STATUTORY RULES OF NORTHERN IRELAND

2007 No. 127

EDUCATION

The Further Education Teachers' (Eligibility) Regulations (Northern Ireland) 2007

Made - - - -	*5th March 2007*
Coming into force - -	*30th April 2007*

The Department for Employment and Learning(**1**), in exercise of the powers conferred on it by Articles 70(1) and (2)(**2**) and 134(1)(**3**) of the Education and Libraries (Northern Ireland) Order 1986(**4**) makes the following Regulation:

Citation and commencement

1. These Regulations may be cited as the Further Education Teachers' (Eligibility) Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

Revocations

2. The following regulations are revoked —

(a) Further Education Teacher's (Eligibility) Regulations (Northern Ireland) 1997(**5**);

(b) The Further Education Teachers' (Eligibility) (Amendment) Regulations (Northern Ireland) 1998(**6**).

Interpretation

3. In these Regulations—

"governing body" means the governing body of an institution of further education as defined in the Further Education (Northern Ireland) Order 1997(**7**)

(**1**) Formerly the Department of Higher and Further Education, Training and Employment; see 2001 c. 15 (N.I.)
(**2**) Article 70 was substituted by Article 8 of S.I. 1987/167 (N.I. 2) and Article 70(1) was amended by Article 42(2) of S.I. 1993/2810 (N.I. 12) and Article 70(2) was amended by Article 15 of S.I 2003/417 (N.I. 4)
(**3**) As amended by Article 50(1) and Part II of Schedule 4 to S.I. 1993/2810 (N.I. 12)
(**4**) S.I. 1986/594 (N.I. 3)
(**5**) S.R. 1997 No. 388
(**6**) S.R. 1998 No. 96
(**7**) S.I. 1997/1772 (N.I.15)

"medical practitioner" means a fully registered person within the meaning of the Medical Act 1983(**8**)

"qualified teacher" means a teacher who has qualifications approved by the Department.

Application

4. These Regulations apply to teachers in institutions of further education.

Qualifications

5. Every person employed as a teacher shall have such qualifications as may be approved by the Department.

Health Requirements

6.—(1) A governing body shall not employ a person as a teacher unless it is satisfied that he has the health or physical capacity for employment as a teacher.

(2) For the purposes of this regulation, where it appears to a governing body reasonable to do so —

(a) in the case of the first appointment as a teacher, it may accept the conclusions of an institution providing courses for the initial or further training of teachers;

(b) in the case of any appointment to employment as a teacher of a person previously employed in such employment, it may rely on the person's medical record while in that employment.

(3) A person employed as a teacher shall not continue in that employment if the governing body is satisfied that he does not have the health or physical capacity for such employment.

(4) For the purpose of this regulation, where it appears to a governing body that a person may no longer have the health or physical capacity for employment as a teacher, that governing body—

(a) may suspend his employment;

(b) shall afford him an opportunity to submit medical evidence and make representations to it;

(c) shall consider such evidence and representations, and any other medical evidence available to it, including such evidence which has been provided on the ground that it would not be in the best interests of the person concerned to see it;

(d) may require him to submit himself for examination by a medical practitioner appointed by it. If, without good cause, he fails to submit himself for such examination or refuses to make available medical evidence or information sought by the medical practitioner, it may reach a conclusion in the matter on such evidence and information available to it, notwithstanding that further medical evidence may be desirable.

(5) At any time before such medical examination referred to in paragraph (4)(d), the governing body, or the person himself, may submit to the medical practitioner appointed under that paragraph a statement containing evidence or other matter relevant to the examination. The examination may be attended by any medical practitioner appointed for the purpose by the person being examined.

(6) Paragraph (4) shall have effect without prejudice to any power of a governing body or principal under the articles of government of an institution of further education to suspend a person's employment.

(**8**) 1983 c. 54