

**Changes to legislation:** Education (Northern Ireland) Order 1998, Certified contracts assumed to be *intra vires* 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

## SCHEDULES

### SCHEDULE 4

#### CERTIFIED CONTRACTS OF [F1THE AUTHORITY]

**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)

#### Certified contracts assumed to be *intra vires*

1.—(1) Where [F1the Authority] has entered into a contract, the contract shall, if it is a certified contract, have effect (and be deemed always to have had effect) as if [F1the Authority] had had power to enter into it (and had exercised that power properly in entering into it).

(2) For the purposes of this Schedule a contract entered into by [F1the Authority] is a certified contract if (and, subject to sub-paragraphs (3) and (4), only if) the certification requirements have been satisfied by [F1the Authority] with respect to the contract and they were so satisfied before the end of the certification period.

(3) A contract entered into by [F1the Authority] shall be treated as a certified contract during the certification period if the contract provides that the certification requirements are intended to be satisfied by [F1the Authority] with respect to the contract before the end of that period.

(4) Where [F1the Authority] has entered into a contract which is a certified contract (“the existing contract”) and the existing contract is replaced by a contract entered into by it with a person or persons not identical with the person or persons with whom it entered into the existing contract, the replacement contract is also a certified contract if—

- (a) the period for which it operates or is intended to operate ends at the same time as the period for which the existing contract was to operate; and
- (b) apart from that, its provisions are the same as those of the existing contract.

(5) Subject to sub-paragraph (6), in this Schedule “the certification period”, in relation to a contract entered into by [F1the Authority], means the period of 6 weeks beginning with the day on which [F1the Authority] entered into the contract.

(6) In relation to a contract entered into before the day on which this paragraph comes into operation, “the certification period” means the period of 6 weeks beginning with that day.

(7) Sub-paragraph (1) is subject to paragraph 3 (special provisions about judicial reviews).

(8) The application of sub-paragraph (1) in relation to a contract entered into by [F1the Authority] does not affect any claim for damages made by a person who is not (and has never been) a party to the contract in respect of a breach by [F1the Authority] of any duty to do, or not to do, something before entering into the contract (including, in particular, any such duty imposed by a statutory provision for giving effect to any Community obligation relating to public procurement. <sup>F2</sup>...

**F2** Words in Sch. 4 para. 1(8) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); 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](#)