STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART VIII

THE NORTHERN IRELAND COUNCIL FOR THE CURRICULUM, EXAMINATIONS AND ASSESSMENT

The Northern Ireland Council for the Curriculum, Examinations and Assessment

73.—(1) There shall continue to be a body known as the Northern Ireland Council for the Curriculum, Examinations and Assessment (referred to in this Part as "the Council").

(2) Schedule 3 shall have effect in relation to the Council.

Duty of the Council to conduct examinations and assessments

74.—(1) The Council shall, subject to the following provisions of this Article—

(a) conduct the relevant examinations;

(b) conduct the relevant assessments, in accordance with such assessment arrangements as are specified under **[**[F1]Article 9 of the Education (Northern Ireland) Order 2006**]** .

(2) For the purposes of this Article the power of the Council to conduct the relevant examinations includes power—

(a) to enter into arrangements for the conduct by any other person or body of all or any part of any such examinations on such terms and conditions (including conditions as to payment) as the Council may determine;

(b) to draw up and publish—

(i) rules and **[**[F2]specifications**]** ;

(ii) specimen papers; and

(iii) such other material as it considers desirable, in connection with such examinations;

(c) to moderate, or arrange for the moderation of, such examinations;

(d) to award appropriate certificates in respect of such examinations.

(3) For the purposes of this Article the power of the Council to conduct the relevant assessments includes power—

(a) with the approval of the Department, to enter into arrangements for the conduct by any other person or body of all or any part of such assessments on such terms and conditions (including conditions as to payment) as the Council may determine;

(b) to draw up and publish—

(i) specimen papers; and

(ii) such other material as it considers desirable, in connection with such assessments;

(c) to moderate, or arrange for the moderation of, such assessments.

(4) The Council may charge such fees in connection with relevant examinations as may be approved by the Department.

(5) The Council shall make arrangements for the consideration by the Council of appeals against any decision or complaints against any action—

(a) taken by the Council under this Article; or

(b) taken in accordance with arrangements entered into by the Council under paragraph (2)(a) or (3)(a).

(6) In this Article—

"examination" includes any examination, test or assessment for an academic or vocational qualification;

"relevant assessments" means assessments of pupils required by **[**[F3]Article 9 of the Education (Northern Ireland) Order 2006**]**;

"relevant examinations" means such examinations as the Department, after consultation with the Council, may determine.

(7) The Department shall notify the Council in writing of any determination made by it under paragraph (6).

F1 Words in art. 74(1)(b) substituted (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(1), **Sch. 2 para. 18(a)**

F2 Word in art. 74(2)(b)(i) substituted (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(1), **Sch. 2 para. 18(b)**

F3 Words in art. 74(6) in definition of "relevant assessments" substituted (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(1), **Sch. 2 para. 19**

Functions of the Council in relation to accreditation and approval of certain external qualifications

75 [F4]**.**—(1) The Council shall—

(a) with the approval of the Department, develop and publish criteria for the accreditation of relevant external qualifications;

(b) accredit, where they meet such criteria, any such qualifications submitted for accreditation.

(2) The Council shall advise the Department on the exercise of its powers under Article 81.

(3) In this Article—

"external qualification" means any academic or vocational qualification authenticated or awarded by an outside person;

"relevant external qualification" means an external qualification which—

(a) is, or is to be, provided for—

(i) pupils in attendance at a grant-aided school; or

(ii) persons under the age of 19 in full-time attendance at an institution of further education; and

(b) is designated by the Department for the purposes of this Article;

"outside person" means—

(a) in relation to a school, a person other than a member of staff of the school;

(b) in relation to an institution of further education, a person other than a member of staff of the institution.

(4) The Department shall notify the Council in writing of any designation made by it under paragraph (3).

F4 certain functions transf. by SR 1999/481

Other functions of the Council in relation to the curriculum, examinations and assessment

76.—(1) The Council shall—

(a) keep under review all aspects of the curriculum for grant-aided schools and all aspects of examinations and assessment;

(b) advise the Department on such matters concerned with the curriculum for grant-aided schools or with examinations and assessment as the Department may refer to it or as it may see fit;

(c) publish and disseminate, or secure or assist the publication and dissemination of, information relating to the curriculum for grant-aided schools or to examinations and assessment;

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

(2 [F5] The Council shall, with respect to persons under the age of 19 who are in full-time further education at an institution of further education—

(a) keep under review all aspects of the curriculum for institutions of further education and all aspects of examinations and assessment;

(b) advise the Department on such matters concerned with the curriculum for institutions of further education or with examinations and assessment as the Department may refer to it or as it may see fit;

(c) publish and disseminate, or secure or assist the publication and dissemination of, information relating to the curriculum for institutions of further education or to examinations and assessment;

(d) produce, or secure or assist the production of, teaching materials for use in connection with the curriculum for institutions of further education.

(3) The Council shall produce, or secure or assist the production of, guidance and teaching materials for use (whether at a school or any other premises) in connection with the curriculum for children who have attained the age of 2 but have not attained the lower limit of compulsory school age.

(4) [F6] . . . . . .

(5) In this Article "examination" includes any examination, test or assessment for an academic or vocational qualification.

F5 functions transf. by SR 1999/481
F6 Art. 76(4) repealed (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(2), **Sch. 3 Pt. I**

Consultation by the Council

77.—(1) Before exercising its functions under Article 76(3) the Council shall consult with such bodies and persons as appear to it to be concerned.

(2) [F7] . . . . . .

(3) [F7] . . . . . .

F7 Art. 77(2)(3) repealed (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(2), **Sch. 3 Pt. I**

Ancillary functions of the Council

78.—(1) The Council may, and shall if the Department so directs—

(a) carry out; or

(b) commission, or assist in any way, the carrying out by another body or person of,

any programme of research and development for purposes connected with the functions of the Council.

(2) 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 that body or authority of the whole or part of any expenditure incurred by the Council in carrying out the arrangements.

(3) The Council shall carry out such ancillary activities as the Department may direct.

(4) For the purposes of paragraph (3) activities are ancillary activities in relation to the Council if the Department considers it is appropriate for the Council to carry out those activities for the purposes of or in connection with the carrying out by the Council of any of its other functions under this Part.

(5) The Council shall make such reports and returns, and give such information, to the Department as the Department may reasonably require.

Discharge by the Council of its functions

79.—(1) In carrying out its functions under this Part the Council shall—

(a) comply with Article 80(7) (work programme);

(b) so far as relevant, have regard to—

(i) the requirements of industry, commerce and the professions regarding education; and

(ii) the requirements of persons with special learning needs; and

(c) seek to ensure that the standards of examinations and assessments conducted by bodies or authorities in Northern Ireland are recognised as equivalent to the standards of examinations and assessments conducted by bodies or authorities exercising similar functions elsewhere in the United Kingdom.

(2) In paragraph (1) "persons with special learning needs" means—

(a) children with special educational needs (as defined in Article 3 of the Education (Northern Ireland) Order 1996); and

(b) persons who have a learning difficulty (as defined in Article 3 of the Further Education (Northern Ireland) Order 1997).

Work programmes

80.—(1) The Council shall, at such time, in such form and in respect of such period as the Department may direct, prepare and submit to the Department a programme of its proposed activities in exercise of its functions (referred to in this Article as "a work programme").

(2) A work programme submitted to the Department under this Article shall include—

(a) in respect of each activity mentioned in the programme, an estimate of the Council's expenditure and receipts;

(b) such other matters as the Department may direct.

(3) Before submitting a work programme under this Article, the Council shall consult—

(a) **[**[F8]the Authority**]**; and

(b) such other bodies or persons as it thinks fit.

(4) The Department may request the Council to furnish such information in connection with any work programme submitted to the Department as the Department may require, including information as to the results of consultations under paragraph (3).

(5) The Department may, after making such modifications, if any, in the work programme as, after consultation with the Council, it considers necessary, approve any work programme submitted under this Article.

(6) The Council may at any time, and shall if the Department so directs, prepare and submit to the Department a revised work programme or an amendment to an existing work programme and paragraphs (2) to (5) shall apply in relation to any such revised work programme or amendment as they apply in relation to the original work programme.

(7) It shall be the duty of the Council—

(a) to carry out the activities in a work programme approved under this Article in accordance with that programme;

(b) not to carry out any activities or incur any expenditure in any period except in accordance with the work programme approved under this Article in respect of that period.

F8 Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

Changes to legislation:
Education (Northern Ireland) Order 1998, PART VIII is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

– Order words substituted by 2014 c. 12 (N.I.) Sch. 3 para. 1(1)(b)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

– art. 89A inserted by 2022 c. 45 s. 5