
STATUTORY INSTRUMENTS

1986 No. 594

The Education and Libraries (Northern Ireland) Order 1986

PART VIII

ADMINISTRATION AND FINANCE

Administration

[^{F1}Power of Department to give directions

101 ^{F2}—(1) The Department may give directions to any relevant authority as to the exercise by that authority of any power conferred, or the performance of any duty imposed, on that authority by or under any provision of the Education Orders; but the Department shall consult with a relevant authority before giving any directions to the authority under this paragraph.

(2) In particular, but without prejudice to the generality of paragraph (1), directions given under that paragraph may—

- (a) require a specified power—
 - (i) to be exercised;
 - (ii) to be exercised in a specified manner;
 - (iii) not to be exercised;
 - (iv) not to be exercised in a specified manner;
- (b) require a specified duty—
 - (i) to be performed;
 - (ii) to be performed in a specified manner;
 - (iii) not to be performed in a specified manner;

and in this paragraph “specified” means specified in directions.

(3) In this Article “relevant authority” means any of the following, namely—

- (a) [^{F3}the Authority] ;
- (b) the Board of Governors or trustees of a grant#aided school;
- Sub#para. (c) rep. by 1993 NI 12*
- (d) the governing body of an institution of further education;
- (e) the managers or trustees of a college of education;
- (f) the Council for Catholic Maintained Schools;

[the General Teaching Council for Northern Ireland;]

^{F4}(fa)

[the Northern Ireland Council for the Curriculum, Examinations and Assessment.]

^{F5}(g)

Changes to legislation: The Education and Libraries (Northern Ireland) Order 1986, Section 101 is up to date with all changes known to be in force on or before 19 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) If, on a complaint made to it by any person or body, the Department is satisfied that a relevant authority has acted or is proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any provision of the Education Orders, the Department shall give such directions under paragraph (1) as to the exercise of the power or the performance of the duty as appear to the Department to be expedient to remedy that complaint.

(5) Directions may be given to a relevant authority under paragraph (1) notwithstanding any provision of the Education Orders rendering the exercise of the power or the performance of the duty contingent upon the opinion of that authority.

(6) It shall be the duty of a relevant authority to comply with any directions given to the authority under paragraph (1) and any such directions may be enforced by mandamus.

(7) Where the Department is satisfied that a relevant authority has failed to comply with any directions given to the authority under paragraph (1), the Department may make an order appointing a person or persons to discharge, in the name of the relevant authority, all the functions of the authority or such functions as may be specified in the order and the order may render valid any act, thing or payment which would otherwise be invalid by reason of any default by the authority.

(8) So long as an order under paragraph (7) remains in force the functions of the relevant authority or such functions as are specified in the order shall be performed by the person or persons appointed by the order and shall not be performed by the authority.

(9) The remuneration and expenses of a person or persons appointed by an order made under paragraph (7) shall be determined by the Department and shall together with any other sums expended by the Department in consequence of the order be defrayed as part of the expenses of the relevant authority under the Education Orders.

(10) The Statutory Rules (Northern Ireland) Order 1979 shall not apply to any order made under paragraph (7).

[
^{F6}(11) In relation to the managers or trustees of a college of education the functions of the Department under this Article are exercisable by the Department for Employment and Learning (as well as by the Department of Education).]]

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| F1 | 1989 NI 20 |
| F2 | certain functions transf. by SR 1999/481 |
| F3 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F4 | Art. 101(3)(fa) inserted (7.6.2022) by General Teaching Council (Directions) Act (Northern Ireland) 2022 (c. 29) , ss. 1(2) , 2(1) |
| F5 | 1993 NI 12 |
| F6 | 2005 NI 13 |

Modifications etc. (not altering text)

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| C1 | Art. 101 applied (1.1.2007) by Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 (S.R. 2006/439) , reg. 11(2) (with regs. 5(4), 16(3)(4), 26, 49, 53, 54(1)) |
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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 2](#)
- [art.77\(3\)](#) revoked by [S.I. 1996/2967 reg.11\(7\)](#)