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STATUTORY INSTRUMENTS

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**1993 No. 2810**

**The Education and Libraries (Northern Ireland) Order 1993**

**PART IV**

**MISCELLANEOUS**

*Miscellaneous amendments to the 1986 Order*

*Art. 36 rep. by 1998 NI 13*

**Limitation on membership of Boards of Governors**

**37.** For Article 12 of the 1986 Order there shall be substituted the following Article—

**“Limitation on membership of Boards of Governors**

**12.** Except with the approval of the Department, no person shall at the same time hold office as a member of more than three Boards of Governors of grant-aided schools.”.

**Standard of school premises**

**38.** For Article 18 of the 1986 Order there shall be substituted the following Article—

**“Standard of school premises**

**18.—(1)** The Department shall issue directions specifying the standards to which premises of grant-aided schools shall conform.

(2) Subject to paragraph (3), it shall be the duty of—

- (a) the board responsible for the management of a controlled school;
- (b) the Board of Governors of a grant-maintained integrated school; and
- (c) the trustees of a voluntary school,

to secure that the premises of the school conform to the standards specified under this Article for schools of the description to which the school belongs.

(3) Where the Department is satisfied that it would be unreasonable to expect the premises of a particular school to conform to the standards specified under this Article, it may exempt the school premises from conforming with such standards to such extent and for such time as it thinks appropriate.

(4) Directions given under this Article by the Department—

- (a) shall be given in writing; and
- (b) shall be published by the Department in such manner as it thinks fit.”.

## Appeals against expulsion of pupils

39. For Article 49 of the 1986 Order there shall be substituted the following Article—

### “Suspension and expulsion of pupils

49.—(1) Each board shall prepare a scheme specifying the procedure to be followed in relation to the suspension or expulsion of pupils from schools under its management.

(2) The Council for Catholic Maintained Schools shall prepare a scheme specifying the procedure to be followed in relation to the suspension or expulsion of pupils from Catholic maintained schools.

(3) The Board of Governors of—

- (a) a voluntary school (other than a Catholic maintained school);
- (b) a grant-maintained integrated school,

shall prepare a scheme specifying the procedure to be followed in relation to the suspension or expulsion of pupils from the school.

(4) A scheme prepared under paragraph (1), (2) or (3) shall provide that a pupil may be expelled from a school only by the expelling authority and shall include provision for such other matters as may be prescribed.

(5) In this Article “the expelling authority” means—

- (a) in relation to a pupil in a controlled school, the board responsible for the management of the school; and
- (b) in relation to a pupil in any other grant-aided school, the Board of Governors of the school.

(6) Every board shall make arrangements for enabling—

- (a) the parent of a pupil at a grant-aided school situated in the area of the board; or
- (b) if the pupil has attained the age of 18 years, the pupil himself,

to appeal against any decision of an expelling authority to expel the pupil from the school.

(7) Any appeal by virtue of paragraph (6) shall be to an appeal tribunal constituted in accordance with regulations under paragraph (10).

(8) On the hearing of an appeal under this Article the appeal tribunal may—

- (a) allow the appeal and direct that the pupil be re-admitted to the school; or
- (b) dismiss the appeal.

(9) It shall be the duty of the expelling authority and, in the case of a pupil expelled from a controlled school, the Board of Governors of the school to comply with any direction given under paragraph (8)(a).

(10) The Department shall by regulations provide for the constitution and procedure of appeal tribunals and, without prejudice to the generality of the foregoing, such regulations—

- (a) shall provide for an appeal tribunal to consist of a prescribed number of persons selected in the prescribed manner from a panel of persons appointed by the board to act as members of appeal tribunals under this Article;
- (b) may provide for disqualifying prescribed persons or descriptions of person for membership of an appeal tribunal;
- (c) may contain provision requiring an appeal tribunal to hear and determine an appeal within such period as may be specified in, or determined in accordance with, the regulations;

- (d) may provide for two or more appeal tribunals to sit at the same time;
- (e) may provide that all matters relating to the procedure on appeals which are not specifically regulated by the regulations shall be determined by the board.
- (11) An appeal tribunal shall not be regarded as a committee of the board.
- (12) Article 79(1) shall apply to members of an appeal tribunal in like manner as it applies to members of a board.”.

*Arts. 40, 41 rep. by 1998 NI 13*

### **Salaries and other terms and conditions of employment of teachers**

**42.**—(1) In the 1986 Order for Article 69 there shall be substituted the following Article—

#### **“Salaries and other terms and conditions of employment of teachers**

**69.**—(1) Except as provided by paragraph (3)—

- (a) the rates of salaries and the allowances which are to be paid to teachers to whom this Article applies; and
- (b) the other terms and conditions of employment of such teachers,

shall be determined by the Department.

(2) This Article applies to—

- (a) teachers employed in grant-aided schools;
- (b) teachers employed in institutions of further education; and
- (c) peripatetic teachers.

(3) In such circumstances and subject to such conditions as the Department may direct, the rates of salaries and the allowances which are to be paid to teachers of a class or description specified by the Department in the directions shall be determined by a body or person so specified.

(4) Before giving any directions under paragraph (3), the Department shall consult—

- (a) such representatives of employing authorities and such representatives of teachers as appear to it to be concerned; and
- (b) any other person with whom consultation appears to it to be desirable.

(5) In paragraph (4) “employing authority” means—

- (a) in relation to teachers employed in controlled schools and institutions of further education, the board by which they are employed;
- (b) in relation to teachers employed by the Council for Catholic Maintained Schools, that Council;
- (c) in relation to teachers employed in a voluntary school (other than a Catholic maintained school), the Board of Governors of that school;
- (d) in relation to teachers employed in a grant-maintained integrated school, the Board of Governors of the school;
- (e) in relation to peripatetic teachers, the board by which they are employed.

(6) A determination under paragraph (1) or (3)—

- (a) shall be made in writing;
- (b) shall be published in such manner as the Department or, as the case may be, the body or person making the determination thinks fit;

- (c) may contain such transitional and supplementary provisions as the Department or, as the case may be, that body or person thinks fit; and
- (d) may have effect from a date earlier than the date on which it is made.

(7) Where any question arises as to the rate of salary or allowance to be paid under this Article to a teacher—

- (a) where that rate of salary or allowance falls in accordance with directions under paragraph (3) to be determined by a body or person specified in those directions, the decision of that body or person shall, except on a question of law, be final;
- (b) in any other case, the decision of the Department shall, except on a question of law, be final.

(8) The terms and conditions upon which a teacher (other than a temporary or part-time teacher) is employed shall be set out in an agreement entered into between the teacher and the employer and the agreement shall be in such form as may be approved by the Department.”.

(2) In Article 70 of the 1986 Order the following provisions (which relate to terms and conditions of employment of teachers and are superseded by paragraph (1)) shall cease to have effect, namely—

- (a) paragraph (1)(b);
- (b) paragraph (3).

(3) Subject to paragraph (4), any regulations which—

- (a) were made under Article 69 or 70(1)(b) of the 1986 Order; and
- (b) were in operation immediately before the coming into operation of this Article,

shall, in so far as they relate to teachers to whom Article 69 of the 1986 Order (as substituted by paragraph (1)) applies, have effect as from the coming into operation of this Article as if they were determinations made by the Department under Article 69(1) of the 1986 Order (as so substituted).

(4) Any provisions included in any regulations mentioned in paragraph (3) by virtue of Article 69(3) of the 1986 Order shall, in so far as they relate to teachers so mentioned, have effect as from the coming into operation of this Article as if they were directions given by the Department under Article 69(3) of the 1986 Order (as substituted by paragraph (1)).

(5) Until the day appointed for the coming into operation of Article 41, Article 69 of the 1986 Order (as substituted by paragraph (1)) shall apply to supply teachers as it applies to the teachers listed in paragraph (2) of that Article; and for the purposes of paragraph (4) of that Article as so applying the “employing authority” in relation to supply teachers means the body by which they are employed.

**Charges for library services**

**43.** <sup>F1</sup> .....

**F1** Art. 43 repealed (1.4.2009) by Libraries Act (Northern Ireland) 2008 (c. 8), ss. 10(2), 12(2), Sch. 4; S.R. 2009/123, art. 2(g)

**Insurance by boards**

<sup>F2</sup>**44.** .....

**F2** Art. 44 repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), s. 7(2)(c), Sch. 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 and Libraries (Northern Ireland) Order 1993, Cross Heading: Miscellaneous amendments to the 1986 Order.