

1990 No. 125 (C. 3)**EDUCATION****The Education Reform (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1990***Made 22nd March 1990*

The Department of Education, in exercise of the powers conferred on it by Article 1(3) and (4) of the Education Reform (Northern Ireland) Order 1989(a) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Education Reform (1989 Order) (Commencement No. 1) Order (Northern Ireland) 1990.

Interpretation

2. In this Order—

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986(b);

“the 1989 Order” means the Education Reform (Northern Ireland) Order 1989.

Commencement

3.—(1) Subject to paragraph (2) and Article 5, the following provisions of the 1989 Order shall come into operation on 1st April 1990—

(a) Articles 18 to 28, Part IV in so far as it relates to secondary schools, Article 59(3), Article 59(4) in so far as it relates to the said Article 59(3), Articles 102 to 104, Article 119, Part IX and Schedules 3 and 8;

(b) Article 166 and Schedule 9 in so far as relating to—

(i) the Commissioner for Complaints Act (Northern Ireland) 1969(c);

(ii) the Industrial Relations (No. 2) (Northern Ireland) Order 1976(d);

(iii) Articles 4, 10(5), 11(1), 65, 79(2) and 103(1) of the 1986 Order; and

(c) Article 167 and Schedule 10 in so far as relating to Articles 4, 25, 28, 68, 103(1), and Part IX of, and Schedule 2, paragraph 4 of Schedule 3, Schedule 14 and Schedule 17 to, the 1986 Order.

(a) S.I. 1989/2406 (N.I. 20)

(b) S.I. 1986/594 (N.I. 3)

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

(d) S.I. 1976/2147 (N.I. 28)

(2) Paragraph 7(1)(a) of Schedule 8 to the 1989 Order shall not come into operation on 1st April 1990 in so far as it prevents a teacher being appointed to the Council for Catholic Maintained Schools under paragraph 2(1)(c) of that Schedule or to a diocesan education committee under paragraphs 3(2)(b), 3(3)(b), 3(4)(b), 3(5)(b) and 3(6)(b) of that Schedule.

4.—(1) Subject to paragraph (2), the following provisions of the 1989 Order shall come into operation on 1st July 1990—

(a) Article 156;

(b) Article 166 and Schedule 9 in so far as relating to Article 33 of the 1986 Order;

(c) Article 167 and Schedule 10 in so far as relating to the Children and Young Persons Act (Northern Ireland) 1968(a).

(2) Paragraph (1) shall not apply in relation to any person who attains the age of 16 years before 1st September 1992.

Transitional provisions

5. Notwithstanding Article 3(1), the amendments in Article 166 of, and Schedule 9 to, and the repeals in Article 167 of, and Schedule 10 to, the 1989 Order as appropriate, relating to the following provisions of the 1986 Order shall not come into operation until such time as the Department has approved under Article 153 of the 1989 Order, or is deemed to have approved for the purposes of paragraph (6) of that Article, a scheme for the appointment of teachers in the relevant board area—

Article 4(3), (5) and (6)

Article 10(5)

Article 68

Schedule 2 in so far as it relates to Article 10 of the 1986 Order

Schedule 3, paragraph 4

Schedule 14

6.—(1) This Article shall cease to have effect on the coming into operation of Article 59(1)(d) and (2)(c) of the 1989 Order.

(2) Where the Council for Catholic Maintained Schools has, under section 11 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(b) made a redundancy payment (as defined by that Act) to a teacher who has been employed by the Council, the Department may pay to the Council a sum equal to the net amount of the redundancy payment made by the Council.

(3) The reference in paragraph (2) to the net amount of a redundancy payment is a reference to the sums paid by the Council as a redundancy payment less the amount of any rebate (as defined in the said Act of 1965) in respect of the payment which the Council is entitled to under that Act.

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

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

7.—(1) This Article shall cease to have effect on the coming into operation of Article 59(1)(b) and (2)(b) of the 1989 Order.

(2) The Department may pay to the Council for Catholic Maintained Schools grants equal to the amount of the expenditure incurred by the Council in the payment of—

(a) secondary Class 1 contributions under the Social Security (Northern Ireland) Act 1975(a); and

(b) employers' superannuation contributions,
in respect of teachers employed by the Council.

Sealed with the Official Seal of the Department of Education on 22nd March 1990.

(L.S.)

S. Peover

Assistant Secretary

(a) 1975 c. 15

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on 1st April 1990 provisions of the Education Reform (Northern Ireland) Order 1989 which relate to the Northern Ireland Curriculum Council; the Northern Ireland Schools Examinations and Assessment Council; the admission of children to grant-aided schools (in so far as those provisions relate to secondary schools), the management of, and supply of goods and services through, institutions of further education; and the Council for Catholic Maintained Schools.

It brings into operation on 1st July 1990 the provisions of the Education Reform (Northern Ireland) Order 1989 relating to compulsory school age but provides that those provisions shall not apply to persons who attain the age of 16 years before 1st September 1992. It also provides that until Article 59(1) and (2) of the Education Reform (Northern Ireland) Order 1989 comes into operation, the Department may pay grants to the Council for Catholic Maintained Schools in respect of the Council's expenditure on redundancy payments, secondary Class 1 contributions and employers superannuation contributions for teachers who were or are employed by the Council as the case may be.