1973. No. 371 **[C]**

EDUCATION

Teachers' Compulsory Absence and Special Sick Leave

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

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 58, 104, 105 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, with the approval of the Ministry of Finance, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Teachers' Compulsory Absence and Special Sick Leave Regulations (Northern Ireland) 1973.

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

(3) The Teachers' Compulsory Absence and Special Sick Leave Regulations (Northern Ireland) 1954(b) are hereby revoked from 30th September 1973.

2. For the purpose of these Regulations—

"approved" means approved by the Ministry;

"employing authority" means an education and library board or, in the case of a school not under the management of an education and library board, the managers of that school;

"examining authority" means the Ministry of Health and Social Services or such other body as may be designated by that Ministry;

"full-time teacher" means a teacher in respect of whose employment an agreement is required under Article 58 of the Order;

"peripatetic teacher" has the meaning assigned to it by Article 53(2)(*a*) of the Order;

"relevant Regulations" means the Regulations relating to the terms and conditions of employment of teachers in grant-aided schools and institutions of further education and of peripatetic teachers or supply teachers;

"salary" means the salary and allowances payable to a full-time teacher under the Regulations made in accordance with Article 57 of the Order;

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

"supply teacher" has the meaning assigned to it by Article 53(2)(*b*) of the Order;

"teacher" means a teacher employed in a grant-aided school or institution of further education or a peripatetic teacher or a supply teacher.

(a) S.I. 1972, No. 1263 (N.I. 12).
(b) S.R. & O. (N.I.) 1954, No. 46; S.R. & O. (N.I.) 1960, No. 94.

3.—(1) A teacher who is certified by the examining authority, or by a registered medical practitioner, to be suffering from pulmonary tuberculosis shall forthwith absent himself from his teaching duties.

(2) The employing authority shall suspend the teacher from duty with effect from the date on which he is required to absent himself from teaching duties in accordance with paragraph (1).

(3) A teacher who is suspended from duty in accordance with paragraph (2) shall continue to be so suspended until such time as the examining authority is satisfied that the disease has been quiescent for a period of at least 6 months and that the teacher's resumption of duty would not constitute a source of danger to the health of the pupils or other members of the staff.

4.—(1) A teacher who is certified by the examining authority in accordance with the provisions of paragraph (1) of Regulation 3 and has grounds, supported by a certificate from a registered medical practitioner, for believing that the diagnosis as certified by the examining authority is not correct, may appeal to the Ministry to have his case further investigated.

(2) In the event of an appeal in accordance with paragraph (1) the Ministry may require the teacher to submit himself for medical examination by a board of medical referees to be appointed by the Ministry.

(3) A board of medical referees appointed by the Ministry for the purpose of this Regulation may include a registered medical practitioner nominated by, or on behalf of, the teacher.

(4) Any fee charged for his services on the board by the registered medical practitioner nominated by, or on behalf of, the teacher shall be payable by the teacher.

5.—(1) A full-time teacher who before the date of operation of these Regulations has completed, or any other full-time teacher who within a period of 3 months from the date on which he takes up duty, completes an undertaking to submit himself to an X-ray examination of the chest when called upon by the examining authority to do so and to such other examination as the examining authority may consider necessary, and who has submitted himself to such examination or examinations when invited to do so by the examining authority shall, if suspended from duty under the provisions of Regulation 3, be entitled, by virtue of this paragraph, but not otherwise, to special sick leave for a period not exceeding eighteen months from the date of such suspension: provided that if a teacher, as an alternative to examination by the examining authority, elects to be examined at his own expense by a physician nominated by the teacher and approved by the examining authority, he may do so and shall thereby be deemed to have complied with the requirements of this paragraph.

(2) During the first twelve months of the special sick leave to which he is entitled under paragraph (1) the teacher shall, subject to the provisions of Regulation 9 receive full salary, and during any further period of special sick leave not exceeding six months, half salary.

6. The special sick leave to which a full-time teacher is entitled under Regulation 5 shall apply only to one period of absence from duty due to pulmonary tuberculosis.

7. These Regulations shall not operate so as to deprive a full-time teacher of sick leave to which he is entitled under the relevant Regulations: provided that a full-time teacher who has been granted special sick leave under these Regulations and who, on the expiration of such leave, is unable to resume duty by reason of the fact that the examining authority is unable to certify that the disease has been quiescent for a period of six months, shall not thereupon become entitled to sick leave under the relevant Regulations in respect of any period of suspension from duty under Regulation 3 immediately following the special sick leave.

8. A period of special sick leave under these Regulations shall be regarded as service for the purposes of the relevant Regulations.

9. Salary payable to a full-time teacher during special sick leave shall be abated in accordance with the Teachers' Salaries (Abatement during Absence owing to Illness) Regulations (Northern Ireland) 1973(c).

10. The Ministry shall pay grants to the employing authority of a voluntary grammar school equal to any approved expenditure incurred by that authority as a result of the operation of these Regulations.

11. A teacher to whom the provisions of the revoked Regulations apply on 30th September 1973 shall be subject to the provisions of these Regulations with effect from 1st October 1973.

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.

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

(L.S.) *C. F. Darling,*
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 arrangements for the payment of salary to teachers who are suffering from pulmonary tuberculosis and are consequently absent from teaching duties and to extend these arrangements to peripatetic and supply teachers.

(c) S.R. & O. (N.I.) 1973, No. 370.