
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VI

INTEGRATED EDUCATION

CHAPTER II

GRANT-MAINTAINED INTEGRATED SCHOOLS

Transfer of property and staff

Transfer of property, etc. to Board of Governors of grant-maintained integrated school

75.—(1) Subject to the following provisions of this Article, on the incorporation date in relation to a grant-maintained integrated school which immediately before that date was a controlled school—

- (a) all land or other property which, immediately before that date, was property used or held by the relevant board or the Department for the purposes of the school;
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by that board or the Department for those purposes; and
- (c) any property, rights and liabilities of the former Board of Governors of the school,

shall be transferred to, and by virtue of this Order vest in, the Board of Governors of the grant-maintained integrated school.

(2) Subject to the following provisions of this Article, on the incorporation date in relation to a grant-maintained integrated school which immediately before that date was a voluntary school—

- (a) all land or other property which, immediately before that date, was property held by the trustees of the school for the purposes of the school;
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by those trustees for those purposes; and
- (c) any property, rights and liabilities of the former Board of Governors of the school,

shall be transferred to, and by virtue of this Order vest in, the Board of Governors of the grant-maintained integrated school.

(3) Subject to the following provisions of this Article, on the incorporation date in relation to a grant-maintained integrated school which immediately before that date was an independent school—

- (a) all land or other property which immediately before that date was property held by the trustees or the proprietor of the school for the purposes of the school; and
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by those trustees or that proprietor for those purposes,

shall be transferred to, and by virtue of this Order vest in, the Board of Governors of the grant-maintained integrated school.

(4) Paragraphs (1) to (3) shall not apply to rights and liabilities under any contract of employment.

(5) If before the incorporation date in relation to a school mentioned in paragraph (2) or paragraph (3) the Department so directs—

- (a) sub-paragraph (a) of that paragraph shall not apply to land held by the trustees of the school as mentioned in that sub-paragraph; and
- (b) sub-paragraph (b) of that paragraph shall not apply to rights and liabilities acquired or incurred in relation to or in connection with that land;

and in deciding whether or not to give a direction under this paragraph the Department shall consult the trustees of the school.

(6) Any land or other property transferred to the Board of Governors of a grant-maintained integrated school under this Article which immediately before the incorporation date was held on trust shall vest in that Board of Governors as trustees on the trusts applicable immediately before that date under any trust deed regulating the use of the land or other property for the purposes of the school.

(7) The Department may by regulations make provision for the payment of compensation by the Department to the trustees of a voluntary school in respect of land or other property held by them immediately before the incorporation date and transferred under paragraph (2) and such regulations may provide—

- (a) for the amount of compensation to be such as may be agreed between the Department and the trustees or, in default of agreement, such as may be determined by the Lands Tribunal;
- (b) for the amount of compensation to be reduced where grants have been paid by the Department in respect of the land or other property so transferred and for the calculation of any such reduction.

(8) On the incorporation date in relation to a grant-maintained integrated school which immediately before that date was a controlled school, the duty of the relevant board to maintain and manage the school shall be extinguished and the school shall accordingly cease to be a controlled school for the purposes of the Education Orders.

(9) On the incorporation date in relation to a grant-maintained integrated school which immediately before that date was a voluntary school, the school shall cease to be a voluntary school for the purposes of the Education Orders.

(10) On the incorporation date in relation to a grant-maintained integrated school which immediately before that date was an independent school, the school shall cease to be an independent school for the purposes of the Education Orders.

(11) For the purposes of this Article any interest in a dwelling house or other residence which, immediately before the incorporation date in relation to a grant-maintained integrated school, is used or held for occupation by a person employed to work at the school shall be treated as an interest used or held for the purposes of the school.

(12) In this Article “the former Board of Governors” means, in relation to a grant-maintained integrated school, the Board of Governors of the school immediately before the incorporation date in relation to the school.

Transfer of staff to grant-maintained integrated school

76.—(1) Subject to paragraph (3), this Article applies to any person who—

- (a) immediately before the incorporation date in relation to a grant-maintained integrated school which is then a voluntary school is employed by the Board of Governors of the school; or

- (b) immediately before the incorporation date in relation to a grant-maintained integrated school—
 - (i) is employed by the relevant board or the Council for Catholic Maintained Schools to work solely at the school; or
 - (ii) is employed by that board to work at the school and is designated for the purposes of this Article by an order made by the Department.
- (2) A person employed by a board in connection with the provision of meals shall not be regarded for the purposes of paragraph (1)(b) as employed to work solely at a school unless the meals are provided solely for consumption by persons at the school.
- (3) This Article does not apply to—
 - (a) any person employed as mentioned in paragraph (1)(a) or (b) whose contract of employment terminates on the day immediately preceding the incorporation date;
 - (b) any person employed as mentioned in paragraph (1)(b) who before that date has been—
 - (i) appointed or assigned by the relevant board or the Council for Catholic Maintained Schools to work solely at another school as from that date; or
 - (ii) withdrawn from work at the school with effect as from that date.
- (4) A person who before the incorporation date has been appointed or assigned by the relevant board or the Council for Catholic Maintained Schools to work at the school as from that date shall be treated for the purposes of this Article as if he had been employed by that body immediately before that date to do such work at the school as he would have been required to do on or after that date under his contract of employment with that body.
- (5) References below in this Article to the former employer are references—
 - (a) in relation to a person to whom this Article applies by virtue of paragraph (1)(a), to the Board of Governors of the school immediately before the incorporation date; and
 - (b) in relation to a person to whom this Article applies by virtue of paragraph (1)(b), to the relevant board or the Council for Catholic Maintained Schools (as the case may be).
- (6) The contract of employment between a person to whom this Article applies and the former employer shall have effect from the incorporation date as if originally made between him and the Board of Governors of the grant-maintained integrated school.
- (7) Without prejudice to paragraph (6)—
 - (a) all the former employer's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of this Article be transferred to the Board of Governors of the grant-maintained integrated school on the incorporation date; and
 - (b) anything done before that date by or in relation to the former employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to that Board of Governors.
- (8) Paragraphs (6) and (7) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this Article.
- (9) An order under this Article may designate a person either individually or as a member of a class or description of employees.