STATUTORY RULES OF NORTHERN IRELAND

1997 No. 312

EDUCATION

Teachers' (Eligibility) Regulations (Northern Ireland) 1997

Made - - - -	*24th June 1997*
Coming into operation	*1st September 1997*

The Department of Education, in exercise of the powers conferred on it by Articles 70(1) and (2)(**1**) and 134(1)(**2**) of the Education and Libraries (Northern Ireland) Order 1986(**3**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Teachers' (Eligibility) Regulations (Northern Ireland) 1997 and shall come into operation on 1st September 1997.

Revocations

2. The following Regulations are hereby revoked—

(a) the Teachers' (Eligibility) Regulations (Northern Ireland) 1987(**4**);

(b) the Teachers' (Eligibility) (Amendment) Regulations (Northern Ireland) 1988(**5**).

Interpretation

3. In these Regulations—

"eligible to teach" means a person who has such qualifications as may be approved by the Department and satisfies the requirements of regulation 6 (Age requirements) and regulation 7 (Health requirements);

"medical practitioner" means a fully registered person within the meaning of the Medical Act 1983(**6**);

(**1**) 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)
(**2**) As amended by Article 50(1) and Part II of Schedule 4 to S.I. 1993/2810 (N.I. 12)
(**3**) S.I. 1986/594 (N.I. 3)
(**4**) S.R. 1987 No. 266
(**5**) S.R. 1988 No. 218
(**6**) 1983 c. 54

"reckonable service" has the same meaning as in the Teachers' Superannuation Regulations (Northern Ireland) 1977(**7**).

Application

4. These Regulations shall apply to teachers in grant-aided schools and to peripatetic teachers.

Qualifications

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

Age requirements

6.—(1) Subject to paragraph (2) a person shall not be employed as a teacher before he attains the age of 20 years or after 31st August next following the date on which he attains the age of 65 years.

(2) A teacher born in the month of August who first entered reckonable service before 1st April 1972 may be employed up to and including the 31st July next following the date on which he attains the age of 65 years.

Health requirements

7.—(1) An employing authority shall not employ a person as a teacher unless it is satisfied as to his health or physical capacity therefor.

(2) For the purpose of this regulation, where it appears to an employing authority 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 upon the person's medical record while in that employment.

(3) A person employed as a teacher shall not continue in that employment if his employing authority is satisfied that he has not the health or physical capacity therefor.

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

(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 furnished 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 and 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 as is referred to in paragraph (4)(*d*), his employing authority, or the person himself, may submit to the medical practitioner appointed under

(**7**) S.R. 1977 No. 260: relevant amending regulations are S.R. 1980 No. 305