

REGULATIONS, DATED 18TH OCTOBER, 1938, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1923 TO 1935, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1938. No. 125.

1.—These regulations may be cited as the Public Elementary Schools Regulations, 1934, Amending Regulations, No. 9, 1938.

2.—The Public Elementary Schools Regulations, 1934 (Statutory Rules and Orders of Northern Ireland, 1934, No. 40), as amended by the Public Elementary Schools Regulations, 1934, Amending Regulations, No. 1, 1935; Amending Regulations, No. 2, 1936; Amending Regulations, No. 3, 1936; Amending Regulations, No. 4, 1937; Amending Regulations, No. 5, 1937; Amending Regulations, No. 6, 1937; Amending Regulations, No. 7, 1938; and Amending Regulations, No. 8, 1938 (Statutory Rules and Orders of Northern Ireland, 1935, No. 69; 1936, No. 83; 1936, No. 159; 1937, No. 17; 1937, No. 57; 1937, No. 87; 1938, No. 28; and 1938, No. 63; respectively), which Regulations as so amended are herein referred to as "The Principal Regulations", are hereby amended as follows :—

#### Staffing.

3.—Article 46 of the Principal Regulations shall cease to have effect for the period from 30th June, 1938, to 30th June, 1941, and the following Article is hereby substituted therefor :—

46.—(a) In a school other than a "large school" the grant shall not (save as provided in articles 45 and 47) be withdrawn from an assistant teacher until the end of six consecutive quarters for which the average attendance of pupils has fallen by more than ten units below the appropriate "appointment" average.

(b) The grant to a junior assistant mistress under articles 40 and 44 or to a junior assistant mistress whose appointment has been confirmed under the terms of Article 47 shall not be withdrawn until the end of six consecutive quarters for which the average daily attendance has fallen below 30 units.

(c) (i) The grant in respect of a vice principal appointed on or after 1st July, 1935, shall not be withdrawn in the case of a "large school" until the 30th June following a decrease in average attendance for a year ending on the previous 31st March, and in the case of other schools until the end of two consecutive quarters, below that required for his appointment, as prescribed in Article 41 : Provided, however, that in the case of an appointment made prior

to 1st July, 1935, the grant to a first vice principal shall not be withdrawn owing to a decrease in the average daily attendance until the end of two consecutive quarters for which the average daily attendance has fallen below 160 pupils and to a second vice principal until the average daily attendance has fallen below 320 pupils, so long as he continues to serve as vice principal in the same school.

(ii) If the Ministry is satisfied that the insufficiency of the average daily attendance has been due to epidemic disease or other exceptional cause, the grant to the vice principal may be continued for an additional period, but in no circumstances may the date for the withdrawal of the grant be postponed beyond the end of the fourth consecutive quarter of insufficient average daily attendance. The exceptional causes must be clearly stated in the school return for each quarter of insufficient average daily attendance, and the claim for continuance of the grant must be sustained by medical certificate and any other information required by the Ministry.

Provided, however, that this last paragraph shall not apply to the case of a vice principal serving in a "large school" in which his appointment in that capacity was made on or after 1st July, 1935.

#### **Compensation Grant and Additional Increment.**

4.—For the purpose of these regulations, the word "mathematics" shall mean Algebra or Geometry or both of these subjects.

5.—Articles 139 to 145 of the Principal Regulations are hereby repealed with effect from 1st July, 1938 : Provided that the Ministry shall have power after that date to pay grants in respect of instruction given prior to that date, in accordance with the conditions prescribed in the said Articles.

6.—An annual grant, to be termed the Compensation Grant, shall be payable to each teacher who received grants for instruction in mathematics for the full period of three school years ended on 30th June, 1938, or for any portion of that period; subject to the condition that the teacher shall continue to give instruction in mathematics to such extent as may be necessary, unless specially exempted therefrom by the Ministry.

7.—(a) The Compensation Grant payable to a teacher who received grants for instruction in mathematics for the full period of three years ended as aforesaid shall be an amount equivalent to—either (I) one-third of the total of the grants received by him for the said three years;

or (II) the grants received by him for the year ended 30th June, 1938; whichever is the greater sum.

(b) The compensation grant payable to a teacher who received grants for instruction in mathematics for less than the full period of three years ended as aforesaid shall be an amount equivalent to one-third of the grants received by him for that lesser period.

8.—(a) Subject to the provisions of Article 10, the Compensation Grant, where awarded, shall be payable to the teacher over a total period of service in a school or schools, subsequent to 30th June, 1938, equivalent in duration to the total period not exceeding fifteen years in the aggregate for which he received grants for instruction in mathematics from the Ministry. The Compensation Grant shall be payable over a minimum period of service of three years and a maximum period of fifteen years :

Provided, however, that if the period over which the Compensation Grant would be payable as aforesaid should expire on or after the date on which the teacher reaches the age of 60 years, the Compensation Grant may be continued up to the date of the teacher's retirement from the service.

(b) The Compensation Grant payable to a teacher may be reduced or withheld in any year in which the requirements of these regulations have not been complied with or where the efficiency of the teacher has seriously declined.

(c) Payment of Compensation Grant shall be suspended during periods of service as locum tenens or as substitute teacher.

9.—Subject to the provisions of Article 10, every teacher (other than a junior assistant mistress or a teacher paid on the scale applicable to untrained teachers appointed for the first time on or after 1st January, 1921) who, on 1st July, 1941, has been at least for one year in receipt of the maximum rate of salary of the normal scale appropriate to his position, or who is then in receipt of a salary in a supernormal scale, shall from that date be entitled to an additional increment at the rate of £12 per annum in the case of a man and £5 per annum in the case of a woman, and, thereafter, every teacher shall become entitled to the additional increment from the day following the date of completion of one year of service at the maximum of the normal scale :

Provided that where the scale of salary of a man teacher is also that applicable to a woman teacher in a similar position, such man teacher shall be entitled to the additional increment only at the rate of £5.

**10.**—Where, at the date on which he becomes eligible in other respects for the award of an additional increment under Article 9, a teacher is in receipt of a Compensation Grant equal to or greater than the additional increment, he shall continue to receive the Compensation Grant until the end of the period for which it is payable under Article 8, and he shall not be eligible to receive the additional increment until the Compensation Grant has ceased. If, however, the Compensation Grant is less than the additional increment, the Compensation Grant shall cease and the additional increment shall be substituted therefor from the date on which the teacher becomes so eligible.

**11.**—The foregoing provisions for the payment of Compensation Grant and additional increment shall not apply to members of religious communities in convent schools and schools conducted by Christian Brothers in respect of which grants are paid on the Capitation system, but the Ministry may, with the concurrence of the Ministry of Finance, make such additional payments in lieu to the conductors of these schools as it may deem equitable and proper.

#### **Organisation and School Attendance.**

**12.**—Article 28 (f) of the Principal Regulations shall be amended from 1st July, 1939, by the deletion of the words " of 3½ hours " in the fifth line, by the substitution of " (e) " for " (e) " in the fifth line, and by the substitution of " sub-section (e) " for " sub-section (e) " in the ninth line thereof

**13.**—Articles 34 and 35 of the Principal Regulations shall be repealed from 1st July, 1939, and the following articles shall be substituted therefor :

**34.**—(a) Except as allowed by Article 35, there shall be provided on the time table for secular instruction on five days in the week, after roll call—

(1) for pupils of fifth and higher standards

(i) in all schools with three or more teachers and

(ii) in all schools in which mathematics is required to be taught as a condition of receipt of compensation grant as defined in Article 6 of the present amending regulations—

at least 4½ hours ;

(2) for pupils in fifth and higher standards in all schools with one or two teachers in which mathematics is not required to be taught as a condition of receipt of compensation grant and for pupils of fourth and lower standards in all schools—at least 4 hours.

The secular instruction period shall consist of two meetings, which may be of equal or of unequal length, provided that, except as allowed by Article 35, a meeting must include at least two hours secular instruction and the periods of secular instruction must together amount to at least the prescribed minimum.

(b) The morning and afternoon meetings shall be separated by an interval of not less than half-an-hour and not more than an hour-and-a-half. In large urban centres where arrangements are in operation for providing free meals, the interval shall be at least an hour, and in other cases it shall not exceed an hour if serious inconvenience would result.

**35.**—For grant purposes and the staffing of schools an “attendance” shall mean presence at secular instruction, for not less than the time prescribed therefor in the time table during both morning and afternoon meetings, in accordance with Article 34. A “half attendance” shall mean presence at secular instruction during the whole time prescribed therefor in the time table during either the morning or the afternoon meeting, as the case may be, in accordance with Article 34 :

Provided, however, that—

- (a) the minimum time constituting an “attendance” may be reduced to three hours, and the minimum time constituting a “half attendance” may be reduced to an hour-and-a-half.
  - (i) in the case of pupils enrolled in infants’ classes in all schools except infants’ schools ;
  - (ii) in the case of pupils enrolled in infants’ classes and first standard in all schools on any day when such reduction is necessary to facilitate the teaching of Domestic Economy or other practical subject ;
  - (iii) in the case of pupils attending special schools or classes for afflicted or physically defective children.
- (b) the minimum time constituting a “half attendance” at the afternoon meeting may be reduced to an hour-and-a-half in the case of pupils under six years of age in all schools ;
- (c) in schools in which an annual examination in the religious or Bible instruction of the pupils is held, the minimum time constituting an “attendance” may, on the day of the examination, be reduced by not more than half-an-hour. This proviso may be availed of on only one occasion in any school year and only if the provisions of sub-section (f) of Article 28 are not being availed of in the same year.

Provided also that nothing in this Article shall exempt any teacher from being in attendance in the school for the full school time.

14.—The third paragraph of Article 168 of the Principal Regulations shall be repealed from 1st July, 1939, and the following paragraph substituted therefor :

“ And Provided also that, on any day on which the school has been in operation for less than the period of secular instruction prescribed in Article 34 every pupil who has been in attendance for this lesser period shall be deemed to have made an attendance for the purposes of these Regulations. The expression “ school day ” in these Regulations shall mean a day other than a Saturday or a Sunday.”

15.—The first and second paragraphs of sub-section (2) of Article 169 of the Principal Regulations shall be repealed from 1st July 1939, and the following paragraph substituted therefor :

(2) In the case of a child attending a public elementary school, an attendance for the purposes of these regulations shall, subject to Article 168 hereof, mean presence at secular instruction on the same day for not less than the period prescribed by Article 35.

Provided, however, that where in accordance with any other regulations of the Ministry contained in Part III hereof, a lesser period of attendance at secular instruction is allowed in the case of certain classes of pupils or schools as defined therein, this lesser period shall be reckoned as the time constituting an “ attendance.”

16.—These Regulations shall be construed with and as forming part of the Principal Regulations.

Sealed with the Official Seal of the Ministry of Education  
for Northern Ireland this 18th day of October, 1938,  
in the presence of

(L.S.)

(Signed) A. N. BONAPARTE WYSE,

Secretary.

### Secondary School Certificate Examinations.

REGULATIONS, DATED 17TH OCTOBER, 1938, MADE BY THE MINISTRY  
OF EDUCATION UNDER SECTION 99 OF THE EDUCATION ACT  
(NORTHERN IRELAND), 1923.

The Secondary School Examinations Regulations, 1935, Statutory Rules and Orders of Northern Ireland, 1935, No. 45 (hereinafter called the "Principal Regulations.") are hereby amended as follows :—

**1.**—These Regulations may be cited as "The Secondary School Examinations Regulations, Amending Regulations, No. 2."

**2.**—Regulation 6 (a) of the Principal Regulations is hereby amended by the omission of the word "More" before the words "Advanced Mathematical Subjects."

**3.**—Regulation 24 of the Principal Regulations is hereby repealed and the following Regulation is substituted therefor :—

" **24.**—A candidate for the Senior Certificate Examination must take the examination in the following subjects :—

(1) English ;

(2) if a boy :—

Mathematics or  
Additional Mathematics ;

if a girl :—

one of the following subjects :—

Mathematics,  
Additional Mathematics,  
Domestic Economy,  
Music,

Art, Group I (Design, Pictorial Drawing and History  
of Art),

Art, Group II (Object, Memory and Mechanical  
Drawing) ;

(3) A language other than English ; and

(4) & (5) Any other *two* subjects of the examination."

**4.**—Regulation 39 of the Principal Regulations is hereby repealed, and the following Regulation is substituted therefor :—

" **39.**—(1) The Ministry will make awards of exhibitions and prizes to candidates in each of the following groups of subjects :—

Group A. English and 3 other subjects, of which at least 2 must be literary subjects ; provided, however, that Mathematics shall not be one of the subjects of this group.

Group B. English and 4 other subjects, of which at least 3 must be scientific subjects ; provided, however, that Mathematics shall not be one of the subjects of this group.

- (2) For the purposes of this Regulation—
- (a) the literary subjects shall be History and languages other than English ;
  - (b) the scientific subjects shall be Additional Mathematics, the Advanced Mathematical Subjects, Physics, Chemistry, Botany, Geography, Art Group II (Object, Memory and Mechanical Drawing), and Domestic Economy.
- (3) The Ministry will award Senior Exhibitions to those successful candidates who have obtained the highest aggregates in the group to which they belong : provided that a candidate may obtain an award in one group of subjects only.
- (4) The number of awards in each group shall be at the discretion of the Ministry."

5.—These Regulations shall come into operation and have effect as from 1st August, 1939, after which date they shall be read with and as forming part of the Principal Regulations, but they shall not apply to any matters relating to examinations held in 1939.

Sealed with official seal of the Ministry of Education for Northern Ireland this 17th day of October, 1938, in the presence of

(L.S.)

A. N. BONAPARTE WYSE,  
Secretary.

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**Superannuation: Haypark Special School and  
Nursery Schools.**

ORDER IN COUNCIL, DATED 2ND DAY OF DECEMBER, 1938, APPROVING TEACHERS' SUPERANNUATION SCHEME FRAMED BY THE MINISTRY OF FINANCE IN PURSUANCE OF SECTIONS 70 AND 71 OF THE EDUCATION ACT (NORTHERN IRELAND), 1923.

1938. No. 136.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF  
NORTHERN IRELAND.

ABERCORN.

WHEREAS the Ministry of Finance, in consultation with the Ministry of Education, has, in pursuance of Sections 70 and 71 of the Education Act (Northern Ireland), 1923, (hereinafter referred to as "the Act of 1923") framed a Superannuation Scheme (hereinafter referred to as "the Scheme") applicable to certain teachers



and officers employed on the staff of the Haypark Special School and to Superintendents and Assistant Superintendents of Nursery Schools, which Scheme is set out in the Schedule to this Order :

AND WHEREAS the Scheme has been laid before both Houses of Parliament and neither such House has within the period prescribed in that behalf by Section 71 of the Act of 1923, as amended by Section 4 of the Rules Publication Act (Northern Ireland), 1925, presented an Address praying the Governor of Northern Ireland to withhold his assent from the Scheme :

NOW I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in exercise of the powers conferred upon me by Section 71 of the Act of 1923, do hereby approve of the Scheme.

GIVEN at Government House, Hillsborough, this second day of December, 1938.

CRAIGAVON.

JOHN M. ANDREWS.

R. DAWSON BATES.

J. H. ROBB.

JOHN F. GORDON.

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#### SCHEDULE.

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In pursuance of sections seventy and seventy-one of the Education Act (Northern Ireland), 1923, the Ministry of Finance, after consultation with the Ministry of Education, hereby frames the following Superannuation Scheme :—

1. This Scheme shall apply, subject to the provisions hereof, to the following teachers and officers :—

- (i) Full-time teachers and officers on the staff of Haypark Special School, viz. :—
  - (a) Principal and assistant teachers :
  - (b) Matron :
  - (c) Such other categories as may from time to time be included by the Ministry of Education with the concurrence of the Ministry of Finance.
- (ii) Full-time Superintendents and Assistant Superintendents of Nursery Schools, who are recognised and paid salary by the Ministry of Education.

For the purpose of this Scheme the expression "full-time" as applied to teaching service shall mean such service in Haypark Special School and Nursery Schools as is certified by the Ministry of Education to be full-time service.

2. The Public Elementary School Teachers' Superannuation Scheme, 1926, as amended by the Teachers' (Public Elementary) Superannuation (Amendment) Scheme, 1930, and the Teachers (Public Elementary) Superannuation (Amendment) Scheme, 1936, (all such Schemes being hereinafter referred to as "the Principal Scheme as amended") shall apply to the above-mentioned teachers and officers, subject to the following modifications, viz. :—

(a) The expressions "existing teacher" and "salary" in Article 2 of the Principal Scheme as amended shall be interpreted as follows :—

(i) In the case of a teacher or officer on the staff of the Haypark Special School :—

The expression "existing teacher" shall mean a teacher or officer who became entitled to salary in respect of duty in Haypark Special School on or before the date of the signing of this Scheme.

The expression "salary" shall mean the annual amount payable to a teacher or officer either by the Ministry of Education out of moneys provided by Parliament or by the Committee of Management of the School out of the funds at its disposal together with such additional sum in respect of free board and residence (where provided) as may be determined from time to time by the Ministry of Education with the concurrence of the Ministry of Finance.

(ii) In the case of a Superintendent or Assistant Superintendent of a Nursery School :—

The expression "existing teacher" shall mean a Superintendent or Assistant Superintendent who became entitled to a salary in respect of duty in a Nursery School on or before the date of the signing of this Scheme.

The expression "salary" shall mean the annual amount payable to a Superintendent or Assistant Superintendent by the Ministry of Education out of moneys provided by Parliament.

(b) For Article 4 (1) of the Principal Scheme as amended there shall be substituted the following :—

"No teacher or officer shall on his first admission to the Scheme be less than eighteen years of age or more than thirty years, provided, however, that a person between the ages of thirty and forty-five may be admitted if the Ministry of Education is satisfied that since reaching the age of thirty years he has been employed in educational institutions of appropriate standing or in some occupation consonant with the qualifications for the duties for which he is required.

Each teacher or officer will be required to satisfy the Ministry of Education as to his physical fitness, provided, however, that an existing teacher or officer who is found to be medically unfit shall be exempt from the payment of premiums and shall have no rights under this Scheme."

3. This Scheme, in so far as it relates to teachers or officers on the staff of the Haypark Special School, shall be deemed to have had effect from the first day of September, nineteen hundred and thirty-five, and, in so far as it relates to Superintendents and Assistant Superintendents of Nursery Schools, shall be deemed to have had effect from the first day of October, nineteen hundred and thirty-six.

4. This Scheme may be cited as the Teachers' (Miscellaneous) Superannuation Scheme, 1938.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of October, 1938, in presence of:—

(L.S.)

G. C. DUGGAN,

Assistant Secretary.

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### EGGS, MARKETING OF.

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*Marketing of Eggs Act, 1936:**Appointed Day, p. 123.**Retailers, p. 123.**Retailers' Prices, p. 128.**Rules, p. 129.**Wholesale Dealers' Prices,  
p. 160.*

#### Marketing of Eggs Act, 1936: Appointed Day.

ORDER, DATED THE 23RD DAY OF MARCH, 1938, MADE BY THE MINISTER OF AGRICULTURE UNDER SECTION SEVENTEEN OF THE MARKETING OF EGGS ACT (NORTHERN IRELAND), 1936.

1938. No. 31.

WHEREAS by Section Seventeen of the Marketing of Eggs Act (Northern Ireland), 1936 (hereinafter referred to as "the Act"), it is provided that the Act shall come into operation on the appointed day and that the appointed day for the purposes of the Act shall be such day as the Minister of Agriculture may appoint and that different days may be appointed for different purposes and different provisions of the Act:

And whereas it is expedient that a day be appointed for the coming into operation of the provisions of Section Five of the Act:

Now, therefore, I, the Right Honourable Sir Basil Stanlake Brooke, Bart., Minister of Agriculture for Northern Ireland, hereby appoint the first day of April, 1938, to be the appointed day for the coming into operation of the provisions of Section Five of the Act.

(L.S.)

(Signed)

BASIL BROOKE,  
Minister of Agriculture for  
Northern Ireland.

23rd March, 1938.

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#### Retailers.

RULES DATED THE FOURTH DAY OF MARCH, 1938, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION SEVEN OF THE MARKETING OF EGGS ACT (NORTHERN IRELAND), 1924.

1938. No. 25.