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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform (Northern Ireland) Order 1989**

PART VIII

SCHOOLS—GENERAL PROVISIONS

CHAPTER II

CHARGES IN GRANT#AIDED SCHOOLS

**Permitted charges**

**130.**—(1) Subject to paragraph (2), a charge may be made in respect of—

- (a) education or transport provided for a <sup>F1</sup> . . . pupil at any grant#aided school to which this Article applies<sup>F2</sup> other than—
  - (i) education or transport in respect of which by virtue of Article 128 no charge may be made; or
  - (ii) transport provided by <sup>F3</sup>the Authority] under Article 52 of the principal Order.]
- (b) the entry of any such pupil for a public examination in any <sup>F4</sup>specification] for that examination otherwise than in circumstances in which by virtue of Article 128(5) no charge may be made; and
- (c) board and lodging provided for any such pupil on a residential trip.

(2) A charge may not be made—

- (a) by virtue of paragraph (1)(a) in respect of the provision for a pupil of education or transport; or
- (b) by virtue of paragraph (1)(b) in respect of the entry of a pupil for an examination in any <sup>F5</sup>specification] for that examination,

unless the education or transport is provided or the pupil is entered for the examination in that <sup>F5</sup>specification] by agreement with his parent; and any education, transport or examination entry in respect of which a charge may be made by virtue of either of those provisions is referred to below in this Article as an “optional extra”.

(3) The following provisions of this Article apply in relation to any charge permitted under this Article and any such charge is referred to in those provisions as a regulated charge.

(4) The amount of any regulated charge shall be payable by the parent of the pupil concerned.

(5) A regulated charge shall not exceed the cost of the provision of the optional extra or <sup>F3</sup>the Authority] and lodging in question.

(6) Without prejudice to the generality of paragraph (5), the cost of the provision of an optional extra includes costs, or an appropriate proportion of the costs—

- (a) incurred in respect of the provision of any materials, books, instruments or other equipment used for the purposes of or in connection with the provision of the optional extra;

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**Changes to legislation:** *The Education Reform (Northern Ireland) Order 1989, Section 130 is up to date with all changes known to be in force on or before 11 April 2024. 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*

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- (b) attributable to the provision of non-teaching staff for any purpose connected with the provision of the optional extra; or
- (c) attributable to the provision of teaching staff engaged under contracts for services for the purpose of providing it.

(7) Subject to paragraph (8), the cost of the provision of an optional extra shall not be taken as including any costs attributable to the provision of teaching staff other than staff engaged as mentioned in paragraph (6)(c).

(8) Where the optional extra in question consists of tuition in playing any musical instrument the cost of its provision shall include costs, or an appropriate proportion of the costs, attributable to the provision of teaching staff employed for the purpose of providing the tuition.

(9) Where charging is permitted under this Article and the charge would be a regulated charge, the question of whether any charge in respect of the optional extra or the board and lodging should be made, and the amount of any charge to be made, shall be determined—

- (a) in a case where the cost of the provision of the optional extra or board and lodging is met by, or from funds at the disposal of, the Board of Governors, by the Board of Governors;
- (b) in any other case, by [F3the Authority] .

(10) The whole or any part of the amount of any charge [F3the Authority] determines under paragraph (9)(b) to make—

- (a) shall, if the Board of Governors so determines, be met by, or from funds at the disposal of, the Board of Governors; and
- (b) shall not, to the extent that it is so met, be payable by the parent of the pupil concerned.

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| <b>F1</b> | Word in art. 130(1)(a) repealed (23.3.2007) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(4), 44, Sch. 2 para. 31, <b>Sch. 3 Pt. III</b> ; S.R. 2007/197, <b>art. 2</b> , Sch.            |
| <b>F2</b> | 1997 NI 5   |
| <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> | Word in art. 130(1)(b) substituted (1.8.2006) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(2), 44(1), <b>Sch. 2 para. 9</b>  |
| <b>F5</b> | Word in art. 130(2) substituted (1.8.2006) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(2), 44(1), <b>Sch. 2 para. 9</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):

- [art. 13\(3\)\(b\) words repealed by S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)