The Ministry of Finance hereby approves of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of April, nineteen hundred and sixty-one, in the presence of

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations make provision for the conduct of teachers' courses and prescribe the conditions under which grants may be paid to teachers attending such courses.

1961. No. 104 **[C]**

EDUCATION

Primary Schools: General

REGULATIONS, DATED 26TH APRIL, 1961, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 19, 83, 84, 104 and 112 of the Education Act (Northern Ireland), 1947(**a**), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Primary Schools (General) Regulations (Northern Ireland), 1961.

(2) These Regulations shall take effect on 1st May, 1961.

2.—(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), 1956(**b**).

(3) Paragraphs (2) and (3) of Regulation 6 of the Nursery Classes in Primary Schools Regulations (Northern Ireland), 1956, are hereby revoked.

3. In these Regulations—
"the Act" means the Education Act (Northern Ireland), 1947;
"approved" means approved by the Ministry for the purposes of the context;

(**a**) 1947. c. 3. (**b**) S.R. & O. (N.I.) 1956, No. 69.

"category" of a school means 25 to 64 pupils, 65 to 104 pupils, 105 to 144 pupils, and so on as determined under Regulation 25;

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

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

"nursery class" means a class specially 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 for the purposes of the context;

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

"salary" includes any allowances payable under the Salaries Regulations and any compensation grants payable under the Teachers' Salaries and Allowances (Compensation Grants) Regulations, 1953(a);

"school" means a recognised primary school other than a nursery school;

"school authorities" means, in the case of a county school, the local education authority and, in the case of a voluntary school, the manager of that school;

"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 Section 84 of the Act.

4.—(1) These Regulations prescribe the conditions which shall be satisfied by schools in order that grant may be payable under Section 104 of the Act.

(2) These Regulations prescribe the conditions which shall be satisfied by teachers in schools in order that they may be recognised by the Ministry.

Recognition and Management of Schools

5. The Ministry shall approve a suitable person or body of persons as manager of each voluntary school other than a voluntary school for which a committee of management is appointed under Section 81 of the Act.

6. As a condition for his approval by the Ministry, a manager of a voluntary school, other than a voluntary school for which a committee of management is appointed under Section 81 of the Act, 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.

7. 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.

8.—(1) Where the Ministry 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 further appointment of a teacher in any of the schools shall be made only as a temporary appointment.

(a) S.R. & O. (N.I) 1953, No. 95.

(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.

9. 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 or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

10.—(1) It shall be the duty of the school authorities to ensure that the school buildings and out-offices and the school grounds are kept in a satisfactory condition for the purpose of providing education for the pupils and that the school buildings are adequately heated and lighted.

(2) No financial responsibility in connection with the duty of the school authorities under paragraph (1) shall rest with a teacher.

11. 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.

Organisation

12. A school shall not be closed by a teacher for any reason without the permission of the school authorities.

13. The principal shall be responsible to the school authorities for the discipline of the school generally and for the control of the other members of the teaching staff.

14.—(1) The instruction to be given in a school shall be determined with due regard to the age, ability and aptitude 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.

15. A school shall be in operation during any school year for at least 200 days (exclusive of Sundays), of which not more than five days may be counted in any one week from Sunday to Saturday inclusive:

Provided that in exceptional circumstances, the Ministry may sanction a reduction in the minimum of 200 days.

16.—(1) In this Regulation the expression "authority" means the local education authority for the area in which the school is situated.

(2) 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.

(3) The dates of school holidays shall be determined by the authority in the case of county schools and, subject to the provisions of paragraph (4), shall be subject to the approval of the authority in the case of voluntary schools.

(4) (*a*) The closing of a voluntary school during term for a period of not more than three school days shall be at the discretion of the manager and any such closings shall be known as "discretionary closings".

(*b*) Not more than 15 school days may be reserved for "discretionary closings" within any school year.

(5) Not later than 31st March in any year the principal of every voluntary school shall furnish to the authority, in such form as the authority may prescribe, a statement (countersigned by the manager) 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 "discretionary closings".

(6) (*a*) The authority's approval to proposals for holiday closings, as submitted in accordance with paragraph (5), shall not be unreasonably withheld and the authority shall take into account any representations made by or on behalf of the manager of a voluntary school.

(*b*) In the event of the authority being unwilling to approve the proposals for closings submitted in accordance with paragraph (5) (or any amended proposals submitted after consultation between the authority and the manager) the authority shall determine the date of such closings and shall notify the manager.

(*c*) If the manager of a voluntary school is unwilling to accept the decision of the authority about the dates of closing he 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.

17. A teacher shall be required to be in attendance in the school in which he is engaged in teaching for at least twenty-five hours in each week in which the school is open, of which not less than twenty hours shall be devoted to class teaching in subjects of the approved time-table:

Provided that—

(*a*) in a school in which the approved time-table provides for less than twenty hours of class instruction per week, the condition requiring a teacher to devote at least twenty hours per week to class teaching may, with the approval of the Ministry, be relaxed; and

(*b*) the Ministry may relax the aforementioned condition regarding class teaching in the case of a principal, or of any teacher who is performing the duties of a principal during the principal's absence, if the Ministry is satisfied that such relaxation is desirable having regard to the duties other than teaching duties, which the principal or the teacher as the case may be, is expected to perform.

18.—(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 over or under compulsory school age.

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

19.—(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.

(3) Where the Ministry considers that restriction of registration of pupils is necessary in any school it may direct that such registration in such school should 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.

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

21.—(1) Subject to the provisions of paragraph (2):—

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

(*b*) a boy who is registered as a pupil in 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 in 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 one is available and if he has attained the age of eleven years by the preceding 1st July.

(2) The Ministry may sanction the modification of the provisions of this Regulation where it is satisfied that such modification is necessary.

22.—(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*) 3 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*) 4 hours in the case of a pupil enrolled in a class composed mainly of pupils who, at the beginning of the school year, had attained the age of 8 years but had not attained the age of 11 years by the preceding 1st July;

(*c*) 4½ hours in the case of a pupil enrolled in a class composed mainly of pupils who had attained the age of 11 years by the 1st July preceding the beginning of the school year.

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

(3) The Ministry may approve the modification of this Regulation 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.