
STATUTORY INSTRUMENTS

2003 No. 424

The Education and Libraries (Northern Ireland) Order 2003

PART IV

SCHOOLS

Miscellaneous

Removal of members of Boards of Governors

23.—(1) The Department may by regulations provide for the removal by the Department of all of the voting and co-opted members of the Board of Governors of a grant-aided school (“the relevant school”)—

- (a) in prescribed circumstances; or
- (b) in such circumstances as may be determined by the Minister of Education in accordance with the regulations.

(2) Regulations under paragraph (1)—

- (a) shall provide for the formation of a new Board of Governors for the relevant school;
- (b) may provide for the exercise by a prescribed person or body of prescribed functions of the Board of Governors of the relevant school during such period as may be prescribed; and
- (c) may, for the purposes of any provision made by virtue of sub-paragraph (a) or (b), provide for any prescribed provisions of the Education Orders to apply in relation to the relevant school with such modifications as may be prescribed.

(3) Regulations under paragraph (1) shall require the Department before exercising any power of removal conferred by the regulations—

- (a) to consult such bodies and persons as may be prescribed;
- (b) to give to the Board of Governors of the relevant school such notice as may be prescribed of its intention to exercise the power of removal;
- (c) to afford the Board of Governors an opportunity to make representations to the Department concerning the matter; and
- (d) to consider any representations so made.

(4) The Department may by regulations provide for the removal from office by a relevant authority of any member of the Board of Governors of a grant-aided school appointed by it—

- (a) in prescribed circumstances; or
- (b) in such circumstances as may be determined by the Minister of Education in accordance with the regulations.

(5) Regulations under paragraph (4)—

- (a) shall provide for the appointment of a person to hold office in place of the member removed for the remainder of his term of office; and

- (b) may for that purpose provide for any prescribed provisions of the Education Orders to apply in relation to that appointment with such modifications as may be prescribed.
- (6) Regulations under paragraph (4) shall require the relevant authority before exercising any power of removal conferred by the regulations—
 - (a) to consult such bodies and persons as may be prescribed;
 - (b) to give to such persons or bodies as may be prescribed such notice as may be prescribed of its intention to exercise the power of removal;
 - (c) to afford to such bodies or persons as may be prescribed an opportunity to make representations to the relevant authority concerning the matter; and
 - (d) to consider any representations so made.
- (7) This Article and any regulations under this Article have effect in relation to a grant-aided school notwithstanding any provision for the time being contained in—
 - (a) the scheme of management of the school; or
 - (b) any other instrument of government of the school;and any such scheme or instrument shall have effect accordingly.
- (8) In this Article, in relation to a Board of Governors—
 - “co-opted members” means members co-opted under Article 122 or 139 of the 1989 Order;
 - “relevant authority” means a body by which, or person by whom, any member of the Board of Governors is appointed;
 - “voting members” has the same meaning as Article 122 of the 1989 Order.
- (9) In this Article “appoint” includes nominate and choose.

Development proposals for grant aided schools

24. In Article 14 of the 1986 Order (development proposals for grant-aided schools) for paragraph (5) there shall be substituted—

“(5) Before a proposal concerning an existing school is submitted to the board under paragraph (2), the person making the proposal shall consult the following persons (or representatives of them)—

- (a) the Board of Governors of the school concerned;
- (b) the teachers employed at that school; and
- (c) the parents of registered pupils at that school.

(5A) Before a proposal concerning an existing school is submitted to the Department by the board under paragraph (1) or (3), the board shall consult the following persons (or representatives of them)—

- (a) the Board of Governors of the school concerned;
- (b) the teachers employed at that school; and
- (c) the parents of registered pupils at that school.

(5B) Before a proposal concerning any school is submitted to the Department by the board under paragraph (1), (2) or (3), the board shall consult the trustees and managers (or representatives of them) of any other school which would, in the opinion of the board, be affected by the proposal.”.

Appeals against expulsion: tribunal procedures

25. In Article 49(10) of the 1986 Order (regulations as to constitution and procedure of tribunals hearing appeals against expulsion of pupils) after sub-paragraph (d) there shall be inserted—

- “(da) may provide for an appeal tribunal in considering an appeal to have regard in particular to any matters specified in the regulations;
- (db) may provide for appeal tribunals to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;”.

Curriculum, etc. complaints: tribunal procedures

26. In Article 33(3) of the 1989 Order (regulations as to constitution and procedure of tribunal hearing complaints concerning curriculum and related matters) after sub-paragraph (aa) there shall be inserted—

- “(ab) may provide for the tribunal in considering a complaint to have regard in particular to any matters specified in the regulations;
- (ac) may provide for the tribunal to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;”.

Consultation of schools by sampling

27.—(1) In Article 31 of the 1989 Order (provision of information) in paragraph (4) (persons and bodies to be consulted before regulations are made under that Article) for the words “every grant-aided school appearing to it to be affected” there shall be substituted “a sample of affected schools”.

(2) After that paragraph there shall be inserted—

“(4A) In paragraph (4) “a sample of affected schools” means a number of grant-aided schools selected by the Department as being a representative sample of all such schools affected by the regulations.”.

(3) In Article 11 of the 1998 Order (school performance targets) in paragraph (3) (persons and bodies to be consulted before regulations are made under that Article) in sub-paragraph (c) for the words “every grant-aided school appearing to it to be affected” there shall be substituted “a sample of affected schools”.

(4) After that paragraph there shall be inserted—

“(3A) In paragraph (3)(c) “a sample of affected schools” means a number of grant-aided schools selected by the Department as being a representative sample of all such schools affected by the regulations.”.

Costs under approved contracts

28. In Article 25(4) of the 1997 Order (definition of costs of relevant authority on foot of an approved contract) for the words from “the payments made” to the end there shall be substituted “all sums paid or payable by the relevant authority under the contract, whether so paid or payable during the term of the contract or on or after its termination”.