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STATUTORY INSTRUMENTS

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**2006 No. 1915**

**The Education (Northern Ireland) Order 2006**

**PART II**

**THE CURRICULUM**

*Access to courses for older pupils*

**Access to courses: pupils in key stage 4**

**18.**—(1) The Board of Governors of a grant-aided school shall, in relation to all registered pupils at the school who are in key stage 4, provide access to at least the specified number of qualifying courses of which—

- (a) not fewer than one third shall be applied courses;
- (b) not fewer than one third shall be general courses;
- (c) at least one shall be a course falling within each area of learning in relation to that key stage;
- (d) at least one shall be a course in an official language of the European Union (other than English and, in Irish speaking schools, Irish).

(2) For the purposes of this Article “the specified number” is such number as the Department may for the time being specify by directions.

(3) For the purposes of this Article a “qualifying course” is a course of study which—

- (a) leads to an external qualification for the time being approved by the Department under Article 81(1) of the 1998 Order; and
- (b) is specified by the Department as a qualifying course for those purposes.

(4) For the purposes of this Article a Board of Governors of a grant-aided school provides access to a qualifying course if—

- (a) the course is provided by the school; or
- (b) the course is provided on behalf of the school in accordance with arrangements made under Article 21.

**Access to courses: pupils over compulsory school age**

**19.**—(1) The Board of Governors of a grant-aided school shall, in relation to all registered pupils at the school who are over compulsory school age, provide access to at least the specified number of qualifying courses of which—

- (a) not fewer than one third shall be applied courses;
- (b) not fewer than one third shall be general courses.

(2) For the purposes of this Article “the specified number” is such number as the Department may for the time being specify by directions.

- (3) For the purposes of this Article a “qualifying course” is a course of study which—
- (a) leads to an external qualification for the time being approved by the Department under Article 81(2) of the 1998 Order; and
  - (b) is specified by the Department as a qualifying course for those purposes.
- (4) For the purposes of this Article a Board of Governors of a grant-aided school provides access to a qualifying course if—
- (a) the course is provided by the school; or
  - (b) the course is provided on behalf of the school in accordance with arrangements made under Article 21.

#### **“Applied” and “general” courses**

**20.** For the purposes of Articles 18 and 19 the Department shall issue and may from time to time revise—

- (a) a list of courses appearing to the Department to be wholly or mainly applied courses; and
- (b) a list of courses appearing to the Department to be wholly or mainly general courses;

and in those Articles reference to an applied course is to a course for the time being included in the list under paragraph (a) and reference to a general course is to a course for the time being included in the list under paragraph (b).

#### **Arrangements for provision of secondary education on behalf of a grant-aided school**

**21.—(1)** The Board of Governors of a grant-aided school may enter into arrangements to secure the provision of secondary education on behalf of the school by—

- (a) any other grant-aided school;
- (b) any institution of further education;
- (c) any other person or body approved by the Department and appearing to the Board of Governors to be qualified and equipped to provide that education.

(2) Arrangements under this Article—

- (a) shall be in writing;
- (b) shall be made—
  - (i) in the case of arrangements under paragraph (1)(a), with the Board of Governors of the other grant-aided school;
  - (ii) in the case of arrangements under paragraph (1)(b), with the governing body of the institution of further education;
  - (iii) in the case of arrangements under paragraph (1)(c), with the person or body in question;
- (c) may be varied from time to time;
- (d) may include such terms and conditions as the Board of Governors think necessary or appropriate, including terms and conditions—
  - (i) as to any charges to be paid by the Board of Governors;
  - (ii) as to the nature and quality of the secondary education to be provided under the arrangements;
  - (iii) as to the provision to the Board of Governors of such reports and other information and the carrying out on behalf of the Board of Governors of such actions as will

facilitate or assist the Board of Governors in carrying out any statutory duty in relation to the pupils to whom the arrangements relate;

(iv) designed to safeguard the welfare of such pupils, to protect such pupils from abuse or to provide for discipline among such pupils.

(3) In determining—

(a) whether to enter into any arrangements under this Article; and

(b) the terms and conditions on which to enter any such arrangements,

a Board of Governors shall take account of such guidance as may from time to time be issued by the Department.

(4) In Article 14 (1) of the Further Education (Northern Ireland) Order 1997 (principal powers of governing body of institution of further education) for sub-paragraph (aa) substitute—

“(aa) to provide secondary education—

(i) for registered pupils of a grant-aided school in accordance with arrangements entered into under Article 21 of the Education (Northern Ireland) Order 2006;

(ii) for children who are not registered pupils at any grant-aided school in accordance with arrangements entered into with a board under Article 83(2)(b) of the Education (Northern Ireland) Order 1998”.

## Exceptions

**22.—**(1) The Department may direct as respects a particular grant-aided school or any description of grant-aided school that, for such period as may be specified in the direction, Article 18 or Article 19 or both Articles—

(a) shall apply with such modifications as may be so specified; or

(b) shall not apply.

(2) Before giving a direction under paragraph (1) which affects any school the Department shall consult—

(a) the [<sup>F1</sup>Authority] ; and

(b) in the case of a Catholic maintained school, the Council for Catholic Maintained Schools.

(3) The Department may make it a condition of a direction under paragraph (1) affecting any school that the Board of Governors or [<sup>F2</sup>the Authority] should, when so directed or at specified intervals, report to the Department on any matters specified by the Department.

### Textual Amendments

**F1** Words in art. 22(2)(a) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 25\(3\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

**F2** Words in art. 22(3) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 25\(4\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Northern Ireland) Order 2006, Cross Heading: Access to courses for older pupils.