

Public Elementary Schools (Salaries and Allowances) (Amendment) Regulations (Northern Ireland), 1946,— (Statutory Rules and Orders of Northern Ireland, 1946, No. 107); and

Public Elementary Schools (Salaries and Allowances) (Amendment) Regulations (Northern Ireland), 1947,— (Statutory Rules and Orders of Northern Ireland, 1947, No. 93).

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 19th day of March, 1948, in the presence of

(L.S.)

R. S. Brownell,

Secretary.

### Intermediate Schools (Grant Conditions)

REGULATIONS, DATED 4TH MARCH, 1948, MADE BY THE MINISTRY OF EDUCATION, NORTHERN IRELAND, UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947, AND OTHER ENACTMENTS, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1948. No. 44

*Amended 1948 SR 00 (N.I.) 320*  
*1949 " " 175*

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 104 and 112 of the Education Act (Northern Ireland), 1947, and by Section 6 of the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939, and of all other powers enabling it in that behalf, with the approval of the Ministry of Finance, hereby makes the following Regulations :

#### Introductory

1. In these Regulations unless the context otherwise requires —

(a) "the Act" means the Education Act (Northern Ireland), 1947;

"approved" means approved by the Ministry for the purposes to which the context relates;

"recognised" means recognised by the Ministry for the purposes of these Regulations;

"school" means any recognised intermediate school including (except where otherwise stated) a technical intermediate school;

"school year" means the year beginning on 1st August and ending on 31st July;

“ school authorities ” means, in the case of a county school, the local education authority and, in the case of a voluntary school, the managers of that school ;

(b) other expressions which have meanings assigned to them by the Act shall have the same respective meanings for the purposes of these Regulations.

2. These Regulations prescribe the conditions which shall be satisfied by any intermediate school, that is to say, a secondary school providing free education for senior pupils, in order that grant may be payable in respect thereof under Section 104 of the Act.

*General Conditions applicable to Intermediate Schools*

3. In order to be recognised the school shall comply with the requirements imposed on the school by or under the Act.

4. Recognition of a new school, or the continued recognition of an existing school, will be dependent upon the maintenance of an average enrolment of at least 100 pupils : provided that the Ministry may recognise a new school, or continue the recognition of an existing school, in any case where it is satisfied that the failure to comply with the requirement of this Regulation is due to special or exceptional circumstances.

5. The school shall be kept on a satisfactory level of efficiency and shall be open to inspection by officers of the Ministry.

*Management of Schools*

6. A copy of the approved scheme of management for any school shall be deposited with the Ministry and no variation or departure from the provisions of the scheme shall be made without the sanction of the Ministry.

*Curriculum, Time-table, Attendance of Pupils and Size of Classes*

7.—(1) The instruction to be given in the school shall be determined with due regard to the ages, abilities and aptitudes of the pupils and the curriculum, syllabus and time-table shall be subject to the approval of the Ministry.

(2) The Ministry may prohibit the use in the school of any book of which it does not approve.

8. A school shall be open during the school year for at least 200 days (exclusive of Sundays) of which not more than five days may be counted in any one calendar week from Sunday to Saturday inclusive :

Provided that, in exceptional circumstances, the Ministry may sanction a reduction of this number upon application made by the school authorities.

9. The Ministry may require that such of the Regulations made under Section 75 of the Act as it may from time to time direct shall be complied with in the case of pupils who are over compulsory school age, and in respect of all pupils (including pupils of compulsory school age) the school authorities shall keep such records and furnish such returns as the Ministry may deem necessary.

10. The attendance of any pupil (including a pupil who is over compulsory school age) shall not be reckonable on any day for the purposes of these Regulations unless the pupil has been present under instruction (other than religious instruction) for the appropriate minimum period prescribed in any Regulations of the Ministry for the time being in force dealing with the attendance of pupils at schools.

11. A class shall not consist of more than 35 pupils without the express approval of the Ministry :

Provided that a class for practical instruction in Science, Domestic Economy, or such other subjects as the Ministry may determine shall not consist of more than 20 pupils without such approval.

#### *Appointment and Recognition of Teachers*

12.—(1) A full-time teacher is —

- (a) a principal ; or
- (b) a teacher (including a teacher who holds an appointment under Regulation 30) engaged for at least 25 hours per week in school duties of which not less than 20 hours are devoted to class instruction in subjects of the approved time-table.

For the purposes of this Regulation the approved time-table shall be deemed to include the time-table of an institution of further education in the case of a teacher who is employed in a technical intermediate school and also in an institution of further education which are under a single school authority.

(2) A part-time teacher is a teacher who is not a full-time teacher :

Provided that the Ministry, at its discretion, may decide that a part-time teacher who is employed in school duties for limited periods for 25 hours or more per week shall not be considered as a full-time teacher for any part of the year.

13. In order to be eligible for appointment, a teacher must possess the necessary qualifications in accordance with the First Schedule to these Regulations :

Provided that a teacher who does not possess the necessary qualifications, but who has successfully completed a course of training at a training college approved by the Ministry, and —

- (a) who has pursued an approved course or approved courses extending over less than one academic session in one or more of the subjects of Group B of the said schedule ; or
  - (b) who was serving (otherwise than as *locum tenens*, temporary or substitute teacher) on 31st March, 1948, on the staff of a public elementary school which was superseded in whole or in part by an intermediate school to the staff of which the teacher was transferred on or before 1st August, 1948,
- may be regarded as eligible for appointment subject to such conditions as the Ministry may determine.

14. Every full-time teacher (including a substitute teacher) will be required to satisfy the Ministry of his health and physical capacity for teaching.

15. The Ministry may refuse or withdraw recognition of a teacher on the grounds of misconduct or inefficiency.

16.—(1) Where school authorities desire that a teacher shall give instruction in a subject, or subjects, in which he has not been granted recognition, the Ministry may sanction such an arrangement subject to any limitation which the Ministry may consider necessary.

(2) Where the Ministry is satisfied that school authorities are unable to secure the services of a teacher who complies with the conditions necessary for recognition under these Regulations the appointment of a person who is not eligible for recognition may be sanctioned and such person may be permitted to teach for a limited period.

17. A teacher shall not engage in any activities which, in the opinion of the school authorities or of the Ministry, would interfere with the efficient and proper discharge of his duties as a teacher.

18. A teacher shall not be employed before he attains the age of 18 years or after he attains the age of 65 years except for limited periods in cases where there are special circumstances and with the approval of the Ministry.

#### *Probation of Teachers*

19. A teacher shall be regarded as being on probation for not less than two years of teaching service, and while on probation, his recognition will be provisional :

Provided that the Ministry may waive part of, or the whole of, the probationary period in the case of a teacher who has had approved teaching experience.

20. The Ministry's Inspectors and (if the probationer be not himself a principal) the principal of the school (or schools) in which the teacher on probation is engaged shall report to the Ministry at the end

of each year of probationary service upon the manner in which the teacher has discharged his duties :

Provided that, in respect of a teacher who is engaged in giving religious instruction, no reports as to his efficiency in giving such instruction shall be furnished by the Ministry's Inspectors.

21. After consideration of the reports furnished under the provisions of Regulation 20 the Ministry shall decide whether to confirm recognition, to extend the probationary period or to refuse further recognition.

22. The Ministry may, before confirming recognition, or at any time as a condition of continued recognition, require a teacher to attend further courses of study or to comply with such other conditions as it may determine.

#### *Salaries of Teachers*

23. The scales of salaries and allowances for teachers employed in intermediate schools and the conditions for admission to such scales of salaries and for the granting of such allowances shall be those which are prescribed from time to time by the Ministry and it shall be a condition of the payment of any grant from the Ministry under the Act in respect of a school that the teachers shall be remunerated by the school authorities at the appropriate rates determined in accordance therewith.

24.—(1) The contributions payable by a teacher under the provisions of the Superannuation Scheme shall be deducted from his salary.

(2) The amount of the contributions deducted under the provisions of paragraph (1) of this Regulation shall —

- (a) in the case of a teacher employed in a county school be remitted forthwith by the local education authority to the Ministry ;
- (b) in the case of a teacher employed in a voluntary school be recoverable by the Ministry from the grant payable in respect of the teacher.

#### *Award of Increments and Placing of Teachers at their appropriate positions on the Salary Scales*

25.—(1) Subject to the provisions of the following paragraph of this Regulation a teacher shall remain on the commencing salary of the appropriate scale until he has satisfactorily completed his period of probation.

(2) A person who before becoming employed in contributing service has undertaken war service as defined by the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939, and who becomes employed in contributing service before the 1st April, 1951, may be given credit for incremental purposes in accordance with the appropriate salary scale as from the date of entering contributing service in respect of any complete years of such war service, as if it had

been teaching service, but no further increments shall be awarded until the teacher has satisfactorily completed his period of probation. For the purposes of this paragraph war service given by a person before attaining the age of eighteen years shall not be reckoned.

26. Subject to the provisions of Regulation 25 of these Regulations a full-time teacher shall be placed at the point on the salary scale appropriate to him under the Second Schedule to these Regulations and shall receive credit for approved teaching service as if the scale had been in operation throughout the total period of such service :

Provided that —

- (a) a teacher to whom paragraph (2) of Regulation 25 applies may, on satisfactory completion of his probationary period, be re-placed as from the date of entering contributing service as if he had completed his probationary period on the date on which he would have done so if his war service had been teaching service ;
- (b) a teacher shall not be placed on the scale of salary at the point which would be appropriate in view of his past service unless the Ministry is satisfied as to his efficiency.

27. After a teacher's rate of salary has been determined in accordance with the provisions of these Regulations subsequent increments in the scale shall be granted annually on the teacher's normal incremental date : provided that the Ministry may require that one or more increments in respect of any teacher shall be withheld or withdrawn if, in the judgment of the Ministry, such increments are not deserved either on account of inefficiency or for any other reason.

#### *Staffing*

28.—(1) In every school there shall be a staff consisting of full-time teachers, and the number of such teachers, including the principal, on the staff of any school for a school year shall be determined by the average number of pupils on the roll of that school for the year ending 31st December immediately preceding the said school year and shall be according to the following scale :—

<i>Average number of pupils on the roll</i>	<i>Number of teachers (full-time)</i>
less than 130	5
130 but less than 160	6

and so on, an extra teacher being allowed for each additional 30 pupils on the roll :

Provided that, in the case of a school with less than 100 pupils on the roll, or any technical intermediate school, the establishment of teachers shall be such as may be approved by the Ministry.

(2) In the case of a school not recognised in the preceding year the number of full-time teachers on the staff shall be determined by the Ministry after consideration of the number of pupils on the roll of the school on a date or dates selected by the Ministry at its discretion.

(3) The Ministry, in such exceptional circumstances as appear to it so to require, may decide that the proportion of full-time teachers to pupils as set forth in paragraph (1) of this Regulation, shall be increased or diminished in any particular school.

29.—(1) In addition to the number of teachers appointed under the provisions of Regulation 28 the Ministry may sanction the employment of part-time teachers where it is satisfied that they are required for the needs of the school :

Provided that in any school where more than one part-time teacher is engaged the Ministry, at its discretion, may require that the number of full-time teachers allowable under the preceding Regulation shall be reduced by one for each unit of 25 hours of the instruction given each week by the part-time teachers unless it is satisfied that on account of the special nature of the curriculum of the school such a reduction should not be made.

(2) For the purposes of paragraph (1) of this Regulation instruction given by part-time teachers shall be deemed to include the instruction given by a teacher who holds an appointment under the provisions of Regulation 30.

(3) The Ministry may sanction the employment of substitute teachers who are engaged during the absence of members of the teaching staff on leave granted in accordance with the provisions of these Regulations.

*Employment of a Teacher in more than one school*

30. If a full-time teacher employed by the school authorities of an intermediate school is also utilized to give instruction in one or more grant-aided schools or institutions, the school authorities by which the teacher is employed shall pay to the said teacher the whole of his salary and shall receive recoupment from the other school authorities of such proportion of the salary as may be agreed upon between the parties with the approval of the Ministry ; and the Ministry may make such adjustments in any grants payable under these or other Regulations in respect of the said teacher as may be required to give effect to such agreement.

*Leave of Absence from Duty*

31.—(1) A teacher shall, subject to these Regulations, be entitled while absent owing to illness to receive full salary for a period not exceeding six months and thereafter half-pay for a further period not exceeding six months in any period of four years' service. For the purposes of this paragraph six months shall be taken as 183 days.

(2) A teacher who has been absent, owing to illness, for an aggregate of twelve months in any period of four years' service shall not, within such period, be entitled to salary for any further period of absence from duty.

For the purposes of this Regulation a period of school vacation shall be reckoned as absence owing to illness unless the teacher has resumed teaching duties for not less than 10 successive working days either preceding or succeeding, or preceding and succeeding, the period of vacation.

**32.—(1)** A married woman teacher shall be required to be absent from her school duties for three months continuously during the period preceding and succeeding childbirth and, in respect of this period, she shall be entitled to receive half-pay.

Absence under the provisions of this paragraph shall not be deemed to be absence owing to illness.

(2) In addition to the period of compulsory absence prescribed in paragraph (1) of this Regulation, the school authorities may, at their discretion, grant a further period of leave of absence to the teacher : provided that the teacher shall not be entitled to salary in respect of such further period of absence.

**33.** Where the absence of a teacher owing to illness exceeds either three successive working days or an aggregate of ten working days in any period of twelve months ending 31st December, the teacher shall not be entitled for such period of absence to salary unless a medical certificate, specifying the nature of the illness and certifying the incapacity of the teacher for the performance of duty is furnished through the school authorities to the Ministry.

**34.** The school authorities may pay full salary to a teacher —

- (a) for a brief period of necessary absence due to infectious disease in his home or to the serious illness or death of a near relative ;
- (b) for a period of absence not exceeding three working days, due to special circumstances ; and
- (c) for a period of absence exceeding three working days, due to special circumstances : provided that the approval of the Ministry is obtained.

**35.** The school authorities shall by the appointment of a substitute teacher or otherwise make provision for the continuance of school work during the period of absence of any teacher on leave given under these Regulations.

**36.** Periods of absence for which a teacher is entitled to full salary or half-pay shall be regarded as teaching service for the purpose of these Regulations.



37. Regulations 31 to 36 hereof inclusive shall have reference and shall be applicable only to full-time teachers holding substantive appointments and during the currency of their agreements with the school authorities of the schools in which they are employed.

#### *Grants*

38. The approved expenditure of a local education authority which is incurred under these Regulations shall, except where otherwise provided, be included in the expenditure in respect of which grants are payable by the Ministry to the authority under the Regulations of the Ministry for the time being in force dealing with the payment of grants to local education authorities.

39.—(1) Subject to the deduction specified in Regulation 24 hereof the Ministry may pay grants under these Regulations, in respect of a voluntary school, equal in amount to the salaries and allowances payable by the school authorities to the teachers who are appointed in accordance with these Regulations.

(2) If the school authorities so desire the salaries of the teachers of a voluntary school, being the grants payable under these Regulations (after deducting the contributions payable under Regulation 24 hereof) shall be paid by the Ministry directly to the teachers.

#### *Appointment and Transfer of Teachers in County Intermediate Schools*

40.—(1) In every case to which sub-section (1) of Section 19 of the Act applies in which it is necessary that a teacher shall be appointed for a county intermediate school (other than a technical intermediate school) the appropriate local education authority shall cause an advertisement to be published inviting applications from persons qualified to hold such appointment.

(2) Every such advertisement shall state —

- (a) the nature of the appointment (Principal, Assistant, etc.) and, if necessary, whether male or female ;
- (b) the name, location, and enrolment of the school ;
- (c) that forms of application and particulars of the position may be obtained on application to the local education authority ;
- (d) the latest date for receiving completed application forms ;
- (e) such special conditions and other relevant particulars or information as the local education authority may consider necessary to include.

(3) Every advertisement as aforesaid shall be published in such newspapers or educational journals and for such periods as the Ministry, after consultation with the local education authority, may direct.

(4) The local education authority shall, without undue delay, after the latest date appointed as aforesaid for receiving such applications transmit the said applications along with the particulars of the candidates to the school management committee by which the school is managed.

41.—(1) In every case in which the aforesaid sub-section (1) of Section 19 of the Act does not apply and which comes under paragraph (a) of sub-section (3) of the said Section 19, and in which the local education authority proposes, in pursuance of the powers contained in the last named sub-section to appoint or transfer a teacher to a county intermediate school (other than a technical intermediate school), it shall be the duty of the local education authority to inform the school management committee by which the school is managed of the proposal as soon as possible after the meeting at which the resolution embodying the proposal is adopted.

(2) If the school management committee desires under sub-section (4) of the said Section 19 of the Act to exercise its right of appeal to the Ministry against the said proposal, it must lodge the appeal with the Ministry within a period of 21 days reckoned from the date of the said meeting of the local education authority. Every such appeal must state clearly the grounds upon which it is made.

(3) If no appeal is received from the school management committee within the said 21 days, the Ministry shall confirm the proposed appointment or transfer.

#### *General*

42. In the event of the discontinuance of a school as a school conducted subject to these Regulations the Ministry shall have power to withhold payment of any grants due in respect of the said school under these or any other Regulations of the Ministry or of any portion of such grants except of such amount as may be necessary to aid the school in discharging just and lawful debts incurred by way of approved educational expenditure before its discontinuance as aforesaid.

43. If the school authorities fail to satisfy the requirements of these or any other Regulations of the Ministry, the Ministry may either withdraw recognition from the school after such notice, if any, as the Ministry may determine or withhold or make deduction from the grant payable under these or any other Regulations of the Ministry.

44. These Regulations shall take effect as from 1st April, 1948.

45.—(1) The Interpretation Act, 1921 (12 Geo. 5. Ch. 4.) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament of Northern Ireland.

(2) If any question arises as to the interpretation of these Regulations, or as to whether any of the requirements thereof are fulfilled or as to the amount of any grant payable thereunder the decision of the Ministry shall be final.

46. These Regulations may be cited as the Intermediate School (Grant Conditions) Regulations, 1948.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 4th day of March, 1948, in the presence of

(L.S.)

*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 5th day of March, 1948, in the presence of

(L.S.)

*John I. Cook,*  
Assistant Secretary.

#### FIRST SCHEDULE

(REGULATION 13)

The following qualifications, or others judged by the Ministry to be equivalent, are required as a condition of recognition to the extent mentioned in the table :—

Section	Qualifications	Recognition
I.	The successful completion of an approved course of training at a training college extending over not less than two academic sessions followed by a further approved course of training of not less than one academic session in one or more of the subjects of Group B.	All subjects of Group A and the subjects of Group B in respect of which a certificate is granted.
II.	An approved University degree together with the successful completion of an approved course of training at a training college or University training department.	All subjects of Group A, and those subjects of Group B in respect of which a certificate is granted.
III.	An approved University degree.	Those subjects of Group A or Group B in respect of which the courses studied at the University, the duration of the courses, and the Examinations passed in them are considered satisfactory by the Ministry.
IV.	A teacher's diploma or certificate of the Ministry or of an approved college or institution.	The subject or subjects of Group B in respect of which the diploma or certificate is granted.

For the purposes of this Schedule :—

Group A subjects include English, History, Geography, and Mathematics.

Group B subjects include Physical Education, Science, Domestic Science, Rural Science, Art, Music, Modern Languages, Crafts, Book-keeping and Shorthand.

## SECOND SCHEDULE

### SERVICE RECOGNISED FOR THE PURPOSE OF REGULATION 26.

#### I. *Types of Service.*

- (a) Full-time teaching service in the following types of schools in the British Commonwealth and Empire, provided the teacher at the time of such service possessed the qualifications required for recognition under these Regulations and that the school was, at that time, recognised by or in receipt of grants from the accredited education authority.

*Service prior to 1st April, 1948 —*

- (i) Intermediate and Secondary Schools, exclusive of the preparatory departments of such schools.
- (ii) Preparatory schools or the preparatory departments of Intermediate or Secondary Schools.
- (iii) Technical Schools, including Junior Technical Schools and Junior Commercial Schools.
- (iv) Elementary Schools :

NOTE :—Service coming under (i) or (iii) above, given after 31st July, 1922, counts in full ; if given on or before that date only one half of such service counts.

Service coming under (ii) or (iv) above, given after 31st July, 1923, counts in full ; if given on or before that date only one half of such service counts.

*Service on or after 1st April, 1948 —*

- (v) Primary, Intermediate, and Grammar Schools and Institutions of Further Education.
- (b) Service on the staffs of university institutions and training colleges in the British Commonwealth and Empire as may be specially considered.
- (c) Such other service as, in the opinion of the Ministry, should be so recognised.
- (d) One half of the period of service with the forces of the Crown or Allied Powers, or of internment in any enemy country as a civilian prisoner of war, during the European War 1914/1919.
- (e) War Service as defined by the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939, provided that —
  - (i) before undertaking such service, the teacher possessed the qualifications for recognition under these Regulations ; or
  - (ii) the teacher had undertaken such service before becoming employed in contributing service and becomes employed in contributing service before 1st April, 1951.

#### II. *General.*

- (a) Service given before the age of 18 years shall not be counted.
- (b) Full-time teaching service shall be taken to include one half of corresponding part-time teaching service of not less than 10 hours per week, but where part-time service was concurrent with other service which is allowed to count in full, no credit shall be given for the part-time service.
- (c) In the case of a school not working under the Ministry's Regulations, a teacher shall be regarded as having given a year's service if he has been employed as a full-time teacher for a period of one year during which he has actually taught for at least 35 weeks.

**Intermediate Schools (Grant Conditions) Amending Regulations, 1948**

REGULATIONS DATED 16TH DECEMBER, 1948, MADE BY THE MINISTRY OF EDUCATION, NORTHERN IRELAND, UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1948. No. 320.

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 104 and 112 of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf, with the approval of the Ministry of Finance, hereby makes the following Regulations :

1. These Regulations may be cited as the Intermediate School (Grant Conditions) Amending Regulations, 1948.

2. These Regulations shall come into operation on the first day of January, 1949.

3. The existing Regulations hereby amended are the Intermediate School (Grant Conditions) Regulations, 1948.

4. Regulation 13 of the existing Regulations is hereby amended to read as if for the proviso contained in the said Regulation there were substituted the following proviso :—

Provided that a teacher who does not possess the necessary qualifications, but who has successfully completed a course of training at a training college approved by the Ministry, and —

(a) who has pursued successfully an approved course or approved courses extending over less than one academic session in one or more of the subjects of Group B of the said Schedule ; or

(b) who, on the day immediately preceding the day on which any primary school was superseded in whole or in part by an intermediate school, was serving (otherwise than as *locum tenens*, temporary or substitute teacher) on the staff of the said primary school and had been so serving for a period of not less than six months and who is transferred to the said intermediate school on or before 1st September, 1949,

may be regarded as eligible for appointment subject to such conditions as the Ministry may determine."

5. Any teacher who before the first day of January, 1949, was regarded as eligible for appointment in accordance with the proviso to