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STATUTORY INSTRUMENTS

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**1993 No. 2810**

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

**PART IV**

**MISCELLANEOUS**

*The Northern Ireland Council for the Curriculum, Examinations and Assessment*

**The Northern Ireland Council for the Curriculum, Examinations and Assessment**

**34.**—(1) After Article 17 of the 1989 Order there shall be inserted the following cross-heading and Article—

*“The Northern Ireland Council for the Curriculum, Examinations and Assessment*

**The Northern Ireland Council for the Curriculum, Examinations and Assessment**

**17A.**—(1) There shall be established a body to be known as the Northern Ireland Council for the Curriculum, Examinations and Assessment (in this Article and Articles 19 to 26 referred to as “the Council”).

(2) Schedule 3 shall have effect with respect to the Council.”.

(2) The following bodies are hereby abolished, namely—

- (a) the Northern Ireland Curriculum Council; and
- (b) the Northern Ireland Schools Examinations and Assessment Council,

and the functions exercisable by each of those bodies immediately before the appointed day shall as from that day be exercisable by the new Council.

(3) On the appointed day all property, rights and liabilities to which a former body is entitled or subject immediately before that day shall be transferred to, and by virtue of this Order vest in, the new Council.

(4) Paragraph (3) does not apply to rights and liabilities under a contract of employment, but paragraph (5) applies to any person who immediately before the appointed day is employed by a former body.

(5) The contract of employment between a person to whom this paragraph applies and the former body shall have effect from the appointed day as if originally made between him and the new Council.

(6) Without prejudice to paragraph (5)—

- (a) all the former body’s rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the new Council on the appointed day; and

(b) anything done before that day by or in relation to the former body in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the new Council.

(7) Paragraphs (5) and (6) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by paragraph (5).

(8) Stamp duty shall not be chargeable in respect of any transfer effected by this Article.

(9) In consequence of the preceding provisions of this Article—

(a) the statutory provisions set out in Part I of Schedule 4 shall have effect subject to the amendments specified in that Part; and

(b) any reference in any other statutory provision or any other document passed or made before the appointed day to a former body shall, so far as may be necessary for the purposes of this Article, be construed as a reference to the new Council.

(10) In this Article—

“the appointed day” means the day appointed for the coming into operation of this Article;

“former body” means a body abolished by paragraph (2);

“the new Council” means the Northern Ireland Council for the Curriculum, Examinations and Assessment established under Article 17A of the 1989 Order (as inserted by paragraph (1)).