

1982/12

**THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND
APPOINTMENT) REGULATIONS 1976,
AMENDMENT NO. 8**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of February 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 8, and shall be read together with and deemed part of the Education (Assessment, Classification, and Appointment) Regulations 1976* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force at 2.30 p.m. on the 1st day of February 1982.

2. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulation 36, and substituting the following regulations:

“36. **Appointment by transfer**—(1) Except as provided in the Act or section 64 of the Private Schools Conditional Integration Act 1975, no teacher shall be transferred from one position to another except at his own request.

“(2) Subject to subclause (3) of this regulation, a Board or the Director-General, as the case requires, may, at a teacher’s request, transfer that teacher from a position in one school to a position in a different school where—

“(a) In the opinion of the Board and the Director-General or, as the case requires, the Director-General alone, the efficient conduct of the school from which that teacher is transferred requires the transfer; or

“(b) The school from which that teacher is transferred is classified (on a list compiled by the Central Advisory Committee and approved by the Director-General) as very remote, and that teacher has, since taking up that position, completed 3 years service in schools so classified.

“(3) Where a Board or the Director-General, as the case requires, wishes to transfer a teacher under subclause (2) of this regulation, it or he shall, before making the transfer, ask the Appointments Committee to recommend a position to which that teacher can be transferred, and consider the recommendation made by that committee.

“(4) Subject to subclause (3) of this regulation, where a teacher has requested a transfer in circumstances to which subclause (2) (b) of this regulation applies, the Board or the Director-General, as the case requires, shall at the earliest possible opportunity transfer that teacher to a suitable position not classified as very remote as aforesaid.

“(5) For the purposes of section 152 (5) (c) of the Act, ‘a special case’ means a case where, because of inefficiency or some other fault, a teacher is, with the approval of the Minister, being transferred by a Board from a normal school, so as to increase the efficient and economic administration of that school.

*S.R. 1976/287

Amendment No. 1: S.R. 1977/275
Amendment No. 2: S.R. 1978/334
Amendment No. 3: S.R. 1979/220
Amendment No. 4: S.R. 1980/186
Amendment No. 5: S.R. 1980/233
Amendment No. 6: S.R. 1981/179
Amendment No. 7: S.R. 1981/330

“36A. Protection of principals in certain circumstances—(1)
Where—

“(a) The basic staffing entitlement for any year of a school is less than 8; and

“(b) That school’s basic staffing entitlement for the previous year was more than 7; and

“(c) The person who was the principal of that school at the end of that previous year is still the principal of that school on the 1st day of October in that first-mentioned year,—

that principal shall have a board priority right on that 1st day of October.

“(2) Where—

“(a) The basic staffing entitlement for any year of a school is 1; and

“(b) That school’s basic staffing entitlement for the previous year was more than 1; and

“(c) The person who was the principal of that school at the end of that previous year is still the principal of that school on the 1st day of October in that first-mentioned year,—

the principal shall have a board priority right on that 1st day of October.

“(3) A board priority right acquired under subclause (1) or subclause (2) of this regulation shall continue until—

“(a) The following 1st day of July; or

“(b) The principal concerned is appointed to some other position in the employment of the Board concerned or, as the case requires, the Director-General; or

“(c) That principal ceases to be employed by that Board or, as the case requires, the Director-General,—

whichever is the soonest.

“(4) Where, on the 1st day of July following the acquisition of a board priority right under subclause (1) or subclause (2) of this regulation, a principal has neither been appointed to some other position in the employment of the Board concerned or the Director-General nor ceased to be employed by that Board or, as the case requires, the Director-General, that principal shall have a national priority right on that 1st day of July.

“(5) Where, in circumstances to which regulation 59c (1) of these regulations does not apply, any principal—

“(a) Loses or will lose his position; or

“(b) But for section 153 of the Act, would suffer a reduction in the total salary, including allowances, of his position,—

by reason of his school ceasing to be a normal school, or by reason of some other circumstance specified for the purpose of this subclause by the Director-General by notice in the *Education Gazette*, that principal shall thereupon have a national priority right.

“(6) A national priority right acquired under subclause (4) of this regulation on the 1st day of July in any year shall continue until—

“(a) The 31st day of December in the following year, or, where an extension or extensions have been granted under subclause (8) of this regulation, until that extension or one of those extensions expires before a further extension is so granted; or

“(b) The principal concerned is appointed to some other position in the employment of the Board concerned or, as the case requires, the Director-General; or

“(c) That principal ceases to be employed by that Board or, as the case requires, the Director-General,—
whichever is the soonest.

“(7) A national priority right acquired under subclause (5) of this regulation shall continue until—

“(a) The salary of the principal concerned ceases to be protected under section 153 of the Act, or, where an extension or extensions have been granted under subclause (8) of this regulation, until that extension or one of those extensions expires before a further extension is so granted; or

“(b) That principal is appointed to some other position in the employment of the Board concerned or, as the case requires, the Director-General; or

“(c) That principal ceases to be employed by that Board or, as the case requires, the Director-General,—
whichever is the soonest.

“(8) Before the expiry under subclause (6) (a) or subclause (7) (a) of these regulations of the national priority right of any principal, the Director-General, being satisfied that that principal has made reasonable efforts to obtain some other position, may by notice to that principal grant that principal an extension (or, as the case requires, a further extension) until a specified date of that right.”

(2) Regulation 41 of the principal regulations is hereby consequentially revoked.

3. Penalty for refusing appointment—The principal regulations are hereby amended by revoking regulation 43, and substituting the following regulation:

“43. No teacher who has—

“(a) Applied for an advertised position; and

“(b) Refused that position when offered it—

shall be appointed to any position as a teacher at a State primary school until the expiration of 12 months (or such lesser period as the Director-General determines in that behalf), unless he satisfies the Board in whose employment that advertised position was (or, as the case requires, the Director-General) that there was sufficient and proper reason for the refusal.”

4. Appointment procedures—(1) The principal regulations are hereby amended by revoking regulation 45 (as amended by regulation 4 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 4 and regulation 3 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6), and substituting the following regulation:

“45. (1) Subject to regulations 32 to 35, 51, and 52 of these regulations, and except in cases where classification as a secondary school teacher in accordance with Part VI of these regulations is required as a qualification for appointment to the position concerned, this regulation shall apply to all appointments of teachers—

“(a) To positions in schools; or

“(b) To positions as itinerant teachers under the control of a Board; or

“(c) To positions in intermediate departments (being departments under the control of the governing body of a secondary school); or

“(d) By the Director-General.

“(2) In this regulation ‘appointing authority’, in relation to any appointment or proposed appointment, means either the Board by which that appointment is or is to be made or, as the case requires, the Director-General.

“(3) Unless the position concerned is filled under regulation 59H of these regulations, no appointment to which this regulation applies shall be made until the appointing authority has received the recommendation of the Appointments Committee in relation to that appointment.

“(4) For the purposes of subclauses (6) to (8) of this regulation and regulation 59B (6) of these regulations,—

“(a) A national priority right shall be relevant in relation to a position for which its holder applies if, and only if, that position is for the time being specified in a notice published by the Director-General in the *Education Gazette* as being not higher in category and salary grade or level than the position held by that holder when he acquired that right:

“(b) A board priority right shall be relevant in relation to a position for which its holder applies if, and only if,—

“(i) That position is in the employment of the Board in respect of employment by which that right was acquired or (where appointment to that position is to be made by the Director-General) is at the school at which its holder is employed; and

“(ii) It would be relevant to that position if it were a national priority right.

“(5) For the purposes of subclause (6) of this regulation, an applicant shall be deemed to be a teacher with continuous service who—

“(a) Has held full-time positions in State primary schools continuously for the previous 9 terms; or

“(b) Has held full-time positions in State primary schools since completing a course at a teachers college; or

“(c) Holds a permanent appointment as a teacher at a State primary school; or

“(d) Satisfies the appointing authority that he or she was, at the time he or she resigned from the Education Service for child care purposes or because of pregnancy, a teacher with continuous service, and has since been absent for a period that—

“(i) Exceeds 12 months and does not exceed 5 years, in the case of a woman; or

“(ii) Does not exceed 4 years, in the case of a man.

“(6) Subject to the Private Schools Conditional Integration Act 1975 and to regulation 59B (6) of these regulations and to subclause (7) of this regulation,—

“(a) Where only one applicant for a position to appointment to which this regulation applies has a relevant national priority right, the Appointments Committee shall recommend that applicant for appointment to that position:

- “(b) Where 2 or more applicants for any such position have relevant national priority rights, but only one of them acquired that right under regulation 59B of these regulations, the Appointments Committee shall recommend that applicant for appointment to that position:
- “(c) Where 2 or more applicants for any such position have relevant national priority rights acquired under regulation 59B of these regulations, the Appointments Committee shall recommend the most suitable of them for appointment to that position:
- “(d) Where 2 or more applicants for any such position have relevant national priority rights none of which was acquired under regulation 59B of these regulations, the Appointments Committee shall recommend the most suitable of them for appointment to that position:
- “(e) Where—
- “(i) No applicant for any such position has a national priority right; and
- “(ii) Only one applicant for that position has a relevant board priority right,—
- the Appointments Committee shall recommend that applicant for appointment to that position:
- “(f) Where—
- “(i) No applicant for any such position has a relevant national priority right; and
- “(ii) Two or more applicants for that position have relevant board priority rights,—
- the Appointments Committee shall recommend the most suitable of them for appointment to that position:
- “(g) Where—
- “(i) No applicant for any such position has a relevant national priority right or a relevant board priority right; and
- “(ii) That position is a basic scale position; and
- “(iii) Only one applicant for that position is a teacher with continuous service,—
- the Appointments Committee shall recommend that applicant for appointment to that position:
- “(h) Where—
- “(i) No applicant for any such position has a relevant national priority right or a relevant board priority right; and
- “(ii) That position is a basic scale position; and
- “(iii) Two or more applicants for that position are teachers with continuous service,—
- the Appointments Committee shall recommend the most suitable of them for appointment to that position:
- “(i) Subject to paragraphs (a) to (h) of this subclause, where there are 2 or more applicants for any such position, the Appointments Committee shall either—
- “(i) Recommend the most suitable of them for appointment to that position; or
- “(ii) Recommend that that position be readvertised:

“(j) Subject to paragraphs (a) to (g) of this subclause, where there is only one applicant for any such position, the Appointments Committee shall either—

- “(i) Recommend him for appointment to that position; or
- “(ii) Recommend that that position be readvertised.

“(7) Where an appointment to which this regulation applies is to be made to a special position, and the Appointments Committee is unanimously agreed that, because of a failure to meet the special requirements of that position, one or more of the applicants for it whose appointment to that position the Appointments Committee would otherwise by subclause (6) of this regulation be required to recommend (in this subclause referred to as the unqualified applicant or applicants) should be passed over, the following provisions shall apply:

“(a) The Appointments Committee shall recommend to the appointing authority either—

“(i) The consideration of the applicant it would have recommended had the unqualified applicant or applicants not applied for that position (in this subclause referred to as the other applicant); or

“(ii) The readvertisement of that position;—
and shall indicate to the appointing authority that the unqualified applicant or applicants have priority and forward all information in the committee’s possession concerning the unqualified applicant or applicants and (where it recommends the consideration of the other applicant) all information in its possession concerning the other applicant:

“(b) Where that appointing authority is not satisfied that the unqualified applicant or applicants, or any of them, fails or fail to meet the special requirements of that position, it shall so inform the Appointments Committee which shall thereupon be deemed to have recommended for appointment to that position—

“(i) The applicant in respect of whom that appointing authority is not so satisfied; or

“(ii) If that appointing authority is not so satisfied in respect of more than one applicant, one of them selected in accordance with subclause (6) of this regulation:

“(c) Where that appointing authority is satisfied as aforesaid,—

“(i) If the unqualified applicant does not hold or, as the case requires, no unqualified applicant holds a relevant national priority right, the Appointments Committee shall be deemed to have recommended the other applicant for appointment to that position or, as the case requires, that that position be readvertised; and

“(ii) If the unqualified applicant or, as the case requires, any of the unqualified applicants holds a relevant national priority right, that appointing authority shall inform the Appointments Committee that it is so satisfied:

“(d) Where the Appointments Committee has been notified under paragraph (c) (ii) of this subclause, it shall notify the Minister of its initial recommendation and the subsequent satisfaction of that appointing authority, and shall forward to the Minister all

information in its possession concerning the unqualified applicant or, as the case requires, those of the unqualified applicants who hold national priority rights and (where it recommends the consideration of the other applicant) all information in its possession concerning the other applicant:

- “(e) Where the Minister has been notified under paragraph (d) of this subclause, he shall notify the Appointments Committee concerned whether or not he is satisfied that the unqualified applicant or those unqualified applicants do not meet the special requirements for that position:
- “(f) Where the Minister notifies the Appointments Committee concerned that he is satisfied that the unqualified applicant or those unqualified applicants do not meet the special requirements for that position, that committee shall be deemed to have recommended the appointment of the other applicant to that position (and shall forthwith notify that appointing authority accordingly), or, as the case requires, that that position be readvertised:
- “(g) Where the Minister notifies the Appointments Committee that he is not so satisfied, that committee shall be deemed to have recommended for appointment to that position—
 - “(i) The unqualified applicant; or
 - “(ii) If he is not so satisfied in respect of more than one of those unqualified applicants, one of them selected in accordance with subclause (6) of this regulation:
- “(h) Where an appointment has been deemed to have been recommended under this subclause, the appointing authority shall forthwith make that appointment:
- “(i) Where under this subclause it has been deemed to be recommended that a position be readvertised, that position shall forthwith be readvertised.

“(8) Subject to subclause (7) (h) of this regulation and paragraph (f) of this subclause, where the Appointments Committee recommends to an appointing authority the appointment to any position of an applicant of a particular class (that is to say an applicant who holds a relevant national priority right acquired under regulation 59B of these regulations, or a relevant national priority right otherwise acquired, or a relevant board priority right, or who is a teacher with continuous service, or who neither holds any such right nor is such a teacher), and one or more other applicants for that position are of the same class, the following provisions shall apply:

- “(a) If the appointing authority does not concur in the recommendation, it may ask the Appointments Committee to reconsider that recommendation, or may readvertise that position:
- “(b) If the appointing authority asks the Appointments Committee to reconsider that recommendation, that committee shall do so and make a further recommendation (being any recommendation it might originally have made), and the appointing authority shall not make an appointment to that position except in accordance with that further recommendation:

- “(c) If the appointing authority does not concur with that further recommendation it shall refer that further recommendation to the Central Advisory Committee:
- “(d) If the appointing authority refers that further recommendation to the Central Advisory Committee, that committee shall either—
- “(i) Approve that further recommendation; or
- “(ii) Require the Appointments Committee to recommend the appointment to that position of some other applicant of the class concerned (being an applicant whose appointment that committee might originally have recommended), or to recommend that that position be readvertised:
- “(e) If the Central Advisory Committee approves that further recommendation, the appointing authority shall appoint the applicant concerned:
- “(f) If the Central Advisory Committee makes a requirement the Appointments Committee shall comply with it; and the appointing authority shall appoint the other applicant concerned or, as the case requires, readvertise that position.
- “(9) Where an Appointments Committee is required by this regulation to recommend for appointment to a position the most suitable of several applicants, that committee shall so recommend the applicant with the highest general assessment according to the personal reports (or, where that general assessment is held by 2 or more of those applicants, the most suitable of those 2 or more) unless it is satisfied that the most suitable of the remaining applicants (if any) is more suitable than that applicant, in which case it shall so recommend that more suitable applicant.
- “(10) Except as provided in subclause (11) of this regulation and in regulations 6 (3) and 12 (3) of these regulations, the Appointments Committee shall not, notwithstanding anything to the contrary in this Part of these regulations, recommend for appointment to any position an applicant who holds a personal report—
- “(a) For a Division lower than that at which that position has been advertised; or
- “(b) That has not yet become operative for the Division at which that position has been advertised.
- “(11) The Appointments Committee may recommend the appointment to any position of an applicant who holds a personal report as aforesaid if—
- “(a) It is satisfied that no applicant who holds an effective report for the Division at which that position was advertised is acceptable for the position; or
- “(b) No applicant who holds such a report has applied for that position.”
- (2) Regulation 47 of the principal regulations is hereby consequentially amended by omitting from subclauses (1) and (2) the words “In considering”, and substituting, in each case, the words “Subject to paragraphs (a) to (h) of regulation 45 (6) of these regulations, in considering”.
- (3) Regulation 49 (1) of the principal regulations is hereby consequentially amended by omitting the words “Notwithstanding anything to the contrary in regulation 45 of these regulations”, and substituting the words “Subject to paragraphs (a) to (h) of regulation 45

(6) of these regulations, but notwithstanding any other provision of that regulation.”.

(4) Regulation 50 (2) of the principal regulations (as substituted by regulation 7 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 4) is hereby amended—

(a) By omitting the word “Where”, and substituting the words “Subject to paragraphs (a) to (h) of regulation 45 (6) of these regulations, where”; and

(b) By inserting in paragraph (c), after the expression “1 person”, the expression “(having a national priority right if either or both of them has such a right, and having a relevant board priority right if either of them has such a right and neither of them has a national priority right)”.

(5) Regulation 51 of the principal regulations is hereby amended by omitting the word “The” (as substituted by regulation 8 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 4), and substituting the words “Subject to paragraphs (a) to (f) of regulation 45 (6) of these regulations, the”.

(6) The following provisions are hereby consequentially revoked:

(a) Regulations 37 and 58 of the principal regulations:

(b) Regulations 4 and 8 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 4:

(c) Regulation 3 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6.

5. General criteria for assessing suitability of applicants—The principal regulations are hereby amended by revoking regulation 46, and substituting the following regulation:

“46. (1) In determining the most suitable of 2 or more applicants for a position, an Appointments Committee shall have regard to—

“(a) The terms of the advertisement for that position, including any special requirements specified in that advertisement; and

“(b) The data contained in the applications of those applicants; and

“(c) The data on the applicants’ personal reports; and

“(d) Where the committee interviews applicants, the data ascertained from the interviews; and

“(e) Where the committee has been asked by the appointing authority concerned to reconsider an earlier recommendation, any grounds given by that authority for not concurring in that recommendation.

“(2) Subject to regulations 47 and 51 of these regulations, where 2 applicants for a position are otherwise equally suitable, an applicant with a higher general assessment than the other (according to their personal reports) shall be deemed to be more suitable than that other.

“(3) Subject to regulations 47 and 51 of these regulations, where 2 applicants for a position are otherwise equally suitable and have the same general assessment (according to their personal reports), an applicant with longer total certificated service than the other shall be deemed to be more suitable than that other.

“(4) Subject to regulations 47 and 51 of these regulations, where 2 applicants for a position—

- “(a) Are otherwise equally suitable; and
“(b) Have the same general assessment (according to their personal reports); and
“(c) Have the same total certificated service,—
an applicant with longer total country service than the other shall be deemed to be more suitable than that other.
“(5) Subject to regulations 47 and 51 of these regulations, where 2 applicants for a position—
“(a) Are otherwise equally suitable; and
“(b) Have the same general assessment (according to their personal reports); and
“(c) Have the same total certificated service; and
“(d) Have the same total country service,—
an applicant whose country service was, in the opinion of the Appointments Committee, more remote than that of the other shall be deemed to be more suitable than that other.
“(6) Subject to regulations 47 and 51 of these regulations, where 2 applicants for a position—
“(a) Are otherwise equally suitable; and
“(b) Have the same general assessment (according to their personal reports); and
“(c) Have the same total certificated service; and
“(d) Have the same total country service of the same degree of remoteness (in the opinion of the Appointments Committee),—
an applicant with academic and professional qualifications that are, in the opinion of the Appointments Committee, more valuable for teaching purposes than those of the other shall be deemed to be more suitable than that other.”

6. New Part inserted—(1) The principal regulations are hereby amended by inserting, after Part V, the following Part:

“PART VA

“PROTECTION OF PRIMARY TEACHERS WHERE SCHOOL ROLLS FLUCTUATE

“59A. **Interpretation**—(1) In this Part of these regulations, unless the context otherwise requires,—

“ ‘Appointing authority’, in relation to a teacher employed at any school, means either the Board that controls that school or, as the case requires, the Director-General:

“ ‘To be reassigned’, in relation to any teacher holding a position in the employment of a Board, means to be appointed to some other position in that Board’s employment and, in relation to a teacher holding a position in the employment of the Director-General, means to be appointed to some other position at the same school:

“ ‘To leave’, in relation to any teacher employed by a Board, means to cease to be employed by that Board and, in relation to a teacher holding a position in the employment of the Director-General, means to cease to be employed at the school concerned:

“ ‘Protected teacher’ means a teacher who is a protected teacher (over entitlement) or a protected teacher (within entitlement):

“ ‘Protected teacher (over entitlement)’ means a teacher who has become a protected teacher (over entitlement) under subclause (1) or subclause (3) of regulation 59D of these regulations, and who has not subsequently been reassigned or left:

“ ‘Protected teacher (within entitlement)’ means a teacher who has become a protected teacher (within entitlement) under subclause (2) or subclause (4) or subclause (5) of regulation 59D of these regulations, and who has not subsequently been reassigned or left.

“59B. **Underscale teachers**—(1) Where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year, entitled to a single position of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, that school will cease to be entitled to a position of that grade but will become entitled instead to a position of a higher grade; and

“(c) A permanently appointed teacher who held that first-mentioned position on the 1st day of July in that first-mentioned year is still employed by the appointing authority concerned at the commencement of that following year without having been reassigned,—

that teacher shall become an underscale teacher on that commencement.

“(2) If at any time, in circumstances to which subclause (1) of this regulation does not apply,—

“(a) The grade of any position at a school is raised; and

“(b) A permanently appointed teacher holding that position immediately before its grade was raised continues in the employment of the appointing authority concerned but is not forthwith reassigned,—

that teacher shall thereupon become an underscale teacher.

“(3) Where after the 1st day of July in any year it appears to an appointing authority that any teacher in its employment will, under subclause (1) of this regulation, become an underscale teacher on the commencement of the following year (unless that teacher should sooner be reassigned or leave), that appointing authority shall forthwith, and in any case not later than the 1st day of October in that first-mentioned year, inform him of that fact; and whether or not he is so informed by that date, that teacher shall (unless he sooner is reassigned or leaves) have a national priority right on that date, which (subject to subclause (5) (b) of this regulation) shall continue until—

“(a) He is reassigned; or

“(b) He leaves; or

“(c) The 31st day of December in that following year,—
whichever is the soonest.

“(4) Where any teacher becomes an underscale teacher under subclause (2) of this regulation, the appointing authority concerned shall forthwith inform him of that fact; and, whether or not he is so informed, that teacher shall forthwith have a national priority right which (subject to subclause (5) (b) of this regulation) shall continue until—

“(a) He is reassigned; or

“(b) He leaves; or

“(c) The 31st day of December in the following year,—
whichever is the soonest.

“(5) Where, in accordance with this regulation, any teacher acquires a national priority right, the following provisions shall apply:

“(a) The appointing authority concerned shall not advertise the position concerned before—

“(i) A date 2 months before the expiry of that right; or

“(ii) That teacher sooner is reassigned or leaves:

“(b) Before the expiry of that right (including any extensions granted under this paragraph), the Director-General, being satisfied that that teacher has made reasonable efforts to obtain some other position, may by notice to that teacher grant him an extension (or, as the case requires, a further extension) until a specified date of his national priority right:

“(c) Where, after acquiring a national priority right under this regulation, a teacher is reassigned or leaves, that right shall thereupon expire.

“(6) Notwithstanding anything in regulation 45 (6) of these regulations, where any position in respect of which a teacher has, in accordance with this regulation, become an underscale teacher is advertised and that teacher has not previously been reassigned or left, the following provisions shall apply:

“(a) There shall be included in the advertisement a statement to the effect that that position is upgraded:

“(b) The Appointments Committee shall decide which of the applicants it would, in accordance with these regulations, recommend for appointment if that teacher were not eligible for appointment, and shall then compare that applicant with that teacher:

“(c) Subject to paragraph (e) of this subclause, if that applicant has a relevant national priority right or a relevant board priority right, the Appointments Committee shall recommend for appointment to that position—

“(i) That teacher, if in the unanimous opinion of the Appointments Committee that teacher is in greater degree more suitable for that position than that applicant:

“(ii) That applicant in every other case:

“(d) Subject to paragraph (e) of this subclause, if that applicant has neither a relevant national priority right nor a relevant board priority right, the Appointments Committee shall recommend for appointment to that position—

“(i) That applicant, if in the unanimous opinion of the Appointments Committee that applicant is in greater degree more suitable than that teacher:

“(ii) That teacher in every other case:

“(e) If, before the Appointments Committee makes its recommendation, that teacher is reassigned or leaves, that committee shall recommend that applicant for appointment.

“(7) Where any teacher who has, in accordance with this regulation, become an underscale teacher in respect of any position, is appointed to any other position in the Education Service, the following provisions shall apply:

“(a) That teacher shall not be required to take up that other position before an appointment has been made to that first-mentioned position:

“(b) If appointment to that other position is not a promotion and, before taking up that other position, he is appointed to a position in the Education Service appointment to which is a promotion, his appointment to that other position shall lapse:

“(c) Subject to paragraph (b) of this subclause, that teacher and the person appointed to that first-mentioned position shall take up their new positions—

“(i) On a date (being not later than the commencement of the school term following the term in which the appointment to that first-mentioned position was made) agreed by the appointing authority or appointing authorities concerned; or

“(ii) Where no date is so agreed, on that commencement.

“(8) Where a teacher—

“(a) Has, in accordance with this regulation, become an underscale teacher in respect of any position; and

“(b) Has, when another person has been appointed to that position, neither been reassigned nor left,—

the appointing authority concerned shall take such steps as are necessary to terminate his appointment at the end of the school year in which that position was advertised unless he sooner is reassigned or leaves.

“59c. **Overscale teachers**—(1) Subject to section 153 (3) of the Act, where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year, entitled to a single position of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, that school will cease to be entitled to a position of that grade but will become entitled instead to a position of a lower grade; and

“(c) A permanently appointed teacher who held that first-mentioned position on the 1st day of July in that first-mentioned year is still employed by the Board concerned at the commencement of that following year without having been reassigned,—

that teacher shall become an overscale teacher on that commencement.

“(2) Subject to section 153 (3) of the Act, if at any time, in circumstances to which subclause (1) of this regulation does not apply,—

“(a) The grade of any position at a school is reduced; and

“(b) A permanently appointed teacher holding that position immediately before its grade was reduced continues in the employment of the appointing authority concerned but is not forthwith appointed to any other position by it,—

that teacher shall thereupon become an overscale teacher.

“(3) Where after the 1st day of July in any year it appears to an appointing authority that any teacher in its employment will, under subclause (1) of this regulation, become an overscale teacher on the commencement of the following year (unless that teacher should sooner be reassigned or leave), that appointing authority shall forthwith, and in any case not later than the 1st day of October in that first-mentioned year, inform him of that fact; and, whether or not he is so informed by that date,

that teacher shall (unless he sooner is reassigned or leaves) have a board priority right on that date, which shall continue until—

“(a) He is reassigned; or

“(b) He leaves; or

“(c) The 1st day of July in that following year,—
whichever is the soonest.

“(4) Where any teacher becomes an overscale teacher under subclause (2) of this regulation, the appointing authority concerned shall forthwith inform him of that fact; and, whether or not he is so informed, that teacher shall forthwith have a board priority right which shall continue until—

“(a) He is reassigned; or

“(b) He leaves; or

“(c) The 1st day of July in the following year,—
whichever is the soonest.

“(5) Where, in accordance with this regulation, any teacher acquires a board priority right, the following provisions shall apply:

“(a) Where, on the expiry of that right, that teacher has neither been reassigned nor left, he shall thereupon have a national priority right, which shall continue until the expiration of the period for which he is entitled under section 153 of the Act to receive the same salary and allowances as if the school concerned had not been reduced in grade or altered in status, and shall then cease:

“(b) In the year in which that period will expire, before its expiration and not later than the 1st day of October, the appointing authority concerned shall inform that teacher of—

“(i) The fact that his national priority right will expire during that year; and

“(ii) The date upon which it is due to expire; and

“(iii) The fact that his salary protection will also expire on that date.

“59D. **Protected teachers**—(1) Where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year, entitled to a single position of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, that school will cease to be entitled to a position of that grade and will not become entitled instead to any position of a different grade; and

“(c) A permanently appointed teacher who held that position on the 1st day of July in that first-mentioned year is still employed by the appointing authority concerned at the commencement of that following year without having been reassigned,—

that teacher shall become a protected teacher (over entitlement) on that commencement.

“(2) Where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year, entitled to a single position of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, that school will continue to be entitled to a single position of that grade; but

“(c) If the Education (Salaries and Staffing) Regulations 1957 had, at the time that school’s grading roll for that following year was ascertained, been amended in the manner indicated in subclause (6) of this regulation, that school would, by virtue of its teacher entitlement for that following year, have ceased to be entitled to a position of that grade and would not have become entitled instead to any position of a different grade; and

“(d) A permanently appointed teacher who held that position on the 1st day of July in that first-mentioned year is still employed by the appointing authority concerned at the commencement of that following year without having been reassigned,—
that teacher shall become a protected teacher (within entitlement) on that commencement.

“(3) Where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year entitled to 2 or more positions of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year that school will become entitled to a smaller number of positions of that grade; and

“(c) Of the permanently appointed teachers who held those first-mentioned positions on the 1st day of July in that first-mentioned year, there are still employed by the appointing authority concerned at the commencement of that following year, without having been reassigned, a number greater than that smaller number,—

of those permanently appointed teachers there shall become protected teachers (over entitlement) on that commencement such number (selected in accordance with regulation 59E of these regulations) as will reduce the number of them who do not become protected teachers (over entitlement) to the smaller number of positions.

“(4) Where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year, entitled to 2 or more positions of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, that school will continue to be entitled to that number of positions of that grade; but

“(c) If the Education (Salaries and Staffing) Regulations 1957 had, at the time that school’s grading roll for that following year was ascertained, been amended in the manner indicated in subclause (6) of this regulation, by virtue of its teacher entitlement for that following year that school would have become entitled to a smaller number of positions of that grade; and

“(d) Of the permanently appointed teachers who held those first-mentioned positions on the 1st day of July in that first-mentioned year, there are still employed by the appointing authority concerned at the commencement of that following year, without having been reassigned, a number greater than that smaller number,—

one of those permanently appointed teachers shall become a protected teacher (within entitlement) on that commencement.

“(5) Where—

“(a) In any year a school is, by virtue of its teacher entitlement for that year, entitled to 2 or more positions of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, that school will become entitled to a smaller number of positions of that grade; but

“(c) If the Education (Salaries and Staffing) Regulations 1957 had, at the time that school’s grading roll for that following year was ascertained, been amended in the manner indicated in subclause (6) of this regulation, by virtue of its teacher entitlement for that following year that school would have become entitled to an even smaller number of positions of that grade; and

“(d) Of the permanently appointed teachers who held those first-mentioned positions on the 1st day of July in that first-mentioned year, there are still employed by the appointing authority concerned at the commencement of that following year, without having been reassigned, a number greater than that even smaller number,—

one of those permanently appointed teachers shall become a protected teacher (within entitlement) on that commencement.

“(6) The amendments to the Education (Salaries and Staffing) Regulations 1957 referred to in subclauses (2), (4), and (5) of this regulation are—

“(a) The omission from regulation 30 (7) of the words “Subject to subclause (8) of this regulation,”; and

“(b) The revocation of subclauses (8) and (10) of regulation 30.

“(7) As soon as is practicable after it has ascertained that a teacher in its employment will become or has become a protected teacher, an appointing authority shall inform him of that fact.

“(8) As soon as is practicable after it has ascertained that one or more of the teachers of a particular grade in its employment will become protected teachers, and that teacher or those teachers have been selected in accordance with regulation 59E of these regulations, an appointing authority shall inform each permanently appointed teacher of that grade in its employment whether or not he has been selected to be a protected teacher, and if selected as a protected teacher, whether as a protected teacher (over entitlement) or a protected teacher (within entitlement).

“(9) A protected teacher shall have a board priority right from the 1st day of October preceding his becoming a protected teacher or the day on which he is selected to become a protected teacher (whichever is the later) until the 1st day of July following his becoming a protected teacher.

“(10) Where, by the 1st day of July following his becoming a protected teacher, a protected teacher has neither been reassigned nor left, he shall—

“(a) Subject to regulation 59G (1) of these regulations, on that day be deemed to have become a supernumerary teacher; and

“(b) Thereafter, until he is reassigned or leaves, have a national priority right.

“(11) Subject to subclause (12) of this regulation where, on the 1st day of October in the year following the year in which he became a protected teacher, that teacher has neither been reassigned nor left, that appointing

authority shall, as soon as is practicable thereafter, take all such steps as are necessary to terminate his appointment on the following 31st day of December.

“(12) A teacher who has been given notice under subclause (11) of this regulation may, before the 31st day of December concerned (or the expiration of any extension granted under this subclause), apply to the Director-General for an extension or a further extension of his supernumerary status; and in that case—

“(a) If, and only if, the Director-General is satisfied that that teacher has made reasonable efforts to obtain other permanent employment (the proof of which shall be on that teacher) he may grant that teacher an extension of his supernumerary status until a specified date; and

“(b) Where a teacher has been granted under paragraph (a) of this subclause an extension of his supernumerary status until a specified date,—

“(i) He shall have a national priority right until that date or until he sooner is reassigned or leaves; and

“(ii) Unless he sooner is reassigned or leaves, or obtains a further extension under this subclause, his employment shall be terminated on that date.

“(13) Where—

“(a) In any year—

“(i) A school is, by virtue of its teacher entitlement for that year, entitled to a single position of a particular grade; and

“(ii) By virtue of its teacher entitlement for the following year that school will in that following year cease to be entitled to a position of that grade and will not instead become entitled to a position of a different grade; and

“(iii) At any time in that first-mentioned year after the 30th day of June, that position becomes vacant; or

“(b) In any year—

“(i) A school is, by virtue of its teacher entitlement for that year, entitled to 2 or more positions of a particular grade; and

“(ii) By virtue of its teacher entitlement for the following year that school will in that following year become entitled to a smaller number of positions of that grade; and

“(iii) At any time in that first-mentioned year after the 30th day of June, one of those positions becomes vacant; and

“(iv) Of the teachers who on the 1st day of July in that first-mentioned year held those first-mentioned positions, there are still employed by the appointing authority concerned at the time that position becomes vacant, without having been reassigned, a number not less than that smaller number; or

“(c) In any year—

“(i) A school is, by virtue of its teacher entitlement for that year, entitled to a single position of a particular grade; and

“(ii) By virtue of its teacher entitlement for the following year that school will in that following year continue to be entitled to a single position of that grade; but

“(iii) If the Education (Salaries and Staffing) Regulations 1957 had, at the time that school's grading roll for that

following year was ascertained, been amended in the manner indicated in subclause (6) of this regulation, by virtue of its teacher entitlement for that following year that school would in that following year cease to be entitled to a position of that grade and would not instead become entitled to a position of a different grade; and

“(iv) At any time after the 30th day of June in that first-mentioned year and before the end of that following year, that position becomes vacant; or

“(d) In any year—

“(i) A school is, by virtue of its teacher entitlement for that year, entitled to 2 or more positions of a particular grade; and

“(ii) By virtue of its teacher entitlement for the following year that school will in that following year become entitled to the same or a smaller number of positions of that grade; but

“(iii) If the Education (Salaries and Staffing) Regulations 1957 had, at the time that school’s grading roll for that following year was ascertained, been amended in the manner indicated in subclause (6) of this regulation, by virtue of its teacher entitlement for that following year that school would in that following year become entitled to a number of teachers smaller than the number referred to in subparagraph (ii) of this paragraph (in subparagraph (v) of this paragraph referred to as the even smaller number); and

“(iv) At any time after the 30th day of June in that first-mentioned year and before the end of that following year, one of those positions becomes vacant; and

“(v) Of the teachers who on the 1st day of July in that first-mentioned year held those first-mentioned positions, there are still employed by the appointing authority concerned at the time that position becomes vacant, without having been reassigned, a number not less than the even smaller number; or

“(e) The position of a relieving teacher appointed under paragraph (a) or paragraph (b) of this subclause or this paragraph becomes vacant before the end of the first-mentioned year concerned; or

“(f) The position of a relieving teacher appointed under paragraph (c) or paragraph (d) of this subclause or this paragraph becomes vacant before the end of the following year concerned,—

that position shall be filled, without advertisement, by the appointment of a relieving teacher.

“59E. **Selection of protected teachers**—(1) Where it is to be decided—

“(a) Which of 2 or more teachers are to be selected to become protected teachers; or

“(b) Which of 2 or more teachers selected to become protected teachers are to be selected to become protected teachers (over entitlement) and which protected teachers (within entitlement),—

the appointing authority by which they are employed shall advise all the teachers concerned that a selection must be made, and that the

Appointments Committee will consider the matter, and shall invite those teachers to supply that committee with the same data as would be supplied if they were applying for their existing positions, and shall require the principal of the school concerned to supply the District Senior Inspector of Primary Schools with an outline of that school's organisation.

“(2) A principal required under subclause (1) of this regulation to supply a District Senior Inspector with an outline shall do so within 14 days of being so required, and shall discuss it with that Inspector if he so requires.

“(3) After any discussion with the principal, the District Senior Inspector shall forward to the Appointments Committee every outline supplied to him under subclause (2) of this regulation, together with any comments he sees fit to make.

“(4) The Appointments Committee, before making any recommendation under this regulation, shall consider—

“(a) The outline forwarded by the District Senior Inspector under subclause (5) of this regulation; and

“(b) Any comments that Inspector has made on that outline; and

“(c) All data supplied under subclause (1) of this regulation and received by the committee within 14 days of its being invited.

“(5) For the purposes of subclause (6) of this regulation, a teacher's continued employment at a school shall be deemed to be more desirable than that of another teacher if, in the opinion of the Appointments Committee, that first-mentioned teacher's continued employment at that school is likely, in the light of—

“(a) The social and educational needs of children enrolled at that school; and

“(c) The organisational needs of that school,—
to be more beneficial to that school and the children enrolled at it than that other teacher's continued employment at that school.

“(6) Where it must be determined which of several teachers are to become protected teachers,—

“(a) Of the teachers concerned, the Appointments Committee shall select and recommend for retention the appropriate number of those whose continued employment at that school is more desirable than that of the others; and those others shall be recommended to become protected teachers of the appropriate class or classes; and

“(b) Where it must be determined which of those others are to become protected teachers (within entitlement) and which are to become protected teachers (over entitlement), the Appointments Committee shall select, and recommend to become protected teachers (within entitlement) the appropriate number of those others whose continued employment at that school is more desirable than that of the remaining teachers; and those remaining teachers shall be recommended to become protected teachers (over entitlement).

“(7) The Appointments Committee shall make its recommendations under subclause (6) of this regulation to the appointing authority concerned; and unless that appointing authority, within 14 days of receiving those recommendations, refers any of them back to the

committee for reconsideration, those recommendations shall have effect according to their tenor.

“(8) An appointing authority may within 14 days of receiving any recommendations under subclause (6) of this regulation refer all those recommendations back to the committee for reconsideration, together with any comments; and in that case the committee shall reconsider those recommendations and shall either—

“(a) Inform that appointing authority that it confirms the original recommendation; or

“(b) Make to that appointing authority any amended or new recommendations that it might originally have made;—

and those original, amended, or new recommendations (as the case requires) shall have effect according to their tenor.

“59F. **Priority rights arising from resignations on account of pregnancy**—(1) A permanently appointed female teacher who, in accordance with the Teachers’ Leave of Absence Regulations 1951, resigns from the Education Service because of her pregnancy, may within 12 months of the termination of that pregnancy notify the appointing authority from whose employment she so resigned, in writing, that she wishes to return to the teaching service.

“(2) A teacher who notifies an appointing authority under subclause (1) of this regulation shall—

“(a) Have a board priority right from the 1st day of October following that notification until—

“(i) The following 1st day of July; or

“(ii) She is permanently appointed to a position in the teaching service,—

whichever is the sooner:

“(b) If she has not been permanently appointed to a position in the teaching service by that 1st day of July, have a national priority right from that 1st day of July until—

“(i) The 31st day of December in the year following that 1st day of July; or

“(ii) She is permanently appointed to a position in the teaching service,—

whichever is the sooner.

“59G. **Consequences of becoming protected teacher**—(1) Except as provided in regulation 59D of these regulations and to the extent that he has any priority right, the employment of a protected teacher (within entitlement) shall, until the end of the year at the commencement of which he became a protected teacher, be the same in all respects as if he were not a protected teacher.

“(2) The following provisions shall apply to a protected teacher:

“(a) That teacher shall remain on the staff of the school concerned until the 31st day of December following his becoming a protected teacher:

“(b) In the following year that teacher, although remaining in the employment of the appointing authority concerned, shall be employed at such schools (being within a reasonable travelling distance of his home), and upon such teaching duties, as that appointing authority from time to time directs:

“(c) Notwithstanding the school at which that teacher may for the time being be employed, he shall for supervisory and disciplinary purposes, and for the purposes of regulation 45 (4) (b) (ii) of these regulations, be treated as if he continues to be employed at the original school.

“59H. **Effect of resignations on protected teachers**—(1) Where a teacher who is not a protected teacher is reassigned or leaves, or resigns with effect from later in the school year concerned, and there is employed at the school concerned a protected teacher (within entitlement) of the same category and salary grade as that first-mentioned teacher,—

“(a) That protected teacher shall thereupon cease to be a protected teacher and shall cease to have any priority rights; and

“(b) The appointing authority concerned may employ one relieving teacher for the period (if any) between that first-mentioned teacher’s reassignment or leaving and the end of the school year concerned, or any part of that period.

“(2) Where a protected teacher (within entitlement) is reassigned or leaves, or resigns with effect from later in the school year concerned, and there is or are employed at the school concerned one or more protected teachers (over entitlement),—

“(a) That protected teacher (over entitlement) or, as the case requires, one of them selected in accordance with regulation 59E of these regulations shall thereupon become a protected teacher (within entitlement); and

“(b) That teacher shall thereafter have, in place of his former rights as a protected teacher (over entitlement), all the rights he would have if he had become a protected teacher (within entitlement) at the time he became a protected teacher (over entitlement).

“(3) Where—

“(a) A teacher who is not a protected teacher is reassigned or leaves, or resigns with effect from later in the school year concerned; and

“(b) No protected teacher (within entitlement) is employed at the school concerned; and

“(c) There is or are employed at the school concerned one or more protected teachers (over entitlement),—

that protected teacher (over entitlement), or, as the case requires, one of them selected in accordance with regulation 59E of these regulations, shall thereupon cease to be a protected teacher and shall cease to have any priority rights.

“(4) Where any teacher ceases, under this regulation, to be a protected teacher he shall thereupon become a permanently appointed teacher; but that shall not prevent his becoming a protected teacher in the future.

“(5) Notwithstanding anything in these regulations, it shall not be necessary to advertise any position in circumstances to which this regulation applies.”

(2) The following provisions are hereby consequentially revoked:

(a) Regulation 40 of the principal regulations:

(b) Regulation 3 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 4.

7. Transitional—(1) In this regulation, unless the context otherwise requires,—

“List” means the National Transfer List formerly required to be caused to be kept under regulation 37 (2) of the principal regulations:

“To be listed” means to acquire the right to have one’s name entered on the List:

“Listed teacher” means a teacher whose name was, immediately before the commencement of these regulations, required to be entered on the List.

(2) The List is hereby abolished.

(3) A listed teacher who was listed before the 1st day of July 1981 or in circumstances to which paragraph (a) or paragraph (d) of former regulation 36 (1) of these regulations applied, shall have a national priority right until—

(a) He is appointed to some other position in the employment of the Board concerned or, as the case requires, at the school concerned; or

(b) He ceases to be employed by the Board concerned or, as the case requires, at the school concerned; or

(c) The 31st day of December 1983—
(whichever is the soonest).

(4) Every listed teacher to whom subclause (3) of this regulation does not apply shall have a board priority right until—

(a) He is appointed to some other position in the employment of the Board concerned or, as the case requires, at the school concerned; or

(b) He ceases to be employed by the Board concerned or, as the case requires, at the school concerned; or

(c) The 30th day of June 1982—
(whichever is the soonest).

(5) Every listed teacher whose board priority right expires under subclause (4) (c) of this regulation shall have a national priority right until—

(a) He is appointed to some other position in the employment of the Board concerned or, as the case requires, at the school concerned; or

(b) He ceases to be employed by the Board concerned or, as the case requires, at the school concerned; or

(c) The 31st day of December 1983—
(whichever is the soonest).

(6) Where, before the expiry of a national priority right under paragraph (c) of subclause (3) or subclause (5) of this regulation, the Director-General is satisfied that its holder has made reasonable efforts to obtain a new position, he may grant that holder an extension or, as the case requires, a further extension of that right until a specified date; and in that case the reference in that paragraph to the 31st day of December 1983 shall be read as a reference to that date.

(7) Where—

(a) Before the 2nd day of November 1981 a position upgraded under regulation 40 of the principal regulations was advertised in the *Education Gazette*; and

(b) No appointment was made to that position before the commencement of these regulations,—
the following provisions shall apply:

(c) The incumbent may be appointed to that position in the same manner and subject to the same terms and conditions as if the appointment were made before the commencement of these regulations:

(d) If, before the closing date of the advertisement, the incumbent obtains some other position in the Education Service or resigns from that position, that position shall be filled as if it had arisen by virtue of the resignation of the incumbent:

(e) If the incumbent neither is appointed to that position nor obtains some other position or resigns as aforesaid, the principal regulations shall apply to the incumbent as if—

(i) The principal regulations (as amended by the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6, the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 7, and these regulations) had been in force on the 1st day of October 1981; and

(ii) He had on that day been informed that he would become an underscale teacher on the 1st day of January 1982.

(8) Where in 1982—

(a) A school is entitled to one or more positions of a particular grade (not being basic scale positions); and

(b) That position (or, as the case requires, one or more of those positions) is vacant; and

(c) If that vacant position (or those vacant positions) had at all times continued to be held by the same teacher (or the same teachers) that teacher (or one of those teachers) would have become a protected teacher (within entitlement),—

no appointment shall be made to that vacant position (or, as the case requires, the last of those vacant positions to remain vacant) in 1982; but it shall be filled by an existing permanent member of the staff of that school.

(9) Where, under subclause (8) of this regulation, or this subclause, no appointment is made to a position at a school and it is filled by a permanent member of the staff of that school, that permanent member's position shall—

(a) If it is not a basic scale position, be filled by an existing permanent member of the staff of that school; and

(b) If it is a basic scale position, be filled by the appointment of a relieving teacher.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Education (Assessment, Classification, and Appointment) Regulations 1976 by replacing the present National Transfer List system with a more comprehensive and complex system to assist primary teachers disadvantaged by fluctuations in school rolls. Four categories of disadvantaged teacher are recognised: underscale teachers, whose positions are upgraded by a roll rise; overscale teachers, whose positions are downgraded by a roll fall; protected teachers (over entitlement), whose positions disappear by reason of a roll fall; and protected teachers (within entitlement) whose positions would disappear by reason of a roll fall but for the temporary bolstering of their schools' staffing entitlements by the provisions of the Education (Salaries and Staffing) Regulations 1957, Amendment No. 22.

Disadvantaged teachers are assisted by being given either a board priority right or a national priority right. Subject to certain limited exceptions, a board priority right entitles its holder to priority of appointment in respect of positions under the Board of his existing school of a grading comparable with or lower than his own; and a national priority right entitles its holder to priority of appointment in respect of such positions throughout New Zealand.

Provision is also made to confer priority rights upon teachers whose names were formerly on the National Transfer List.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 February 1982.

These regulations are administered in the Department of Education.