

SCHEDULES

SCHEDULE 5

Article 43.

AMENDMENTS

PART I

SPECIAL EDUCATION

The Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14)

In Article 9(1)(a) for the words from “under” to the end substitute “under Article 6(3) of the Education and Libraries (Northern Ireland) Order 1986 or Article 10(1)(b) of the Education (Northern Ireland) Order 1996”.

In Article 9(8) for “under Article 6(3) or (4) of the said Order of 1986” (where twice occurring) substitute “as mentioned in paragraph (1)(a)”.

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

In Article 2(2) for the definitions of “special educational provision”, “special educational needs” and “special school” substitute—

““special educational needs”, “special educational provision” and “special school” have the meanings assigned by Article 3 of the Education (Northern Ireland) Order 1996;”.

The Disabled Persons (Northern Ireland) Act 1989 (c. 10)

In section 5(1)(a) for “Article 31” substitute “Article 16”.

In section 5(8) for the words from the beginning to “Article 31” substitute “Regulations under paragraph 7(2) of Schedule 2 to the Education Order (statements of special educational needs) may, in relation to the transfer of statements made under Article 16”.

In section 5(9) for “Article 33(3)” substitute “Article 3(7) and (8)”.

In section 11(1) in the definition of “the Education Order” for “and Libraries (Northern Ireland) Order 1986” substitute “(Northern Ireland) Order 1996”.

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

In Article 16, 17(4)(c) and 43(4)(a) for “Article 31 of the principal Order” substitute “Article 16 of the Education (Northern Ireland) Order 1996”.

In Article 17(6) for “Article 29 of the principal Order” substitute “Article 15 of the Education (Northern Ireland) Order 1996”.

In Article 36(6)(b) for “Article 44(3) or (4)” substitute “paragraph 1A(5) or (6) of Schedule 13 to the principal Order”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Children (Northern Ireland) Order 1995 (NI 2)

In Article 2(2) in the definition of “special educational needs” for “Article 33(2) of the Education and Libraries (Northern Ireland) Order 1986” substitute “Article 3 of the Education (Northern Ireland) Order 1996”.

Article 46(5) shall cease to have effect.

In Article 47(4) for “and Libraries (Northern Ireland) Order 1986” substitute “(Northern Ireland) Order 1996”.

In Schedule 2 in paragraph 4(b) for “and Libraries (Northern Ireland) Order 1986” substitute “(Northern Ireland) Order 1996”.

PART II

OTHER AMENDMENTS

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

In Article 2(2) in the definition of “the Education Orders” for the words from “the 1989 Order” to the end substitute “the 1989 Order, the Education and Libraries (Northern Ireland) Order 1993 and the Education (Northern Ireland) Order 1996”.

Articles 8(2) to (4) and 16(4)(b) shall cease to have effect.

In Article 15(1) the words “by or” shall cease to have effect.

In Article 40(2) for “The court by which any appeal under this Article is heard” substitute “On any appeal under this Article, the independent schools tribunal”.

In Article 40(3) for “court” substitute “independent schools tribunal”.

In Article 40(4) for “the county court” substitute “the independent schools tribunal”.

In Article 40(5) for “whether before or after the coming in to operation of this Article by the county court” substitute “by the independent schools tribunal”.

In Article 40(7) for “a county court” substitute “the independent schools tribunal”.

In Article 41(1) for “a county court” substitute “the independent schools tribunal”.

In Article 43(2) for the words from “county court” to the end substitute “independent schools tribunal”.

For Article 51 substitute—

“Provision of awards by Department

51.—(1) The Department may make—

- (a) awards to, or in respect of, persons in respect of their attendance at—
 - (i) approved postgraduate courses at universities, colleges or other institutions; or
 - (ii) other approved courses, being courses which, in the opinion of the Department, are comparable to postgraduate courses; and
- (b) such other awards as it considers desirable for the purpose of enabling or encouraging persons to take advantage of educational facilities available to them.

(2) Awards under this Article shall be of such amount, and be made to, or in respect of, such persons on such terms and conditions, as the Department may determine.”.

Articles 69A(4), 72(1) and 116(1)(c) shall cease to have effect.

The Education Reform (Northern Ireland) Order 1989 (N.I. 20)

In Article 31(4) for “all grant-aided schools” substitute “every grant-aided school appearing to it to be affected”.

In Article 33(1) at the end of sub-paragraph (a) add

“or

(v) Article 46A of the principal Order;”.

After Article 33(1) insert—

“(2) For the purposes of any complaint under paragraph (1)(a)(v), a board or Board of Governors shall not be taken to have acted or to be proposing to act unreasonably if it has complied, or is proposing to comply, with the guidance issued under Article 46A(6) (in the case of a Board of Governors) or (7) (in the case of a board) of the principal Order.”.

In Articles 39(2) and 41(2) for the words “or in compliance with a school attendance order” substitute “, a direction under Article 42 of the Education (Northern Ireland) Order 1996 or a school attendance order”.

In Articles 39(4)(a) and 40(3)(a) for “regulations” substitute “directions”.

In Articles 73(3) and 93(3) for sub-paragraphs (a) and (b) substitute “on receipt by the relevant board, in the case of a controlled school, or the trustees of the school, in the case of a voluntary school, of notice under Article 69(4)(b)”.

In Articles 73(4) and 93(4) for the words from the beginning to the word “relates” in sub-paragraph (b)(i) substitute—

“(4) For those purposes, that procedure, as initiated on any occasion, is to be regarded as terminated if—

(i) the result of the ballot to which the notice under Article 69(4)(b) relates”.

In Articles 73(5) and 93(5) for “heads (i) and (ii) of paragraph (4)(b)” substitute “paragraph (4)”.

In Article 87(1)(a)(ii) for “such a proposal has been submitted under Article 71(1),” substitute “a proposal has been submitted under Article 71(1) or (2)”.

In Article 99(1)(a)(ii) for “such a proposal has been submitted under Article 92(1)” substitute “a proposal has been submitted under Article 92(1) or (2)”.

In Article 122(3)(c) for “6 or 8” substitute “or 6”.

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

In Article 3(3) for sub-paragraphs (b) and (c) substitute—

“(b) universities and other institutions receiving grants under section 65 of the Further and Higher Education Act 1992 or under section 5 of the Education Act 1994, institutions maintained by local education authorities in England and Wales in exercise of their further and higher education functions, institutions receiving recurrent grants towards their costs from a further education funding council and institutions receiving recurrent grants towards their costs under regulations made under section 100(1)(b) of the Education Act 1944;

(c) educational establishments within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible, colleges of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 managed by boards of management established under Part I of that Act and designated institutions within the meaning of Part II of that Act of 1992.”.

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In Schedule 2, in paragraph 1(2)(a) for the words from “Articles 50 and 51” to the end substitute “Article 50 of the Education and Libraries (Northern Ireland) Order 1986 (awards by boards)”.

In Schedule 2, in paragraph 2(2) for heads (b) and (c) substitute—

- “(b) in relation to an educational establishment within the meaning of section 135(1) of the Education (Scotland) Act 1980 for the provision of any form of further education for the management of which establishment an education authority is responsible, the education authority; and
- (c) in relation to a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 which is managed by a board of management established under Part I of that Act, the board of management.”.