
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VIII

SCHOOLS—GENERAL PROVISIONS

CHAPTER I

MANAGEMENT OF GRANT-AIDED SCHOOLS

Appointment of parent governors

121. In Article 13 of the principal Order after paragraph (3) there shall be inserted—

“(3A) 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.

(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) to appoint a person who is the parent of a registered pupil at the school.

(3C) In paragraph (3A) “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 pupils attending the school from amongst the parents of such pupils.

(3D) A person appointed under paragraph (3A) 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 pupils attending the school.

(3E) In paragraphs (3A) and (3B) “voting members” has the meaning assigned to it by Article 122(3) of the 1989 Order.”.

Co-option of persons to Board of Governors of grant-aided school

122.—(1) The voting members of the Board of Governors of a grant-aided school may co-opt not more than three persons to be members of the Board of Governors of the school.

(2) It shall be the duty of the voting members in co-opting any person to be a member of the Board of Governors to co-opt a person who appears to them to be a member of the local business community if it appears to the voting members—

- (a) that no member of the Board of Governors is a member of the local business community; or
- (b) that it is desirable to increase the number of members of the Board of Governors who are members of that community.

- (3) In this Article “voting members”—
- (a) in relation to the Board of Governors of a grant-maintained integrated school, has the same meaning as in Schedule 5;
 - (b) in relation to the Board of Governors of a school to which Schedule 7 to the principal Order applies, means the members of the Board of Governors referred to in paragraph 2(1) (a), (b) and (c) of that Schedule;
 - (c) in relation to the Board of Governors of any other grant-aided school, has the meaning assigned to it for the purposes of whichever of Schedules 4, 5, 6 or 8 to the principal Order applies in relation to the membership of that Board of Governors.

Schemes of management

123. After Article 9 of the principal Order and after the cross-heading “School management” there shall be inserted the following Articles—

“Schemes of management

9A.—(1) For every grant-aided school (other than a technical secondary school) 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.

(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.

(7) In its application to a voluntary school referred to in Article 11(8), this Article shall have effect with the omission of paragraphs (1)(a) and (2) and the substitution for the references in paragraphs (1)(b) and (3) to the Board of Governors of references to the person approved in relation to that school by the Department under the said Article 11(8).

Preparation of schemes of management

9B.—(1) It shall be the duty of a board to prepare a scheme or schemes of management for controlled schools under the management of the board; but before preparing a scheme of management applying to any school the board shall consult the Board of Governors of that school.

(2) It shall be the duty of a board, 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 the board by which the school is maintained.

(4) It shall be the duty—

(a) in the case of a voluntary school referred to in Article 11(8), of the person approved in relation to that school by the Department under the said Article 11(8),

(b) in the case of any other voluntary school (not being a maintained school), of the Board of Governors of the 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.

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 the board or boards by which any such school is maintained.
 - (7) The Council for Catholic Maintained Schools shall provide each board with a copy of the scheme or schemes of management approved under this Article and applying to the Catholic maintained schools maintained by that board.

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.”.

Discipline in grant-aided schools

- 124.**—(1) The scheme of management for every grant-aided school shall provide—
- (a) for it to be the duty of the principal to determine measures (which may include the making of rules and provision for enforcing them) to be taken with a view to—
 - (i) promoting, among pupils, self-discipline and proper regard for authority;
 - (ii) encouraging good behaviour on the part of pupils;
 - (iii) securing that the standard of behaviour of pupils is acceptable; and
 - (iv) otherwise regulating the conduct of pupils;

- (b) for it to be the duty of the principal, in determining any such measures—
 - (i) to act in accordance with any written statement of general principles provided for him by the Board of Governors; and
 - (ii) to have regard to any guidance that the Board of Governors may offer in relation to particular matters;
 - (c) for it to be the duty of the principal to prepare a written statement of such measures and to secure that—
 - (i) a copy of that statement is given (free of charge) to the parents of all registered pupils at the school; and
 - (ii) copies of that statement are available for inspection (at all reasonable times and free of charge) at the school;
 - (d) for the standard of behaviour which is to be regarded as acceptable at the school to be determined by the principal so far as it is not determined by the Board of Governors.
- (2) In its application to a voluntary school referred to in Article 11(8) of the principal Order paragraph (1) shall have effect with the substitution for references to the Board of Governors of references to the person approved in relation to that school by the Department under the said Article 11(8).
- (3) In its application to a technical secondary school conducted in association with an institution of further education, paragraph (1) shall have effect as if—
- (a) any reference to the scheme of management for a school included a reference to the articles of government of the institution;
 - (b) any reference to the principal of a school included a reference to the principal of the institution; and
 - (c) any reference to the Board of Governors of a school included reference to the governing body of the institution.

Annual report of Board of Governors

125.—(1) The scheme of management for every grant-aided school shall provide for it to be the duty of the Board of Governors to prepare, once in every school year, a report containing—

- (a) a summary of the steps taken by the Board of Governors in the discharge of its functions during the period since its last report; and
 - (b) such other information as the scheme of management may require.
- (2) The scheme of management for every such school shall, in particular, require that report—
- (a) to be as brief as is reasonably consistent with the requirements as to its contents;
 - (b) to give details of the date, time and place for the next annual parents' meeting and its agenda and to indicate the purpose of that meeting as described in Article 126(2);
 - (c) to give the name of each member of the Board of Governors and indicate into which of the following categories he falls, namely—
 - (i) members nominated by transferors and superseded managers;
 - (ii) members elected by parents;
 - (iii) members elected by assistant teachers;
 - (iv) members chosen, nominated or appointed by a board;
 - (v) members nominated by the Boards of Governors of contributory schools;
 - (vi) members nominated or appointed by the Head of the Department;

- (vii) members nominated by trustees or nominating trustees;
 - (viii) foundation members;
 - (ix) co-opted members;
 - (x) the principal;
 - (xi) members not falling under any preceding category;
- (d) to give, in relation to each member (other than the principal) the date on which his term of office comes to an end;
- (e) to name the chairman of the Board of Governors and its secretary;
- (f) to give such information as is available to the Board of Governors about arrangements for the next election of parents to the Board of Governors;
- (g) to contain a financial statement—
- (i) reproducing or summarising any financial statement of which a copy has been furnished to the Board of Governors by the board under Article 54 or 57 or by the Department under Article 61 or 78 since the last report was prepared;
 - (ii) indicating, in general terms, how any grants made to the Board of Governors under the Education Orders in the period covered by the report were used and how any sum made available to the Board of Governors by the board in respect of the school's budget share (within the meaning of Part V) or in accordance with Article 51 in that period was used;
 - (iii) giving details of the application of any gifts or bequests made to the school in that period;
- (h) to describe what steps have been taken by the Board of Governors to develop or strengthen the school's links with the community and, in particular, to promote the attainment of the objectives of the educational theme called Education for Mutual Understanding; and
- (i) to give such information as is required to be made available in accordance with regulations under Article 31(2)(a).
- (3) The scheme of management for every such school shall enable the Board of Governors to produce its report in such language or languages (in addition to English) as it considers appropriate.
- (4) The scheme of management for every such school shall provide for it to be the duty of the Board of Governors to take such steps as are reasonably practicable to secure that—
- (a) the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of its report;
 - (b) copies of that report are available for inspection (at all reasonable times and free of charge) at the school; and
 - (c) copies of any such report to be considered at a parents' annual meeting are given to parents not less than two weeks before that meeting.
- (5) In their application to a voluntary school referred to in Article 11(8) of the principal Order, paragraphs (1) to (4) shall have effect—
- (a) with the modification mentioned in Article 124(2);
 - (b) with the omission of paragraph (2)(d) to (g); and
 - (c) with the substitution for paragraph (2)(c) of the following—
 - “(c) to give the name of the principal and of the person approved by the Department in relation to the school under Article 11(8) of the principal Order;”.

(6) In their application to a technical secondary school conducted in association with an institution of further education, paragraphs (1) to (4) shall have effect—

- (a) with the modifications mentioned in Article 124(3);
- (b) as if the reference in paragraph (1)(a) to functions were a reference to functions in relation to the technical secondary school;
- (c) with the omission in paragraph (2)(c) of the words from “and indicate” to the end; and
- (d) with the omission of paragraph (2)(f) and (g).

Annual parents' meeting

126.—(1) The scheme of management for every grant-aided school shall provide for it to be the duty of the Board of Governors to hold a meeting once in every school year (“the annual parents' meeting”) which is open to—

- (a) all parents of registered pupils at the school; and
- (b) such other persons (including assistant teachers at the school) as the Board of Governors may invite.

(2) The purpose of the meeting shall be to provide an opportunity for discussion of—

- (a) the report of the Board of Governors under Article 125;
- (b) the discharge by the Board of Governors, the principal, the board, the Council for Catholic Maintained Schools (in the case of a Catholic maintained school) and the Department of their functions in relation to the school.

(3) Arrangements made under a relevant provision for the election by parents of parents to be members of the Board of Governors of a grant-aided school may provide for the election to be conducted at the annual parents' meeting.

(4) In paragraph (3) “a relevant provision” means any of the following—

- (a) paragraph 6(4) of Schedule 4 to the principal Order;
- (b) paragraph 2(6) of Schedule 5 to that Order;
- (c) paragraph 3(7) of Schedule 6 to that Order;
- (d) paragraph 2(5) of Schedule 7 to that Order;
- (e) paragraph 2(5) of Schedule 8 to that Order;
- (f) paragraph 4 of Schedule 5 to this Order.

(5) The scheme of management for every grant-aided school shall include provision regulating the procedure to be followed at any annual parents' meeting.

(6) In its application to a voluntary school referred to in Article 11(8) of the principal Order, this Article shall have effect—

- (a) with the modification mentioned in Article 124(2);
- (b) with the omission of paragraphs (3) and (4).

(7) In its application to a technical secondary school conducted in association with an institution of further education, this Article shall have effect—

- (a) with the modifications mentioned in Article 124(3);
- (b) with the omission of paragraphs (3) and (4).

CHAPTER II
CHARGES IN GRANT-AIDED SCHOOLS

Application of Articles 128 to 131

127.—(1) Subject to paragraphs (2) to (5), Articles 128 to 131 apply to all grant-aided schools.

(2) Those Articles do not apply to a voluntary grammar school if, on the appointed day, there is no agreement in force under Schedule 6 to the principal Order between the trustees or Board of Governors of the school and the Department.

(3) The application of those Articles to a voluntary grammar school other than a school mentioned in paragraph (2) is subject to Article 132.

(4) Those Articles do not apply to a grammar school in relation to an excepted pupil, that is to say—

- (a) any pupil who is not resident in Northern Ireland;
- (b) any pupil whose parents are not nationals of a member State;
- (c) in the case of a grammar school having a preparatory department, any pupil in that department of the school;
- (d) any pupil who—
 - (i) was admitted to the grammar school or, in the case of a grammar school having a preparatory department, admitted to the secondary department of the grammar school before the appointed day; and
 - (ii) on that day was not a non-fee-paying pupil, as defined by regulation 5 of the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978⁽¹⁾.

(5) The board for the area in which a grammar school is situated may, in accordance with arrangements approved by the Department, direct that a pupil registered at the school who is an excepted pupil solely by reason of falling within paragraph (4)(d) shall cease to be an excepted pupil; and, accordingly, Articles 128 to 131 shall apply in relation to any pupil in respect of whom such a direction is given.

(6) In paragraph (4)(b) “national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.

Prohibition of charges, etc., in certain grant-aided schools

128.—(1) No charge shall be made in respect of admission to any grant-aided school to which this Article applies.

(2) Subject to paragraph (3) and Article 129, no charge shall be made in respect of the education provided for registered pupils at any such school during school hours.

(3) Paragraph (2) shall not apply in relation to individual tuition in playing any musical instrument.

(4) No charge shall be made in respect of education provided for a registered pupil at any grant-aided school to which this Article applies where the education is education to which paragraph (2) does not apply if it is—

⁽¹⁾ 1954 c. 33 (N.I.)

- (a) required as part of any syllabus for an approved public examination which is a syllabus for which the pupil is being prepared at the school; or
 - (b) provided in pursuance of any of the duties imposed by Article 11(1)(a) or (b).
- (5) No charge shall be made in respect of the entry of a registered pupil at any grant-aided school to which this Article applies for any approved public examination in any syllabus for that examination for which the pupil has been prepared at the school.
- (6) Neither the parent of any such pupil nor the pupil himself shall be required to pay for or supply any materials, books, instruments or other equipment for use for the purposes of or in connection with—
- (a) education provided for the pupil at the school in respect of which by virtue of this Article no charge may be made; or
 - (b) any syllabus for an approved public examination which is a syllabus for which the pupil has been prepared at the school.
- (7) No charge shall be made in respect of transport provided for a registered pupil at any such school where the transport is either—
- (a) incidental to education provided for the pupil at the school in respect of which by virtue of this Article no charge may be made; or
 - (b) provided for the purpose of enabling him to meet any examination requirement for any syllabus for an approved public examination which is a syllabus for which he has been prepared at the school.
- (8) For the purposes of paragraph (7)(a) transport is incidental to education provided for registered pupils at any such school if it is provided for the purpose of carrying such pupils—
- (a) to or from any part of the school premises in which education is provided for those pupils, from or to any other part of those premises; or
 - (b) to or from any place outside the school premises in which education is provided for those pupils under arrangements made by or on behalf of the Board of Governors of the school or the board, from or to the school premises or any other such place.
- (9) Nothing in this Article shall be read as prohibiting the making of a charge in respect of board and lodging provided for a registered pupil at any such school on a residential trip.
- (10) In this Chapter “residential trip” means any trip—
- (a) which is arranged for registered pupils at any grant-aided school to which this Article applies by or on behalf of the managers of the school; and
 - (b) which requires the pupils taking part to spend one or more nights away from their usual overnight accommodation.
- (11) For the purposes of this Chapter, a pupil shall be regarded as having been prepared at a school for a syllabus for any approved public examination if any part of the education provided with a view to preparing him for that examination in that syllabus has been provided for him at that school.

Provision for cases where education is provided partly during and partly outside school hours

129.—(1) Where a period allowed for any educational activity at a school falls partly during school hours and partly outside school hours—

- (a) if fifty per cent. or more of the time occupied by that period together with any connected school travelling time falls during school hours, so much of the education provided during that period as is provided outside school hours shall be treated for the purposes of Article 128(2) as provided during school hours; and

- (b) in any other case, so much of the education provided during that period as is provided during school hours shall be treated for those purposes as provided outside school hours.
- (2) In this Article “school travelling time” means time spent on travel during school hours; and for the purposes of paragraph (1)(a) such time is connected school travelling time in relation to any educational activity if it is spent by the pupils taking part in the activity in getting to or from the place where the activity takes place.
- (3) Where any education provided at a school is provided on a residential trip—
- (a) if the number of school sessions taken up by the trip is equal to or greater than fifty per cent. of the number of half days spent on the trip, any education provided on the trip which is provided outside school hours shall be treated for the purposes of Article 128(2) as provided during school hours; and
- (b) in any other case, any education provided on the trip which is provided during school hours shall be treated for those purposes as provided outside school hours.
- (4) In this Article a “half day” means any period of twelve hours ending with noon or midnight on any day.
- (5) Where fifty per cent. or more of a half day is spent on a residential trip, the whole of that half day shall be treated for the purposes of paragraph (3) as spent on the trip.
- (6) For the purposes of that paragraph, a school session on any day on which such a session takes place at the school concerned shall be treated as taken up by a residential trip on which education is provided for registered pupils at the school if the time spent on the trip occupies fifty per cent. or more of the time allowed for that session at the school.

Permitted charges

- 130.**—(1) Subject to paragraph (2), a charge may be made in respect of—
- (a) education or transport provided for a registered pupil at any grant-aided school to which this Article applies other than education or transport in respect of which by virtue of Article 128 above or Article 52(1) of the principal Order no charge may be made;
- (b) the entry of any such pupil for a public examination in any syllabus 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 syllabus for that examination,

unless the education or transport is provided or the pupil is entered for the examination in that syllabus 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 the board 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;
- (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 the board.

(10) The whole or any part of the amount of any charge the board 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.

Charges and remissions policies

131.—(1) Every Board of Governors of a grant-aided school to which this Article applies and every board shall determine and keep under review a policy with respect to the provision of, and the classes or descriptions of case in which it proposes to make charges for, any optional extra or board and lodging in respect of which charges are permitted by Article 130.

(2) No such Board of Governors or board shall make such a charge unless it has both—

- (a) determined a policy under paragraph (1) with respect to the making of such charges (its “charging policy”); and
- (b) determined a policy (its “remissions policy”)—
 - (i) setting out any circumstances in which it proposes to remit (in whole or in part) any charge which would otherwise be payable to it in accordance with its charging policy; and
 - (ii) in the case of such a policy determined by the Board of Governors, setting out also any circumstances in which the Board of Governors proposes to meet (in whole or in part) any charge payable to the board in accordance with the board’s charging policy for any optional extra or board and lodging provided for a registered pupil at the school.

(3) Any remissions policy determined by the Board of Governors of a school or by a board shall provide for complete remission of any charges otherwise payable in respect of board and lodging provided for a pupil on a residential trip if—

- (a) the education provided on the trip is education in respect of which by virtue of Article 128 no charge may be made; and
 - (b) his parents are in receipt of income support or family credit in respect of any period wholly or partly comprised in the time spent on the trip.
- (4) Any such Board of Governors or board shall keep under review any remissions policy determined by it under this Article.
- (5) In this Article “optional extra” has the same meaning as in Article 130.

Capital charges in voluntary grammar schools to which Articles 128 to 131 apply

132. Nothing in Articles 128 to 131 shall prevent the Board of Governors of a voluntary grammar school to which those Articles apply from making a charge not exceeding such amount as may be prescribed in respect of any pupil registered at the school for the purpose of meeting expenditure incurred or to be incurred—

- (a) for the provision or alteration of the premises of the school;
- (b) for the provision of equipment provided in connection with the provision or alteration of the premises of the school.

Charges in voluntary grammar schools to which Articles 128 to 131 do not apply

133.—(1) This Article applies to a voluntary grammar school to which, by virtue of Article 127(2), Articles 128 to 131 do not apply.

(2) The Board of Governors of such a school may, subject to regulations, make charges of such amounts as it may determine in respect of any pupil registered at the school for the purpose of meeting expenditure required to carry on the school.

(3) No charge shall be made in respect of the entry of a registered pupil at such a school for any approved public examination in any syllabus for that examination for which the pupil has been prepared at the school.

(4) Paragraphs (2) and (3) do not apply in relation to excepted pupils.

(5) Without prejudice to the generality of paragraph (2), regulations under that paragraph may prescribe—

- (a) the types of charges which may be made under that paragraph;
- (b) the pupils in respect of whom any type of charge may be made under that paragraph.

Charges in respect of excepted pupils

134.—(1) The Board of Governors of a grammar school in which an excepted pupil is registered may, subject to regulations, make charges of such amounts as it may determine in respect of that pupil.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may prescribe—

- (a) the types of charges which may be made under that paragraph;
- (b) the pupils in respect of whom any type of charge may be made under that paragraph.

Charges for board and lodging at boarding schools

135.—(1) Subject to the following provisions of this Article where any registered pupil at any grant-aided school is provided at the school with board and lodging at the expense of a board or the

Board of Governors of the school, charges shall be payable in respect of the board and lodging by the parent of the pupil concerned to that board or Board of Governors.

(2) Where a board is satisfied with respect to any pupil who is ordinarily resident in its area that education suitable to his age, ability, aptitude and any special educational needs he may have cannot be provided for him otherwise than by the provision of board and lodging at a particular grant-aided school, the board shall—

- (a) where the school is under its management, remit the whole of the charges payable under this Article; and
- (b) where the school is not under its management, pay to the board or Board of Governors to whom the charges are payable under this Article, the whole of those charges.

(3) Where a board is satisfied that payment of the full charges payable under this Article would involve financial hardship to the parent of a pupil who is ordinarily resident in its area, the board—

- (a) in the case of charges payable to the board, shall remit so much of those charges as falls in accordance with paragraph (4) to be so remitted; and
- (b) in the case of charges payable to another board or to the Board of Governors of a school, shall pay so much of those charges as falls in accordance with that paragraph to be so paid.

(4) In the case of any such charges, the amount that falls to be remitted or paid by a board by virtue of paragraph (3)(a) or (b) is—

- (a) such part of those charges as the board considers ought not to be paid by the pupil's parent in order to avoid such hardship as is mentioned in that paragraph; or
- (b) if in its opinion such hardship cannot otherwise be avoided, the whole of those charges.

Obligation to enter pupils for approved public examinations

136.—(1) Subject to the following provisions of this Article, the Board of Governors of every grant-aided school shall secure that each registered pupil at the school is entered, at such time as it considers appropriate, for each approved public examination for which he is being prepared at the school at the time in question in each syllabus for that examination for which he is being so prepared.

(2) Paragraph (1) shall not require a Board of Governors to secure that a pupil is entered for any examination, or for any examination in any syllabus for that examination, if either—

- (a) the Board of Governors considers that there are educational reasons in the case of that particular pupil for not entering him for that examination or (as the case may be) for not entering him for that examination in that syllabus and the parent of the pupil agrees that he should not be so entered; or
- (b) the parent of the pupil requests in writing that the pupil should not be entered for that examination or (as the case may be) for that examination in that syllabus.

(3) Paragraph (1) shall not require a Board of Governors to secure that a pupil is entered for any examination in any syllabus for that examination if the Board of Governors has secured that pupil's entry for another approved public examination in a corresponding syllabus.

(4) For the purposes of paragraph (3), a syllabus for any such examination shall be regarded as corresponding to a syllabus for another such examination if the same course of study is provided at the school concerned in preparation for both syllabuses.

(5) As soon as practicable after determining whether or not to secure the entry of any pupil for an approved public examination in any syllabus for which he is being prepared at the school the Board of Governors of a grant-aided school shall notify the parent of the pupil in writing of its determination in relation to each such syllabus.

General and supplementary provisions relating to charges

137.—(1) Nothing in the provisions of this Chapter relating to charges shall be read as prohibiting or in any way restricting or regulating any request or invitation by or on behalf of the Board of Governors of any grant-aided school or any board for voluntary contributions for the benefit of the school or any school activities.

(2) Any request or invitation made by or on behalf of any such Board of Governors or board for contributions for the benefit of any school or school activities shall not be regarded for the purposes of paragraph (1) as a request or invitation for voluntary contributions unless it is clear from the terms in which it is made—

- (a) that there is no obligation to make any contribution; and
- (b) that registered pupils at the school will not be treated differently according to whether or not their parents have made any contribution in response to the request or invitation.

(3) Nothing in Article 128(6) shall prevent the parent of a registered pupil at a grant-aided school to which this Article applies from being required to pay for or supply any materials for use for the purposes of the production in the course of the provision of education for the pupil at the school of any article incorporating those materials, where the parent has indicated before that requirement is made that he wishes the article to be owned by him or by the pupil.

(4) Nothing in this Chapter relating to charges with respect to a registered pupil at a grant-aided school shall be read as relating to—

- (a) charges made by persons other than the Board of Governors or the board; or
- (b) charges to be paid by persons other than the parent of the pupil or the pupil himself.

(5) The Department may make regulations requiring, in relation to every grant-aided school to which Articles 128 to 131 apply, the board, the Board of Governors or the principal to make available either generally or to prescribed persons, in such form and manner and at such time as may be prescribed—

- (a) such information relevant for the purposes of this Chapter as to the school hours at the school; and
- (b) such information as to the policies determined under Article 131 which apply in relation to the school,

as may be prescribed.

(6) Any sum payable under Article 130 or 132 to 135 by the parent of any registered pupil at a grant-aided school shall be recoverable summarily as a civil debt.

Interpretation of Chapter II

138.—(1) In this Chapter—

- (a) “equipment” does not include clothing;
- (b) “excepted pupil” has the meaning assigned to it by Article 127(4);
- (c) references to a public examination (including an approved public examination) are references to such an examination as it applies in relation to persons entered for any syllabus for that examination with a view to meeting the examination requirements for that syllabus so as to qualify for assessment for the purposes of determining their achievements in that examination on any particular occasion in any year when an assessment for the purposes of determining the achievements of persons entered for that examination takes place;

- (d) references to an examination requirement for a syllabus for any such examination are references to any requirements a pupil must meet in order to qualify for assessment for the purposes of determining his achievements in that examination in that syllabus; and
- (e) “residential trip” has the meaning given by Article 128(10).

(2) For the purposes of paragraph (1) an assessment for the purposes of determining the achievements of persons entered for any examination is to be regarded as taking place on any occasion on which it is determined in relation to each person entered for any syllabus in that examination who has met the examination requirements for that syllabus whether that person has passed or failed and, if grades are assigned for the purposes of the examination, the grade to be assigned in his case.

(3) In its application to—

- (a) a voluntary school referred to in Article 11(8) of the principal Order, this Chapter shall have effect with the substitution for references to the Board of Governors of references to the person approved in relation to the school by the Department under the said Article 11(8);
- (b) a technical secondary school conducted in association with an institution of further education, this Chapter shall have effect with the substitution for references to the Board of Governors of references to the governing body of the institution.

CHAPTER III

COMMUNITY USE OF SCHOOL PREMISES

Community schools

139.—(1) The Department may, on the application of the managers of a grant-aided school, designate that school as a community school.

(2) The Department shall not designate a school as a community school unless it appears to the Department that—

- (a) activities other than school activities (“non-school activities”) are carried on on the school premises; and
- (b) the activities which are so carried on are carried on wholly or mainly under the management or control of the Board of Governors of the school.

(3) A designation by the Department under paragraph (1) may be subject to such terms and conditions as the Department thinks fit.

(4) Before deciding whether to designate a grant-aided school as a community school in pursuance of an application by the managers of the school the Department shall ensure that—

- (a) particulars of the application have been furnished to any board and the trustees or managers of any school which would, in the opinion of the Department, be affected by the designation;
- (b) an opportunity is given to any such board, trustees or managers to make representations to the Department; and
- (c) any representations so made are taken into account by the Department.

(5) The voting members of the Board of Governors of a grant-aided school which is designated under paragraph (1) as a community school shall co-opt not less than one and not more than three appropriate persons to be members of the Board of Governors of the school.

(6) In paragraph (5) “appropriate persons” means persons appearing to the voting members to be representative of the persons who take part in the non-school activities carried on on the school premises.

(7) Members co-opted to the Board of Governors of a school under this Article shall be additional to any members co-opted under Article 122 and in this Article “voting members” has the same meaning as in that Article.

(8) This Article does not apply to a voluntary school to which Article 11(8) of the principal Order applies.

Community use of school premises

140. Subject to regulations—

- (a) the managers and Board of Governors of every controlled school;
- (b) the trustees and managers of every voluntary school and grant-maintained integrated school,

shall, in exercising their respective powers in relation to the school premises, have regard to the desirability of the premises being made available (when not required by or in connection with the school) for use by members of the community served by the school.