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STATUTORY INSTRUMENTS

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1976 No. 58 (N.I. 2)

NORTHERN IRELAND

The Education (Northern Ireland) Order 1976

*Laid before Parliament in draft*

*Made* 19th January 1976

*Coming into Operation* 2nd February 1976

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation, construction and citation.
3. Management of controlled schools.
4. Power to amend date on which persons are deemed to attain the upper limit of compulsory school age.
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7. Provision of clothing, etc., for pupils.
8. Employment of peripatetic and supply teachers.
9. Interchange of teachers with teachers outside Northern Ireland.
10. Payments to chairmen of boards.
11. Contributions to certain bodies.
12. Employers' superannuation and social security contributions.
13. Increase of grants for certain voluntary schools.
14. Minor amendments of the principal Order.

SCHEDULE: Minor Amendments of the principal Order

At the Court at Buckingham Palace, the 19th day of January 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

### *Title and commencement*

1. This Order may be cited as the Education (Northern Ireland) Order 1976 and shall come into operation on the fourteenth day after the day on which it is made.

### *Interpretation, construction and citation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (a) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of Education;

“the principal Order” means the Education and Libraries (Northern Ireland) Order 1972 (b).

(3) This Order and the principal Order shall be construed as one and may be cited together as the Education and Libraries (Northern Ireland) Orders 1972 and 1976.

### *Management of controlled schools*

3. After Article 8 (2) of the principal Order there shall be inserted the following paragraph:—

“(2A) Members of a school management committee of a new controlled school appointed in accordance with provisions required to be included in a scheme by paragraphs 2 (a) and (c), 3 (a) and (c) or 4 (a) and (c) of Schedule 4, may exercise the functions of that committee until members are appointed in accordance with provisions required to be included in that scheme by paragraphs 2 (b), 3 (b) or 4 (b) of Schedule 4.”.

### *Power to amend date on which persons are deemed to attain the upper limit of compulsory school age.*

4.—(1) The Department may by order subject to affirmative resolution amend the dates specified in paragraph (2) of Article 36 of the principal Order on or before which persons attaining the age of sixteen during the periods specified therein are deemed, or deemed not, to have reached the upper limit of compulsory school age and accordingly at the end of sub-paragraph (a) and of sub-paragraph (b) of that paragraph there shall be added the words “or such other date as the Department may, by order subject to affirmative resolution, prescribe”.

(2) Any such order amending paragraph (2) (b) of the said Article 36 may make such consequential amendment of paragraph (5) of that Article (compulsory school age for family allowances and social security purposes) as the Department considers expedient and accordingly after paragraph (5A) of that Article there shall be inserted the following paragraph:—

“(5B) An order under paragraph (2) amending sub-paragraph (b) of that paragraph may make such consequential amendment of paragraph (5) as the Department considers expedient.”.

### *Provision of transport for, and payment of travelling expenses of, pupils*

5. Article 41 (1) and (3) of the principal Order (provision of transport for, and payment of travelling expenses of, children and young persons who are pupils at a grant-aided school, an institution of further education or the Ulster College) shall apply to all pupils at grant-aided schools and to such pupils at institutions of further education and the Ulster College as the Department may from time to time specify and accordingly—

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(a) 1954 c. 33 (N.I.).

(b) S.I. 1972/1263 (N.I. 12).

- (a) in Article 41 (1) and (3) the words "children and young persons who are" shall be omitted;
- (b) in Article 41 (1) after the words "grant-aided school," there shall be inserted the words "and such pupils as the Department may from time to time specify at"; and
- (c) in Article 41 (3) after the words "grant-aided school," there shall be inserted the words "and such pupils as the Department may from time to time specify in attendance at".

*Payment of whole or part of cost of board and lodging otherwise than at school for pupils aged 18 and over*

6. After Article 42 of the principal Order there shall be inserted the following Article:—

*"Payment of whole or part of cost of board and lodging otherwise than at school for pupils aged 18 and over*

42A. Where a board is satisfied with respect to any pupil who has attained the age of eighteen years and is ordinarily resident within its area that secondary education suitable to his age, ability and aptitude can best be provided for him at a particular grant-aided school and that, in order that such education can be so provided for him, it is necessary for him to reside away from home and otherwise than at that school, the board may pay the whole or part of the cost of such board and lodging under such arrangements as may be approved by the Department."

*Provision of clothing, etc., for pupils*

7. For paragraphs (1) and (2) of Article 48 of the principal Order (provision of clothing, etc., for pupils) there shall be substituted the following paragraphs:—

"(1) Subject to a scheme which shall be framed by a board and approved by the Department, where it appears to the board that a pupil at a grant-aided school or institution of further education, being a pupil of such description as is specified in the scheme, is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school or institution, the board shall provide such pupil with or contribute towards the cost of the provision of such clothing as is specified in the scheme and is in the opinion of the board necessary to ensure that he is adequately and suitably clad.

(2) A scheme under paragraph (1) shall also, subject to such conditions as are specified in the scheme, authorise a board to defray the expenses of such pupils attending the school or institution as are specified in the scheme being expenses which in the opinion of the board are necessary to enable those pupils to take part in the activities of the school or institution without hardship to themselves or their parents."

*Employment of peripatetic and supply teachers*

8.—(1) In Article 53 (2) (b) of the principal Order (employment of teachers by a board) for the word "controlled" there shall be substituted the word "grant-aided".

(2) In paragraph 6 (7) of Schedule 10 to the principal Order (appointment of assistant teachers to controlled schools) for the words "in a controlled school under the management of the board or" there shall be substituted the words "by it or in".

(3) After paragraph 8 (3) of Schedule 10 to the principal Order (appointment of peripatetic and supply teachers) there shall be added the following subparagraph:—

“(4) A board may without complying with the foregoing provisions of this paragraph—

- (a) appoint as a peripatetic or supply teacher a teacher employed by it or a teacher employed in a grant-aided school in the area of the board; or
- (b) employ a peripatetic or supply teacher in a part-time or temporary capacity.”.

(4) In paragraph 10 of Schedule 10 to the principal Order after the word “peripatetic” there shall be inserted the words “or supply”.

#### *Interchange of teachers with teachers outside Northern Ireland*

9. In Article 59 of the principal Order (which authorises the making of regulations enabling interchange of teachers with teachers outside Northern Ireland) for the words from “may provide” there shall be substituted the words “may, in connection with any period of interchange, make such provision as the Department considers appropriate in relation to such teachers as are specified in the regulations.”.

#### *Payments to chairmen of boards*

10. Regulations made under Article 67 (3) of the principal Order (payments to members of boards) may provide for payments to chairmen of boards in respect of their duties as chairmen and accordingly in that Article after the words “of the regulations,” there shall be inserted the words “of payments to the chairman of a board for or in relation to his functions as chairman of the board and”.

#### *Contributions to certain bodies*

11. After Article 81 of the principal Order there shall be inserted the following Article:—

##### *“Contributions to certain bodies*

81A.—Subject to any direction which may be given by the Department, a board may either alone or together with another board or other boards defray or contribute towards the expenses of bodies to which the board is affiliated or of which the board is a member.”.

#### *Employers' superannuation and social security contributions*

12. For sub-paragraphs (a) and (b) of Article 105 (3) of the principal Order (grants by the Department) there shall be substituted the following sub-paragraphs:—

- “(a) to the managers of voluntary schools grants in respect of expenditure incurred or to be incurred by them in the payment of such employers' superannuation contributions in respect of such teachers employed by them as may be specified in the regulations;
- (b) to the managers of maintained schools grants equal to, and to the managers of voluntary schools which are not maintained schools grants equal to sixty-five per cent. of, the amount of the expenditure incurred or to be incurred by them in the payment of secondary Class 1 con-

tributions under the Social Security (Northern Ireland) Act 1975 (a) in respect of such teachers employed by them as may be specified in the regulations.”.

*Increase of grants for certain voluntary schools*

13.—(1) In Article 106 (1) (a) (i) and (b) (i) of the principal Order (grants by Department equal to eighty per cent. of approved expenditure incurred for the provision or alteration of the premises of, or the provision of equipment for, certain voluntary schools) for the words “eighty per cent.” there shall be substituted the words “eighty-five per cent.”.

(2) Paragraph (1) shall apply only to grants in respect of—

(a) the provision or alteration of premises the work on which commenced; and

(b) the provision of equipment the expenditure for which was approved, on or after 6th November 1974 and any question as to whether the work commenced or the expenditure was approved on or after that date shall be determined by the Department and that determination shall be final.

*Minor amendments of the principal Order*

14. In addition to the amendments contained in the foregoing provisions of this Order, the provisions of the principal Order set out in the Schedule shall be amended in the manner specified therein.

*N. E. Leigh*

SCHEDULE

Article 14.

MINOR AMENDMENTS OF THE PRINCIPAL ORDER

1. In Article 9 (4) for the word “Ministry” where it occurs for the second time there shall be substituted the words “Head of the Department”.

2. In Article 10 (1) (b) for the words “employers’ national insurance and” there shall be substituted the words “secondary Class 1 contributions under the Social Security (Northern Ireland) Act 1975 and employers”.

3. In Article 56 (1) for the words “in the area of” there shall be substituted the words “under the management of”.

4. In Article 60 (2) for the words “school committee” there shall be substituted the words “maintained school committee”.

5. In Article 68 (b) before the word “incurred” there shall be inserted the word “reasonably” and after the words “distinguished persons” there shall be inserted the words “residing in or”.

6. In Article 76 (1) for the word “entitled” there shall be substituted the word “empowered”.

7. In Article 84 (5) (a) after the word “at” there shall be inserted the words “, or disturbance of,”.

8. In Schedule 2, in paragraph 9 (1) for the words “a chairman and a” there shall be substituted the words “one of its members to be chairman and one of its members to be”.

9. In paragraph 3 of Schedule 3—

- (a) in sub-paragraph (1) the words “or, as the case may be, appointed” and the words “or appointed” are hereby repealed;
- (b) in sub-paragraph (2), after the words “member of the committee” there shall be inserted the words “nominated and appointed under paragraph 1 (b), (c) or (d)”, for the words “where a member” there shall be substituted the words “where such a member” and the words “or appointed” are hereby repealed.

10. In Schedule 4—

- (a) in paragraphs 2 (b), 3 (b) and 4 (b) for the words after the word “nominated” there shall be substituted the words “at a meeting, or where two or more schools are grouped under one committee and the board so determines at a meeting in respect of each school, held in accordance with regulations made by the Department, by the parents of the pupils attending the school or schools and, where a board determines that a meeting shall be held in respect of each of two or more such schools, the board shall determine the number of persons to be nominated at each such meeting;” and
- (b) in paragraph 5 (1) after the word “school” where it twice occurs there shall be inserted the words “or schools” and for the words “the absence of parents’ representatives” there shall be substituted the words “that all or any of the parents’ representatives have not been nominated”.

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order enables the management committee of a new controlled school to function during the period before parents of pupils are appointed to it, enables the dates on which persons are deemed to attain the upper limit of compulsory school age to be altered, extends existing provisions regarding contributions towards board and lodging otherwise than at school and cost of clothing and regarding transport for and travelling expenses of pupils and makes further provision regarding the interchange of teachers with teachers outside Northern Ireland. The Order makes further provision regarding the appointment of peripatetic and supply teachers, provides for payments to chairmen of education and library boards, makes further provision regarding grants to managers of voluntary schools, including increasing the percentage which may be paid by the Department of Education of certain approved expenditure of voluntary schools. The Order also makes a number of minor amendments to the Education and Libraries (Northern Ireland) Order 1972.