

In regulations 4 and 7, the year 1942 is substituted for the year 1941.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 3rd day of August, 1940, in the presence of

(L.S.)

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

The Ministry of Finance for Northern Ireland hereby approves of the foregoing Regulations, in witness whereof the Official Seal of the Ministry has been affixed hereto this 3rd day of August, 1940, in the presence of

(L.S.)

(Signed) *C. H. Petherick,*
Assistant Secretary.

King's Scholarship Examinations.

REGULATIONS, DATED 11TH APRIL, 1940, MADE BY THE MINISTRY OF EDUCATION UNDER SECTION 65 OF THE EDUCATION ACT (NORTHERN IRELAND), 1923.

1940. No. 33.

NOTE :—The foregoing Regulations, being temporary in effect, have not been printed in this volume.

Public Elementary Schools: Evacuated Children.

REGULATIONS, DATED 5TH FEBRUARY, 1940, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1923 TO 1939, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1940. No. 15.

WHEREAS it is provided in section seven of the Education (Evacuated Children) Act (Northern Ireland), 1939, that the Act shall be included among the Acts which may be cited together as the Education Acts (Northern Ireland); 1923 to 1939 (in these Regulations referred to as "the Acts"), and shall be construed as one with those Acts:

AND WHEREAS it is provided by section seventy-seven of the Act of 1923, that the Ministry of Education (in these Regulations referred to as "the Ministry") shall by regulations prescribe from time to time the conditions required to be fulfilled in respect of any school

or educational facilities for participation in any grant out of moneys provided by Parliament or in any aid from funds raised or administered by education authorities :

AND WHEREAS it is provided by section five of the aforesaid Act of 1939 that the Ministry may make all such regulations as are required to be made by it under the Act, or as appear to the Ministry to be necessary or proper for giving full effect to the Act, and the provisions of section ninety-nine of the Act of 1923 shall apply to those regulations :

AND WHEREAS the Ministry has consulted the Ministry of Finance in respect of such of the matters for which provision is hereinafter contained as by the Acts such consultation is required :

Now, therefore, the Ministry, in exercise of the powers aforesaid and all other powers thereunto enabling, hereby makes the following Regulations :—

1.—These Regulations may be cited as the Public Elementary Schools (Evacuated Children) Regulations, 1940.

2.—In these Regulations unless the context otherwise requires—

- (a) " School " means public elementary school and includes certified school for afflicted children, as defined in the Acts.
- (b) " Recognised " means recognised for the purposes of the Acts.
- (c) Words to which a meaning is assigned in the Acts have the same meaning as in the Acts, and, in particular,
 - (i) " Evacuation area " and " reception area " mean, respectively, the education area from which and the education area to which children are transferred in pursuance of arrangements made by the Ministry of Home Affairs under section forty-nine of the Civil Defence Act (Northern Ireland), 1939, and " evacuated children " means children so transferred.
 - (ii) " Evacuating authority " means the education authority of an evacuation area, and " receiving authority " means the education authority of a receiving area.
 - (iii) " Evacuating school " means a school in an evacuation area from which evacuated children are transferred, and " receiving school " means a school in a reception area to which evacuated children are transferred.

- (iv) "Assignment Scheme" means a scheme for the assignment of the teachers (other than any temporary teacher or temporary substitute for a teacher), who at the date of the transfer of children to a reception area are recognised by the Ministry as teachers in schools in the evacuation area, to the school in which they are teaching (if it remains in operation), or to some other school or schools in the evacuation area, or to a school or schools in a reception area to which evacuated children are transferred, and for the similar assignment of successors to the said teachers.
- (v) "Assigned teacher" means a teacher who has been assigned to and is serving in a school in accordance with an assignment scheme.

3.—Every assignment scheme shall, as far as is, in the opinion of the Ministry, practicable and desirable, provide for the assignment of each assignable teacher on the staff of the evacuating school to which the scheme relates to a school (whether to the evacuating school itself, if it remains in operation, or to another school in the evacuation area, or to a school in a reception area) which is attended, or is expected to be attended, by pupils of the said evacuating school—due regard being had to the number of such pupils attending or expected to attend each of the schools concerned.

4.—The assignment of an assigned teacher to a school shall not operate so as to cause the withdrawal of grants, on the grounds only of insufficiency of average attendance, from any teacher already recognised therein before the date on which the said assignment takes effect.

5.—(a) The Ministry may make and continue grants to an assigned teacher in any school to which he may be assigned in pursuance of an assignment scheme, and the Regulations for Public Elementary Schools in force for the time being, in so far as they prescribe conditions in regard to average attendance of pupils which must be fulfilled in order to warrant the appointment of a vice-principal, an assistant teacher or a junior assistant mistress, and the continuance of grants to each such teacher, shall not apply in the case of any assigned teacher whilst serving as aforesaid.

(b) Any teacher who refuses or fails to serve in the school to which, or in the capacity in which, he is at any time assigned in pursuance of an assignment scheme shall be regarded as having resigned his position with effect from the date of such refusal or failure, as determined by the Ministry, and grants of salary to the

said teacher shall be withdrawn by the Ministry from that date : Provided that before any teacher is regarded as having refused or failed to serve as aforesaid he shall be afforded an opportunity of presenting a statement of his case for the consideration of the Ministry.

6.—(a) A principal teacher who is recognised in that capacity on the date on which the school in which he is serving becomes an evacuating school, and who is recognised as an assigned teacher from that date, shall, if or when qualified for payment of salary on a supernormal scale, and as long as he continues to be recognised as an assigned teacher, be allowed such payment on the supernormal scale applicable to his rank on the said date and to the category in which the said evacuating school was on the said date.

(b) A teacher who is recognised as principal teacher, vice-principal or privileged assistant in a school on the date on which the school becomes an evacuating school, and who is recognised as an assigned teacher from that date, shall, as long as he continues to be recognised as an assigned teacher, be entitled to continue to receive principal's grant, vice-principal's grant or annual capitation grant (whichever of these grants he was on the aforesaid date entitled to receive) as follows :—

- (1) each principal teacher and each privileged assistant who, on the aforesaid date, is entitled to receive principal's grant, and each vice-principal entitled to receive vice-principal's grant, shall be entitled to continue to receive such grant at the rate applicable to him on that date ;
- (2) each principal teacher and each vice-principal who, on the aforesaid date, is entitled to receive annual capitation grant shall be entitled to continue to receive that grant on the basis of the average attendance at the evacuating school for the year ended the 31st March prior to the aforesaid date, or, if the evacuating school was not in operation during the whole of the said year, for such period as may be determined by the Ministry ;
- (3) each privileged assistant who, on the aforesaid date, is entitled to receive annual capitation grant, shall be entitled to continue to receive that grant on the terms applicable to him on that date.

(c) Except as provided in Article 5 and in this Article, the grants payable to assigned teachers shall be in accordance with and subject to the conditions prescribed in the Regulations for Public Elementary Schools in force for the time being.

7.—As long as an evacuation scheme continues in operation all appointments of teachers (other than assignments of assigned teachers and appointments of assigned teachers in succession to assigned teachers who have resigned or died) in evacuating schools or receiving schools shall, except where otherwise sanctioned by the Ministry, be temporary appointments for the period of operation of the said evacuation scheme.

8.—When a vacancy arises in a receiving school or in a school in an evacuation area, it shall be the duty of the manager of the school to notify the Ministry thereof. The Ministry, if it finds that there are then available assigned teachers whose services are redundant in the schools in which they are serving, and unless it is satisfied that the vacancy ought not to be so filled by the assignment to the school of one of the said available assigned teachers, shall thereupon, in consultation with the manager, assign one of the said available assigned teachers to the vacancy.

If there are no redundant assigned teachers available, or if the Ministry is satisfied that the vacancy ought not to be filled by the assignment thereto of a redundant assigned teacher, the Ministry shall notify the manager accordingly, and the manager shall then be at liberty to appoint a qualified person to fill the vacancy.

9.—The principal teacher of each receiving school shall keep a separate record of the evacuated children enrolled in the school and of their attendances, and in every return relating to enrolment and attendance the figures relating to evacuated children shall be shown separately from those relating to children other than evacuated children.

10.—Whilst a state of emergency exists, and in order to provide for the education of evacuated children, the Ministry may sanction the use of school premises for two successive schools in each day, and may sanction such relaxation of the Regulations for Public Elementary Schools in force for the time being, in so far as they relate to the hour at which a school must begin operation, the minimum time for secular instruction, the minimum time constituting an attendance and a half-attendance, respectively, and the proportion of men teachers to the whole staff of a school, as it may consider desirable or necessary in consequence thereof.

11.—Where a school conducted by a religious community which is in receipt of grants from the Ministry on the capitation system becomes either an evacuating school or a receiving school, the foregoing articles, except sub-sections (a) and (b), Article 6, shall apply to the said school and to the recognised lay assistants serving therein, and the Regulations for Public Elementary Schools in force for the time being, in so far as they relate to the payment of grants on the

capitation system to schools conducted by religious communities, shall, in their application to the said school, be modified as follows :—

(a) where the said school is an evacuating school—

(i) the deduction from the capitation grants in respect of the salaries of lay assistants shall not include any sum in respect of any assigned lay assistant serving therein in accordance with an assignment scheme whose services are declared by the Ministry to be redundant, or in respect of any assigned lay assistant on the staff of the school who is serving in another school in accordance with an assignment scheme ;

(ii) the grant termed the “ annual capitation grant ” shall be either an amount calculated on the actual average attendance at the school for the year for which the grant is payable, or an amount equivalent to the annual capitation grant paid to the conductors for the year ended 31st March preceding the date of evacuation, whichever is the greater amount ;

(b) where the said school is a receiving school, the deduction from the capitation grants in respect of the salaries of lay assistants shall include a deduction in respect of each assigned teacher, whether lay assistant or not, who is serving therein in accordance with an assignment scheme, and whose services are not declared by the Ministry to be redundant.

12.—In any case of doubt or difficulty as to the construction or application of any of these Regulations, or as to the validity of any claim, right or liability thereunder, the same shall be determined by the Ministry, whose decision thereon shall be final and binding on the parties concerned.

13.—The Interpretation Act, 1921, (2 Geo. V. Ch. 4) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 5th day of February, 1940, in the presence of

(L.S.)

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