

SCHEDULES

SCHEDULE 5

AMENDMENTS

PART I

AMENDMENTS COMING INTO OPERATION 2 MONTHS AFTER MAKING OF ORDER

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

In Article 9(1)(a) for “Article 6(3) of the Education and Libraries (Northern Ireland) Order 1986” substitute “Article 86 of the Education (Northern Ireland) Order 1998”.

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

In Article 2(2) for the definition of “the Education Orders” substitute—

““the Education Orders” means—

- (a) this Order;
- (b) the 1989 Order;
- (c) the Education and Libraries (Northern Ireland) Order 1993;
- (d) the Education (Northern Ireland) Order 1996;
- (e) the Education (Northern Ireland) Order 1997;
- (f) the Further Education (Northern Ireland) Order 1997;
- (g) the Education (Northern Ireland) Order 1998;”.

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

““nursery school” means a primary school which is used mainly for the purpose of providing full-time or part-time education for children who have attained the age of 2 years but are under compulsory school age;”.

In Article 2(2) for the definition of “primary education” substitute—

““primary education” means—

- (a) full-time education suitable to the requirements of junior pupils of compulsory school age; and
- (b) full-time or part-time education suitable to the requirements of junior pupils under compulsory school age;”.

The paragraphs inserted by Article 25(6) of the Education (Northern Ireland) Order 1997 as paragraphs (2D) and (2E) of Article 2 shall be renumbered as paragraphs (2G) and (2H) of that Article respectively.

In Article 7 for “whether within or outside” substitute “within”.

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In Article 17(7) omit the words “or such other board as the Department may determine”.

In Schedule 4—

- (a) in the cross heading before paragraph 4 for “and controlled nursery” substitute “, controlled nursery schools (other than controlled integrated nursery schools)”;
- (b) in paragraph 4 after “nursery school” insert “(other than a controlled integrated nursery school)”.

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

In Article 7 for paragraph (5) substitute—

“(5) An order under paragraph (1)(a) may, instead of containing the provisions to be made, refer to provisions in a document published as specified in the order and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.”.

In Articles 8(4) and 13(6) for “paragraph (1) of” substitute “paragraph (1)(a) of”.

In Article 10(2)(b) for “Article 9(1)” substitute “Article 81 of the Education (Northern Ireland) Order 1998”.

In Article 34(3) for sub-paragraph (a) substitute—

- “(a) the external qualifications (within the meaning of Article 81 of the Education (Northern Ireland) Order 1998) for which courses of study are to be provided by or on behalf of the institution concerned for students under the age of 19 who are in full time attendance at the institution;”.

At the end of Article 49 add—

“(4) Notwithstanding anything in any other statutory provision (including any provision of the Education Orders), the allocation formula under a scheme may, in relation to a controlled grammar school having a preparatory department, make special provision for the determination of the budget share of that school in so far as it relates to the preparatory department.

(5) The special provision made by virtue of paragraph (4) may include provision the effect of which is that the budget share of the school, in so far as it relates to the preparatory department, is substantially less than it would have been but for that provision.

(6) In this Article “preparatory department”, in relation to a controlled grammar school, means that part of the school in which primary education is provided.”.

In Article 60 after paragraph (6) insert—

“(6A) Notwithstanding anything in any other statutory provision (including any provision of the Education Orders), the formula determined under paragraph (3)(a) may, in relation to a voluntary grammar school having a preparatory department, make special provision for the determination of the amount of the grant payable to the Board of Governors under this Article in so far as it relates to the preparatory department.

(6B) The special provision made by virtue of paragraph (6A) may include provision the effect of which is that the grant payable to the Board of Governors of the school, in so far as it relates to the preparatory department, is substantially less than it would have been but for that provision.

(6C) In this Article “preparatory department”, in relation to a voluntary grammar school, means that part of the school in which primary education is provided.”.

In Article 164(4) for “8(5), 34(1)” substitute “or 8(5)”.

In Schedule 6, in paragraph 2(b)(iii) for “Part IV of this Order” substitute “Part III of the Education (Northern Ireland) Order 1997”.

In Schedule 8, in paragraph 11(4) for “Director” substitute “chief executive”.

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The Education (Northern Ireland) Order 1997 (NI 5)

In Article 18(2) for “paragraph (1)(a), (b), (d), (e) and (f)” substitute “paragraph (1)(b), (d) and (f)”.