
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VII

FURTHER AND HIGHER EDUCATION

Functions of boards with respect to further and higher education

Duty of boards with respect to further education

100.—(1) Each board shall secure, in accordance with arrangements approved by the Department, the provision for its area of adequate facilities for further education and may, with the approval of the Department, provide facilities for further education to meet the requirements of an area in Northern Ireland outside its own area.

(2) Subject to the following provisions of this Article, in this Order “further education” means—

- (a) full-time and part-time education for persons over compulsory school age (including vocational, social, physical and recreational training); and
- (b) organized leisure-time occupation provided in connection with the provision of such education.

(3) In this Order “further education” does not include higher education, that is to say, education provided by means of a course of any description mentioned in Schedule 7; and the Department may by order amend Schedule 7.

(4) Full-time education suitable to the requirements of senior pupils over compulsory school age shall not be regarded for the purposes of this Order as further education if it is or is to be provided by an institution which does not provide part-time senior education or post-school age education to a significant extent.

(5) In this Order—

- (a) “part-time senior education” means part-time education for senior pupils over compulsory school age; and
- (b) “post-school age education” means full-time or part-time education for persons of or over nineteen years of age.

(6) The duty of a board under paragraph (1) extends, in the case of further education of a vocational kind, to the provision of facilities for continuing education for persons already in employment or already engaged in a vocation as well as to the provision of facilities for education with a view to entry into any employment or vocation.

(7) In paragraph (2)(b) “organized leisure-time occupation” means leisure-time occupation, in such organized cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by facilities provided for that purpose.

(8) In fulfilling its duty under paragraph (1) a board shall have regard to any educational facilities provided by other boards or by other bodies which are provided for, or available for use by persons living in, its area and may—

- (a) co-operate with other boards and bodies other than boards;
- (b) with the approval of the Department, contribute towards the expenses of such bodies other than boards or incur expenditure jointly with another board or other boards.

(9) In fulfilling that duty a board shall also have regard to the requirements of persons over compulsory school age who have learning difficulties.

(10) Subject to paragraph (11), for the purposes of paragraph (9) a person has a “learning difficulty” if—

- (a) he has a significantly greater difficulty in learning than the majority of persons of his age; or
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by the board concerned in pursuance of its duty under paragraph (1) for persons of his age.

(11) A person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

Powers of boards with respect to higher education

101.—(1) A board shall have power in accordance with arrangements approved by the Department—

- (a) to secure the provision for its area of such facilities for higher education to which this Article applies as appear to it to be appropriate for meeting the needs of the population of its area; and
- (b) to secure the provision of higher education to which this Article applies for persons living outside its area.

(2) In exercising its power under paragraph (1)(a) a board shall have regard to any facilities for higher education to which this Article applies provided by universities, boards and other bodies which are provided for, or available for use by persons living in, its area and may—

- (a) co-operate with other boards and bodies other than boards;
- (b) with the approval of the Department, contribute towards the expenses of such bodies other than boards or incur expenditure jointly with another board or other boards.

(3) The higher education to which this Article applies is higher education provided by means of a course of a description mentioned in paragraph 1(a), (b), (c) or (d) of Schedule 7.

(4) The Department may by order amend paragraph (3).