

Regulations.

REGULATIONS, DATED 19TH 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. 21.

1.—These regulations may be cited as the Public Elementary Schools Regulations, 1934; Amending Regulations, No. 11, 1940.

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; Amending Regulations, No. 8, 1938; Amending Regulations, No. 9, 1938; and Amending Regulations, No. 10, 1939 (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; 1938, No. 63; 1938, No. 125; and 1939, No. 79; respectively), which Regulations as so amended are herein referred to as "The Principal Regulations", are hereby amended as follows:—

3.—Article 16 of the Principal Regulations is hereby repealed and the following Article substituted therefor:—

" **16.**—Where schools are amalgamated and the principal of any such school is retained as a privileged assistant in the amalgamated school, such privileged assistant may continue to be recognised irrespective of the average attendance of pupils, and may receive (apart from any Principal's Grant or capitation grant to which he may be entitled under these Regulations) salary (inclusive of increments, and, where payable, premiums for special qualifications, and Compensation Grant) on the basis of the average attendance category in which, on the date of the amalgamation, the school of which he was principal would have been, but for the amalgamation.: Provided that any privileged assistant who was recognised as such on 31st March, 1939, may elect, on or before 30th April, 1940, to continue to be paid salary and annual capitation grant under the terms of any special arrangement in force on the former of these two dates, made by the Ministry in connection with the amalgamation, and, if he so elects, salary and annual capitation grant shall continue to be payable to him in accordance with the terms of that special arrangement."

4.—Clause (a) of Article 37 of the Principal Regulations is hereby repealed and the following Clause substituted therefor :—

“ 37.—(a) The morning ‘ attendance ’ shall begin not later than 10.30 a.m., or 11.0 a.m. during Summer Time. The school shall, however, be in operation from 10.0 a.m. at the latest.”

This Article shall take and have effect from 26th February, 1940.

5.—Article 72 of the Principal Regulations is hereby repealed as from 1st January, 1940, and the following Article substituted therefor :—

“ 72.—(a) A trained teacher recognized by the Ministry as giving full-time service as

- (i) teacher in a special school for afflicted children recognised by the Ministry as a public elementary school, or in a special school for feeble-minded children set up by the Ministry under Section 22 of the Education Act (Northern Ireland), 1930 ; or
- (ii) Superintendent or Assistant Superintendent in a Nursery School recognized by the Ministry ; or
- (iii) teacher in a Reformatory or Industrial School recognized by the Ministry of Home Affairs

may qualify for full recognition and the training diploma in the manner prescribed in Article 71 : Provided that a teacher who has served his probationary period in a special school or a nursery school as aforesaid shall, on subsequent appointment as a teacher in an ordinary public elementary school, be required to serve on trial for a period of not less than six months before his appointment can be confirmed.

(b) Full-time service by a trained teacher as instructor in a Juvenile Instruction Centre recognized by the Ministry of Labour may, on the subsequent recognition of the teacher in a public elementary school, be reckonable as probationary service under Article 71, but the award of full recognition and the training diploma shall not be considered until the teacher has left the said centre and has served in a public elementary school for a period of at least six months, and has qualified in all other respects in accordance with the terms of the said Article 71 : Provided that

- (i) a teacher who, whilst serving as instructor as aforesaid, has complied with the requirements of the said Article 71 as regards length of service and efficiency may, at the end of at least six months' service in the Centre, be awarded a special certificate for satisfactory junior course work in a Juvenile Instruction Centre ;

- (ii) if a teacher is rated as efficient at the end of the said period of trial in a public elementary school, and if, in other respects, he has qualified for the award of full recognition and the training diploma at a date earlier than the end of the said period of trial, the Ministry may direct that the said award shall have effect from the date—not being earlier than the date of the recognition of the teacher in a public elementary school after leaving the centre—on which he thus qualified.

Clause (b) of the foregoing Article shall not, however, operate so as to result in the award of full recognition and the training diploma, or of the special certificate for junior course work in a Juvenile Instruction Centre, from a date earlier than 1st January, 1940."

6.—Clause (b) of Article 120 of the Principal Regulations is hereby repealed and the following Clause substituted therefor:—

" **120.**—(b) On the satisfactory completion of the probationary period they shall be eligible to receive increments, not exceeding two in number, in respect of such portion of their service in the period as is reckonable for increment: Provided that satisfactory service rendered by a trained teacher as instructor in a Juvenile Instruction Centre may, on the award of full recognition as a trained teacher, count for increment, notwithstanding that the number of increments allowed for the total service up to the date of the said full recognition may thereby exceed two."

This Article shall take and have effect from 1st January, 1940.

7.—Clause (c) of Article 120 of the Principal Regulations is hereby amended by the insertion of the words " , not being a case coming under the terms of Clause (b) of Article 72," after the word " case " in line 1.

This Article shall take and have effect from 1st January, 1940.

8.—Article 130 of the Principal Regulations is hereby repealed and the following Article substituted therefor:—

" **130.**—(a) Where two or more schools are amalgamated, re-organised or superseded in whole or in part by a new school, and any of the principals (or privileged assistants if such were serving) of these schools are retained as privileged assistants in a school forming one of the group of schools so re-arranged (hereinafter called an " amalgamated school ") the payment of Principal's Grant or Annual Capitation Grant, as the case may be, shall be in accordance with the provisions of the following sub-sections of this article.

(b) The principal of an amalgamated school who was appointed to the post on or after 1st October, 1935, shall receive Principal's Grant at the rate appropriate to the grade of his school: Provided, however, that where the appointment of a principal should, in the opinion of the Ministry, be made from amongst the available principals of the separate schools, or from amongst the privileged assistants in the amalgamated school, as the case may be, but where another person is appointed as principal, the Ministry may, in its absolute discretion, make such reduction in the rate of the Principal's Grant as, having regard to all the circumstances of the case, it may deem proper.

(c) The Principal of an amalgamated school who was appointed to the post from a date prior to 1st October, 1935, shall continue to receive Annual Capitation Grant in accordance with the special arrangement approved by the Ministry in the case of the school in force on 31st March, 1939: Provided that

- (i) Where the appointment of a principal should, in the opinion of the Ministry, have been made from amongst the available principals of the separate schools or from amongst the privileged assistants in the amalgamated school, but where the appointment is held by a teacher other than one of the said available principals or privileged assistants, the principal thus serving shall be entitled to receive only so much of the maximum grant that would normally be payable to him under the terms of Article 128 (c) as, when added to the sums payable to the privileged members of the staff under the special arrangement in force on 31st March, 1939, will not cause the total annual capitation grant to the school (including annual capitation grant payable to a vice-principal or vice-principals, if any) to exceed the sum which would be payable if the school were fully and normally staffed as allowed by Part IV of these Regulations;
- (ii) except as provided in the preceding paragraph, where the annual capitation grant accruing to the principal under the terms of the aforesaid special arrangement falls short of the sum to which he would otherwise have been entitled under Article 128 (c) by more than £10 per annum, the grant so accruing may be augmented by the sum required to raise it to an amount less by £10 per annum than the grant to which he would have been entitled under Article 128 (c);
- (iii) in determining the amount payable to a principal under this sub-section, the privileged members of the staff of

the school shall be assumed to be receiving the amount of annual capitation grant to which they would have been entitled had the aforesaid special arrangement continued in force after 31st March, 1939 ;

- (iv) where, in the opinion of the Ministry, the aforesaid special arrangement is found, in practice, not to operate equitably, or where, by reason of re-organisation, amalgamation with one or more other schools, resignation or death of a privileged teacher, or otherwise, the circumstances of an amalgamated school have altered so as to render it desirable, in the opinion of the Ministry, that the special arrangement should be revised, the Ministry shall have power to amend it in such manner as it may deem proper.

(d) A privileged assistant in an amalgamated school who, immediately before appointment as such, was a principal in receipt of Principal's Grant, shall, so long as he continues to be recognised as privileged assistant, receive Principal's Grant at the rate which would have been appropriate to the grade in which the school of which he was principal would have been on the date of the amalgamation, but for that amalgamation.

(e) A privileged assistant in an amalgamated school who, immediately before appointment as such, was in receipt of annual capitation grant, shall, notwithstanding the terms of any special arrangement made by the Ministry in the case of the school, receive annual capitation grant on the basis of the number of units of average attendance on which he was paid for the year ended 31st March immediately preceding amalgamation in the school of which he was principal prior to his recognition as privileged assistant: Provided that this subsection shall not apply to a privileged assistant who, in exercise of the option allowed by Article 16, has elected to continue to be paid salary and annual capitation grant in accordance with the terms of a special arrangement as aforesaid."

9.—These regulations shall be construed with and as forming part of the Principal Regulations, and they shall take and have effect from 1st April, 1939, except as otherwise provided herein.

Sealed with the Official Seal of the Ministry of Education
for Northern Ireland this 19th day of February, 1940,
in the presence of

(L.S.)

(Signed) *R. S. Brownell,*

Secretary.