1990 No. 288

EDUCATION

Education (Curriculum) (Temporary Exceptions) Regulations (Northern Ireland) 1990

Made	*30th July 1990*
Coming into operation . .	*1st September 1990*

The Department of Education, in exercise of the powers conferred on it by Article 17(1), (2), (3), (5) and (7) of the Education Reform (Northern Ireland) Order 1989(**a**) and of every other power enabling it in that behalf, and after consulting as required by Article 17(10) of that Order with those persons with whom consultation appeared to it to be desirable, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Curriculum) (Temporary Exceptions) Regulations (Northern Ireland) 1990 and shall come into operation on 1st September 1990.

Interpretation

2.—(1) In these Regulations—

"general direction" and "special direction" mean directions given in the circumstances specified in regulation 3(1)(*b*)(i) or (ii) respectively, and "direction", where used without qualification, means either a general or a special direction or both as the context may require;

"operative date" means the date on which a direction comes into operation;

"relevant board" in relation to a school means—

(*a*) in the case of a controlled school, the board responsible for the management of the school;

(*b*) in the case of a maintained school, the board by which the school is maintained;

(*c*) in the case of any other grant-aided school, the board for the area in which the school is situated;

"school day" means a day when the school is open for teaching purposes.

(2) In these Regulations any reference to the Board of Governors, or the Chairman of the Board of Governors, of a school includes, in relation to a voluntary school referred to in Article 11(8) of the principal Order(**b**), a

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(**a**) S.I. 1989/2406 (N.I. 20)
(**b**) The Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

reference to the person approved in relation to that school by the Department under the said Article 11(8).

(3) In their application to a technical secondary school conducted in association with an institution of further education, these Regulations shall have effect as if—

(*a*) references to the Board of Governors, or the Chairman of the Board of Governors, of a school included references to the governing body of the institution or, as the case may be, the Chairman of that governing body;

(*b*) references to the principal of a school included references to the principal of the institution.

Cases and circumstances in which directions may be given

3.—(1) Subject to paragraph (2), where the principal of a grant-aided school is of the opinion in the case of any registered pupil at the school—

(*a*) that it is not for the time being appropriate that the provisions of Articles 5, 6 and 8 of the 1989 Order(**a**) should apply in respect of that pupil as they would otherwise apply in respect of him; and

(*b*) either that—

(i) the circumstances that give rise to that opinion are likely to change significantly so that, within six months from the operative date, the application of those provisions will be appropriate in respect of that pupil; or

(ii) those circumstances are indicative of a need for the pupil to be assessed under Article 29 of the principal Order with a view to the making or amending of a statement of special educational needs in respect of him;

he may give a direction of the kind referred to in regulation 4.

(2) A principal shall not give a direction in circumstances to which paragraph (1)(*b*)(ii) applies unless he has first consulted the relevant board.

General and special directions

4.—(1) Subject to paragraphs (2) to (4) a direction may direct as respects any registered pupil that the provisions of Articles 5, 6 and 8 of the 1989 Order which apply to the pupil concerned—

(*a*) shall not apply; or

(*b*) shall apply with such modifications as may be specified in the direction;

from such operative date and for such operative period as may be so specified.

(2) No operative date which is less than one month after the date on which the direction is given may be so specified unless the principal is satisfied that it is essential in the interests of the pupil or for other educational reasons that the direction should come into force earlier.

(**a**) The Education Reform (Northern Ireland) Order 1989 (S.I. 1989/2406 (N.I. 20))

(3) Subject to paragraph (4), the maximum operative period that may be specified in a direction shall be—

(*a*) in the case of a general direction either—

(i) a fixed period not exceeding six months; or

(ii) a period determinable when the principal is satisfied that the circumstances giving rise to the direction no longer apply; and

(*b*) in the case of a special direction either—

(i) a period ending when a statement of special educational needs is made in respect of the pupil under Article 31 of the principal Order or, as the case may be, where such an existing statement is amended under paragraph 8 of Schedule 11 to that Order; or

(ii) a period ending not later than one month after the relevant board gives notice to the principal that it has determined not to make or, as the case may be, to amend, such a statement in respect of the pupil.

(4) In no case shall the operative period of a direction exceed six months, and in the case of any direction falling within paragraph (3)(*a*)(ii) or (3)(*b*) the direction shall cease to have effect six months from its operative date if it has not already done so but without prejudice to the making of a further direction under regulations 9 to 11.

Form and contents of directions

5. A direction shall be in writing, and shall include brief particulars of—

(*a*) the provisions of Articles 5, 6 and 8 which are to be modified or disapplied in respect of the pupil;

(*b*) the operative date of the direction and, if that date is less than one month after the date on which the direction is given, the reasons for it;

(*c*) the operative period of the direction;

(*d*) the reasons for the direction, indicating whether it is general or special;

(*e*) the provision which it is intended should be made for the pupil's education during the operative period of the direction insofar as it differs from that which would otherwise apply to him;

(*f*) either—

(i) in the case of a general direction, the manner in which the principal proposes to secure the full application in relation to the pupil, after the end of the operative period, of the provisions of Articles 5, 6 and 8; or

(ii) in the case of a special direction, his opinion that the pupil has or probably has special educational needs by virtue of which the relevant board would be required to determine the special educational provision that should be made for the pupil, and of the reasons for it; and

(*g*) the right of the parent of the pupil to appeal to the Board of Governors against the direction under Article 17(7) of the 1989 Order.