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STATUTORY INSTRUMENTS

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**1989 No. 2406**

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

**PART V**

**FINANCING SCHOOLS**

*Financing of controlled and maintained schools*

**Schemes for financing controlled and maintained schools**

**46.**—(1) It shall be the duty of every board to prepare a scheme in accordance with this Part and submit it for the approval of the Department in accordance with Article 47.

(2) The scheme shall provide for—

- (a) the determination in respect of each financial year of the board, for each school required to be covered by the scheme in that year, of the share to be appropriated for that school in that year of the part of the general schools budget of the board for that year which is available for allocation to individual schools under the scheme (referred to in this Part, in relation to such a school, as the school's budget share);
- (b) the delegation by the board of the management of a school's budget share for any year to the Board of Governors of the school where such delegation is required or permitted by or under the scheme; and
- (c) the making available by the board to the Board of Governors of the school of a sum of money to be spent at its discretion, where the management of the school's budget share is not delegated to the Board of Governors.

(3) For the purposes of this Part, a school is required to be covered in any financial year by a scheme made under this Article by a board if either—

- (a) immediately before the beginning of that year it is a controlled school (other than a special school or technical secondary school) under the management of that board or a maintained school (other than a special school) maintained by that board; or
- (b) at any time during that year it becomes such a school (whether by virtue of being established as a new school of that description or by virtue of becoming a controlled or maintained school where it was not, immediately before it became so, a school of either description).

(4) For the purposes of this Part—

- (a) references, in relation to any board, to the general schools budget of the board for any financial year, are references to the amount appropriated by the board for meeting expenditure in that year in respect of all schools required to be covered in that year by any scheme made under this Article by that board; and
- (b) the part of the general schools budget of any such board for any financial year which is available for allocation to individual schools under a scheme under this Article (referred to in this Part, in relation to any such board, as the board's aggregated budget for the year)

is the amount remaining after deducting from the amount of the general schools budget of the board for that year the amount of any expenditure of the board in that year on heads or items of expenditure which in accordance with the scheme fall to be left out of account in determining the board's aggregated budget for the year (referred to in this Part as excepted heads or items of expenditure).

(5) In relation to any scheme under this Article, any reference in paragraph (4) to an amount is a reference to an amount determined (and from time to time revised) in accordance with the scheme; and a scheme under this Article must provide for all amounts relevant to the determination of a school's budget share under the scheme for any financial year to be determined initially before the beginning of that year.

(6) In this Part—

- (a) references to a school in respect of which financial delegation is required for any financial year under a scheme under this Article are references to a school managed by a Board of Governors to which the board concerned is for the time being required by or under the scheme to delegate the management of the school's budget share for that year (and the Board of Governors of such a school is said to have a right to a delegated budget for the year);
- (b) references to a school which has a delegated budget are references to a school managed by a Board of Governors to which a board has for the time being delegated the management of the school's budget share for any financial year in pursuance of such a scheme (whether that delegation is required by the scheme or not);
- (c) references to a relevant school in relation to a scheme made or to be made by a board under this Article are references to a controlled school (other than a special school or technical secondary school) under the management of that board or a maintained school (other than a special school) maintained by that board.

(7) The Department may by order substitute for references in this Article and Articles 47 to 57 to a financial year references to such other period as may be specified in the order.

### **Preparation and imposition of schemes**

**47.—**(1) A scheme prepared by a board under Article 46 shall be submitted to the Department on or before such date as the Department may direct.

(2) In preparing a scheme under that Article a board shall take into account any guidance given by the Department as to the provisions it regards as appropriate for inclusion in the scheme.

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

(4) Before preparing such a scheme a board shall consult the Board of Governors of every relevant school and the Council for Catholic Maintained Schools.

(5) The Department may request a board to furnish such information in connection with any scheme submitted to the Department as the Department may require, including information as to the results of consultations under paragraph (4).

(6) Such a scheme 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—

- (a) either without modifications or with such modifications as it thinks fit after consulting the board concerned; and
- (b) subject to such conditions as it may specify in giving its approval.

(7) A scheme shall be published in such manner as may be directed by the Department—

- (a) on its coming into operation; and
  - (b) on such subsequent occasions as may be so directed.
- (8) If in the case of any board either—
- (a) the board fails to submit a scheme as required by paragraph (1); or
  - (b) it appears to the Department that a scheme submitted by the board as required by that paragraph does not accord with any guidance given by it for the purposes of this Article and cannot be made to do so merely by modifying it,

the Department may, after consulting the board and such other persons as it thinks fit, impose a scheme making such provision of a description required to be made by a scheme under Article 46 in relation to the financing by the board of relevant schools as it considers appropriate.

- (9) A scheme imposed by the Department by virtue of paragraph (8)—
- (a) shall be treated as if made under Article 46 by the board concerned; and
  - (b) shall come into operation on such date as may be specified in the scheme.

### **Replacement and variation of schemes**

**48.**—(1) Subject to the following provisions of this Article, a scheme may be replaced or varied by a subsequent scheme made under Article 46 by the board concerned.

(2) Article 46 shall apply for the purposes of a scheme replacing or varying a previous scheme with the omission of paragraph (1), and, subject to paragraph (5), Article 47(2) to (6) shall also apply for those purposes.

- (3) A scheme prepared by a board under Article 46 which—
- (a) replaces a previous scheme; or
  - (b) makes any significant variation of a previous scheme,

shall be submitted to the Department for its approval.

(4) A scheme under Article 46 varying a previous scheme which is not required by paragraph (3) (b) to be submitted to the Department for its approval is referred to below in this Article as a “minor variation scheme”.

(5) Paragraphs (4) to (6) of Article 47 shall not apply in relation to a minor variation scheme and such a scheme shall come into operation on such date as is specified in the scheme.

(6) The Department may give directions specifying what descriptions of variation are to be regarded as significant for the purposes of paragraph (3)(b).

(7) Where a board proposes to make a scheme under Article 46 which in its opinion is a minor variation scheme, the board shall notify the Department in writing of its proposal, giving brief particulars of the nature of the variations proposed to be made by the scheme.

(8) In any such case the board shall, if so required by the Department before the end of the period of two months beginning with the date on which it receives notification under paragraph (7) of the board’s proposal, send to the Department a copy of the board’s proposed scheme; and it shall be for the Department to determine whether or not any variation proposed to be made by the scheme falls within any description of variation specified in directions under paragraph (6).

(9) A scheme made under Article 46 may also be varied by a direction given by the Department, as from such date as may be specified in the direction.

(10) Before giving such a direction the Department shall consult the board concerned, the Council for Catholic Maintained Schools and such other persons as it thinks fit.

**Schemes: determination of budget shares**

**49.**—(1) The provision to be included in a scheme for determining the budget share for any financial year of each school required to be covered by the scheme in that year shall require that share to be determined (and from time to time revised) by the application of a formula laid down by the scheme for the purpose of dividing among all such schools the aggregated budget for that year of the board concerned.

(2) In this Article “formula” includes methods, principles and rules of any description, however expressed; and references in this Part, in relation to a scheme, to the allocation formula under the scheme, are references to the formula laid down by the scheme in accordance with paragraph (1).

(3) The allocation formula under a scheme—

- (a) shall include provision for taking into account, in the case of each school required to be covered by the scheme in any financial year, the number and ages of registered pupils at that school on such date or dates as may be determined by or under the scheme in relation to that year; and
- (b) may include provision for taking into account any other factors affecting the needs of individual schools which are subject to variation from school to school (including, in particular, the number of registered pupils at a school who have special educational needs and the nature of the special educational provision required to be made for them).

**Schemes: provision for financial delegation**

**50.**—(1) A scheme shall include provision for requiring, in the case of—

- (a) each secondary school required to be covered in any financial year by the scheme; and
- (b) each primary school which—
  - (i) is required to be covered by the scheme in any financial year; and
  - (ii) is specified, or is of a class or description specified, by regulations,

the delegation by the board concerned to the Board of Governors of the school of the management of the school’s budget share for that year.

(2) Subject to Article 53(6), in the case of any relevant school in respect of which financial delegation is required for any financial year under a scheme, it shall be the duty of the board to put at the disposal of the Board of Governors of the school in respect of that year a sum equal to the school’s budget share for that year to be spent for the purposes of the school.

(3) References in this Part to the delegation requirement under any scheme are references to any provision included in the scheme by virtue of paragraph (1).

(4) The application of the delegation requirement under a scheme in relation to any new school is subject to Article 52(8)(a).

(5) A scheme may provide for the delegation by the board concerned to the Board of Governors of any school to which the delegation requirement under the scheme does not apply in any financial year of the management of the school’s budget share for that year.

(6) The Board of Governors of any school which has a delegated budget shall be entitled, subject to any provision made by or under the scheme, to spend any sum made available to it in respect of the school’s budget share for any financial year as it thinks fit for the purposes of the school.

(7) Regulations under paragraph (1)(b)(ii) may provide that any scheme shall have effect with such modifications as appear to the Department to be appropriate in consequence of any provision made in those regulations.

**Schemes: making a sum of money available to Boards of Governors which do not have a delegated budget**

**51.** In respect of any period during which a relevant school does not have a delegated budget (including any period during which the right of the Board of Governors of the school to a delegated budget is suspended under Article 53), a scheme shall provide for it to be the duty of the board, subject to Articles 52(8)(b) and 53(7), to make available to the Board of Governors of the school out of the school's budget share a sum of money, in respect of such heads of expenditure as may be specified in the scheme in relation to the school, which the Board of Governors is to be entitled to spend at its discretion during that period on those heads of expenditure.

**Provisions supplementary to Articles 50 and 51**

**52.**—(1) Subject to the provisions of this Article—

- (a) any delegation by a board under a scheme to the Board of Governors of any school of the management of the school's budget share; and
- (b) the spending by the Board of Governors of any school of any sum made available to it under a scheme in accordance with Article 51,

shall be subject to such conditions as may be imposed by or under the scheme.

(2) In imposing conditions under a scheme a board shall take into account any guidance given by the Department as to the conditions it regards as appropriate for imposition under a scheme.

(3) The Department shall publish any guidance given by it under paragraph (2) in such manner as it thinks fit.

(4) The times at which, and the manner in which—

- (a) any sum is put at the disposal of a Board of Governors which has a delegated budget;
- (b) any sum is made available to a Board of Governors under a scheme in accordance with Article 51,

shall be such as may be provided by or under the scheme.

(5) The Board of Governors of a school may delegate to the principal, to such extent as may be permitted by or under a scheme—

- (a) its power under Article 50(6) in relation to any part of the sum made available to it in respect of the school's budget share for any financial year;
- (b) its power under Article 51 in relation to any part of a sum made available to it under the scheme in accordance with that Article.

(6) The members of the Board of Governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of any power under Article 50(6), Article 51 or paragraph (5).

(7) A board may not—

- (a) delegate to the Board of Governors of any school required to be covered by a scheme in any financial year the power to spend any sum appropriated by the board for the purposes of the school;
- (b) make available to the Board of Governors of any such school any sum of money to be spent by the Board of Governors,

otherwise than as required or permitted under the scheme.

(8) Where a new school is established and is required to be covered by a scheme, then—

- (a) if apart from this paragraph the delegation requirement would apply in relation to that school, that requirement shall not apply in relation to the school until such date as may be specified in the scheme in relation to the school;
- (b) if apart from this paragraph the delegation requirement would not apply in relation to the school, the duty mentioned in Article 51 shall not apply in relation to the school until such date as may be specified in the scheme in relation to the school.

**Suspension of right of Board of Governors to delegated budget or to have sums of money made available to it**

**53.**—(1) Where it appears to a board, in the case of any school in respect of which financial delegation is required for the current financial year under a scheme, that the Board of Governors of the school—

- (a) has been guilty of a substantial or persistent failure to comply with any requirements or conditions applicable under the scheme; or
- (b) is not managing the appropriation or expenditure of the sum put at its disposal for the purposes of the school in a satisfactory manner,

the board may suspend the Board of Governors' right to a delegated budget by giving the Board of Governors (subject to paragraph (4)) not less than one month's notice of suspension.

(2) Where it appears to a board that a Board of Governors to which any sum is made available under the scheme in accordance with Article 51—

- (a) has been guilty of a substantial or persistent failure to comply with any requirements or conditions applicable under the scheme; or
- (b) is not managing the appropriation or expenditure of the sum in a satisfactory manner,

the board may suspend the Board of Governors' right under the scheme to have such a sum of money made available to it by giving the Board of Governors (subject to paragraph (4)) not less than one month's notice of suspension.

(3) Any notice under paragraph (1) or (2) shall specify the grounds for the proposed suspension, giving particulars of any failure alleged on the part of the Board of Governors to comply with any requirements or conditions applicable under the scheme and of any alleged mismanagement on its part; and a copy of the notice shall be given to the principal of the school, to the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools at the same time as the notice is given to the Board of Governors.

(4) A board may suspend the right mentioned in paragraph (1) or in paragraph (2) of any Board of Governors to which it has given notice under that paragraph before the expiry of the period of notice if it appears to the board to be necessary to do so by reason of gross incompetence or mismanagement on the part of that Board of Governors or other emergency; but in such a case the board shall immediately give to the Board of Governors, the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools written notification of its action and the reasons for it.

(5) A board may withdraw a notice given under paragraph (1) or (2) at any time before the expiry of the period of notice; but in such a case the board shall immediately give notice of the withdrawal to the Board of Governors and principal of the school concerned, to the Department and, where the school concerned is a Catholic maintained school, to the Council for Catholic Maintained Schools.

(6) During any period when a Board of Governors' right to a delegated budget is suspended under this Article the duty of the board concerned under Article 50(2) shall not apply in relation to that Board of Governors.

(7) During any period when a Board of Governors' right under a scheme to have a sum of money made available to it is suspended under this Article, the duty of the board concerned mentioned in Article 51 shall not apply in relation to that Board of Governors.

(8) It shall be the duty of the board concerned—

- (a) to review before the beginning of every financial year any suspension under this Article which is for the time being in force;
- (b) for the purposes of that review, to afford—
  - (i) the Board of Governors of the school concerned;
  - (ii) the principal of the school concerned; and
  - (iii) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,

an opportunity for making representations with respect to the suspension and to have regard to any representations made by the Board of Governors, the principal or that Council;

(c) to revoke any such suspension where the board considers it appropriate to do so.

(9) The board shall give the Board of Governors concerned, the principal of the school concerned, the Department and, where that school is a Catholic maintained school, the Council for Catholic Maintained Schools written notification of its decision on any such review.

(10) The revocation of any such suspension shall take effect as from the beginning of the next following financial year.

(11) A Board of Governors shall be entitled to appeal to the Department against—

- (a) the imposition of any suspension under this Article; and
- (b) any refusal of a board to revoke any such suspension on any review required under this Article.

(12) On any such appeal the Department—

- (a) may allow or reject the appeal; and
- (b) shall have regard, in making its determination, to the gravity of the default on the part of the Board of Governors and the likelihood of its continuance or recurrence.

### **Publication of financial statements**

**54.—**(1) This Article applies where in the case of any board the board's financial provision for relevant schools is subject to regulation by a scheme.

(2) Before the beginning of each financial year the board shall prepare a statement of the financial provision it plans to make in that year for relevant schools.

(3) The statement shall contain the following particulars in relation to the financial year in question—

- (a) the amount of the general schools budget of the board for that year (as initially determined for the purposes of the scheme);
- (b) the amount of the board's aggregated budget for that year (as so determined);
- (c) such particulars as the Department may direct of amounts deducted in respect of excepted heads or items of expenditure in arriving at the amount specified in the statement by virtue of sub-paragraph (b);
- (d) such particulars of the allocation formula under the scheme as the Department may direct;

- (e) in the case of each school required to be covered by the scheme in that year, the planned expenditure per pupil arising from the division of the school's budget share (as so determined) by the initial pupil number;
- (f) such further information with respect to the financial provision the board plans to make in that year for relevant schools as the Department may direct.

(4) In paragraph (3)(e) "the initial pupil number" means, in relation to a financial year, the number of registered pupils at the school in question required under the scheme to be used in applying the allocation formula under the scheme for initial determination of the school's budget share for that year.

(5) After the end of each financial year the board shall prepare a statement containing such information with respect to—

- (a) expenditure actually incurred in that year for the purposes of all schools required to be covered by the scheme; and
- (b) expenditure so incurred which was incurred, or is treated by the board as having been incurred, for the purposes of each such school,

as the Department may direct.

(6) A statement prepared under this Article shall be prepared in such form, and published in such manner and at such times, as the Department may direct.

(7) The board shall furnish the Board of Governors of each school required to be covered by the scheme in any financial year and, if any of those schools is a Catholic maintained school, the Council for Catholic Maintained Schools with a copy of each statement prepared by the board under this Article in relation to that year.

(8) The Board of Governors of each such school shall secure that a copy of any such statement furnished to it under this Article is available for inspection (at all reasonable times and free of charge) at the school.

### **Application of schemes to special schools**

**55.—**(1) The Department may by regulations provide for requiring or authorising schemes—

- (a) to cover special schools;
- (b) to include provision, in the case of any such school which by virtue of any regulations made under sub-paragraph (a) is required or authorised to be covered by a scheme, for the delegation by the board concerned of the management of the school's budget share for any financial year to the Board of Governors of the school.

(2) Regulations under this Article—

- (a) may make in any provisions of this Part such amendments as appear to the Department to be required in consequence of any provision made in those regulations by virtue of paragraph (1); and
- (b) may provide that any scheme shall have effect with such modifications as appear to the Department to be appropriate in consequence of any provision so made.

### **Duty on board to make a sum of money available to Board of Governors of special school not covered by a scheme**

**56.—**(1) Subject to paragraphs (4) and (10), in respect of any period during which any special school is not covered by a scheme, it shall be the duty of the board to make available a sum of money which the Board of Governors of the school is to be entitled to spend at its discretion during that



period (but subject to paragraph (2)) on such heads of expenditure as the board may specify or as the Department may direct.

(2) A Board of Governors to which any sum is made available under this Article—

- (a) shall comply in spending that sum with such reasonable conditions as the board thinks fit to impose; and
- (b) may delegate to the principal, to such extent as it may specify, its powers in relation to that sum.

(3) The members of the Board of Governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of any power under paragraph (2).

(4) Where a new special school is established and is not covered by a scheme, paragraph (1) shall not apply in relation to the school until such date as the Department may direct.

(5) Before specifying any heads of expenditure under paragraph (1), the board shall consult the Board of Governors of every special school appearing to it to be concerned and the Council for Catholic Maintained Schools and before giving any directions under paragraph (1), the Department shall consult all the boards, the Council for Catholic Maintained Schools and any other person with whom consultation appears to it to be desirable.

(6) Where it appears to a board that a Board of Governors to which any sum is made available under this Article—

- (a) has been guilty of a substantial or persistent failure to comply with any conditions imposed on it under paragraph (2)(a); or
- (b) is not managing the appropriation or expenditure of the sum in a satisfactory manner,

the board may suspend the Board of Governors' right under paragraph (1) to have a sum of money made available to it by giving the Board of Governors (subject to paragraph (8)) not less than one month's notice of suspension.

(7) Any such notice shall specify the grounds for the proposed suspension, giving particulars of any failure alleged on the part of the Board of Governors to comply with any conditions imposed on it under paragraph (2)(a) or of any alleged mismanagement on its part; and a copy of the notice shall be given to the principal of the school, the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools, at the same time as the notice is given to the Board of Governors.

(8) A board may suspend the right mentioned in paragraph (6) of any Board of Governors to which it has given notice under paragraph (6) before the expiry of the period of notice if it appears to the board to be necessary to do so by reason of gross incompetence or mismanagement on the part of that Board of Governors or other emergency; but in such a case the board shall immediately give to the Board of Governors, the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools written notification of its action and the reasons for it.

(9) A board may withdraw a notice given under paragraph (6) at any time before the expiry of the period of notice; but in such a case the board shall immediately give notice of the withdrawal to the Board of Governors and principal of the school concerned, to the Department and, where the school concerned is a Catholic maintained school, to the Council for Catholic Maintained Schools.

(10) During any period when a Board of Governors' right mentioned in paragraph (6) is suspended under this Article, the duty of the board concerned under paragraph (1) shall not apply in relation to that Board of Governors.

(11) It shall be the duty of the board concerned—

- (a) to review before the beginning of every financial year any suspension under this Article which is for the time being in force;

- (b) for the purposes of that review to afford—
    - (i) the Board of Governors of the school concerned;
    - (ii) the principal of the school concerned; and
    - (iii) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,
 an opportunity of making representations with respect to the suspension and to have regard to any representations made by the Board of Governors, the principal or that Council;
  - (c) to revoke any such suspension where the board considers it appropriate to do so.
- (12) The board shall give the Board of Governors concerned, the principal of the school concerned, the Department and, where that school is a Catholic maintained school, the Council for Catholic Maintained Schools written notice of the board's decision on any such review.
- (13) The revocation of any such suspension shall take effect as from the beginning of the next following financial year.
- (14) A Board of Governors shall be entitled to appeal to the Department against—
- (a) the imposition of any suspension under this Article; and
  - (b) any refusal of a board to revoke any such suspension on any review required under this Article.
- (15) On any such appeal the Department—
- (a) may allow or reject the appeal; and
  - (b) shall have regard, in making its determination, to the gravity of the default on the part of the Board of Governors and the likelihood of its continuance or recurrence.

#### **Financial statements in respect of special schools not covered by statements under Article 54**

**57.**—(1) Before the beginning of each financial year a board shall prepare a statement of the financial provision initially planned by the board in respect of that financial year for any special schools under the management of, or maintained by, the board, other than special schools in respect of which, by virtue of any provision made by regulations under Article 55, any information is required to be included in a statement prepared by the board in respect of that year under Article 54.

(2) A statement under paragraph (1) shall contain such information as the Department may direct.

(3) After the end of each financial year in respect of which a board is required to prepare a statement under paragraph (1), the board shall prepare a statement containing such information with respect to—

- (a) expenditure actually incurred in that year for the purposes of all schools required to be covered by the statement under paragraph (1); and
- (b) expenditure so incurred which was incurred, or is treated by the board as having been incurred, for the purposes of each such school,

as the Department may direct.

(4) A statement prepared under this Article shall be prepared in such form, and published in such manner and at such times, as the Department may direct.

(5) The board shall furnish the Board of Governors of any school required to be covered by a statement prepared under paragraph (1) in respect of any financial year and, if any of those schools is a Catholic maintained school, the Council for Catholic Maintained Schools with a copy of each statement prepared by the board under this Article in relation to that year.

(6) The Board of Governors of each such school shall secure that a copy of any such statement furnished to it under this Article is available for inspection (at all reasonable times and free of charge) at the school.

#### **Financial delegation: staff**

**58.**—(1) The following matters in relation to staff at schools with delegated budgets, namely—

- (a) the determination of staff complements;
- (b) the regulation of conduct and discipline of staff;
- (c) the suspension and dismissal of staff;
- (d) the making of payments in respect of dismissals or resignations of staff,

shall be subject to Schedule 4.

(2) A scheme may provide for applying this Article and Schedule 4 in relation to persons employed to work—

- (a) partly for the purposes of school activities and partly for the purposes of non-school activities (that is to say, activities, other than school activities, carried on on the school premises and wholly or mainly under the management or control of the Board of Governors of the school); or
- (b) solely for the purposes of non-school activities,

as if all such activities were school activities.

#### **Salaries, etc., of teachers in maintained schools**

**59.**—(1) A board shall, in relation to a maintained school maintained by it, be responsible for meeting the cost of—

- (a) the salaries and allowances of teachers employed on the staff of the school;
- (b) secondary Class 1 contributions under the Social Security (Northern Ireland) Act 1975<sup>(1)</sup> and employers' superannuation contributions in respect of such teachers;
- (c) payments to which paragraph 7(1)(a) of Schedule 4 applies made in respect of such teachers; and
- (d) redundancy payments under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965<sup>(2)</sup> in respect of teachers ceasing to be employed on the staff of such school.

(2) A board shall be responsible for meeting the cost of—

- (a) the salaries and allowances of relevant supply teachers employed by the Council for Catholic Maintained Schools;
- (b) secondary Class 1 contributions under the Social Security (Northern Ireland) Act 1975 and employers' superannuation contributions in respect of such teachers; and
- (c) redundancy payments under the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 in respect of such teachers ceasing to be employed by that Council.

(3) A board shall pay to the Council for Catholic Maintained Schools an amount equal to the expenditure incurred or to be incurred by that Council in insuring against liability for personal injury suffered by—

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(1) 1986 NI 3

(2) 1975 c. 15

(a) a teacher employed on the staff of a Catholic maintained school maintained by that board;  
or

(b) a relevant supply teacher,

and arising out of and in the course of his employment by that Council.

(4) In paragraphs (2) and (3) “relevant supply teachers” in relation to a board means supply teachers assigned by the Council for Catholic Maintained Schools to work principally in Catholic maintained schools maintained by the board.

### *Financing of voluntary grammar schools*

#### **Grants to voluntary grammar schools**

**60.**—(1) The Department may make grants to the Board of Governors of a voluntary grammar school towards expenditure incurred or to be incurred in carrying on the school, except—

(a) expenditure incurred or to be incurred for the provision or alteration of the premises of the school; and

(b) expenditure incurred or to be incurred for the provision of equipment for the school which is approved expenditure for the purposes of Article 116(1)(c) of the principal Order.

(2) Grants under this Article shall be made on such conditions (including conditions as to repayment) as the Department may determine.

(3) The amount of a grant to be paid under this Article to the Board of Governors of each individual voluntary grammar school in any financial year shall—

(a) in so far as it derives from the aggregated voluntary grammar schools budget of the Department for that year, be determined by the Department (and from time to time revised) by the application of a formula determined by the Department for the purpose of dividing that budget among all voluntary grammar schools;

(b) in so far as it derives from excluded heads or items of expenditure of the Department in that year, be such as the Department may determine.

(4) In paragraph (3) the reference to the aggregated voluntary grammar schools budget of the Department for a financial year is a reference to the amount remaining after deducting from the amount appropriated by the Department for meeting expenditure in that year in respect of grants under this Article to all voluntary grammar schools (“the general voluntary grammar schools budget of the Department”) the amount of any expenditure of the Department in that year on such heads or items of expenditure as the Department may specify for the purposes of this Article (“excluded heads or items of expenditure”).

(5) Before determining the formula to be applied under paragraph (3)(a) in relation to a financial year, the Department shall consult the Board of Governors of every voluntary grammar school and any other person or body appearing to the Department to be concerned.

(6) In determining the formula to be applied under paragraph (3)(a) in relation to a financial year the Department shall have regard to the allocation formulae for the time being included in schemes in accordance with Article 49.

(7) In this Article “formula” includes methods, principles and rules of any description, however expressed.

(8) The Department may by order substitute for references in this Article and Article 61 to a financial year references to such other period as may be specified in the order.

### **Financial statements in respect of voluntary grammar schools**

**61.**—(1) Before the beginning of each financial year the Department shall prepare a statement of the financial provision it plans to make in that year for voluntary grammar schools.

(2) A statement under paragraph (1) in relation to a financial year shall contain the following particulars—

- (a) the amount of the general voluntary grammar schools budget of the Department for that year;
- (b) the amount of the aggregated voluntary grammar schools budget of the Department for that year;
- (c) such particulars as the Department may determine of amounts deducted in respect of excluded heads or items of expenditure in arriving at the amount specified in the statement by virtue of sub-paragraph (b);
- (d) such particulars of the formula to be applied in accordance with Article 60(3)(a) as the Department may determine;
- (e) in the case of each individual voluntary grammar school, the planned expenditure per pupil arising from the division of the amount of grant payable to the school from the aggregated voluntary grammar schools budget of the Department in that year by the number of registered pupils at the school used in applying the formula to determine that amount;
- (f) such further information as the Department may determine with respect to the financial provision the Department plans to make in that year for voluntary grammar schools.

(3) After the end of each financial year the Department shall prepare a statement of—

- (a) the total amount of all grants actually made under Article 60 in that year;
- (b) the amount of the grants actually made under Article 60 in that year to each voluntary grammar school.

(4) A statement prepared under this Article shall be prepared in such form, and published in such manner and at such times, as the Department may determine.

(5) The Department shall furnish the Board of Governors of each voluntary grammar school with a copy of each statement prepared by it under this Article.

(6) The Board of Governors of each such school shall secure that a copy of any such statement furnished to it under this Article is available for inspection (at all reasonable times and free of charge) at the school.

(7) In this Article expressions to which a meaning is given by Article 60 have the same meanings as in that Article.

### *Miscellaneous*

### **Charges for educational facilities and services**

**62.**—(1) Notwithstanding anything in the instrument of government of the school—

- (a) the Board of Governors of a controlled school which has a delegated budget;
- (b) the managers of a voluntary school; and
- (c) the Board of Governors of a grant-maintained integrated school,

may make available educational facilities or services to any other school, institution, body or person and, subject to paragraphs (3) and (4), may make charges for any facilities or services made available under this paragraph.

(2) A board may make available educational facilities or services in a controlled school which is under the management of the board and does not have a delegated budget, to any school, institution, body or person and, subject to paragraphs (3) and (4), may make charges for any facilities or services made available under this paragraph.

(3) Charges under paragraphs (1) and (2)—

- (a) shall not be made in such circumstances or for such educational facilities or services as may be prescribed;
- (b) shall not for any prescribed educational facility or service exceed such amount as may be prescribed,

but shall otherwise be of such amounts and be made in respect of such educational facilities and services as the body making the charges may determine.

(4) Nothing in paragraphs (1) to (3) applies to any charge which is prohibited or regulated by any provision of Chapter II of Part VIII.

(5) The scheme of management for every controlled school shall provide—

- (a) for the use of the school premises to be under the control of the Board of Governors of the school at all times except, in the case of a controlled school which does not have a delegated budget, to the extent necessary for the exercise by the board of its powers under paragraph (2); and
- (b) for the Board of Governors to exercise control subject to any direction given to it by the board.

(6) In this Article—

“educational facilities” means the equipment, premises or other property of a school;

“educational services” includes services provided by teachers.

## **Interpretation of Part V**

**63.—**(1) In this Part—

- (a) references to a scheme are references—
  - (i) to a scheme made by a board under Article 46; and
  - (ii) in a context referring to a particular board, to a scheme so made by that board;
- (b) references to a school’s budget share for any financial year—
  - (i) shall be read in accordance with Article 46(2)(a); and
  - (ii) include references to that share as from time to time revised in accordance with the scheme under which it is determined;
- (c) references to the general schools budget of a board shall be read in accordance with Article 46(4)(a);
- (d) references to the aggregated budget of a board shall be read in accordance with Article 46(4)(b);
- (e) references to excepted heads or items of expenditure shall be read in accordance with Article 46(4)(b);
- (f) references to a school in respect of which financial delegation is required for any financial year shall be read in accordance with Article 46(6)(a);
- (g) references to a school which has a delegated budget shall be read in accordance with Article 46(6)(b);
- (h) references to a relevant school shall be read in accordance with Article 46(6)(c);

- (i) references to the delegation requirement under a scheme shall be read in accordance with Article 50(3).
- (2) Directions given under this Part by the Department—
  - (a) shall be given in writing; and
  - (b) shall, except for directions under Article 48(9), be published by the Department in such manner as it thinks fit.