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## STATUTORY INSTRUMENTS

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# 1986 No. 594

## The Education and Libraries (Northern Ireland) Order 1986

### PART IV

#### INDEPENDENT SCHOOLS

##### *Registration of independent schools*

**38.**—(1) The Department shall keep a register of all independent schools which register shall be open to public inspection at all reasonable times and the Department shall, subject to paragraphs (2) and (3), register therein any independent school the proprietor of which makes application for the purpose in the prescribed manner and furnishes the prescribed particulars.

(2) An independent school shall not be registered if, by virtue of an order made under this Part—

- (a) the proprietor is disqualified from being the proprietor of an independent school; or
- (b) the school premises are disqualified from being used as a school; or
- (c) the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order.

(3) The registration of an independent school shall be provisional only until the Department, after the school has been inspected on its behalf under the provisions of this Order, gives notice to the proprietor that the registration is final.

(4) The Department may make regulations prescribing the particulars to be furnished by the proprietors of independent schools and such regulations may provide for the notification to the Department of any changes in the particulars so furnished and as to the circumstances in which the Department may delete the name of any school from the register in the event of its being unable to obtain sufficient particulars thereof.

(5) Any person who—

- (a) conducts an independent school, whether established before or after the coming into force of this Article, which is not registered or provisionally registered under paragraph (1); or
- (b) being the proprietor of an independent school does any thing calculated to lead to the belief that the school is so registered whilst it is provisionally registered or not registered or that it is so provisionally registered whilst it is not provisionally registered;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(6) A person shall not be guilty of an offence under paragraph (5)(a) by reason of conducting a school at any time within the period of one month from the date on which it was first conducted (whether by that person or another) if an application for the registration of the school has been duly made within that period.

**Changes to legislation:**

The Education and Libraries (Northern Ireland) Order 1986, Section 38 is up to date with all changes known to be in force on or before 01 October 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.

[View outstanding changes](#)

**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\(7\)](#)