



STATUTORY INSTRUMENTS.

S.I. No. 32 of 2014



EDUCATION ACT 1998 (UNREGISTERED PERSONS) REGULATIONS
2014

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I, RUAIRÍ QUINN, Minister for Education and Skills, in exercise of the powers conferred on me by section 24 (substituted by section 6 of the Education (Amendment) Act 2012 (No. 14 of 2012)) of the Education Act 1998 (No. 51 of 1998) (as adapted by the Education and Science (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 184 of 2010)), hereby make the following regulations:

1. These Regulations may be cited as the Education Act 1998 (Unregistered Persons) Regulations 2014.

2. These Regulations come into operation on 28 January 2014.

3. (1) In these Regulations—

“Act of 1998” means the Education Act 1998 (No. 51 of 1998);

“Act of 2001” means the Teaching Council Act 2001 (No. 8 of 2001);

“board”, in relation to a school, means the board of management of that school or, in the case of a school maintained by an education and training board, that board;

“relevant employer”, in relation to a school, means the board of that school;

“school” means a recognised school;

“school for children of EU staff” means a school, or a section of a school—

(a) established for the purpose of discharging, or

(b) operating in practice by arrangement to discharge,

an obligation to staff of EU institutions.

4. A person who is not a registered teacher for a reason other than that he or she is suspended or removed from the register under Part 5 of the Act of 2001 may be employed in the place of a registered teacher in a school and be remunerated, in respect of such employment, out of monies provided by the Oireachtas, where—

(a) the relevant employer has made all reasonable efforts to appoint a registered teacher to the position in question in accordance with the

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st January, 2014.*

procedures determined by the Minister pursuant to section 24(11) of the Act of 1998, and

(b) a registered teacher is not available to take up the said position.

5. The relevant employer shall be satisfied that a person employed in accordance with Regulation 4 is competent and capable of acting in the place of a registered teacher in the school. In the case of a position in a school for children of EU staff, such person shall also be a native speaker of the language in which he or she is employed to teach.

6. A person employed in accordance with Regulation 4 shall be paid at the unqualified rate of pay determined from time to time by the Minister with the consent of the Minister for Public Expenditure and Reform.

7. A person employed in accordance with Regulation 4 may be remunerated out of monies provided by the Oireachtas—

(a) in the case of a position in a school for children of EU staff, for a period of no more than one school year at a time, and

(b) in any other case, for non-consecutive periods of no more than 5 consecutive school days (within the meaning of section 25 of the Act of 1998).

8. Where a person is employed in accordance with Regulation 4, the relevant employer shall continue to make all reasonable efforts to employ a registered teacher in the position in which the person is being employed.

9. It shall be a term and condition of a contract of employment of a person employed in accordance with Regulation 4 that the contract shall terminate—

(a) immediately, if the relevant employer can employ a registered teacher in the position in which the person is being employed, or

(b) at the expiry of the relevant time period under Regulation 7,

whichever happens first.

10. (1) Where a person is employed in accordance with Regulation 4, the Principal of the school concerned shall record in writing that—

(a) following the making of all reasonable efforts by the relevant employer to appoint a registered teacher in accordance with the procedures determined by the Minister pursuant to section 24(11) of the Act of 1998, a registered teacher is not available to be employed by the school in the position in which the person is being employed and the reasons for this, and

(b) the person employed in accordance with Regulation 4 is competent and capable of acting in place of a registered teacher in the school.

(2) The Principal of each school shall provide information to the board of the school as to the circumstances in which a person has been employed in that school in accordance with Regulation 4.

(3) The board of a school shall, in accordance with—

(a) section 20, and

(b) the procedures it has established pursuant to section 21,

of the Act of 1998, inform the parents of students in the said school of the persons employed by the said board in accordance with Regulation 4.

(4) All records to which this Regulation refers shall be retained by the Principal of the school for not less than 2 years from the end of the school year in which the employment concerned occurred and shall, on request, be provided to—

(a) a member of the board of the said school, or

(b) the Minister, or a person appointed by him or her for the purpose of this Regulation.



GIVEN under my Official Seal,
27 January 2014.

RUAIRÍ QUINN,
Minister for Education and Skills.

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