
STATUTORY INSTRUMENTS

1986 No. 594

The Education and Libraries (Northern Ireland) Order 1986

PART III

PROVISION OF EDUCATION

Establishment, recognition and discontinuance of, and effecting of changes to, grant-aided schools

Discontinuance of grant-aided schools

16.—(1) Subject to paragraph (2), where the trustees of a voluntary school propose to discontinue the school they shall give at least two years notice of their intention to the Department and to [F1the Authority]^{F2}... but no such notice given without the prior approval of the Department shall be effective if the school premises were built or altered with the aid of a grant from the Department or financial assistance [F3by the Authority or by a board] or, before 1st October 1973, by a former local education authority.

(2) Paragraph (1) shall not apply where the Department and [F1the Authority]^{F2}... agree to dispense with the notice required by that paragraph.

(3) If, during the period of a notice given under paragraph (1) in respect of a voluntary school, the trustees of the school inform the Department that they are unable or unwilling to carry on the school until the expiration of the notice, the Department may give such directions as to the carrying on of the school and as to the education of the children attending the school as it thinks expedient.

(4) Where a voluntary school is discontinued and—

(a) moneys have been paid in respect of the school under[F4Article 68 of the Education (Northern Ireland) Order 1998], the trustees shall[F5 repay to the Department such sums as are repayable in accordance with the provisions of regulations under that Article];

Sub#para. (b) rep. by 1996 NI 1

(c) moneys have been paid in respect of the school under section 10 of the Education Act (Northern Ireland) 1930 or section 106 of the Education Act (Northern Ireland) 1947, the provisions of those sections and of any regulations thereunder relating to the repayment of such moneys shall continue to apply to the school as if those sections had not been repealed.

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| 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) |
| F2 | Words in art. 16(1)(2) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b); S.R. 2015/35, art. 2(b) |
| F3 | Words in art. 16(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 9(6) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F4 | Words in art. 16(4)(a) substituted (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)) , arts. 1(3)(g), 91(1), Sch. 5 Pt. II; S.R. 2009/183, art. 3(d) |

Changes to legislation: *The Education and Libraries (Northern Ireland) Order 1986, Section 16 is up to date with all changes known to be in force on or before 01 August 2023. 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](#)*

F5 [1993 NI 12](#)

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 2](#)
- [art.77\(3\)](#) revoked by [S.I. 1996/2967 reg.11\(7\)](#)