1976 No. 323

EDUCATION

Teachers' Compulsory Absence and Maternity Leave Regulations (Northern Ireland) 1976

Made . . . . . *2nd November* 1976

Coming into operation . . . *1st December* 1976

The Department(a) of Education (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Articles 57, 58 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf and after consultation with the Department(a) of Finance as required by Article 57 of the said Order hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Teachers' Compulsory Absence and Maternity Leave Regulations (Northern Ireland) 1976 and shall come into operation on 1st December 1976.

Revocation

2. The Teachers' Compulsory Absence and Maternity Leave Regulations (Northern Ireland) 1973(c) are hereby revoked.

Interpretation

3. In these regulations—

"approved" means approved by the Department;

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

"full-time teacher" means a teacher, including a peripatetic teacher or supply teacher, in respect of whose employment an agreement is required under Article 58 of the Order;

"institution" means any institution grant-aided by the Department in which a board provides facilities for further education;

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

"salaries regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1976(d) or the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(e);

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

(a) Formerly Ministry; *see* 1973 c. 36 Schedule 5 paragraph 8(1)
(b) S.I. 1972, No. 1263 (N.I. 12)
(c) S.R. & O. (N.I.) 1973 No. 367 (II p. 2074)
(d) S.R. 1976, No. 128
(e) S.R. 1976, No. 141

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

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

Salary entitlement

4. Save as provided in these regulations a teacher shall not be entitled to salary in respect of any period during which she is required to absent herself under these regulations and any such period shall not be regarded as absence owing to illness.

Compulsory absence

5.—(1) A teacher shall absent herself from her teaching duties for eleven consecutive weeks before the week in which childbirth is expected, and shall continue to absent herself for such period as shall, together with the first mentioned period, amount to eighteen consecutive weeks: provided that—

(*a*) if the teacher shall fail to comply with these requirements the employing authority may require the teacher to absent herself for a period not exceeding eighteen weeks in all between such dates as it may with the approval of the Department determine; and

(*b*) the periods of eleven weeks and eighteen weeks may be reduced in any case where the employing authority and the Department are satisfied that the circumstances warrant a reduction.

(2) A teacher who is absent from her teaching duties because of childbirth shall not return to duty until she furnishes to the employing authority a certificate signed by a duly qualified medical practitioner that she is fit to resume duty and any period of absence in excess of the period for which provision is made by this regulation and which is attributable to the failure of the teacher to furnish such certificate may, if a duly qualified medical practitioner so certifies, be regarded as absence owing to illness.

(3) For the purpose of calculating the periods of eleven weeks and eighteen weeks or other period mentioned in paragraph (1)—

(*a*) teaching duties shall be deemed to be capable of being performed during any part of a year whether the school or institution is in operation or not and a teacher shall be deemed to be absenting herself from such duties during any period when the school or institution is not in operation; and

(*b*) a peripatetic teacher or a supply teacher shall be deemed to be absenting herself from her teaching duties during any period when she is not required to perform such duties.

Maternity leave

6. A full-time teacher who is a married woman, or a widow, and who at least sixteen weeks, or such shorter period as the employing authority may accept, before the week in which the birth is expected to take place informs her employing authority in writing—

(*a*) of the expected date of birth and the proposed period of absence from duty under regulation 5; and

(*b*) that she intends immediately following the period of absence to resume duty as a full-time teacher for a continuous period of at least thirteen weeks;