
STATUTORY INSTRUMENTS

1980 No. 1958 (N.I. 16)

NORTHERN IRELAND

The Education (Northern Ireland) Order 1980

Laid before Parliament in draft

Made 17th December 1980

Coming into Operation 18th January 1981

ARRANGEMENT OF ORDER

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SCHEDULE—Repeals.

At the Court at Buckingham Palace, the 17th day of December 1980

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:—

Introductory

Title and commencement

1.—(1) This Order may be cited as the Education (Northern Ireland) Order 1980.

(2) This Order shall come into operation on the expiration of the period of one month from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) 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 (c).

(3) Any expression used in this Order to which a meaning is assigned by the principal Order has the same meaning in this Order as in that Order.

Nursery education

Discretion of boards to provide nursery education

3. In Article 6 of the principal Order (which imposes a duty on boards to secure provision of primary and secondary education)—

(a) in paragraph (1)—

(i) at the beginning there shall be inserted the words “Subject to paragraph (1A),”;

(ii) sub-paragraph (a) (which requires boards to have regard to the need to secure provision of nursery schools or nursery classes in other schools) shall cease to have effect;

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Each board may provide nursery schools or nursery classes in other controlled schools; and Article 7 (1) (provision, maintenance and management of controlled schools by boards) shall apply to any provision made by a board under this paragraph.”.

(a) 1974 c. 28.

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

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

Removal of certain supervisory powers of the Department

Fees for board and lodging at primary, intermediate and special schools

4. In Article 44 (2) of the principal Order (which provides that fees for board and lodging of such amount as may be approved by the Department may be charged where a pupil in attendance at a primary, intermediate or special school is provided with board and lodging at the school)—

- (a) the words “of such amount as may be approved by the Ministry” shall cease to have effect;
- (b) at the end there shall be added the words “; but if the school is a voluntary school the amount of the fees shall be subject to the approval of the Department”.

Charges for library services

5. In Article 65 of the principal Order (which provides that the Department may by regulations authorise the charges which a board may make for library services provided by the board)—

- (a) in paragraph (1), the words from “for such library services” to “making of charges”, and
 - (b) in paragraph (2), the words “regulations made under”,
- shall cease to have effect.

Powers of boards as to conferences

6. In Article 81 (2) of the principal Order (which provides that, subject to any conditions specified by the Department, a board may, amongst other things, organise or contribute towards the expenses of conferences for the discussion of questions relating to any of the board’s functions under the principal Order), the words from the beginning to “Ministry” shall cease to have effect.

Miscellaneous

Payment of awards to persons other than the beneficiary

7.—(1) In Article 39 of the principal Order (provision of awards by boards)—

- (a) in paragraph (1), after the words “make awards to” there shall be inserted the words “, or in respect of,”;
- (b) in paragraph (3), after the words “awards of such amount, to” there shall be inserted the words “, or in respect of,”.

(2) In Article 40 of the principal Order (provision of awards by the Department)—

- (a) in paragraph (1), after the words “make awards to” there shall be inserted the words “, or in respect of,”;
- (b) in paragraph (2), after the words “such description to” there shall be inserted the words “, or in respect of,”.

Provision of books and materials for certain pupils at controlled grammar schools

8.—(1) A board shall, in accordance with a scheme framed by the board and approved by the Department, provide free of charge for such pupils at controlled grammar schools as are specified in the scheme, books, writing

material, stationery, instruments, practice material and other articles which are necessary to enable those pupils to take full advantage of the education provided.

(2) Accordingly, in Article 45 (1) of the principal Order, (which requires a board, in accordance with a scheme framed by the board and approved by the Department, to provide books and materials free of charge for all pupils at primary, intermediate and special schools) after the words "special schools" there shall be inserted the words "and such pupils at controlled grammar schools as are specified in the scheme".

Salaries of teachers

9. For Article 57 of the principal Order (salaries of teachers) there shall be substituted the following Article—

"Salaries of teachers

57.—(1) The Department shall prescribe rates of salaries for teachers in grant-aided schools and institutions of further education and in colleges of education and for peripatetic and supply teachers.

(2) Where any question arises as to the rate of salary or allowances to be paid under paragraph (1) to a teacher, the decision of the Department shall, except on a point of law, be final.

(3) The Department shall, except where regulations otherwise provide, pay the salaries and allowances (if any) of teachers—

(a) employed by a board;

(b) employed by any person other than a board in a grant-aided school; and any such regulations shall specify any person (other than the Department) by whom the salaries and allowances (if any) are to be paid and the categories of teachers for the payment of whose salaries and allowances (if any) that person has responsibility.

(4) Regulations under paragraph (1) may make provision—

(a) for such allowances in addition to salary as are specified in the regulations;

(b) for salaries and allowances to be calculated in such cases as the Department thinks proper by reference to a determination of the Department (however expressed)."

Certain unnecessary enactments

10. The following enactments which are unnecessary shall cease to have effect—

(a) the Endowed Schools (Ireland) Act 1813 (a);

(b) the Endowed Schools (Ireland) Act 1822 (b);

(c) the Army Schools Act 1891 (c);

(d) the Technical and Industrial Institutions Act 1892 (d).

Repeals

11. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the third column of that Schedule.

N. E. Leigh,

Clerk of the Privy Council.

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1813 c. 107.	The Endowed Schools (Ireland) Act 1813.	The whole Act.
1822 c. 79.	The Endowed Schools (Ireland) Act 1822.	The whole Act.
1891 c. 16.	The Army Schools Act 1891.	The whole Act.
1892 c. 29.	The Technical and Industrial Institutions Act 1892.	The whole Act.
S.I. 1972/ 1263 (N.I. 12).	The Education and Libraries (Northern Ireland) Order 1972.	<p>In Article 6 (1), sub-paragraph (a).</p> <p>In Article 44 (2), the words from "of such amount" to "Ministry".</p> <p>In Article 65—</p> <p>(a) in paragraph (1), the words from "for such library services" to "making of charges";</p> <p>(b) in paragraph (2), the words "regulations made under".</p> <p>In Article 81 (2), the words from the beginning to "Ministry".</p> <p>In Schedule 9, Part IV.</p>
S.I. 1978/ 1040 (N.I. 10).	The Education (Northern Ireland) Order 1978.	In Article 8, paragraph (2).
S.I. 1978/ 1041 (N.I. 11).	The Financial Provisions (Northern Ireland) Order 1978.	In Article 11, paragraph (a).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order grants Education and Library Boards a discretion in the provision of education for children under the age of five years (Article 3) and removes certain supervisory powers of the Department of Education by virtue of which the Department has to approve or authorise what the Education and Library Boards do (Articles 4 to 6).

This Order also makes a number of miscellaneous amendments including the repeal of certain enactments. Article 7 enables students' awards to be paid to persons other than the student. Article 8 requires Education and Library Boards to provide books and materials free of charge to certain pupils at controlled grammar schools. Article 9 amends the law on teachers' salaries, in particular permitting regulations to contain provision for the determination of matters by the Department. Article 10 repeals certain nineteenth century enactments which are unnecessary.