
STATUTORY INSTRUMENTS

1997 No. 1772

The Further Education (Northern Ireland) Order 1997

Introductory

Title and commencement

1.—(1) This Order may be cited as the Further Education (Northern Ireland) Order 1997.

(2) Subject to paragraph (3), this Order shall come into operation on such day as the Department may by order appoint.

(3) This Article, Articles 2, 10 and 24 and Schedule 2 shall come into operation on the expiration of 2 months from the day on which this Order is made.

(4) An order under paragraph (2) may contain such transitional provisions as the Department thinks necessary or expedient.

Interpretation

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

“facilities” includes land, goods and services;

“further education” has the meaning assigned by Article 3;

“higher education” means education provided by means of a course of any description mentioned in Schedule 1;

“institution of further education” means, subject to paragraph (3), an institution which is recognised as such by the Department under Article 8;

“liability” includes obligation;

“the transfer date” means the day appointed by the Department under Article 1(2);

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986;

“the 1989 Order” means the Education Reform (Northern Ireland) Order 1989.

(3) In relation to any time before the transfer date, references in this Order to an institution of further education are to an institution of further education managed by a board under Part VII of the 1989 Order.

(4) The Department may by order amend Schedule 1.

(5) Subject to paragraph (6), for the purposes of this Order a person has a “learning difficulty” if—

(a) he has a significantly greater difficulty in learning than the majority of persons of his age;
or

(b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions of further education for persons of his age.

(6) A person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

(7) Any direction, consent or determination given by the Department under this Order shall be in writing.

(8) References in this Order to the board for the area in which an institution or establishment is (or is to be) situated shall, in a case where parts of an institution or establishment are (or are to be) situated in the areas of two or more boards, be read as references to both or all of those boards.

(9) This Order shall be construed as one with the 1986 Order and accordingly Article 2(2) of the 1986 Order, in so far as it relates to the definition of words or expressions used in that Order and in this Order, shall apply for the purposes of this Order as it applies for the purposes of that Order.

Definition of “further education”

3.—(1) Subject to the following provisions of this Article, in this Order “further education” means—

- (a) full-time and part-time education suitable to the requirements of persons over compulsory school age (including vocational training); and
- (b) organized leisure-time occupation provided in connection with the provision of such education.

(2) In this Order “further education” does not include—

- (a) higher education; or
- (b) full-time education suitable to the requirements of senior pupils over compulsory school age where provided at a school.

(3) For the purposes of this Order—

- (a) “organized leisure-time occupation” means leisure-time occupation, in such organized cultural, training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by facilities provided for that purpose;
- (b) “vocational training” includes continuing education for persons already in employment or already engaged in a vocation as well as education with a view to entry into any employment or vocation.