1965. No. 279 [C]

EDUCATION

Teachers' Compulsory Absence and Maternity Leave

REGULATIONS, DATED 22ND DECEMBER, 1965, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1963.

The Ministry of Education, in pursuance of the powers vested in it by Sections 84 and 112 of the Education Act (Northern Ireland) 1947(a), (hereinafter referred to as "the Act"), and of all other powers enabling it in that behalf hereby makes the following Regulations:—

1. These Regulations may be cited as the Teachers' Compulsory Absence and Maternity Leave Regulations (Northern Ireland) 1965.

2. In these Regulations:

"teacher" means a teacher in a grant-aided school or institution of further education;

"full-time teacher" means a teacher in respect of whose employment an agreement is required under Section 84 of the Act;

"employing authority" means the local education authority, or, in the case of a school not under the management of the local education authority, the managers of the school;

"salary" means the salary and allowances payable to a teacher under the Regulations made in accordance with the provisions of Section 83 of the Act.

3.—(1) A teacher shall absent herself from her teaching duties at least eleven weeks before the week in which childbirth is expected, and shall continue to absent herself for a period of eighteen weeks in all: provided that—

(i) in the event of failure to comply with this requirement the employing authority may require the teacher to absent herself for a period not exceeding eighteen weeks in all between such dates as it may with the approval of the Ministry determine; and

(ii) the period of absence may be reduced in any case where the employing authority and the Ministry are satisfied that the circumstances are so exceptional as to warrant a reduction.

(2) A teacher who is absent from her teaching duties because of childbirth shall not return to duty until she furnishes to the employing authority a medical certificate that she is fit to resume duty.

4. Save as provided in these Regulations a teacher shall not be entitled to salary in respect of any period of absence under these Regulations and any such period shall not be regarded as absence owing to illness.

5. A full-time teacher who is a married woman, or, if the Ministry so agrees, a widow, and who at least sixteen weeks before the week in which the

(a) 1947. c. 3.

birth is expected to take place informs her employing authority in a form approved by the Ministry—

(*a*) of the expected date of birth and the proposed period of absence from duty under Regulation 3, and

(*b*) that she intends immediately following the period of absence to resume duty as a full-time teacher in grant-aided schools or institutions for a continuous period of at least thirteen weeks,

shall be granted leave of absence (hereinafter referred to as "maternity leave") for the period.

6.—(1) A teacher who—

(*a*) has been granted maternity leave;

(*b*) immediately before the commencement of the period of maternity leave has been employed continuously for a period of at least one year as a full-time teacher in grant-aided schools or institutions; and

(*c*) has resumed duty as a full-time teacher in grant-aided schools or institutions immediately following the period of maternity leave and has so served for a continuous period of thirteen weeks, excluding any period of absence because of illness,—

shall receive incremental credit in respect of the period of maternity leave as if it were teaching service, and shall be entitled to salary in accordance with Regulation 7.

(2) In the case of a teacher who is unable, because of illness, to resume duty immediately following the period of maternity leave, the period of thirteen weeks shall begin on the day on which she resumes duty immediately after the period of illness.

(3) Where the period of maternity leave ends at a time when the school or institution is not in operation and the teacher furnishes a medical certificate that she was fit to resume duty on a date (being a date after the end of the period of maternity leave) during the period when the school was not in operation, the teacher shall be deemed for the purposes of this Regulation to have returned to duty on that date.

7. In respect of the first four weeks of the period of maternity leave a teacher who has fulfilled the requirements of Regulation 6 shall be paid salary at the full rate abated by any maternity allowance (including any increase for dependants) payable to her under the National Insurance Acts (Northern Ireland) 1946 to 1964, in respect of those weeks, or which would be so payable to her if she satisfied all the requirements of those Acts and the Regulations made thereunder relating to the payment of that allowance. During the remainder of the period of maternity leave she shall be entitled to salary at one-half of the full rate, not abated as aforesaid: provided that where the teacher's salary at one-half the full rate and the maternity allowance calculated as aforesaid exceed in the aggregate her salary at the full rate she shall be paid salary at one-half the full rate abated by the amount of this excess.

8. A full-time teacher who is absent under the provisions of Regulation 22 of the Teachers' Salaries Regulations (Northern Ireland) 1961(**a**), or Regulation 20 of the Institutions of Further Education (Salaries and Allowances) Regulations (Northern Ireland) 1963(**b**) (hereinafter referred to as the "superseded Regulations") shall be deemed to be absent on maternity leave under

(a) S.R. & O. (N.I.) 1961, No. 249. (b) S.R. & O. (N.I.) 1963, No. 209.

these Regulations, and if she satisfies the requirements of Regulation 6 shall be entitled to salary abated as provided for in Regulation 7—

(*a*) at the full rate for the number of weeks after 26th December, 1965, by which the number of weeks absence before that date is less than four, and

(*b*) at one-half of the full rate for the remaining weeks of absence up to and including the eighteenth week from the beginning of the absence under the superseded Regulations.

9. In the case of a full-time teacher who is unable to give the notice of her expected absence required by Regulation 5 because the week of the expected date of birth is within sixteen weeks of 22nd December, 1965, the requirements of that Regulation shall be satisfied if the teacher gives the required information or such information as the Ministry may approve to the employing authority before she commences her absence.

10. A teacher shall not by the operation of these Regulations be deprived of incremental credit to which she was entitled under the superseded Regulations.

11. These Regulations shall not be construed in such a way as to prevent an employing authority which would otherwise have ceased to employ a teacher from so doing.

12. Salary to which a teacher is entitled under Regulation 7 shall be paid by the same person or body of persons as paid her salary immediately before the period of maternity leave.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 22nd day of December, 1965.

(L.S.) *J. M. Benn,*
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 salary to certain married women teachers who are absent from teaching duties because of childbirth.