

**COLLEGES OF EDUCATION  
(NORTHERN IRELAND) ORDER 2005**

**S.I. 2005 1963**

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**EXPLANATORY MEMORANDUM**

**INTRODUCTION**

1. The Colleges of Education (Northern Ireland) Order (“the Order”) was made on 19<sup>th</sup> July 2005.
2. This Explanatory Memorandum has been prepared by the Department for Employment and Learning (“the Department”) in order to assist the reader in understanding the Order. It does not form part of the Order.

**BACKGROUND AND POLICY OBJECTIVES**

3. The statutory position of Stranmillis University College is inconsistent with that of other providers of higher education and teacher training in Northern Ireland. The other higher education institutions are legally independent corporate institutions accountable through a governing body which carries ultimate responsibility for all aspects of the institution. Stranmillis College, however, is not legally distinct from the Department for Employment and Learning. This Order is required to secure an appropriate statutory basis for Stranmillis College and its governance arrangements thus establishing Stranmillis as a legally distinct institution similar to other higher education institutions in Northern Ireland.

**CONSULTATION**

4. The consultation on proposals to establish Stranmillis University College as an incorporated institution in line with other providers of higher education in Northern Ireland ended on 15<sup>th</sup> October 2004. A total of nine consultees responded, all of whom agreed that the statutory position of the college should be regularised through legislation.
5. The public consultation on the proposal for a draft Colleges of Education (Northern Ireland) Order closed on 19 May 2005. A total of three consultees responded, all of whom welcomed the Order.

**MAIN ELEMENTS OF THE ORDER**

**Part II – The College**

6. This part of the Order provides for the establishment of a body corporate to be the governing body of Stranmillis University College – A College of the Queen’s University of Belfast. It also provides for the transfer of responsibility for the management of Stranmillis to the new governing body and outlines the respective functions and powers of the governing body and the Department. More detailed

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of Education (Northern Ireland) Order 2005/1963*

provisions on the transfer of management to the governing body is contained in Schedule 1.

7. This part also contains provision for the making of instruments and articles of government which will contain provisions for the constitution and functions of the governing body. More detailed provisions relating to the instruments and articles is contained in Schedule 2.

**Part III – Departmental Functions relating to Colleges of Education**

8. This part of the Order deals with amendments to the Education and Libraries (Northern Ireland) Order 1986 (the 1986 Order) in relation to the functions and powers of this Department and the Department of Education and colleges of education generally.

**COMMENTARY ON ARTICLES**

**Part I - Introductory**

9. [Article 1](#) is introductory.
10. [Article 2](#) is interpretative.

**Part II – The College**

11. [Article 3](#) provides for the establishment of a body corporate to be governing body responsible for the management of the college. Schedule 1 makes detailed provision on the transfer of certain property, rights, liabilities and staff to the governing body on 1<sup>st</sup> October 2005 or a later date to be appointed by the Department
12. [Articles 4](#) and [5](#) provide for the creation and amendment of an instrument of government which deals with the constitution of the governing body, and articles of government in accordance with which the governing body and the college are to be conducted. Schedule 2 sets out further detail about the membership and proceedings of the governing body.
13. [Article 6](#) sets out the general duties of the governing body in respect of the efficient management of the college and the provision of education to students, including a requirement to have regard to persons with learning difficulties.
14. [Article 7](#) lists the principal powers of the governing body.
15. [Article 8](#) places certain restrictions on how the governing body shall exercise its powers.
16. [Article 9](#) provides for the keeping of accounts by the governing body and provides for the Department to issue directions as to the preparation and audit of such accounts. This Article also provides for the right of access by the Comptroller and Auditor General and the Department to the books, accounts and records of the governing body.
17. [Article 10](#) makes detailed provision in the event of the discontinuation of the college which must be made by order of the Department

**Part III – Departmental Functions Relating to Colleges of Education**

18. [Article 11](#) amends Article 66 of the Education and Libraries (Northern Ireland) Order 1986 and Article 30 of the Education and Libraries (Northern Ireland) Order 1992.
19. [Article 12](#) deals with amendments to Articles 66, 67 and 101 of the Education and Libraries (Northern Ireland) Order 1986 in relation to colleges of education generally.

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**Part IV - Supplementary**

20. [Articles 13](#) and [14](#) deal with supplementary provisions. Article 13 specifies how orders are to be made by the Department. Article 14 gives effect to minor and consequential amendments and repeals to existing legislation which are contained in Schedules 3 and 4.

**COMMENCEMENT**

25. The commencement section provides for certain provisions to come into force one week after the Order is made and others to come into force on the transfer date which is cited as the 1<sup>st</sup> October 2005.