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STATUTORY INSTRUMENTS

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**1997 No. 869**

**The Race Relations (Northern Ireland) Order 1997**

**PART III**

**DISCRIMINATION IN OTHER FIELDS**

*Education*

**Discrimination by bodies in charge of educational establishments**

**18.**—(1) It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the “responsible body”) to discriminate against a person—

- (a) in the terms on which it offers to admit him to the establishment as a pupil; or
- (b) by refusing or deliberately omitting to accept an application for his admission to the establishment as a pupil; or
- (c) where he is a pupil of the establishment—
  - (i) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
  - (ii) by excluding him from the establishment or subjecting him to any other detriment.

TABLE

| <i>Establishment</i>  | <i>Responsible body</i>  |
|---|--|
| <b>1.</b> Educational establishment which is grant-aided.   | Education and library board or managers or governing body according to which of them has the function in question. |
| <b>2.</b> Independent school.   | Proprietor.  |
| <b>3.</b> University.   | Governing body.  |
| <b>4.</b> An establishment providing facilities for further education in respect of which contributions are paid to a body other than an education and library board under Article 100(8)(b) of the Education Reform (Northern Ireland) Order 1989. | Governing body.  |
| <b>5.</b> A college of education— <ul style="list-style-type: none"><li>(a) maintained in pursuance of arrangements made by the Department of Education under Article 66(1) of the Education</li></ul>  | <ul style="list-style-type: none"><li>(a) (a) The Department of Education.</li><li>(b) The managers.</li></ul>     |

| <i>Establishment</i>   | <i>Responsible body</i> |
|--|-------------------------|
| and Libraries (Northern Ireland) Order 1986;   |                         |
| (b) in respect of which grants are paid by the Department of Education under Article 66(2) or (3) of that Order. |                         |

(2) Subject to paragraph (3), words and expressions used in this Article, Article 19 or Article 20 to which a meaning is assigned by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 have the same meaning as in the 1986 Order.

(3) In this Article “pupil” includes any person who receives education at an establishment to which this Article applies.

### **Other discrimination by education and library boards**

**19.** It is unlawful for—

- (a) an education and library board, in carrying out such of its functions under the Education Orders as do not fall under Article 18; and
- (b) the Council for Catholic Maintained Schools, in carrying out its functions under the Education Orders,

to do any act which constitutes racial discrimination.

### **General duty in public sector of education**

**20.—**(1) Without prejudice to its obligation to comply with any other provision of this Order, a body to which this paragraph applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without racial discrimination.

(2) Article 101 of the Education and Libraries (Northern Ireland) Order 1986 (power of Department of Education to give directions) shall apply to the performance by a body to which paragraph (1) applies of the duties imposed by Articles 18 and 19 and shall also apply to the performance of the general duty imposed by paragraph (1), as it applies to the performance by an education and library board of a duty imposed by the Education Orders.

(3) The sanctions in paragraph (2) shall be the only sanctions for breach of the general duty in paragraph (1), but without prejudice to the enforcement of Articles 18 and 19 under Article 54 or otherwise (where the breach is also a contravention of either of those Articles).

(4) Paragraph (1) applies to—

- (a) an education and library board; and
- (b) any other body which is a responsible body in relation to an establishment falling within paragraph 1, 4 or 5(b) of the table in Article 18(1).