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STATUTORY INSTRUMENTS

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**1998 No. 1759**

**Education (Northern Ireland) Order 1998**

**PART VII**

**FINANCING OF SCHOOLS**

**CHAPTER I**

**FINANCING OF SCHOOLS BY BOARDS**

*Financing by boards of voluntary grammar and grant-maintained integrated schools*

**Maintenance and other grants to voluntary grammar schools**

**61.**—(1) Subject to the provisions of this Article and Article 62, a board shall in respect of each financial year make grants (known as maintenance grants) to the Board of Governors of a voluntary grammar school situated in its area in respect of expenditure incurred or to be incurred in that year in carrying on the school, except—

- (a) expenditure incurred or to be incurred for the provision or alteration of the premises of the school; and
- (b) expenditure incurred or to be incurred for the provision of equipment for the school which is approved expenditure for the purposes of Article 68(1)(b).

(2) The amount of the maintenance grant payable in respect of a school for a financial year shall—

- (a) in so far as it derives from the aggregated budget of the board for that year, be an amount equal to the school's budget share;
- (b) in so far as it derives from excepted heads or items of expenditure of the board in that year, be such as the board may determine.

(3) A board shall make grants to the trustees of a voluntary grammar school situated in its area of amounts equal to the costs of the trustees on foot of an approved contract.

(4) Grants under this Article shall be made on such conditions (including conditions as to repayment) as the board may determine with the approval of the Department.

(5) The times at which, and the manner in which, payments are made in respect of grants under this Article shall be such as the board may determine with the approval of the Department.

(6) Subject to any conditions imposed under paragraph (4), the Board of Governors of a voluntary grammar school—

- (a) shall be entitled to spend any sums received by it by way of maintenance grants as it thinks fit for the purposes of the school; and
- (b) may delegate to the principal its power under sub-paragraph (a) in relation to any such sums.

(7) The members of the Board of Governors of a voluntary grammar school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of their powers under paragraph (6).

**Withdrawal of maintenance grants from voluntary grammar school**

**62.**—(1) The Department may give to the Board of Governors of a voluntary grammar school a notice stating that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease on a date specified in the notice.

(2) Subject to the following provisions of this Article—

- (a) a notice under paragraph (1) may not specify as the date on which the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease a date falling less than 2 years after the date on which the notice is given to the Board of Governors; and
- (b) before giving such a notice the Department shall consult—
  - (i) the Board of Governors of the school; and
  - (ii) the relevant board.

(3) Paragraph (2) shall not apply where the Department is satisfied that the school as currently constituted or conducted is unsuitable to continue as a voluntary grammar school on all or any of the following grounds—

- (a) that the number of registered pupils at the school is too small for sufficient and suitable instruction to be provided for them at reasonable cost;
- (b) that the Board of Governors has failed for a significant period of time to carry out its duties under Part III of the 1989 Order;
- (c) that the Board of Governors has been guilty of substantial or persistent failure to comply or secure compliance with any other requirement imposed by or under the Education Orders or any other statutory provision.

(4) In any case within paragraph (3), the Department may give to the Board of Governors of the school a notice stating the grounds on which it considers that the school as currently constituted or conducted is unsuitable to continue as a voluntary grammar school together with full particulars of the matters relevant to each such ground.

(5) Where any of those matters are stated in the notice to be in the opinion of the Department irremediable, the notice shall also state that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease on a date specified in the notice.

(6) Where paragraph (5) does not apply, the notice under paragraph (4) shall—

- (a) state that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease unless the matters of which particulars are given in the notice are remedied;
- (b) specify the measures necessary in the opinion of the Department to remedy those matters; and
- (c) specify the time, not being less than three months after the date on which the notice is given to the Board of Governors, within which the Board of Governors is required to take those measures.

(7) Where the Board of Governors of a voluntary grammar school fails to take the measures required by a notice under paragraph (4) within the time specified in the notice or allowed by any previous notice under this paragraph, the Department shall within the period of 2 months beginning with the date next following the end of that time either—

- (a) give notice to the Board of Governors extending the time within which those measures are required to be taken; or

- (b) after consulting the relevant board, give a notice to the Board of Governors stating that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors will cease on a date specified in the notice.
- (8) The Department may by notice given to the Board of Governors—
  - (a) withdraw any notice under paragraph (1), (4) or (7)(b); or
  - (b) vary—
    - (i) any notice under paragraph (1) or (7)(b); or
    - (ii) any notice under paragraph (4) to which paragraph (5) applies, by substituting a later date for the date for the time being specified in the notice as the date on which the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease; or
  - (c) vary any notice under paragraph (4) so far as relating to any measures specified in it by virtue of paragraph (6)(b).
- (9) If by virtue of paragraph (8)(c) the Department varies any notice under paragraph (4) so as to require different measures to be taken, it shall also substitute for the time specified in the notice by virtue of paragraph (6)(c) a time ending—
  - (a) not less than 3 months after the date on which the notice of variation is given to the Board of Governors; and
  - (b) where the time so specified has been extended under paragraph (7)(a), not earlier than that time as so extended.
- (10) Any variation under paragraph (9) of the time specified in a notice under paragraph (4) is without prejudice to any further extension of that time under paragraph (7).
- (11) Where the Department gives a notice under this Article to the Board of Governors of a school, it shall give a copy of the notice to the relevant board.
- (12) Where the Department gives a notice under paragraph (1), (4) or (7)(b) which states that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of a school will cease on a specified date, the board shall cease to be under a duty to make such grants to that Board of Governors in respect of any period beginning on or after that date.
- (13) In this Article—
  - “notice” means notice in writing;
  - “relevant board”, in relation to a voluntary grammar school, means the board for the area in which the school is situated.

### **Maintenance and other grants to grant-maintained integrated schools**

- 63.**—(1) Subject to the provisions of this Article and Article 64, a board shall in respect of each financial year make grants (known as maintenance grants) to the Board of Governors of a grant-maintained integrated school situated in its area in respect of expenditure incurred or to be incurred in that year in carrying on the school, other than expenditure of a capital nature.
- (2) The amount of the maintenance grant payable in respect of a school for a financial year shall—
    - (a) in so far as it derives from the aggregated budget of the board for that year, be an amount equal to the school’s budget share;
    - (b) in so far as it derives from excepted heads or items of expenditure of the board in that year, be such as the board may determine.
  - (3) A board shall make grants to the Boards of Governors of a grant-maintained integrated school situated in its area of amounts equal to the costs of the trustees on foot of an approved contract.

(4) Grants under this Article shall be made on such conditions (including conditions as to repayment) as the board may determine, with the approval of the Department.

(5) The times at which, and the manner in which, payments are made in respect of grants under this Article shall be such as the board may determine with the approval of the Department.

(6) Subject to any conditions imposed under paragraph (4), the Board of Governors of a grant-maintained integrated school—

(a) shall be entitled to spend any sums received by it by way of maintenance grants as it thinks fit for the purposes of the school; and

(b) may delegate to the principal its power under sub-paragraph (a) in relation to any such sums.

(7) The members of the Board of Governors of a grant-maintained integrated school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of their powers under paragraph (6).

### **Withdrawal of maintenance grants from grant-maintained integrated school**

64.—(1) The Department may give to the Board of Governors of a grant-maintained integrated school a notice stating that the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors of the school will cease on a date specified in the notice.

(2) Subject to the following provisions of this Article—

(a) a notice under paragraph (1) may not specify as the date on which the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors of the school will cease a date falling less than 2 years after the date on which the notice is given to the Board of Governors; and

(b) before giving such a notice the Department shall consult—

(i) the Board of Governors of the school;

(ii) the relevant board; and

(iii) the Council for Catholic Maintained Schools.

(3) Paragraph (2) shall not apply where the Department is satisfied that the school as currently constituted or conducted is unsuitable to continue as a grant-maintained integrated school on all or any of the following grounds—

(a) that the number of registered pupils at the school is too small for sufficient and suitable instruction to be provided for them at reasonable cost;

(b) that the Board of Governors has failed for a significant period of time to carry out its duties under Part III of the 1989 Order,

(c) that the Board of Governors has been guilty of substantial or persistent failure to comply or secure compliance with any other requirement imposed by or under the Education Orders or any other statutory provision;

(d) that the school is not attended by reasonable numbers of both Protestant and Roman Catholic pupils.

(4) In any case within paragraph (3), the Department may give to the Board of Governors of the school a notice stating the grounds on which it considers that the school as currently constituted or conducted is unsuitable to continue as a grant-maintained integrated school together with full particulars of the matters relevant to each such ground.

(5) Where any of those matters are stated in the notice to be in the opinion of the Department irremediable, the notice shall also state that the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors of the school will cease on a date specified in the notice.

- (6) Where paragraph (5) does not apply, the notice under paragraph (4) shall—
- (a) state that the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors of the school will cease unless the matters of which particulars are given in the notice are remedied;
  - (b) specify the measures necessary in the opinion of the Department to remedy those matters; and
  - (c) specify the time, not being less than three months after the date on which the notice is given to the Board of Governors, within which the Board of Governors is required to take those measures.
- (7) Where the Board of Governors of a grant-maintained integrated school fails to take the measures required by a notice under paragraph (4) within the time specified in the notice or allowed by any previous notice under this paragraph, the Department shall within the period of 2 months beginning with the date next following the end of that time either—
- (a) give notice to the Board of Governors extending the time within which those measures are required to be taken; or
  - (b) after consulting the relevant board, give a notice to the Board of Governors stating that the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors will cease on a date specified in the notice.
- (8) The Department may by notice given to the Board of Governors—
- (a) withdraw any notice under paragraph (1), (4) or (7)(b); or
  - (b) vary—
    - (i) any notice under paragraph (1) or (7)(b); or
    - (ii) any notice under paragraph (4) to which paragraph (5) applies, by substituting a later date for the date for the time being specified in the notice as the date on which the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors of the school will cease; or
  - (c) vary any notice under paragraph (4) so far as relating to any measures specified in it by virtue of paragraph (6)(b).
- (9) If by virtue of paragraph (8)(c) the Department varies any notice under paragraph (4) so as to require different measures to be taken, it shall also substitute for the time specified in the notice by virtue of paragraph (6)(c) a time ending—
- (a) not less than 3 months after the date on which the notice of variation is given to the Board of Governors; and
  - (b) where the time so specified has been extended under paragraph (7)(a), not earlier than that time as so extended.
- (10) Any variation under paragraph (9) of the time specified in a notice under paragraph (4) is without prejudice to any further extension of that time under paragraph (7).
- (11) Where the Department gives a notice under this Article to the Board of Governors of a school, it shall give a copy of the notice to the relevant board.
- (12) Where the Department gives a notice under paragraph (1), (4) or (7)(b) which states that the duty of the relevant board under Article 63 to pay maintenance grants to the Board of Governors of a school will cease on a specified date, the board shall cease to be under a duty to make such grants to that Board of Governors in respect of any period beginning on or after that date.
- (13) In this Article—
- “notice” means notice in writing;

“relevant board”, in relation to a grant-maintained integrated school, means the board for the area in which the school is situated.