
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 70

EDUCATION

**Education and Libraries (Defined Activities) (Exemptions)
(Amendment) Order (Northern Ireland) 2000**

Made - - - - *9th March 2000*
Coming into operation *1st May 2000*

The Department of Education, in exercise of the powers conferred on it by Articles 4(8) and 17(3) of the Education and Libraries (Northern Ireland) Order 1993(1) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Education and Libraries (Defined Activities) (Exemptions) (Amendment) Order (Northern Ireland) 2000 and shall come into operation on 1st May 2000.

(2) In this Order “the principal Order” means the Education and Libraries (Defined Activities) (Exemptions) Order (Northern Ireland) 1994(2).

Activities not to be treated as defined activities

2. For Article 2 of the principal Order there shall be substituted the following Article—

“Activities not to be treated as defined activities

2.—(1) An activity falling within Article 4(1) of the Order shall not, if carried out by a specified board, be treated as a defined activity where any one of the following conditions is fulfilled, namely—

- (a) the activity in question constitutes work carried out for or on behalf of a grant-aided school;
- (b) the activity in question constitutes work carried out through an employee who is required as a condition of his employment to live in particular accommodation for the better performance of his duties and the work forms part of his duties;

(1) S.I. 1993/2810 (N.I. 12). See Article 2(3) of that Order. “Department” and “board” are defined in S.I. 1986/594 (N.I. 3) Article 2(2)
(2) S.R. 1994 No. 325

- (c) the amount estimated by the board as the gross cost of carrying out the activity in question through its direct labour organisation or a similar organisation in the immediately preceding year did not exceed £150,000; or
 - (d) the activity in question is carried out before 31st March 2003.
- (2) For the purpose of paragraph (1)(c) the gross cost of carrying out any activity shall—
- (a) include such proportion of the board’s administrative expenses, other than the expenses that would be incurred by the board whether the activity were carried out by it or by another person, as properly attributable to the carrying out of the activity;
 - (b) exclude the cost of any work that is treated as carried out by the board by virtue of Article 3 of the Order; and
 - (c) exclude the cost of any work by virtue of paragraph (1)(b) does not fall within a defined activity”.

Revocations

3. The following statutory provisions are hereby revoked, namely—
- (a) Article 3 of the Education and Libraries (Defined Activities) (Exemptions) Order (Northern Ireland) 1994⁽³⁾; and
 - (b) the Education and Libraries (Defined Activities) (Exemptions) (Amendment) Order (Northern Ireland) 1998⁽⁴⁾.

Sealed with the Official Seal of the Department of Education on 9th March 2000.

L.S.

R. Buchanan
Senior Officer of the
Department of Education

⁽³⁾ S.R. 1994 No. 325
⁽⁴⁾ S.R. 1998 No. 320

EXPLANATORY NOTE

(This note is not part of the Order.)

Under Article 2 of this Order the substituted Article 2(1)(d) provides that an activity shall not be treated as a defined activity where that activity is carried out by a Board on or before 31st March 2003. Otherwise the Order consolidates the provisions of the Education and Libraries (Defined Activities) (Exemptions) Order (Northern Ireland) 1994 and the Education and Libraries (Defined Activities) (Exemptions) (Amendment) Order (Northern Ireland) 1998.