

SCHEDULES

SCHEDULE 5

Article 90(1).

AMENDMENTS

PART I

AMENDMENTS COMING INTO OPERATION 2 MONTHS AFTER MAKING OF ORDER

The Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14)

In Article 9(1)(a) for “Article 6(3) of the Education and Libraries (Northern Ireland) Order 1986” substitute “Article 86 of the Education (Northern Ireland) Order 1998”.

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

In Article 2(2) for the definition of “the Education Orders” substitute—

““the Education Orders” means—

- (a) this Order;
- (b) the 1989 Order;
- (c) the Education and Libraries (Northern Ireland) Order 1993;
- (d) the Education (Northern Ireland) Order 1996;
- (e) the Education (Northern Ireland) Order 1997;
- (f) the Further Education (Northern Ireland) Order 1997;
- (g) the Education (Northern Ireland) Order 1998;”.

In Article 2(2) for the definition of “nursery school” substitute—

““nursery school” means a primary school which is used mainly for the purpose of providing full-time or part-time education for children who have attained the age of 2 years but are under compulsory school age;”.

In Article 2(2) for the definition of “primary education” substitute—

““primary education” means—

- (a) full-time education suitable to the requirements of junior pupils of compulsory school age; and
- (b) full-time or part-time education suitable to the requirements of junior pupils under compulsory school age;”.

The paragraphs inserted by Article 25(6) of the Education (Northern Ireland) Order 1997 as paragraphs (2D) and (2E) of Article 2 shall be renumbered as paragraphs (2G) and (2H) of that Article respectively.

In Article 7 for “whether within or outside” substitute “within”.

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In Article 17(7) omit the words “or such other board as the Department may determine”.

In Schedule 4—

- (a) in the cross heading before paragraph 4 for “and controlled nursery” substitute “, controlled nursery schools (other than controlled integrated nursery schools)”;
- (b) in paragraph 4 after “nursery school” insert “(other than a controlled integrated nursery school)”.

The Education Reform (Northern Ireland) Order 1989 (NI 20)

In Article 7 for paragraph (5) substitute—

“(5) An order under paragraph (1)(a) may, instead of containing the provisions to be made, refer to provisions in a document published as specified in the order and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.”.

In Articles 8(4) and 13(6) for “paragraph (1) of” substitute “paragraph (1)(a) of”.

In Article 10(2)(b) for “Article 9(1)” substitute “Article 81 of the Education (Northern Ireland) Order 1998”.

In Article 34(3) for sub-paragraph (a) substitute—

- “(a) the external qualifications (within the meaning of Article 81 of the Education (Northern Ireland) Order 1998) for which courses of study are to be provided by or on behalf of the institution concerned for students under the age of 19 who are in full time attendance at the institution;”.

At the end of Article 49 add—

“(4) Notwithstanding anything in any other statutory provision (including any provision of the Education Orders), the allocation formula under a scheme may, in relation to a controlled grammar school having a preparatory department, make special provision for the determination of the budget share of that school in so far as it relates to the preparatory department.

(5) The special provision made by virtue of paragraph (4) may include provision the effect of which is that the budget share of the school, in so far as it relates to the preparatory department, is substantially less than it would have been but for that provision.

(6) In this Article “preparatory department”, in relation to a controlled grammar school, means that part of the school in which primary education is provided.”.

In Article 60 after paragraph (6) insert—

“(6A) Notwithstanding anything in any other statutory provision (including any provision of the Education Orders), the formula determined under paragraph (3)(a) may, in relation to a voluntary grammar school having a preparatory department, make special provision for the determination of the amount of the grant payable to the Board of Governors under this Article in so far as it relates to the preparatory department.

(6B) The special provision made by virtue of paragraph (6A) may include provision the effect of which is that the grant payable to the Board of Governors of the school, in so far as it relates to the preparatory department, is substantially less than it would have been but for that provision.

(6C) In this Article “preparatory department”, in relation to a voluntary grammar school, means that part of the school in which primary education is provided.”.

In Article 164(4) for “8(5), 34(1)” substitute “or 8(5)”.

In Schedule 6, in paragraph 2(b)(iii) for “Part IV of this Order” substitute “Part III of the Education (Northern Ireland) Order 1997”.

In Schedule 8, in paragraph 11(4) for “Director” substitute “chief executive”.

The Education (Northern Ireland) Order 1997 (NI 5)

In Article 18(2) for “paragraph (1)(a), (b), (d), (e) and (f)” substitute “paragraph (1)(b), (d) and (f)”.

PART II

AMENDMENTS COMING INTO OPERATION ON A DAY APPOINTED UNDER ARTICLE 1(3)

The Exchequer and Financial Provisions Act (Northern Ireland) 1950 (c. 3 (N.I.))

In section 33(1) for “Article 116 of the Education and Libraries (Northern Ireland) Order 1986 or grant-maintained integrated schools under Article 77(8) of the Education Reform (Northern Ireland) Order 1989” substitute “Article 68 of the Education (Northern Ireland) Order 1998 or grant-maintained integrated schools under Article 69 of that Order”.

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

In Article 2(2) for the definition of “grant-maintained integrated school” substitute—

““grant-maintained integrated school” means a school which has become, or which has been established as, a grant-maintained integrated school in accordance with Articles 68 to 72 of the 1989 Order;”.

Article 9 shall cease to have effect.

In Article 16(4)(a) for “Article 116” substitute “Article 68 of the Education (Northern Ireland) Order 1998”.

In Article 58(8) for “Part V of the 1989 Order” substitute “Part VII of the Education (Northern Ireland) Order 1998”.

In Article 88(1B)(a) for “Part V of the 1989 Order” substitute “Part VII of the Education (Northern Ireland) Order 1998”.

In Article 119A(4)(a) for “Part V of the 1989 Order” substitute “Part VII of the Education (Northern Ireland) Order 1998”.

In Article 119A(6) for “Article 53 of the 1989 Order” substitute “Article 55 of the Education (Northern Ireland) Order 1998”.

The Education Reform (Northern Ireland) Order 1989 (NI 20)

In Article 82(1) for sub-paragraph (b) substitute—

“(b) given a notice to the Board of Governors of the school under Article 64 of the Education (Northern Ireland) Order 1998 specifying a date on which the duty of the board under Article 63 of that Order to make maintenance grants to the Board of Governors will cease.”.

Article 85 shall cease to have effect.

In Article 125(2)(g)(i) for “under Article 54 or 57 or by the Department under Article 61 or 78” substitute “under Article 66 or 67 of the Education (Northern Ireland) Order 1998”.

In Article 125(2)(g)(ii) for “(within the meaning of Part V) or in accordance with Article 51” substitute “(within the meaning of Part VII of the Education (Northern Ireland) Order 1998)”.

In Article 151(4) of the 1989 Order for sub-paragraph (a) substitute—

“(a) the General Teaching Council for Northern Ireland; and”.

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In Schedule 6, paragraph 3 shall cease to have effect.

The Value Added Tax Act 1994 (c. 23)

In Schedule 9 in Group 6 in Note (1)(a)(viii) for “Article 65 of the Education Reform (Northern Ireland) Order 1989” substitute “Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986”.

The Education (Northern Ireland) Order 1996 (NI 1)

In Article 39(4)(b) for “Article 116 of the 1986 Order” substitute “Article 68 of the Education (Northern Ireland) Order 1998”.

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

In Article 78(7) after sub-paragraph (c) insert—

“(cc) the General Teaching Council for Northern Ireland;”.