31.**—(1) Where there is a vacancy in the teaching staff of a school and the school authorities can secure the services of either—

(*a*) a qualified teacher ; or

(*b*) an unqualified teacher who, before 1st August, 1945, was recognised as an untrained teacher ;

the Ministry shall not, save in exceptional circumstances, approve the appointment of a person who is not in either of those classes.

(2) The employment of a person who is not in one of the classes mentioned in (*a*) and (*b*) of paragraph (1) of this Regulation shall be temporary and shall be subject to such other conditions as the Ministry may impose.

**32.**—(1) To be eligible for appointment to a post of principal or a post of special responsibility a teacher must —

(*a*) be recognised by the Ministry as a qualified teacher ; and

(*b*) have served for such period and possess such additional qualifications as the Ministry may, from time to time, require.

(2) In determining the minimum period of service and the other qualifications required for the purpose of paragraph (1)(*b*) of this Regulation, the Ministry may take account of the size of the school concerned.

(3) In any case in which the school authorities are unable to appoint to a post of principal or a post of special responsibility a teacher possessing the qualifications required, the Ministry may recognise, for a limited period, the appointment of a teacher who is not so qualified.

**33.**—(1) Every teacher must satisfy the Ministry regarding his health and his physical capacity for teaching.

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

**34.** A teacher shall not engage in any activity which, in the opinion of the school authorities or of the Ministry, would interfere with the efficient and proper discharge of his duties as a teacher.

**35.**—(1) Subject to the provisions of this Regulation, if a teacher is believed to have been guilty of misconduct, the school authorities may, with the approval of the Ministry, or shall, on the direction of the Ministry, suspend him from the performance of school duties pending consideration of the allegation of misconduct.

(2) The Ministry shall not approve or direct the suspension of a teacher under this Regulation unless the Ministry considers that the alleged misconduct is such that, if proved, it would be likely to justify the teacher's dismissal from the school in which he is employed or the withdrawal of recognition from him.

(3) If it is decided that a teacher's conduct has been such as to justify his dismissal from his employment or the withdrawal of his recognition as a teacher, no salary or allowance shall be paid to him in respect of the period of suspension ; otherwise a period of suspension shall be treated as a period of absence to which paragraph (*b*) or paragraph (*c*) of Regulation 55 applies.

**36.** 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 conditions as it may determine.

*Probation of Teachers*

**37.** A teacher who is recognised under Regulation 29 of these Regulations shall serve a period of probation of not less than two years teaching service, and during such period of probation his recognition as a teacher shall be provisional.

Provided that the Ministry may waive part of, or the whole of, the probationary period in the case of a teacher who has had previous approved teaching experience.

**38.** The Ministry's inspectors shall report to the Ministry in respect of each year of probationary service upon the manner in which the teacher has discharged his duties :

Provided that, in respect of a teacher who is engaged in giving religious instruction, the Ministry's inspectors shall not report on his efficiency in giving such instruction.

**39.** After consideration of the reports furnished under the provisions of Regulation 38, the Ministry shall decide whether to confirm recognition, to extend the probationary period or to refuse further recognition.

*Emoluments of Teachers*

**40.** The scales of salaries and allowances for teachers, (including temporary teachers and substitutes), employed in primary schools and the conditions for admission to such scales of salaries and for the granting of such allowances shall be those which are prescribed from time to time by the Ministry, and it shall be a condition for the payment of any grant from the Ministry under the Act in respect of a school that the teachers shall be remunerated by the school authorities at the appropriate rates so prescribed.

**41.** The school authorities of a school having an average daily attendance of less than ten pupils for each of two consecutive years ending on 31st December shall be required to make to the teacher as from the next following 1st January a payment at the rate of £25 per annum, and the grant otherwise payable by the Ministry shall be reduced accordingly. The school authorities' liability to make such payment shall continue until, for each of two successive years ending on 31st December, the average daily attendance of pupils attending the school has been at least ten.

**42.** When for a period of at least one month a teacher who is not a principal discharges the duties of principal in a school in which the post of principal is vacant any principal's allowance accruing in respect of that period may be paid to him provided there was no unnecessary delay in filling the vacancy.

**43.** Subject to the provisions of Regulation 44, a teacher shall remain on the commencing salary of the appropriate scale until he has satisfactorily completed his period of probation.

**44.** A person who, before the completion of his period of probation as a teacher, undertook service which, under the provisions of the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939, was regarded as war service shall, if he becomes employed in contributing service (as defined in the Superannuation (Teaching Services) Acts (Northern Ireland), 1926 to 1939), in a school before 1st April, 1951, be granted increments in respect of such war service as if it had been teaching service, subject to the following conditions :—

(1) Notwithstanding any other provisions relating to salary during probation, increments shall be awarded during the probation period as if the war service had been recognised teaching service but no further increments shall be granted before the satisfactory completion of probation :

(2) On the satisfactory completion of probation, salary shall be re-calculated from the beginning of the period of probation as if probation had been completed at the date on which it would have been completed had the war service been recognised teaching service :

(3) If the war service was undertaken before the completion of training at a recognised training college, that part of the war service which fell before such date as the Ministry may determine to be the date on which training would have been completed but for the war service, shall be ignored :

(4) War service given by a person before he reached the age of eighteen years shall be ignored :

(5) Paragraphs (1), (2), (3) and (4) shall not apply to a person who has not satisfactorily completed a course of training as a teacher in a training college recognised for that purpose by the Ministry, unless he was recognised as a teacher, other than a locum tenens teacher, in a public elementary school before 1st January, 1947.

**45.** Subject to the provisions of Regulation 44 of these Regulations and to the provisions of the Salaries and Allowances Regulations applicable to primary schools, a teacher shall be placed at the point on the salary scale appropriate to him under the First Schedule to these Regulations, and shall receive credit for his approved teaching service as if the scale had been in operation throughout the total period of such service : Provided that a teacher shall not be placed on the scale of salary at the point which would be appropriate in view of his past service unless the Ministry is satisfied as to his efficiency.

**46.** After a teacher's rate of salary has been determined in accordance with the provisions of these Regulations, the subsequent increments in the scale shall be granted annually on the teacher's normal incremental date :

Provided that —

(1) an increment may be withheld at any time if a teacher's service, in the judgment of the Ministry, does not reach a satisfactory standard ;

(2) if an increment be withheld in any year and if, in the following year, the teacher's service reaches a satisfactory standard he may be allowed such an increase in his salary as will place him at the position in the salary scale which he would have reached had the increment not been withheld ; and

(3) if increments be withheld for a period of two or more years and the teacher's service subsequently reaches a satisfactory standard he shall be entitled to one increment only with effect from the beginning of the school year in which, in the judgment of the Ministry, his service has reached such a standard, or, if he was not serving at the beginning of that school year, from the date of his resumption of service.

**47.** Satisfactory service given as substitute from 1st April, 1948, or as a locum tenens teacher shall count for the purpose of the award of increment as if it were service as assistant teacher.

**48.** Service as a teacher in respect of which salary is paid on the scale for unqualified teachers shall not subsequently rank for increments in a salary scale for qualified teachers.

**49.** Service in respect of which a teacher is entitled to receive salary at one-half of the full rate shall rank for increment as if salary were payable at the full rate.

*Absences of Teachers*

**50.** For the purpose of Regulations 51 to 62 of these Regulations—

(1) the expression " salary " includes any allowances payable to a teacher under the provisions of the Regulations relating to the payment of salaries and allowances to teachers in primary schools.

(2) salary from which a deduction has been made on account of an amount of National Insurance benefit payable to a teacher in respect of his absence from duty owing to illness, shall be deemed to be salary at the full rate or at one-half the full rate as the case may be.

**51.**—(1) A teacher (other than a teacher who is paid salary at a daily rate) shall, subject to the provisions of these Regulations, be entitled, whilst absent owing to illness, to receive salary at the full rate for not more than six months and thereafter at one-half the appropriate full rate for not more than six months in any period of four years' service. For the purposes of this paragraph six months shall be taken as 183 days.

(2) A teacher who has been absent owing to illness for an aggregate of twelve months in any period of four years' service, shall not, within that period, be entitled to salary for any further period of absence from duty owing to illness.

For the purposes of this Regulation a period of school vacation shall be reckoned as absence owing to illness in the case of a teacher who has not resumed teaching duties after such absence for at least ten successive working days either immediately preceding or immediately succeeding the period of vacation or for at least a total of ten successive working days immediately preceding and immediately succeeding the period of vacation.

**52.** Where any days of absence owing to illness under the Regulations in force prior to 1st July, 1947, fall within the period of four years' service prescribed in Regulation 51, salary shall, for the purpose of that Regulation, be deemed to have been paid at the full rate for one-half of the number of the said days, and at one-half of the full rate for the remainder : Provided that if the result in either case is more than a number of whole days, the fraction shall be ignored.

**53.** A teacher who is absent owing to illness shall not be entitled to salary —

(*a*) for more than three successive working days, or

(*b*) for more than ten days in the aggregate in any year ending 31st December,

unless a medical certificate, specifying the nature of the illness and certifying the incapacity of the teacher for the performance of duty, is furnished to the Ministry.

**54.** A teacher who, with the approval of the school authorities, has enrolled in one of the Reserve Forces of the Crown, may, with the approval of the Ministry, be paid salary in respect of absence from school for not more than twenty school days in any year for the purpose of undergoing training in the force in which he is enrolled.

**55.** Salary may be paid in full to a teacher —

(*a*) for a brief period of necessary absence due to infectious disease in his home or to the serious illness or death of a near relative ; or

(*b*) for a period of absence not exceeding three working days due to special circumstances ; or

(*c*) with the approval of the Ministry, for a period of absence exceeding three working days, due to special circumstances.

**56.** Save as provided in Regulations 57 and 58, a period of absence in respect of which salary is not paid shall not rank as service for the purpose of the award of increments.

**57.** With the prior approval of the Ministry a teacher may be granted leave of absence, with or without pay as the Ministry may determine, to attend a course of training at a college recognised by the Ministry for the training of teachers for Northern Ireland or to attend a university course or other comparable course approved by the Ministry.

Whether or not salary is paid the period of such absence shall rank for increment.

**58.** The Ministry may approve the secondment of a teacher for service other than teaching service in a primary school, provided that he obtains beforehand the consent of the school authorities and of the Ministry.

During a period of secondment a teacher shall not be entitled to receive salary as a teacher of the school from which he is seconded, but the period of secondment may be reckoned for increment as if he had continued to serve in the school from which he was seconded.

The Ministry may, for the period of a teacher's secondment, sanction such appointments and pay such allowances as it considers necessary for the proper continuance of the educational facilities which the school normally provides.

**59.**—(1) A teacher who is a married woman shall be required to be absent from her school duties for three months continuously during the period immediately preceding and succeeding childbirth and in respect of such absence, she shall be entitled to receive salary at one-half the full rate.

Absence under the provisions of this Regulation shall not be deemed to be absence owing to illness.

(2) In addition to the period of compulsory absence prescribed in paragraph (1) of this Regulation, the Ministry may approve a further period of leave of absence for the teacher but the teacher shall not be entitled to salary in respect of such further period of absence.

**60.** The Ministry may recognise and pay grant in respect of the salary of a substitute for a teacher who is absent from the school in which he is employed, provided that —

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

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

(*c*) the substitute is approved by the school authorities.

**61.** During the absence of a teacher from a school the school authorities may arrange that teaching duties in the school from which the teacher is absent shall be carried out by a teacher from another school, subject to the consent of the school authorities of that school, for a period not exceeding one month. Such arrangement should be notified at once to the Ministry. Service so given by a teacher shall count as service in the school in which he is normally employed.

**62.** In order that teachers may have an opportunity of enlarging their experience, the Ministry may, on the recommendation of the school authorities, approve the interchange of teachers between two primary schools or between a primary school and a secondary school for periods not exceeding three months. During the period of such interchange the service of a teacher of a school to which these Regulations relate shall count as service in his own school.

*Miscellaneous*

**63.** A teacher shall be required to be in attendance in the school in which he is engaged in teaching for at least twenty-five hours in each week in which the school is open, of which not less than twenty hours shall be devoted to class teaching in subjects on the approved time-table :

Provided that —

(*a*) in a school in which the approved time-table provides for less than twenty hours of class instruction per week, the condition requiring a teacher to devote at least twenty hours per week to class teaching may, with the approval of the Ministry, be relaxed ; and

(*b*) the Ministry may, in the case of a principal, relax the aforementioned condition regarding class teaching if the Ministry is satisfied that such relaxation is desirable having regard to the duties, other than teaching duties, which the principal is expected to perform.

**64.** Subject to the control of the school authorities, the principal shall be responsible for the discipline of the school generally and for the control of the other members of the teaching staff.

**65.** The principal shall carry out the Ministry's instructions regarding the custody and care of the school records.

**66.** A school shall not be closed by a teacher for any reason without the permission of the school authorities.

**67.** Should a teacher be dissatisfied with a report made by an inspector of the Ministry, he may, within fourteen days of the receipt of such report, appeal to the Ministry stating fully the reasons for the appeal.

Provided that if the report was received by the school authorities or the teacher during a period of school vacation or during the absence of the teacher owing to illness, the said period of fourteen days shall be calculated from the date of the re-opening of the school or the resumption of duty by the teacher.

*Grants*

**68.**—(1) Subject to the deduction of any sums properly deductible therefrom, the Ministry may pay grants under these Regulations to school authorities equal in amount to the salaries and allowances payable by the school authorities to teachers appointed in accordance with these Regulations.

(2) If the school authorities so desire, the salaries and allowances of teachers, being the grants payable under these Regulations, may, (after deducting any sums properly deductible therefrom), be paid by the Ministry direct to the teachers.

(3) For the purpose of this Regulation, " teachers " includes approved temporary teachers and substitutes.

**69.** In the event of the discontinuance of a school as a school conducted subject to these Regulations, the Ministry shall have power to withhold payment of any grants due in respect of the said school under these or any other Regulations of the Ministry or of any portion of such grants except of such amount as may be necessary to aid the school in discharging just and lawful debts incurred by way of approved educational expenditure before its discontinuance as aforesaid.

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

*Interpretation and Repeal*

**71.** If any question arises as to the interpretation of these

Regulations, or as to whether any of the requirements thereof are fulfilled or as to the amount of any grant payable thereunder, the decision of the Ministry shall be final.

**72.** The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

**73.**—(1) Regulation 16 of the Primary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1948* is hereby revoked.

(2) Without prejudice to

(*a*) anything in the Regulations relating to the payment of salaries and allowances to teachers in primary schools authorising the payment of salaries or allowances to any teacher in accordance with the provisions of any previous Regulations, or

(*b*) the continuance, under the provisions of these Regulations, of any right or privilege granted by virtue of the provisions of any Regulations hitherto in force,

such provisions of the Regulations mentioned in the Second Schedule to these Regulations as are in force, shall be revoked and cease to have effect from the date on which these Regulations come into operation.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 16th day of June, 1949, in the presence of

(L.S.) *R. S. Brownell,*
Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 16th day of June, 1949, in the presence of

(L.S.) *John I. Cook,*
Second Secretary.

## FIRST SCHEDULE

*Service recognised for the purpose of Regulation* 45.

I. *Types of Service*

(*a*) Full-time teaching service in the following types of schools in the British Commonwealth and Empire, provided that the teacher at the time of such service possessed the qualifications required for recognition as a primary school teacher in Northern Ireland under these Regulations or under the

* Statutory Rules and Orders of 1948, No. 55.

Regulations in force at the time when such service commenced and that the school was, at the time of such service, recognised by or in receipt of grants from the accredited education authority.

(1) Intermediate or secondary or grammer schools, exclusive of the preparatory departments of such schools.
(2) Preparatory schools or the preparatory departments of intermediate or secondary or grammar schools.
(3) Technical schools, including junior technical schools and junior commercial schools.
(4) Elementary or primary schools.
(5) Special schools.
(6) Nursery schools, as superintendent or assistant superintendent.
(7) Juvenile instruction centres or training centres conducted by the Ministry of Labour and National Insurance.
(8) Industrial or reformatory schools.

NOTE :—Service coming under (1) or (3) above, given after 31st July, 1922, shall count in full ; if given on or before that date only one half of such service shall count.

Service coming under (2) above, given after 31st July, 1923, shall count in full ; if given on or before that date only one half of such service shall count.

(*b*) Service on the teaching staff of a university institution or training college in the British Commonwealth and Empire as may be specially considered.
(*c*) Such other service as, in the opinion of the Ministry, should be so recognised.
(*d*) One half of the period of service with the forces of the Crown or Allied Powers, or of internment in any enemy country as a civilian prisoner of war, during the European War 1914-1919.
(*e*) War Service as defined by the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939, provided that —
  (i) before undertaking such service, the teacher possessed the qualifications for recognition under these Regulations ; or
  (ii) the teacher has undertaken war service before becoming employed in contributing service, and becomes employed as a teacher (which expression includes, in the case of a primary school, a locum tenens teacher and a substitute for a teacher) in contributing service before 1st April, 1951.

II. *General*

(*a*) Service given before the age of 18 years shall not be counted.
(*b*) Full-time teaching service shall be taken to include one half of corresponding part-time teaching service of not less than 10 hours per week, but where part-time service was concurrent with other service which is allowed to count in full, no credit shall be given for the part-time service.
(*c*) In the case of a school not working under the Ministry's Regulations, a teacher may be regarded as having given a year's service if he has been employed as a full-time teacher for a period of one year during which he has actually taught for at least 35 weeks.

## SECOND SCHEDULE

*Statutory Rules and Orders Repealed*

| Year | Number | Title |
|---|---|---|
| 1924 | 5 | Education (Payments to Teachers in Public Elementary Schools) Regulations, 1924. |
| 1924 | 33 | Public Elementary Education (Miscellaneous Services) Regulations, 1924. |
| 1926 | 45 | Extra and Special Subjects (Public Elementary Schools) Regulations, 1926. |

| | | |
|---|---|---|
| 1927 | 53 | Salaries and Capitation Grants (Compensated Model School Teachers) Regulations, 1927. |
| 1928 | 102 | Regulations for Public Elementary School Classes in Centres of Technical Instruction, 1928. |
| 1928 | 103 | Evening Elementary Schools Regulations, 1928. |
| 1929 | 17 | Evening Elementary Schools Regulations, 1928, Amending Regulations, (No. 1) 1929. |
| 1931 | 102 | Evening Elementary Schools Interim Regulations, 1931. |
| 1931 | 103 | Extra and Special Subjects (Public Elementary Schools) Interim Regulations, 1931. |
| 1931 | 147 | Education (School Attendance) Regulations, 1931. |
| 1934 | 40 | Public Elementary Schools Regulations, 1934. |
| 1935 | 69 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 1, 1935. |
| 1936 | 83 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 2, 1936. |
| 1936 | 159 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 3, 1936. |
| 1937 | 17 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 4, 1937. |
| 1937 | 38 | Evening Elementary Schools Interim Regulations, 1931, Amending Regulations No. 1, 1937. |
| 1937 | 57 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 5, 1937. |
| 1937 | 87 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 6, 1937. |
| 1938 | 28 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 7, 1938. |
| 1938 | 63 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 8, 1938. |
| 1938 | 125 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 9, 1938. |
| 1939 | 79 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 10, 1939. |
| 1940 | 21 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 11, 1940. |
| 1941 | 73 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 12, 1941. |
| 1942 | 43 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 13, 1942. |
| 1942 | 47 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 14, 1942. |
| 1942 | 136 | Appointment and Transfer of Teachers (Provided and Transferred Schools) Regulations, 1942. |
| 1942 | 192 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 15, 1942. |
| 1943 | 73 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 16, 1943. |
| 1944 | 12 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 17, 1944. |
| 1944 | 90 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 18, 1944. |
| 1944 | 108 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 19, 1944. |
| 1945 | 15 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 20, 1945. |
| 1945 | 93 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 21, 1945. |
| 1946 | 108 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 22, 1946. |
| 1946 | 214 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 23, 1946. |
| 1947 | 94 | Public Elementary Schools Regulations, 1934, Amending Regulations, No. 24, 1947. |

## Primary Schools : Salaries and Allowances (Amendment No. 1).

REGULATIONS DATED 1ST APRIL, 1949, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1949. No. 52

The Ministry of Education (hereinafter referred to as " the Ministry ") in pursuance of the powers vested in it by Sections 83 and 112 of the Education Act (Northern Ireland), 1947, 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 Primary Schools (Salaries and Allowances) (Amendment No. 1) Regulations, (Northern Ireland), 1949 and shall be read as one with the Primary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1948 (hereinafter referred to as " the principal Regulations ").

(2) These Regulations shall come into operation on the date hereof.

**2.** Regulation 7 of the principal Regulations is hereby revoked and the following Regulation substituted therefor :—

" 7—(1) In addition to his salary under the appropriate scale, the principal of a school shall, save as provided in the next following paragraph, receive an allowance to be known as the " principal's allowance," calculated in accordance with the following table :—

| Average daily enrolment of pupils for year ending 31st December | Rate of allowance per annum from 1st April following |
|---|---|
| Not exceeding 30 ... ... | £35 |
| Exceeding 30 but not exceeding 70 | £50 |
| ,, 70 ,, ,, 120 | £70 |
| ,, 120 ,, ,, 200 | £100 |
| ,, 200 ,, ,, 300 | £150 |
| ,, 300 ,, ,, 450 | £200 |
| ,, 450 ,, ,, 600 | £225 |
| ,, 600 ,, ,, 750 | £250 |
| ,, 750 ... ... | £275 |

(2) The principal of a school with an enrolment of not more than 120 pupils shall, until he has successfully completed the probationary period prescribed for primary school teachers and has satisfied the requirements of the Ministry's Regulations in