
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART III

THE CURRICULUM

The Northern Ireland Curriculum Council and the Northern Ireland Schools Examinations and Assessment Council

The Northern Ireland Curriculum Council

18.—(1) There shall be established a body to be known as the Northern Ireland Curriculum Council (in this Article and Article 19 referred to as “the Council”) which shall perform the functions conferred on it by Article 19.

(2) Schedule 3 shall have effect with respect to the Council.

Functions of the Northern Ireland Curriculum Council

19.—(1) The Northern Ireland Curriculum Council shall—

- (a) keep all aspects of the curriculum for grant-aided schools under review;
- (b) advise the Department on such matters concerned with the curriculum for grant-aided schools as the Department may refer to it or as it may see fit;
- (c) publish and distribute, or secure or assist the publication and distribution by another body or person of, information relating to the curriculum for grant-aided schools;
- (d) carry out such other activities as the Department may direct, being activities which the Department considers to be appropriate for the Council to carry out for the purpose of, or in connection with, the exercise of any of its other functions under this Article.

(2) Where the Department proposes to exercise the power conferred by Article 7(1) to set in place or revise any programme of study or attainment target for any listed contributory subject or the power conferred by Article 8(2) to set in place or revise objectives for any educational theme, the Department may refer the proposal to the Council.

(3) Where a proposal is referred to the Council under paragraph (2) the Council shall, before such date as the Department may direct,—

- (a) consult, with regard to the proposal, with such bodies or persons as appear to the Council to be concerned; and
- (b) make a report to the Department containing—
 - (i) a summary of the views expressed during the consultations;
 - (ii) the Council’s recommendations as to the proposal; and
 - (iii) such other advice relating to the proposal as the Council thinks fit.

(4) The Council may, in connection with the exercise of any of its functions, and shall if the Department so directs, carry out, or 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 curriculum for grant-aided schools.

(5) The Department may by order provide that paragraphs (1) and (4) shall have effect as if references to the curriculum for grant-aided schools included references to courses of further education in institutions of further education.

The Northern Ireland Schools Examinations and Assessment Council

20.—(1) There shall be established a body to be known as the Northern Ireland Schools Examinations and Assessment Council (in this Article and Articles 21 and 22 referred to as “the Council”) which shall perform the functions conferred on it by Articles 21 and 22.

(2) Schedule 3 shall have effect with respect to the Council.

Duty to conduct examinations and assessments

21.—(1) The Northern Ireland Schools Examinations and Assessment Council shall, subject to the following provisions of this Article,—

- (a) conduct, and award the appropriate certificates for, the relevant examinations, in accordance with such rules as the Council may determine;
- (b) conduct the relevant assessments, in accordance with such assessment arrangements as are specified under Article 7(1)(b);
- (c) conduct the moderation of relevant examinations and relevant assessments;
- (d) seek to ensure that the standards of the relevant examinations and of the relevant assessments are recognised as equivalent to the standards of examinations and assessments conducted by other bodies or authorities exercising similar functions elsewhere in the United Kingdom.

(2) Arrangements made by the Council for the conduct of the relevant examinations may include provision—

- (a) for the conduct of external examinations on syllabuses specified by the Council and approved by the Department under Article 9;
- (b) for the conduct of external examinations on syllabuses prepared by individual schools or groups of schools or by individual institutions of further education or groups of such institutions or groups of schools and such institutions and approved by the Department under Article 9;
- (c) for external assessment of examinations conducted internally by individual schools or groups of schools or by individual institutions of further education or groups of such institutions or groups of schools and such institutions and approved by the Department under Article 9.

(3) The Council may enter into arrangements to perform functions or provide services to or on behalf of any other examining body or authority and such arrangements may provide for the payment by the said body or authority of the whole or part of any expenditure incurred by the Council in carrying out the arrangements.

(4) The Council may—

- (a) arrange for the relevant examinations, or part thereof, to be conducted on its behalf by any other examining body or authority;

(b) with the approval of the Department, arrange for the relevant assessments, or part thereof, to be conducted on its behalf by any other body, authority or person;

(c) make payments to any such body, authority or person in respect of the expenditure incurred in carrying out the arrangements.

(5) The Council may appoint such examiners, assessors, moderators and other persons as it considers necessary for the performance of its functions and shall pay them such salaries, fees or other allowances as the Council may determine.

(6) The Council may publish rules and syllabuses for the relevant examinations and may publish specimen examination papers and such other material as it considers desirable.

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

(8) Every certificate awarded by the Council shall be signed on behalf of the Council.

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

(10) The Council may enter into arrangements with a board for the board to assist the Council in the exercise of any of its functions under this Article and such arrangements may provide for the payment by the Council to the board of the whole or part of any expenditure incurred by the board in carrying out the arrangements.

(11) A board shall have power to enter into and carry out any arrangements under paragraph (10).

(12) In this Article—

“relevant assessments” means assessments of pupils required by Article 6(3);

“relevant examinations” means—

(a) examinations for the Northern Ireland General Certificate of Secondary Education;

(b) examinations for the Northern Ireland General Certificate of Education at Advanced (including Advanced Supplementary) Level;

(c) such other examinations as the Department, after consultation with the Council, may determine.

Other functions of the Northern Ireland Schools Examinations and Assessment Council

22.—(1) The Northern Ireland Schools Examinations and Assessment Council shall—

(a) keep all aspects of examinations and assessment under review;

(b) advise the Department on such matters concerned with examinations and assessment as the Department may refer to it or as it may see fit;

(c) publish and disseminate, or assist in the publication and dissemination of, information relating to examinations and assessment;

(d) advise the Department on the exercise of its powers under Article 9(1);

(e) carry out such other activities as the Department may direct, being activities which the Department considers to be appropriate for the Council to carry out for the purpose of, or in connection with, the exercise of any of its functions under Article 21 or this Article.

(2) The Council may, in connection with the exercise of any of its functions, and shall if the Department so directs, carry out, or 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 examinations and assessments.

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

Application of Articles 24 to 27 to both Councils

23. References in Articles 24 to 27 to “the Council” are references to each of the following bodies—

- (a) the Northern Ireland Curriculum Council; and
- (b) the Northern Ireland Schools Examinations and Assessment Council;

and references in Article 24 to “the other Council” shall be construed accordingly.

Work programmes

24.—(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) the other Council;
- (b) the boards; and
- (c) such other bodies or persons as it thinks fit.

(4) The Council shall seek to secure that a work programme submitted under this Article in respect of any period is compatible with any work programme submitted under this Article by the other Council in respect of that period.

(5) 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).

(6) 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.

(7) 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 (6) shall apply in relation to any such revised work programme or amendment as they apply in relation to the original work programme.

(8) 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.

Grants to the Council

25.—(1) The Department may pay to the Council grants equal to—

- (a) approved expenditure incurred by the Council for the provision or alteration of premises for the use of the Council;
- (b) approved expenditure incurred by the Council for the provision of equipment;

- (c) other approved expenditure incurred by the Council in carrying out a work programme approved under Article 24.
- (2) Grants under this Article shall be made on such conditions (including conditions as to repayment) and at such times as the Department may determine.

Accounts and audit

26.—(1) The Council shall keep, in such form as the Department may direct, accounts of all moneys received and all moneys paid out by it.

- (2) In respect of each financial year—
 - (a) the Council shall prepare and submit to the Comptroller and Auditor General for Northern Ireland a statement of accounts before such date, in such form and containing such information as the Department, with the approval of the Department of Finance and Personnel, may direct and shall before that date send a copy thereof to the Department;
 - (b) the Comptroller and Auditor General for Northern Ireland shall examine and certify the statement of accounts submitted to him by the Council; and
 - (c) the Department shall lay before the Assembly a copy of the certified statement of accounts of the Council together with a copy of any report thereon of the Comptroller and Auditor General for Northern Ireland.

(3) The Comptroller and Auditor General for Northern Ireland in the discharge of his functions under this Article shall have right of access to the books, accounts and records of the Council and may require from any member or officer or former member or officer of the Council such information relating to the affairs of the Council as he may think necessary for the proper performance of those functions.

Transfer of property and staff to the Council

- 27.**—(1) The Department may by order provide for the transfer to the Council of—
- (a) such of the property of an existing body;
 - (b) such of the rights and liabilities of such a body (other than rights and liabilities arising under contracts of employment),

as, in its opinion, require to be so transferred for the purpose of enabling the Council properly to perform its functions.

- (2) Paragraph (3) applies to any person who—
 - (a) immediately before the establishment of the Council is employed by an existing body; and
 - (b) is as respects the Council designated by order of the Department.
- (3) The contract of employment between a person to whom this paragraph applies and the existing body shall have effect from the date on which the order under paragraph (2) comes into operation as if originally made between him and the Council.
- (4) Without prejudice to paragraph (3)—
 - (a) all the existing body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Council on the date on which the order under paragraph (2) comes into operation; and
 - (b) anything done before that date by or in relation to the existing body in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Council.

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(5) Paragraphs (3) and (4) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by paragraph (3).

(6) An order under paragraph (2) may designate a person either individually or as a member of a class or description of employees.

(7) No order under this Article shall be made more than six months after the date on which the Council is established.

(8) In this Article “existing body” means—

- (a) the Northern Ireland Schools Examinations Council;
- (b) the Department; or
- (c) the managers of a college of education maintained in pursuance of arrangements made by the Department under Article 66(1) of the principal Order.

Abolition of Northern Ireland Schools Examinations Council

28.—(1) The Northern Ireland Schools Examinations Council is hereby abolished.

(2) Part IX of, and Schedule 17 to, the principal Order are hereby repealed.