
STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART V

PRE-SCHOOL EDUCATION

CHAPTER I

PROVISION OF PRE-SCHOOL EDUCATION

Plans for pre-school education

17.—(1) Within such time after the coming into operation of this Article as the Department may direct, [F1the Authority] shall prepare and submit to the Department a plan for the provision (whether by [F1the Authority] or by other persons) of pre-school education for children F2... in such period as may be specified in the plan.

(2) In preparing a plan under paragraph (1) [F1the Authority] shall, in accordance with arrangements approved by the Department, consult bodies and persons likely to be affected by the plan.

(3) In preparing a plan under paragraph (1) [F1the Authority] shall take into account any guidance given by the Department as to the provisions it regards as appropriate for inclusion in a plan under that paragraph.

(4) The Department may, after making such modifications (if any) in a plan submitted to it by [F1the Authority] as after consultation with [F1the Authority] it considers necessary or expedient, approve the plan.

(5) It shall be the duty of [F1the Authority] to give effect to the provisions of a plan under paragraph (1) as approved by the Department.

(6) Where—

- (a) [F1the Authority] fails to submit a plan to the Department under paragraph (1) by the date directed by the Department; or
- (b) it appears to the Department that a plan submitted by [F1the Authority] as required by that paragraph does not accord with any guidance given by the Department under paragraph (3) and cannot be made to do so merely by modifying it,

the Department may, after consultation with [F1the Authority] and such other persons as appear to the Department to be concerned, make a plan which shall be treated for the purposes of paragraphs (5) and (7) as if it had been prepared by [F1the Authority] and approved by the Department under this Article.

(7) [F1The Authority] may at any time, and shall if the Department so directs, prepare and submit to the Department a revised plan and paragraphs (2) to (6) shall apply in relation to any revised plan as they apply in relation to the original plan.

Changes to legislation: Education (Northern Ireland) Order 1998, CHAPTER I is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(8) In this Part “pre-school education” means education provided for a child (whether at a school or any other premises) at any time—

- (a) after he has attained the age of 2 years; and
- (b) before he has attained compulsory school age,

otherwise than in a reception class as defined by Article 18(4)(b) of the Education (Northern Ireland) Order 1997.

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| <p>F1 Words in <i>Order</i> substituted (1.4.2015) by <i>Education Act (Northern Ireland) 2014 (c. 12)</i>, Sch. 3 para. 1(1)(a) (with <i>Sch. 2 para. 4(3)</i>, <i>Sch. 3 para. 1(2)</i>); S.R. 2015/35, art. 2(b)</p> <p>F2 Words in art. 17(1) repealed (1.4.2015) by <i>Education Act (Northern Ireland) 2014 (c. 12)</i>, Sch. 4 (with <i>Sch. 2 para. 4(3)</i>); S.R. 2015/35, art. 2(b)</p> |
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Grants in respect of pre-school education

18.—(1) Subject to the following provisions of this Article, [^{F1}the Authority] may make grants to any person in respect of pre-school education provided by that person.

(2) [^{F1}The Authority] shall not make a grant to a person under paragraph (1) unless that person complies with such requirements as are specified by the Department.

(3) Grants under paragraph (1) shall be of such amount as the Department may determine.

(4) Grants under paragraph (1)—

- (a) shall be paid at such times and in such manner; and
- (b) shall be subject to such conditions,

as [^{F1}the Authority] may determine.

(5) Conditions imposed under paragraph (4)(b)—

- (a) may be imposed on, or at any time after, the making of any grant by reference to which they are imposed;
- (b) may at any time be varied, waived or revoked; and
- (c) may, in particular, require repayment of the whole or any part of the grant to which they relate in such circumstances as are specified in the conditions.

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| <p>F1 Words in <i>Order</i> substituted (1.4.2015) by <i>Education Act (Northern Ireland) 2014 (c. 12)</i>, Sch. 3 para. 1(1)(a) (with <i>Sch. 2 para. 4(3)</i>, <i>Sch. 3 para. 1(2)</i>); S.R. 2015/35, art. 2(b)</p> |
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Inspection of pre-school education

19. Any premises in which is provided—

- (a) pre-school education in respect of which [^{F1}the Authority] is making, or is to make, grants under Article 18(1); or
- (b) pre-school education in respect of which [^{F1}the Authority] is considering whether to make such grants,

shall, if they would not otherwise fall within the definition of a “relevant establishment” for the purposes of Articles 102 and 102A of the 1986 Order (establishments to be open to inspection at all reasonable times), be treated as a relevant establishment for the purposes of those Articles.

F1 Words in *Order* substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

Nursery schools to be eligible for grant maintained integrated and controlled integrated status

- 20.** The following provisions of the 1989 Order are hereby repealed, namely—
- (a) Article 68(2)(a) (nursery schools not eligible for grant-maintained integrated status); and
 - (b) Article 90(2)(a) (nursery schools not eligible for controlled integrated status).

Information as to funded pre-school education provided otherwise than in a grant-aided school

21.—(1) [F1The Authority] shall, for each school year, publish at such time and in such manner as the Department may direct, particulars of the arrangements for the admission of children to funded pre-school education.

(2) In this Article “funded pre-school education”, in relation to [F1the Authority], means pre-school education—

- (a) which is provided otherwise than at a grant-aided school; and
- (b) in respect of which [F1the Authority] is making, or is to make, grants under Article 18(1).

(3) The particulars to be published under paragraph (1) shall include particulars of—

- (a) the persons providing funded pre-school education;
- (b) the number of children for whom such education is to be provided by each such person; and
- (c) the criteria to be applied by each such person in selecting children for admission to such education.

(4) [F1The Authority] shall publish such information as may be required by regulations with respect to its policy and arrangements in respect of any matter relating to funded pre-school education.

F1 Words in *Order* substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(b\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 89A inserted by [2022 c. 45 s. 5](#)