

STATUTORY INSTRUMENTS

1986 No. 594

The Education and Libraries (Northern Ireland) Order 1986

PART VIII

ADMINISTRATION AND FINANCE

Finance

Power of boards to accept gifts

111.—(1) Subject to paragraph (2), [^{F1}the Authority] may be constituted trustees for any endowment or charity for the purposes of any of its functions under [^{F2}the Education Orders] whether the endowment was established before or after the date of the coming into operation of this Article and, subject to Article 106, [^{F1}the Authority] shall have power to accept any real or personal property given to it as an endowment or upon trust for any of the aforesaid purposes.

(2) Paragraph (1) shall not enable [^{F1}the Authority] to be trustees for or to accept any endowment, charity or trust, the purposes of which are inconsistent with the provisions of [^{F2}the Education Orders] or the principles on which [^{F1}the Authority] is required to conduct schools provided by it.

- 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** [1989 NI 20](#)

Borrowing powers of boards

^{F3}**112.**

- F3** Art. 112 repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); [S.R. 2015/35](#), art. 2(b)

Art. 113 rep. by 2003 NI 12

Art. 114 rep. by 2003 NI 12

[^{F4}Grants for educational or library services, etc.

115 ^{F5}.—^{F6}(1) Subject to paragraph (3), the Department may, in accordance with regulations made with the approval of the Department of Finance and Personnel, pay grants to persons in respect of expenditure incurred or to be incurred by them—

- (a) for the purposes of, or in connection with, the provision (or proposed provision) of—
- (i) educational ^{F7}. . . services; or

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- (ii) recreational, social, cultural, physical or youth service activities or services ancillary to education;
- (b) for the purposes of research relevant to the functions of the Department or of boards under the Education Orders.
- (2) Regulations under paragraph (1) may prescribe the rates of grants which may be paid under that paragraph.
- (3) The Department shall not pay grants under this Article to—
 - (a) ^{F1}the Authority] ; or
 - (b) the trustees or managers of—
 - (i) a voluntary school; or
 - (ii) a grant#maintained integrated school.
- ^{F8}^(c) [the governing body of an institution of further education;]
- (4) Paragraph (5) applies where—
 - (a) the Department has, after the coming into operation of Article 159 of the 1989 Order, paid a grant under this Article to a person in respect of expenditure incurred or to be incurred by him for the provision or alteration of premises; and
 - (b) those premises cease to be used for approved purposes.
- (5) Where this paragraph applies there shall be payable to the Department by the person to whom the grant was paid or his successor in title such sum as the Department considers equitable but not exceeding such proportion of the value of the premises as the proportion that the amount of the grant was of the approved cost of the provision or alteration of the premises together with interest on that sum from the date on which the premises ceased to be used for approved purposes until the date of payment to the Department.
- (6) For the purposes of paragraph (5) the value of premises shall be taken to be the amount which the premises might be expected to realise if sold in the open market on the date on which the premises ceased to be used for approved purposes and where the Department certifies that it is not possible to reach agreement as to such value, the dispute as to such value may be referred to and determined by the Lands Tribunal for Northern Ireland.
- (7) For the purposes of paragraph (5) interest shall be at such rate as may from time to time be determined by the Department of Finance and Personnel under paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972.
- (8) Any sum payable or repayable to the Department under this Article may be recovered as a debt due to the Department.]

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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) |
| F4 | 1989 NI 20 |
| F5 | certain functions transf. by SR 1999/481 |
| F6 | for certain purposes functions transf. by SR 2001/229 |
| F7 | Words in art. 115(1)(a)(i) repealed (1.4.2009) by Libraries Act (Northern Ireland) 2008 (c. 8), ss. 10(2), 12(2), Sch. 4; S.R. 2009/123, art. 2(g) |
| F8 | 1997 NI 15 |

Building and equipment grants for voluntary schools

116. ^{F9}

F9 Art. 116 repealed (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3)(h), 91(2)(3), Sch. 6 Pt. II; S.R. 2009/183, art. 3(e)(i)

Arts. 117, 118 rep. by 1989 NI 20

Art. 119 rep. by 2003 NI 12

[^{F10}Recovery by Department of certain premature retirement compensation costs

119A.—(1) Where the Department becomes liable to pay premature retirement compensation in relation to a member of the staff of a special school, the Department may, where there appears to the Department to be good reason to do so, direct that—

- (a) a specified amount shall be charged to [^{F11}the Authority] in any single specified financial year; or
- (b) a specified amount shall be charged to [^{F12}the Authority] in each financial year for such period (not exceeding 10 years) as may be specified,

in respect of premature retirement compensation costs of the Department in relation to that member of staff.

(2) In paragraph (1)—

^{F13}
...

“specified” means specified in directions under that paragraph.

(3) The amount or (in a case falling within sub-paragraph (b) of that paragraph) the total amount charged to [^{F1}the Authority] in pursuance of a direction given under paragraph (1) in relation to a member of the staff of a special school shall not exceed such amount as appears to the Department to represent the cost, capitalised as of the date on which the direction is given, of discharging the Department's liability to pay premature retirement compensation to, or in respect of, that member of staff.

(4) Where [^{F1}the Authority] becomes liable to pay premature retirement compensation in relation to a member of the staff of—

- (a) a controlled school which does not have a delegated budget under [^{F14}Part VII of the Education (Northern Ireland) Order 1998],^{F15} . . .

Sub#para. (b) rep. by 1997 NI 15

the Department may, where there appears to the Department to be good reason to do so, direct that—

- (i) a specified amount shall be charged to [^{F1}the Authority] in any single specified financial year; or
- (ii) a specified amount shall be charged to [^{F1}the Authority] in each financial year for such period (not exceeding 10 years) as may be specified,

in respect of premature retirement compensation costs of [^{F1}the Authority] in relation to that member of staff.

(5) In paragraph (4) “specified” means specified in directions under that paragraph.

(6) For the purposes of paragraph (4)—

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- (a) a controlled school does not have a delegated budget during any period when the right of the Board of Governors of that school to such a budget is suspended under^{F16} Article 55 of the Education (Northern Ireland) Order 1998];

Sub#para. (b) rep. by 1997 NI 15

(7) The amount or (in a case falling within sub-paragraph (ii) of that paragraph) the total amount charged to [^{F1}the Authority] in pursuance of a direction given under paragraph (4) in relation to a member of the staff of a school^{F15}. . . shall not exceed such amount as appears to the Department to represent the cost, capitalised as of the date on which the direction is given, of discharging [^{F17}the Authority's] liability to pay premature retirement compensation to, or in respect of, that member of staff.

(8) Where the Department becomes liable to pay premature retirement compensation in relation to a person employed otherwise than at a grant-aided school^{F15}. . . , the Department may, where there appears to the Department to be good reason to do so, direct that—

- (a) a specified amount shall be charged to the employer of that person in any single specified financial year; or
- (b) a specified amount shall be charged to the employer of that person in each financial year for such period (not exceeding 10 years) as may be specified,

in respect of premature retirement compensation costs of the Department in relation to that employee.

(9) In paragraph (8) “specified” means specified in directions under that paragraph.

(10) The amount or (in a case falling within sub-paragraph (b) of that paragraph), the total amount charged to an employer in pursuance of a direction given under paragraph (8) in relation to an employee shall not exceed such amount as appears to the Department to represent the cost, capitalised as of the date on which the direction is given, of discharging the Department's liability to pay premature retirement compensation to, or in respect of, that employee.

(11) Any amount charged by the Department to [^{F1}the Authority] or an employer under this Article in any financial year shall be payable by [^{F1}the Authority] or employer to the Department at such time or times and in such manner as the Department may direct.

(12) In this Article—

“member of staff” includes former member of staff;

“premature retirement compensation” means compensation under Parts III and IV of the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991;

“premature retirement compensation costs of [^{F1}the Authority] ”, in relation to any person, means the costs incurred or to be incurred by [^{F1}the Authority] in paying premature retirement compensation to, or in respect of, that person;

“premature retirement compensation costs of the Department”, in relation to any person, means the costs incurred or to be incurred by the Department in paying premature retirement compensation to, or in respect of, that person.]

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)

F10 [1993 NI 12](#)

F11 Words in art. 119A(1)(a) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 9\(14\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

F12 Words in art. 119A(1)(b) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 9\(14\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

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- F13** Words in art. 119A(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)
- F14** Words in art. 119A(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)**
- F15** 1997 NI 15
- F16** Words in art. 119A(6) 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)**
- F17** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(b)** (with **Sch. 2 para. 4(3)**, **Sch. 3 para. 1(2)**); S.R. 2015/35, art. 2(b)

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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\(7\)](#)