
STATUTORY INSTRUMENTS

1997 No. 866

The Education (Northern Ireland) Order 1997

PART II

EDUCATION FOR PRE-SCHOOL CHILDREN

Grants in respect of pre-school education

- 3.—(1) The Department may make grants in respect of pre-school education.
- (2) In this Part “pre-school education” means education provided for a child (whether at a school or any other premises) before he attains the lower limit of compulsory school age.
- (3) Grants under this Article—
- (a) shall be made in respect of the education of children of such descriptions;
 - (b) shall be of such amount; and
 - (c) shall be paid at such times and in such manner,
- as the Department may determine.
- (4) A grant under this Article shall be made—
- (a) to a board if it is in respect of education provided at—
 - (i) a controlled school managed by the board; or
 - (ii) a maintained school maintained by the board;
 - (b) to the person providing the education in any other case.
- (5) Grants under this Article shall be subject to such requirements as may be imposed under Article 4.
- (6) This Article does not affect any power of the Department to make grants in respect of pre-school education under any other statutory provision.

Grants requirements

- 4.—(1) A board or other person to whom a grant is made under Article 3 shall comply with such requirements as the Department may impose.
- (2) Requirements under paragraph (1)—
- (a) may be imposed on, or at any time after, the making of any grant by reference to which they are imposed; and
 - (b) may at any time be varied, waived or removed.
- (3) A requirement imposed under paragraph (1) may, in particular, if any conditions specified in the requirement are satisfied, require repayment of the whole or any part of the grant to which it relates.

Grants: delegation of functions

5.—(1) The Department may make arrangements for grants under Article 3 to be made, of other functions relating to such grants to be exercised, by another person or any employee of his on such terms as may be between the Department and that person.

(2) Any arrangements made under paragraph (1) may make provision for the functions concerned to be so exercised—

(a) either wholly or to such an extent as may be specified in the arrangements; and

(b) either generally or in such cases or circumstances as may be so specified,

but shall not prevent the functions concerned from being exercised by the Department.

Grants: disclosure of information

6.—(1) The Department of Health and Social Services may supply to any person to whom this Article applies any such social security information as the person may require for or in connection with the exercise of any function relating to grants in respect of pre-school education.

(2) This Article applies to—

(a) civil servants in the Department and any other persons who carry out the administrative work of that Department;

(b) any person exercising any function by virtue of Article 5 and any persons who are employed by, or are directors or other officers of, any such person or who carry out the administrative work of any such person.

(3) A person who is or has been a person to whom this Article applies is guilty of an offence if he discloses without lawful authority any social security information relating to a particular person which he acquired while acting as a person to whom this Article applies.

(4) It is not an offence under paragraph (3)—

(a) to disclose information in the form of a summary or collection of information so framed as not to enable social security information relating to any particular person to be ascertained from it; or

(b) to disclose social security information which has previously been disclosed to the public with lawful authority.

(5) It is a defence for a person charged with an offence under paragraph (3) to prove that at the time of the alleged offence—

(a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or

(b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(6) For the purposes of this Article a disclosure is to be regarded as made with lawful authority if, and only if, it is made—

(a) by a person in accordance with his official duty as a civil servant;

(b) by any other person either—

(i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the Department or by any person authorised by the Department; or

(ii) to the Department or in accordance with an authorisation duly given by the Department or by any person authorised by the Department;

(c) in accordance with any statutory provision or order of a court;

- (d) for the purposes of instituting, or otherwise for the purposes of, any proceedings before a court; or
 - (e) with the consent of the person to whom the information relates or of any person authorised to act on his behalf.
- (7) A person guilty of an offence under paragraph (3) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (8) In this Article “social security information” means information which—
- (a) is of a description prescribed by regulations made by the Department subject to negative resolution, and
 - (b) was obtained by reason of the exercise by the Department of Health and Social Services of any of its functions under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 or the Social Security Administration (Northern Ireland) Act 1992.

Inspection of pre-school education

7. Any premises in which is provided—
- (a) pre-school education in respect of which the Department is making, or is to make, grants under Article 3, or
 - (b) pre-school education in respect of which the Department is considering whether to make such grants,

shall, if they would not otherwise fall within the definition of a “relevant establishment” for the purposes of Articles 102 and 102A of the 1986 Order (establishments to be open to inspection at all reasonable times), be treated as a relevant establishment for the purposes of those Articles.

Functions of Northern Ireland Council for the Curriculum, Examinations and Assessment in relation to nursery education

8. In Article 35(6) of the 1989 Order (provisions about the curriculum which apply to nursery education) before sub-paragraph (a) there shall be inserted—

“(aa) Article 19;”.