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STATUTORY INSTRUMENTS

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1972 No. 1263 (N.I. 12)

NORTHERN IRELAND

# The Education and Libraries (Northern Ireland) Order 1972

*Laid before Parliament in draft*

*Made* - - - - - *14th August 1972*

*Coming into operation in accordance with Article 1*



LONDON  
HER MAJESTY'S STATIONERY OFFICE: 1972



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**At the Court at Balmoral, the 14th day of August 1972**

**Present,**

**The Queen's Most Excellent Majesty in Council**

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

**Now, therefore, Her Majesty, in exercise of the powers conferred by section 1 (3) of the Northern Ireland (Temporary Provisions) Act 1972 (a), 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:—**

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(a) 1972 c. 22.



PART I  
PRELIMINARY

*Title and commencement*

1.—(1) This Order may be cited as the Education and Libraries (Northern Ireland) Order 1972.

(2) This Article and Articles 2 to 4, 70 to 72, 103, 104 and 123 and Schedules 1 to 3 and 11 shall come into operation on the fourteenth day after the making of this Order and the remaining provisions of this Order shall come into operation on 1st April 1973 or such earlier day or days and to such extent as the Minister may, for the purpose of any such provision, by order appoint.

*Interpretation and temporary provisions*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (a) shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland and nothing in this Order shall, except where otherwise expressly provided, prejudice the provisions of the said Act of 1954 and the Local Government Act (Northern Ireland) 1972 (b) and section 17 (2) of the said Act of 1954 (amendment, revocation etc. of statutory instruments) shall apply to statutory instruments within the meaning of that Act made under this Order and directions given under this Order by the Ministry whether or not such statutory instruments or directions are of a legislative character.

(2) In this Order—

“approved” means approved by the Ministry;

“board” means an education and library board established under Article 3;

“child” means a person who is not over compulsory school age;

“clothing” includes footwear;

“compulsory school age” has the meaning assigned to it by Article 36;

“contributory school” means, in relation to a controlled intermediate school, a controlled primary school from which, in the opinion of the board responsible for the management of the controlled intermediate school, a substantial number of pupils proceed or are likely to proceed to the controlled intermediate school for the purpose of continuing their education;

“controlled school” means a grant-aided school under the management of a board;

“district council” means a council established under section 1 of the Local Government Act (Northern Ireland) 1972;

“enactment” has the meaning assigned to it by section 1 (b) of the Interpretation Act (Northern Ireland) 1954;

“financial year” means the period of twelve months ending on the 31st March;

“former library authority” means a library authority within the meaning of the enactments repealed by this Order;

“former local education authority” means a local education authority within the meaning of the enactments repealed by this Order;

“further education” has the meaning assigned to it by Article 5 (c);

“grammar school” means a secondary school not being an intermediate school;

“grant-aided”, when used in relation to a school, institution or establishment, means a school, institution or establishment, as the case may be, to or in respect of which grants are made under this Order;

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(a) 1954 c. 33 (N.I.).      (b) 1972 c. 9 (N.I.).

- “independent school” means a school which is not a grant-aided school;
- “intermediate school” means a secondary school providing free education;
- “junior pupil” means a child who has not attained the age of eleven years and six months;
- “local authority” means the council of a county, county borough or borough or an urban or rural district or a new town commission established under the New Towns Acts (Northern Ireland) 1965 to 1968;
- “maintained school” means a voluntary school for which a committee has been appointed under Part I of Schedule 5;
- “maintained school committee” has the meaning assigned to it by paragraph I of Schedule 5;
- “managers”, when used in relation to any voluntary school under the management of a board of governors, includes those governors;
- “medical officer” means a registered medical practitioner employed or engaged whether regularly or for the purposes of any particular case by or by direction of the Ministry of Health and Social Services;
- “newspaper” in Articles 84 to 86 includes any newsagency which as part of its regular business sells or otherwise supplies for reward reports or information to newspapers and any organisation which as part of its regular business collects news for sound or television broadcasts;
- “nursery school” means a primary school which is used mainly for the purpose of providing education for children who have attained the age of two years but have not attained the age of five years;
- “officer”, in relation to a board, includes a servant but does not include a teacher;
- “parent”, in relation to a child or young person, includes a guardian and every person who has the actual custody of the child or young person;
- “peripatetic teacher” has the meaning assigned to it by Article 53 (2) (a);
- “premises”, in relation to a school, includes any detached playing fields but does not include a teacher’s or caretaker’s residence;
- “prescribed” means prescribed by regulations made by the Ministry;
- “primary education” means full-time education suitable to the requirements of junior pupils;
- “primary school” means either a grant-aided school which provides only primary education or a grant-aided school which provides both primary and secondary education and is recognised by the Ministry as a primary school;
- “proprietor”, in relation to a school, means the person responsible for the management of the school and, for the purposes of the provisions of this Order relating to applications for the registration of independent schools, includes any person proposing to be so responsible;
- “provisionally registered school” means an independent school registered in the register of independent schools, the registration of which is provisional only;
- “pupil”, when used without qualification, means a person of any age for whom education is provided under this Order;
- “registered pupil”, in relation to a school, means a pupil registered as such in the register kept in accordance with the requirements of this Order but does not include any child who has been withdrawn from the school in the prescribed manner;
- “registered school” means an independent school registered in the register of independent schools the registration of which is final;
- “scholarship” includes exhibition, bursary or maintenance allowance or any combination thereof;
- “school” means an institution for providing primary or secondary education or both primary and secondary education, being a grant-aided school

or an independent school; and, when used without qualification, means either or both such schools as the context may require;

“school management committee” has the meaning assigned to it by Article 8 (1);

“secondary education” means full-time education suitable to the requirements of senior pupils other than such full-time education as may be provided for senior pupils under the provisions of this Order relating to further education;

“secondary school” means either a grant-aided school which provides only secondary education or a grant-aided school which provides both primary and secondary education and is recognised by the Ministry as a secondary school;

“senior pupil” means a person who has attained the age of eleven years and six months but has not attained the age of nineteen years;

“special educational treatment” means education under special arrangements appropriate for persons suffering from a disability of mind or body;

“special school” means a school which is specially organised for the purpose of providing special educational treatment and which is approved by the Ministry for that purpose;

“supply teacher” has the meaning assigned to it by Article 53 (2) (b);

“technical intermediate school” means a controlled intermediate school conducted in association with an institution of further education;

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Education;

“transferors” means—

(a) any trustees or other persons by whom a school has been transferred to a former education authority under the Education Act (Northern Ireland) 1923 (a), to a former local education authority under the Education Act (Northern Ireland) 1947 (b) or to the Ministry under this Order and includes trustees appointed in place of such trustees and the representatives or successors of such persons; or

(b) the Ministry, where a school is placed under the management of a board under Article 14 (6);

“transferred provision” has the meaning assigned to it by section 1 (g) of the Interpretation Act (Northern Ireland) 1954;

“trust deed” includes any instrument regulating the trusts or management of a school;

“voluntary school” means a grant-aided school other than a controlled school;

“young person” means a person over compulsory school age who has not attained the age of eighteen years.

(3) So long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect—

(a) subsection (1) (a) of that section applies to all functions which are conferred by this Order on the Minister;

(b) paragraph 4 (5) of the Schedule to that Act applies to any order which under this Order is subject to affirmative resolution.

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(a) 1923 c. 21 (N.I.).      (b) 1947 c. 3 (N.I.).

## PART II

### EDUCATION AND LIBRARY BOARDS AND COMMITTEES THEREOF

#### *Education and library boards*

3.—(1) For the purposes of this Order, there shall be established five Education and Library Boards (in this Order referred to as “boards”) and each such board shall from 1st April 1973 be the local education authority and library authority for its area.

(2) The names of the boards shall be those specified in column 1 of Schedule 1 and the area of a board shall be the areas of those local government districts specified opposite the name of that board in column 2 of that Schedule.

(3) The Ministry may by order, subject to affirmative resolution, amend the name or area of any board.

(4) The boards shall be constituted in accordance with the provisions set out in Part I of Schedule 2 and shall be bodies corporate with perpetual succession and, subject to Article 95, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the boards.

(5) The procedure of boards shall be regulated in accordance with Part II of Schedule 2.

(6) The headquarters of a board shall be situated at such place as the Ministry may direct or approve.

#### *Committees*

4.—(1) Each board shall have a teaching appointments committee and a library committee and may appoint such other committees as it considers necessary.

(2) A teaching appointments committee shall be constituted in accordance with the provisions of Part I of Schedule 3 and a library committee shall be constituted in accordance with Part II of that Schedule.

(3) All the members of any committee appointed under paragraph (1) by a board, other than the teaching appointments committee, shall be members of the board.

(4) Each board shall prepare and submit to the Ministry for approval a scheme specifying the functions to be performed and the procedure to be followed by its teaching appointments committee and a scheme specifying the functions to be performed and the procedure to be followed by its library committee and the functions of a library committee specified in any such scheme shall include the preparation from time to time for submission to the board of estimates of expenditure to be incurred by the board in its capacity as a library authority and the preparation for submission to the board of a development scheme in accordance with Article 62.

(5) A board may authorise its teaching appointments committee and its library committee and any other committee appointed by it under paragraph (1) to appoint sub-committees for such purposes as the board may approve and any such sub-committee may contain members who are not members of the board or of the committee which appointed the sub-committee.

(6) A board may authorise a committee but not a sub-committee to perform specific functions on behalf of, and in the name of, the board.

PART III  
PROVISION OF EDUCATION

GENERAL

*Stages and purposes of statutory system of education*

5. The statutory system of public education shall be organised in three stages as follows:—

- (a) primary education, that is to say, full-time education suitable to the requirements of junior pupils;
- (b) secondary education, that is to say, full-time education suitable to the requirements of senior pupils other than full-time education provided in an institution of further education; and
- (c) further education, that is to say, full-time and part-time education other than secondary education provided for persons over compulsory school age or in an institution of further education for persons over fifteen years of age;

and it shall be the duty of each board, so far as its powers extend, to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient education throughout those stages is available to meet the needs of its area.

PRIMARY AND SECONDARY EDUCATION

*Duty of boards to secure provision of primary and secondary education*

6.—(1) Each board shall secure that there are available in its area sufficient schools for providing primary and secondary education and the schools available for an area shall not be deemed to be sufficient unless they are sufficient in number, character and equipment to afford for all pupils opportunity for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes, and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs and, without prejudice to the generality of the foregoing provisions of this Article, a board in fulfilling its duties under this Article shall in particular have regard—

- (a) to the need for securing that provision is made for pupils who have not attained the age of five years by the provision of nursery schools or nursery classes in other schools;
- (b) to the need for securing the provision of special educational treatment either in special schools or otherwise for pupils whose physical, intellectual, emotional or social development requires such treatment;
- (c) to the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by the board to be desirable.

(2) Where a board is satisfied that, by reason of any exceptional circumstances, a child or young person is unable to attend a suitable school for the purpose of receiving primary or secondary education, the board may, with the approval of the Ministry, make such special arrangements as it considers suitable for the education of the child or young person otherwise than at a school.

*Provision, maintenance and management of controlled schools by boards*

7.—(1) For the purposes of fulfilling its duties under this Order, a board may provide primary, secondary and special schools whether within or outside

its area and shall maintain and manage any such school provided by it or transferred to its management by paragraph (2) (in this Order referred to as "a controlled school").

(2) A school which, immediately before the date of the coming into operation of this Article, was a county school or a special or nursery school under the management of a former local education authority shall from that date be maintained and managed by the board for the area in which the school is situated unless and until the Ministry directs that it be maintained and managed by some other board.

*Management of controlled schools*

8.—(1) A board shall make provision by means of a committee (in this Order referred to as "a school management committee") to be appointed by the board for the management of each—

- (a) controlled primary school other than a nursery school;
- (b) controlled intermediate school other than a technical intermediate school;
- (c) controlled nursery school;
- (d) controlled grammar school;
- (e) controlled special school;

under its management and two or more such primary schools other than nursery schools or two or more such intermediate schools or two or more such nursery schools may, if the board so determines and the Ministry approves, be grouped under one school management committee.

(2) The membership, procedure and functions of a school management committee of a controlled school or controlled schools shall, subject to the provisions of Schedule 4 as to membership and to the other provisions of this Order, be such as may be provided by a scheme prepared by the board and approved by the Ministry and such a scheme may provide for the carrying out by the committee in relation to the school or schools under its management of specified functions on behalf of, and in the name of, the board.

(3) Any question as to the right of any person to be represented on, or to nominate a member of, a school management committee shall be decided by the Ministry, whose decision shall be final.

(4) A school management committee shall, when carrying out specified functions on behalf of and in the name of the board, be regarded as a committee of the board but shall not be so regarded for any other purpose and the functions of a school management committee in relation to the appointment of teachers under Schedule 10 or the appointment of other staff under Article 77 shall not be regarded as being carried out on behalf of, or in the name of, the board.

(5) Where only one controlled school is under the management of a school management committee, the principal of the school shall be entitled to attend and take part in meetings of the committee but not to vote on any question and, where there are two or more schools under the management of a committee, the principal of each school shall be entitled to attend and take part in meetings of the committee when a matter relating to the school of which he is principal, whether alone or together with any other school or schools under the management of the committee, is under consideration but not to vote on any question.

(6) Until a scheme is prepared and approved under paragraph (2), a school management committee in being immediately before the date on which the

provisions of this Article come into operation shall continue in existence and continue to exercise, as nearly as possible in conformity with the scheme under which it was appointed, the functions it exercised immediately before that date and, in addition, shall exercise the functions in relation to the appointment of teachers conferred on school management committees by Schedule 10.

(7) Vacancies arising in the membership of a school management committee which continues in existence by virtue of paragraph (6) shall be filled in such manner as the Ministry may direct.

*Management of voluntary schools*

9.—(1) Subject to paragraph (3), each voluntary primary school shall be under the control and management of a person approved by the Ministry.

(2) Subject to paragraph (3), for each voluntary secondary school and for each voluntary special school there shall be a governing body constituted in accordance with a scheme approved by the Ministry and the governing body shall, in relation to that school, exercise such functions as may be conferred on it by the scheme.

(3) A voluntary school for which a committee is appointed under Part I of Schedule 5 (in this Order referred to as “a maintained school”) shall be under the control and management of that committee and may be withdrawn from the management of that committee in accordance with the provisions of Part II of that Schedule.

(4) Where the trustees or governing body of a voluntary grammar school enter into an agreement under Schedule 6 with the Ministry or a board or boards, the Ministry or, as the case may be, the board or boards may appoint to the governing body of the school such number of members as, subject to the provisions of that Schedule, is specified in the agreement.

(5) A person or scheme approved by the Ministry under the provisions of any enactment corresponding to the provisions of this Article and repealed by this Order or by an Act repealed by this Order shall be deemed to have been so approved under this Article.

*Duties of boards in relation to certain voluntary schools*

10.—(1) Subject to and in accordance with regulations made by the Ministry, a board shall, in relation to a maintained school, be responsible for the maintenance of the school premises, for providing and replacing equipment, for employing in accordance with Article 77, persons, other than teachers, required in or about the school and for meeting the cost of doing all such other things as may be necessary for the carrying on of the school except meeting the cost of—

- (a) providing new or altering existing school premises;
- (b) the payment of the salaries of teachers in the school and of employers' national insurance and superannuation contributions in respect of teachers;
- (c) redundancy payments under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (a) in respect of teachers ceasing to be employed in the school;

but such responsibility shall not extend to any part of the school premises used wholly or mainly for boarding purposes or to any expenses incurred in carrying on such part.

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(a) 1965 c.19 (N.I.).

(2) Subject to and in accordance with regulations made by the Ministry, a board shall pay to the managers or body controlling a voluntary primary, intermediate or special school which is not a maintained school contributions amounting to sixty-five per cent. of the approved net expenditure incurred on the lighting, heating, cleaning and internal and external maintenance of the school premises excluding, in the case of a boarding school, so much of those premises as is used wholly or mainly for boarding purposes.

(3) Regulations made under this Article may make provision for the repayment, in such circumstances as are specified in the regulations, of the whole or part of any money paid under this Article in respect of a school and any sum repayable by virtue of any such provision may be recovered by the board as a debt due to it.

(4) Any question which may arise as to the responsibility or functions of a board under this Article shall be referred to the Ministry whose decision thereon shall be final.

(5) In this Article "board" in relation to a school means the board for the area in which the school is situated or such other board as the Ministry may determine.

*Development schemes as to primary and secondary education*

11.—(1) In this Article, a development scheme means a scheme prepared by a board or, prior to the coming into operation of this Article, by a former local education authority for the purpose of estimating the immediate and prospective needs of its area having regard to the functions relating to primary and secondary education conferred in the case of a board by this Order and in the case of a former local education authority by the enactments repealed by this Order.

(2) Where a development scheme prepared by a former local education authority and approved by the Ministry relates to the area or part of the area of a board, the board shall adopt that scheme or that part of the scheme which relates to its area or part of its area and shall, subject to any revised scheme or amendment prepared and approved under the following provisions of this Article, execute, or continue the execution of, such provisions of that scheme or the relevant part of that scheme as have not been executed or completely executed at the date of the coming into operation of this Article.

(3) A board may at any time and shall, if so directed by the Ministry, prepare and submit to the Ministry for its approval a revised scheme, or an amendment of an existing scheme, in such form and containing such particulars as may be required by the Ministry.

(4) A board shall, before submitting a revised scheme or an amendment of an existing scheme to the Ministry, consult the managers, or persons representing the managers, of all schools other than controlled schools whether within or outside the area of the board which would in the opinion of the board be affected by the execution of the scheme or amendment.

(5) After submitting a revised development scheme or an amendment of an existing scheme to the Ministry, a board shall—

(a) forthwith furnish to the managers of every school within or outside the area of the board which would in the opinion of the board be affected by the execution of the scheme or the amendment, such particulars of the scheme or the amendment as are sufficient to show the manner in which the school would be so affected;



- (b) forthwith publish by advertisement in one or more newspapers circulating in its area a notice stating that the development scheme or amendment has been submitted to the Ministry, that a copy of the scheme or amendment can be inspected at a specified place and that objections to the scheme or amendment can be made to the Ministry within two months of the date specified in the advertisement, being the date on which the advertisement first appears;
  - (c) furnish to any person, on application, a copy of the development scheme or amendment on payment of such reasonable sum as the board may determine.
- (6) The notice published under paragraph (5) (b) shall, unless the Ministry otherwise directs, contain the names of the schools affected by the scheme or the amendment.
- (7) The Ministry, after considering any objections to a development scheme or amendment made to it within the time specified in the notice under paragraph (5) (b), may, after making such modification, if any, in the scheme or amendment as, after consultation with the board, it considers necessary or expedient for the purpose of securing that the scheme or amendment makes proper provision for the immediate and prospective needs of the area with respect to primary and secondary education, approve the scheme or the amendment and shall inform the board accordingly.

*Establishment and recognition of grant-aided schools*

**12.—**(1) A proposal by a board or by any other person for the establishment of a grant-aided school or the recognition of an established school as a grant-aided school shall be submitted to the Ministry and a person other than a board shall submit such a proposal only after consultation with the board for the area in which the school is to be, or is, established.

(2) Subject to paragraph (5), the Ministry may approve any proposal submitted to it under paragraph (1) after making such modifications, if any, as appear to the Ministry to be desirable and no action shall be taken by a board or by any other person to implement the proposal until it has been approved by the Ministry.

(3) Where the Ministry approves a proposal to establish a grant-aided school, the board or other person by whom the proposed school is to be established shall submit to the Ministry, in such form and in such manner as the Ministry may from time to time direct, specifications and plans for the school premises and the Ministry, on being satisfied that the school premises will conform to the standards specified by or under Article 15, with or without such exemption from those standards as the Ministry may grant under that Article, may approve the specifications and plans.

(4) Where the proposal, specifications and plans for a new school have been approved by the Ministry under this Article, the board or persons by whom the proposed school is to be established shall not give effect to the proposal otherwise than in accordance with the specifications and plans as so approved.

(5) The Ministry shall not approve under paragraph (2) a proposal for the recognition of a school under voluntary management as a grant-aided school unless the school is to become a maintained school or unless it is to become a grammar school the trustees or governing body of which have entered into an agreement with the Ministry under Schedule 6 but this paragraph shall not apply to a school—

- (a) recognised as a grant-aided school before the 19th October 1967; or
- (b) which the Ministry is satisfied replaces a school or schools (not being a school which was, or schools one or more than one of which was, a maintained school) so recognised before that date; or
- (c) the proposal to establish which was submitted to the Ministry before that date.

(6) Where the Ministry approves under this Article a proposal for the recognition of an established school as a grant-aided school, the Ministry may grant such recognition upon such terms and subject to such conditions as it may determine.

*Discontinuance of grant-aided schools*

13.—(1) Where a board proposes to discontinue an existing controlled school, it shall submit proposals for that purpose to the Ministry and no action shall be taken by the board to implement the proposal until it has been approved by the Ministry.

(2) Subject to paragraph (3), where the managers of a voluntary school intend to discontinue the school they shall give at least two years notice of their intention to the Ministry and to the board for the area in which the school is situated but no such notice given without the prior approval of the Ministry shall be effective if the school premises were built or altered with the aid of a grant from the Ministry or financial assistance by a board or, before the coming into force of this Order, by a former local education authority.

(3) Paragraph (2) shall not apply where the Ministry and the board for the area in which the school is situated agree to dispense with the notice required by that paragraph.

(4) If, during the period of a notice given under paragraph (2) in respect of a voluntary school, the managers of the school inform the Ministry that they are unable or unwilling to carry on the school until the expiration of the notice, the Ministry may give such directions as to the carrying on of the school and as to the education of the children attending the school as it thinks expedient.

(5) A notice duly given to the Ministry or to a former local education authority before the coming into operation of this Article under the provisions of any enactment corresponding to the provisions of this Article and repealed by this Order shall be treated as given under this Article to the Ministry or, as the case may be, to the board.

(6) Where a voluntary school is discontinued in accordance with the provisions of this Article and—

- (a) moneys have been paid in respect of the school under Article 106, the trustees shall repay to the Ministry such sums as are repayable in accordance with the provisions of regulations made under that Article;
- (b) moneys have been paid in respect of the school under Article 10, the trustees shall repay to the board for the area in which the school is situated such sums as are repayable in accordance with the provisions of regulations made under that Article;
- (c) moneys have been paid in respect of the school under section 10 of the Education Act (Northern Ireland) 1930 (a) or section 106 of the Education Act (Northern Ireland) 1947, the provisions of those sections and of any regulations made thereunder relating to the repayment of such

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(a) 1930 c.14. (N.I.)

moneys shall continue to apply to the school as if those sections had not been repealed.

*Transfer of voluntary schools*

14.—(1) Notwithstanding anything in any statute or scheme made thereunder or in any charter, deed, memorandum of association, articles of association or other document constituting the school or under which land used for the school is vested or which otherwise relates to the school or the land used for the school, the trustees of any voluntary school may, with the consent of the Ministry given after consultation with the appropriate board, transfer to the Ministry the school (which expression in this Article includes any land, equipment or teachers' residences held or used in connection with the school by the trustees or managers of the school) upon such terms as may be agreed by the trustees, the Ministry and the relevant board and the provisions of Schedule 7 shall apply to any such transfer.

(2) The terms on which a school is transferred to the Ministry under paragraph (1) may contain a provision that in specified circumstances the school should be transferred back to the original transferors or transferred to such other persons as may be specified.

(3) A school transferred under paragraph (1) shall, on the date of the transfer, become a controlled school and the Ministry shall place it under the management of the appropriate board and may, subject to the terms on which the school was transferred to the Ministry, convey to that board any estate in land relating to the school and, whether or not it does so, may transfer to the board any equipment, furniture or other movable contents of the school transferred to it under paragraph (1).

(4) The trustees of a school transferred under paragraph (1) shall, from the date of the transfer, be absolutely freed and discharged from all responsibility in connection with the school whether under any deed of trust or otherwise.

(5) The existing staff of teachers in a school transferred under paragraph (1) shall from the date of transfer be placed as regards appointment, dismissal and remuneration on terms not less favourable than those applicable to them before the transfer and any question which may arise as to the fulfilment or observance of the provisions or requirements of this paragraph shall be referred to the Ministry whose decision thereon shall be final.

(6) Where a school is vested in the Ministry at the date of the coming into operation of this Article and has not at that date been transferred to a former local education authority, the Ministry may place the school under the management of the appropriate board but shall not do so without the consent of the manager or managers of the school and where it does so, the Ministry may convey to that board any estate in land relating to the school.

(7) In this Article "the appropriate board" in relation to a school means the board for the area in which the school is situated, or such other board as the Ministry may determine.

*Requirements as to school premises*

15.—(1) The Ministry shall make regulations prescribing the standards to which premises of grant-aided schools shall conform and, subject to paragraph (2), the managers of a grant-aided school shall secure that the premises of the school conform to the standards prescribed for schools of the description to which the school belongs.

(2) Where the Ministry is satisfied that it would be unreasonable to expect the premises of a particular school to conform to all the requirements of regulations made under paragraph (1), it may exempt the school premises from conforming to the regulations to such extent and for such time as it thinks necessary.

#### RELIGIOUS EDUCATION IN SCHOOLS

##### *Religious education in controlled and voluntary schools other than nursery and special schools*

16.—(1) Subject to the provisions of this Article, religious instruction shall be given in every controlled and voluntary school other than a nursery or special school and the school day in every such school shall also include collective worship whether in one or more than one assembly on the part of the pupils in attendance at the school.

(2) In a controlled school the religious instruction required by paragraph (1) shall be undenominational religious instruction, that is to say, instruction based upon the Holy Scriptures according to some authoritative version or versions thereof but excluding instruction as to any tenet distinctive of any particular religious denomination and the collective worship required by paragraph (1) in any such school shall not, in any controlled school, be distinctive of any particular religious denomination.

(3) In a voluntary school the religious instruction and collective worship required by paragraph (1) shall be under the control of the managers of the school and such religious instruction shall be subject to such arrangements for inspection and examination as the managers think fit.

(4) Religious instruction and collective worship required by paragraph (1) shall be so arranged that—

- (a) the school shall be open to pupils of all religious denominations for instruction other than religious instruction;
- (b) no pupil shall be excluded directly or indirectly from the other advantages which the school affords.

(5) If the parent of any pupil requests that the pupil should be wholly or partly excused from attendance at religious instruction or collective worship or from both, then, until the request is withdrawn, the pupil shall be excused from such attendance in accordance with the request.

(6) No payment from public funds in respect of a pupil shall be varied by reason of his attendance or non-attendance at religious instruction or collective worship.

(7) Ministers of religion and other suitable persons, including teachers of the school, to whom the parents do not object shall, subject to paragraph (8), be granted reasonable access at convenient times to pupils in any controlled or voluntary school other than a nursery or special school for the purpose of giving religious instruction, whether as to tenets distinctive of a particular religious denomination or otherwise, or of inspecting and examining the religious instruction so given and such instruction may be in addition to that provided under paragraph (1).

(8) Paragraph (7) shall not, without the consent of the managers of the school, apply to a voluntary school in existence immediately before the date of the coming into operation of this Article which was not at that date required to give such access as is referred to in that paragraph and where a pupil has been wholly or partly excused from attendance at religious instruction in any volun-

tary school to which such access is not granted, such pupil may be withdrawn from the school during such periods as are reasonably necessary for the purpose of enabling him to receive religious instruction of which his parents approve.

(9) The Ministry shall make such regulations as it considers necessary for securing that the provisions of this Article relating to religious education are complied with in all controlled and voluntary schools other than nursery and special schools, and in particular such regulations may contain provisions with respect to—

- (a) the times during which any religious observance may be practised or any religious instruction may be given;
- (b) the times during which pupils may be withdrawn from the school so that they may receive religious instruction in accordance with the provisions of paragraph (8);
- (c) the making of arrangements for religious instruction in schools;
- (d) the amount of time which may be allotted in the time-tables of schools to religious instruction.

*Duties of teachers in controlled schools as to collective worship and religious instruction*

17.—(1) Subject to the provisions of this Article, the teachers in every controlled school other than a nursery or special school, if so requested by the board which controls the school, shall conduct or attend collective worship in the school and give undenominational religious instruction in the school but a teacher in a controlled school shall not be required to give religious instruction other than undenominational religious instruction.

(2) A teacher who has, under paragraph (1), been required to conduct or attend collective worship or give undenominational religious instruction, may make a request to the management committee of the school in which he is serving to be wholly or partly excused from conducting or attending such worship or giving such instruction or both from conducting and attending such worship and giving such instruction and at the same time furnish to the committee for submission to the board which controls the school a statutory declaration that his request to be so excused is made solely on grounds of conscience.

(3) Where a teacher makes a request under paragraph (2) and furnishes the statutory declaration required by that paragraph, the teacher shall, until the request is withdrawn, be excused in accordance with the request and whilst he is so excused shall not receive less emoluments or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does not conduct or attend collective worship or give undenominational religious instruction.

(4) Where a board is wholly or partly unable to arrange that the teachers in a school conduct the collective worship or give the undenominational religious instruction which it is required to provide in the school in accordance with the provisions of Article 16, the board may, for the purpose of fulfilling its obligations under that Article, advertise for and appoint a teacher to conduct such collective worship or give such religious instruction.

*Religious instruction not to be inspected, but complaints to be investigated, by Ministry*

18.—(1) It shall not be a duty of inspectors or other officers of the Ministry to inspect or examine the religious education given in schools.

(2) If either or both parents of at least twenty per cent. of the pupils in attendance at a school address a complaint in writing to the Ministry alleging that all or any of the obligations which a board or, in the case of a voluntary school, the managers thereof are required to undertake under Article 16 are not being carried out or are not being carried out in a bona fide manner, the Ministry may make such inquiry as it thinks fit into the complaint and, if satisfied that there is reasonable cause for complaint, may give directions to the board or managers, as the case may be, as to the manner in which such obligations shall be carried out.

#### SUPPLEMENTARY PROVISIONS AS TO PRIMARY AND SECONDARY EDUCATION

##### *Power of boards to assist voluntary grammar schools*

19.—(1) A board, with the approval of the Ministry, may—

- (a) give assistance other than financial assistance; and
- (b) where the trustees or governing body of the school have entered into an agreement with the board under Schedule 6, give financial assistance;

to the managers of a voluntary grammar school upon such terms and conditions as may be arranged between the board and the managers of the school.

(2) Where an arrangement is in existence immediately before the coming into operation of this Article under the provisions of any enactment corresponding to the provisions of paragraph (1) and repealed by this Order or by any enactment repealed by this Order, the rights and responsibilities of a former local education authority or former local education authorities under that arrangement shall, if the managers of the school so request and the Ministry approves, be assumed by the board in whose area the school is situated or, if the Ministry so directs, by some other board or boards.

##### *Joint arrangements between boards and schools under voluntary management for provision of educational facilities*

20.—(1) It shall, notwithstanding anything in any statute or scheme made thereunder, or in any charter, deed, memorandum of association, articles of association or other document constituting the school or under which the land used for the school is vested or which otherwise relates to the school or the land used for the school, be lawful for a board and the managers of any school under voluntary management to enter into an arrangement whereby—

- (a) the board provides for pupils of that school educational facilities in any school or institution of further education under the management of the board;
- (b) the managers of that school provide educational facilities for pupils of any school or institution under the management of the board.

(2) Any arrangement under paragraph (1) may provide for such payments by or to the board to or by the managers of the school under voluntary management as may be agreed by the board and the managers and approved by the Ministry.

##### *Reservation of places in grammar schools*

21. It shall be the duty of the managers of each grammar school, in accordance with regulations made by the Ministry for the purposes of this Article, to make available, for pupils having the prescribed qualifications, such number of places as are prescribed.

*Fees in grammar schools*

22. The managers of a grammar school may, with the approval of the Ministry, determine the fees to be charged in respect of pupils admitted to the school.

FURTHER EDUCATION

*Duty of boards with respect to further education*

23.—(1) Each board shall secure, in accordance with arrangements approved by the Ministry, the provision for its area of adequate facilities for further education and may, with the approval of the Ministry, provide facilities for further education to meet the requirements of an area in Northern Ireland outside its own area and such facilities may be made available to any person over the age of fifteen years.

(2) A board shall, in making arrangements for further education, have regard to any facilities provided by other boards or bodies.

(3) In providing facilities for further education, a board may—

(a) co-operate with other boards and bodies other than boards;

(b) with the approval of the Ministry, contribute towards the expenses of such bodies other than boards or incur expenditure jointly with another board or other boards.

*Management of institutions of further education*

24.—(1) Each institution of further education shall unless the Ministry otherwise directs be under the management of the board for the area in which the institution is situated and the board shall make provision by means of a management committee for the management of each such institution in its area.

(2) A management committee for an institution of further education shall also have under its management any technical intermediate school conducted in association with the institution and two or more such institutions may, if the board so determines and the Ministry approves, be under the management of one management committee.

(3) The membership, procedure and functions (including functions as to the appointment of teachers) of a management committee for an institution or institutions of further education shall be such as may be provided by a scheme framed by the board and approved by the Ministry and such a scheme may provide for the carrying out by the committee in relation to the institution or institutions of further education under its management of specified functions on behalf of, and in the name of, the board.

(4) A management committee for an institution or institutions of further education shall, when carrying out specified functions on behalf of and in the name of the board, be regarded as a committee of the board but shall not be so regarded for any other purpose.

(5) A management committee for an institution or institutions of further education in being immediately before the date on which the provisions of this Article come into operation shall, until a scheme is prepared and approved under paragraph (3), continue in existence and continue to exercise the functions it exercised immediately before that date.

(6) Vacancies arising in the membership of a management committee which continues in existence by virtue of paragraph (5) shall be filled in such manner as the Ministry may direct.

## SPECIAL EDUCATION

### *Duty of boards as to children requiring special educational treatment*

25. It shall be the duty of each board in accordance with the provisions of Schedule 8 to determine the children in its area who require special educational treatment or who are unsuitable for education in school and to comply with those provisions in relation to such children.

### *Regulations as to pupils requiring special educational treatment and special schools*

26.—(1) The Ministry, after consultation with the Ministry of Health and Social Services, shall make regulations defining the categories of pupils requiring special educational treatment and making provision as to the special educational arrangements appropriate for the pupils of each category.

(2) The Ministry may by regulations prescribe requirements to be complied with by a school as a condition of approval of the school as a special school, may provide for the withdrawal of such approval from a special school which fails to comply with those requirements and may impose requirements as to the organisation of a special school as a primary school or as a secondary school.

(3) Regulations made under paragraph (2) shall secure that so far as is practicable every pupil in attendance at a special school shall attend collective worship and religious instruction or be withdrawn from attendance at such worship or instruction in accordance with the wishes of his parent.

## RECREATIONAL, SOCIAL, PHYSICAL, CULTURAL AND YOUTH SERVICE ACTIVITIES

### *Provision of facilities for recreational, social, physical, cultural and youth service activities*

27.—(1) Each board shall secure the provision for its area of adequate facilities for recreational, social, physical, cultural and youth service activities and for services ancillary to education and for that purpose may, with the approval of the Ministry, either alone or together with any other board or any other person—

- (a) establish, maintain and manage any such facilities;
- (b) organise any such activities;
- (c) assist, by financial contributions or otherwise, any person to establish, maintain and manage any such facilities or to organise any such activities;
- (d) provide, or assist by financial contribution or otherwise in the provision of, leaders for such activities; and
- (e) defray or contribute towards the expenses of any persons taking part in any such activities.

(2) A board shall, in carrying out its functions under paragraph (1), have regard to the facilities provided by other boards and by other persons.

(3) A board may from time to time make bye-laws for all or any of the following purposes:—

- (a) for regulating the use and management of any lands or buildings provided by it for any of the purposes mentioned in paragraph (1);
- (b) for regulating the days and times of, and charges for, admission to such lands or buildings;
- (c) for the preservation of order and prevention of nuisances in such lands and buildings;



and such bye-laws may authorise persons employed by the board to enforce the bye-laws and to take all steps and do all acts and things necessary for that purpose and, in particular authorise such persons or members of the Royal Ulster Constabulary after due warning to remove or exclude from any place with respect to which any such bye-laws are for the time being in force a person who commits, or who is reasonably suspected of committing, in that place an offence against any such bye-law or against section 4 of the Vagrancy Act 1824 (a).

(4) Where a board has, for the purposes of paragraph (1), assumed responsibility for the maintenance and management of any lands or buildings situated outside its area, bye-laws relating to such lands or buildings shall not be confirmed without consultation with the board for the area in which such lands or buildings are situated.

(5) A board shall, unless the Ministry otherwise directs, assume responsibility for the maintenance and management of lands and buildings in its area which immediately before the date of the coming into operation of this Article were maintained and managed by a former local education authority or library authority for purposes similar to those mentioned in paragraph (1) and shall also assume responsibility for the maintenance and management of any lands and buildings whether within or outside its area for which, by direction of the Ministry, it is required to assume responsibility for those purposes and any bye-laws in force immediately before that date in relation to those lands and buildings shall, until revoked by bye-laws made under paragraph (3) continue in force and be subject to any amendments thereto by bye-laws so made and whilst any such bye-laws so continue in force any reference therein to a former local education authority or a former library authority or its officers shall be deemed to be a reference to the appropriate board or its officers.

#### PART IV INDEPENDENT SCHOOLS

##### *Registration of independent schools*

28.—(1) The Ministry shall keep a register of all independent schools which register shall be open to public inspection at all reasonable times and the Ministry shall, subject to paragraphs (3) and (4), register therein any independent school the proprietor of which makes application for the purpose in the prescribed manner and furnishes the prescribed particulars.

(2) A school registered at the date of the coming into operation of this Article in the register of independent schools under the provisions of any enactment corresponding to paragraph (1) and repealed by this Order shall be deemed to be registered under paragraph (1).

(3) An independent school shall not be registered if, by virtue of an order made under this Part or the corresponding Part of any enactment repealed by this Order,—

- (a) the proprietor is disqualified from being the proprietor of an independent school; or
- (b) the school premises are disqualified from being used as a school; or
- (c) the school premises are used or proposed to be used for any purpose for which they are disqualified by virtue of any such order.

(4) The registration of an independent school shall be provisional only until the Ministry, after the school has been inspected on its behalf under the provisions of this Order, gives notice to the proprietor that the registration is final.

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(a) 1824 c. 83.

(5) The Ministry may make regulations prescribing the particulars to be furnished by the proprietors of independent schools and such regulations may provide for the notification to the Ministry of any changes in the particulars so furnished and as to the circumstances in which the Ministry may delete the name of any school from the register in the event of its being unable to obtain sufficient particulars thereof.

(6) Any person who—

- (a) conducts an independent school, whether established before or after the coming into force of this Article, which is not registered or provisionally registered under paragraph (1); or
- (b) being the proprietor of an independent school does any thing calculated to lead to the belief that the school is so registered whilst it is provisionally registered or not registered or that it is so provisionally registered whilst it is not provisionally registered;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20 or in the case of a second or subsequent conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

#### *Complaints*

29.—(1) If at any time the Ministry is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds—

- (a) that the school premises or any parts thereof are unsuitable for a school;
- (b) that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school;
- (c) that efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending thereat;
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be;

the Ministry shall serve upon the proprietor of the school a notice of complaint stating the grounds of complaint together with full particulars of the matters complained of and, unless any such matters are stated in the notice to be in the opinion of the Ministry irremediable, the notice shall specify the measures necessary in the opinion of the Ministry to remedy the matters complained of and shall specify the time, not being less than six months after the service of the notice, within which such measures are thereby required to be taken.

(2) If it is alleged by any notice of complaint served under this Article that any person employed as a teacher at the school is not a proper person to be employed in any school, that person shall be named in the notice and the particulars contained in the notice shall specify the grounds of the allegation and a copy of the notice shall be served upon him.

(3) Every notice of complaint served under this Article and every copy of such a notice so served shall limit the time, not being less than one month after the service of the notice or copy, within which an appeal may be made against the notice in accordance with the provisions of Article 30.

#### *Appeals against complaints*

30.—(1) Any person upon whom a notice of complaint or a copy of such a notice is served under Article 29 may, within the time limited by the notice,

appeal therefrom to the county court having jurisdiction for the place where the school in respect of which the notice of complaint was served is situated.

(2) The court by which any appeal under this Article is heard shall have power—

- (a) to order that the complaint be annulled;
- (b) to order that the school in respect of which the notice of complaint was served be struck off the register;
- (c) to order that the school be so struck off unless the requirements of the notice, subject to such modifications, if any, as may be specified in the order, are complied with to the satisfaction of the Ministry before the expiration of such time as may be specified in the order;
- (d) if satisfied that the premises alleged by the notice of complaint to be unsuitable for use as a school or any part of such premises are in fact unsuitable for such use, by order to disqualify the premises or part from being so used, or, if satisfied that the accommodation provided at the school premises is inadequate having regard to the number, ages, and sex of the pupils attending the school, by order to disqualify the premises from being used as a school for pupils exceeding such number or of such age or sex as may be specified in the order;
- (e) if satisfied that any person alleged by the notice of complaint to be a person who is not proper to be the proprietor of an independent school or to be a teacher in any school is in fact such a person, by order to disqualify that person from being the proprietor of any independent school or from being a teacher in any school, as the case may be.

(3) Where a notice of complaint has been served under this Order on the proprietor of any school and no appeal is made by him against the notice within the time limited in that behalf by the notice, the Ministry shall, subject to paragraph (4), have power to make any order which the court would have had power to make if an appeal had been made against the notice.

(4) Where it was alleged by a notice of complaint that any person employed as a teacher at a school is not a proper person to be a teacher in any school and that person has, within the time limited in that behalf by the copy of the notice served upon him, appealed to the county court against the notice, the Ministry shall not, unless the appeal is abandoned or not proceeded with, have power to make an order requiring his dismissal or disqualifying him from being a teacher in any school.

(5) Where, by virtue of an order made whether before or after the coming into operation of this Article by the county court or by the Ministry, any person is disqualified either from being the proprietor of an independent school or from being a teacher in any school, then, unless the order otherwise directs, that person shall, by virtue of the order, be disqualified both from being the proprietor of an independent school and from being a teacher in any school.

(6) Orders made by the Ministry under this Article shall not be statutory rules for the purposes of the Statutory Rules Act (Northern Ireland) 1958 (a).

(7) Every order of a county court or of the Ministry made under this Article shall be registered by the Ministry and shall be open to public inspection at all reasonable times.

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(a) 1958 c. 18 (N.I.).

### *Enforcement*

31.—(1) Where an order is made by the Ministry or by a county court directing that any school be struck off the register, the Ministry shall as from the date on which the direction takes effect strike the school off the register.

(2) If any person uses any premises for purposes for which they are disqualified by virtue of any order made under Article 30, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20 or in the case of a second or subsequent conviction (whether in respect of the same or other premises) to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(3) If any person acts as the proprietor of an independent school, or accepts or endeavours to obtain employment as a teacher in any school, whilst he is disqualified from so acting or from being so employed by virtue of any such order as aforesaid, he shall be liable on summary conviction to a fine not exceeding £20 or in the case of a second or subsequent offence to a fine not exceeding £50 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) No proceedings shall be instituted for an offence against this Part except by or on behalf of the Ministry.

### *Orders made under other enactments*

32. For the purposes of the foregoing provisions of this Part, a person who is disqualified, by an order made under Part III of the Education Act 1944 (a) or Part IV of the Education (Scotland) Act 1945 (b) or Part V of the Education (Scotland) Act 1962 (c), or any other enactment of the Parliament of the United Kingdom having for the time being the like effect, from being the proprietor of an independent school or from being a teacher in any school, shall be deemed to be so disqualified by virtue of an order made under this Part.

### *Removal of disqualifications*

33.—(1) If, on the application of any person, the Ministry is satisfied that any disqualification imposed by an order made under Article 30 or the corresponding provisions of any enactment repealed by this Order is by reason of any change of circumstances no longer necessary, the Ministry may by order remove the disqualification.

(2) Any person who is aggrieved by the refusal of the Ministry to remove a disqualification so imposed may, within such time not being less than one month after the refusal has been communicated to him as shall be stated in the notice of refusal, appeal against the refusal to the county court having jurisdiction for the place where the school in respect of which the order was made is situated.

## PART V RIGHTS AND DUTIES OF PARENTS AND PROVISIONS RELATING TO INDIVIDUAL PUPILS

### GENERAL

#### *Pupils to be educated in accordance with wishes of their parents*

34. In the exercise and performance of all powers and duties conferred or imposed on them by this Order, the Ministry and boards shall have regard to the general principle that, so far as is compatible with the provision of efficient

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(a) 1944 c. 31.

(b) 1945 c. 37.

(c) 1962 c. 47.

instruction and training and the avoidance of unreasonable public expenditure, pupils shall be educated in accordance with the wishes of their parents.

*Duties of parents to secure full-time education for their children*

35.—(1) The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude either by regular attendance at school or otherwise.

(2) The provisions of Schedule 9 shall apply to the enforcement of the provisions of paragraph (1) and a parent who contravenes the provisions of that Schedule shall be guilty of an offence and liable to the penalties provided by paragraph 4 of that Schedule.

*Compulsory school age*

36.—(1) Subject to the following provisions of this Article, in this Order the expression “compulsory school age” means any age between five years and sixteen years and accordingly a person shall be of compulsory school age if he has attained the age of five years and has not attained the age of sixteen years.

(2) Where a person attains the age of sixteen years—

(a) on any date occurring in the period beginning on 1st September in any year and ending on 31st January in the following year he shall be deemed not to have attained the upper limit of compulsory school age until the date on which the spring term at his school in that following year ends;

(b) on any date occurring in the period beginning on 1st February in any year and ending on 31st August in that year, he shall be deemed not to have attained the upper limit of compulsory school age until, or, as the case may be, deemed to have attained that upper limit on, the date on which the summer term at his school in that year ends;

but where the Ministry of Health and Social Services certifies to a board that a pupil residing in the area of the board who has attained or will attain the age of 16 years on any date occurring in the period beginning on 1st September and ending on 31st December in the year 1973 or the year 1974 has been accepted for entry in the January following that date to a course of full-time training in a government training centre or other centre approved for the purpose by the said Ministry leading to skilled status in a recognised craft, such pupil shall be deemed to have attained the upper limit of compulsory school age on the date on which the autumn term at his school in the year in which that date occurred ended.

(3) The Ministry may by regulations prescribe dates for the commencement of school attendance of a child on attaining the lower limit of compulsory school age.

(4) A person who at any time before the coming into operation of this Article reached the upper limit of compulsory school age under any enactment corresponding to this Article and in force at that time shall not, by virtue of this Article, become a person of compulsory school age within the meaning of this Article.

(5) This Article shall have effect for the purposes of any enactment whereby the definition of compulsory school age in this Order or in any enactment repealed by this Order is applied or incorporated except that for the purposes of any enactment relating to family allowances or national insurance (including industrial injuries) a person who attains the age of sixteen years after the end of the summer term at his school in any year and before 31st August in that year shall be deemed to attain the upper limit of compulsory school age on the date on which he attains the age of sixteen years.

(6) In this Article—

“school” in relation to a person means the last school at which he is a registered pupil for the term in question or for part of that term;

“autumn term” in any year means the last term to end before 31st December in that year;

“spring term” in any year means the last term to end before 1st May in that year;

“summer term” in any year means the last term to end before 1st September in that year.

*Presumption as to age*

37. Where in any proceedings under this Order other than a prosecution to which paragraph 4 of Schedule 9 applies, the person by whom the proceedings are brought alleges that any person whose age is material to the proceedings is under, of, or over, any age and satisfies the court that, having used all reasonable diligence to obtain evidence as to the age of that person, he has been unable to do so, then, unless the contrary is proved, the court may presume that person to be under, of, or over the age alleged.

*Registration of pupils at school*

38.—(1) The proprietor of every school shall cause to be kept, in accordance with regulations made by the Ministry, a register containing the prescribed particulars with respect to all persons of compulsory school age who are pupils at the school and such regulations may—

(a) make provision for enabling the registers so kept to be inspected and extracts taken therefrom for the purposes of this Order by persons duly authorised in that behalf under the regulations; and

(b) require persons by whom registers are so kept to make to the Ministry and to boards such periodical or other returns as to the contents thereof as may be prescribed.

(2) A person who contravenes the provisions of paragraph (1) or of regulations made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding £25.

(3) Regulations made by the Ministry may prescribe the procedure by which a child may become a registered pupil at a school and the procedure by which a child may be withdrawn from a school at which he is a registered pupil but a child registered at a special school under arrangements made by a board or by a former local education authority and who has not attained the upper limit of compulsory school age shall not be withdrawn from the school without the consent of the board by whom the arrangements were made or, if made by a former local education authority, of the board for the area in which the child ordinarily resides.

(4) Where a board, on an application by the parent of a child registered at a special school, refuses to give its consent to the withdrawal of the child from the school, the parent may refer the matter to the Ministry and the Ministry may give such direction thereon as it thinks fit.

PROVISIONS TO ASSIST PERSONS TO TAKE ADVANTAGE OF  
EDUCATIONAL FACILITIES

*Provision of scholarships by boards*

39. The Ministry may make regulations regarding the award of scholarships by boards for the purpose of enabling or encouraging persons to attend such

schools or educational institutions or to follow such courses of education as are prescribed in the regulations and a board may or, where the regulations so provide, shall award scholarships in accordance with those regulations.

*Provision of scholarships by the Ministry*

40. The Ministry may, in accordance with regulations made by it with the approval of the Ministry of Finance award scholarships to such persons and on such conditions as are prescribed by the regulations.

*Provision of transport for, and payment of travelling expenses of, pupils*

41.—(1) For the purposes of facilitating the attendance of children and young persons who are pupils at a grant-aided school, an institution of further education or the Ulster College, a board shall, with the approval of the Ministry, make such arrangements for the provision of transport as the board considers necessary for such pupils and transport provided under such arrangements shall be provided free of charge.

(2) Where, after the requirements of pupils for whom transport is provided under paragraph (1) have been met, there are vacant places in any vehicle used for such transport, the board may allow those vacant places to be used by other pupils selected by the board.

(3) A board may, with the approval of the Ministry, pay the whole or part, as the board thinks fit, of the reasonable travelling expenses of children and young persons who are pupils in attendance at a grant-aided school, an institution of further education or the Ulster College.

(4) For the purposes of facilitating the attendance of pupils at a grant-aided school or institution, a board may, with the approval of the Ministry, make, repair, improve or maintain a footpath, footbridge or other means of approach to the school or institution or may make a contribution towards the cost of doing so.

(5) With a view to assisting in the prevention of accidents, a board may carry into effect such measures as may be set out in a scheme framed by the board and approved by the Ministry.

*Provision of board and lodging otherwise than at school*

42.—(1) Where a board is satisfied with respect to any pupil who has not attained the age of eighteen years and is ordinarily resident within its area that primary or secondary education suitable to his age, ability and aptitude can best be provided by it for him at a particular grant-aided school and that such education cannot be so provided for him unless board and lodging is provided for him otherwise than at that school, the board may provide such board and lodging for him under arrangements made by it and approved by the Ministry.

(2) In making arrangements under paragraph (1) for a pupil, a board shall, so far as practicable, give effect to the wishes of the parent of the pupil with respect to the religious denomination of the person with whom he is to reside.

(3) Where, immediately before the date of the coming into operation of this Article, a pupil is being provided with board and lodging under the provisions of the enactments corresponding to paragraph (1) and repealed by this Order, the board in whose area the pupil ordinarily resides shall, unless it for any reason otherwise determines, continue from that date to provide board and lodging for that pupil and treat them as provided under arrangements made and approved under paragraph (1).

(4) Where a board provides board and lodging under paragraph (1) for a pupil, the parent of the pupil shall, except in such circumstances as regulations made by the Ministry provide for the remission of the whole or part of the cost, pay to the board the cost to the board of providing the board and lodging.

(5) Any sums payable to a board by virtue of paragraph (4) may be recovered summarily by the board as a debt due to it.

*Assistance to pupils attending courses of further education*

43.—(1) Under arrangements approved by the Ministry, a board may, in respect of any pupil ordinarily resident within its area who has not attained the age of eighteen years and is attending a full-time day course of further education—

- (a) exempt the pupil from payment of fees in respect of his attendance at such a course in an institution of further education managed by the board;
- (b) pay in respect of such a pupil's attendance at such a course at the Ulster College or at an institution of further education managed by another board any fees due to that college or institution;
- (c) provide such a pupil free of charge with books, writing material, stationery, instruments, practice material and such other articles as are necessary to enable him to take full advantage of such course;
- (d) pay any necessary examination fees payable by such a pupil in connection with such a course;
- (e) pay the whole or part of the cost of board and lodging for any such pupil attending such a course where, in the opinion of the board, it is necessary for the pupil to reside away from home;

and sub-paragraphs (c), (d) and (e) shall apply whether the course is held within or outside the area of the board.

(2) For the purposes of this Article, a pupil shall be deemed not to have attained the age of eighteen years until the 31st July next following the date upon which he attained that age.

*Prohibition of fees in primary, intermediate and special schools*

44.—(1) Fees shall not be charged to a parent in respect of the admission of any pupil to a primary, intermediate or special school or in respect of the education provided for the pupil at such a school.

(2) Where a pupil in attendance at a primary, intermediate or special school is provided at the school with board and lodging, fees of such amount as may be approved by the Ministry may, subject to paragraphs (3) and (4), be charged in respect of the board and lodging.

(3) Where a board considers that a pupil resident within its area should be a boarder at a primary or intermediate school but that the parents of the pupil cannot without hardship pay the fees chargeable under paragraph (2) the board, in accordance with arrangements approved by the Ministry, shall—

- (a) if the school is under the management of the board, remit the fees in whole or in part;
- (b) if the school is under the management of another board or is a voluntary school, pay to the other board or the managers of the voluntary school the whole or part of the fees.

(4) Where a board is of opinion that a pupil resident in its area should be provided with board and lodging at a special school, the board shall—



- (a) if the school is under the management of the board, remit the whole of the fees chargeable for board and lodging;
- (b) if the school is under the management of another board or is a voluntary school pay, on behalf of the parent, to the other board or the managers of the voluntary school the whole of the fees chargeable for board and lodging.

(5) Where, immediately before the date of the coming into operation of this Article, a pupil was a boarder at a primary, intermediate or special school and the fees for his board and lodging were for the period immediately preceding that date remitted or paid in whole or in part by a former local education authority, the board for the area in which the pupil ordinarily resides may, under paragraph (3) or (4), similarly remit or pay in whole or in part such fees as are payable in respect of any subsequent period.

*Provision of books and materials and payment of examination fees by boards*

**45.—**(1) A board shall, in accordance with a scheme framed by the board and approved by the Ministry, provide free of charge for all pupils at primary, intermediate and special schools, books, writing material, stationery, instruments, practice material and other articles which are necessary to enable the pupils to take full advantage of the education provided.

(2) A board may, with the approval of the Ministry, pay any necessary fees in connection with examinations taken by pupils attending any grant-aided school.

PROVISION OF FOOD AND CLOTHING

*Provision of milk, meals and other refreshment at schools, other than voluntary grammar schools, and at institutions of further education*

**46.—**(1) A board shall, in accordance with regulations made by the Ministry, provide milk, meals and other refreshment for pupils in attendance at grant-aided schools, other than voluntary grammar schools, and at institutions of further education.

(2) Regulations under paragraph (1) shall specify the pupils for whom milk, meals and other refreshment shall be, or may be, provided and the manner in which and the persons by whom the expense of providing them is to be defrayed, and may make provision for such other consequential matters as the Ministry considers expedient.

(3) A board may, with the consent of the proprietor of any independent school in its area, and on such financial and other terms, if any, as may be agreed between the board and the proprietor of the school, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school but any such arrangements shall be such as to secure, so far as is practicable, that the expense incurred by a board in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by it in the provision thereof if the pupil had been a pupil at a grant-aided school.

*Provision of milk, meals and other refreshment in voluntary grammar schools*

**47.—**(1) The managers of a voluntary grammar school shall, in accordance with regulations made by the Ministry, provide or secure the provision of milk, meals and other refreshment for pupils in attendance at the school.

(2) Regulations under paragraph (1) shall specify—

- (a) the pupils for whom milk, meals and other refreshment shall, or may be, provided;
- (b) the manner in which and the persons by whom the expense of providing them is to be defrayed; and
- (c) the facilities (including premises and equipment) to be afforded and the services to be rendered by the managers for the purposes of providing them;

and the regulations may make provision for such other consequential matters as the Ministry considers expedient.

*Provision of clothing etc. for pupils attending grant-aided schools*

48.—(1) Where it appears to a board that a pupil at a grant-aided school who is a child or young person is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the board shall, in accordance with a scheme framed by the board and approved by the Ministry, provide such pupil with such clothing, including clothing suitable for physical education, as, in the opinion of the board, is necessary to ensure that he is adequately and suitably clad.

(2) A scheme under paragraph (1) shall also authorise a board to defray such expenses of pupils attending the school as are necessary to enable them to take part in school activities without hardship to themselves or their parents.

(3) A board may, in accordance with the provisions of the scheme under paragraph (1), recover from the parent of a pupil the whole or part of the expenditure incurred under the scheme in respect of the pupil provided such recovery can be made without causing hardship to the parent.

(4) A parent who is aggrieved by any action taken by a board under a scheme made under paragraph (1) may appeal to the Ministry whose decision shall be final.

(5) A board may lend to pupils without charge articles of clothing suitable for physical education.

MEDICAL AND DENTAL INSPECTION AND MEDICAL EXAMINATION

*Facilities for medical and dental inspection etc.*

49.—(1) Managers of grant-aided schools shall afford reasonable facilities for the medical and dental inspection and supervision of pupils in attendance at schools under their management.

(2) In paragraph (1), medical and dental inspection and supervision means such inspection and supervision carried out by virtue of the duty imposed by or under any enactment on the Ministry of Health and Social Services to provide such inspection and supervision.

*Power of Ministry as to medical examination*

50.—(1) Where, in the opinion of the Ministry the examination of a child or young person by a registered medical practitioner would assist it to determine any question referred to it under this Order, the Ministry may, by notice in writing served on the parent of the child or young person, require the parent to submit the child or young person for examination by such a medical practitioner.

(2) Where a parent on whom a notice is served under paragraph (1) fails without reasonable excuse to comply with the requirements of the notice, he shall be liable on summary conviction to a fine not exceeding £10.

## EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

### *Adaptation of enactments relating to the employment of children or young persons*

**51.**—(1) For the purposes of any enactment relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of this Order over compulsory school age shall be deemed to be a child within the meaning of that enactment.

(2) Notwithstanding the provisions of any other enactment, a child may, to the like extent and subject to the like conditions as a young person be employed in employment in pursuance of arrangements made or approved by a board for the purpose of giving that child work experience as part of his education but may be so employed only from the following dates:—

- (a) if the child attains the age of fifteen years on any date occurring in the period beginning on 1st September in any year and ending on 31st January in the following year, at any time on or after the date on which the summer term at his school in that following year begins;
- (b) if the child attains the age of fifteen years on any date occurring in the period beginning on 1st February and ending on 31st August in any year, at any time on or after the date on which the autumn term at his school in that year begins.

(3) In paragraph (2)—

“summer term” and “autumn term” have the meanings assigned to them by Article 36 (6);

“work experience” means the participation of children in employment in industrial, commercial, public authority and statutory undertakings, the object of which is to give to the children a greater understanding of the conditions, disciplines and relationships in those undertakings.

### *Power of boards to prohibit or restrict employment of children*

**52.**—(1) If it appears to a board that a child who is a registered pupil at a school is being employed in such manner as to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him, the board may, by notice in writing served on the employer, prohibit him from employing the child or impose such restrictions on his employment of the child as appears to it to be expedient in the interests of the child.

(2) A board may, by notice in writing served on the parent or employer of a child who is a registered pupil at a school, require the parent or employer to furnish to the board, within such time as may be specified in the notice, such information as appears to the board to be necessary for the purpose of enabling it to ascertain whether the child is being employed in such a manner as to render him unfit to obtain the full benefit of the education provided for him.

(3) Any person who employs a child in contravention of any prohibition or restriction imposed under paragraph (1) or who fails to comply with a notice served under paragraph (2) shall be guilty of an offence and liable on summary conviction in the case of a first offence to a fine not exceeding £10, in the case of a second offence to a fine not exceeding £20 and in the case of a third or subsequent offence to a fine not exceeding £20 or to imprisonment for a term not exceeding one month or to both.

(4) If it is made to appear to a court of summary jurisdiction on the complaint of an officer of a board that there is reasonable cause to believe that a child who is a registered pupil at a school is employed in contravention of a

prohibition or restriction imposed under paragraph (1) in any place whether a building or not, the court may by order addressed to an officer of the board empower him to enter such place at any reasonable time within forty-eight hours of the making of the order and to make inquiries therein with respect to the child.

(5) Any person who obstructs an officer of a board in the due exercise of any powers conferred on him by or under this Article or who refuses to answer or answers falsely any inquiry authorised by or under this Article to be made shall be guilty of an offence and liable on summary conviction in respect of each offence to a fine not exceeding £20.

(6) Proceedings under this Article may be brought by or in the name of an officer of a board.

## PART VI TEACHERS

### *Employment of teachers by a board*

53.—(1) A board may employ all such teachers as are required in schools and institutions of further education under its management and may, with the approval of the Ministry, employ teachers otherwise than on the staff of a particular school or institution of further education.

(2) A teacher employed under paragraph (1) otherwise than on the staff of a particular school or institution of further education shall be—

- (a) a teacher (to be called a “peripatetic teacher”) employed by a board to teach a particular subject or group of subjects in a number of schools or institutions of further education or otherwise than in a school or institution or a teacher employed by a board for the purpose of providing special educational treatment whether in a school or otherwise; or
- (b) a teacher (to be called a “supply teacher”) employed by a board for the purposes of temporarily filling vacancies which may arise in the staffs of controlled schools or institutions of further education.

### *Employment of existing teachers by boards*

54.—(1) A board shall employ from the date of the coming into operation of this Article teachers employed immediately before that date in any school or institution of further education which under the provisions of Article 7 (2) or 24 (1) is placed under the management of the board.

(2) A teacher appointed under section 29 (3A) of the Education Act (Northern Ireland) 1947 (a) and employed by a former local education authority immediately before the date of the coming into operation of this Article shall be employed by such board or boards as the Ministry shall direct.

(3) A teacher employed by a board by virtue of paragraph (1) or (2) shall be placed as regards remuneration and other terms and conditions of employment on terms not less favourable than those applicable to him immediately before the date of the coming into operation of this Article and any agreement entered into between such a teacher and a local education authority shall until a new agreement is entered into between the teacher and the board continue in force as if any reference therein to a local education authority were a reference to the board.

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(a) 1947 c. 3 (N.I.).

*Training and certification of teachers*

55.—(1) The Ministry shall make such arrangements as it considers expedient for securing that there shall be available sufficient facilities for the training of teachers for service in schools and other educational establishments in Northern Ireland.

(2) The Ministry may, with the approval of the Ministry of Finance and subject to such conditions as the Ministry may determine, make grants in respect of expenditure incurred or to be incurred by any persons for the purposes of this Article.

(3) Any facilities for the training of teachers recognised by the Ministry and available at the date of the coming into operation of this Order shall be deemed to be facilities provided under this Article.

(4) The Ministry may make such regulations, including regulations regarding the certification of teachers, as appear to it to be necessary or proper for the purposes of giving full effect to this Article.

*Appointment, transfer and dismissal of teachers*

56.—(1) The provisions of Parts I and II of Schedule 10 shall apply to the appointment of a teacher to a controlled school and to the transfer of a teacher employed by a board to a controlled school in the area of that board and the provisions of Part III of that Schedule shall apply to the appointment of a peripatetic teacher or a supply teacher.

(2) The provisions of Part IV of Schedule 10 shall apply to the dismissal of a teacher in a grant-aided school or institution and the provisions of Part V shall apply to the dismissal of a peripatetic teacher or a supply teacher.

(3) A woman shall not be disqualified for employment as a teacher or be dismissed by reason only of marriage.

*Salaries of teachers*

57.—(1) The Ministry shall, after consultation with the Ministry of Finance, prescribe rates of salaries for teachers in grant-aided schools and institutions which are conducted in accordance with regulations made by the Ministry and for peripatetic teachers and supply teachers, and the Ministry may by regulations require as a condition for the payment of grants to any such school or institution that the teachers serving in that school or institution are remunerated at rates not lower than the prescribed rates for the time being in force.

(2) Where any question arises as to the rate of salary to be paid under paragraph (1) to a teacher, the decision of the Ministry thereon shall be final.

(3) The Ministry shall, except where regulations otherwise provide, pay the salaries of teachers—

- (a) employed by a board including teachers so employed but not appointed to a grant-aided school or institution;
- (b) employed by any person other than a board in a grant-aided school or institution;

and any such regulations shall specify any person (other than the Ministry) by whom the salaries of teachers are to be paid and the categories of teachers for the payment of whose salaries that person has responsibility.

*Qualifications, and terms and conditions of employment, of teachers*

58.—(1) Every person appointed to teach in a grant-aided school or institution shall have such qualifications as may be approved by the Ministry.

(2) The Ministry may make regulations as to the terms and conditions of employment of teachers in grant-aided schools and institutions.

(3) The terms upon which a teacher (other than a temporary or part-time teacher) is employed in a grant-aided school or institution 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 Ministry.

(4) The provisions of this Article shall apply to peripatetic teachers and supply teachers in like manner as they apply to teachers in grant-aided schools and institutions.

*Interchange of teachers with teachers outside Northern Ireland*

59. The Ministry may make regulations enabling teachers in grant-aided schools or institutions or the Ulster College to interchange duty with teachers from any country outside Northern Ireland and such regulations may provide for determining the amounts which teachers are to be treated as receiving during periods of interchange by way of salary for the purposes of any enactment relating to superannuation applicable to such teachers.

*Redundancy payments to teachers by managers of voluntary schools*

60.—(1) Where the managers of a school of a class referred to in paragraph (2) have, under section 11 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (a) made a redundancy payment (as defined by that Act) to a teacher who has been employed by them, the Ministry may pay to those managers a sum equal to the appropriate percentage of the net amount of the redundancy payment made by them.

(2) The classes of school for the purposes of paragraph (1) are voluntary primary schools, voluntary intermediate schools and voluntary special schools and the appropriate percentage for those purposes is one hundred per cent. where a school committee has been appointed or deemed to have been appointed under Schedule 5 and sixty-five per cent. in any other case.

(3) The reference in paragraph (1) to the net amount of a redundancy payment is a reference to the sums paid by the managers as a redundancy payment less the amount of any rebate (as defined in the said Act of 1965) in respect of the payment which they are entitled to under that Act.

PART VII  
LIBRARY SERVICES

*Provision of library services by boards*

61.—(1) It shall be the duty of each board to provide a comprehensive and efficient library service for persons living or working or undertaking courses of education in its area and a board may provide a library service for persons other than those for whom it has a duty to provide the service.

(2) Without prejudice to the generality of paragraph (1), each board shall make library services available to grant-aided schools and other grant-aided educational establishments in its area.

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(a) 1965 c. 19 (N.I.).

(3) For the purpose of carrying out its functions under paragraph (1), a board shall have regard to the desirability—

- (a) of securing that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials sufficient in number, range and quality to meet the general and any special requirements of adults and children and of doing so whether by keeping adequate stocks, by arrangements with other boards or with bodies other than boards concerned with library services and by any other appropriate means;
- (b) of encouraging both adults and children to make full use of the library service;
- (c) of providing advice as to the use of the library service and making available such bibliographical and other information as may be required by persons using the service.

(4) Each board—

- (a) shall make suitable arrangements for co-operating with any other board or boards for the purpose of enabling itself or the other board or boards to carry out its or their functions more effectively; and
- (b) may, either alone or in conjunction with another board or other boards, make such arrangements with bodies other than boards whether inside or outside Northern Ireland as are practicable and which it considers necessary in order to enable it to carry out its functions under paragraph (1) more effectively.

#### *Development schemes*

62.—(1) Within such time after the coming into operation of this Article as the Ministry may direct, the library committee of each board shall prepare and submit to the board a development scheme for library services within its area and the board shall approve with or without modifications any such scheme and submit it to the Ministry.

(2) The scheme under paragraph (1) shall be in such form and contain such information as the Ministry may direct.

(3) A library committee may at any time and shall, if the Ministry directs the board that the library committee should do so, prepare and submit to the board a revised development scheme or an amendment to an existing scheme and where the board approves with or without amendment such a revised development scheme or amendment to an existing scheme, it shall submit it to the Ministry.

(4) The Ministry may approve with or without modification a development scheme or a revised development scheme or an amendment to an existing scheme submitted to it under this Article.

(5) Subject to any directions of the Ministry, it shall be the duty of a board to carry out the provisions of any scheme, or any amendment to a scheme, for its area which has been approved by the Ministry under this Article.

#### *Requirements as to, and inspection of, library premises*

63. Each board shall secure that premises provided or maintained by it for the purposes of its functions as a library authority shall conform to such standards as the Ministry may direct and shall be open at all reasonable times to inspection by officers of the Ministry.

*Contributions between boards in respect of library services*

64.—(1) Where a board provides library services for, or on behalf of another board, that other board shall pay such a contribution, if any, to the board providing the services as may be agreed between the boards.

(2) A board shall, before providing library services for or on behalf of another board, obtain the consent of that other board.

(3) Any dispute between boards regarding a contribution to be made from one board to another shall be referred to and determined by the Ministry whose determination shall be final.

*Charges for library services*

65.—(1) A board may make charges for such library services provided by it and of such amount as may be authorised by regulations made by the Ministry and those regulations may authorise the making of charges—

- (a) for notifying a person that a book or other article has become available for borrowing;
- (b) in respect of the failure to return a book or other article before the end of the period for which it is lent;
- (c) in respect of the borrowing of articles other than books, pamphlets or similar articles;
- (d) for supplying book catalogues or indexes or any similar articles where the articles become the property of the person to whom they are supplied; and
- (e) when providing facilities beyond those ordinarily provided by the board as part of its library service.

(2) A board shall not make any charge other than those authorised by regulations made under paragraph (1) nor charge a person resident or working outside the area of the board if it would not be entitled to charge a person resident or working within that area and shall not charge more to the former than in the circumstances it would be entitled to charge the latter.

*Bye-laws in respect of use of library facilities*

66.—(1) A board may from time to time make bye-laws regulating the use of library facilities provided or maintained by the board under this Order and the conduct of persons in premises where those facilities are provided.

(2) Without prejudice to the generality of paragraph (1), bye-laws made thereunder may include provisions for enabling officers of the board to exclude or remove from premises maintained by the board under this Order any person who contravenes the bye-laws.

PART VIII  
ADMINISTRATION AND FINANCE  
ADMINISTRATION

*Payments to members of boards*

67.—(1) A board may in accordance with a scheme framed by it and approved by the Ministry make payments by way of travelling allowance or subsistence allowance at such rates as may be specified in the scheme to any member of the board or committee or sub-committee of the board who necessarily incurs expenditure on travelling or, as the case may be, subsistence for the purpose of enabling him to perform any duty for which the scheme provides.



(2) Paragraph (1) shall apply to members of a school management committee of a school controlled by a board and, where a board has made provision for the appointment of a maintained school committee for a voluntary school in accordance with Schedule 5, of that maintained school committee and of management committees of institutions of further education in like manner as it applies to members of a board.

(3) The Ministry may, with the approval of the Ministry of Finance, make regulations providing for the making by boards, subject to and in accordance with the provisions of the regulations, of payments to members of boards for or in relation to their functions as members of a board and any such payments shall be of such amount or at such rate as may be provided in the regulations.

*Payments in respect of official visits, etc.*

68. A board may, at such rates as the Ministry approves,—

- (a) defray any travelling or other expenses reasonably incurred by any person in making official visits, whether inside or outside the United Kingdom, on behalf of the board;
- (b) defray any expenses incurred in the reception and entertainment of distinguished persons visiting the area of the board and persons representative of or connected with any public service whether inside or outside the United Kingdom and in the supply of information to such persons.

*Members of a board not to be employed as paid officers of the board*

69. A person shall, so long as he is, and for twelve months after he has ceased to be, a member of a board, be disqualified for being employed by the board as a paid officer.

*The Staff Commission*

70.—(1) There shall be established a body to be known as the Staff Commission for Education and Library Boards (in this Order referred to as “the Staff Commission”) for the purposes of exercising general oversight of matters connected with the recruitment, training and terms and conditions of employment of officers of boards and of making recommendations to boards on such matters.

(2) The provisions of Schedule 11 shall apply to the constitution, appointment and functions of the Staff Commission.

(3) The Ministry may by order subject to affirmative resolution make provision for modifying the functions of the Staff Commission or for its amalgamation with one or more bodies having similar functions, and such an order may modify or repeal any provision of this Article or Schedule 11.

(4) In paragraph (3) “modify” has the meaning assigned to it by section 148 (1) of the Local Government Act (Northern Ireland) 1972 (a).

*Officers of boards*

71.—(1) The Ministry may, after consultation with the Staff Commission or the Interim Staff Commission, require a board to appoint as the first officers of the board such persons as the Ministry may designate and it shall be the duty of a board to comply with any such requirement.

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(a) 1972 c. 9 (N.I.).

(2) Subject to the provisions of paragraphs (1) and (3), each board shall appoint a fit person to be—

- (a) the chief officer of the board who shall also be the chief education officer of the board and who shall act as secretary to the board;
- (b) the chief librarian of the board who shall also act as secretary to the library committee of the board.

(3) A board shall not appoint a chief officer of the board or a chief librarian unless the Ministry, after consultation with the Staff Commission, approves the appointment and shall, in order to obtain such approval,—

- (a) consult the Ministry regarding the qualifications and previous experience to be required of candidates for appointment;
- (b) advertise the post in such manner as the Ministry may approve or direct;
- (c) send to the Ministry the names, qualifications and previous experience of all applicants for appointment, indicating the names of those applicants from whom the board proposes to make the final selection;

but this paragraph shall not apply to a person required to be appointed under paragraph (1).

(4) The Ministry may determine the qualifications required for appointment to such offices as the Ministry considers appropriate.

(5) The Ministry may by regulations provide that such officers of a board as may be prescribed by the regulations shall not be removed from office, and that their salaries or remuneration shall not be fixed or altered, without the approval of the Ministry.

(6) Subject to the foregoing provisions of this Article, a board may appoint officers for any of the purposes of this Order and may from time to time remove any of those officers.

(7) Two or more boards may, with the approval of the Ministry, arrange for the appointment of the same person to be an officer of both or all those boards.

(8) In this Article “the Interim Staff Commission” has the meaning assigned to it by section 148 (1) of the Local Government Act (Northern Ireland) 1972.

#### *Transfer of officers*

72.—(1) The Ministry may make a scheme or schemes providing for the transfer to the employment of such board as may be specified in the scheme or schemes, on such date or dates so specified, of officers who immediately before the transfer are employed by a local authority wholly or mainly for the purposes of its functions as a local education authority or library authority and an officer transferred under such a scheme is in this Article referred to as “a transferred officer”.

(2) A transferred officer shall, so long as he continues in the employment of the board to which he is transferred in accordance with a scheme under paragraph (1) and until he is served with a statement in writing by that board setting out his new terms and conditions of employment, enjoy terms and conditions of employment (including those relating to superannuation benefits) not less favourable than those he enjoyed immediately before 17th November 1971.

(3) The new terms and conditions referred to in paragraph (2) shall be such that—

(a) as long as a transferred officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of his transfer, the scale of his salary or remuneration; and

(b) the other terms and conditions of his employment;

are taken as a whole not less favourable than those he enjoyed immediately before 17th November 1971.

(4) Where the terms and conditions of the employment of a transferred officer (including conditions as to superannuation benefits) have been, on or after 17th November 1971 and before the date of his transfer, varied in any respect, the Ministry may direct that the variation shall be wholly or partially included among the terms and conditions on which he becomes employed by a board and paragraph (3) shall have effect in relation to him as if so much of the variation as is specified in the direction had been included in the terms and conditions of his employment immediately before 17th November 1971.

(5) A written statement given in accordance with section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 shall not be regarded as a statement of new terms and conditions of employment for the purposes of paragraph (2) unless the statement so indicates.

(6) Where a transferred officer entered his employment by a local authority on or after 17th November 1971, paragraphs (2) to (4) shall have effect in relation to him as if for any reference to terms and conditions of employment enjoyed immediately before 17th November 1971 there were substituted a reference to terms and conditions of employment enjoyed by him immediately after he entered that employment.

(7) The Ministry may by order subject to affirmative resolution modify the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 in its application to any person transferred to the employment of a board by virtue of a scheme made under paragraph (1) or appointed under Article 71 (1) or to a person employed by the Ministry who immediately before being so employed was employed by a local authority wholly or mainly for the purposes of its functions as a former local education authority or a former library authority.

(8) In paragraphs (2) to (4), "terms and conditions of employment" includes any restriction under a statutory provision on the termination of the employment of any person.

#### *Compensation of officers*

73.—(1) The Ministry may, with the approval of the Ministry of Finance, make regulations providing for the payment by the Ministry or a board, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, any person who is the holder of any such office or employment as may be so specified and who suffers subsequent to his transfer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to any provision of this Order or of any instrument made under this Order or who on grounds which the Ministry considers reasonable is unable or unwilling to accept employment with the board to which he has been transferred.

(2) In making regulations under paragraph (1), the Ministry shall have regard to any provision for the compensation of persons made by or under the Local Government Act (Northern Ireland) 1972.

(3) Regulations made under paragraph (1) may have effect from a date earlier than that on which the regulations are made but not so as to place any person in a worse position than he would have been in if the regulations had effect only from the date of the making thereof.

*Prohibition of acceptance of unauthorised fee or reward and duty to disclose pecuniary interest*

74.—(1) An officer of a board shall not, under colour of his office or employment, exact or accept (whether directly or indirectly for himself or for or through another) any fee or reward other than his proper remuneration and any person who acts in contravention of this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(2) Sections 46 and 146 of the Local Government Act (Northern Ireland) 1972 (duty of officers to disclose pecuniary interest and interpretation) shall apply to officers of a board in like manner as they apply to officers of a district council but with the substitution for references to a district council, councillors and clerk of a council of references to a board, members of a board and chief officer of a board respectively.

*Insurance against risks by boards*

75. A board may, and if so directed by the Ministry shall, insure against such risks in connection with any of the functions of the board as the board or the Ministry considers necessary.

*Protection for officers acting in execution of duty*

76.—(1) An officer of a board shall not be personally liable in respect of any act done by him in the execution of any statutory provision relating to a function of the board and within the scope of his employment if he acted reasonably and in the honest belief that his duty under the statutory provision required or entitled him to do it but nothing in this paragraph shall be construed as relieving a board of any liability in respect of acts of its officers.

(2) Where an action is brought against an officer of a board in respect of an act done by him in the execution or purported execution of any such statutory duty as aforesaid and the circumstances are such that he is not legally entitled to require the board to indemnify him, the board may nevertheless indemnify him against the whole or a part of any damages or costs which he may have been ordered to pay or may have incurred, if the board is satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under the statutory provision required or empowered him to do it.

*Appointment of non-teaching staff for controlled and maintained schools*

77.—(1) Where it is necessary to appoint staff, other than teachers or persons employed in connection with the school meals service, required in or about a controlled school or a maintained school, the board which manages the controlled school or, as the case may be, is responsible for the maintenance of the maintained school shall furnish to the school management committee or, in the case of a maintained school, the maintained school committee, the names of all applicants for appointment whom the board considers to be qualified and the school management committee or, as the case may be, the maintained school committee may select from the names so furnished to it the person or, where more than one person is to be appointed, the requisite number of persons whom it recommends for appointment and shall inform the board of the name or names of the person or persons so selected.

(2) Where a school management committee or maintained school committee informs the board of the name of the person, or as the case may be, the names of the requisite number of persons whom it has selected under paragraph (1), the board shall appoint that person or those persons.

(3) Where a school management committee or a maintained school committee to whom names of applicants are furnished under paragraph (1) fails within a reasonable time to inform the board of the name of the person or, as the case may be, the names of the requisite number of persons whom it recommends for appointment, the board may either—

- (a) seek further applications and comply again with paragraph (1); or
- (b) with the approval of the Ministry, appoint one or, as the case may be, the requisite number of persons from the qualified applicants.

(4) All staff to whom paragraph (1) applies who were employed in or about a controlled school or a maintained school to carry out the duties of a former local education authority immediately before the date of the coming into operation of this Article shall be offered employment by the board which manages the controlled school or, as the case may be, is responsible for the maintenance of the maintained school on terms not less favourable than those on which they were employed by the former local education authority immediately before that date.

(5) This Article shall not apply where, after consultation with the school management committee or, in the case of a maintained school, the maintained school committee, the board is of opinion that a service or services for the internal or external maintenance of the premises of the school can best be provided—

- (a) by a person or group of persons employed by the board to perform that service or those services in a number of schools which are not all under the management of the same school management committee or maintained school committee;
- (b) by the placing by the board of a contract, in accordance with its regular procedure for placing contracts, for the doing of anything relating to its functions in relation to a controlled school or a maintained school which is of a nature ordinarily done by employing a contractor.

(6) A school management committee or maintained school committee aggrieved by any action of a board under paragraph (5) may refer the matter to the Ministry for determination.

(7) The functions of a school management committee or a maintained school committee under this Article shall not, for any purpose, be regarded as being carried out on behalf of or in the name of the board.

*Provision of residences by boards*

**78.**—(1) A board may, with the approval of the Ministry, provide and maintain or maintain a house or other residence for—

- (a) a teacher employed by the board;
- (b) a caretaker, groundsman or other person employed by the board in connection with a school or institution managed by the board or a maintained school or any premises or property used by the board for educational purposes or purposes connected therewith;

and for that purpose may erect a dwelling-house or other residence or acquire, and if necessary enlarge or improve, an existing dwelling-house or other residence.

(2) The trustees of a maintained school may, notwithstanding anything in any statute or scheme made thereunder or in any charter, deed, memorandum of association, articles of association or other document constituting the school or under which the land used for the school is vested or which otherwise relates to the school or the land used for the school, lease part of the land used for the school to a board for the purposes of paragraph (1) (b).

(3) Where a board provides and maintains or maintains a house or residence under paragraph (1) the board may charge the person occupying the house or residence such sums, if any, as the Ministry may approve.

(4) Where a board provides and maintains or maintains a house or residence under paragraph (1), the board may permit the house or residence to be occupied by any person when it is not required for a person mentioned in paragraph (1) and may charge the person occupying the house or residence such sums, if any, as the Ministry may approve.

(5) A board may, on giving six months notice to the occupant, recover possession of any house or residence provided or maintained by it under the foregoing provisions of this Article and where the house or residence is vested in the Ministry may act on behalf of the Ministry in the recovery of such possession.

(6) Where a board is entitled by virtue of paragraph (5) to recover possession of any premises, the following provisions shall have effect in relation to those premises—

(a) the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1967 shall not apply;

(b) the board may, notwithstanding any enactment or rule of law and without prejudice to any other method of recovery, proceed under Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 (a) for the summary recovery of the premises and for the purposes of any such proceedings that Part shall have effect as if the board were the owner of the premises and the teacher or other person in possession thereof was a person who had been put into such possession by permission of the owner as care-taker.

*Teachers' residences provided etc. by statutory loan prior to 1st February 1922*

79.—(1) In this Article—

“statutory loan” means a loan made before the 1st February 1922 under the National School Teachers' Residences (Ireland) Act 1875 (b) as amended by any subsequent enactment;

“teacher's residence” means premises provided, erected, structurally improved or purchased by means of a statutory loan;

“trustees”, in a case where a teacher's residence was, before the coming into operation of this Article, transferred to a former local education authority, includes the Ministry or a board where the teacher's residence has become vested in it under this Order.

(2) A teacher in occupation of a teacher's residence shall, during the period of the repayment of the statutory loan and thereafter during the estate of the trustees, be required to pay to the trustees or, where the Ministry is the trustees, to the board responsible for maintaining the residence such sum as the Ministry may approve.

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(a) 1964 c. 21 (N.I.).

(b) 1875 c. 82.

(3) Where a teacher's residence was provided in connection with a particular school and is not required for the use of a teacher in that school, the trustees or, where the Ministry is the trustees, the board responsible for maintaining the residence may, with the approval of the Ministry, permit some other person to occupy it and the board may charge the person occupying the residence such sums, if any, as the Ministry may approve.

(4) The trustees may recover possession of a teacher's residence on giving six months' notice in writing to the teacher or other person occupying the residence and where the Ministry is the trustees a board may, at the Ministry's request, act on behalf of the Ministry in effecting the recovery of the residence.

(5) In relation to a teacher's residence—

(a) the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1967 shall not apply; and

(b) the trustees or a board may, notwithstanding any enactment or rule of law and without prejudice to any other method of recovery, proceed under Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 for the summary recovery of the residence and for the purposes of any such proceedings that Part shall have effect as if the trustees or the board were the owner of the residence and the teacher or other person in possession thereof were a person who had been put into such possession by permission of the owner as caretaker.

(6) Subject to the provisions of this Article, a teacher's residence shall, notwithstanding the completion of the repayment of any statutory loan by means of which the residence was provided, continue to be held during the term of the estate of the trustees, upon the same trusts and conditions as it was held during the period of repayment, and any arrangement made under Article 14 and Schedule 7 with respect to a teacher's residence shall provide accordingly.

(7) Where the Ministry of Finance is satisfied that a teacher's residence which is held by trustees for an estate not limited by reference to any condition as to user is no longer required for occupation by a teacher in connection with any school, it may, notwithstanding the provisions of paragraph (6), authorise the sale of the teacher's residence and—

(a) a sale so authorised shall have effect as if authorised under section 18 of the Charities Act (Northern Ireland) 1964 (a); and

(b) the provisions of section 13 of that Act shall apply to the proceeds of such sale irrespective of the amount thereof.

#### *Arrangements between boards*

**80.**—(1) Subject to paragraph (2), a board may provide in any school or institution of further education under its management educational facilities for pupils of any other school or institution under its management or under the management of another board or for persons resident in the area of another board.

(2) A board shall before providing educational facilities for pupils of any school or institution under the management of another board or for persons resident in the area of another board obtain the consent of that other board.

(3) Where a board provides educational facilities for pupils of a school or institution under the management of another board or for persons resident in

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(a) 1964 c. 33 (N.I.).

the area of another board, that other board shall pay such a contribution, if any, to the board providing the facilities as may be agreed between the boards or, in default of agreement, as may be determined by the Ministry.

*Power of boards as to research and conferences*

**81.**—(1) A board may, with the approval of the Ministry, make, by financial contribution or otherwise, provision, either alone or together with any other board or person, for conducting, or assisting the conduct of, research.

(2) Subject to any regulations made by the Ministry—

(a) a board may organise, or participate in the organisation of, conferences for the discussion of questions relating to any of its functions under this Order and may incur such expenditure as may be reasonable in paying or contributing towards any expenses incurred in connection with any conferences so organised by the board or in which the board so participates;

(b) a board may defray or contribute towards the expenses reasonably incurred by any person authorised by it to attend any conference for the discussion of questions relating to any of its functions under this Order.

*Particulars of births required by boards*

**82.** The Registrar-General of births and deaths in Northern Ireland and a registrar of births and deaths shall supply to a board such particulars of the entries contained in any register of births in his custody, and in such form as, subject to any regulations made by the Ministry of Finance after consultation with the Ministry, the board may from time to time require.

*Making of bye-laws by boards*

**83.**—(1) It shall be the duty of each board to make bye-laws providing for any matter required by this Order to be so provided and to enforce bye-laws made by it under this Order.

(2) Bye-laws made under this Order may provide for the imposing on persons contravening the bye-laws reasonable fines, recoverable on summary conviction, not exceeding £20 and in the case of a continuing offence £2 for each day on which the offence continues after conviction.

(3) A bye-law made by a former local education authority or library authority and in force at the date of the coming into operation of this Article shall so far as it applies within the area of the board be deemed to have been made by the board and confirmed by the Ministry under this Order.

(4) A bye-law made under this Order shall not come into operation until it has been confirmed by the Ministry.

(5) A board not less than one month before submitting a proposed bye-law for the confirmation of the Ministry shall—

(a) deposit a draft of the proposed bye-law at the headquarters of the board and at such other place or places as the Ministry may direct;

(b) publish notice of the deposit in accordance with the provisions of Article 118;

(c) permit any person to inspect the deposited copy at all reasonable times without payment;

(d) furnish to any person, on application, a copy of the proposed bye-law, or of any part thereof, on payment of such reasonable sum as the board may determine.



(6) The Ministry before confirming a bye-law shall be satisfied that the provisions of paragraph (5) (a) and (b) have been complied with and shall cause such inquiry, if any, to be made in the area of the board making the bye-law as the Ministry thinks requisite.

(7) A copy of bye-laws when confirmed shall be printed and deposited at the headquarters of the board by which the bye-laws were made and in such other place or places as the Ministry may direct and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall, on application, be furnished to any person on payment of such reasonable sum as the board determines.

(8) A copy of any bye-law made or deemed to have been made by a board under this Order certified and signed by the chief officer of the board or, in his absence, such other officer as the board authorises to be a true copy and to have been duly confirmed shall, until the contrary is proved, be evidence in all legal proceedings of the due making, confirmation and existence of such bye-law without further or other proof.

*Admission of public to, and facilities for newspaper representatives at, meetings of boards*

**84.**—(1) Subject to paragraphs (2) and (5), every meeting of a board shall be open to the public.

(2) A board may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings at the meeting) whenever publicity would be prejudicial to the public interest—

- (a) by reason of the confidential nature of the business to be transacted at the meeting; or
- (b) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the meeting.

(3) Without prejudice to the generality of paragraph (2) (b), a board may treat the need to receive or consider recommendations or advice from sources other than members, committees or sub-committees of the board as a special reason for the purposes of that paragraph without regard to the subject or purport of the recommendations or advice.

(4) Subject to paragraph (5), at all times during which a meeting of the board is required by this Article to be open to the public, the board shall, so far as practicable cause to be made available to duly accredited representatives of newspapers attending for the purpose of reporting proceedings at the meeting reasonable facilities for taking reports of those proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

(5) Nothing in paragraph (1) or (4) shall—

- (a) affect or derogate from any power of excluding persons from a meeting for the purpose of suppressing or preventing disorderly conduct or other misbehaviour at the meeting; or
- (b) require a board to permit the taking of photographs of any proceedings or the use of any means to enable persons not present at the meeting to see or hear any of the proceedings (whether at the time or later) or the making of any oral report on any proceedings as they take place.

(6) Where, at a meeting of a board, the board resolves itself into committee, the proceedings in committee shall for the purposes of this Article, be treated as forming part of the proceedings of the board at that meeting.

(7) This Article shall apply to meetings of a committee of a board other than a teaching appointments committee in like manner as it applies to meetings of a board but shall not apply to meetings of a sub-committee of a board.

*Notice and information to be given as to meetings of boards*

85. Where a meeting of a board or committee of a board is required by Article 84 to be open to the public during the whole or any part of the proceedings at the meeting, the board or committee shall—

- (a) cause a notice stating the time and place at which the meeting is to be held to be posted in a conspicuous place at the offices of the board two days at least before the meeting or, if the meeting is convened at shorter notice, at the time it is convened; and
- (b) if so requested by or on behalf of a newspaper and on payment by or on behalf of that newspaper of postage or other necessary expenses which may be incurred for transmission, supply for the benefit of that newspaper—
  - (i) a copy of the agenda as circulated to members of the board or committee with the omission of any items during the proceedings on which the meeting is likely not to be open to the public; and
  - (ii) such further statement or particulars and copies of such other documents as are necessary to indicate the nature of any item included in the copy of the agenda so supplied.

*Certain publications to be privileged*

86.—(1) Where a board or committee of a board supplies to any member of the public attending a meeting of the board or a committee thereof or, pursuant to paragraph (b) of Article 85, supplies for the benefit of a newspaper copies of the agenda, statements, particulars or copies of other documents mentioned in that paragraph, the publication of any defamatory matter contained in the agenda, statement, particulars or documents so supplied shall be privileged unless the publication is proved to be made with malice.

(2) In the Schedule to the Defamation Act (Northern Ireland) 1955 (a) (by virtue of which, among other things, newspaper reports of all proceedings at meetings of local authorities and their committees are privileged unless admission to the meeting is denied to representatives of newspapers and other members of the public) references to a local authority shall be deemed to include a reference to a board or a committee of a board other than a teaching appointments committee.

*Inspection of minutes of proceedings of boards*

87. The minutes of the proceedings of a board or any committee thereof shall be open at all reasonable hours for inspection without payment by any person and a person inspecting the minutes may make a copy of, or of any part of, the minutes.

*Determination of disputes between boards*

88. Any dispute arising between boards as to their respective functions under this Order shall be referred to the Ministry and any such dispute so referred shall be determined by the Ministry whose determination shall be final.

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(a) 1955 c. 11 (N.I.).

*Determination of disputes between a board and managers of grant-aided schools*

89. Any dispute arising between a board and the managers of a grant-aided school with respect to the exercise of the powers conferred or the performance of any duty imposed by or under this Order may, notwithstanding any enactment rendering the exercise of the power or the performance of the duty contingent on the opinion of the board or of the managers, be referred either by the board or the managers to the Ministry and any such dispute so referred shall be determined by the Ministry whose determination shall be final.

*Power of Ministry to prevent unreasonable exercise of functions*

90.—(1) If the Ministry is satisfied, either on complaint by any person or otherwise, that a board has or the managers of a grant-aided school have acted or is or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under any provision of this Order, the Ministry may, notwithstanding the provisions of any enactment rendering the exercise of the power or the performance of the duty contingent upon the opinion of the board or of the managers, give such directions as to the exercise of the power or the performance of the duty as appear to the Ministry to be expedient.

(2) Where a board fails or the managers of a grant-aided school fail to carry out any of its or their functions under this Order, the Ministry may direct it or them to carry out those functions and the direction may specify how the functions are to be carried out.

(3) It shall be the duty of a board and the managers of a grant-aided school to comply with any directions given to it or to them under paragraph (1) or (2) and any such directions may be enforced by mandamus.

(4) Where the Ministry is satisfied that a board has failed to discharge any of its functions under this Order, the Ministry may make an order appointing a person or persons to discharge, in the name of the board, all the functions of the board or such functions as may be specified in the order and the order may render valid any act, thing or payment which would otherwise be invalid by reason of any default by the board.

(5) So long as an order under paragraph (4) remains in force the functions of the board or such functions as are specified in the order shall be performed by the person or persons appointed by the order and shall not be performed by the board.

(6) The remuneration and expenses of a person or persons appointed by an order made under paragraph (4) shall be determined by the Ministry and shall together with any other sums expended by the Ministry in consequence of the order be defrayed as part of the expenses of the board under this Order.

(7) The Statutory Rules Act (Northern Ireland) 1958 (a) shall not apply to any order made under paragraph (4).

*Inspections by inspectors and other officers of Ministry*

91. Every school and every grant-aided institution and establishment and every institution and establishment which is established, maintained or managed by a board or the activities of which are organised by a board shall be open at all reasonable times to inspection by inspectors and other officers of the Ministry.

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(a) 1958 c. 18 (N.I.).

*Reports and returns*

92.—(1) Every board, the managers of every school, the managers or governing body of every grant-aided educational institution, the Northern Ireland Schools Examinations Council and the Governors of the Ulster College shall make such reports and returns, and give such information, to the Ministry as the Ministry may reasonably require for the purposes of its functions under this Order.

(2) The managers of every school shall make such reports and returns, and give such information, to boards as the boards may reasonably require for the purpose of their functions under this Order.

*Annual report to Parliament*

93. The Ministry shall make to Parliament an annual report giving an account of the exercise of the functions conferred on it by this Order.

*Transfer to, and acquisition by, Ministry of land*

94.—(1) There shall on such day as the Ministry shall appoint be transferred to the Ministry by virtue of this Order and without the necessity of any conveyance, deed of transfer or other instrument all land held immediately before the appointed day by a local authority in its capacity as a local education authority or as a library authority or held by a local authority and used exclusively for education or library purposes other than land which the Ministry by order made before the day appointed under this paragraph exempts from the provisions of this paragraph.

(2) The Statutory Rules Act (Northern Ireland) 1958 (a) shall not apply to an order made under paragraph (1).

(3) A certificate of the Ministry that land has been transferred to it by paragraph (1) or transferred by the Ministry under paragraph (14) shall be evidence of such transfer and upon lodgment of such a certificate, the certificate shall be registered in the Registry of Deeds or, in case of the registered land, the title to which the certificate relates shall be registered in the Land Registry.

(4) The Ministry may by agreement, or in accordance with paragraph (7) otherwise than by agreement, acquire any land which in its opinion is required for use by it for the purposes of this Order and any land held by it for those purposes may, if in its opinion it is no longer required for those purposes, be disposed of by it in such manner and on such terms and conditions as the Ministry considers expedient or be appropriated by it for other purposes of the Ministry.

(5) Paragraph (4) shall not enable the Ministry to dispose of any land on terms other than the best obtainable except with the approval of the Ministry of Finance.

(6) Section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (b) (which contains provisions with respect to the disposal of land by government departments) shall not apply to the disposal of any land under paragraph (4) or paragraph (14).

(7) Where the Ministry desires for the purposes of this Order to acquire land otherwise than by agreement, it may, subject to paragraphs (12) and (13), make a vesting order vesting the land in the Ministry and Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to the modifica-

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(a) 1958 c. 18 (N.I.).

(b) 1933 c. 6 (N.I.).

tions thereof specified in Part I of Schedule 12, apply for the purposes of the acquisition of land by means of a vesting order made under this paragraph in like manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(8) Any person authorised by the Ministry in writing stating the particular purpose or purposes for which entry is authorised may at all reasonable times, on giving three days prior notice of his intention to the occupier, enter for the purpose of survey, valuation or examination—

- (a) land which the Ministry proposes to acquire compulsorily under the powers conferred on it by this Article; and
- (b) any land, where it appears to the Ministry that survey, valuation or examination is necessary in order to determine whether any powers under this Article should be exercised in respect of that land.

(9) If any person, other than the owner or occupier of land entered under paragraph (8), obstructs a person authorised as aforesaid in the performance of anything which such person is required or authorised to do, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

(10) If any person being the owner or occupier of land prevents a person authorised as aforesaid from duly carrying into effect any survey, valuation or examination of such land, any court of summary jurisdiction on proof thereof may order the first-mentioned person to permit to be done on such land all things requisite for carrying into effect such survey, valuation or examination and if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding £20.

(11) Where any property is damaged in the exercise of a right of entry conferred under this Article or in the making of any survey or examination for the purpose of which any such right of entry has been conferred, compensation in respect of that damage may be recovered from the Ministry by any person interested in the property and any question of disputed compensation shall be referred to and determined by the Lands Tribunal for Northern Ireland.

(12) Nothing in this Article shall authorise the acquisition, without the consent of the Ministry of Finance, of any land on or in which there is to the knowledge of the Ministry any historic monument or archaeological object within the meaning of the Historic Monuments Act (Northern Ireland) 1971 (a).

(13) The powers to make a vesting order under this Article may be exercised over land—

- (a) which is the property of any body established by or under any transferred provision which has power under any transferred provision to acquire land compulsorily; or
- (b) which is declared by or under any transferred provision to be inalienable;

but a vesting order shall not be made in relation to any such land, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, unless the proposal has been approved by a resolution of each House of Parliament.

(14) The Ministry may transfer to another Department of the Government of Northern Ireland or to a board any land vested in, or acquired by, it under this Article.

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(a) 1971 c. 17 (N.I.).

(15) Stamp duty shall not be payable on this Order or any instrument or other document executed for the purpose of transferring land to the Ministry under paragraph (1) or from the Ministry under paragraph (14).

*Functions of boards in relation to land*

95.—(1) A board may, with the approval of the Ministry but not otherwise, acquire, hold or dispose of land and shall if the Ministry so directs transfer to the Ministry any land held by it.

(2) Where a board desires to acquire otherwise than by agreement any land which it considers necessary for the purposes of this Order, the board may apply to the Ministry for an order vesting such land in the board and the Ministry shall have power to make such an order and Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to the modifications thereof specified in Part II of Schedule 12, apply for the purposes of the acquisition of land by means of a vesting order made under this paragraph in like manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(3) Paragraphs (8) to (13) of Article 94 shall apply for the purposes of this Article as they apply for the purposes of that Article and in their application for the purpose of this Article—

(a) references to the Ministry in paragraph (8) shall be construed as including references to a board and the reference to the Ministry in paragraph (11) shall be construed as including the board by which the authorisation was given;

(b) references to that Article shall be construed as references to this Article.

(4) The board shall not, under paragraph (1), dispose of any land gratuitously, or at either a price or rent other than the best obtainable, or on terms other than the best obtainable unless the approval of the Ministry is obtained.

(5) The Ministry may empower a board to act on its behalf in the acquisition, holding or disposal of land and a board shall manage and maintain, and may provide any buildings required for the purposes of this Order on, such land held by the Ministry as the Ministry may approve.

(6) A board, notwithstanding that it is exercising functions on behalf of the Ministry under paragraph (5), shall be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the board in its own name.

(7) Where any transaction or function consequent on an application by a local authority for a vesting order for the compulsory acquisition of land under the enactments repealed by this Order or under any other enactment where the vesting of the land is for the purposes of the functions of the local authority as a local education authority or a library authority has not, on the day appointed under Article 94 (1), been performed or completed in accordance with those enactments, those enactments shall, notwithstanding their repeal, continue in force for the purposes of the performance or completion of that transaction or function but any such transaction or function required to be performed by, to or for the benefit of a local authority shall be done by or to or for the benefit of such board as the Ministry may direct.

*Transfer of certain assets and liabilities of local authorities*

96.—(1) Subject to paragraph (2) and Articles 94 and 97, there shall, on such day as may be specified in an order under paragraph (2), be transferred to the

Ministry all assets and liabilities to which a local authority was entitled or subject immediately before that day, being assets or liabilities wholly or mainly acquired, held or incurred for the purposes of its functions as a local education authority or library authority.

(2) The Ministry may by order—

- (a) specify the date on which assets or liabilities are to be transferred to it under paragraph (1);
- (b) provide for the manner in which it shall be determined for the purposes of paragraph (1) whether an asset or a liability had been wholly or mainly acquired, held or incurred as specified in paragraph (1);
- (c) provide that such of the rights or liabilities of a local authority as are specified in the order shall, notwithstanding their transfer to the Ministry, be enforceable by or against such board as may be so specified and not by or against the Ministry; and
- (d) make such other provision as appears to the Ministry to be necessary for the purposes of this Article.

(3) The Ministry may, where it thinks fit, transfer to a board any assets or liabilities transferred to it under paragraph (1).

(4) The transfer to the Ministry by virtue of paragraph (1), of an endowment or other charitable gift shall be effective notwithstanding any provision to the contrary in any instrument making the endowment or gift but the Ministry shall, so far as practicable, ensure that the benefits accruing from any such endowment or gift are applied for the purposes for which the endowment or gift was made.

(5) The Statutory Rules Act (Northern Ireland) 1958 shall not apply to an order made under this Article.

#### *Vesting of movable property in boards*

97. All furniture, equipment and all other movable property which immediately before the coming into operation of this Article was the property of a local authority and used by it for the purposes of its functions as a local education authority or a library authority shall on that day become the property of the board in whose area it is located on that day unless and until the Ministry directs that the furniture, equipment and property shall become the property of another board.

#### *Inquiries and investigations*

98. The Ministry may cause such local and other inquiries to be held or investigations to be made as the Ministry thinks expedient for the purposes of this Order or in connection with any function of a board or a committee or sub-committee thereof.

#### *Power of Minister to appoint advisory bodies or committees*

99. The Minister may appoint such advisory bodies or committees as he considers necessary to assist the Ministry in the exercise and performance of the functions conferred on the Ministry by this Order.

#### *Conduct of examinations by Ministry*

100. The Ministry may conduct such examinations as it considers necessary for the purposes of the statutory system of public education.

## FINANCE

### *Power of boards to accept gifts*

**101.**—(1) Subject to paragraph (2), a board may be constituted trustees for any endowment or charity for the purposes of any of its functions under this Order whether the endowment was established before or after the date of the coming into operation of this Article and, subject to Article 95, a board shall have power to accept any real or personal property given to it as an endowment or upon trust for any of the aforesaid purposes.

(2) Paragraph (1) shall not enable a board to be trustees for or to accept any endowment, charity or trust, the purposes of which are inconsistent with the provisions of this Order or the principles on which the board is required to conduct schools provided by it.

### *Borrowing powers of boards*

**102.**—(1) A board may, by means of a bank overdraft or by such other means, within such limits and subject to such conditions as may be approved by the Ministry, temporarily borrow such sums as may be necessary for the purpose of defraying any expenses incurred by it in accordance with a financial scheme approved under Article 103.

(2) Any sum borrowed by a board under paragraph (1) shall be repaid by the board before the end of the financial year in which it is borrowed.

(3) A board may borrow or raise money, on such terms and subject to such conditions as the Ministry may approve, upon the security of any property or assets of the board for the purposes of meeting expenses incurred in connection with any permanent works the cost of which is properly chargeable to capital or for any other purpose for which capital moneys may properly be applied.

### *Financial schemes of boards*

**103.**—(1) Each board shall, at such times, in such form and in respect of such periods as the Ministry may direct, submit to the Ministry financial schemes showing in relation to each such period the amounts of the estimated payments and receipts of the board in respect of its functions under this Order and the Ministry may approve any such scheme with or without modifications in respect of such periods as the Ministry considers appropriate.

(2) A board may at any time where necessary submit a supplementary or revised financial scheme to the Ministry and the Ministry may approve any such scheme with or without modifications.

(3) Between the date of the coming into operation of this Article and the 1st April next following that date, a board or other person may, in the performance of functions under this Order, incur expenditure of such amount as the Ministry may approve.

(4) A board shall not incur expenditure otherwise than in accordance with paragraph (3) or a financial scheme approved by the Ministry under this Article.

### *Grants to boards*

**104.**—(1) The Ministry may pay to a board grants equal to the approved net expenditure incurred by the board in accordance with financial schemes approved under Article 103 (1) or (2) and may make grants in respect of expenditure approved under Article 103 (3).



(2) Section 33 of the Exchequer and Financial Provisions Act (Northern Ireland) 1950 (a) (which provides for the payment out of the Consolidated Fund or, if the Ministry of Finance so directs, out of moneys provided by Parliament of payments by the Ministry of Education for the purposes of the provision, equipment, alteration, enlargement or reconstruction of voluntary schools) shall apply to payments by the Ministry under paragraph (1) to boards for the purpose of meeting expenses incurred in connection with any permanent works the cost of which is properly chargeable to capital or for any other purpose for which capital moneys may properly be applied in like manner as it applies to voluntary schools and the limit of fifty-three million pounds imposed by that section as amended by the Financial Provisions Act (Northern Ireland) 1971 (b) on the aggregate of the sums which may be issued under that section out of the Consolidated Fund shall be increased to seventy-six million pounds and accordingly in subsection (1) of that section—

- (a) for the words from “section” to “1947” there shall be substituted the words “Article 106 of the Education and Libraries (Northern Ireland) Order 1972, or any payment by that Ministry to boards under Article 104 (1) of that Order for the purpose of meeting expenses incurred in connection with any permanent works the cost of which is properly chargeable to capital or for any other purpose for which capital moneys may properly be applied.”;
- (b) for the words “fifty-three million pounds” there shall be substituted the words “seventy-six million pounds”.

*Grants to persons other than boards*

**105.**—(1) The Ministry may, in accordance with regulations made by it with the approval of the Ministry of Finance, pay grants to persons other than boards in respect of expenditure incurred or to be incurred for the purposes of educational or library services or recreational, social, cultural, physical or youth service activities or services ancillary to education provided by them or on their behalf or under their management or for the purpose of research relevant to the functions of the Ministry or of boards under this Order.

(2) Regulations under paragraph (1) may prescribe the rates of grants which may be paid under that paragraph.

(3) Without prejudice to the generality of paragraph (1), regulations made under that paragraph may make provision for the payment by the Ministry in accordance with those regulations—

- (a) to the managers of voluntary schools, grants in respect of expenditure incurred or to be incurred by them in the payment of employers' contributions under any such superannuation scheme as may be specified in the regulations;
- (b) to the managers of maintained schools, grants equal to, and to the managers of voluntary schools which are not maintained schools grants equal to sixty-five per cent. of, the amount of the expenditure incurred or to be incurred by them in the payment of employers' contributions under the National Insurance Acts (Northern Ireland) 1966 to 1971.

*Building and equipment grants for voluntary schools*

**106.**—(1) Subject to Article 12 and to regulations made by the Ministry with the approval of the Ministry of Finance, the Ministry may pay to any person in respect of approved expenditure—

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(a) 1950 c. 3 (N.I.).      (b) 1971 c. 6 (N.I.).

- (a) incurred for the provision or alteration of the premises of a voluntary school a sum equal to—
  - (i) eighty per cent. of that expenditure where, when that expenditure is incurred, the school is a maintained school or is a voluntary grammar school the trustees or governing body of which have entered into an agreement with the Ministry under Schedule 6; or
  - (ii) sixty-five per cent. of that expenditure where, when that expenditure is incurred, the school is not such a school as is referred to in head (i);
- (b) incurred for the provision of equipment for a voluntary school other than a maintained school a sum equal to—
  - (i) eighty per cent. of that expenditure where, when the expenditure is incurred, the school is a voluntary grammar school the trustees or governing body of which have entered into an agreement with the Ministry under Schedule 6;
  - (ii) sixty-five per cent. of that expenditure where, when the expenditure is incurred, the school is not such a school as is referred to in head (i).

(2) Where a building contract entered into for the provision of a new school or the alteration of an existing school provides for payment by instalments, the date on which an instalment is paid under the contract may, for the purposes of paragraph (1), be taken as the date on which expenditure of the amount of that instalment has been incurred.

(3) For the purposes of this Article, any question as to whether expenditure was incurred on or after a particular date shall be determined by the Ministry.

(4) Expenditure approved before the coming into operation of this Article under the provisions of any enactment corresponding to this Article and repealed by this Order shall be deemed to have been approved under this Article, any sums which would have been paid in respect of such expenditure under any such enactment shall be paid under this Article and any sum so paid under any such enactment shall, subject to Article 13 (6) (c), be deemed to have been paid under this Article.

(5) Regulations made under paragraph (1) may make provision for the repayment, in such circumstances as are specified in the regulations, of the whole or part of any moneys paid or deemed to be paid under this Article and any sum repayable by virtue of any such provision may be recovered by the Ministry as a debt due to it.

(6) Where any premises of a school in respect of which a grant has been paid under paragraph (1) (a) or the corresponding provision of any enactment repealed by this Order or by any enactment so repealed are sold, the Ministry may reduce the amount of grant payable under that paragraph in respect of the premises of a new or altered school which in the opinion of the Ministry replaces the school any premises of which have been sold by such sums, if any, as it considers equitable not exceeding the amount, if any, by which the proceeds of the sale exceed the aggregate of—

- (a) any sum repayable to the Ministry in respect of a building grant paid in respect of the premises which have been sold; and
- (b) the cost of providing the premises which have been sold in so far as it was not met by a grant from the Ministry or a former local education authority.

#### *Accounts and audit*

**107.**—(1) Each board shall keep in such form as the Ministry may direct accounts of all moneys received and of all moneys paid out by it.

- (2) In respect of each financial year—
- (a) each board shall prepare and submit annually to the Ministry accounts in such form as the Ministry may direct and those accounts shall be audited by officers appointed by the Ministry;
  - (b) the Ministry shall prepare in such form as the Ministry of Finance may approve summarised accounts of the boards and shall submit them to the Comptroller and Auditor-General for Northern Ireland who shall examine and certify them;
  - (c) the Ministry shall lay before each House of Parliament copies of the summarised accounts certified by the Comptroller and Auditor-General for Northern Ireland together with his report, if any, on them.
- (3) The Comptroller and Auditor-General for Northern Ireland in the discharge of his functions under paragraph (2) (b) may examine any accounts and any records relating thereto and any report thereon of the officers of the Ministry appointed under paragraph (2) (a).
- (4) The Ministry may confer on officers appointed by the Ministry to audit the accounts of a board such rights of access to, and production of, books, accounts and other documents as may be specified by the Ministry and such rights to require from any member, officer, or former member or officer of a board such information relating to the affairs of the board as the Ministry may think necessary for the proper performance of the duties of the officers appointed by the Ministry to audit the accounts of boards.
- (5) The Ministry, with the approval of the Ministry of Finance, may make such regulations for the purposes of this Article as it considers necessary and such regulations may prescribe the times at which accounts shall be submitted under this Article to the Ministry and to the Comptroller and Auditor-General for Northern Ireland.

## PART IX EXAMINATIONS COUNCIL

### *Northern Ireland Schools Examinations Council*

**108.**—(1) There shall continue to be a body, to be known as the Northern Ireland Schools Examinations Council (in this Part referred to as “the Council”), which shall have such functions, in relation to examinations for pupils receiving secondary education and others, as are conferred on it by or under the succeeding provisions of this Order.

(2) The Council shall be a body corporate, with perpetual succession, to which section 19 of the Interpretation Act (Northern Ireland) 1954 (a) shall, subject to the provisions of this Order, apply.

(3) The constitution of the Council shall be as provided in that behalf in Part I of Schedule 13 and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Council.

### *Functions of Council*

**109.** Without prejudice to any other provision of this Order, the functions of the Council shall be—

- (a) to advise the Minister on such matters relating to examinations for pupils receiving secondary education as he may from time to time refer to it or as the Council may think fit;

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(a) 1954 c. 33 (N.I.).

- (b) to arrange for the conduct by the Northern Ireland General Certificate of Education Examinations Board of examinations for the Northern Ireland General Certificate of Education and for the award of certificates by that Board;
- (c) to arrange for the conduct by the Northern Ireland Certificate of Secondary Education Examinations Board of examinations for the Northern Ireland Certificate of Secondary Education and for the award of certificates by that Board;
- (d) to co-ordinate the arrangements made by the boards referred to in paragraphs (b) and (c) for the conduct of the examinations; and
- (e) to provide accommodation, equipment and staff to enable those boards to carry out their functions and to arrange for the supply of stationery, examination papers and other materials in connection with the examinations.

*Power of Ministry to give directions*

110. The Ministry may, from time to time, after consultation with the Council, give such directions as to the discharge by the Council of its functions as appear to the Ministry to be desirable.

*General Certificate of Education Examinations Board and Certificate of Secondary Education Examinations Board*

111.—(1) There shall continue to be—

- (a) a body to be known as the Northern Ireland General Certificate of Education Examinations Board (in this Part referred to as “the G.C.E. Board”) which shall conduct examinations for the Northern Ireland General Certificate of Education; and
- (b) a body to be known as the Northern Ireland Certificate of Secondary Education Examinations Board (in this Part referred to as “the C.S.E. Board”) which shall conduct examinations for the Northern Ireland Certificate of Secondary Education.

(2) The constitution of the G.C.E. Board shall be as provided in that behalf in Part I of Schedule 14 and the constitution of the C.S.E. Board shall be as provided in that behalf in Part II of that Schedule.

(3) The supplementary provisions contained in Part III of Schedule 14 shall have effect in relation to the G.C.E. Board and the C.S.E. Board.

*Estimates of receipts and payments*

112.—(1) The Council shall prepare and submit to the Ministry, on or before such date in each year as the Ministry may determine and in such form and containing such particulars as the Ministry may require, estimates of its receipts and payments for the succeeding financial year, and the Ministry may approve the estimates in whole or in part or with such modifications as, after consultation with the Council, it thinks fit.

(2) The expenditure of the Council shall be in accordance with estimates approved under paragraph (1), but where the Ministry is satisfied that any expenditure not provided for by the estimates has been, or will be, reasonably and properly incurred in any financial year, the Ministry may sanction such expenditure notwithstanding that it is not provided for by the estimates.

(3) The estimates prepared by the Council under paragraph (1) shall show separately the estimated receipts and payments of the Council, the G.C.E. Board and the C.S.E. Board.

(4) In any financial year any excess of receipts over payments by the G.C.E. Board or, as the case may be, by the C.S.E. Board shall be paid to the Council, and the Council shall pay to each of those boards any sum by which that board's receipts fall short of its payments provided for in estimates approved under paragraph (1) or sanctioned under paragraph (2).

*Annual grant to Council*

**113.**—(1) Subject to paragraph (2), there may in each financial year be paid to the Council by the Ministry a grant towards the expenditure incurred or to be incurred by the Council in that year.

(2) The amount of any grant payable by the Ministry under paragraph (1) shall be such as the Ministry, with the approval of the Ministry of Finance, may determine.

*Accounts, audit and annual report*

**114.**—(1) The Council shall keep proper accounts and other records and shall prepare and transmit to the Comptroller and Auditor-General for Northern Ireland, on or before such date in each year as the Ministry may determine, statements of account in respect of the financial year then last previously occurring, in such form and containing such information as the Ministry, after consultation with the Ministry of Finance, may require.

(2) The Comptroller and Auditor-General for Northern Ireland shall examine and certify the statements of account and submit a report thereon to the Council and the Ministry; and the Ministry shall lay copies of the accounts together with the report of the Comptroller and Auditor-General for Northern Ireland before each House of Parliament.

(3) It shall be the duty of the Council to vouch the statements of account to the satisfaction of the Comptroller and Auditor-General for Northern Ireland and in respect of the examination and certification thereof by the Comptroller and Auditor-General for Northern Ireland in any year to pay to the Ministry of Finance for the credit of the Exchequer such audit fees and expenses as that Ministry may direct.

(4) The Council shall prepare and transmit to the Ministry an annual report on the conduct of the examinations for the Northern Ireland General Certificate of Education and the Northern Ireland Certificate of Secondary Education and on the exercise by the Council and the G.C.E. and C.S.E. Boards of their functions, and the Ministry shall lay a copy of that report before each House of Parliament.

*Interpretation of this Part, etc.*

**115.**—(1) In this Part and Schedules 13 and 14—

“the Council” has the meaning assigned to it by Article 108 (1);

“the C.S.E. Board” has the meaning assigned to it by Article 111 (1) (b);

“the G.C.E. Board” has the meaning assigned to it by Article 111 (1) (a);

“financial year” except in Article 113, means a period of twelve months ending on such date as the Council may, with the approval of the Ministry, determine.

(2) The Ministry may, by an order made subject to affirmative resolution, amend, whether by addition, omission or variation, any provision contained in Schedule 13 or 14.

PART X  
MISCELLANEOUS AND GENERAL

*Transfer of certain institutions to Ministry*

116.—(1) Any person managing an institution to which the Literary and Scientific Institutions Act 1854 (a) applies may, whether or not the land on which such institution is situated is vested in him, make an arrangement under Schedule 7 for the transfer of the institution to the Ministry and the Ministry may assent and give effect to any such arrangement.

(2) For the purposes of paragraph (1), Schedule 7 shall have effect as if references to a school included references to an institution to which the Literary and Scientific Institutions Act 1854 applies.

(3) The Ministry may transfer to a board any institution transferred to it under this Article.

*Use of land provided or maintained under this Order*

117. Land provided or maintained for any of the purposes of this Order may be used for any of the other purposes of this Order or for any of the purposes of the Youth Welfare, Physical Training and Recreation Act (Northern Ireland) 1962 (b).

*Publication of notices*

118.—(1) Notices and other matters required to be published under this Order shall, when no particular method is provided or indicated, be published either by advertisement in newspapers, or in such other manner as the Ministry may either generally or with respect to any particular area, place or notice, or class of area, place or notice, direct as being in its opinion sufficient for giving information to all persons interested.

(2) If any person wilfully removes, injures or defaces any notice exhibited in pursuance of this Order he shall, in respect of each offence, be liable on summary conviction to a fine not exceeding £10.

*Service of notices on, and authentication of notices by, boards*

119.—(1) Without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954, any notice, order or other document required to be served on or sent to a board under this Order may be served or sent by giving it to the chief officer of the board or sending it to or delivering it at the headquarters of the board.

(2) Any notice, order or other document requiring authentication by a board may be authenticated by the chief officer of the board or another officer of the board authorised in that behalf by the board.

*Evidence of documents*

120. In any legal proceedings, a document purporting to be—

- (a) a document issued by a board and to be signed by the chief officer of the board or by any other officer of the board authorised to sign it;
- (b) an extract from the minutes of the proceedings at any meeting of the managers of a grant-aided school and to be signed by the chairman of the managers or by their clerk;

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(a) 1854 c. 112.

(b) 1962 c. 2 (N.I.).

- (c) a certificate giving particulars of the attendance of a child at a school and to be signed by the principal of the school; or
  - (d) a certificate issued by a medical officer and to be signed by such an officer;
- shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be, and to be signed by the person by whom it purports to have been signed without proof of his identity, signature or official capacity, and such extract or certificate as is mentioned in paragraph (b), (c) or (d) shall be evidence of the matters stated therein.

*Complaints against boards*

**121.** In Part II of Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969 (a) (which lists public bodies which are subject to investigation) there shall be inserted the following entries—

- Education and Library Boards established under the Education and Libraries (Northern Ireland) Order 1972;
- The Northern Ireland Schools Examinations Council;
- The Northern Ireland General Certificate of Education Examinations Board;
- The Northern Ireland Certificate of Secondary Education Examinations Board.

*Amendment of enactments*

**122.** From the date of the coming into operation of this Article—

- (a) a reference in any enactment to a local education authority shall unless this Order or the context of the enactment otherwise requires be construed as a reference to a board; and
- (b) the enactments mentioned in Schedule 15 shall be amended in the manner specified in that Schedule.

*Power to facilitate the coming into operation of this Order*

**123.**—(1) Without prejudice to the provisions of section 16 of the Interpretation Act (Northern Ireland) 1954, the Ministry may exercise and may authorise or require a board or other persons to exercise during the period before the day on which the whole of this Order has been brought into operation any functions which will, from that day, be exercisable under the provisions of this Order in so far as the exercise of those functions during that period is, in the opinion of the Ministry, necessary or expedient for securing that the various provisions of this Order may be effective from the days provided for their coming into operation and for preventing difficulties in the operation of this Order after those days.

(2) The Ministry may in the exercise of the power conferred by paragraph (1) secure the constitution of any committees which are, in its opinion, essential for the purpose of making any provision of this Order effective upon its coming into operation.

*Saving as to persons suffering from mental disorder*

**124.** No power or duty conferred or imposed by this Order on the Ministry or boards or parents shall be construed as relating to any person who is suffering from arrested or incomplete development of mind or is the subject of an order under the Lunacy Regulation (Ireland) Act 1871 (b) or is for the time being the subject of a decision recorded under paragraph 3 of Schedule 8 to this Order

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(a) 1969 c. 25 (N.I.).

(b) 1871 c. 22.

or is making use of any services provided under the Mental Health Act (Northern Ireland) 1961 (a) for persons suffering from mental disorders or to a person who is detained in pursuance of an order made by any court.

*Regulations*

**125.**—(1) The Ministry may make all such regulations as it is required or empowered to make under this Order or as appear to it to be necessary or proper for giving full effect to this Order.

(2) All regulations under this Order shall be subject to negative resolution.

*Expenses of the Ministry*

**126.** Except as otherwise provided under section 33 of the Exchequer and Financial Provisions Act (Northern Ireland) 1950 (b), any expenses incurred by the Ministry under this Order may be defrayed out of moneys hereafter appropriated for the purpose of meeting such expenses.

*Repeals*

**127.** The enactments mentioned in Schedule 16 are hereby repealed to the extent specified in column 3 of that Schedule.

*W. G. Agnew*

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(a) 1961 c. 15 (N.I.).      (b) 1950 c. 3 (N.I.).



## SCHEDULES

### SCHEDULE 1

Article 3 (2).

#### NAMES AND AREAS OF EDUCATION AND LIBRARY BOARDS

1 Name of Board	2 Name of Local Government District
The Belfast Education and Library Board.	Belfast.
The South-Eastern Education and Library Board.	Ards. Castlereagh. Down. Lisburn. North Down.
The Southern Education and Library Board.	Armagh. Banbridge. Cookstown. Craigavon. Dungannon. Newry and Mourne.
The Western Education and Library Board.	Fermanagh. Limavady. Londonderry. Omagh. Strabane.
The North-Eastern Education and Library Board.	Antrim. Ballymena. Ballymoney. Carrickfergus. Coleraine. Larne. Magherafelt. Moyle. Newtownabbey.

### SCHEDULE 2

Article 3 (4), (5).

#### EDUCATION AND LIBRARY BOARDS

##### PART I

##### CONSTITUTION OF BOARDS

##### *Appointment of members*

1.—(1) The maximum number of members to be appointed to a board shall from time to time be determined by the Ministry.

(2) The Minister shall appoint to a board—

(a) persons nominated in accordance with paragraph 2 by each district council in the area of the board from amongst members of that council;

(b) persons appearing to the Minister—

(i) to represent the interests of transferors of schools in the area of the board;

(ii) to represent the interests of trustees of maintained schools in the area of the board;

(iii) to be suitable for appointment by reason of their interest in the services for which the board is responsible.

(3) Appointments under sub-paragraphs (2) (b) (i) and (ii) shall be made after consultation (to such extent as may seem to the Minister practicable and expedient) with interests appearing to the Minister—

(a) in the case of appointments under sub-paragraph (2) (b) (i), to represent the transferors of schools in the area of the board; and

(b) in the case of appointments under sub-paragraph (2) (b) (ii), to represent the trustees of maintained schools in the area of the board.

(4) The members of a board shall be appointed in the year 1972 and in every fourth year thereafter and—

(a) persons appointed to a board shall become members of the board from such date (being a date as soon as possible after members of district councils are nominated to the board under sub-paragraph (2) (a)) as shall be specified in their appointment;

(b) the appointment shall cease to have effect after the day preceding that from which the next subsequent appointments made under this sub-paragraph are effective;

but where it has not been possible to make on or before 31st December 1972 an appointment to a board which is required to be made in the year 1972, that appointment shall be made as soon as possible after that date.

(5) A member of a board on the expiry of his term of office shall, unless he is disqualified under paragraph 6 (1) be eligible for re-appointment to the board.

(6) A vacancy occurring in the membership of a board shall be filled by a person appointed by the Minister being a person of that category specified in sub-paragraph (2) (a) or (2) (b) (i) or (2) (b) (ii) or (2) (b) (iii) to which the member being replaced belonged and that person shall hold office for the residue of the terms of office of that member.

(7) The provisions of sub-paragraph (2) (a) and (4) shall not prevent persons appointed under sub-paragraph (2) (b) for the first term of a board becoming members of that board before persons are nominated to that board by district councils nor prevent a board being established before persons to be so nominated are appointed to that board and a board so established may exercise its functions to the extent provided for by this Order or an order under Article 1 (2) but a chairman and vice-chairman elected by a board before persons to be so nominated are appointed shall, without prejudice to their eligibility for re-appointment as chairman or vice-chairman, relinquish the chairmanship or, as the case may be, the vice-chairmanship as soon as the persons so nominated are appointed.

#### *Members nominated by district councils*

2.—(1) The Ministry shall from time to time determine the total number of members to be nominated to a board by district councils in the area of the board and the number to be nominated by each such district council and, in determining that total number, the Ministry shall ensure that—

(a) the total number is as nearly as possible equal to two-fifths of the maximum number of members of the board; and

(b) each district council in the area of the board may nominate at least one member; and, in determining the number of members to be nominated by a district council, the Ministry shall have regard to the population in the area of that district council.

(2) As soon as possible after the date on which a district council is elected in accordance with section 11 (2) of the Electoral Law Act (Northern Ireland) 1962 (a) and in any event within one month of that date, the council shall select the members of the council to be nominated by it to a board and shall send to the Minister the names and addresses of the persons so nominated.

(3) If a district council fails to nominate members to a board in accordance with sub-paragraph (2) or fails to nominate the requisite number of such members, the

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(a) 1962 c. 14 (N.I.).

Minister may, on behalf of that council, make such nominations or such additional nominations of persons who are members of that council as may be necessary by reason of such failure and such nominations shall be deemed for all purposes to be nominations by the council.

*Other members*

3. The Ministry shall from time to time determine the total number of persons to be appointed to a board as representing the interests of transferors of schools and trustees of maintained schools in the area of the board and the number of such persons to be appointed—

- (a) to represent the interests of transferors of schools shall as nearly as possible bear the same proportion to one-quarter of the maximum number of members of the board as the number of pupils enrolled in controlled primary schools in the area of the board bears to the total number of pupils enrolled in all primary schools in that area;
- (b) to represent the trustees of maintained schools shall as nearly as possible bear the same proportion to three-sixteenths of the maximum number of members of the board as the number of pupils enrolled in maintained primary schools in the area of the board bears to the total number of pupils enrolled in all primary schools in that area.

4.—(1) The maximum number of persons appointed to a board under paragraph 1 (2) (b) (iii) shall be as nearly as possible seven-twentieths of the maximum number of members of that board.

(2) Three of the persons so appointed shall be appointed by reason of their being teachers serving at the time of their appointment in grant-aided schools or grant-aided institutions of further education in the area of the board and at least three persons so appointed shall be persons appearing to the Minister to have an interest in the public library service.

*Resignation and disqualification of members*

5. A member of a board may resign therefrom by giving notice in writing to the Minister and, in the case of a person nominated by a district council, to that council but such a notice given by a member nominated by a district council shall not take effect until after the then next following meeting of the district council by which he was nominated.

6.—(1) A person shall be disqualified for being a member of a board or of a committee or sub-committee thereof if—

- (a) he is employed by that board or any other board as a paid officer; or
- (b) he has been adjudged bankrupt or has made a composition with his creditors; or
- (c) he has within the five years immediately preceding the day of his appointment or at any time thereafter—
  - (i) been convicted by a court in Northern Ireland or elsewhere in the British Islands of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine; or
  - (ii) been guilty of any conduct which the High Court, by order under section 31 (3) of the Local Government Act (Northern Ireland) 1972 (a) or by order under that section as applied by paragraph 8, has declared to be reprehensible;

but section 5 of the Local Government Act (Northern Ireland) 1972 shall apply to a disqualification under head (b) of this sub-paragraph and such a disqualification shall cease in accordance with the provisions of that section.

(2) A member of a district council who is appointed under paragraph 1 (2) (a) to a board on the nomination of that district council shall cease to be a member of the board if he ceases to be a member of that district council and a person appointed to a

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(a) 1972 c. 9 (N.I.).

board under paragraph 1 (2) (b) (iii) by reason of his being a teacher serving in a grant-aided school or grant-aided institution of further education in the area of that board shall cease to be a member of that board if he ceases to be such a teacher.

(3) Where a member of a board becomes disqualified under sub-paragraph (1) or is absent from meetings of the board for more than six months consecutively (except for a reason approved by the Minister), or a person ceases to be a member of a board under sub-paragraph (2), the board shall forthwith by resolution declare the office to be vacant and shall notify the fact to the Minister and, if that member was nominated by a district council, to that council and thereupon the office shall become vacant.

(4) Section 6 (1) to (3) of the Local Government Act (Northern Ireland) 1972 (penalties for acting while disqualified) shall apply to a board and a committee or sub-committee thereof and to a member of a board or of a committee or sub-committee thereof in like manner as it applies to a district council and to a member of a district council respectively.

*Disclosure of pecuniary interest and relevant family relationships*

7. Sections 28 and 29 (disclosure of pecuniary interests and disability from voting on account thereof), section 30 (disclosure of relevant family relationships), section 33 (time limit for proceedings) and section 146 (interpretation: pecuniary interests) of the Local Government Act (Northern Ireland) 1972 shall apply to a board and to a committee thereof to which Article 4 (1) applies and to a member of a board and of such a committee in like manner as they apply to a district council and to a member of a district council respectively but with the substitution for references to the clerk of the council of references to the chief officer of the board and for references to that Act of references to this Order and with the substitution for the words "by any local elector for the district of the council" in section 28 (4) of the words "by any other person".

*Recovery of wrongful gains and remedies against member guilty of reprehensible conduct*

8. Sections 31 to 33 of the Local Government Act (Northern Ireland) 1972 (recovery of wrongful gains and remedies in respect of reprehensible conduct) shall apply to a board and to a committee thereof to which Article 4 (1) applies and to a member of a board and of such a committee in like manner as they apply to a district council and to a member of a district council respectively and for the reference to that Act in section 31 as so applied there shall be substituted a reference to this Order.

PART II

PROCEEDINGS OF BOARDS

9.—(1) A board shall, at its first meeting after its appointment, elect a chairman and a vice-chairman who, unless the board otherwise determines, shall, subject to paragraph 1 (7), hold office until the next subsequent appointment of members of the board under paragraph 1 (4) becomes effective.

(2) Where, at any meeting of the board, the chairman is absent, the vice-chairman if present, shall be chairman at that meeting and where, at any such meeting, both the chairman and the vice-chairman are absent, the chairman at that meeting shall be such member of the board present as the members attending the meeting shall appoint.

(3) The chairman at any meeting of the board shall, in addition to his right to vote as a member of the board, have a casting vote.

10.—(1) The quorum of the board shall be one-third of the total number of members of the board.

(2) The proceedings of a board shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualification of any of its members.

11. The seal of the board shall be authenticated by the signatures of the chairman or other member of the board authorised by it to act in that behalf and of the chief officer or some other officer of the board authorised as aforesaid.

12.—(1) The Ministry may make regulations regulating the procedure to be followed by a board or any committee thereof in carrying out its functions.

(2) A board shall draw up standing orders for the conduct of the business of the board or any committee thereof and such standing orders shall be subject to the approval of the Ministry.

13.—(1) A board may enter into contracts necessary for the discharge of any of its functions.

(2) All contracts made by a board or a committee of the board shall be made in accordance with the standing orders of the board and in the case of contracts for the supply of goods or materials or for the execution of works the standing orders, except as otherwise provided by or under the standing orders, shall—

(a) require notice of the intention of the board or committee to enter into the contract in question to be published and tenders invited; and

(b) regulate the manner in which such notice shall be published and tenders invited.

(3) Without prejudice to section 19 (1) (a) (ii) of the Interpretation Act (Northern Ireland 1954, a person entering into a contract with a board shall not be bound to inquire whether the standing orders of the board which apply to the contract have been complied with and all contracts entered into by a board, if otherwise valid, shall, notwithstanding that the standing orders applicable thereto have not been complied with, have full force and effect.

### SCHEDULE 3

Article 4 (2).

#### CONSTITUTION OF TEACHING APPOINTMENTS COMMITTEES AND LIBRARY COMMITTEES

##### PART I

##### TEACHING APPOINTMENTS COMMITTEES

1. A teaching appointments committee shall consist of the following persons appointed by the board of which it is a committee—

(a) two principals of controlled schools under the management of the board appointed in accordance with paragraph 2;

(b) two persons who have been appointed to the board under paragraph 1 (2) (b) (i) of Schedule 2 and nominated to the committee by a majority of the persons who have been so appointed;

(c) two persons nominated by the Minister from amongst the persons appointed to the board by him under paragraph 1 (2) (b) (iii) of Schedule 2;

(d) two district councillors nominated by the board from amongst those members appointed to the board under paragraph 1 (2) (a) of Schedule 2;

and the quorum of a teaching appointments committee shall be four persons.

2.—(1) The principals of controlled schools shall for the purposes of paragraph 1 (a) be appointed as follows:—

(a) a board shall prepare a panel of principals serving in controlled schools under its management;

(b) two principals from that panel shall be appointed by the board to attend each meeting of the teaching appointments committee and different principals may be appointed to attend different meetings of the committee.

(2) If so authorised by a board, the chief education officer of the board or, in his absence, another officer of the board authorised by him for the purpose may, on behalf of the board, appoint the principals to the teaching appointments committee.

(3) The principals appointed to attend any meeting of a teaching appointments committee shall have the like right to speak and vote at that meeting as the other members of the committee.

3.—(1) Substitutes for members of a teaching appointments committee may be nominated and appointed or, as the case may be, appointed under sub-paragraphs (b),

(c) and (d) of paragraph 1 in like manner as the members are nominated and appointed or appointed.

(2) Where the chief education officer of the board which appointed the committee or, in his absence, another officer of the board duly authorised by him is informed that a member of the committee will be absent from a meeting of the committee or where a member is disqualified by interest or otherwise from taking part in proceedings at such a meeting, he shall authorise the attendance at that meeting of a substitute, being the substitute or one of the substitutes nominated and appointed or appointed in like manner as the member, and if that substitute attends, he shall have at that meeting all the functions of the member except that, if he attends a meeting as substitute for the member who is chairman of the committee, he shall not, unless the committee otherwise decides, be chairman at that meeting.

(3) The chief education officer of the board or a person nominated by him shall attend as assessor at each meeting of the teaching appointments committee of that board.

## PART II

### LIBRARY COMMITTEES

4. The library committee of a board shall consist of such persons as that board appoints thereto but shall include all members appointed to the board by reason of their interest in the public library service.

Article 8 (2).

### SCHEDULE 4

#### MEMBERSHIP OF SCHOOL MANAGEMENT COMMITTEES OF CONTROLLED SCHOOLS

1. A scheme under Article 8 (2) shall so far as it relates to the appointment of members of school management committees comply with the following provisions of this Schedule.

2. A scheme relating to the school management committee of one or more than one controlled primary school other than a nursery school shall ensure that—

- (a) not less than one-half of the members of the committee shall be appointed in accordance with regulations made by the Ministry as persons representative of the transferors and superseded managers of the school or schools under its management;
- (b) not more than one-quarter of the members of the committee shall be persons nominated, at a meeting held in accordance with regulations made by the Ministry, by the parents of the children attending the school or schools under its management;
- (c) the remaining members shall be chosen by the board responsible for the management of the school or schools concerned;

but, where it is not practicable to appoint to a school management committee persons representative of transferors or superseded managers because a school is not a transferred school or does not supersede any other school or schools, the board shall appoint in their place an equivalent number of persons appearing to the board to be representative of transferors and superseded managers in the area of the board as a whole and those persons shall, so far as possible, be persons resident in the locality served by the school or schools under the management of the committee.

3. A scheme relating to the school management committee of one or more than one controlled intermediate school shall ensure that—

- (a) not less than one-half of the members of the committee shall be persons nominated, in the manner provided by regulations made by the Ministry, by the school management committees of contributory schools from amongst members of those committees who have been appointed to those committees as representatives of transferors or superseded managers;

- (b) not more than one-quarter of the members shall be persons nominated, at a meeting held in accordance with regulations made by the Ministry, by the parents of the children attending the school or schools under the management of the committee;
- (c) the remaining members shall be chosen by the board responsible for the management of the school or schools concerned.

4. A scheme relating to the school management committee of one or more than one controlled nursery school, or of a controlled grammar school or of a controlled special school shall ensure that—

- (a) one-third of the members shall be persons chosen by the board responsible for the management of the school or schools concerned;
- (b) one-third of the members shall be persons nominated, at a meeting held in accordance with regulations made by the Ministry, by the parents of the children attending the school or schools under the management of the committee;
- (c) the remaining members shall be persons nominated by the Minister.

5.—(1) Where a meeting of parents duly called for the purposes of nominating persons under paragraph 2 (b), 3 (b) or 4 (b) to the management committee of a school, fails for want of a quorum or for any other reason or neglects or refuses to nominate any or the requisite number of persons to represent parents on that committee, the board which controls the school shall request that committee (which for the purposes of this paragraph shall be deemed to be duly constituted notwithstanding the absence of parents' representatives) to submit to that board a list containing the names of twice the number of persons required to be nominated as parents' representatives or, if in the opinion of the board that is not practicable, such smaller number as the board with the approval of the Ministry may determine.

(2) Where, within one month of receiving a request from a board under sub-paragraph (1), a school management committee—

- (a) submits a list of names to the board in accordance with that request, the board shall select from that list the requisite number of persons to be nominated as parents' representatives on the school management committee;
- (b) does not submit a list of names to the board in accordance with that request or submits fewer names than those required for nomination, the board shall, after taking into account the names of persons, if any, so submitted, select the requisite number of persons to be nominated as parents' representatives on the school management committee;

and the persons so selected shall be deemed to have been duly nominated for the purposes of paragraph 2 (b) or, as the case may be, paragraph 3 (b) or paragraph 4 (b).

6. In this Schedule "superseded managers" means the persons who were formerly managers of any schools which have been superseded by schools under the management of boards or, if those persons were recognised by the Ministry as such managers by virtue of any office, then, their successors in such office.

## SCHEDULE 5

Article 9 (3).

### MAINTAINED SCHOOLS COMMITTEES

#### PART I

##### APPOINTMENT OF MAINTAINED SCHOOLS COMMITTEES

1.—(1) Subject to sub-paragraph (4), a board shall, if requested by the managers or trustees of a voluntary school other than a voluntary grammar school, make provision in accordance with the provisions of this Schedule for the appointment of a committee (in this Order referred to as "a maintained school committee") for that school.

(2) A board may make provision for the appointment of one maintained school committee for two or more such schools where the trustees or managers of the schools so request.

(3) Nothing in any statute or scheme made thereunder or in any charter, deed, memorandum of association, articles of association or other document constituting a school or under which the land used for a school is vested or which otherwise relates to a school or the land used for a school shall—

- (a) prevent the appointment of a maintained school committee for that school in accordance with a scheme framed under this Schedule or the doing by the managers or trustees of that school of anything necessary for or incidental to the appointment and functioning of such a committee; or
- (b) restrict the powers under sub-paragraph (2) of the managers or trustees of that school or the application of that sub-paragraph to that school.

(4) Without prejudice to the right of the managers or the trustees to make a further request under sub-paragraph (1), a board may, with the approval of the Ministry, refuse to make provision for the appointment of a maintained school committee for a school but the Ministry shall not give such approval unless the board satisfies it that the condition of the premises of the school is such that it would be unreasonable to expect the board to assume responsibility for the maintenance of those premises.

2.—(1) A maintained school committee shall, subject to the provisions of this Schedule, be appointed in accordance with a scheme framed by the board after consultation with the managers or trustees of the school or schools and approved by the Ministry and the procedure and functions of the committee shall be such as are provided by the scheme which shall, in particular, specify—

- (a) the terms of office of members;
- (b) the number of meetings to be held each year; and
- (c) the number, which shall not be less than six, of persons to be appointed as members of the committee.

(2) One-third of the persons appointed as members of a maintained school committee of a school or schools shall be persons nominated by the board and two-thirds of those members shall be persons nominated, when appointments are first made to the committee, by the managers or trustees of the school or schools and, on any subsequent appointment of members, by such persons (to be known as “nominating trustees”) and in such manner as the scheme for the school or schools may provide.

(3) The managers or trustees of a school or schools may, at any time before they have signified their agreement to a scheme framed under sub-paragraph (1) for the school or schools, withdraw their request for the appointment of a maintained school committee for the school or schools.

3.—(1) A maintained school committee existing at the date of the coming into operation of this Schedule and appointed under a scheme made under the provisions of any enactment corresponding to the provisions of this Schedule and repealed by this Order or by any enactment repealed by this Order shall be deemed to have been appointed under a scheme made under the provisions of this Schedule and shall, until a new scheme is framed in accordance with the provisions of this Schedule, continue to exercise its functions as nearly as practicable in accordance with the scheme under which it was appointed.

(2) A vacancy occurring, before a scheme for a school or schools is framed under this Schedule, in the membership of the maintained school committee for a school or schools which continues in existence by virtue of sub-paragraph (1) shall, where the member to be replaced was appointed by the trustees, managers or nominating trustees of the school or schools, be filled in accordance with the scheme under which the committee was appointed and, in any other case, shall be filled in such manner as the Ministry may direct.

## PART II

### WITHDRAWAL OF MAINTAINED SCHOOL FROM MANAGEMENT OF MAINTAINED SCHOOL COMMITTEE

4.—(1) The nominating trustees of a maintained school may at any time give notice to the board requesting that the school should cease to be a maintained school



but should continue to be a voluntary school and, where they do so, the school shall, subject to the succeeding provisions of this Part, continue to be a voluntary school but shall cease to be a maintained school—

- (a) on the date specified in the notice but only if on or before that date the nominating trustees have complied with paragraph 5; or
- (b) if those trustees have not complied with paragraph 5 on or before that date, on the date on which they so comply.

(2) The date specified in a notice under sub-paragraph (1) shall not, unless the nominating trustees and the board otherwise agree, be less than two years from the date on which the notice is given.

(3) Sub-paragraph (1) shall apply only to a school—

- (a) which was recognised as a grant-aided school before the 19th October 1967; or
- (b) which the Ministry is satisfied replaces a school or schools (not being a school which was, or schools one or more than one of which was, a maintained school) so recognised before that date; or
- (c) the proposal to establish which was submitted to the Ministry before that date for approval.

5. Where a school will cease to be a maintained school under the provisions of paragraph 4 (1), the nominating trustees of that school shall—

- (a) repay to the Ministry an amount equal to the difference between the sums actually paid under Article 106 (1) (a) in respect of expenditure on that school and the sums which would have been paid under that Article if the school had not been a maintained school when the expenditure was incurred; and
- (b) pay to the board such amount as may be agreed between those trustees and the board or, in default of agreement, as may be determined by the Ministry as representing thirty-five per cent. of the value, at the date on which the school ceases to be a maintained school, of—
  - (i) any works of external maintenance of the school carried out by the board or, before the coming into operation of this Order, by a former local education authority; and
  - (ii) any equipment provided by the board or, before the coming into operation of this Order, by a former local education authority.

6. A notice duly given to a former local education authority before the coming into operation of this Order under the provisions of any enactment corresponding to paragraph 4 and repealed by this Order shall be deemed to have been given to the board under paragraph 4 and any references to sums paid or sums which would have been paid under a provision of this Order shall be deemed to include references respectively to sums paid or sums which would have been paid under the corresponding provisions of any enactment repealed by this Order or by any enactment repealed by this Order.

### PART III

#### INTERPRETATION

7. In this Schedule—

- “board” in relation to a school or schools means the board for the area in which the school is or the schools are situated or such other board as the Ministry may determine;
- “nominating trustees” has the meaning assigned to it by paragraph 2 (2).

### SCHEDULE 6

Article 9 (4).

#### MEMBERSHIP OF GOVERNING BODIES OF VOLUNTARY GRAMMAR SCHOOLS

1.—(1) The trustees or governing body of a voluntary grammar school shall, notwithstanding anything in any statute or scheme made thereunder or in any charter,

deed, memorandum of association, articles of association or other document constituting the school or under which the land used for the school is vested or which otherwise relates to the school or land used for the school, have power to enter into—

- (a) an agreement with the Ministry conferring on the Minister the right to appoint members to the governing body of the school amounting to not more than one-third of the total number of members of the governing body (including the members appointed by the Minister);
- (b) an agreement, approved by the Ministry, with one or more than one board conferring on the board or boards the right to appoint members to the governing body of the school amounting to not more than one-third of the total number of members of the governing body (including the members appointed by the board or boards).

(2) Subject to sub-paragraph (3), where, in respect of the governing body of a school, an agreement has been entered into under sub-paragraph (1) (a) and under sub-paragraph (1) (b), the number of members appointed by the Minister and by the board or boards shall not together exceed one-third of the total number of members of that governing body (including the members appointed by the Minister and the board or boards).

(3) Where the trustees or governing body of a school—

- (a) enter into an agreement under sub-paragraph (1) (a) at a time when members have been appointed by one or more than one board to the governing body of the school under a prior agreement entered into under sub-paragraph (1) (b); or
- (b) enter into an agreement under sub-paragraph (1) (b) at a time when members have been appointed by the Minister to the governing body of the school under a prior agreement entered into under sub-paragraph (1) (a);

then, until the expiration of the period for which those members have been appointed under the prior agreement, sub-paragraph (2) shall not apply and such number of members may be appointed for that period to the governing body of the school by the Minister or, as the case may be, the board or boards as is provided for in the subsequent agreement.

(4) An agreement under sub-paragraph (1) (a) shall provide that the Minister, before making an appointment to the governing body of a school, shall consult the governing body of the school and the board for the area in which the school is situated and may consult any other board which he considers appropriate.

2.—(1) An agreement made under the provisions of any enactment corresponding to the provisions of paragraph 1 and repealed by this Order and existing at the date of the coming into operation of this paragraph shall, unless the Ministry directs that the agreement shall cease to have effect, continue to have effect as if made under paragraph 1.

(2) Where an agreement to which sub-paragraph (1) relates has been entered into by a former local education authority or former local education authorities, any reference in that agreement to the former local education authority or authorities shall be deemed to be a reference to the board for the area in which the school is situated or the board which is or boards which are the subject of a direction under sub-paragraph (3) and that board, or as the case may be, those boards shall assume the rights and responsibilities of the former local education authority or authorities.

(3) The Ministry, after consultation with the trustees or governing body of a school in respect of which an agreement to which paragraph 1 relates has been entered into, may direct that—

- (a) the board for the area in which the school is situated should jointly with any other board or other boards; or
- (b) a board or boards other than the board for the area in which the school is situated should;

be the board or boards for which references in the agreement to a former local education authority or former local education authorities are deemed to be references, and may also, whether or not it gives a direction under the foregoing provisions of

this sub-paragraph, direct that the person or persons appointed to the governing body of such a school by a former local education authority or former local education authorities should remain members of the governing body of the school for such period as the Ministry, after consultation with the governing body, may determine.

#### SCHEDULE 7

Article 14.

##### TRANSFER OF VOLUNTARY SCHOOLS TO MINISTRY

1. An arrangement for transferring a school to the Ministry under Article 14 may, subject to the following provisions of this Schedule, be made by the trustees who, in making such an arrangement, may act by resolution or otherwise as follows:—

- (a) where the trust deed provides any manner in which or any assent with which a resolution or act binding the trustees is to be passed or done, then in accordance with the provisions of the trust deed;
- (b) where the trust deed contains no such provision—
  - (i) then in the manner and with the assent, if any, in and with which it may be shown to the Ministry to have been usual for a resolution or act binding the trustees to be passed or done; or
  - (ii) if no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose and vote on the question and with the assent of any other person whose assent under the circumstances appears to the Ministry to be requisite.

2. An arrangement under this Schedule may provide for an absolute conveyance to the Ministry of all the estate in the premises of the school possessed by the trustees of the school or for a lease of the same with or without restrictions and either at a nominal rent or otherwise to the Ministry or for any arrangement that may be agreed upon between the trustees and the Ministry.

3. An arrangement under this Schedule may also provide for the transfer to the Ministry of a teacher's residence held or used in connection with the school or for the transfer or application, subject to the approval of the Ministry of Finance, of any endowment belonging to the school or for the Ministry undertaking to discharge any debt charged on the school not exceeding the value of the estate in the premises or endowments transferred to it.

4. Where an arrangement is made under this Schedule, it shall be one of the terms of the arrangement that the trustees of the school or endowment shall, in pursuance of the arrangement, execute a proper conveyance and take all necessary steps in law for the effective conveyance to the Ministry of all such estate in the premises or endowment as is vested in those trustees or owners or such smaller estate as may be agreed upon in the arrangement.

5. Where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of the trustees, nothing in this Schedule shall authorise any interference with that right except with the consent of that person.

6. The Ministry shall consider and have due regard to any objections and representations respecting a proposed transfer of a school under this Schedule which may be made by any person or by the representatives or successors of any person who has contributed to the establishment of the school.

7. Where the trust instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this Schedule shall be made by the persons in the manner and with the consent so provided.

8. Where a transfer of a school is made in pursuance of an arrangement under this Schedule, the consent of the Ministry shall, after the expiration of six months from

the date of the transfer, be conclusive evidence that the arrangement has been made in conformity with this Order.

9. Where an arrangement under this Schedule provides for the transfer of a teacher's residence to the Ministry, this Schedule shall apply for the purposes of such transfer in like manner as it applies for the purposes of the transfer of a school.

Article 25.

SCHEDULE 8

DUTY OF BOARDS IN RELATION TO CHILDREN WHO REQUIRE SPECIAL EDUCATIONAL TREATMENT OR WHO ARE UNSUITABLE FOR EDUCATION IN SCHOOL

*Examination of children*

1.—(1) It shall be the duty of a board to determine what children in its area who have attained the age of five years or who have not attained that age and are in attendance at school—

- (a) require special educational treatment; or
- (b) are suffering from a disability of mind of such a nature or to such an extent as to make them unsuitable for education at school.

(2) For the purpose of fulfilling its duty under sub-paragraph (1), a board may by notice in writing served on the parent of a child require the parent to submit the child for examination by a medical officer and an educational psychologist authorised for the purpose by the board in order to obtain advice as to whether the child requires special educational treatment because of his physical, intellectual, emotional or social development or is suffering from a disability of mind of such a nature or to such an extent as to make him unsuitable for education at school.

(3) A notice served under sub-paragraph (2) shall state the time and place at which the examination is to be held.

(4) A parent who, without reasonable excuse, fails to comply with a notice served on him under sub-paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.

(5) A board may cause any child resident in its area who has attained the age of two years to be examined under sub-paragraph (2) and shall do so if so requested by his parent unless the board considers the request to be unreasonable.

(6) The parent of a child shall, if he so wishes, be entitled to be present at any examination held in consequence of the foregoing provisions of this paragraph.

(7) The advice given to the board with respect to a child by a medical officer and an educational psychologist in consequence of an examination under this paragraph shall be given to the parent of the child.

*Children requiring special educational treatment*

2.—(1) Where a board, after considering the advice given by a medical officer and an educational psychologist in consequence of an examination under paragraph 1 and any report or information which the board is able to obtain from parents, teachers and other persons with respect to the ability and aptitude of the child, decides that the child requires special educational treatment, the board shall give notice of its decision to the parent of the child and shall secure the provision of such treatment for the child.

(2) The arrangements made by a board under sub-paragraph (1) for the special educational treatment of pupils of a category defined in regulations made by the Ministry under Article 26 shall ensure that, so far as practicable, the educational treatment is given in an appropriate special school or by other appropriate means and the arrangements so made by a board shall be subject to the approval of the Ministry and may provide for the special educational treatment to be given, either within or outside the area of the board, in special schools or in schools other than special schools.

(3) Where the advice given by a medical officer or educational psychologist in consequence of an examination under paragraph 1 indicates that a child requires special educational treatment, the board shall, if the parent so requests, issue a certificate to that effect to the parent and a parent who is aggrieved by the terms of a certificate may refer the matter to the Ministry.

(4) A certificate issued under sub-paragraph (3) may be withdrawn by the Ministry or the board and, upon the withdrawal of any such certificate, the board shall cease to provide special educational treatment for the child with respect to whom the certificate was issued and shall notify the parent accordingly.

#### *Children unsuitable for education*

3.—(1) Where a board, after considering the advice given by a medical officer and an educational psychologist in consequence of an examination under paragraph 1 and any report or information which the board is able to obtain from parents, teachers or other persons with respect to the ability and aptitude of the child, decides that the child is suffering from a disability of mind of such a nature or to such an extent as to make him unsuitable for education at school, the board shall, subject to sub-paragraph (2), record the decision and furnish to the health and social services board for the area in which the child resides (in this Schedule referred to as "the appropriate health and social services board") a report of the decision together with a copy of any written advice, report or information which was taken into account for the purposes of the decision.

(2) Before recording a decision under sub-paragraph (1) with respect to a child, the board shall give to the parent of the child not less than twenty-one days notice in writing of its intention to do so and, if within that period the parent refers to the Ministry the question whether such a decision should be recorded, the decision shall not be recorded except by direction of the Ministry.

(3) A notice under sub-paragraph (2) shall contain a statement of the functions of the appropriate health and social services board with respect to the making of arrangements for the treatment, care or training of the child if the decision is recorded.

(4) Where a decision has been recorded under sub-paragraph (1) in relation to a child—

(a) the parent of the child may at any time, not earlier than twelve months from the date on which the decision was recorded nor more often than once in any subsequent period of twelve months, by notice in writing request the board to review the decision;

(b) if at any time it appears to the appropriate health and social services board or to any authority or body responsible for the management of a place where the child is under care that the decision ought to be reviewed, that board, authority or body shall give notice to that effect to the board;

and the board shall then have the child examined, and paragraph 1, (2), (3) and (6) shall apply for the purposes of any such examination.

(5) If, after considering the advice given by the medical officer and educational psychologist in consequence of an examination carried out under sub-paragraph (4) and any reports or information available to it, the board decides that the child is suitable for education in a school other than a special school or in a special school, it shall cancel the original decision and notify the cancellation to the health and social services board to whom the report of the original decision was issued, to any other authority or body concerned and to the parents.

(6) If, after considering the advice, reports and information referred to in sub-paragraph (5), the board refuses to cancel the decision, it shall serve on the parent of the child a notice stating that the board has so decided and the parent may, before the expiration of the period of twenty-one days beginning on the day next following the day on which it is served on him, appeal to the Ministry against the decision of the board.

(7) On an appeal under sub-paragraph (6), the Ministry may require the board to cancel the original decision or may confirm their refusal to do so.

*Children requiring further care or treatment*

4. Where a child or young person in the area of a board is about to leave or has left school and it appears to the board that his physical, intellectual, emotional or social development is such as to require that in his interests further care, treatment or supervision should be provided, the board shall notify the appropriate health and social services board and furnish such report or information relating to him as that board may require.

Article 35.

SCHEDULE 9

ENFORCEMENT OF DUTY IMPOSED BY ARTICLE 35 AS TO EDUCATION OF  
CHILDREN OF COMPULSORY SCHOOL AGE

PART I

SCHOOL ATTENDANCE ORDERS

1.—(1) Where it appears to a board that a parent of a child of compulsory school age in its area is failing to perform the duty imposed on him by Article 35 (1), the board shall serve on the parent a notice requiring him, within such period not being less than fourteen days from the service of the notice as is specified in the notice, to satisfy the board that the child is, by regular attendance at school or otherwise, receiving efficient full-time education suitable to his age, ability and aptitude.

(2) Where a parent on whom a notice is served under sub-paragraph (1) fails within the period specified in the notice to satisfy the board that the child to whom the notice relates is receiving efficient full-time education suitable to his age, ability and aptitude, the board shall, if it is of opinion that it is expedient that the child should attend school, serve in the prescribed manner on the parent an order in the prescribed form (in this Schedule referred to as a "school attendance order") requiring him to cause the child to become a registered pupil at the school named in the order.

(3) Before serving an order on a parent under sub-paragraph (2) the board shall, where practicable, give him an opportunity to select the school to be named in the order and, if the parent then selects a school, that school shall, unless the Ministry otherwise directs, be the school named in the order.

(4) Where the board is of opinion that the school selected by a parent as the school to be named in a school attendance order is unsuitable to the age, ability or aptitude of the child with respect to whom the order is to be made or that the attendance of the child at the school so selected would involve unreasonable expense to the board, the board may, after giving to the parent notice of its intention to do so, apply to the Ministry for a direction determining the school to be named in the order.

(5) Where the school named in a school attendance order served under sub-paragraph (2) provides education for pupils up to the upper limit of compulsory school age or beyond, the order shall, subject to paragraph 2, continue in force so long as the pupil is of compulsory school age and where the school does not provide education up to or beyond that age the order shall expire when the pupil has reached the age at which he would normally leave that school.

2.—(1) Where, at any time whilst a school attendance order is in force with respect to a child, the parent of the child makes an application to the board by whom the order was made requesting that another school be substituted for that named in the order or requesting that the order be revoked on the ground that arrangements have been made for the child to receive otherwise than at school efficient full-time education suitable to his age, ability and aptitude, the board shall amend or revoke the order in compliance with the request unless it is of opinion that the proposed school is unsuitable to the age, ability or aptitude of the child or that the attendance of the child at the school would involve unreasonable expense to the board or, as the case may be, that no satisfactory arrangements have been made for the education of the child otherwise than at school.

(2) A parent who is aggrieved by a refusal of a board to comply with a request made under sub-paragraph (1) may refer the matter to the Ministry and the Ministry shall give such direction thereon as it thinks fit.

## PART II

### DUTY OF PARENT OF REGISTERED PUPIL TO SECURE HIS REGULAR ATTENDANCE AT SCHOOL

3.—(1) Subject to the following provisions of this paragraph, it shall be the duty of a parent of a registered pupil at a school to secure his regular attendance at that school.

(2) For the purposes of sub-paragraph (1) and of any proceedings brought under paragraph 4 in respect of a child who is not a boarder at the school at which he is a registered pupil, the child shall not be deemed to have failed to attend regularly at the school only by reason of his absence therefrom—

- (a) at any time when he was prevented from attending by reason of sickness or other unavoidable cause;
- (b) if the parent proves that the school at which the child is a registered pupil is not within walking distance of the child's home and either that—
  - (i) no arrangements whereby transport is available to the child have been made by the board under Article 41 and no arrangements have been made for boarding accommodation for him at or near the school or for enabling him to become a registered pupil at a school nearer to his home; or
  - (ii) any arrangements which have been made under Article 41 whereby transport is available to the child for any part of the journey between his home and school are such that he has still to walk more than walking distance in the course of that journey.
- (c) at any time when he is employed in accordance with the provisions of Article 51 (2).

(3) Where, in any proceedings brought against a parent on the ground that a child who is a registered pupil at a school has failed to attend that school regularly, it is proved that the child has no fixed abode, sub-paragraph (2) (b) shall not apply but the parent shall be entitled to be acquitted if he proves that he is engaged in any trade or business of such a nature as to require him to travel from place to place and that the child has attended (at the school at which he was a registered pupil) as regularly as the trade or business of the parent permitted provided that, in the case of a child who has attained the age of six years, he has so attended on at least one hundred days during the period of twelve months ending with the date on which the proceedings were instituted.

(4) In any proceedings as aforesaid in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be deemed to have failed to attend regularly at the school if he is absent therefrom at a time when he was not prevented from being present by reason of sickness or other unavoidable cause.

(5) For the purpose of determining whether a child of compulsory school age who is a registered pupil at a school has failed to attend regularly because of sickness, a board may cause the child to be examined either at his home or elsewhere by a medical practitioner and where the parent of a child unreasonably prevents a board from exercising its power to have a child so examined he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.

(6) In this paragraph "walking distance" means, in relation to a child who has not attained the age of eleven years, two miles and, in the case of any other child, three miles measured by the nearest available route.

## PART III

### OFFENCES, PENALTIES AND ENFORCEMENT

4.—(1) Where a parent on whom a school attendance order has been served fails to comply with the requirements of the order or, subject to paragraph 3, where a

child of compulsory school age who is a registered pupil at a school fails to attend regularly at that school, the parent shall be guilty of an offence unless he proves that he is causing the child to receive, otherwise than at school, efficient full-time education suitable to his age, ability and aptitude.

(2) A person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction—

- (a) for a first offence, to a fine not exceeding £10;
- (b) for a second offence, to a fine not exceeding £20; and
- (c) for a third or subsequent offence to a fine not exceeding £20 or to imprisonment for a term not exceeding three months or to both.

5.—(1) It shall be the duty of a board to institute proceedings against a parent for an offence under paragraph 4 (1) where in its opinion the institution of such proceedings is necessary for the purposes of enforcing the duty imposed on a parent by Article 35 to cause his child to receive efficient full-time education suitable to his age, ability and aptitude.

(2) Without prejudice to sub-paragraph (1), where—

- (a) a child of compulsory school age who is a registered pupil at a school fails to attend regularly thereat; or
- (b) a child in respect of whom a school attendance order has been made has not become a registered pupil at the school named in the order;

the board may, if satisfied that it is necessary to do so for the purpose of securing the regular attendance of the child at school, bring the child before a juvenile court.

(3) Without prejudice to the institution of proceedings for an offence under section 27 of the Children and Young Persons Act (Northern Ireland) 1968 (a), where it appears to a board that a child of compulsory school age who is for the time being in its area is a child whom a person habitually wandering from place to place takes with him, the board may, if satisfied that it is necessary to do so in order to secure that the child receives efficient full-time education suitable to his age, ability and aptitude, bring the child before a juvenile court.

6.—(1) Where the court before which a prosecution is brought for an offence under paragraph 4—

- (a) is, whether or not the parent is convicted of the offence, satisfied that the child in respect of whom the offence is alleged to have been committed has failed to attend regularly at the school at which he is a registered pupil; or
- (b) convicts a person of failure to comply with a school attendance order in respect of a child;

the court may direct that the child be brought before a juvenile court by the board by whom or on whose behalf the proceedings were instituted.

(2) Where a person against whom proceedings are taken for failure to comply with the provisions of a school attendance order is acquitted, the court may direct that the school attendance order shall cease to have effect but without prejudice to the duty of the board to take further action under this Schedule if at any time the board is of opinion that, having regard to any change of circumstances, it is expedient to do so.

7. A juvenile court before which a child is brought under sub-paragraph (2) or (3) of paragraph 5 or by virtue of a direction under paragraph 6 (1) may, if it is satisfied that it is necessary to do so for the purpose of securing the regular attendance of the child at school or of securing that the child receives, otherwise than at school, full-time education suitable to his age, ability and aptitude, make any order which a juvenile court has power to make under section 95 of the Children and Young Persons Act (Northern Ireland) 1968 in the case of persons brought before it under section 94 of that Act.

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(a) 1968 c. 34 (N.I.).



8. For the purposes of a prosecution of the parent of a child for an offence under paragraph 4, the parent of the child shall be required to give to the court such information as he possesses regarding the date and place, and place of registration, of the birth of the child and where the parent refuses or is unable to give such information, the child shall, in so far as his having been of compulsory school age at any time is material, be presumed to have been of compulsory school age at that time.

9. For the purposes of the Children and Young Persons Act (Northern Ireland) 1968,—

- (a) any child with respect to whom a direction has been given under paragraph 6 (1) that he be brought before a juvenile court and any child brought before such a court by virtue of paragraph 5 (2); and
- (b) any child who is about to be brought or is brought before a juvenile court by virtue of paragraph 5 (3);

shall be deemed to be a child about to be brought or brought before such a court under section 94 of the said Act of 1968, and any order made by a juvenile court under paragraph 7 shall be deemed to be an order made under section 95 of the said Act of 1968 and the provisions of that Act shall have effect accordingly but subject to the modification that in relation to any such child section 99 of that Act shall have effect as if the words “A constable or” were omitted therefrom.

10.—(1) Proceedings for an offence under this Schedule shall not be taken except by or on behalf of a board or by an officer appointed for the purpose and authorised in that behalf by the board.

(2) Any such officer appointed and authorised as aforesaid may, on behalf of a board,—

- (a) perform the functions of a board under sub-paragraph (2) or (3) of paragraph 5 or carry out any direction of a court given under paragraph 6 (1);
- (b) although not of counsel or a solicitor, prosecute or conduct any proceedings brought under this Schedule before a court of summary jurisdiction and conduct any proceedings brought under this Schedule before a juvenile court.

#### PART IV

##### TRANSITIONAL PROVISIONS

11.—(1) A school attendance order served by a former local education authority before the coming into operation of this Schedule under the provisions of any enactment repealed by this Order shall be deemed to have been served by the board for the area in which the child resides and the provisions of this Schedule shall apply to any such order accordingly.

(2) A board may—

- (a) continue any prosecution or other legal proceeding begun by a former local education authority under the provisions of any enactment corresponding to the provisions of this Schedule and repealed by this Order;
- (b) initiate a prosecution or other legal proceeding in respect of any offence committed before the coming into operation of this Schedule under the provisions of any enactment corresponding to the provisions of this Schedule and repealed by this Order.

#### SCHEDULE 10

Article 56 (1), (2).

##### APPOINTMENT, TRANSFER AND DISMISSAL OF TEACHERS

##### PART I

##### APPOINTMENT OF PRINCIPALS AND CERTAIN OTHER TEACHERS IN CONTROLLED SCHOOLS

1. This Part applies to the appointment of a teacher to a post of principal, or such other post as may be prescribed, in a controlled school other than a technical intermediate school and in this Part the expression “post” shall be construed accordingly.

2. Subject to the provisions of any regulations made by the Ministry, a board may, without advertisement, appoint a teacher to a vacant post if—

- (a) the school management committee of the school to which the appointment is to be made has given to the board its prior consent to the appointment; and
- (b) the teacher is either a teacher in the school to which the appointment is being made or is a person employed either in a controlled school under the management of the board or in a grant aided school in the area of the board in a post of principal or such other post as may be prescribed.

3.—(1) Except as otherwise provided in paragraph 2, where it is necessary for a board to appoint a person to a post—

- (a) the board shall advertise the post in the prescribed manner;
- (b) applications for the post shall be made to the board on forms approved by the Ministry;
- (c) the board shall send to the school management committee of the school to which the appointment is to be made the application forms from candidates for the appointment who appear to the board to be qualified or provisionally qualified for the post.

(2) The school management committee shall, at a meeting or meetings duly convened for the purpose, consider all application forms sent to it under sub-paragraph (1) (c) and, after interviewing such number, if any, of the candidates as it considers necessary, shall—

- (a) if there are more than three qualified or provisionally qualified candidates either—
  - (i) submit to the board the names of three such candidates as it considers most suitable for appointment; or
  - (ii) inform the board that it cannot recommend any of the candidates;
- (b) if there are less than four qualified or provisionally qualified candidates either—
  - (i) submit to the board the name or names of the candidate or candidates whom it is prepared to recommend; or
  - (ii) inform the board that it is not prepared to recommend any of the candidates.

(3) Where the school management committee recommends a candidate or candidates for appointment, the board may interview the candidate or any of the candidates and may appoint to the post any candidate recommended by the school management committee.

(4) Where a school management committee informs the board that it is not prepared to recommend any of the candidates and the board agrees that none of the candidates should be appointed, the board may again advertise the post in the prescribed manner and where it does so shall again comply with the provisions of this paragraph.

(5) Where the board is not prepared to appoint the candidate or any of the candidates recommended by the school management committee or where the school management committee has informed the board that it is not prepared to recommend any of the candidates and the board is of opinion that one of the candidates should be appointed or the school management committee fails to comply with sub-paragraph (2), and if, after consultation with the school management committee, the board and the committee cannot agree either that one of the candidates should be appointed or that the post should be advertised again under sub-paragraph (1) and that this paragraph be again complied with, the board shall refer the matter to the Ministry.

(6) Where a matter is referred to the Ministry under sub-paragraph (5) the Ministry shall, after making such inquiries, if any, as it considers necessary, either—

- (a) direct the appointment of one of the candidates; or
- (b) direct the board to advertise the post again in the prescribed manner and to comply again with the provisions of this paragraph;

and the board shall then forthwith take all necessary steps to comply with the Ministry's directions.

(7) In this paragraph "provisionally qualified" in relation to a candidate for appointment to a teaching post means a person who may reasonably be expected to hold such qualifications as may be approved by the Ministry for appointment to such post before the date on which the appointment would take effect.

4. The functions of a board under this Part shall be performed on behalf of the board by the teaching appointments committee of the board.

## PART II

### APPOINTMENT AND TRANSFER OF ASSISTANT TEACHERS TO CONTROLLED SCHOOLS

5. In this Part "assistant teacher" means a teacher (other than a principal or the holder of such other post as may be prescribed under paragraph 1) in a controlled school other than a technical intermediate school.

6.—(1) Where it is necessary for a board to appoint a person as an assistant teacher, other than a temporary or part-time assistant teacher, in a controlled school in the area of the board—

- (a) the board shall advertise the post in the prescribed manner;
- (b) applications for the post shall be made to the board on forms approved by the Ministry;
- (c) the board shall send to the school management committee of the school to which the appointment is to be made, the application forms from candidates for the appointment who appear to the board to be qualified or provisionally qualified for the post.

(2) The school management committee shall, at a meeting or meetings duly convened for the purpose, consider all application forms sent to it under sub-paragraph (1) (c) and, after interviewing such number, if any, of the candidates as it considers necessary, shall either—

- (a) inform the board that in its opinion none of the candidates should be appointed; or
  - (b) inform the board of the name of the candidate whom it proposes should be appointed and of the names of such other candidates, if any, as it proposes should be offered the appointment if the first-named candidate is for any reason not available for appointment, the names of such other candidates, if more than one, being placed in the order in which it considers that they should be offered the appointment.
- (3) Where a school management committee informs the board that in its opinion none of the candidates should be appointed and—
- (a) the board is satisfied that none of the candidates should be appointed, the board may again advertise the post in the prescribed manner and, where it does do, shall again comply with the provisions of this paragraph; or
  - (b) the board is of opinion that one of the candidates should be appointed and if, after consultation with the school management committee, the board and the committee cannot agree either on the appointment of one of the candidates, or that the post should be advertised again under sub-paragraph (1) and that this paragraph be again complied with, the board shall refer the matter to the Ministry.

(4) Where a school management committee makes proposals under sub-paragraph (2) (b) for the appointment of a candidate and the board is satisfied to act in accordance with those proposals, the board shall take all necessary steps to appoint a candidate in accordance with those proposals but where the board is not so satisfied or the school management committee fails to comply with sub-paragraph (2) then, if after consultation with the school management committee, the board and the committee cannot agree either on the appointment of one of the candidates or that the

post should be advertised again under sub-paragraph (1) and that this paragraph be again complied with, the board shall refer the matter to the Ministry.

(5) Where a matter is referred to the Ministry under sub-paragraph (3) or (4), the Ministry may make such inquiries, if any, as it thinks necessary and shall then either—

- (a) direct that a candidate be appointed in accordance with the proposals of the board or the school management committee; or
- (b) direct that some other candidate be appointed; or
- (c) direct the board to advertise the post again in the prescribed manner and to comply again with the provisions of this paragraph;

and the board shall then forthwith take all necessary steps to comply with the Ministry's directions.

(6) A board may appoint a person as a temporary or part-time teacher in a controlled school under its management without complying with the foregoing provisions of this paragraph but where the school management committee of the school objects to the appointment—

- (a) the board shall refer the matter to the Ministry;
- (b) the Ministry shall consider any representations made to it by the board or the school management committee; and
- (c) the Ministry shall determine whether the appointment should be continued and, if not, the date on which it should terminate.

(7) A board may, with the prior consent of the school management committee of the school to which a teacher is being transferred or appointed and without complying with the foregoing provisions of this paragraph, transfer or appoint to a post of assistant teacher in a controlled school under its management a teacher employed either in a controlled school under the management of the board or a grant-aided school in the area of the board.

(8) In this paragraph "provisionally qualified" has the same meaning as in paragraph 3.

### PART III

#### APPOINTMENT OF PERIPATETIC AND SUPPLY TEACHERS

7.—(1) The number of peripatetic teachers employed by a board and the purposes for which they are employed shall be in accordance with arrangements made by the board and approved by the Ministry and a board shall not employ such teachers otherwise than by arrangements so made and approved.

(2) The number of supply teachers employed by a board shall be subject to the approval of the Ministry.

8.—(1) Where a board intends to appoint either a peripatetic teacher or a supply teacher the board shall advertise the post in the prescribed form and applications shall be made to the board on forms approved by the Ministry.

(2) The board shall, at a meeting or meetings duly convened for the purpose, consider all application forms sent to it from candidates for the post who appear to the board to be qualified for the appointment and the board, after interviewing such number of the candidates as it considers necessary, may appoint a candidate or candidates.

(3) Where the board is not prepared to appoint any of the candidates interviewed by it, the board shall refer the matter to the Ministry and the Ministry shall, after making such inquiries, if any, as it considers necessary,—

- (a) direct the appointment of a particular candidate or candidates; or
- (b) direct the board to advertise the post again and to comply again with the provisions of sub-paragraphs (1) and (2); or
- (c) direct the board not to make an appointment;

and the board shall then comply with the Ministry's directions.

9. Where the management committee of a controlled school or institution of further education objects to the employment of a supply teacher in a school or institution under its management the provisions of heads (a), (b) and (c) of paragraph 6 (6) shall apply.

10. A board may permit peripatetic teachers employed by it to be employed in a voluntary school if so requested by the management body of that school.

#### PART IV

##### DISMISSAL OF TEACHERS IN GRANT-AIDED SCHOOLS AND INSTITUTIONS

11.—(1) A teacher in a grant-aided school or institution who receives notice of dismissal from his position at the school or institution may within six weeks from receiving the notice present a petition to the Ministry requesting an investigation into the reasons for the dismissal.

(2) Where the Ministry receives a petition duly made under sub-paragraph (1) it shall cause to be made such investigation as it thinks fit and if, in the course of any such investigation it considers that an inquiry should be held into the reasons for the dismissal, it may hold or cause to be held such inquiry as it thinks fit.

(3) At any inquiry held under sub-paragraph (2), the dismissed teacher, the board having the management of the school or institution from which the teacher was dismissed or, if the school or institution is not under the management of a board, the managers of the school or institution shall be entitled to appear and be heard and to be represented.

(4) If, as the result of an investigation or inquiry under sub-paragraph (2), the Ministry is of opinion that the dismissal is not reasonably justifiable, the Ministry shall inform the teacher and the board or, as the case may be, the managers of the school or institution accordingly and if the board is or, as the case may be, the managers of the school or institution are unable or unwilling to retain or reinstate the teacher, the Ministry may—

(a) withhold or reduce any grant payable by it to or in respect of the school or institution by such amount as the Ministry may determine not exceeding the amount of the salary and emoluments, if any, of the teacher for a period of twelve months at the rate at which he would have been entitled to be paid had he continued at the school or institution in the position from which he was dismissed and the Ministry shall pay the amount so withheld to the teacher; and

(b) exercise the powers conferred on it by Article 90 (1).

(5) The provisions of this Part shall apply notwithstanding any provisions contained in the agreement under which a teacher is employed and whether the agreement was entered into before or after the coming into operation of this Part.

(6) Nothing in this Part shall affect the powers of the managers of a school or institution summarily to suspend any teacher from the performance of duty.

#### PART V

##### DISMISSAL OF PERIPATETIC TEACHERS AND SUPPLY TEACHERS

12. The provisions of paragraph 11 shall apply to the dismissal of a peripatetic teacher or a supply teacher in like manner as it applies to the dismissal of a teacher in a grant-aided school but for the purpose of its application to peripatetic teachers and supply teachers in sub-paragraph (3) for the words from “the board” to “managers of the school or institution” there shall be substituted the words “and the board by whom the teacher was employed”, in sub-paragraph (4) the words from “or, as” where they first occur to “accordingly”, the words from “or, as” where they secondly occur to “are” and head (a) shall be omitted and the reference in sub-paragraph (6) to the managers of a school or institution shall be construed as a reference to a board.

Article 70.

SCHEDULE 11

THE STAFF COMMISSION FOR EDUCATION AND LIBRARY BOARDS

1. The Staff Commission shall be a body corporate with perpetual succession and, subject to paragraph 3 (2), section 19 of the Interpretation Act (Northern Ireland) 1954 (a) shall apply to it.

2.—(1) The members of the Staff Commission shall be appointed by the Minister and shall consist of—

- (a) a chairman;
- (b) five members of boards appointed after consultation with all the boards;
- (c) two chief officers of boards appointed after consultation with the chief officers of all the boards;
- (d) one chief librarian of a board appointed after consultation with the chief librarians of all the boards;
- (e) two persons, not being chief officers or chief librarians of boards, appointed after consultation with such associations representative of the staff of boards as the Minister considers appropriate;
- (f) two other persons.

(2) The term of office of a member of the Staff Commission shall be such as the Minister may determine but a member shall be eligible for re-appointment on the expiry of his period of office.

(3) An officer of the Ministry may be appointed by the Minister as assessor to the Staff Commission with the right to receive notices of, and to attend and speak at, meetings of the Commission but he shall not be entitled to vote.

(4) The Staff Commission may appoint a person as observer to attend any meeting of a board or committee of a board at which the appointment of officers is being considered and a board shall give an observer so appointed notice of and access to any such meeting.

(5) The Staff Commission may pay—

- (a) to its chairman, such remuneration; and
- (b) to its chairman and its other members such reasonable allowances in respect of expenses properly incurred in the performance of their duties;

as may be determined by the Ministry with the approval of the Ministry of Finance.

3.—(1) The functions of the Staff Commission shall be—

- (a) to make recommendations regarding the training of officers of boards;
- (b) to recommend appointment and promotion procedures for officers of boards and to establish a code of procedure for securing fair and equal consideration of applications to boards by persons seeking to be employed as officers of boards and fair and equal treatment of persons who are so employed.
- (c) to establish advisory panels for the purpose of giving advice to boards on the suitability of applicants for appointment to such offices as the Commission considers appropriate;
- (d) to ensure that suitable machinery exists for negotiating the terms and conditions of employment of all officers of boards;
- (e) to perform such other functions as the Ministry may from time to time assign to it;

but the functions specified in paragraph (c) shall not be exercised in relation to appointments to which Article 71 (2) or 77 applies.

(2) The right of the Staff Commission under section 19 (1) (a) (vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any direction which may be given by the Ministry with respect to the number and terms and conditions of service of persons employed or to be employed by the Commission.

(3) Where the Staff Commission makes a recommendation to a board and the board does not comply with the recommendation within a reasonable period, the Staff Commission may refer the matter to the Ministry and the Ministry shall give such directions to the board or the Staff Commission as it thinks fit.

(4) Each board shall—

- (a) make such reports and returns with respect to its officers and their terms and conditions of employment;
- (b) furnish such estimates of its probable future staff requirements;
- (c) give such information with respect to matters connected with the employment of any officer;

to the Commission, and within such time, as the Commission may require.

4. The Staff Commission shall keep such accounts and records as the Ministry directs and those accounts shall be audited annually by the Ministry.

5. Articles 92 (1), 103 and 104 shall apply to the Staff Commission in like manner as they apply to a board.

#### SCHEDULE 12

Articles 94 and 95.

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT  
(NORTHERN IRELAND) 1972 (a) FOR THE PURPOSES OF ARTICLES 94 (7) and 95 (2)

##### PART I

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT  
(NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 94 (7)

1. References to the Ministry concerned or to the Council shall be construed as references to the Ministry within the meaning of this Order.

2. References to the said Schedule 6 shall be construed as references to that Schedule as modified by this Part.

3. Paragraph 1 shall be omitted.

4. In paragraph 2—

- (a) for the words from the beginning to “directs” there shall be substituted “where the Ministry proposes to acquire land under Article 94 (7) otherwise than by agreement, it shall give public notice of its intention to do so and such notice—”;
- (b) in sub-paragraph (c) for the words “as may be prescribed” there shall be substituted the words “as the Ministry considers fit”.

5. For paragraph 3(1)(ii) there shall be substituted “decide not to make the order”.

6. In paragraph 4 the words from “and may provide” to the end of the paragraph shall be omitted.

7. In paragraph 5—

- (a) in sub-paragraph (1) (a) the words “in the prescribed form and manner” shall be omitted;
- (b) in sub-paragraph (1) (b) the two references to the said Act of 1972 shall be construed as references to this Order;
- (c) in sub-paragraph (1) (d) the words “in the prescribed form” shall be omitted;
- (d) in sub-paragraph (2) for the words “as may be prescribed” there shall be substituted the words “as the Ministry considers fit”.

8. In paragraph 6 (2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” there shall be substituted the words “Consolidated Fund” and for the words “out of the compensation fund” there shall be substituted the words “made by the Ministry”.

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(a) 1972 c. 9 (N.I.).

9. In paragraph 11 (3) the words "in the prescribed form" shall be omitted.
10. In paragraph 12 in sub-paragraph (1) the words "such" and "as may be prescribed" shall be omitted and in sub-paragraph (2) for the words from "clerk" to "directs" there shall be substituted the words "Ministry as correct, and shall publish".
11. In paragraph 14 (1), the words "in the prescribed form" shall be omitted.
12. In paragraph 15 (1) for the words "in the prescribed form" there shall be substituted the words "in such form as may be approved by the Ministry".
13. Paragraph 19 shall be omitted.
14. In paragraph 20, sub-paragraph (2) shall be omitted.

#### PART II

##### MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 95 (2)

1. For any reference to a council or the council or the clerk of the council there shall be substituted a reference to a board or the board or the chief officer of the board respectively.
2. For any reference to the Ministry concerned there shall be substituted a reference to the Ministry.
3. For any reference to that Act there shall be substituted a reference to this Order.
4. Any references to that Schedule shall be construed as references to that Schedule as modified by this Part.
5. Paragraph 19 shall be omitted.

Article 108 (3).

#### SCHEDULE 13

##### THE NORTHERN IRELAND SCHOOLS EXAMINATIONS COUNCIL

#### PART I

##### THE CONSTITUTION OF THE COUNCIL

- 1.—(1) The Council shall consist of a Chairman appointed by the Minister and not less than twenty-four nor more than twenty-seven other members appointed by the Minister in accordance with the succeeding provisions of this paragraph.
  - (2) The other members shall be—
    - the Chairman of the G.C.E. Board;
    - the Chairman of the C.S.E. Board;
    - ten persons representing teachers in secondary schools;
    - two persons representing teachers in institutions of further education;
    - four persons representing the Queen's University of Belfast and the New University of Ulster;
    - one person representing the Ulster College;
    - two persons representing colleges of education;
    - three persons representing education and library boards;
 and not more than three additional members.
  - (3) The other members shall be appointed from amongst the members of the G.C.E. Board and the C.S.E. Board, being persons appearing to the Minister to represent the appropriate interests.
  - (4) In appointing the other members of the Council the Minister shall ensure that, so far as is practicable, the Council contains an equal number of members of the G.C.E. Board and the C.S.E. Board.



(5) Persons who are members of the Council at the date of the coming into operation of this paragraph shall be deemed to have been appointed under this paragraph and shall continue to be members of the Council for the period during which they would have so continued if this Order had not been passed.

2.—(1) The Minister may appoint not more than three assessors to the Council and each assessor shall be entitled to receive notice of, and to attend and speak at, meetings of the Council and of committees and sub-committees thereof, but shall not be entitled to vote.

(2) Section 18 (2) of the Interpretation Act (Northern Ireland) 1954 (except so much thereof as relates to remuneration) shall apply to the appointment of assessors.

3.—(1) The term of office of the Chairman and the other members of the Council shall be three years or such shorter period as may be determined by the Minister at the time the appointment is made but a person appointed to fill a casual vacancy shall hold office only for the remainder of the term for which the member he replaces was appointed.

(2) A member of the Council shall be eligible for re-appointment on the expiry of his period of office.

(3) A member shall be deemed to have vacated his office and the Council shall declare his place vacant in the following circumstances—

- (a) where he gives to the Minister a notice in writing of his resignation;
- (b) where he becomes bankrupt or makes a composition with his creditors;
- (c) where, in the opinion of the Minister, he becomes incapacitated to hold office and the Minister so informs the Council in writing;
- (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than three months; or
- (e) where he fails, without leave of the Council, to attend any meetings of the Council or of a committee or sub-committee thereof for a period of twelve consecutive months.

## PART II

### SUPPLEMENTARY PROVISIONS AS TO THE COUNCIL

4. The Council shall make arrangements for the consideration by the Council of appeals against any decision or complaints against any action of the G.C.E. Board or the C.S.E. Board and may, after consultation with whichever of those Boards is concerned, refer the matter to that Board for further consideration.

5.—(1) The Council shall appoint a Finance Committee not less than one-third of the members of which shall be members for the time being appointed to the Council as representing education and library boards.

(2) The Council may appoint such other committees as it thinks fit and the membership of such other committees may include persons who are not members of the Council.

(3) The Council may delegate any of its functions to a committee, but functions which are related to finance may be delegated only to the Finance Committee.

(4) The powers of any committee of the Council shall be exercised, and the proceedings of the committee shall be regulated, in accordance with, and subject to, any directions given by the Council.

6. The proceedings of the Council or of any committee or sub-committee shall not be invalidated by any vacancy in the membership of the Council, or of any committee or sub-committee, or by any defect in the appointment of member.

7. Without prejudice to section 19 (1) (a) (v) of the Interpretation Act (Northern Ireland) 1954, the Council shall make standing orders relating to the convening of

meetings of the Council and of committees and sub-committees, the fixing of the quorum, the conduct of business at meetings, the keeping of minutes, accounts and other records, the signing of cheques, the custody of deeds and other documents, the duties of officers and such other matters connected with the conduct of its business as it thinks fit.

8. The common seal of the Council shall, when applied to a document, be attested by the signatures of any two members of the Council authorised by the Council to act for that purpose.

9.—(1) The right of the Council under section 19 (1) (a) (vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any directions which may be given by the Ministry with respect to the number and terms and conditions of service of persons employed or to be employed by the Council.

(2) The officers of the Council shall be appointed at such rates of remuneration as the Council may, with the approval of the Ministry and the Ministry of Finance, determine.

(3) The Council may, in accordance with arrangements approved by the Ministry and the Ministry of Finance, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of officers of the Council.

(4) The Council shall, after consultation with the Ministry, appoint a fit person to be its chief officer.

(5) Before making any appointment under sub-paragraph (4), the Council shall supply to the Ministry particulars of the names, previous experience and qualifications of the persons from whom it proposes to make a selection, and if the Ministry considers that any person whose name is submitted is not a fit person to be the chief officer of the Council, the Ministry may give directions prohibiting his appointment.

(6) A person who is an officer of the Council shall not be qualified to be a member of the Council or of the G.C.E. Board or the C.S.E. Board.

10. The Council may pay to any member of the Council or of the G.C.E. or C.S.E. Boards or to any member of a committee or sub-committee thereof (including persons who are not members of the Council or of those Boards) travelling, subsistence and other allowances at such rates as the Ministry may approve.

Article 111 (2), (3).

#### SCHEDULE 14

##### THE NORTHERN IRELAND GENERAL CERTIFICATE OF EDUCATION EXAMINATIONS BOARD AND THE NORTHERN IRELAND CERTIFICATE OF SECONDARY EDUCATION EXAMINATIONS BOARD

##### PART I

##### CONSTITUTION OF THE NORTHERN IRELAND GENERAL CERTIFICATE OF EDUCATION EXAMINATIONS BOARD

1.—(1) The G.C.E. Board shall consist of a Chairman appointed by the Minister and not less than thirty-one nor more than thirty-four other members appointed by the Minister in accordance with the succeeding provisions of this paragraph.

(2) The other members shall be—

eleven persons representing teachers in secondary schools;

three persons representing teachers in institutions of further education;

eleven persons representing the Queen's University of Belfast and the New University of Ulster;

two persons representing the Ulster College;

two persons representing colleges of education;

two persons representing education and library boards;

and not more than three additional members, being persons who have qualifications which, in the opinion of the Minister, make them suitable for appointment to the Board.

(3) The other members, except the additional members, shall be appointed by the Minister after consultation with bodies recognised by the Minister as representing the appropriate interests.

(4) Persons who are members of the G.C.E. Board at the date of the coming into operation of this paragraph shall be deemed to have been appointed under this paragraph and shall continue to be members of the G.C.E. Board for the period during which they would have so continued if this Order had not been made.

2.—(1) The Minister may appoint not more than two assessors to the G.C.E. Board and each assessor shall be entitled to receive notice of, and attend and speak at, meetings of that Board and of committees and sub-committees thereof, but shall not be entitled to vote.

(2) Section 18 (2) of the Interpretation Act (Northern Ireland) 1954 (a) (except so much thereof as relates to remuneration) shall apply to the appointment of assessors.

## PART II

### CONSTITUTION OF THE NORTHERN IRELAND CERTIFICATE OF SECONDARY EDUCATION EXAMINATIONS BOARD

3.—(1) The C.S.E. Board shall consist of a Chairman appointed by the Minister and not less than twenty-four nor more than thirty-seven other members appointed by the Minister in accordance with the succeeding provisions of this paragraph.

(2) The other members shall be—  
twelve persons representing teachers in secondary schools;  
two persons representing teachers in institutions of further education;  
four persons representing education and library boards;  
four persons representing Universities and other institutions of higher education;  
two additional members, being persons of experience in industry and commerce;  
and not more than three other additional members who have qualifications which, in the opinion of the Minister, make them suitable for appointment to the C.S.E. Board.

(3) As soon as may be after the establishment of the C.S.E. Board, and after the appointment by that Board of subject panels, that Board shall nominate teachers serving on the panels for membership of that Board and shall forward the nominations to the Minister.

(4) The Minister shall appoint from amongst the persons nominated under sub-paragraph (3) ten persons to be members of the C.S.E. Board.

(5) On the making of appointments under sub-paragraph (4), sub-paragraph (1) shall have effect as if for the words "twenty-four" there were substituted the words "thirty-four".

(6) The other members, except the additional members and the members appointed under sub-paragraph (4), shall be appointed by the Minister after consultation with bodies recognised by the Minister as representing the appropriate interests.

(7) Persons who are members of the C.S.E. Board at the date of the coming into operation of this paragraph shall be deemed to have been appointed under this paragraph and shall continue to be members of the C.S.E. Board for the period during which they would have so continued if this Order had not been made.

4.—(1) The Minister may appoint not more than two assessors, and the Northern Ireland Youth Employment Service Board may appoint one assessor, to the C.S.E. Board and each assessor shall be entitled to receive notice of, and attend and speak

at, meetings of that Board and of committees and sub-committees thereof, but shall not be entitled to vote.

(2) Section 18 (2) of the Interpretation Act (Northern Ireland) 1954 (except so much thereof as relates to remuneration) shall apply to the appointment of assessors.

### PART III

#### SUPPLEMENTARY PROVISIONS AS TO THE EXAMINATIONS BOARDS

5. In this Part—

“the Examinations Board” means the G.C.E. Board or the C.S.E. Board;

“the relevant examinations” means the examinations for the relevant certificate;

“the relevant certificate” in relation to the G.C.E. Board means the Northern Ireland General Certificate of Education and in relation to the C.S.E. Board means the Northern Ireland Certificate of Secondary Education.

6.—(1) It shall be the duty of the Examinations Board, as from a date to be determined by the Ministry after consultation with the Council and the Examinations Board, to conduct the relevant examinations and to award the relevant certificate in accordance with such rules as the Examinations Board, with the approval of the Council, may determine.

(2) Arrangements made by the Examinations Board for the conduct of the relevant examinations may include provision—

(a) for the conduct of external examinations on syllabuses prescribed by the Examinations Board;

(b) for the conduct of external examinations on syllabuses prepared by individual schools or groups of schools; and

(c) for external assessment of examinations conducted internally by individual schools or groups of schools.

(3) Subject to the approval of the Council, the Examinations Board may enter into arrangements to perform functions or provide services on behalf of any other examining body or authority and such arrangements may provide for the payment by the said body or authority of the whole or part of any expenditure incurred by the Examinations Board in carrying out the arrangements.

(4) Subject to the approval of the Council, the Examinations Board may arrange for the relevant examinations, or part thereof, to be conducted on their behalf by any other examining body or authority and may make payments to that body or authority in respect of the expenditure incurred by it in carrying out the arrangements.

(5) The Examinations Board shall seek to ensure that the standards of the relevant examinations are recognised as equivalent to the standards of examinations conducted by other examining bodies exercising similar functions elsewhere in the United Kingdom.

(6) The Examinations Board may conduct investigations into methods of examining and such other matters as the Examinations Board, with the approval of the Council, may determine, may take part in investigations into such matters conducted by another body, and may make to such body payments in respect of the expenditure incurred by it in conducting such investigations.

(7) The Examinations Board shall have regard to any views on the discharge of their functions which may be conveyed to them by the Council.

7.—(1) The Examinations Board shall not, except with the approval of the Council, introduce new subjects in the relevant examinations.

(2) The G.C.E. Board shall not, except with the approval of the Council, introduce new syllabuses in subjects of the relevant examinations at the Advanced Level.

8.—(1) The term of office of the Chairman and the other members of the Examinations Board shall be three years or such shorter period as may be determined by the Minister at the time the appointment is made, but a person appointed to fill a casual vacancy shall hold office only for the remainder of the term for which the member he replaces was appointed.

(2) A member of the Examinations Board shall be eligible for re-appointment on the expiry of his period of office.

(3) A member shall be deemed to have vacated his office and the Examinations Board shall declare his place vacant in the following circumstances—

- (a) where he gives to the Minister a notice in writing of his resignation;
- (b) where he becomes bankrupt or makes a composition with his creditors;
- (c) where, in the opinion of the Minister, he becomes incapacitated to hold office, and the Minister so informs the Examinations Board in writing;
- (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than three months;
- (e) where he fails, without leave of the Board, to attend any meetings of the Examinations Board or of a committee or sub-committee thereof for a period of twelve consecutive months.

9.—(1) The Examinations Board may appoint such committees and subject panels as they think fit and the membership of such committees and subject panels may include persons who are not members of the Examinations Board.

(2) The Examinations Board may, subject to the approval of the Council, delegate any of their functions to a committee or subject panel appointed under sub-paragraph (1).

(3) The Examinations Board shall make standing orders relating to the convening of meetings of the Examinations Board, committees, sub-committees and subject panels, the fixing of the quorum, the conduct of business at meetings, the keeping of minutes, accounts and other records, the custody of documents and such other matters connected with the conduct of their business as they think fit.

(4) The proceedings of the Examinations Board or of any committee or subject panel shall not be invalidated by any vacancy in the membership of the Examinations Board, or of any committee or subject panel, or by any defect in the appointment of a member.

10.—(1) For the purpose of discharging their duty under paragraph 6 the Examinations Board shall appoint such examiners, moderators and other persons as they consider necessary and shall pay them such salaries, fees or other allowances as the Board may, with the approval of the Ministry and the Council, determine.

(2) The Examinations Board, with the approval of the Council, shall publish rules and syllabuses for the relevant examinations and may publish specimen examination papers and such other material as they consider desirable.

(3) The Examinations Board shall make arrangements for the consideration by them of any representations and appeals relating to the discharge of their functions.

(4) The Examinations Board shall charge examination fees at rates approved by the Ministry and the Council.

(5) The relevant certificate awarded by the Examinations Board shall be signed on behalf of the Board and countersigned on behalf of the Council.

11. The Examinations Board shall submit to the Council an annual report on the relevant examinations and on the exercise of their functions and such report shall be in such form and contain such particulars as the Council may require.

12.—(1) The Examinations Board shall prepare and submit to the Council, on or before such date in each year as the Council may determine, such estimates of their receipts and payments as the Council may require.

(2) The Examinations Board shall keep proper accounts and other records in such form as the Council may direct.

(3) The Examinations Board shall prepare and submit to the Council, on or before such date in each year, as the Council may determine, statements of account in respect of the financial year then last previously occurring.

(4) The accounts of the Examinations Board shall be audited by the Comptroller and Auditor-General for Northern Ireland.

Article 122.

#### SCHEDULE 15

##### ENACTMENTS AMENDED

The Exchequer and Financial Provisions Act (Northern Ireland) 1950 (c. 3). In section 33C (1) for the words "section one hundred and four of that Act" there shall be substituted the words "Article 104 of the Education and Libraries (Northern Ireland) Order 1972".

The Youth Employment Service Act (Northern Ireland) 1961 (c. 8). In section 15, in subsection (2) the words "four-fifths of" shall be omitted, sub-sections (3) and (4) shall cease to have effect; in subsection (5) the words "and by each council" and "and (3)" and paragraph (b) and the word "respectively" shall be omitted; subsections (6) and (7) shall cease to have effect.

In section 20, in the definition of "school" for the words "section one hundred and sixteen" there shall be substituted "Article 2" and for "Education Act (Northern Ireland) 1947" there shall be substituted "Education and Libraries (Northern Ireland) Order 1972".

In Schedule 1 (as substituted by section 2 (1) of and the Schedule to the Youth Employment Service (Amendment) Act (Northern Ireland) 1968) at the end there shall be added—

##### *"Provisions consequent on abolition of Education Committees*

6.—(1) Subject to paragraph 3 (2) to (4), a member of the Board nominated by the Association of Northern Ireland Education Committees shall continue in office until replaced under sub-paragraph (2) or (3).

(2) Where a body which the Minister is satisfied represents the interests of education and library boards comes into being, that body shall, from such time as the Minister directs, exercise the rights of nomination conferred by this Schedule on the Association of Northern Ireland Education Committees and from that date references to that Association shall be construed as references to that body and members nominated by that Association or appointed under sub-paragraph (3) shall, from such date as the Minister may direct be replaced by persons nominated by that body.

(3) Until the Minister is satisfied that such a body as is referred to in sub-paragraph (2) exists, he shall give such directions as he thinks fit for the

- The Youth Employment Service Act (Northern Ireland) 1961 (c. 8)  
—*cont.*
- continuance in office or for the cessation of the appointment of members of the Board nominated by the Association of Northern Ireland Education Committees, as to their replacement by other persons who in his opinion are representative of education and library boards and as to the filling of casual vacancies.”.
- The Industrial Training Act (Northern Ireland) 1964 (c. 18).
- In section 16 for the words from “by a” there shall be substituted the words “by an education and library board under Article 23 of the Education and Libraries (Northern Ireland) Order 1972”.
- The Children and Young Persons Act (Northern Ireland) 1968 (c. 34).
- In section 37, in subsection (1) (a) and subsection (4) (a) (i) for the words from “which is” to “school age” there shall be substituted the words “of thirteen years”.
- In section 40 (6) for the words from “section” to “1947” there shall be substituted the words “Article 35 of and Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972”.
- In section 85 (4) for the words from “section 38A” to “1947” there shall be substituted the words “paragraph 5 (3) of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972”.
- In section 149 (3) for the words from “a local education authority” there shall be substituted the words “an education and library board in the exercise of its functions under this Act shall be defrayed as part of the payments referred to in Article 103 of the Education and Libraries (Northern Ireland) Order 1972”.
- In section 173 (1) (b) for the words from “section” to “1947” there shall be substituted the words “Part III of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972”.
- In section 180 (1), in the definition of “compulsory school age” for the words “Education Act (Northern Ireland) 1947” there shall be substituted the words “Education and Libraries (Northern Ireland) Order 1972” and for the words from “section 36” there shall be substituted the words “Article 36 (2) of the said Order of 1972”; in the definition of “school” for the words from “Education” to “1947” there shall be substituted the words “Education and Libraries (Northern Ireland) Order 1972” and in the definition of “local education authority” for the words from “has” to “1947” there shall be substituted the words “shall be construed in accordance with Article 3 (1) of the Education and Libraries (Northern Ireland) Order 1972”.

SCHEDULE 16  
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
18 & 19 Vict. c. 40	The Public Libraries Act (Ireland) 1855.	The whole Act so far as it relates to libraries.
40 & 41 Vict. c. 15	The Public Libraries (Ireland) Amendment Act 1877.	The whole Act so far as it relates to libraries.
47 & 48 Vict. c. 37	The Public Libraries Act 1884.	The whole Act so far as it relates to libraries.
57 & 58 Vict. c. 38	The Public Libraries (Ireland) Act 1894.	The whole Act so far as it relates to libraries.
61 & 62 Vict. c. 53	The Libraries Offences Act 1898.	The whole Act.
1 Edw. 7 c. 19	The Public Libraries Act 1901.	The whole Act as far as it relates to libraries.
2 Edw. 7 c. 20	The Public Libraries (Ireland) Act 1902.	Sections 5 and 7. Section 8 so far as it relates to libraries.
14 & 15 Geo. 5 c. 10	The Public Libraries Act (Northern Ireland) 1924.	The whole Act so far as it relates to libraries.
20 & 21 Geo. 5 c. 14	The Education Act (Northern Ireland) 1930.	The whole Act so far as un-repealed.
26 Geo. 5 & 1 Edw. 8 c. 30	The Unemployment Insurance Act (Northern Ireland) 1936.	Section 80. Sections 82 to 86.
2 Geo. 6 c. 2	The Unemployment Insurance Act (Northern Ireland) 1938.	The whole Act so far as un-repealed.
2 & 3 Geo. 6 c. 28	The Unemployment Insurance Act (Northern Ireland) 1939.	The whole Act so far as un-repealed.
4 & 5 Geo. 6 c. 27	The Education (Emergency Provisions) Act (Northern Ireland) 1940.	The whole Act so far as un-repealed.
1947 c. 3	The Education Act (Northern Ireland) 1947.	The whole Act so far as un-repealed.
1950 c. 1	The Education (Miscellaneous Provisions) Act (Northern Ireland) 1950.	The whole Act so far as un-repealed.
1950 c. 3	The Exchequer and Financial Provisions Act (Northern Ireland) 1950.	In section 33 C. (1) the words from the beginning to "1947".



Chapter	Short Title	Extent of Repeal
1950 c. 20	The Education (Extension of Benefits) Act (Northern Ireland) 1950.	The whole Act so far as un-repealed.
1951 c. 10	The Education (Amendment) Act (Northern Ireland) 1951.	The whole Act so far as un-repealed.
1952 c. 17	The Education (Miscellaneous Provisions) Act (Northern Ireland) 1952.	The whole Act so far as un-repealed.
1953 c. 11	The Education (Amendment) Act (Northern Ireland) 1953.	The whole Act so far as un-repealed.
1956 c. 24	The Education (Amendment) Act (Northern Ireland) 1956.	The whole Act so far as un-repealed, except sections 8 (1) and 10 (1).
1958 c. 25	The Local Government (Finance) (No. 2) Act (Northern Ireland) 1958.	Section 13.
1958 c. 28	The Education (Amendment) Act (Northern Ireland) 1958.	The whole Act so far as un-repealed.
1960 c. 9	The Education (Amendment) Act (Northern Ireland) 1960.	The whole Act so far as un-repealed.
1961 c. ii	The Belfast Corporation (General Powers) Act (Northern Ireland) 1961.	In section 3, the definition of "Library". Sections 15 and 16.
1962 c. 11	The Education (Amendment) Act (Northern Ireland) 1962.	The whole Act.
1963 c. 27	The Education (Amendment) Act (Northern Ireland) 1963.	The whole Act so far as un-repealed.
1966 c. 18	The Education (Amendment) Act (Northern Ireland) 1966.	The whole Act.
1968 c. 2	The Education (Amendment) Act (Northern Ireland) 1968.	The whole Act.
1968 c. 25	The Financial Provisions Act (Northern Ireland) 1968.	Section 1 (3). In Schedule 1, the entry relating to the Education Act (Northern Ireland) 1947.
1970 c. 6	The Education (Examinations) Act (Northern Ireland) 1970.	The whole Act.
1971 c. 20	The Education (Amendment) Act (Northern Ireland) 1971.	The whole Act.

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order makes new provision in relation to education and public libraries in Northern Ireland. The principal change made is to establish five education and library boards in place of the existing eight local education authorities and sixteen library authorities which will cease to exist not later than 1st April 1973.



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