1973. No. 402 **[C]**

EDUCATION

Primary Schools: General

REGULATIONS, DATED 26TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in pursuance of the powers vested in it by Articles 16, 56, 57, 58 and 125 of the Education and Libraries (Northern Ireland) Order 1972(**a**) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Introductory

1.—(1) These Regulations may be cited as the Primary Schools (General) Regulations (Northern Ireland) 1973.

(2) These Regulations shall have effect from 1st October 1973.

2. The Regulations named in the Schedule are hereby revoked.

3.—(1) These Regulations shall not apply to a primary school which is managed and conducted as a nursery school.

(2) These Regulations shall apply to nursery classes in primary schools, subject to the modifications set out in the Nursery Classes in Primary Schools Regulations (Northern Ireland) 1973(**b**).

4. In these Regulations—

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"controlled school" means a grant-aided school under the management of a board;

"infants' school" means a school at which education is provided mainly for children who have not reached the age of eight years;

"maintained school" means a voluntary school for which a committee has been appointed under Part I of Schedule 5 to the Order;

"maintained school committee" means a committee appointed by a board under Part I of Schedule 5 to the Order;

"mixed school" means a school for boys and girls;

"nursery class" means a class approved for the purpose of providing education mainly for children who have attained the age of 3 years but have not attained the age of 5 years;

"recognised" means recognised by the Ministry;

"Salaries Regulations" means the Regulations in force relating to the salaries of teachers in primary schools;

(**a**) S.I. 1972, No. 1263 (N.I. 12). (**b**) S.R. & O. (N.I.) 1973, No. 401.

"salary" includes any allowances payable under the Salaries Regulations and any compensation allowance payable under the Regulations in force relating to the payment of compensation allowances to teachers in primary schools;

"school" means a recognised primary school other than a primary school which is managed and conducted as a nursery school;

"school authorities" means, in the case of a controlled school, the board and, in the case of a voluntary school, the manager of the school or the maintained school committee;

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

"temporary teacher" means any teacher employed on a full-time basis in respect of whose employment an agreement is not required under Article 58 of the Order;

"voluntary school" means a grant-aided school other than a controlled school.

5. These Regulations prescribe the conditions which shall be satisfied by a school in order that grant may be payable in respect thereof under the Order and by a teacher in order that he may be recognised by the Ministry.

General conditions

6. A school shall not be used for political meetings, the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary, Northern Ireland Assembly or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

7. The school buildings and the school grounds shall be kept in a satisfactory condition for the purpose of providing education for the pupils and the school buildings shall be adequately heated and lighted.

Management and recognition of schools

8. The Ministry shall approve a suitable person or body of persons as manager of each voluntary school other than a maintained school.

9. As a condition for his approval by the Ministry a manager of a voluntary school, other than a maintained school, shall give an undertaking, in the approved form, to comply with the appropriate Regulations of the Ministry, and in the event of his failure to observe such undertaking the Ministry may withdraw such approval.

10. A new manager of a school shall enter into agreement with each teacher on the existing staff of the school (other than any temporary teacher) and he shall not dispense with the services of any teacher on the existing staff except under the terms of such agreement.

11. Recognition of a school shall be dependent upon the maintenance of an average daily enrolment of at least 20 pupils:

Provided that, in exceptional circumstances, the Ministry may recognise a school in which an average daily enrolment of 20 pupils is not maintained.

12.—(1) Where it considers that the amalgamation of two or more schools would result in the more efficient instruction of the pupils, the Ministry may require that the schools be amalgamated or may require that any appointment to the staff of any of the schools shall be made only as a temporary appointment.

(2) Where a school for boys and a school for girls are conducted in the same neighbourhood and the Ministry considers that such schools could be conducted more efficiently or more economically as one school, it may require that they be amalgamated.

(3) Where at either of such schools as are referred to in paragraph (2) the average daily enrolment for the preceding calendar year has been less than 50, the schools shall be amalgamated on the occurrence of a vacancy in either of the schools unless for special reasons the Ministry otherwise directs.

Curriculum, time-table, registration and attendance of pupils

13.—(1) The instruction to be given in a school shall be determined by the school authorities 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 a school of any book of which it does not approve.

14.—(1) A school shall be in operation for three terms in any school year; the first term shall end in December, the second in March or April and the third in June or July.

(2) Subject to the provisions of paragraphs (4) and (5) a school shall be in operation during the school year for at least 200 days (exclusive of Sundays) of which not more than 5 days may be counted in any one week from Sunday to Saturday inclusive.

(3) Subject to the provisions of Regulation 15 the dates of school holidays shall be determined by the school authorities.

(4) A school may at the discretion of the school authorities be closed for a number of optional holidays, not exceeding ten days in any school year, and such optional holidays may be counted as days when the school is in operation for the purposes of paragraph (2).

(5) In exceptional circumstances the Ministry may sanction a reduction in the number of days prescribed in paragraph (2).

15.—(1) The dates of school holidays, other than optional holidays, shall in the case of voluntary schools be subject to the approval of the board for the area in which the school is situated.

(2) Not later than 31st March in any year the principal of each voluntary school shall furnish to the board, in such form as the board may prescribe, a statement of the dates on which it is proposed that the school will be closed in the ensuing school year including (so far as is known at that time) the dates of optional holidays.

(3)(*a*) The board's approval to proposals for school holidays as submitted in accordance with paragraph (2) shall not be unreasonably withheld and the board shall take into account any representations made by or on behalf of the school authorities.

(*b*) In the event of the board being unwilling to approve the proposals for holidays submitted in accordance with paragraph (2) (or any amended proposals submitted after consultation between the board and the school authorities) the board shall determine the dates of such holidays and shall notify the school authorities of its decision.

(*c*) If the school authorities are unwilling to accept the decision of the board about the dates of holidays they may, within fourteen days of receipt of the notification referred to in the preceding sub-paragraph, refer the matter to the Ministry for final determination.

16.—(1) The Ministry may require that such of the Regulations relating to the registration and attendance of pupils as it may from time to time direct shall be complied with in the case of pupils who are under compulsory school age.

(2) The school authorities shall keep and preserve such records and furnish such returns as the Ministry may consider necessary.

17.—(1) A child under three years of age shall not be registered as a pupil at a school.

(2) A child who has reached the age of three years but has not reached the age of four years shall not be so registered unless he is enrolled in a nursery class or in an approved unit for partially-hearing or other category of handicapped children.

(3) Where the Ministry considers that restriction of registration of pupils is necessary at any school it may direct that such registration at such school shall be restricted to certain numbers or to children who have reached the lower limit of compulsory school age or may apply such other restriction as it thinks fit.

18. A child who is not a registered pupil at a school shall not be permitted to be in attendance at the school.

19. Unless the Ministry otherwise approves—

(*a*) a boy who is under the age of seven years shall not be registered at a school in which the teaching staff does not include at least one woman teacher;

(*b*) a boy who is registered as a pupil at a girls' school shall cease to be so registered before the 1st August next following the date on which he reaches the age of eight years;

(*c*) a child shall not be registered as a pupil at an infants' school on or after the 1st August next following the date on which he reaches the age of eight years;

(*d*) a child shall be transferred on 1st August to a suitable secondary school if he has attained the age of eleven years by the preceding 1st July.

20.—(1) Subject to the following provisions of this Regulation an attendance shall mean an attendance on any day under instruction, other than in religious education, for a period of not less than—

(*a*) three hours in the case of a pupil enrolled in a class composed mainly of pupils who, at the beginning of the school year, had not attained the age of 8 years;

(*b*) 4½ hours in the case of any other pupil.

(2) In the case of a pupil to whom the provisions of sub-paragraph (*b*) of paragraph (1) apply, an attendance shall be made in two sessions separated by a period of not less than half an hour.

(3) The provisions of this Regulation shall not apply if the Ministry so approves in the case of pupils for whom instruction of a special nature is being provided or when there are special circumstances connected with the organisation of the school.

21.—(1) Subject to the provisions of the Order and of these Regulations, the arrangements for collective worship and religious instruction in a school shall be under the control of the school authorities.

(2) The time at which collective worship is held, and the time or times during which religious instruction is given, in a school shall be clearly shown on the time-table of the school.

(3) The time or times during which religious instruction is given or collective worship is held in a school shall be so arranged as to cause as little inconvenience as possible to any pupils attending the school who, in pursuance of paragraph (5) of Article 16 of the Order, have been excused from attendance at such religious instruction or collective worship.

(4) In all schools there shall be set apart for the purpose of religious instruction a period of at least one half-hour each school day or its equivalent within each week.

(5) A board shall, if so requested by the minister in charge of any church or other place of worship in the vicinity of any school under the control of the board, communicate to him the names of any pupils attending the school who are, or are stated to be, of the same religious denomination as that minister.

22. The minimum time specified in paragraph (1) of Regulation 20 may include any time occupied by a pupil:—

(*a*) in undergoing inspection or treatment under arrangements for medical and dental inspection, etc. of school children and young persons; or

(*b*) in attending an examination; or

(*c*) in taking part in organised games on not more than one day in any week in accordance with an approved time-table; or

(*d*) in any other manner approved by the Ministry.

Staffing of schools

23.—(1) Subject to the provisions of paragraphs (3) and (4) the number of full-time teachers, including the Principal, who may be appointed to a school shall be determined for each school year in accordance with the following scale:—

Average daily enrolment of pupils for preceding year ended 31st December	*Number of full-time teachers (including the Principal)*
Below 25 pupils	1
At least 25 but not exceeding 59 pupils	2
Exceeding 59 but not exceeding 94 pupils	3

and so on, one teacher being added for each additional 35 pupils.

(2) Where the average daily enrolment exceeded 234 the number of full-time teachers determined in accordance with paragraph (1) shall be increased by one.