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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

**PART X**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Supplementary*

**Temporary exclusion of section 5 of Data Protection Act 1984**

**162.**—(1) Where personal data are transferred under any provision of this Order to a body corporate established under this Order, section 5(1) of the Data Protection Act 1984(1) (prohibition of unregistered holding, etc., of personal data) shall not apply in relation to the holding by that body corporate of the data so transferred or any data of the same description as the data so transferred until the end of the period of six months beginning with the date on which the data are transferred.

(2) Expressions used in paragraph (1) to which a meaning is given for the purposes of that Act of 1984 have the same meaning in that paragraph.

**Stamp duty**

**163.** Stamp duty shall not be chargeable in respect of any transfer effected under Article 27, 75, 83, 84 or 95 or paragraph 4(2) of Schedule 6.

**Regulations and orders**

**164.**—(1) All regulations under this Order shall be subject to negative resolution.

(2) The Statutory Rules (Northern Ireland) Order 1979(2) shall not apply to any order made by the Department under Article 27(1) or (2), 71(13), 76(1)(b), 82(1), 84(2), 86(1) or 102(6) or paragraph 1 of Schedule 6.

(3) Except as provided by paragraphs (4) and (5), all other orders made by the Department under this Order shall be subject to negative resolution.

(4) Orders under Article 5(7), 6(6), 8(5), 34(1), 46(7), 60(8) or 77(13) or paragraph 2(4) or 3(7) of Schedule 8 shall be subject to affirmative resolution.

(5) Paragraph (3) does not apply to an order under Article 1(3).

(6) Regulations and orders under this Order may contain such transitional provision as the Department thinks fit.

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(1) 1979 NI 12  
(2) 1972 c. 9 (N.I.)

### **Transitional provisions**

**165.**—(1) Until a board makes the provision required by Article 102(1) for the management of an institution of further education, the management committee for that institution constituted under Article 28 of the principal Order shall continue in being and may exercise, in relation to the institution, the functions of a governing body under the Education Orders.

(2) Until the making by a board under Article 102(4) for an institution of further education of an instrument and articles of government, the scheme approved for the institution under Article 28(3) of the principal Order shall continue in operation in relation to the institution.

(3) Until the coming into operation in relation to a school of a scheme of management prepared under Article 9B of the principal Order, the scheme approved for the school under Article 10(3) or 11(2) of that Order shall continue in operation in relation to the school.

(4) References in the Education Orders to a scheme of management shall include references to a scheme continuing in operation under paragraph (3); but nothing in any provision of those Orders shall be construed as requiring such a scheme to make any provision which it was not required to make before the making of this Order.

(5) Until the coming into operation of Article 141 references in the Education Orders to the Council for Catholic Maintained Schools shall be construed as references to the body referred to in paragraph 12(1) of Schedule 8.

(6) The Department may by order make such other transitional provision (including the adaptation of any provision of the Education Orders) as appears to the Department to be necessary or expedient in connection with the coming into operation of any provision of this Order.

### **Amendments**

**166.** The statutory provisions specified in Schedule 9 shall have effect subject to the amendments specified in that Schedule.

### **Repeals**

**167.** The statutory provisions set out in Schedule 10 are hereby repealed to the extent specified in the third column of that Schedule.