

Preparatory and Secondary Teachers.

Assignment.

REGULATIONS, DATED THE 24TH DAY OF MARCH, 1943, MADE BY THE MINISTRY OF EDUCATION FOR NORTHERN IRELAND UNDER THE EDUCATION ACTS, NORTHERN IRELAND, 1923-42, AND AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1943. No. 47.

WHEREAS it is provided in section nine of the Education (Emergency Provisions) Act (Northern Ireland), 1942, that the Act shall be included among the Acts which may be cited together as the Education Acts (Northern Ireland), 1923 to 1942 (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 seven of the aforesaid Act of 1942 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 Preparatory, Intermediate and Secondary School (Assignment of Teachers) Regulations, 1943."

Definitions.

2. For the purpose of these regulations unless otherwise stated or unless the text otherwise requires

- (a) "assignment scheme" means a scheme for the assignment of full-time secondary or preparatory teachers (other than temporary teachers or substitutes for teachers) who being in service in a recognised preparatory, intermediate or secondary school are unable, owing to the transfer of pupils under an evacuation scheme or as a result of circumstances

arising out of the present emergency, to satisfy the definition of "full-time teacher" as set forth in Article 1 (g) of the Regulations for Secondary Teachers, Northern Ireland, 1937, No. 2.

(b) "assigned teacher" means a teacher who in accordance with an assignment scheme has been assigned to and is serving in any recognised school including the school (hereinafter referred to as the "assigning school") in which he was employed immediately prior to first assignment.

3. The governing body of a recognised preparatory, intermediate or secondary school shall, as soon as they are of opinion that teachers in their employment have become assignable, furnish the Ministry with full particulars of the circumstances together with such information as the Ministry may require regarding the teachers affected.

4. The Ministry after consideration of the representations made by the governing body shall draw up an assignment scheme for each school in which it decides there are assignable teachers.

5. Each assignment scheme shall provide for the assignment of each assignable teacher on the staff of the school to which the scheme relates.

6. An assigned teacher may be required to serve in any recognised secondary, preparatory, technical or public elementary school, or other educational institution approved by the Ministry for the purpose, to which he may from time to time be assigned and may be required to take up duty in such school within one week of receiving notice from the Ministry to that effect.

7. (a) Notwithstanding the number of hours per week for which he may be employed an assigned teacher shall be regarded as a full-time teacher on the staff of the assigning school ;

(b) Notwithstanding the nature of the employment to which a teacher is assigned the service of an assigned teacher shall be regarded for the purposes of salary and superannuation as if it were given in the capacity in which the teacher was employed in the assigning school immediately prior to assignment.

(c) An assigned teacher who was on the authorised staff of the assigning school shall remain on the authorised staff of that school throughout the period of assignment.

(d) The salary of an assigned teacher shall continue to be paid by the governing body of the assigning school and shall be at the rate which would have been paid to him if he had not been assigned.

8. Increment grant payable by the Ministry in respect of an assigned teacher who was on the authorised staff of an assigning school shall continue to be paid to the governing body of the assigning school.

9. Where an assigned teacher is serving in a school other than the assigning school the appropriate authority of the school in which he is serving shall repay to the governing body of the assigning school the basic portion of the salary to which the teacher is entitled under Article 7 (d) hereof or in special circumstances such proportion thereof as may be determined by the Ministry after consultation with the authorities of the schools concerned.

10. A vacancy for a teacher arising in any recognised preparatory, intermediate or secondary school at a time when there are available assigned teachers whose services are declared by the Ministry to be redundant in the schools in which they are serving shall not be filled otherwise than by the assignment to the school of one of the available assigned teachers unless the Ministry, after consideration of such representations as may be made to it by the governing body, is satisfied that the vacancy ought not to be so filled. An assignment made as aforesaid shall be treated as an amendment of the assignment scheme relating to the assigned teacher concerned.

11. 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 in the assigning school with effect from the date of such refusal or failure as determined by the Ministry. No salary shall be payable to the said teacher and no increment grant shall be payable by the Ministry in respect of the said teacher from that date : Provided that before any teacher is regarded as having refused or having failed to serve as aforesaid he shall be afforded an opportunity of presenting a statement of his case for the consideration of the Ministry.

12. School and teachers' contributions to the Superannuation Fund in respect of an assigned teacher shall be deducted from grants payable to the assigning school.

13. The Ministry shall have power to amend an assignment scheme either by returning a teacher to the assigning school, by assigning him to another school, by removing the teacher from the assignment scheme or in such manner and from such date as it may, in its absolute discretion, determine.

14. In the case of a teacher holding a joint appointment under the provisions of Article 47 (b) of the Regulations for Secondary Teachers, Northern Ireland, 1937, No. 2, the assigning school shall be deemed to include, where the circumstances so require, all schools which are party to the joint appointment agreement of the teacher.

15. 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 scheme, right or liability thereunder, the same shall be determined by the Ministry, whose decision thereon shall be final and binding on the parties concerned.

16. The Interpretation Act, 1921 (12 Geo. V, Ch. 4) shall apply for the purpose of the interpretation of these Regulations, as it applies for the purpose of the interpretation of an Act of Parliament of Northern Ireland.

17. These regulations shall take and have effect as from the first day of April, 1941.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this twenty-fourth day of March, 1943, in the presence of

(L.S.)

R. S. Brownell,

Secretary.

Technical Teachers.

Certification, Salaries, and Employment.

REGULATIONS, DATED 3RD FEBRUARY, 1943, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS, 1923 TO 1940, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1943 No. 24

1. These Regulations may be cited as "The Regulations for Technical Teachers, 1937, Amending Regulations No. 3, 1943".

2. The Regulations for Technical Teachers, 1937, Statutory Rules and Orders of Northern Ireland, 1937, No. 101, as amended by Statutory Rules and Orders of Northern Ireland, 1941, No. 74, and 1942, No. 69, which Regulations as so amended are hereinafter referred to as the "Principal Regulations" are hereby amended as follows :—

3. Article 2 of Statutory Rules and Orders, 1941, No. 74 is hereby amended as follows :—

Clause (a) is repealed and the following substituted therefor :—

(a) "Teacher" is a full time technical teacher as defined in the Principal Regulations or a temporary war time teacher as defined in Article 3 of the Technical Teachers' War Service Regulations, 1940, Amending Regulations, No. 1, 1942, Statutory Rules and Orders, 1942, No. 123. The term shall include :—