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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 320**

**EDUCATION**

**Education and Libraries (Defined Activities) (Exemptions)  
(Amendment) Order (Northern Ireland) 1998**

*Made* - - - - *15th September 1998*

*Coming into operation* *27th October 1998*

The Department of Education, in exercise of the powers conferred on it by Articles 4(8) and 17(3) of the Education and Libraries (Northern Ireland) Order 1993(1) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Education and Libraries (Defined Activities) (Exemptions) (Amendment) Order (Northern Ireland) 1998 and shall come into operation on 27th October 1998.

(2) In this Order—

“the Order” means the Education and Libraries (Northern Ireland) Order 1993;

“the principal Order” means the Education and Libraries (Defined Activities) (Exemptions) Order (Northern Ireland) 1994(2); and

“relevant work” and “specified board” have the same respective meanings as in the principal Order.

**Application**

2. Where, as regards particular work comprised within any activity mentioned in Article 4(1)(a) to (d) of the Order, a notice has been published by the board which intends to carry out the work (in accordance with Article 7(1) (The conditions) of the Order) before 27th October 1998, for the purposes of that activity and as regards that board, this Order does not apply to that work.

**Activities not to be treated as a defined activity**

3.—(1) An activity falling within Article 4(1) of the Order shall not, if carried out by a specified board, be treated as a defined activity so long as the condition mentioned in paragraph (2) is fulfilled.

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(1) S.I.1993/2810 (N.I. 12). See Article 2(3) of that Order. “Department” and “board” are defined in S.I. 1986/594 (N.I. 3) Article 2(2)  
(2) S.R. 1994 No. 325

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*Status: This is the original version (as it was originally made).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

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(2) The condition mentioned in paragraph (1) is that the activity constitutes work carried out for or on behalf of a grant-aided school.

**Amendment of the Education and Libraries (Defined Activities) (Exemptions) Order (Northern Ireland) 1994**

4. In paragraph (2) of Article 2 of the principal Order, for the word “£100,000” there shall be substituted “£150,000”.

**Revocation and saving**

5.—(1) Subject to paragraph (2), Articles 4 and 5 of the principal Order are hereby revoked.

(2) The exemption for which Articles 4 and 5 of the principal Order provides shall continue to have effect in relation to any relevant work to which this Order does not apply.

Sealed with the Official Seal of the Department of Education on

L.S.

15th September 1998.

*S. Peover*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Under Part II of the Education and Libraries (Northern Ireland) Order 1993 (“the Order”) work falling within certain defined activities (that is to say cleaning of buildings, catering, maintenance of ground and repair and maintenance of vehicles) may only be carried out by boards if particular conditions are fulfilled.

Article 3 of this Order exempts from the requirements of Part II of the Order each of the activities specified in Article 4(1) of that Order so long as the activity constitutes work carried out for or on behalf of a grant-aided school. The exemption applies from 27th October 1998 but does not apply where a board has, before 27th October 1998, given public notice under the Order that the work is to be carried out (Article 2).

The Education and Libraries (Defined Activities) (Exemptions) Order (Northern Ireland) 1994 (“the principal Order”) also exempts a number of manual services carried out by boards from the competition requirements of Part II of the Order so long as, in respect of each individual service, the cost to the board of the service in the preceding year did not exceed £100,000. This Order raises that limit to £150,000 (Article 4).

Articles 4 and 5 of the principal Order are revoked subject to a saving for work exempted by those Articles 4 and 5 (cleaning of buildings and maintenance of ground at certain small schools) which is not exempted by this Order (Article 5).