*Draft Order in Council laid before Parliament under paragraph 2 (1 )(a) of the Schedule to the Northern Ireland Act 2000 , for approval by resolution of each House of Parliament*

DRAFT STATUTORY INSTRUMENTS

# 2006 No. (N.I. )

# NORTHERN IRELAND

## The Education (Northern Ireland) Order 2006

*Made - - - - 2006*
*Coming into operation in accordance with Article 1 (2 ) to (7)*

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

## PART I

## INTRODUCTORY

**Title and commencement**

**1.**—(1) This Order may be cited as the Education (Northern Ireland) Order 2006.

(2) Except as provided by the following provisions of this Article, this Order comes into operation on 1st August 2006.

(3) The following provisions come into operation on the expiration of one week from the date on which this Order is made–

(a) this Part;

(b) Part II (except Articles 18 to 22) in so far as it authorises the making of regulations or orders;

(c) Article 43.

(4) The following provisions come into operation on such day or days as the Department may by order appoint–

(a) Articles 18 to 22;

(b) Articles 31 to 35 and 37;

(c) Part II of Schedule 2 and Article 44(1) so far as relating to that Part;

(d) Part III of Schedule 3 and Article 44(2) so far as relating to that Part.

(5) Articles 27, 28(1), 29 and 30 (and Part II of Schedule 3 and Article 44(2) so far as relating to that Part) come into operation on 1st October 2006, but do not apply in relation to any admission to a school taking effect, or proposed admission to a school which would take effect, at any time before 31st July 2010.

(6) Article 28(2) comes into operation–

(a) if the Secretary of State gives the notification mentioned in section 2(1) of the Northern Ireland Act 2006 (c. 17) before 25th November 2006, on such date as the Department may by order appoint;

(b) if the Secretary of State does not give that notification before 25th November 2006, on that date;

but (in either case) does not apply in relation to any admission to a school taking effect, or proposed admission to a school which would take effect, at any time before 31st July 2010.

(7) No order may be made under paragraph (6)(a) unless a draft of the order has been laid before and approved by resolution of the Assembly.

**Interpretation**

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order–

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986 (NI 3);

"the 1989 Order" means the Education Reform (Northern Ireland) Order 1989 (NI 20);

"the 1996 Order" means the Education (Northern Ireland) Order 1996 (NI 1);

"the 1997 Order" means the Education (Northern Ireland) Order 1997 (NI 5);

"the 1998 Order" means the Education (Northern Ireland) Order 1998 (NI 13).

(3) This Order shall be construed as one with the 1986 Order; and accordingly Article 2 of the 1986 Order, in so far as it relates to the interpretation of words or expressions used in that Order and in this Order, applies for the purposes of this Order as it applies for the purposes of that Order.

# PART II

## THE CURRICULUM

*Interpretation*

**Interpretation: the curriculum**

**3.**—(1) In this Part–

"area of learning" shall be construed in accordance with Article 6(1);

"assess" includes examine and test;

"assessment arrangements" means arrangements for assessing pupils in a school year for the purpose of ascertaining what they have achieved in that year;

"contributory element", in relation to an area of learning, has the meaning given by Article 6(2);

"cross-curricular skill" means a skill listed in Article 8(2);

"directions" means directions in writing;

"key stage", or references to a particular key stage, shall be construed in accordance with paragraph (3);

"levels of progression" means levels determined for the purpose of measuring the progress of pupils in the development of a cross-curricular skill;

"minimum content", in relation to an area of learning and a key stage, means the knowledge, understanding and skills within that area of learning which are required to be taught to pupils of different abilities and maturities during that stage;

"NICCEA" means the Northern Ireland Council for the Curriculum, Examinations and Assessment;

"relevant board" in relation to a grant-aided school, means the board for the area in which the school is situated;

"school year" means a year ending on 31st July;

"skill" includes any personal capability.

(2) For the purposes of this Part a school is an Irish speaking school if more than one half of the teaching of—

(a) religious education; and

(b) the minimum content of the areas of learning other than that called Language and literacy,

is conducted (wholly or partly) in Irish, and "school" includes part of a school.

(3) For the purpose of this Part the key stages in relation to a pupil are as follows—

(a) the foundation stage is the period beginning with his becoming of compulsory school age and ending at the same time as the school year in which the majority of pupils in his class complete two school years in that stage;

(b) key stage 1 is the period beginning at the same time as the next school year after the end of the foundation stage and ending at the same time as the school year in which the majority of pupils in his class complete two school years in that key stage;

(c) key stage 2 is the period beginning at the same time as the next school year after the end of key stage 1 and ending at the same time as the school year in which the majority of pupils in his class complete three school years in that key stage;

(d) key stage 3 is the period beginning at the same time as the next school year after the end of key stage 2 and ending at the same time as the school year in which the majority of pupils in his class complete three school years in that key stage;

(e) key stage 4 is the period beginning at the same time as the next school year after the end of key stage 3 and ending at the same time as he ceases to be of compulsory school age.

(4) In paragraph (3) "class", in relation to a particular pupil, means the teaching group in which he is regularly taught or, where there are two or more such groups, such one of them as may be designated by the principal of the school.

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

(6) For the purposes of this Part Irish is to be treated as an official language of the European Union at any time before 1st January 2007 (on which date it becomes an official language).

*General duty*

**General duty in respect to the curriculum**

**4.**—(1) It shall be the duty of the Board of Governors and principal of every grant-aided school to exercise their functions as respects that school (including, in particular, the functions conferred on them by this Part) with a view to securing that the curriculum for the school satisfies the requirements of this Article.

(2) The curriculum for a grant-aided school satisfies the requirements of this Article if it is a balanced and broadly based curriculum which–

(a) promotes the spiritual, emotional, moral, cultural, intellectual and physical development of pupils at the school and thereby of society; and

(b) prepares such pupils for the opportunities, responsibilities and experiences of life by equipping them with appropriate knowledge, understanding and skills.

*Statutory requirements relating to curriculum*

**The curriculum: main requirements**

**5.**—(1) The curriculum for every grant-aided school shall–

(a) include provision for religious education for all registered pupils at the school in accordance with such of the provisions of Article 21 of the 1986 Order as apply in relation to the school; and

(b) in so far as it relates to registered pupils at the school of compulsory school age, meet the requirements of Articles 6 to 9.

(2) In Articles 6 to 9—

(a) references to the curriculum for a grant-aided school are references to that curriculum so far as it relates to registered pupils at the school of compulsory school age; and

(b) references to pupils at such a school are references to registered pupils at the school of compulsory school age.

(3) Nothing in those Articles requiring particular matters to be included in the curriculum of a grant-aided school is to be taken to preclude the inclusion in that curriculum of any other matter.

**Areas of learning and contributory elements**

**6.**—(1) The curriculum for every grant-aided school shall include–

(a) in relation to pupils in the foundation stage, the areas of learning set out in column 1 of Part I of Schedule 1;

(b) in relation to pupils in key stages 1 and 2, the areas of learning set out in column 1 of Part II of that Schedule;

(c) in relation to pupils in key stage 3, the areas of learning set out in column 1 of Part III of that Schedule;

(d) in relation to pupils in key stage 4, the areas of learning set out in column 1 of Part IV of that Schedule.

(2) For the purposes of this Part, the elements ("the contributory elements") which fall within each area of learning listed in column 1 of a Part of Schedule 1 are the elements listed against that area of learning in column 2 of that Part of that Schedule.

(3) In relation to key stage 4, paragraph (2) applies only in relation to the areas of learning called–

(a) Learning for life and work; and

(b) Physical education.

(4) The Department may by order amend Schedule 1.

**Minimum content**

**7.**—(1) The curriculum for every grant-aided school shall, in relation to each area of learning applicable to pupils at the school—

(a) include such minimum content as is specified in relation to that area of learning and those pupils under paragraph (2);

(b) require each pupil at the school to be taught the minimum content within that area of learning; and

(c) require that the teaching in that area of learning is consistent with that minimum content.

(2) The Department may by order specify, in relation to an area of learning and pupils in a key stage, such minimum content as it considers appropriate.

(3) The minimum content specified in relation to an area of learning and pupils in a key stage must incorporate knowledge, understanding and skills relevant to each of the contributory elements which fall within that area of learning in relation to pupils in that key stage.

(4) It is the duty of the Department so to exercise the powers conferred by paragraph (2) as—

(a) to set in place as soon as is practicable minimum content in relation to all the areas of learning and each key stage, and

(b) to revise any existing minimum content whenever it considers it necessary or appropriate to do so.

(5) In relation to key stage 4, paragraphs (1) to (4) apply only in relation to the areas of learning called–

(a) Learning for life and work; and

(b) Physical education.

**Skills**

**8.**—(1) The curriculum for a grant-aided school must ensure, wholly or mainly through the teaching of the minimum content of areas of learning and religious education, the acquisition and development by pupils of–

(a) the cross-curricular skills; and

(b) any other skills specified by order of the Department.

(2) The cross-curricular skills are–

(a) communication;

(b) using mathematics;

(c) using information and communications technology.

(3) The Department may by order specify, in relation to a cross-curricular skill and pupils in key stages 1, 2, 3 and 4, such levels of progression as it considers appropriate for that skill.