

**Changes to legislation:** The Education Reform (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### <sup>F1F1</sup>SCHEDULE 1

**F1** Sch. 1 repealed (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(2), **Sch. 3 Pt. 1**

**F1** .....

### <sup>F2F2</sup>SCHEDULE 2

#### COMPULSORY CONTRIBUTORY SUBJECTS

**F2** Sch. 2 repealed (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(2), 44(2), **Sch. 3 Pt. 1**

**F2** .....

<sup>F3</sup>Schedule 3 rep. by 1998 NI 13

**F3** prosp. inserted by 1993 NI 12

### <sup>F4F4</sup>SCHEDULE 4

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**F4** Sch. 4 repealed (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3)(h), 91(2), Sch. 6 Pt. II (with art. 91(3)); S.R. 2009/183, **art. 3(b)(e)(ii)**

### SCHEDULE 5

Article 66(1).

#### MEMBERSHIP OF BOARD OF GOVERNORS OF GRANT#MAINTAINED INTEGRATED SCHOOLS

1. The Board of Governors of a grant#maintained integrated school shall consist of—

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- (a) either 16 or 24 persons (in this Schedule and Schedule 6 referred to as “voting members”);
- (b) the principal of the school who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question; and
- (c) persons co-opted under Articles 122 and 139 who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.

2.—(1) Of the voting members of the Board of Governors of a grant-maintained integrated school—

- (a) three-eighths shall be foundation governors, at least one-third of whom shall, at the time of their appointment, be parents of pupils attending the school;
- (b) one-quarter shall be appointed by the Head of the Department;
- (c) one-quarter shall be elected by parents of pupils attending the school from amongst parents of such pupils;
- (d) one-eighth shall be elected by assistant teachers at the school from amongst such assistant teachers.

(2) In this paragraph—

“assistant teacher” means a teacher, other than the principal or a temporary or part-time teacher, employed on the staff of a school;

“foundation governors” means persons appointed—

- (a) when appointments are first made to the Board of Governors, by the body or person by which or by whom the relevant proposal was submitted under Article 71(1) or (2);

[<sup>F6</sup>(b) on any subsequent appointment to the Board of Governors—

- (i) where the instrument of government of the school makes provision for the appointment of foundation governors for the purposes of this Schedule, in accordance with that instrument; and
- (ii) in any other case, by the persons holding office as foundation governors,]

being persons appearing to the body or persons appointing them to be persons committed to the good management and continuing viability of the school as a grant-maintained integrated school;

“relevant proposal”, in relation to a grant-maintained integrated school, means the proposal approved by the Department for the acquisition of grant-maintained integrated status for the school or (as the case may be) for the establishment of the school as a grant-maintained integrated school.

**F6** 1993 NI 12

3. The Department may make such provision as it thinks fit for filling vacancies for foundation governors if it appears to the Department that the persons responsible for appointing persons to fill such vacancies are unable or unwilling to do so or that the vacancies cannot otherwise be filled.

4. The Board of Governors shall, with the approval of the Department, make arrangements for the election of persons under paragraph 2(1)(c) and (d) and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

5. Subject to any transitional provision made by an order under paragraph 1 of Schedule 6, the term of office of a member of the Board of Governors shall be such as is specified in the scheme of management for the school.

## SCHEDULE 6

Article 71(12).

### TRANSITION TO GRANT#MAINTAINED INTEGRATED STATUS

1.—(1) Where the Department approves a proposal for acquisition of grant#maintained integrated status in respect of any school it may by order made at any time on or after the date on which it approves the proposal and before the incorporation date in relation to the school make such provision as it considers appropriate in connection with the school's transition to grant#maintained integrated status and the impending transfer of responsibility for the management and control of the school to a Board of Governors constituted in accordance with Schedule 5.

(2) In this Schedule, in relation to any school in respect of which such a proposal has been approved,—

“the existing governing authority” means, in the case of a grant#aided school, the Board of Governors of the school constituted under the principal Order and, in the case of an independent school, the proprietor of the school;

“the new Board of Governors” means the first Board of Governors constituted for the school in accordance with Schedule 5.

2. The provision that may be made by an order under paragraph 1 includes in particular provision—

- (a) for the constitution in accordance with Schedule 5 of the new Board of Governors for the school and in particular for—
  - (i) regulating the first appointment of foundation governors;
  - (ii) enabling some or all of the parents and teachers elected to the existing governing authority of a grant#aided school to be treated for the purposes of Schedule 5 as having been duly elected to the new Board of Governors and making transitional provision in relation to the terms of o#ce of such persons;
  - (iii) empowering the voting members of the new Board of Governors to exercise the powers of co#option conferred by Article 122 or 139, or the powers of appointment conferred by Article 13(3A) of the principal Order;
  - (iv) empowering the new Board of Governors to make arrangements for the election of persons under paragraph 2(1)(c) and (d) of Schedule 5;
  - (v) applying Article 13 of the principal Order in relation to the new Board of Governors;
- (b) for the exercise by the new Board of Governors in relation to the school, in such circumstances and in such manner and subject to such conditions as may be specified in the order, of any functions so specified corresponding to any of the functions that would be exercisable by it on its incorporation, including in particular—
  - (i) power to appoint members of sta# to take up employment on or after the incorporation date in relation to the school;
  - (ii) power to enter into contracts for the purpose of or in connection with the management and control of the school on or after that date;
  - (iii) functions under<sup>[F7]</sup> Part III of the Education (Northern Ireland) Order 1997; and
  - (iv) functions in relation to the framing of the scheme of management for the school;
- (c) excluding or modifying any function of <sup>[F8]</sup>the Authority] or of the existing governing authority in relation to any matter to which any function exercisable by the new Board of Governors in accordance with any provision made by virtue of sub#paragraph (b) applies;
- (d) for—

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- (i) requiring the new Board of Governors to be consulted before [<sup>F8</sup>the Authority] or the existing governing authority exercises in relation to the school any function of a description specified in the order or takes in relation to the school any action of a description so specified; or
  - (ii) requiring or enabling the new Board of Governors to participate in the exercise in relation to the school of any such function or in the taking in relation to the school of any such action,
- in such circumstances and in such manner as may be so specified; and
- (e) with respect to the proceedings of the new Board of Governors and the authentication of its actions (including the making or issue of any instrument by it or on its behalf).

<b>F7</b>	1998 NI 13
<b>F8</b>	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

<sup>F9</sup>3.—(1) The Department may make grants to the new Board of Governors in respect of expenditure incurred or to be incurred by it in pursuance of any provision made by an order under paragraph 1.

(2) The Department may impose on a new Board of Governors to which any such payment is made such requirements as it may from time to time determine (whether before, at or after the time when the payment in question is made).

(3) The functions of [<sup>F8</sup>the Authority] in relation to a school in respect of which a proposal for acquisition of grant#maintained integrated status has been approved shall not include the meeting of any expenses incurred by the new Board of Governors of the school.

<b>F8</b>	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
<b>F9</b>	prosp. rep. by 1998 NI 13

4.—(1) On and after the incorporation date in relation to a grant#maintained integrated school any appointment made, contract entered into or other thing done by the new Board of Governors in pursuance of any provision made by an order under paragraph 1, so far as subsisting or in force immediately before that date, shall be treated as having been made, entered into or done by the new Board of Governors as a body corporate.

(2) Any property acquired by the new Board of Governors before the incorporation date for the purposes of or in connection with the doing of anything in pursuance of any provision so made shall on that date be transferred to, and by virtue of this Order vest in, the new Board of Governors as a body corporate.

5.—(1) The first scheme of management for a grant#maintained integrated school shall be framed not later than the end of the period of six months beginning with the incorporation date in relation to the school and may be framed before that date to come into force on that date.

(2) In relation to any time on or after the incorporation date when no scheme of management is in force in respect of any such school, the Department may by direction make with respect to the school any provision it considers appropriate for dealing with any matters relating to the school that could be dealt with by a scheme of management.

(3) Any direction under sub#paragraph (2) in relation to any school—

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- (a) shall be in writing;
  - (b) may be given at any time on or after the date on which the proposal for acquisition of grant#maintained integrated status for the school is approved.
- (4) At any time when any such direction is in force in relation to a school, the school shall be managed and controlled in accordance with the provisions of that direction.
- (5) The reference in Article 67(1) to any provision of the scheme of management of a grant# maintained integrated school shall include a reference to any provision of a direction under sub# paragraph (2) in relation to such a school.
6. Except as provided in an order under paragraph 1, the new Board of Governors shall not exercise any functions in relation to the school before the incorporation date, and, except as so provided, references in the Education Orders to a Board of Governors shall not, in relation to any time before that date, be taken to include references to the new Board of Governors.

*Schedule 7 rep. by 1997 NI 15*

## SCHEDULE 8

Article 141(2).

### THE COUNCIL FOR CATHOLIC MAINTAINED SCHOOLS

#### Constitution

1. The Council shall be a body corporate to which, subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954<sup>F10</sup> shall apply.

**F10** 1954 c. 33 (N.I.)

- 2.—(1) The Council shall consist of—
- (a) the Archbishop of Armagh or a person nominated by him;
  - (b) the Bishops of Clogher, Derry, Down and Connor, Dromore and Kilmore or, in each case, a person nominated by that Bishop;
  - (c) 14 persons appointed by the Archbishop and Bishops mentioned in heads (a) and (b) acting jointly;
  - (d) 8 persons appointed by the Head of the Department after consultation with the said Archbishop and Bishops;
  - (e) 4 parents appointed in accordance with sub#paragraphs (2) and (3) by the Council after consultation with the Head of the Department from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools;
  - (f) 4 assistant teachers appointed in accordance with sub#paragraphs (2) and (3) by the Council after consultation with the Head of the Department from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools.

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(2) For the purposes of appointments to the Council under sub#paragraph (1)(e) and (f) 15 parents and 15 assistant teachers shall be nominated by diocesan education committees established under paragraph 3 as follows, namely—

- (a) 3 parents and 3 assistant teachers shall be nominated by the diocesan education committee for the Archdiocese of Armagh;
- (b) 2 parents and 2 assistant teachers shall be nominated by the diocesan education committee for the dioceses of Clogher and Kilmore;
- (c) 3 parents and 3 assistant teachers shall be nominated by the diocesan education committee for the diocese of Derry;
- (d) 5 parents and 5 assistant teachers shall be nominated by the diocesan education committee for the diocese of Down and Connor;
- (e) 2 parents and 2 assistant teachers shall be nominated by the diocesan education committee for the diocese of Dromore,

and the persons nominated by each diocesan education committee shall, as equitably as possible, represent the interests of primary schools and of secondary schools within the area of that committee.

(3) The persons appointed to the Council under sub#paragraph (1)(e) and (f) shall be chosen by the Council from amongst those nominated under sub#paragraph (2) and shall be so chosen as to represent as equitably as possible the interests of both primary and secondary schools and the interests of each of the areas for which a diocesan education committee is appointed under paragraph 3.

(4) The Department may, after consultation with the Archbishop of Armagh, by order amend this paragraph.

### Diocesan education committees

**3.—(1)** There shall be established a committee of the Council, to be known as a diocesan education committee, for each of the following areas, namely—

- (a) the Archdiocese of Armagh;
- (b) the Dioceses of Clogher and Kilmore;
- (c) the Diocese of Derry;
- (d) the Diocese of Down and Connor;
- (e) the Diocese of Dromore.

(2) The diocesan education committee for the Archdiocese of Armagh shall consist of—

- (a) the Archbishop of Armagh or a person nominated by him;
- (b) 9 persons appointed by the trustees of Catholic maintained schools in the Archdiocese;
- (c) 4 persons appointed by the Head of the Department after consultation with the said Archbishop;
- (d) 2 parents appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the Archdiocese;
- (e) 2 assistant teachers appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the Archdiocese.

(3) The diocesan education committee for the dioceses of Clogher and Kilmore shall consist of—

- (a) the Bishop of Clogher or a person nominated by him and the Bishop of Kilmore or a person nominated by him;

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- (b) 4 persons appointed by the trustees of Catholic maintained schools in those dioceses;
  - (c) 2 persons appointed by the Head of the Department after consultation with the said Bishops;
  - (d) 1 parent appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in those dioceses;
  - (e) 1 assistant teacher appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in those dioceses.
- (4) The diocesan education committee for the diocese of Derry shall consist of—
- (a) the Bishop of Derry or a person nominated by him;
  - (b) 9 persons appointed by the trustees of Catholic maintained schools in that diocese;
  - (c) 4 persons appointed by the Head of the Department after consultation with the said Bishop;
  - (d) 2 parents appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese;
  - (e) 2 assistant teachers appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese.
- (5) The diocesan education committee for the diocese of Down and Connor shall consist of—
- (a) the Bishop of Down and Connor or a person nominated by him;
  - (b) 9 persons appointed by the trustees of Catholic maintained schools in that diocese;
  - (c) 4 persons appointed by the Head of the Department after consultation with the said Bishop;
  - (d) 2 parents appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese;
  - (e) 2 assistant teachers appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese.
- (6) The diocesan education committee for the diocese of Dromore shall consist of—
- (a) the Bishop of Dromore or a person nominated by him;
  - (b) 5 persons appointed by the trustees of Catholic maintained schools in that diocese;
  - (c) 2 persons appointed by the Head of the Department after consultation with the said Bishop;
  - (d) 1 parent appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese;
  - (e) 1 assistant teacher appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese.
- (7) The Department may, after consultation with the Council, by order amend sub#paragraphs (1) to (6).
- (8) The functions to be performed by diocesan education committees shall be specified in a scheme made by the Council and approved by the Department and that scheme may provide for such functions as are specified in the scheme to be performed by diocesan education committees on behalf of, and in the name of, the Council.

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(9) Where a scheme is submitted to the Department for its approval under sub#paragraph (8) the Department may before approving the scheme make such modifications (if any) in the scheme as after consultation with the Council it considers necessary or expedient.

(10) A diocesan education committee may appoint such sub#committees as it considers necessary and may authorise any such sub#committee all the members of which are members of the committee to perform specific functions on behalf of, and in the name of, the committee.

(11) Paragraphs 5 to 8<sup>F11</sup>. . . shall apply in relation to a diocesan education committee as they apply in relation to the Council, but with the substitution for references to a committee of the Council of references to a sub#committee of the diocesan education committee.

**F11** 2003 NI 12

### Other committees of the Council

4. The Council may appoint such other committees as it considers necessary and may authorise any such committee all the members of which are members of the Council to perform specific functions on behalf of, and in the name of, the Council.

### Terms of appointment

5.—(1) <sup>F12</sup>. . . the members of the Council shall be appointed in the year 1990, the year 1993 and in every fourth year thereafter.

*Para. (2) rep. by 2003 NI 12*

(3) A person appointed to the Council in accordance with sub#paragraph (1)<sup>F12</sup>. . . shall become a member of the Council from such date as shall be specified in his appointment; and the appointment shall cease to have effect after the day preceding that from which the first of the next subsequent appointments made to the Council in accordance with sub#paragraph (1)<sup>F12</sup>. . . are effective.

(4) A member of the Council shall, on the expiry of his term of office, be eligible for re#appointment.

(5) A vacancy occurring in the membership of the Council shall be filled by a person nominated or appointed by the same person or body and in the same manner as the member being replaced and that person shall hold office for the residue of the term of office of that member.

**F12** 2003 NI 12

### Resignation and disqualification

6. A member of the Council may resign therefrom by giving notice in writing to the Council and, in the case of a member appointed by the Head of the Department, to the Head of the Department.

7.—(1) A person shall be disqualified for being a member of the Council if—

- (a) he is employed by the Council,<sup>F13</sup> otherwise than as a teacher;
- (b) he has been adjudged bankrupt or has made a composition with his creditors;
- (c) he has, within the last five years immediately preceding the day of his appointment or at any time thereafter, been convicted by a court in Northern Ireland or elsewhere in the British Islands of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine.

(2) A person appointed to the Council by the Council from amongst parents or assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of

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Catholic maintained schools shall if he ceases to hold office as a member of the Board of Governors of a Catholic maintained school cease to be a member of the Council.

(3) Where a member of the Council becomes disqualified under subparagraph (1) or is absent from meetings of the Council for more than 6 months consecutively, or a person ceases to be a member of the Council under subparagraph (2), the Council shall forthwith declare his office vacant.

(4) Attendance as a member of the Council at any meeting of a committee of the Council shall for the purposes of subparagraph (3) be regarded as an attendance at a meeting of the Council.

**F13** 1993 NI 12

## Procedure

**8.—**(1) The proceedings of the Council shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualification of any of its members.

(2) Without prejudice to the generality of subparagraph (1), the Council shall be regarded as fully constituted notwithstanding that parents and assistant teachers to be appointed to the Council by the Council have not yet been appointed.

**9.—**(1) Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954<sup>F14</sup>, the Council shall make standing orders for the Council and its committees and subcommittees relating to—

- (a) the convening of meetings;
- (b) the fixing of the quorum;
- (c) the conduct of business at meetings;
- (d) the disclosure by a member of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a member from any discussion on that matter;
- (e) the keeping of minutes and other records;
- (f) the signing of cheques;
- (g) the custody of deeds and other documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of business as the Council thinks fit.

(2) Articles 95(1) to (5), 96, 97 and 98 of the principal Order shall apply in relation to the Council (but not a committee or subcommittee of the Council) as they apply in relation to [F8the Authority] .

**F8** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

**F14** 1954 c. 33 (N.I.)

**10.** The common seal of the Council shall, when applied to a document, be attested by the signatures of any two members of the Council authorised by the Council to act for that purpose.

## Staff

**11.—**(1) The right of the Council under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any directions which may be given by the Department with respect to the number and terms and conditions of service of persons employed or to be employed by the Council.

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(2) The officers of the Council shall be appointed at such rates of remuneration as the Council may, with the consent of the Department, determine.

(3) The Council may, in accordance with arrangements approved by the Department, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of officers of the Council.

(4) The Council shall appoint a fit person approved by the Department to be its<sup>F15</sup> chief executive].

(5) The Council shall not employ as a paid officer of the Council a person who is, or has within the preceding 12 months been, a member of the Council or a diocesan education committee.

F15 1998 NI 13

**12.—**(1) Subject to sub#paragraph (2), this paragraph applies to any person employed immediately before the appointed day by the Interim Council for Catholic Maintained Schools established in accordance with the memorandum published by the Department on 17th September 1987 (in this paragraph referred to as “the former employer”).

(2) This paragraph does not apply to a person—

- (a) whose contract of employment terminates on the day immediately preceding the appointed day; or
- (b) employed for a temporary period.

(3) The contract of employment between a person to whom this paragraph applies and the former employer shall have effect from the appointed day as if originally made between him and the Council.

(4) Without prejudice to sub#paragraph (3)—

- (a) all the former employer's rights, powers, duties and liabilities under or in connection with a contract to which that sub#paragraph applies shall by virtue of this paragraph be transferred to the Council on the appointed day; and
- (b) anything done before that day by or in relation to the former employer in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Council.

(5) Sub#paragraphs (3) and (4) 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 paragraph.

### Allowances

**13.** The Council may pay to any member of the Council or a committee or sub#committee thereof travelling, subsistence and other allowances at such rates as the Department may approve.

### Financial arrangements

**14.—**(1) The Council shall, at such times, in such form and in respect of such periods as the Department may direct, submit to the Department in relation to each such period estimates of its payments and receipts in respect of its functions and the Department may approve any such estimates with or without modifications in respect of such periods as the Department considers appropriate.

(2) The Council may at any time where necessary submit supplementary or revised estimates to the Department and the Department may approve any such estimates with or without modifications.

(3) The Council shall submit to the Department such information relating to any estimate submitted under this paragraph as the Department may require.

(4) The Council shall not incur expenditure otherwise than in accordance with estimates approved by the Department under this paragraph.

**15.—**(1) The Department may pay to the Council in respect of approved expenditure—

- (a) incurred for the provision or alteration of premises for the use of the Council, a sum equal to eighty#five per cent. of that expenditure;
- (b) incurred for the provision of equipment for the Council, a sum equal to that expenditure.

(2) The Department may pay to the Council grants equal to the approved net expenditure incurred by the Council in accordance with estimates approved under paragraph 14 less the amount of any sums received by the Council otherwise than from the Department.

(3) In sub#paragraph (2) “approved net expenditure” does not include any expenditure mentioned in sub#paragraph (1)(a) or (b).

**16.—**(1) Where any premises in respect of which the Department has paid a grant under paragraph 15(1)(a) cease to be used for approved purposes of the Council, there shall be payable to the Department by the Council or its successors in title such sum as the Department considers equitable but not exceeding such proportion of the value of the premises as the proportion that the amount of the grant was of the approved cost of the provision or alteration of the premises together with interest on that sum from the date on which the premises ceased to be used as aforesaid until the date of payment to the Department.

(2) Where any site which has been acquired for the purposes of the Council and in respect of which site the Department has paid a grant under paragraph 15(1)(a) ceases in the opinion of the Department to be required for such purposes, there shall be payable to the Department by the Council or its successors in title such sum as the Department considers equitable but not exceeding such proportion of the value of the site as the proportion that the amount of the grant was of the approved cost of the acquisition of the site together with interest on that sum from the date on which the site so ceased to be required until the date of payment to the Department. 1973 No. 439

(3) Where the Department proposes to pay a grant under paragraph 15(1)(a) in respect of the provision or alteration of premises used or to be used for the purposes of the Council and the new or altered premises in the opinion of the Department replace any premises in respect of which the Department has paid a grant under paragraph 15(1)(a) or (before the coming into operation of this paragraph) under the Educational and Library Services Etc. Grants Regulations (Northern Ireland) 1973<sup>F16</sup>, the Department may either—

- (a) reduce the amount of the grant so payable by such amount as the Department considers equitable; or
- (b) attach to the grant a condition that when the replaced premises cease to be used for approved purposes of the Council, there shall be payable to the Department by the Council or its successors in title such amount as the Department considers equitable.

(4) The amount by which a grant may be reduced under sub#paragraph (3)(a) or the amount payable to the Department under sub#paragraph (3)(b) shall consist of a sum not exceeding such proportion of the value of the replaced premises as the proportion that the amount of the grant is or was of the approved cost of the provision of the new or altered premises together with interest on that sum from the date on which the premises ceased to be used as aforesaid until the date of the payment of the grant under sub#paragraph (3)(a) or, as the case may be, the payment to the Department under sub#paragraph (3)(b).

(5) For the purposes of sub#paragraphs (1), (2) and (4) the value of premises or a site shall be taken to be the amount which the premises or site might be expected to realise if sold in the open market on the date on which the premises ceased to be used or the site ceased to be required as aforesaid and where the Department certifies that it is not possible to reach agreement as to such

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value, the dispute as to such value may be referred to and determined by the Lands Tribunal for Northern Ireland.

(6) Where any equipment in respect of which the Department has paid a grant under paragraph 15(1)(b) ceases to be used for approved purposes of the Council, there shall be payable to the Department by the Council such sum as the Department considers equitable, regard being had to the length of the period during which the equipment was used for those purposes.

(7) For the purposes of sub#paragraphs (1), (2) and (4) interest shall be at such rate as may from time to time be determined by the Department of Finance and Personnel under paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972<sup>F17</sup>.

(8) Any sum payable to the Department under this paragraph may be recovered as a debt due to the Department.

**F16** S.R. & O. (N.I.) 1973 No.439

**F17** 1972 c. 9 (N.I.)

[<sup>F18</sup>17.—(1) The Council shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Council shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by the Council under this paragraph; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

**F18** 2003 NI 5

### Transfer of assets and liabilities of Interim Council

**18.** On the appointed day all the assets and liabilities of the body referred to in paragraph 12(1) shall be transferred to the Council; and accordingly, as from that day by virtue of this Order and without any further conveyance, transfer or assignment, those assets shall vest in, and those liabilities shall become liabilities of, the Council.

### Interpretation

**19.** References in this Schedule to an Archbishop or a Bishop are to a Roman Catholic Archbishop or Bishop and references to an Archdiocese or a diocese are to a Roman Catholic Archdiocese or diocese.

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*Schedule 9—Amendments*

*Schedule 10—Repeals*

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 6 para. 3 repealed by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2](#)
- Sch. 6 para. 3 repealed by [S.I. 1998/1759 \(N.I.\) Sch. 6 Pt. 2](#)
- art. 81 repealed by [S.I. 1998/1759 \(N.I.\) Sch. 6 Pt. 2](#)
- art. 82(1)(b) substituted by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2](#)
- art. 85 repealed by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2 Sch. 6 Pt. 2](#)
- art. 125(2)(g)(i) words substituted by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2](#)
- art 131 am (prosp) by [2002 c. 21 s 47, Sch 3, para 21](#) (Amendment actioned prior to Northern Ireland basedate 1.01.2006.)
- art 131 rev in pt (prosp) by [2002 c. 21 s 60, Sch 6](#) (Amendment actioned prior to Northern Ireland basedate 1.01.2006.)
- art. 131(3)(b) words repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)
- art. 151(4)(a) substituted by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2](#)
- art. 164(4) words repealed by [S.I. 1998/1759 \(N.I.\) Sch. 6 Pt. 2](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

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