
STATUTORY INSTRUMENTS

2003 No. 424

The Education and Libraries (Northern Ireland) Order 2003

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Amendments to the 1986 Order

Determination of travelling and subsistence allowances

29.—(1) In Article 79 of the 1986 Order in paragraph (1) (travelling and subsistence payments to members of boards and others to be on such conditions and at such rates as the Department may determine) the words “, on such conditions and at such rates as the Department may determine,” shall be omitted.

(2) After that paragraph there shall be inserted—

“(1A) Payments under paragraph (1) shall be made at such rates and on such conditions as may be—

- (a) determined by the board; and
- (b) approved by the Department.”.

(3) In Article 80 of the 1986 Order (payments in respect of official visits to be at rates determined by the Department) for the words from the beginning to “travelling” there shall be substituted—

“(1) A board may—
(a) defray any travelling”.

(4) At the end of that Article there shall be added—

“(2) Payments under paragraph (1)(a) shall be made at such rates and on such conditions as may be—

- (a) determined by the board, after consultation with the Staff Commission; and
- (b) approved by the Department.”.

(5) In Article 92(2)(b) of the 1986 Order (payments in respect of attendance at conferences to be at such rates as the Department may determine) the words “at such rates as the Department may determine,” shall be omitted.

(6) At the end of that Article there shall be added—

“(3) Payments under paragraph (2)(b) shall be made at such rates and on such conditions as may be—

- (a) determined by the board, after consultation with the Staff Commission; and
- (b) approved by the Department.”.

Officers of boards

30. For Article 83 of the 1986 Order (officers of boards) there shall be substituted—

“Officers of boards

83.—(1) A board shall appoint a fit person to be—

- (a) the chief executive of the board who shall also be the chief education officer of the board and act as secretary to the board; and
- (b) the chief librarian of the board who shall also act as secretary to the library committee of the board.

(2) In connection with making an appointment to any post under paragraph (1), a board shall consult the Staff Commission as to—

- (a) the qualifications and previous experience to be required of candidates for appointment;
- (b) the arrangements for advertising the post; and
- (c) the terms and conditions on which the appointment is to be made.

(3) A board shall not appoint—

- (a) a person as chief executive unless the Department approves the appointment;
- (b) a person as chief librarian unless the Department of Culture, Arts and Leisure approves the appointment.

(4) In order to obtain such approval, the board shall send to the department concerned the names, qualifications and previous experience of those applicants considered by the board to be suitable for appointment, indicating the name of the person whom the board proposes to appoint.

(5) Where a board makes an appointment under paragraph (1) it shall notify each of the funding departments of—

- (a) the name of the person appointed; and
- (b) the date on which the appointment is to take effect.

(6) The Department may direct that the terms and conditions relating to remuneration of —

- (a) chief executives and chief librarians of boards; and
- (b) other officers of boards of such class or description as may be specified in the direction,

shall not be fixed or altered without the approval of the Department.

(7) Before granting its approval under paragraph (6), the Department shall consult the Staff Commission.

(8) Two or more boards may arrange for the appointment of the same person to be an officer of both or all those boards; but the boards concerned shall notify each of the funding departments of any such arrangement.”.

Principals on teaching appointments committee

31.—(1) Part I of Schedule 3 to the 1986 Order (teaching appointments committees) shall be amended as follows.

(2) In paragraph 1(a) (committee to include two principals of controlled schools under the management of the board) the words “under the management of the board” shall be omitted.

(3) In paragraph 2(1) for head (b) (selection of principals to attend committee from panel appointed under head (a)) there shall be substituted—

- “(b) subject to head (c), two principals from that panel shall be appointed by the board to attend each meeting of the teaching appointments committee;
- (c) where it is not practicable to make any appointment in accordance with head (b) (whether because of unavailability or otherwise), the board may instead appoint one or (as the case may require) two principals from a panel prepared by any other board under head (a);
- (d) different principals may be appointed under head (b) or (c) to attend different meetings of the committee.”.

Amendments to the 1989 Order

Programme of training by boards

32.—(1) Article 149 of the 1989 Order (programmes of training by boards) shall be amended as follows.

(2) In paragraph (1) (board to prepare and submit programme to Department at such times and in such form as the Department may direct) the following shall be omitted—

- (a) the words “, at such times and in such form as the Department may direct,”; and
- (b) the words “and submit to the Department”.

(3) Paragraph (3) (power of Department to request information in connection with submitted programme) and paragraph (4) (power of Department to approve submitted programme) shall be omitted.

(4) In paragraph (5) (duty to give effect to approved programme) for “approved by the Department” substitute “prepared by it”.

(5) For paragraph (6) (revision or amendment of programme) there shall be substituted—

- “(6) A board may at any time prepare a revised programme or an amendment to an existing programme; and paragraphs (2) and (5) apply in relation to any such revised programme or amendment as they apply in relation to the original programme.”.

Terms of appointment of members of CCMS

33.—(1) In paragraph 5 of Schedule 8 to the 1989 Order (terms of appointment of members of Council for Catholic Maintained Schools), sub-paragraph (2) (which provides for certain members of the Council to be appointed at a different time from the other members) shall cease to have effect.

(2) In consequence of paragraph (1), the following provisions of that Schedule shall cease to have effect—

- (a) in paragraph 3(11) the words “(except paragraph 5(2))”;
- (b) in paragraph 5(1) the words “Subject to sub-paragraph (2),”;
- (c) in paragraph 5(3) the words “or (2)” and “or (as the case may be) sub-paragraph (2)”.

(3) The term of office of a person who immediately before the coming into operation of this Article is a member of the Council appointed in accordance with paragraph 5(2) of Schedule 8 to the 1989 Order shall expire on the day preceding that from which the first of the next subsequent appointments made to the Council in accordance with paragraph 5(1) of that Schedule are effective.

*Amendments to the 1998 Order***Provision of secondary education for pupils by institutions of further education**

34. In Article 83 of the 1998 Order for paragraph (2) there shall be substituted—

“(2) A board may arrange for secondary education to be provided by an institution of further education—

- (a) on behalf of the Board of Governors of a grant-aided school in its area, to meet the needs of any registered pupils at the school who are in key stage 4; or
- (b) to meet the needs of any child over the age of 14 but under compulsory school age who is resident in its area and is not a registered pupil at any grant-aided school.”.

The General Teaching Council for Northern Ireland: fees and procedures

35.—(1) Chapter I of Part VI of the 1998 Order (the General Teaching Council for Northern Ireland) shall be amended as follows.

(2) In Article 35(3) (person not to be employed as teacher unless registered) at the beginning there shall be inserted “Subject to such exceptions as may be provided for by or under regulations,”.

(3) In Article 36(3)(f)(iii) (procedures in connection with cases of misconduct to be specified in regulations) after the words “specified in” there shall be inserted “or determined under”.

(4) After Article 36(4) (regulations to authorise charging of fees by Council in respect of certain matters) there shall be inserted—

“(4A) The Council, in exercising any power to fix fees authorised by virtue of paragraph (4), shall have regard to the expenditure of the Council in exercising—

- (a) its functions under this Order relating to registration; and
- (b) all other functions conferred on it under this Order or any other statutory provision.”.

*Miscellaneous***Abolition of corporal punishment**

36.—(1) Corporal punishment given by, or on the authority of, a member of staff to a child—

- (a) for whom education is provided at any school or institution of further education, or
- (b) for whom education is provided, otherwise than at school, under any arrangements made by a board under Article 86 of the 1998 Order,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

(2) Paragraph (1) applies to corporal punishment so given to a child at any time, whether at the school, institution or other place at which education is provided for the child, or elsewhere.

(3) In this Article any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.

(4) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—

- (a) an immediate danger of personal injury to, or
- (b) an immediate danger to the property of,

any person (including the child himself).

(5) In this Article—

“child” means a person under the age of 18;

“member of staff”, in relation to the child concerned, means—

- (a) any person who works as a teacher at the school, institution or other place at which education is provided for the child, or
- (b) any other person who (whether in connection with the provision of education for the child or otherwise)—
 - (i) works at that school, institution or place, or
 - (ii) otherwise provides his services there (whether or not for payment), and has lawful control or charge of the child.

Reports and returns

37.—(1) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to the Department as the Department may reasonably require for the purposes of its functions under any statutory provision.

(2) Paragraph (1) applies to—

- (a) a board;
- (b) the trustees of a school;
- (c) the Board of Governors of a grant-aided school;
- (d) the proprietor of an independent school;
- (e) the Council for Catholic Maintained Schools;
- (f) the Staff Commission; and
- (g) the Northern Ireland Council for the Curriculum, Examinations and Assessment.

(3) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to a board as the board may reasonably require for the purposes of its functions under any statutory provision.

(4) Paragraph (3) applies to—

- (a) the trustees of a school;
- (b) the Board of Governors of a grant-aided school; and
- (c) the proprietor of an independent school.

(5) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to the Department of Culture, Arts and Leisure as that Department may reasonably require for the purposes of its functions under any statutory provision.

(6) Paragraph (5) applies to—

- (a) a board; and
- (b) the Staff Commission.

(7) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to the Department for Employment and Learning as that Department may reasonably require for the purposes of its functions under any statutory provision.

(8) Paragraph (7) applies to—

- (a) a board;
- (b) the managers of a college of education;
- (c) the governing body of a university; and
- (d) the Northern Ireland Council for the Curriculum, Examinations and Assessment.

(9) In Article 21 of the [Further Education \(Northern Ireland\) Order 1997 \(NI 15\)](#) in paragraph (1) (b) (duty of governing body of institution of further education to provide information to a board for the purposes of its functions under the Education Orders) for the words “the Education Orders” there shall be substituted “any statutory provision”.

Annual report of boards

38.—(1) A board shall in respect of each financial year prepare a report on the exercise of its functions in that year.

(2) A report shall—

- (a) be published; and
- (b) be laid before the Assembly,

by the board by such date as the Department may direct.

(3) Subject to Article 12(5) (report under this Article to contain annual statement of accounts of board and report thereon), a report under this Article shall contain such information as the Department may direct.

(4) Before giving a direction under this Article, the Department shall consult the other funding departments.

Supplementary provisions

Regulations

39.—(1) Regulations under this Order shall be subject to negative resolution.

(2) Regulations under this Order may contain such incidental, supplementary and transitional provisions as appear to the Department to be appropriate.

Minor and consequential amendments and repeals

40.—(1) The statutory provisions set out in Schedule 2 shall have effect subject to the minor and consequential amendments specified in that Schedule.

(2) The statutory provisions set out in Schedule 3 are hereby repealed to the extent specified in the second column of that Schedule.