1980 No. 306

EDUCATION

Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1980

Made	*9th September 1980*
Coming into operation . . .	*12th October 1980*

The Department (a) of Education, in exercise of the powers conferred on it by Articles 57(1)(b), 58(2)(c) and 125(1) of the Education and Libraries (Northern Ireland) Order 1972(d) and of every other power enabling it in that behalf, after consultation with the Department(a) of Finance as required by Article 57(1) of that Order hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Teachers' Salaries (Maternity Absence) Regulations (Northern Ireland) 1980 and shall come into operation on 12th October 1980.

Revocation

2. The Teachers' Compulsory Absence and Maternity Leave Regulations (Northern Ireland) 1976(e), the Teachers' Compulsory Absence and Maternity Leave (Amendment No. 2) Regulations (Northern Ireland) 1977(f) and the Teachers' Compulsory Absence and Maternity Leave (Amendment) Regulations (Northern Ireland) 1978(g) are hereby revoked.

Interpretation

3. In these regulations—

"the Act of 1975" means the Social Security (Northern Ireland) Act 1975(h);

"employing authority" means a board or in the case of a school which is not under the management of a board the managers of that school;

"full-time teacher" means a teacher (including a peripatetic teacher or a supply teacher) in respect of whose employment an agreement is required under Article 58(3) of the Order and a temporary teacher who is paid salary under the salaries regulations as though she was employed in a permanent capacity;

"institution" means an institution of further education which is grant-aided by the Department and in which a board provides facilities for further education;

"the Order" means the Education and Libraries (Northern Ireland) Order 1972;

"part-time teacher" means a teacher who teaches for at least 10 hours per week and who under the salaries regulations for such teaching is paid as a part-time teacher the proportion (corresponding to the hours spent by her on teaching duties) of annual salary which would have been paid to her if she were a full-time teacher;

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) As amended by S.I. 1978/1040 (N.I. 10) Art. 8(2)
(c) As amended by S.I. 1978/1040 (N.I. 10) Art. 8(3)
(d) S.I. 1972/1263 (N.I. 12)
(e) S.R. 1976 No. 323 (II, p. 1644)
(f) S.R. 1977 No. 215 (II, p. 1211)
(g) S.R. 1978 No. 294 (II, p. 1020)
(h) 1975 c. 15

"salaries regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1978(i) or the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(j) or any regulations superseding or replacing either or both of those regulations;

"salary" means the salary and allowances (other than an allowance paid under Regulation 26 of the Teachers' Salaries Regulations (Northern Ireland) 1978 or Regulation 10 of the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976) which are payable under the salaries regulations;

"school" means a grant-aided school other than a technical intermediate school;

"teacher" means a teacher employed in a school or institution or a teacher employed by a board as a peripatetic teacher or a supply teacher.

Commencement and duration of absence

4.—(1) Subject to the provisions of paragraphs (2) and (3) and Regulation 5, a full-time teacher or a part-time teacher may, because of her pregnancy and anticipated childbirth, be permitted to be absent from her teaching duties for a period commencing not earlier than the beginning of the eleventh week before the week in which her confinement is expected to take place and ending not later than the expiration of the eighteenth week after the commencement of such period of absence.

(2) A teacher mentioned in paragraph (1) may continue to attend to her teaching duties after the beginning of the eleventh week before the beginning of the week in which her confinement is expected to take place but shall not continue to attend to her teaching duties if she is certified unfit on medical grounds so to do.

(3) For the purpose of calculating a period of permitted absence:

(*a*) the period of absence shall be continuous and shall commence not later than the date of confinement;

(*b*) teaching duties shall be considered as being capable of performance during any part of a year whether the school or institution is in operation or not and during any period when the school or institution is not in operation a teacher shall be considered to be absent from her teaching duties; and

(*c*) during any period when a peripatetic or supply teacher is not required to perform teaching duties she shall be considered to be absent from her teaching duties.

(4) For the purpose of this regulation and regulation 6 a week shall be taken as the period of seven days beginning on a Sunday and ending on the following Saturday.

Notice to be given by a teacher

5.—(1) A teacher—

(*a*) who because of her pregnancy and anticipated childbirth wishes to be absent from her teaching duties; and

(*b*) who immediately prior to the commencement of that absence will have served in the United Kingdom as a full-time teacher for a period of not less than one year or as a part-time teacher for a period of not less than 2 years;

shall not less than 14 weeks, or such later date as her employing authority may agree to accept before the date of her expected confinement, give notice in writing to her employing authority of her intention to absent herself from her teaching duties.

(i) S.R. 1978 No. 129 (I, p. 398) as amended by S.R. 1979 No. 245 (II, p. 1176); S.R. 1980 No. 78, S.R. 1980 No. 219 and S.R. 1980 No. 295

(j) S.R. 1976 No. 141 (I, p. 606) as amended by S.R. 1977 No. 141 (I, p. 485); S.R. 1978 No. 153 (I, p. 516); S.R. 1979 No. 297 (II, p. 1362); S.R. 1980 No. 20, S.R. 1980 No. 79, S.R. 1980 No. 220 and S.R. 1980 No. 298