
STATUTORY INSTRUMENTS

1997 No. 1772 (N.I. 15)

The Further Education (Northern Ireland) Order 1997 ^{F1}

- - - - 22nd July 1997

THE FURTHER EDUCATION (NORTHERN IRELAND) ORDER 1997

Introductory Title and commencement (1) This Order may be cited as the Further Education...

Introductory

1. Title and commencement
2. Interpretation
3. Definition of “further education”

Duties and powers of the Department

4. Powers of Department in relation to further education
5. Funding of further education
6. Establishment of new institution of further education
7. Amalgamations of institutions of further education
8. Recognition of institutions of further education
9. Discontinuance of institution of further education

Transfer of management of institutions of further education

10. Transfer of management of institutions of further education from boards to incorporated governing bodies

Governing bodies – constitution, etc.

11. Constitution of governing body and conduct of institution
12. Making and amendment of instruments of government and articles of government

Duties and powers of governing bodies

13. General duties of governing bodies
14. Principal powers of governing body
15. Restrictions on exercise of principal powers of governing body
16. Provision of higher education by institutions of further education

Changes to legislation: There are currently no known outstanding effects for the The Further Education (Northern Ireland) Order 1997. (See end of Document for details)

Conduct of institutions of further education

- 17. Regulations as to carrying on of institutions of further education
- 17A. Provision of information
- 18. Efficiency reviews

Accounts, reports, information, etc.

- 19. Accounts of governing body
- 20. Development plans
- 21. Reports, returns and information
- 22. Information as to provision of further education

Functions of boards in relation to institutions of further education

- 23. Functions of boards in relation to institutions of further education

Supplementary

- 24. Regulations and orders
- Art. 25—Amendments and repeals

SCHEDULES

SCHEDULE 1 — COURSES OF HIGHER EDUCATION

- 1. The descriptions of courses referred to in the definition of “higher education” in Article 2(2)...
- 2. For the purposes of paragraph 1(c) a professional examination is at higher level if its...
- 3. For the purposes of paragraph 1(d) a course is to be regarded as providing education...

SCHEDULE 2 — TRANSFER OF MANAGEMENT OF INSTITUTIONS OF FURTHER EDUCATION

— Interpretation

- 1. In this Schedule— “former governing body”, in relation to an institution of further education, means...
 - Transfer of certain property, rights and liabilities
- 2. (1) Subject to the following provisions of this Schedule, on the transfer date there shall...
 - Apportionment of certain property, rights and liabilities
- 3. (1) The land, other property, rights and liabilities mentioned in paragraph 2(5) or (6) shall,...
 - Identification of properly, rights and liabilities for purposes of transfer
- 4. (1) In respect of each institution of further education, the relevant board and the former...
 - Resolution of disputes
- 5. (1) Where it appears to the Authority or the former governing body of an institution...
 - Right to production of documents of title
- 6. (1) Where any land or other property is, or rights or liabilities are, transferred to...
 - Third parties affected by transfer

7. (1) Any transfer of land or other property, rights or liabilities from the Authority to...
 - Agreements concerning functional work
8. (1) Where, immediately before the transfer date, arrangements exist for the carrying out by the...
 - Transfer of staff
9. (1) Subject to sub-paragraphs (8) to (10), this paragraph applies to any person who immediately...
 - Restrictions on boards entering into contracts
10. (1) This paragraph applies to any contract which— (a) is entered into by the Authority...
 - Construction of agreements
11. (1) Where any rights or liabilities transferred under this Schedule are rights or liabilities under...
 - Enforcement of transferred rights, etc.
12. (1) Without prejudice to the generality of paragraph 11, the transferee under a transfer made...
 - Certification of transfer by Department
13. A certificate issued by the Department and stating that any land or other property specified...
 - Provision of information to new governing bodies
14. The relevant board shall as soon as reasonably practicable after the transfer date provide to...
 - Stamp duty
15. Stamp duty shall not be chargeable in respect of any agreement made or transfer effected...
 - Attribution of surpluses and deficits
16. (1) Not later than such date as the Department may direct, the relevant board and...
 - Power to amend trust deeds, etc.
17. (1) The Department may by order make such modifications as it thinks fit in any...
 - Amendment of memorandum or articles of association of certain companies
18. (1) This paragraph applies to a company formed by the former governing body of an...
 - Power to make further provision in relation to transfers
19. (1) The Department may by order make such further provision as appears to the Department...
 - Powers of former governing bodies
20. (1) The former governing body of an institution of further education shall have such of...

SCHEDULE 3 — GOVERNING BODIES OF INSTITUTIONS OF FURTHER EDUCATION

- Status and name (1) (1) The governing body of an institution of further education shall...

Status and name

1. (1) The governing body of an institution of further education shall not— (a) be regarded...

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Membership

2. (1) The instrument of government of an institution of further education shall provide for the...

Chairman and other officers

3. (1) The instrument of government of an institution of further education shall provide for— (a)...

Eligibility and tenure of office

4. (1) Subject to sub-paragraph (2), the instrument of government of an institution of further education...

Payments to members

5. (1) The articles of government of an institution of further education may provide, for the...

Proceedings

6. (1) Subject to any provision made by the articles of government of an institution of...

Committees, etc.

7. (1) The articles of government of an institution of further education— (a) shall provide for...

Delegation of functions

8. The articles of government of an institution of further education may provide for the delegation...

Evidence of documents

9. (1) In any legal proceedings a document purporting— (a) to be a document made or...

Staff

10. (1) The articles of government of an institution of further education shall make provision for...

— Schedule 4—Amendments

— Schedule 5—Repeals

Changes to legislation:

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