

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 24th day of October, 1940, in the presence of

(L.S.)

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

The Ministry of Finance hereby approves of the foregoing Regulations, in witness whereof the Seal of the Ministry has been fixed thereto, this 12th day of November, 1940, in the presence of

(L.S.)

(Signed) *H. Ashton*,  
Assistant Secretary.

### **War Service: Public Elementary School Teachers.**

REGULATIONS, DATED 5TH FEBRUARY, 1940, MADE BY THE MINISTRY OF EDUCATION, UNDER THE TEACHERS' SALARIES AND SUPERANNUATION (WAR SERVICE) ACT (NORTHERN IRELAND), 1939, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1940. No. 16.

Whereas it is provided by section six of the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939 (in these Regulations referred to as "the Act"), that the Ministry of Education (in these Regulations referred to as "the Ministry") may make all such regulations as appear to it to be necessary or proper for giving full effect to the provisions of the Act relating to the Civil Remuneration of Teachers whilst engaged on war service, and that the provisions of section ninety-nine of the Education Act (Northern Ireland), 1923, shall apply to those Regulations.

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 School (Teachers' War Service) Regulations, 1940.

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

(a) "School" means public elementary school and includes any special school the cost of the remuneration of the teachers of which is borne by the Ministry.

(b) "Teacher" means a teacher recognised by the Ministry as a member of the teaching staff of a school otherwise than in a temporary capacity.

- (c) " Teaching employment " means actual teaching service rendered as a recognised teacher in a school.
- (d) " War service " means service, during the period of the present emergency, in any of the naval, military or air forces of the Crown, or any service during that period which the Ministry considers may properly be treated for the purposes of the Act and of these Regulations in the same manner as service in those forces, and service as a called out person under the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, given before the beginning of the said period.
- (e) " Principal regulations " means the Public Elementary Schools Regulations, 1934 (Statutory Rules and Orders of Northern Ireland, 1934, No. 40) as amended by subsequent amending regulations and in force for the time being.

3.—The principal regulations, in so far as they prescribe conditions in regard to average attendance of pupils to be fulfilled in order to warrant the continuance of the Ministry's grants to a teacher in any school, shall not apply to a teacher who is absent on leave on war service, and grants shall not be withdrawn by the Ministry from any teacher while so absent on leave, or until the end of six months after the termination of such leave, on the grounds of insufficiency of average attendance at the school in which he is recognised.

4.—(a) The manager of a school may, subject to the approval of the Ministry, appoint a substitute for any teacher recognised on the staff of the school who is absent on leave on war service, and the cost of the payment of such substitute, at the appropriate rate specified in sub-section (c) of this Article, shall be borne by the Ministry : Provided that the employment of a substitute shall not be sanctioned by the Ministry in any case where, under the provisions of the Principal Regulations, grants would have been withdrawn by the Ministry from the absent teacher had he continued in his teaching employment in the school.

(b) The substitute for a teacher who is absent on war service must possess the qualifications for recognition as assistant teacher prescribed in the principal regulations : Provided, however, that in exceptional circumstances, where it is found impracticable to obtain a substitute possessing the said qualifications, the Ministry may sanction the employment of a competent person possessing other qualifications.

(c) The rates of payment of substitutes for principal or assistant teachers appointed under the foregoing sub-sections of this Article shall be as follows :—

(i) Substitutes possessing the qualifications prescribed by the Principal Regulations for recognition as assistant teacher—

Men	...	...	...	£160 per annum.
Women	...	...	...	£145 ,,

(ii) Substitutes not possessing the aforesaid qualifications—

Men and Women	...	...	£120 per annum.
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(d) A substitute appointed and paid in accordance with the foregoing sub-sections of this Article may be allowed payment for all days (including Saturdays and Sundays) on which the school is closed as allowed by the Principal Regulations during his period of paid service. The said substitute may also be allowed payment for a period of absence owing to illness not exceeding five working days or for the first five working days of a longer period of such absence : Provided that

(i) Where the absence owing to illness exceeds a total of ten working days in any calendar year, a medical certificate specifying the nature of the illness and certifying the incapacity of the substitute for the performance of duty must be furnished to the Ministry as a necessary condition for the allowance of payment ; and

(ii) payment shall not in any case be allowed for absence owing to illness in excess of 23 working days in any calendar year.

For the purpose of this sub-section, the expression " working day " shall mean any day other than a Saturday or a Sunday on which the school was in operation, or would have been in operation but for the absence of the substitute.

(e) Except as otherwise provided in this Article, the provisions of the Principal Regulations regarding the service of substitutes shall apply to substitutes for teachers absent on leave on war service.

**5.—(1)** Where a teacher undertakes war service after the completion of his course of training but before the completion of the period of probation prescribed by the Principal Regulations, the provisions of the Principal Regulations in regard to probation shall, in their application to the said teacher, be modified as follows :

(a) If the said teacher, before undertaking war service, had completed at least 18 months of probationary service, and the Ministry is satisfied that his work had reached an efficient standard, he may be allowed full recognition as teacher with effect from the date on which he would have completed the said period of probation had he been in teaching employment during his period of war service ;

(b) If the said teacher, before undertaking war service, had not completed at least 18 months of probationary service, or had completed at least 18 months of such service but had not in other respects come within the terms of paragraph (a) hereof, the question of granting him full recognition as teacher shall be considered towards the approach of either—

(i) the date on which he completes the period of probationary service prescribed by the Principal Regulations—including any such probationary service given by him before undertaking war service; or

(ii) the date on which the probationary service given by him after the end of his war service amounts to 12 months;

whichever of these dates is the later. If, as a result of a special inspection, the teacher's work is then rated as efficient, full recognition may be granted from the date on which he would have completed his probationary period had he been in teaching employment during his period of war service. If, however, the said special inspection does not show that the teacher's work has reached an efficient standard, the provisions of the Principal Regulations shall apply as though the probationary period applicable to him under those Regulations had ended on whichever of the dates specified in paragraphs (i) and (ii) above is the later: Provided always that in every case in which full recognition is eventually granted, it shall be granted from the date on which it would have been granted had the teacher been in teaching employment during his period of war service.

(2) The provisions of sub-section (1) of this article shall also apply to the probation of any teacher who, whilst a student, interrupted his course of training at a recognised training college in order to undertake war service: Provided that, in determining the date from which full recognition may be granted to any such teacher, no part of his period of war service falling before such date as the Ministry may determine to be the date on which that course would have been completed shall be treated as though during that part he had been in teaching employment.

6.—The Principal Regulations, in so far as they relate to the award of increments of salary, premiums for special qualifications and eligibility for appointment to schools, shall, in their application to a teacher who undertakes war service, be subject to the following special provisions:

(a) The increments, or credit for service towards increment, which may be allowed to a teacher from the date from which he is granted full recognition, shall include, in

addition to any increments or credit for service towards increment allowable under the principal regulations in respect of his teaching service, increments, or credit for service towards increment, in respect of his war service: Provided, however, that where a teacher, whilst a student in a training college, interrupted his course of training in order to undertake war service, no part of his period of war service falling before such date as the Ministry may determine to be the date on which that course would have been completed shall be reckonable towards increment.

- (b) Except as provided in the foregoing sub-section of this Article, all war service rendered by a teacher shall be reckonable for ordinary increments within the normal scale applicable to him.
- (c) The rating of a teacher on the date when he undertakes war service shall not be reduced or withdrawn before the end of the first complete school year subsequent to the date of his resumption of teaching employment, and he shall be entitled to be awarded as they fall due such special increments, or increments in a super-normal scale, as the continuance of the said rating would have entitled him to had he been in teaching employment during his period of war service.
- (d) Where, at or before the end of the first complete school year after his resumption of teaching employment, the rating of a teacher who has been absent on leave on war service is raised to "Highly Efficient", the higher rating shall, for payment and all other purposes, take effect from the date on which he undertook war service.

**7.**—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.

**8.**—These Regulations shall be construed with and as forming part of the Principal Regulations, and they shall take and have effect from 1st September, 1939.

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.