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## STATUTORY INSTRUMENTS

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# 1986 No. 594

## The Education and Libraries (Northern Ireland) Order 1986

### PART III

#### PROVISION OF EDUCATION

##### *School management*

##### [<sup>F1</sup>Schemes of management

**9A.**—(1) For every grant#aided school<sup>F2</sup>. . . there shall be a scheme (to be known as a “scheme of management”) providing for—

- (a) the membership and procedure of the Board of Governors of the school;
- (b) the management of the school, and in particular the functions to be exercised in relation to the school by the Board of Governors, the principal and any other person or body specified in the scheme;
- (c) such other matters as are required or authorised by the Education Orders to be included in or regulated by the scheme of management.

(2) The scheme of management for a grant#aided school may provide for the establishment by the Board of Governors of the school of committees (whether or not including persons who are not members of the Board of Governors) and for—

- (a) the membership and procedure of such committees;
- (b) the delegation to such committees of such functions of the Board of Governors of the school as may be specified in or determined in accordance with the scheme.

(3) The scheme of management for a grant#aided school may provide for the delegation to the principal of the school of such functions of the Board of Governors as may be specified in or determined in accordance with the scheme.

(4) The scheme of management for a grant#aided school shall—

- (a) contain no provision which is inconsistent with any provision of the Education Orders or any other statutory provision;
- (b) except in so far as any provision of the Education Orders requires or authorises, comply with any instrument of government of the school.

(5) The scheme of management for—

- (a) a controlled integrated school, shall be a scheme applying only to that school;
- (b) any other controlled school, may be either a scheme applying only to that school or a scheme applying to that school and to other controlled schools, all being schools specified, or of a description specified, in the scheme.

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(6) The scheme of management for a Catholic maintained school may be a scheme applying only to that school or a scheme applying to that school and to other Catholic maintained schools, all being schools specified, or of a description specified, in the scheme.

*Para. (7) rep. by 1993 NI 12]*

<b>F1</b>	1989 NI 20
<b>F2</b>	1997 NI 15

### Preparation of schemes of management

**9B.**—(1) It shall be the duty of [<sup>F3</sup>the Authority] to prepare a scheme or schemes of management for controlled schools <sup>F4</sup>...; but before preparing a scheme of management applying to any school [<sup>F3</sup>the Authority] shall consult the Board of Governors of that school.

(2) It shall be the duty of [<sup>F3</sup>the Authority] , after consultation with the managers or trustees of a maintained school (other than a Catholic maintained school) maintained by it, to prepare a scheme of management for the school.

(3) It shall be the duty of the Council for Catholic Maintained Schools to prepare a scheme or schemes of management for Catholic maintained schools; but before preparing a scheme of management applying to any school the Council shall consult the trustees or managers of the school and [<sup>F3</sup>the Authority]<sup>F5</sup>....

[<sup>F6</sup>(4) It shall be the duty of the Board of Governors of a voluntary school (other than a maintained school) to prepare a scheme of management for the school.]

(5) It shall be the duty of the Board of Governors of a grant#maintained integrated school to prepare a scheme of management for the school.

(6) In preparing a scheme of management under this Article a body or person shall take into account any guidance given by the Department as to the provisions it regards as suitable for inclusion in that scheme.

(7) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.

<b>F3</b>	Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a> , <a href="#">Sch. 3 para. 1(2)</a> ); S.R. 2015/35, art. 2(b)
<b>F4</b>	Words in art. 9B(1) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)
<b>F5</b>	Words in art. 9B(3) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)
<b>F6</b>	1993 NI 12

### Approval or imposition of scheme of management by Department

**9C.**—(1) Every body or person required by Article 9B to prepare a scheme of management shall, on or before such date as the Department may direct, submit the scheme to the Department for its approval, and in this Article and Article 9D “the submitting authority”, in relation to a scheme, means the body by which or person by whom the scheme is required to be prepared.

(2) In the case of a scheme prepared under paragraph (1) or (3) of Article 9B the submitting authority shall also submit to the Department such information as to the results of consultations under that paragraph as the Department may require.

(3) A scheme of management submitted under paragraph (1) shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving its approval, specify; and the Department may approve such a scheme either without modifications or with such modifications as it thinks fit after consulting the submitting authority.

(4) Where—

- (a) a submitting authority fails to submit a scheme to the Department as required by paragraph (1); or
- (b) it appears to the Department that a scheme submitted by a submitting authority as required by that paragraph does not accord with any guidance given by it for the purposes of Article 9B and cannot be made to do so merely by modifying it,

the Department may impose a scheme of management making such provision of a description required or authorised to be made by a scheme of management as it considers appropriate.

(5) A scheme of management imposed by the Department by virtue of paragraph (4)—

- (a) shall be treated for all purposes as if it had been prepared by the submitting authority and approved by the Department under this Article; and
- (b) shall come into operation on such date as may be specified therein.

(6) Before imposing a scheme under paragraph (4) the Department shall consult the submitting authority and—

- (a) in the case of a scheme of management applying to a controlled school or controlled schools, the Board of Governors of the school or schools to which the scheme applies;
- (b) in the case of a scheme of management applying to a maintained school (other than a Catholic maintained school) the managers or trustees of the school; and
- (c) in the case of a scheme of management applying to a Catholic maintained school or schools, the managers or trustees of the school or schools to which the scheme applies and [<sup>F3</sup>the Authority]<sup>F7</sup>....

(7) The Council for Catholic Maintained Schools shall provide [<sup>F3</sup>the Authority] with a copy of the scheme or schemes of management approved under this Article and applying to [<sup>F8</sup>Catholic maintained schools] .

**F3** 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)

**F7** Words in art. 9C(6)(c) 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)

**F8** Words in art. 9C(7) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 9\(4\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

## Revision of schemes of management

**9D.**—(1) A submitting authority may at any time, and shall if the Department so directs, prepare a revised scheme of management and submit it to the Department for its approval.

(2) Article 9B(6) and (7) shall apply in relation to the preparation of a revised scheme of management as it applies in relation to the preparation of the initial scheme.

(3) A revised scheme of management submitted under paragraph (1) shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving its approval, specify; and the Department may approve such a scheme either without modifications or with such modifications as it thinks fit after consulting the submitting authority.

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### **Management of controlled schools**

**10.**—<sup>F9</sup>(1) Subject to paragraph (2), [<sup>F3</sup>the Authority] shall make provision by means of a Board of Governors to be appointed by [<sup>F3</sup>the Authority] for the management of each controlled school <sup>F10</sup> <sup>F11</sup> . . . . .

(2) Two or more controlled primary schools, other than controlled integrated primary schools or nursery schools, under the management of [<sup>F3</sup>the Authority] may, if [<sup>F3</sup>the Authority] so determines and the Department approves, be grouped under one Board of Governors.

(3) The scheme of management for a controlled school—

(a) shall, in so far as it relates to the membership of the Board of Governors of the school, comply with the provisions of Schedule 4;

(b) may provide for the carrying out by the Board of Governors in relation to the school of specified functions on behalf of, and in the name of, [<sup>F3</sup>the Authority] .]

*Para. (4) rep. by 1989 NI 20*

<sup>F12</sup>(5) A Board of Governors shall, when carrying out specified functions on behalf of, and in the name of, [<sup>F3</sup>the Authority] , be regarded as a committee of [<sup>F3</sup>the Authority] but shall not be so regarded for any other purpose and the functions of a Board of Governors in relation to the appointment of teachers under Schedule 14 or the appointment of other staff under Article 88 shall not be regarded as being carried out on behalf of, or in the name of, [<sup>F3</sup>the Authority] .

<b>F3</b>	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), <b>Sch. 3 para. 1(1)(a)</b> (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
<b>F9</b>	1989 NI 20
<b>F10</b>	Words in art. 10(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), <b>Sch. 4</b> (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
<b>F11</b>	1997 NI 15
<b>F12</b>	prosp. subst. by 1989 NI 20

### **[<sup>F13</sup>Management of voluntary schools**

**11.**—(1) Subject to paragraph (3), each voluntary school shall be under the control and management of a Board of Governors.

(2) Subject to paragraph (3), each maintained school shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Part I of Schedule 5<sup>F14</sup> . . . . .

(3) Two or more maintained primary schools, other than nursery schools, may be grouped under one Board of Governors where the trustees or Board of Governors of each school so requests and—

(a) in the case of Catholic maintained schools, the Council for Catholic Maintained Schools, with the approval of the Department, so determines; and

(b) in the case of other maintained schools, [<sup>F3</sup>the Authority] , with the approval of the Department, so determines.

(4) Each voluntary grammar school in relation to which an agreement under paragraph 1 of Schedule 6 is in force shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Schedule 6.

(5) Each voluntary grammar school in relation to which no agreement under paragraph 1 of Schedule 6 is in force shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Schedule 7.

*Para. (6) rep. by 1996 NI 1]*

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- F3** 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)
- F13** [1993 NI 12](#)
- F14** [1996 NI 1](#)

### **[<sup>F15</sup>Limitation on membership of Boards of Governors**

**12.** Except with the approval of the Department, no person shall at the same time hold office as a member of more than three Boards of Governors of grant#aided schools.]

- F15** [1993 NI 12](#)

### **Miscellaneous provisions relating to Boards of Governors**

**13.—(1)** The proceedings of a Board of Governors<sup>[<sup>F16</sup> of a grant#aided school]</sup> shall not be invalidated by any vacancy among its members or by any defect in the appointment, election or nomination of any member.

(2) Without prejudice to the generality of paragraph (1), where<sup>[<sup>F16</sup> members of the Board of Governors of a grant#aided school]</sup> are required to be elected or nominated by other persons then if, for whatever reason, such members have not yet<sup>[<sup>F16</sup> been]</sup>, or cannot be, so elected or nominated the Board of Governors shall notwithstanding such vacancies be regarded as fully constituted.

(3) Nothing in paragraph (1) or (2) affects the operation of any provision relating to the quorum for meetings of a Board of Governors.

<sup>[<sup>F16</sup>(3A)</sup> Where, at any grant#aided school,—

- (a) one or more vacancies for parent members are required to be filled by election; and
- (b) the number of parents standing for election as parent members is less than the number of vacancies,

the required number of parent members shall be made up by persons appointed by the voting members of the Board of Governors of the school.

[<sup>F17</sup>(3AA) <sup>[<sup>F18</sup>Where, in relation to a school established in a hospital, the Authority is of the opinion that]</sup> it is likely to be impracticable for there to be elections of parent members at the school, the required number of parent members may be made up by persons appointed by the voting members of the Board of Governors of the school.]

(3B) Where it is reasonably practicable to do so, it shall be the duty of the voting members of the Board of Governors in appointing any person under paragraph (3A)<sup>[<sup>F17</sup> or (3AA)]</sup> to appoint a person who is the parent of a registered pupil at the school.

(3C) In paragraph (3A)<sup>[<sup>F17</sup> or (3AA)]</sup> “parent member” means a member of the Board of Governors of a grant#aided school who but for that paragraph would be required to be elected by parents of <sup>[<sup>F19</sup>registered pupils at]</sup> the school from amongst the parents of such pupils.

(3D) A person appointed under paragraph (3A)<sup>[<sup>F17</sup> or (3AA)]</sup> shall for all purposes of the Education Orders except Schedule 8 to the 1989 Order be treated as if he had been duly elected as a member of the Board of Governors by parents of <sup>[<sup>F19</sup>registered pupils at]</sup> the school.

(3E) In paragraphs (3A)<sup>[<sup>F17</sup>, (3AA)]</sup> and (3B) “voting members” has the meaning assigned to it by Article 122(3) of the 1989 Order.]

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(4) An assistant teacher elected as a member of the Board of Governors of one or more than one<sup>F16</sup> grant#aided] school shall, on ceasing to be an assistant teacher at the school or one of the schools, cease to hold office as a member of the Board of Governors.

(5) A parent elected as a member of the Board of Governors of one or more than one<sup>F16</sup> grant#aided] school shall not by reason only of ceasing to be a parent of a <sup>F20</sup>registered pupil at] the school or one of the schools cease to hold office as a member of the Board of Governors.

(6) Where the principal of a<sup>F16</sup> grant#aided] school is absent or otherwise unavailable, the Board of Governors of the school may invite the vice-principal or other person for the time being performing the duties of the principal to attend a meeting of the Board of Governors; and any person so invited shall be entitled to attend and take part in the meeting but not to vote on any question.

<sup>F16</sup>(7) Any question as to the right of any person to be, or to appoint or nominate, a member of the Board of Governors of a grant#aided school shall be decided by the Department whose decision shall be final.]

**F16** 1989 NI 20

**F17** 1993 NI 12

**F18** Words in art. 13(3AA) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(5)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

**F19** Words in art. 13(3C)(3D) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), **Sch. 2 para. 23(a)**; S.R. 2007/197, **art.2(a)**

**F20** Words in art. 13(5) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), **Sch. 2 para. 23(b)**; S.R. 2007/197, **art. 2(a)**

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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\(7\)](#)