

Army or Air Force (including, in the case of women, the Women's Auxiliaries to these Forces) and includes the Merchant Navy.

12. These Regulations shall be construed as one with the Principal Regulations.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 17th day of July, 1946, in the presence of

(L.S.)

G. R. McConnell,

Assistant Secretary.

REGULATIONS, DATED 10TH DECEMBER, 1946, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1923 TO 1942, AFTER CONSULTATION WITH THE MINISTRY OF FINANCE.

1946. No. 214

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 65, 69 and 77 of the Education Act (Northern Ireland), 1923, and of all other powers enabling it in that behalf, and after consultation with the Ministry of Finance, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Public Elementary Schools Regulations, 1934, Amending Regulations, No. 23, 1946.

(2) In these Regulations the expression "the Principal Regulations" means the Public Elementary Schools Regulations, 1934, as amended by subsequent Regulations other than these Regulations.

(3) These Regulations shall be construed as one with the Principal Regulations.

2. Article 16 of the Principal Regulations shall have effect as if for the word "attendance" there were substituted the words "daily enrolment".

3. For Article 23 of the Principal Regulations there shall be substituted the following Article :—

"23. The manager shall enter into an agreement with each teacher on one of the forms approved by the Ministry and the execution of such agreement shall be a necessary condition for the payment of salary to the teacher : Provided that in temporary and exceptional circumstances the Ministry may relax this rule, and that the rule shall not apply to supplementary assistants (as defined in paragraph (4) of Article 40), to assistant teachers appointed temporarily in accordance with the provisions of paragraph (2) of Article 44, or to locum tenens teachers."

4. The second sub-paragraph of paragraph (a) of Article 34 of the Principal Regulations is hereby amended as follows :—

- (1) by the substitution of the words “ The secular instruction period shall, unless in special circumstances it be otherwise determined by the Ministry,” for the words “ The secular instruction period shall ”.
- (2) by the deletion of the words “ a meeting must include at least two hours secular instruction and ”.

5. Article 35 of the Principal Regulations shall have effect as if for the words “ A ‘ half-attendance ’ shall mean presence at secular instruction ” there were substituted the words “ A ‘ half-attendance ’ shall mean presence at secular instruction (being of not less than two hours duration) ”.

6. For Definition (b) of Definitions : Staffing : Part IV of the Principal Regulations there shall be substituted the following Definition :—

- “ (b) (i) The term “ average daily enrolment ” for any period shall mean the result arrived at by dividing the aggregate of the number of pupils on the rolls of the school in accordance with the Regulations of the Ministry on each “ working day ” during that period by the number of working days in that period.
- (ii) For the purpose of this Definition and of paragraph (4) of Article 40 of the Principal Regulations as amended by these Regulations a “ working day ” means any day, other than a Saturday or Sunday, on which the school was in operation.”

7. Article 39 of the Principal Regulations is hereby amended as follows :—

- (1) by the insertion after “ principal teachers,” of the words “ privileged assistants,”;
- (2) by the insertion after “ vice-principals,” of the words “ holders of the second post of special responsibility and ”;
- (3) by the deletion of the words “ and junior assistant mistresses ”.

8. For Article 40 of the Principal Regulations there shall be substituted the following Article :—

- “ 40. (1) (i) Save as provided in paragraphs (2), (3), (4) and (8) of this Article, in Articles 17 and 136 of the Principal Regulations and in Article 45 of the Principal Regulations as amended by these Regulations, the maximum number of assistant teachers

in a school (in addition to a principal) in respect of whose salaries grants may be made by the Ministry shall be as follows :—

<i>Average daily enrolment for year ending 31st December</i>	<i>Maximum number of assistants (in addition to a principal) for year commencing 1st July following</i>
25 to 64 pupils	1 Assistant
65 to 104 „	2 Assistants
105 to 144 „	3 Assistants
For each 40 pupils thereafter	1 Assistant.

(ii) For the purpose of this paragraph the expression “assistant teacher” shall include a privileged assistant, or a vice-principal or a holder of the second post of special responsibility.

(2) Where instruction in one or more of the following subjects, viz., Domestic Economy, Handwork, Horticulture, Nature Study, Elementary Science, Art, Physical Education or such other subject as the Ministry may determine is given to pupils of a public elementary school by teachers on the staff of that school, assistant teachers, additional to the number allowable under paragraphs (1), (3) and (4) of this Article, may be recognised and grants in respect of their salaries made by the Ministry: Provided that such additional assistant teachers (hereinafter referred to as “special subjects assistants”) shall be recognised and grants in respect of their salaries made only where the Ministry is satisfied that suitable accommodation and equipment for instruction in the aforesaid subject or subjects are available.

The number of special subjects assistants who may be so recognised in a school shall be determined as follows :—

<i>Average daily enrolment in standards V and above for year ending 31st December</i>	<i>Number of special subjects assistants who may be recog- nised in year commencing 1st July following</i>
120 — 239	1
240 — 359	2
360 — 479	3
For each 120 pupils thereafter	one :

Provided always that the Ministry may in special circumstances recognise and make grants in respect of the salary of a special subjects assistant notwithstanding that the average daily enrolment does not reach the minimum figures prescribed in the foregoing table.

(3) Assistant teachers additional to those allowable under paragraphs (1), (2) and (4) of this Article may be recognised in a school and grants in respect of their salaries made by the Ministry for approved educational instruction of a special or experimental nature.

(4) Where for any period of twenty-three consecutive working days the average daily enrolment of all pupils in a school when reduced

by twenty-five and divided by forty gives a quotient of at least one in excess of the number of assistants allowable under paragraph (1) of this Article (but exclusive of any assistant allowable under paragraphs (2) or (3) of this Article), then for each such unit of excess an assistant teacher (hereinafter referred to as a "supplementary assistant") may be recognised and grants in respect of his salary made by the Ministry.

(5) Grants by the Ministry in respect of the salary of a supplementary assistant shall not be made from a date earlier than the day following the expiration of the qualifying period.

(6) Grants by the Ministry in respect of the salary of a supplementary assistant shall not be continued after

(i) the end of the first month following the end of the quarter in which the qualifying conditions are fulfilled, unless the qualifying average is maintained for the period from the first day of the qualifying period to the end of the said quarter ;

(ii) the end of the first month following the end of any subsequent quarter, unless the qualifying average is maintained for that quarter.

(7) For the purpose of paragraphs (5) and (6) of this Article

(i) "qualifying period" means the period of twenty-three working days during which the conditions required under paragraph (4) of this Article to warrant the recognition of a supplementary assistant are fulfilled ;

(ii) "qualifying average" means the figure of average daily enrolment required under paragraph (4) of this Article to warrant the recognition of a supplementary assistant ;

(iii) "qualifying conditions" means the conditions required under paragraph (4) of this Article to warrant the recognition of a supplementary assistant ; and

(iv) "Quarter" means a period of three months ending 31st March, 30th June, 30th September or 31st December.

(8) The Ministry may, with the consent of the Ministry of Finance, authorise the appointment and payment of a teaching staff in excess of the maximum normally allowable under the foregoing provisions of this Article in any school for children who, though not afflicted children as defined in the Education Act (Northern Ireland), 1923, are subject to disability which renders necessary a larger staff of teachers possessing the ordinary qualifications."

9. For Article 42 of the Principal Regulations there shall be substituted the following Article :—

"42. (1) Where the average daily enrolment in a school for a year ending 31st December exceeds 200 pupils, a Vice-Principal may be recognised during the whole or any portion of the year commencing 1st July following.

(2) Where the average daily enrolment in a school for a year ending 31st December exceeds 300 pupils, a Holder of the Second Post of Special Responsibility may be recognised, in addition to a Vice-Principal, during the whole or any portion of the year commencing 1st July following.

(3) In schools in which there are both a post of Vice-Principal and a Second Post of Special Responsibility one of the posts shall normally be held by a woman teacher."

**10.** For Article 43 of the Principal Regulations there shall be substituted the following Article :—

" 43. In a mixed school under a man principal where an average daily enrolment sufficient for the recognition of an assistant teacher under Article 40 is not maintained, a woman assistant teacher may nevertheless be recognised; and provided that she was serving in the school on 1st July, 1934, and that one of the following conditions (a), (b) or (c) was complied with, she may be retained in the school as a personal privilege in the event of the man principal being replaced by a woman principal, or, if already in actual enjoyment of that privilege under the regulations in force prior to 1st July, 1934, she may continue to be so retained :—

- (a) that the school is under a man principal who was recognised as principal teacher of the school from a date prior to 1st January, 1921, and that a grant for either an assistant teacher or a junior assistant mistress was at the time available in the school; or
- (b) that the woman assistant teacher was recognised as assistant teacher or as junior assistant mistress in the school from a date prior to 1st January, 1921; or
- (c) that the woman assistant teacher was recognised as assistant teacher or as junior assistant mistress in the school whilst it was under a man principal who had been in charge of the school from a date prior to 1st January, 1921."

**11.** For Article 44 of the Principal Regulations there shall be substituted the following Article :—

" 44. (1) A school shall not be entitled to the maximum number of assistants allowed by Article 40 unless the Ministry is satisfied that the accommodation is such as to provide adequate teaching facilities for all the members of the staff.

(2) Where the number of teachers who may be recognised in a school under the terms of paragraphs (1) or (4) of Article 40 exceeds the number who could be recognised on 31st December, 1946, under the regulations then in force, the additional post or

posts shall, unless in special circumstances it be otherwise determined by the Ministry, be filled only by teachers who, though not fully qualified, fulfil the requirements of paragraph (d) of Article 66. The appointments of such teachers to the aforesaid posts shall be temporary and shall terminate not later than the end of the school year in which the teacher takes up duty, but the appointments may, subject to the approval of the Ministry, be renewed on the same conditions as those on which they were first made."

12. For Article 45 of the Principal Regulations there shall be substituted the following Article :—

"45. In the case of newly-recognised schools, or schools which have been enlarged or re-organised, the maximum number of teachers (other than supplementary assistants) who may be recognised shall be determined by the Ministry, but the continuance of grants to any such teacher, other than the principal teacher, after a period of twelve months from the date of recognition, enlargement or re-organisation shall be conditional on the maintenance throughout the said period of twelve months of the average daily enrolment prescribed in paragraph (1) of Article 40 or in Article 42 or on the fulfilment of the conditions prescribed in paragraph (2) of Article 40, as the case may be.

The recognition of supplementary assistants shall be subject to the conditions prescribed therefor in Article 40."

13. For Article 46 of the Principal Regulations there shall be substituted the following Article :—

"46. (1) Where under the Regulations in force up to 31st December, 1946, grants to a vice-principal, a holder of the second post of special responsibility, an assistant teacher or a junior assistant mistress would, on account of a decline in the average daily enrolment or the average daily attendance, as the case may be, be withdrawn on 31st December, 1946, such grants shall not be withdrawn on that date if they would have been continued under the provisions of these Regulations had these Regulations then been in force.

(2) A junior assistant mistress who is recognised as such in a school on 31st December, 1946, and whose recognition in that school as from 1st January, 1947, is warranted under the terms of Article 17, or of Article 43 or of paragraph (1) of Article 40, shall as from 1st January, 1947, be termed an assistant teacher :

Provided always that—

(i) any conditions, other than those relating to average daily attendance (save as provided in paragraph (3) of this Article), to which her recognition in that school was subject on 31st

- December, 1946, shall continue to apply to her recognition as assistant teacher in that school ; and
- (ii) nothing in this paragraph shall be construed as affecting prejudicially any agreement entered into between a teacher and the manager of the school in which she is employed.
- (3) Where, in accordance with the provisions of Article 17, the continued recognition of an assistant teacher or a junior assistant mistress is subject to the maintenance of an average daily attendance such as would admit of his retention in that position after the date on which grants would be withdrawn from him under the terms of paragraph (1) of Article 40, then, notwithstanding the provisions of the said paragraph, the conditions of average daily attendance required on 31st December, 1946, to warrant his continued recognition in that school as assistant teacher or as junior assistant mistress, as the case may be, shall continue to apply for so long as they would have applied if these Regulations had not been made."
14. Article 47 of the Principal Regulations is hereby revoked.
15. Article 48 of the Principal Regulations shall have effect as if in paragraph (a) thereof after the words " a vice-principal " there were inserted the words " or a holder of the second post of special responsibility ".
16. Article 50 of the Principal Regulations shall have effect as if for the word " attendance " there were substituted the word " enrolment ".
17. Article 54 of the Principal Regulations is hereby revoked.
18. Paragraph (a) of Article 59 of the Principal Regulations shall have effect as if for the words " attendance of less than 30 pupils " there were substituted the words " enrolment of less than 35 pupils ".
19. Paragraph (b) of Article 59 of the Principal Regulations shall have effect as if for the words " attendance of 30 " there were substituted the words " enrolment of 35 ".
20. Paragraph (a) of Article 60 of the Principal Regulations shall have effect as if for the words " attendance of 30 " there were substituted the words " enrolment of 35 ".
21. Proviso (i) to paragraph (a) of Article 60 of the Principal Regulations shall have effect as if for the word " attendance " there were substituted the word " enrolment ".
22. Proviso (ii) to paragraph (a) of Article 60 of the Principal Regulations shall have effect as if for the words " attendance of between 30 " there were substituted the words " enrolment of between 35 ".

23. Paragraphs (b), (c) and (d) of Article 60 of the Principal Regulations shall have effect as if for the word "attendance" there were substituted the word "enrolment".

24. Article 61 of the Principal Regulations shall have effect as if for the word "attendance" there were substituted the word "enrolment".

25. For Article 62 of the Principal Regulations there shall be substituted the following Article :—

"62. The following are eligible for appointment as principal teacher subject to the fulfilment of the other requirements of the Principal Regulations :—

(1) Teachers already recognised as qualified principal teachers : Provided that a teacher who, under the regulations in force prior to 1st July, 1934, was specially recognised as principal teacher of a small school shall be eligible for recognition only in that school or in a school of similar enrolment.

(2) Teachers trained in recognised Training Colleges in Great Britain or Northern Ireland, subject, in the case of trained teachers certificated under the English Ministry of Education or the Scottish Education Department, to satisfactory reports on their service, if any, in the years immediately preceding their transfer to Northern Ireland.

(3) Teachers trained under the Commissioners of National Education, Ireland, prior to 1st September, 1922, who have fulfilled the conditions for the award of the training diploma and whose work in the years immediately preceding their transfer to Northern Ireland has been reported as satisfactory.

(4) Teachers trained elsewhere than in Great Britain or Northern Ireland : Provided always that

(i) The Ministry is satisfied as to the suitability of the course of training ; and

(ii) the recognition of any teacher under this paragraph shall be subject to such conditions as the Ministry may determine.

(5) Untrained assistant teachers, rated as highly efficient for the preceding five years, who were appointed as teachers on or before 1st April, 1905, or who, if appointed after that date, have had 20 years' service.

(6) In schools certified by the Ministry as suitable for the education of blind, deaf or dumb children, teachers holding such qualifications as are, in the opinion of the Ministry, appropriate to the educational needs of the children."

26. Article 65 of the Principal Regulations shall have effect as if after the word "vice-principal" there were inserted the words "or as a holder of the second post of special responsibility".



27. For paragraph (a) of Article 66 of the Principal Regulations there shall be substituted the following paragraph :—

“ 66. (a) Any teacher already recognised as principal or assistant teacher, any teacher eligible for appointment as principal teacher and any teacher trained for service in Northern Ireland in a training college recognised for the purpose by the Ministry.”

28. Paragraph (b) of Article 66 of the Principal Regulations shall have effect as if for the words “ in any large school in which an assistant, additional to the ordinary staff, may be appointed under Article 54 hereof ” there were substituted the words “ in any school in which a special subjects assistant may be recognised under the provisions of paragraph (2) of Article 40 ”.

29. For paragraph (c) of Article 66 of the Principal Regulations there shall be substituted the following paragraph :—

“ 66. (c) (i). Any teacher already recognised as junior assistant mistress : Provided that any conditions to which her recognition as junior assistant mistress was subject on 31st December, 1946, (or, if temporarily out of the service on that date, on the last day of recognised service as junior assistant mistress) shall apply to her recognition as assistant teacher.

(ii). For the purpose of this paragraph “ junior assistant mistress ” shall not include locum tenens junior assistant mistress.”

30. For paragraph (d) of Article 66 of the Principal Regulations there shall be substituted the following paragraph :—

“ 66. (d) (i). Men and women who have been accepted for and are awaiting admission to Larkfield Emergency Training College.

(ii). Women who have obtained a degree of a British or Irish University, or have passed the King's Scholarship examination or the Ministry's Secondary School Senior Certificate examination, or possess such other qualifications as the Ministry may consider adequate, provided that they take up duty as assistant mistress within five years from 1st July in the year in which they obtained the degree or passed the examination or obtained the qualification. The period of five years may be extended by not more than a year in the case of a woman who, within the said period of five years, has served in any recognised teaching capacity ;

Provided always that where a teacher is, in pursuance of the terms of sub-paragraphs (i) or (ii) of this paragraph, recognised as an untrained assistant for the first time after 31st December, 1946, but who, on or before that date, was not recognised as a

teacher (which expression includes a junior assistant mistress, but not a locum tenens teacher or a locum tenens junior assistant mistress) in a public elementary school in Northern Ireland, recognition may be withdrawn at any time or may be continued subject to such conditions as the Ministry may from time to time determine, and that, notwithstanding anything contained in the Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946, the Ministry's grant in respect of the salary of such a teacher shall be at the minimum rate of the appropriate salary scale prescribed for unqualified teachers in the said Regulations, viz., £190 per annum in the case of a man and £160 per annum in the case of a woman."

31. Article 67 of the Principal Regulations shall have effect as if for the words " must be fully qualified in Infant Training." there were substituted the following words :—

" must be fully qualified in Infant Training : Provided always that this Article shall not apply in cases where a vacancy for a teacher in an Infants' School or for a teacher of a class or classes containing Infants or First or Second Standard in a Junior school must be filled in accordance with the provisions of paragraph (2) of Article 44."

32. Article 68 of the Principal Regulations is hereby revoked.

33. Paragraph (a) of Article 69 of the Principal Regulations shall have effect as if the words " or junior assistant mistress " were deleted.

34. Paragraph (b) of Article 69 of the Principal Regulations shall have effect as if the words " and a locum tenens junior assistant mistress under Article 68 hereof " were deleted.

35. Paragraph (a) of Article 71 of the Principal Regulations shall have effect as if the words

(1) " if a man," in line 24, and

(2) " or, if a woman, as an assistant or junior assistant mistress," in lines 24 and 25.

were deleted.

36. Paragraph (c) of Article 71 of the Principal Regulations shall have effect as if for the words " in the case of untrained junior assistant mistresses," there were substituted the words " a period of trial and probation ".

37. For Article 73 of the Principal Regulations there shall be substituted the following article :—

" 73. An untrained woman assistant teacher who is appointed under the terms of sub-paragraph (ii) of paragraph (d) of Article 66 shall on first appointment be recognised on trial for a period

of six months, towards or soon after the end of which period her work shall be tested by an Inspector. If the Ministry is satisfied as a result of the said test that the teacher displays sufficient ability to warrant her further continuance, she shall be recognised, on probation, for a further period of eighteen months, but if the Ministry is not so satisfied, her recognition shall be terminated without further trial. If, towards the end of the complete period of two years' service, the teacher's work is rated as efficient, as the result of a special inspection, full recognition shall be granted to her from the day after completion of two years' service, but if, as a result of the said inspection, her work is rated as less than efficient, recognition shall be withdrawn from her and she shall leave the service."

38. Paragraph (d) of Article 88 of the Principal Regulations shall have effect as if all words after "women substitutes 10/- per working day" were deleted.

39. Paragraph (a) of Article 90 of the Principal Regulations shall have effect as if the words "or junior assistant mistress, as the case may be" were deleted.

40. Article 102 of the Principal Regulations is hereby revoked.

41. Article 112 of the Principal Regulations shall have effect as if the words "and where there is only a junior assistant mistress in addition to a qualified locum tenens the latter shall act as principal" were deleted.

42. Paragraph (c) of Article 120 of the Principal Regulations shall have effect as if for all words after "Part IV of these Regulations," there were substituted the words

"the grants payable by the Ministry in respect of the salary of the teacher during the period of trial shall be at the minimum rate of the appropriate salary scale prescribed for Unqualified Teachers in the Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946, viz., £190 per annum in the case of a man and £160 per annum in the case of a woman, and the said Regulations shall, for the purpose of paragraph (5) of Article 18 thereof, be deemed to apply to the aforesaid teacher.

On the satisfactory completion of the period of trial, grants by the Ministry in respect of the teacher's salary may be allowed, from the date on which the trial period began, at the rate of salary appropriate to the teacher's position and his previous approved teaching service, and the service given during the period of trial may be allowed to count as incremental service."

43. For Article 126 of the Principal Regulations there shall be substituted the following Article :—

“ 126. (1) The grants payable by the Ministry in respect of the salary of a qualified locum tenens teacher shall be at the minimum rate of the salary scale which would be applicable if the locum tenens teacher were recognised as permanent teacher in the school.

The grants payable by the Ministry in respect of the salary of a locum tenens teacher not fully qualified shall be at the minimum rate of the appropriate salary scale prescribed for Unqualified Teachers in the Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946, viz., £190 per annum in the case of a man and £160 per annum in the case of a woman.

(2) The Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946, shall for the purpose of paragraph (5) of Article 18 thereof be deemed to apply to the aforesaid locum tenens teachers.”

44. Article 9 of the Public Elementary Schools (Salaries and Allowances) Regulations (Northern Ireland), 1946, is hereby revoked.

45. (1) The staff which may be recognised in a school and in respect of whose salaries grants may be paid by the Ministry shall as from 1st January, 1947, be determined in accordance with the provisions of these Regulations, and, for this purpose,

(i) the words “ for year ending 31st December ” in paragraphs (1) and (2) of Article 40 of the Principal Regulations as amended by these Regulations shall in their relation to the staffing of schools for the period from 1st January, 1947, to 30th June, 1947, and for the year commencing 1st July, 1947, be construed as if thereafter there were added “ 1945 ” and “ 1946 ” respectively.

(ii) the “ qualifying period ” as defined in sub-paragraph (i) of paragraph 7 of Article 40 of the Principal Regulations as amended by these Regulations shall, in its relation to the recognition, and payment of grants in respect, of a “ supplementary assistant ” until 30th April, 1947, terminate not earlier than the last working day in the quarter ended 31st December, 1946.

(2) Subject to the provisions of the foregoing paragraph, these Regulations shall have effect as from 1st January, 1947.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 10th day of December, 1946, in the presence of.

(L.S.)

G. R. McConnell,

Assistant Secretary.