

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

In Article 2(2) in the definition of “the Education Orders” for “and the 1989 Order” substitute “, the 1989 Order and the Education and Libraries (Northern Ireland) Order 1993”.

In Article 2(2) for the definition of “maintained school” substitute—

““maintained school” means a voluntary school other than a grammar school or a school which has, under Part II of Schedule 5, ceased to be a maintained school;”.

In Article 2(2) in the definition of “managers” for paragraphs (b), (c) and (cc) substitute—

“(b) in relation to a voluntary school or a grant-maintained integrated school, the Board of Governors of the school;”.

In Article 9(1)(b) for the words from “the trustees or Board of Governors of which” to the end substitute “in relation to which an agreement with the board is in force under paragraph 2 of Schedule 6.”.

In Article 9B for paragraph (4) substitute—

“(4) It shall be the duty of the Board of Governors of a voluntary school (other than a maintained school) to prepare a scheme of management for the school.”.

In Article 15(3) for “the trustees or Board of Governors of which have entered into an agreement with the Department under Schedule 6” substitute “in relation to which an agreement with the Department under paragraph 1(1) of Schedule 6 is in force” and the words from “but this paragraph” to the end shall cease to have effect.

In Article 16(4)(a) for the words from “pay to the Department” to the end substitute “repay to the Department such sums as are repayable in accordance with the provisions of regulations under that Article”.

In Article 21 for paragraph (3) substitute—

“(3) Subject to paragraph (3A), in—

- (a) a controlled integrated school;
- (b) a grant-maintained integrated school; and
- (c) a voluntary school,

the religious education and collective worship required by paragraph (1) shall be under the control of the Board of Governors of the school and that religious education shall be subject to such arrangements for inspection and examination as the Board of Governors thinks fit.”.

In Article 32(3A) after “Article 143” insert “of the 1989 Order”.

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In Article 52(1) and (3) the words “or the University of Ulster” shall cease to have effect.

In Article 55(1)(b) the words “at the University of Ulster or” and “University or” shall cease to have effect.

In Article 66 for paragraphs (4) to (11) substitute—

“(4) Regulations under paragraph (3) may make provision for—

- (a) the repayment in such circumstances as are prescribed of the whole or part of any grant paid under this Article;
- (b) the reduction in such circumstances as are prescribed of the amount of grant which would otherwise be payable under this Article;
- (c) the payment to the Department by such person as may be prescribed of a sum where—
 - (i) any premises of a college of education in respect of which the Department has, at any time after 1st. August 1984, paid a grant under paragraph (3), cease to be used for approved purposes of a college of education; or
 - (ii) any site in respect of which the Department has, at any time after that date, paid a grant under paragraph (3), ceases, in the opinion of the Department, to be required for the purposes of a college of education.

(5) Without prejudice to the generality of paragraph (4), regulations under paragraph (3) may—

- (a) provide for any repayment, reduction or payment under the regulations to be of such amount as the Department considers equitable;
- (b) provide for any such repayment, reduction, or payment not to exceed such amount as may be determined under or in accordance with the regulations;
- (c) provide for any amount determined as mentioned in sub-paragraph (b) to include an amount in respect of interest calculated in such manner as may be prescribed; and
- (d) apply to grants made before as well as after the coming into operation of this paragraph.”.

In Article 73(3)(a) for “books and other printed matter, and pictures, gramophone records, films and other materials” substitute “library materials”.

In Article 75 for “premises provided or maintained by it for the purposes of its functions as a library authority shall” substitute “its library premises”.

In Article 78(1) for “premises where those facilities are provided” substitute “the library premises of the board”.

In Article 78(2) for “premises maintained by the board under this Order” substitute “library premises of the board”.

In Article 80 for the words from the beginning to “(a) defray” substitute

“A board may—

- (a) defray, at such rates as the Department may approve,”.

In Article 106(2) for “the trustees or Board of Governors of which have entered into an agreement under Schedule 6” substitute “in relation to which an agreement under paragraph 1(1) of Schedule 6 is in force”.

In Article 134(1) for “this Order” where it twice occurs substitute “the Education Orders”.

In Schedule 2 in paragraph 13(4) after “materials” insert “to the board” and after “works” insert “for the board”.

In Schedule 4 in paragraph 7 in the definition of “nominating trustees” for “paragraph 2(3)” substitute “paragraph 7(1)”.

In Schedule 7 in paragraph 1 for “the trustees or Board of Governors of which have not entered into an agreement under paragraph 1 of Schedule 6” substitute “in relation to which no agreement under paragraph 1(1) of Schedule 6 is in force”.

In Schedule 8 in paragraph 1 for “Article 11(7)” substitute “Article 11(6)”.

In Schedule 15 in paragraph 7 for “86” substitute “86(1)”.

The Education Reform (Northern Ireland) Order 1989 (NI 20)

In Article 19(1) after sub-paragraph (c) insert—

“(cc) produce, or secure or assist the production of, teaching materials for use in connection with the curriculum for grant-aided schools;”.

In Article 19 for paragraph (5) substitute—

“(5) The functions of the Council under paragraphs (1) and (4) in relation to the curriculum for grant-aided schools shall also be exercisable by the Council in relation to the curriculum for institutions of further education so far as relating to persons in full-time further education who have not attained the age of 19.”.

Article 21(3) shall cease to have effect.

In Article 22 after paragraph (1) insert—

“(1A) The Council may enter into arrangements to perform functions on behalf of, or provide services to, any other examining body or authority and such arrangements may provide for the payment by the said body or authority of the whole or part of any expenditure incurred by the Council in carrying out the arrangements.”.

In Article 22 at the end add—

“(4) In this Article references to examinations and assessments include references to examinations and assessments in respect of persons who have not attained the age of nineteen and are in full-time education at an institution of further education.”.

In Article 33(3) after sub-paragraph (a) insert—

“(aa) may contain provision requiring the tribunal to hear and determine the appeal within such period as may be specified in, or determined in accordance with, the regulations;”.

In Article 35(6) for “except Articles 30 and 32” substitute

“except—

- (a) Article 29;
- (b) Article 30;
- (c) Article 31(1) to (4) with the omission of the words in brackets in Article 31(2)(a)(iii) and of Article 31(2)(b)(i);
- (d) Article 32; and
- (e) Article 33, in so far as it applies for the purposes of those provisions.”.

In Article 37(7) for sub-paragraphs (a) and (b) substitute—

- “(a) shall provide for an appeal tribunal to consist of a prescribed number of persons selected in the prescribed manner from a panel of persons appointed by the board to act as members of appeal tribunals under this Article;
- (b) may provide for disqualifying prescribed persons or descriptions of persons for membership of an appeal tribunal;”.

In Article 60(1)(b) for “Article 116(1)(c)” substitute “Article 116(1)(b)”.

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In Article 62(5)(a) after “paragraph (2)” insert “or Article 32 of the Education and Libraries (Northern Ireland) Order 1993”.

In Article 69(4)(a) for “two months” substitute “three months”.

In Article 77(11) the words in brackets shall cease to have effect.

In Article 115(2) after “required” insert “or authorised”.

In Article 115(4) for “in respect of the dismissal, or premature retirement, or for the purpose of securing the resignation,” substitute “in giving effect to any determination under paragraph (1) in respect”.

In Article 119(7)(a) after “paragraph (2)” insert “or Article 32 of the Education and Libraries (Northern Ireland) Order 1993”.

In Article 126(4) for sub-paragraphs (b) and (c) substitute—

- “(b) paragraph 2(4) or 3(5) of Schedule 5;
- (c) paragraph 4(5) or 5(6) of Schedule 6;”.

In Article 127 for paragraphs (2) and (3) substitute—

“(2) Articles 128 to 131 do not apply to a voluntary grammar school if no agreement with the Department is, or has at any time on or after 1st April 1992 been, in force in relation to the school under paragraph 1(1) of Schedule 6 to the 1986 Order.

(3) The application of those Articles to certain other voluntary grammar schools is subject to Articles 132 and 132A.”.

In Article 127(4)—

- (a) for “to not apply” substitute “do not apply”;
- (b) in sub-paragraph (b) for “not” substitute “neither resident in Northern Ireland nor”; and
- (c) in sub-paragraph (d) for head (ii) substitute—
 - “(ii) on 31st March 1992 was a specified pupil, as defined by regulation 4(c) of the Grammar Schools (Fees) Regulations (Northern Ireland) 1990 (as in operation on that date).”.

In Article 128(4)(a), (6)(b) and (7)(b) and Article 136(5) for “an approved” substitute “a”.

In Article 128(5) and (11), Article 133(3) and Article 136(1) and (3) the word “approved” shall cease to have effect.

In Article 137(5)(a) after “school hours” insert “, terms and holidays”.

In Article 138(1)(c) the words in brackets shall cease to have effect.

In Article 140 after “school premises” insert “(including, without prejudice to the generality of the foregoing words, any powers under Article 62 or under Article 32 of the Education and Libraries (Northern Ireland) Order 1993)”.

In Article 146(7) for “that Order” substitute “the principal Order”.

In Schedule 4 in paragraph 7(2) after “required” insert “or authorised”.

In Schedule 4 in paragraph 7(4) for “in respect of the dismissal, or premature retirement, or for the purpose of securing the resignation,” substitute “in giving effect to any determination under sub-paragraph (1) in respect”.

In Schedule 7 in paragraphs 1(b) and 2 for “Technician” substitute “Technology”.

In Schedule 8 in paragraph 7(1)(a) for the words from “otherwise” to the end substitute “otherwise than as a teacher;”.

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The Education (Students Loans) (Northern Ireland) Order 1990 (NI 11)

In Schedule 1 in paragraph 4(a) for “Technician” substitute “Technology”.

The Planning (Northern Ireland) Order 1991 (NI 11)

In Article 26(2) in the definition of “educational institution” in paragraph (d) for “Article 27 of that Order” substitute “Article 100 of the Education Reform (Northern Ireland) Order 1989”.