REGULATIONS DATED 11TH JULY, 1956, MADE BY THE MINISTRY OF EDUCATION, NORTHERN IRELAND, UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1953, AND OTHER ENACTMENTS, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

1956. No. 110. [C]

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 104 and 112 of the Education Act (Northern Ireland), 1947, (hereinafter referred to as "the Act") and by Section 6 of the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland), 1939, and the Teachers' Salaries (War Service) (Amendment) Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, with the approval of the Ministry of Finance, hereby makes the following Regulations:—

Introductory

1.—(1) In these Regulations unless the context otherwise requires—

"approved" means approved by the Ministry for the purposes to which the context relates;

"recognised" means recognised by the Ministry;

"school" means any recognised grammar school;

"preparatory department" means the part of a school in which primary education is provided;

"secondary department" means the part of a school in which secondary education is provided;

"lower division" means that portion of the secondary department in which is provided a course leading to the Junior Certificate Examination of the Ministry;

"upper division" means that portion of the secondary department in which is provided a course for pupils who have completed the lower division course;

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

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

"Group A voluntary school" means a school which before 18th January, 1951, elected to be classified as a Group A voluntary school or a school which was subsequently so classified by the Ministry;

"Group B voluntary school" means a school which elected to be classified as a Group B voluntary school before 18th January, 1951, and has not been subsequently reclassified;

"qualified pupil" shall have the meaning assigned to it in the Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations (Northern Ireland), 1953 and 1954.

(2) These Regulations shall be cited as the Grammar School (Grant Conditions) Regulations 1956.

2. These Regulations prescribe the conditions which shall be satisfied by a school in order that grant may be payable in respect thereof under Section 104 of the Act.

General Conditions

3.—(1) In order to be recognised the school shall comply with the requirements imposed on the school by or under the Act.

(2) Recognition of a new school, or the continued recognition of an existing school, will be dependent upon the maintenance of such average enrolment of pupils as the Ministry may determine.

4. The school shall be kept on a satisfactory level of efficiency and shall be open to inspection by officers of the Ministry.

5.—(1) The school shall not be conducted for private profit or farmed out to the principal or other person.

(2) The income of the school from all sources must be devoted solely to approved educational purposes.

(3) A statement of the accounts of each voluntary school for each school year shall be furnished to the Ministry. This statement shall be certified by a qualified accountant and shall be supported by such vouchers and other evidence as the Ministry may require.

6.—(1) If the managers of a school which has been classified as a Group B voluntary school subsequently request the Ministry to classify the school as a Group A voluntary school, and the Ministry is satisfied that having regard to the existing school provision in the area it is expedient that the school should be so classified, the Ministry may from such date as it may determine classify such school as a Group A voluntary school.

(2) The income in respect of any period after the thirty-first day of July, 1951, of a Group A voluntary school produced by the tuition fees charged in respect of pupils in the secondary department shall not, without the consent of the Ministry, be devoted to expenditure which in the opinion of the Ministry is capital expenditure nor to any purpose not related to the tuition of pupils in that department.

Management

7. A copy of the approved scheme of management shall be deposited with the Ministry and no variation of or departure from the provisions of the scheme shall be made without the sanction of the Ministry.

Curriculum, time-table, attendance of pupils, size of classes, and school fees

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

9. The time-table shall provide that the 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 permit variations from the approved time-table upon application made to the Ministry by the principal or other approved authority of the school.

10.—(1) The scale of fees charged by the school authorities shall be subject to the approval of the Ministry.

(2) There shall be charged in respect of a pupil in the secondary department of a voluntary school who is not a qualified pupil fees of an amount not less than the fees charged in respect of a qualified pupil undergoing a corresponding course in that department.

11.—(1) This Regulation shall apply to a Group A voluntary school.

(2) The tuition fee charged in respect of pupils in the secondary department of the school—

(*a*) shall be based upon the annual income and expenditure in connection with the tuition of pupils of that department;

(*b*) shall not be subject to the approval of the local education authority; and

(*c*) may be reviewed on the initiative either of the Ministry or of the school authorities, and on any such review regard shall be had to the fee charged during the three school years immediately preceding the review, to the policy, curriculum and traditions of the school and to any special circumstances or considerations that may be relevant.

(3) The expenditure in connection with the tuition of pupils in the secondary department of the school may include such salaries, and such payments in respect of additional staff, as the school authorities may, subject to the approval of the Ministry, consider desirable having regard to the policy, curriculum and traditions of the school and to any other special circumstances or considerations that may be relevant.

(4) Where the school authorities incur or intend to incur capital expenditure, they may, for the purpose of meeting such expenditure, include in the scale of fees a fee of such amount as may be sanctioned by the Ministry. The amount of such fee shall not save in exceptional circumstances exceed £3 per annum.

12. A class shall not consist of more than 35 pupils without the express approval of the Ministry:

Provided that a class for practical instruction in Science, Domestic Economy, or such other subjects as the Ministry may determine shall not consist of more than 20 pupils without such approval.

13.—(1) The Ministry may require that such of the Regulations made under Section 75 of the Act 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 and in respect of all pupils (including pupils of compulsory school age) the school authorities shall keep such records and furnish such returns as the Ministry may deem necessary.

(2) 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 commencement 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 commencement of the school year, had attained the age of 8 years but had not attained the age of 11 years and 6 months;

(*c*) 4½ hours in the case of a pupil enrolled in a class composed mainly of pupils who, at the commencement of the school year, had attained the age of 11 years and 6 months.

Provided that—

(i) on a day on which arrangements are in the time-table for a half-holiday the attendance of any pupil under instruction, other than in religious education, for not less than two hours may be reckoned as an attendance;

(ii) the Ministry may approve the modification of this Regulation in the case of a pupil for whom educational instruction of a special nature is being provided.

(3) The minimum time constituting an attendance may include any time occupied by a pupil:

(*a*) in undergoing inspection or treatment under a scheme of school medical service;

(*b*) in attending an examination;

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

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

Appointment and recognition of teachers

14.—(1) A full-time teacher is—

(*a*) a principal; or

(*b*) a teacher (including a teacher who holds an appointment under Regulation 40) who is employed for at least 25 hours per week in school duties, of which not less than 20 hours are devoted to class instruction in subjects of the approved time-table:

Provided that, if a teacher is employed in class instruction for at least 10 hours per week and also performs approved duties of a secretarial or administrative character in connexion with the school, half the time spent by him weekly in such secretarial or administrative duties may be reckoned as time spent in class instruction for the purposes of this Regulation.

(2) A part-time teacher is a teacher who is not a full-time teacher.

(3) The Ministry may, at its discretion, decide that a part-time teacher who is employed in teaching duties for limited periods for 25 hours or more per week shall not be considered as a full-time teacher for any part of the school year.

15. In order to be eligible for appointment a teacher must possess the necessary qualifications in accordance with the First Schedule.

16. Every full-time teacher (including a substitute teacher) will be required to satisfy the Ministry of his health and physical capacity for teaching.

17. Where school authorities desire that a teacher shall give instruction in a subject or subjects in which he has not been granted recognition the Ministry may sanction such an arrangement, subject to any conditions which the Ministry may consider necessary.

18. Where the Ministry is satisfied that school authorities are unable to secure the services of a teacher who complies with the conditions necessary for recognition the appointment of a person who is not eligible for recognition may be sanctioned and such person may be permitted to teach for a limited period.

19. The school authorities may not allow a member of the teaching staff of the school to undertake any duties not connected with the work of the school which in the opinion of the school authorities or of the Ministry would interfere with the proper discharge of his duties in the school.

20. A teacher shall not be employed before he attains the age of 18 years or after he attains the age of 65 years except with the special approval of the Ministry, and such approval, if given, will be for only a limited period.

21. A teacher shall be regarded as being on probation for not less than two years of teaching service and while on probation his recognition will be provisional:

Provided that the Ministry may waive part of or the whole of the probationary period in the case of a teacher who has had approved teaching experience.