STATUTORY INSTRUMENTS

1987 No. 167 (N.I. 2)

The Education (Northern Ireland) Order 1987

- - - - - - 10th February 1987

Title and commencement

1.—(1) This Order may be cited as the Education (Northern Ireland) Order 1987.

(2) This Order shall come into operation on 1st April 1987.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 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 principal Order" means the Education and Libraries (Northern Ireland) Order 1986 and any expression to which a meaning is assigned by that Order has the same meaning in this Order as in that Order.

Transfer of responsibility for education of mentally handicapped children

Para. (1) rep. by 1996 NI 1

(2) In Article 133 of the principal Order for paragraph (2) (application of Order to persons suffering from mental disorder or detained in pursuance of court order) there shall be substituted the following paragraph—

> "(2) No power or duty conferred or imposed by this Order on the Department or boards or parents shall be construed as relating to any person who is detaimed in pursuance of an order made by any court." .

Para. (3) rep. by 1996 NI 1

Duty to implement proposals as to primary and secondary education which are approved by the Department'

4. In Article 14 of the principal Order (proposals as to primary and secondary education) after paragraph (9) there shall be inserted the following paragraphs—

> "(9A) Subject to paragraph (9B), where a proposal under paragraph (1), (2) or (3) is approved by the Department after 1st April 1987, it shall be the duty of the board or person making the proposal to implement the proposal.
>
> (9B) The Department may modify any proposal which is required to be implemented under paragraph (9A), but shall not do so except at the request of the board or person making the proposal." .

Regulations as to carrying on of grant-aided schools

5. After Article 17 of the principal Order there shall be inserted the following Article—

"**Regulations as to carrying on of grant-aided schools**

17A.—(1) The Department may by regulations make provision as to the carrying on of grant-aided schools.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may include provision—

(a) prescribing the terms and conditions on which a school may remain a grant-aided school;

(b) with respect to the number and composition of the teaching staff to be provided in grant-aided schools;

(c) with respect to the duration of the school day and school year at such schools;

(d) with respect to the curriculum and time-table to be followed in such schools;

(e) enabling the Department to prohibit the use in such schools of any book or the teaching material of which the Department does not approve;

(f) preventing the use of the premises of such schools for such purposes as may be prescribed.

(3) Regulations under this Article may enable the Department to authorise such exceptions, grant such approvals and make such determinations for the purposes of the regulations as are specified therein.".

Art. 6 rep. by 1996 NI 1

Registration of pupils at school

7. In Article 48(1) of the principal Order (duty of proprietor of school to keep register of all persons of compulsory school age who are pupils at the school) the words "of compulsory school age" shall cease to have effect.

Regulations as to employment of teachers

8. For Article 70 of the principal Order there shall be substituted the following Article—

"**Regulations as to employment of teachers**

70.—(1) The Department may make regulations as to—

(a) the eligibility of persons to be employed as teachers; and

(b) the terms and conditions of employment of teachers.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may include provision—

(a) requiring teachers to have such qualifications as may be approved by the Department;

(b) requiring that, subject to such exceptions as may be prescribed, only teachers recognised by the Department be employed as teachers and providing for the grant, suspension, withdrawal and restoration of such recognition;

(c) requiring teachers to serve probationary periods;

(d) imposing requirements as to the age, health and physical capacity of teachers;

(e) prohibiting or restricting the employment or further employment of teachers on medical grounds, in cases of misconduct and on educational grounds.

(3) 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.

(4) This Article applies to—

(a) teachers in grant-aided schools;

(b) teachers in institutions of further education;

(c) peripatetic teachers; and

(d) supply teachers.".

Regulations as to employment of certain non-teaching staff

9. After Article 88 of the principal Order there shall be inserted the following Article—

"**Regulations as to employment of certain non-teaching staff**

88A.—(1) The Department may make regulations as to—

(a) the eligibility for employment of persons to whom this Article applies; and

(b) the terms and conditions of employment of such persons.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may include provision—

(a) for imposing requirements as to the health and physical capacity of persons to whom this Article applies;

(b) for prohibiting or restricting the employment or further employment of such persons on medical grounds and in cases of misconduct.

(3) This Article applies to persons employed by a board or by the managers of a voluntary school (other than a maintained school) in work otherwise than as teachers which brings them regularly into contact with persons who have not attained the age of nineteen years.".

Recovery of possession of residence provided by board for caretaker, groundsman, etc.

10. In Article 89 of the principal Order (provision of residences by boards) in paragraph (5) for the words "on giving six months notice to the occupant" there shall be substituted the words " subject to paragraph (5A) " and after paragraph (5) there shall be inserted the following paragraph—

"(5A) A board shall, before proceeding to recover possession of any house or residence provided and maintained or maintained as mentioned in paragraph (1)(a), give six months notice to the occupant." .

Use of spare capacity of computers of board

11. After Article 91 of the principal Order there shall be inserted the following Article—

"**Use of spare capacity of computers of board**

91A.—(1) If a board—

(a) has provided a computer for the purpose of enabling the board to perform any of its functions other than functions under this Article; and