REGULATIONS DATED 1ST AUGUST, 1957, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1956.

1957. No. 153 [C]

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 18, 29, 30 and 104 of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Handicapped Pupils and Special Schools Regulations (Northern Ireland), 1957, and shall come into operation on the date hereof.

(2) In these Regulations unless the context otherwise requires—

"approved" means approved by the Ministry;

"authority" means local education authority;

"handicapped pupils" means pupils falling within one or more of the categories of pupils defined by Regulation 3 as requiring special educational treatment;

"inspector" means any person employed by the Ministry for the purpose of inspection;

"ordinary school" means a grant-aided school which is not a special school;

"recognised" means recognised by the Ministry for the purpose of the payment of grants under Section 104 of the Act;

"school authorities" means the local education authority in the case of a special school managed by a local education authority, and the manager or body of managers in the case of any other recognised special school;

"substantive appointment" means an appointment in respect of which an agreement must be executed in accordance with Section 84 of the Act;

"the Act" means the Education Act (Northern Ireland), 1947.

2.—(1) These Regulations:—

(*a*) in so far as they are made under Section 29(1) of the Act define the several categories of pupils requiring special educational treatment and are made after consultation with the Ministry of Health and Local Government;

(*b*) in so far as they are made under Section 104 of the Act, specify the requirements to be complied with by any school as a condition of the recognition of the

school for the purposes of the payment of grants under the Section and are made with the approval of the Ministry of Finance.

(2) As from the date of operation of these Regulations the following Regulations (hereinafter referred to as "the superseded Regulations") shall cease to have effect: the Handicapped Pupils and Special Schools Regulations (Northern Ireland), 1948(a), as amended by the Handicapped Pupils and Special Schools (Amendment) Regulations (Northern Ireland), 1951(b); No. 2, 1951(c); 1952 (d); 1953(e); 1954(f) and 1957(g).

Categories of Handicapped Pupils

3. The several categories of pupils requiring special educational treatment are hereby defined as follows:—

(*a*) Blind Pupils, that is to say, pupils who have no sight or whose sight is or is likely to become so defective that they require education by methods not involving the use of sight.

(*b*) Partially-sighted Pupils, that is to say, pupils who by reason of defective vision cannot follow the normal regime of ordinary schools without detriment to their sight or to their educational development but can be educated by special methods involving the use of sight.

(*c*) Deaf Pupils, that is to say, pupils who have no hearing or whose hearing is so defective that they require education by methods used for deaf pupils without naturally acquired speech or language.

(*d*) Partially-deaf Pupils, that is to say, pupils who have some naturally acquired speech and language but whose hearing is so defective that they require for their education special arrangements or facilities though not necessarily all the educational methods used for deaf pupils.

(*e*) Educationally sub-normal Pupils, that is to say, pupils who, by reason of limited ability or other conditions resulting in educational retardation, require some specialised form of education wholly or partly in substitution for the education normally given in ordinary schools.

(*f*) Epileptic Pupils, that is to say, pupils who by reason of epilepsy cannot be educated under the normal regime of ordinary schools without detriment to themselves or other pupils.

(*g*) Maladjusted Pupils, that is to say, pupils who show evidence of emotional instability or psychological disturbance and require special educational treatment in order to effect their personal, social or educational readjustment.

(*h*) Physically Handicapped Pupils, that is to say, pupils not suffering solely from a defect of sight or hearing who by reason of disease or crippling defect cannot, without

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(a) S.R. & O. 1948 No. 68.
(b) S.R. & O. 1951 No. 82.
(c) S.R. & O. 1951 No. 90.
(d) S.R. & O. 1952 No. 144.
(e) S.R. & O. 1953 No. 13.
(f) S.R. & O. 1954 No. 56.
(g) S.R. & O. 1957 No. 126

detriment to their health or educational development, be satisfactorily educated under the normal regime of ordinary schools.

(*i*) Pupils suffering from Speech Defect, that is to say, pupils who on account of defect or lack of speech not due to deafness require special educational treatment.

(*j*) Delicate Pupils, that is to say, pupils not falling under any other category in this Regulation who by reason of impaired physical condition need a change of environment or cannot, without risk to their health or educational development, be educated under the normal regime of ordinary schools.

Arrangements for Special Educational Treatment

4. Unless the Ministry otherwise approves or determines in the case of any particular handicapped pupil, every pupil who is blind or deaf, whether or not he falls within some other category of handicapped pupils, shall be educated in a special school.

5. An authority may, with the approval of the Ministry, arrange for the special educational treatment of a handicapped pupil at a special school other than a recognised school, provided that the school is approved by the Ministry for the purposes of Section 29(2) of the Act.

6. An authority may arrange for the special educational treatment at an ordinary school of a handicapped pupil of a category other than those specified in Regulation 4 provided that the special educational treatment afforded by such school is appropriate to his disability and the pupil's presence in the school is not detrimental to the other pupils.

7. Any arrangements made by an authority for boarding and lodging a handicapped pupil otherwise than at a boarding school shall be subject to the approval of the Ministry.

Recognised Schools

RECOGNITION

8.—(1) In order to be recognised a school shall comply with the requirements imposed on it by or under the Act and if it does not so comply recognition may be withdrawn.

(2) The continued recognition of a school shall be dependent upon the maintenance of a satisfactory level of efficiency and of such average enrolment of pupils as the Ministry may determine.

(3) A school which satisfies the conditions for recognition shall be approved for the purposes of Section 29(2) of the Act.

9. The accounts of a school shall be kept and audited in accordance with approved arrangements.

10. A copy of the approved scheme of management of a school shall be deposited with the Ministry and no variation or departure from the provisions of the scheme shall be made without the approval of the Ministry.

PREMISES, ORGANISATION, STAFFING, ETC.

11. A school shall be organised for the purposes of providing special educational treatment suitable for handicapped pupils of such number, category, age and sex as the Ministry may approve.

12. The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene and shall not be altered without the prior approval of the Ministry; adequate arrangements shall be made for the safety of the pupils and staff in case of fire.

13. The teaching and other staff of a school shall be such as the Ministry considers to be sufficient and suitable.

14. The education provided by the school shall be suited to the ages, abilities and aptitudes of the pupils in attendance thereat and shall have regard to their particular handicaps. The school shall be conducted in accordance with an approved timetable and suitable arrangements shall be made by the school authorities for the continuance of school work during the absence of any teacher.

15.—(1) No pupil shall be admitted to a school or retained in it unless it is suitable having regard to the pupil's age and sex and the nature of the handicap. In case of doubt as to the suitability of the school a pupil may be admitted for a trial period.

(2) The number of pupils on the register of a school shall not, without the approval of the Ministry, exceed the number for which the school is approved.

SIZE OF CLASSES

16. The number of pupils enrolled in any class shall not exceed the maximum herein prescribed for that class, that is to say—

(*a*) for a class of deaf or partially deaf pupils or of pupils suffering from speech defect, ten pupils;

(*b*) for a class of blind, partially-sighted or maladjusted pupils, fifteen pupils;

(*c*) for a class of educationally sub-normal, epileptic or physically handicapped pupils, twenty pupils; and

(*d*) for a class of delicate pupils, thirty pupils:

Provided that a class may exceed the prescribed maximum if the Ministry is satisfied that—

(i) every effort is being made to comply with the requirement as to the prescribed maximum and that failure to do so is due to causes beyond the control of the school authorities; or

(ii) compliance with the requirement as to the prescribed maximum would interfere unduly with the efficient conduct of the school, and the average number of pupils enrolled in all the classes of the school does not exceed that maximum.

ADMISSION, SCHOOL YEAR AND ATTENDANCES

17. A pupil shall not be refused admission to, or excluded from, a school on other than reasonable grounds.

18. The school year shall be the year commencing 1st August and terminating on 31st July following.

19. A school shall be in operation during the school year for at least 187 days (exclusive of Sundays) of which not more than five days may be counted in any one calendar week from Sunday to Saturday inclusive:

Provided that, in exceptional circumstances, the Ministry may sanction a reduction in the number of days of operation upon application made by the school authorities.

20.—(1) On each day on which a school is in operation in accordance with the requirements of Regulation 19 the school day shall, unless the Ministry otherwise approves, comprise:—

(*a*) at least three hours of secular instruction in the case of a pupil enrolled in a class composed mainly of pupils who, at the commencement of the school year, had not attained the age of eight years;

(*b*) at least four hours of secular instruction in the case of a pupil enrolled in any other class:

Provided that if the school authorities are duly advised by a qualified medical practitioner that it would be detrimental to a pupil to remain under instruction for three or four hours, as the case may be, they may reduce the period of attendance for such pupil.

(2) In the case of a pupil to whom the provisions of sub-paragraph (*b*) of paragraph (1) of this Regulation applies, the school day shall consist of two sessions separated by a period of not less than half-an-hour.

(3) Attendance of a pupil under instruction as aforesaid may include in addition to any time occupied by a pupil in accordance with arrangements set out in the approved time-table of the school

(*a*) any time occupied by visits paid during school hours under approved arrangements to places of educational value or interest;

(*b*) any time occupied by a pupil in undergoing medical or other appropriate treatment or examination;

(*c*) any time occupied by a pupil in attending an examination; and

(*d*) any time occupied by a pupil in any other approved manner.

21. The time-table arrangements of a school shall be such—

(1) that, so far as is practicable, the school day shall commence with collective worship;