

---

STATUTORY INSTRUMENTS

---

**1993 No. 2810 (N.I. 12)**

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

- - - - - 16th November 1993

**PART I**  
**INTRODUCTORY**

**Title and commencement**

1.—(1) This Order may be cited as the Education and Libraries (Northern Ireland) Order 1993.

(2) Except as provided by paragraphs (3) and (4), this Order shall come into operation on the expiration of two months from the day on which it is made.

(3) The following provisions of this Order shall come into operation forthwith—

This Part;

Article 28 and Schedule 2;F

Article 42;

Article 48;

Article 50(1) and Part II of Schedule 4 so far as relating to—  
the definition of “maintained school” in Article 2(2) of the 1986 Order and Articles 9(1), 15(3),  
16(4) and 106(2) of, and Schedules 4, 7 and 8 to, that Order;

Articles 60(1), 126(4) and 127(2) and (3) of the 1989 Order;

Article 50(2) and Schedule 5 so far as relating to—

Article 70(1) and (3) of, and Schedule 19 to, the 1986 Order;

Articles 141(5) and 146(5) and (6) of the 1989 Order and the amendments in Schedule 9 to the  
1989 Order to Articles 11 and 116(1) of, and Schedules 5 and 6 to, the 1986 Order.

(4) The following provisions of this Order shall come into operation on such day or days as the  
Department may by order appoint<sup>F1</sup>

<sup>F2</sup>  
...

Article 34 and Part I of Schedule 4;

Article 41;

Article 45;

Article 50(2) and Schedule 5 so far as relating to—

Articles 2(2), 65, 69A, 70(4) and 72 of the 1986 Order;

**Changes to legislation:** *The Education and Libraries (Northern Ireland) Order 1993 is up to date with all changes known to be in force on or before 06 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Articles 18, 20, 23 to 28, 59, 143, 151, 153, 163 and 164 of, and Schedules 2 and 3 to, the 1989 Order and the amendment in Schedule 9 to the 1989 Order to the definition of “supply teacher” in Article 2(2) of the 1986 Order.

(5) An order under paragraph (4) may make such transitional provision as appears to the Department to be necessary or expedient in connection with the provisions brought into operation by the order.

**F1** partly exercised by SR 1994/127  
**F2** 1997 NI 15

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F3</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986<sup>F4</sup>;

“the 1989 Order” means the Education Reform (Northern Ireland) Order 1989<sup>F5</sup>.

(3) This Order shall be construed as one with the 1986 Order and the 1989 Order; and accordingly Article 2(2) of the 1986 Order, in so far as it relates to the definition of words or expressions used in that Order and in this Order, shall apply for the purposes of this Order as it applies for the purposes of that Order.

**F3** 1954 c. 33 (N.I.)  
**F4** 1986 NI 3  
**F5** 1989 NI 20

*Part II (arts. 3#18) rep. by 2003 NI 12*

**<sup>F6</sup>PART III**

**PUBLIC SUPPLY OR WORKS CONTRACTS**

**F6** Pt. III 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)

**Interpretation of Part III**

**19.** .....

**Board contracts: exclusion of non-commercial considerations**

**20.** .....

**Exceptions for fair employment matters and matters specified by Department**

**21.** .....

**Provisions supplementary to or consequential on Article 20**

22. ....

**Duty of boards to give reasons for certain decisions within Article 20**

23. ....

**Transitional duty of boards as regards existing lists**

24. ....

**Exclusion of charges for inclusion in approved list**

25. ....

**PART IV  
MISCELLANEOUS**

*Arts. 26, 27 rep. by 1997 NI 15*

*Finance*

**Capital grants to, and management of, maintained schools and voluntary grammar schools**

28.—(1) <sup>F7</sup> .....

(2) For Article 11 of the 1986 Order (management of voluntary schools) there shall be substituted the Article set out in Part I of Schedule 2.

(3) For Schedule 5 to the 1986 Order (management of maintained schools) there shall be substituted the Schedule set out in Part II of Schedule 2.

(4) For Schedule 6 to the 1986 Order (management of certain voluntary grammar schools) there shall be substituted the Schedule set out in Part III of Schedule 2.

(5) <sup>F8</sup> .....

(6) <sup>F9</sup> .....

(7) Any agreement in force immediately before the coming into operation of this Article in relation to a school under Schedule 6 to the 1986 Order shall—

(a) if made, or having effect as if made, under paragraph 1(1) of that Schedule, continue to have effect as if made under paragraph 1(1)(b) of that Schedule, as substituted by this Article;

(b) if made, or having effect as if made, under paragraph 1(2) of that Schedule, continue to have effect as if made under paragraph 2(1) of that Schedule, as substituted by this Article.

**F7** Art. 28(1) repealed (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3), 91(2), **Sch. 6 Pt. II** (with art. 91(3)); S.R. 2009/183, **art. 3(e)(iv)**

**F8** Art. 28(5) repealed (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3), 91(2), **Sch. 6 Pt. II** (with art. 91(3)); S.R. 2009/183, **art. 3(e)(iv)**

**Changes to legislation:** The Education and Libraries (Northern Ireland) Order 1993 is up to date with all changes known to be in force on or before 06 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**F9** Art. 28(6) repealed (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3), 91(2), **Sch. 6 Pt. II** (with art. 91(3)); S.R. 2009/183, **art. 3(e)(iv)**

*Art. 29 rep. by 2003 NI 12*

### Funding by Department of higher education

**30**<sup>F10</sup>.—(1) The Department may, on such terms and conditions as it may determine, make grants—

- (a) to the governing body of any higher education institution in Northern Ireland in respect of expenditure incurred or to be incurred by it for the purposes of—
  - (i) the provision of education and the undertaking of research by that institution; or
  - (ii) the provision of any facilities, and the carrying on of any other activities, by that institution which the governing body of that institution considers it necessary or desirable to provide or carry on for the purposes of, or in connection with, education or research;
- (b) to the governing body of any other prescribed institution in respect of expenditure incurred or to be incurred by it for the purposes of the provision of prescribed higher education courses;
- (c) to any body or person in respect of expenditure incurred or to be incurred by that body or person for the purposes of the provision of services for the purposes of, or in connection with, the provision of education and the undertaking of research by higher education institutions in Northern Ireland.

(2) For the purposes of the exercise of its functions under this Article, the Department may obtain such advice and other services as it considers necessary or desirable from any other body or person on such terms and conditions as may be agreed between the Department and that other body or person.

(3) In this Article—

“governing body”, in relation to an institution means—

- (a) in the case of a university, the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs;  
*Sub#para. (b) rep. by 1997 NI 15*
- (c) in the case of any other institution, the body which has responsibility for the conduct of its affairs;

“higher education course” means a course of a description for the time being mentioned in<sup>F11</sup> Schedule 1 to the Further Education (Northern Ireland) Order 1997];

“higher education institution” means—

- (a) a university; and
- (aa) [<sup>F12</sup>a college of education;]
- (b) any other institution which provides higher education courses and is designated by regulations as a higher education institution for the purposes of this Article;

and references to a higher education institution in Northern Ireland include references to the Open University;

“university” includes a university college and any college, or institution in the nature of a college, in a university.

(4) Regulations under this Article shall be subject to negative resolution.

**F10** functions transf. by SR 1999/481

**F11** 1997 NI 15

**F12** 2005 NI 13

**Modifications etc. (not altering text)**

**C1** Art. 30(1) modified (13.2.2006) by Higher Education (Northern Ireland) Order 2005 (S.I. 2005/1116 (N.I. 5)), arts. 1(3), 4(1)(b); S.R. 2006/30, **art. 2**

**Premature retirement compensation costs**

**31.—(1)** <sup>F13</sup> .....

(2) <sup>F14</sup> .....

(3) <sup>F15</sup> .....

*Para. (4) rep. by 1997 NI 15*

(5) After Article 119 of the 1986 Order there shall be inserted the following Article—

**“Recovery by Department of certain premature retirement compensation costs**

**119A.—(1)** Where the Department becomes liable to pay premature retirement compensation in relation to a member of the staff of a special school, the Department may, where there appears to the Department to be good reason to do so, direct that—

- (a) a specified amount shall be charged to the responsible board in any single specified financial year; or
- (b) a specified amount shall be charged to the responsible board in each financial year for such period (not exceeding 10 years) as may be specified,

in respect of premature retirement compensation costs of the Department in relation to that member of staff.

(2) In paragraph (1)—

“responsible board” means—

- (a) in relation to a member of the staff of a controlled school, the board responsible for the management of the school;
- (b) in relation to a member of the staff of a maintained school, the board by which the school is maintained;

“specified” means specified in directions under that paragraph.

(3) The amount or (in a case falling within sub-paragraph (b) of that paragraph) the total amount charged to a board in pursuance of a direction given under paragraph (1) in relation to a member of the staff of a special school shall not exceed such amount as appears to the Department to represent the cost, capitalised as of the date on which the direction is given, of discharging the Department's liability to pay premature retirement compensation to, or in respect of, that member of staff.

(4) Where a board becomes liable to pay premature retirement compensation in relation to a member of the staff of—

- (a) a controlled school which does not have a delegated budget under Part V of the 1989 Order; or
- (b) an institution of further education which does not have a delegated budget under Part VII of that Order,