
STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART VII

FINANCING OF SCHOOLS

CHAPTER I

FINANCING OF SCHOOLS BY BOARDS

Financing by boards of voluntary grammar and grant-maintained integrated schools

Withdrawal of maintenance grants from voluntary grammar school

62.—(1) The Department may give to the Board of Governors of a voluntary grammar school a notice stating that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease on a date specified in the notice.

(2) Subject to the following provisions of this Article—

- (a) a notice under paragraph (1) may not specify as the date on which the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease a date falling less than 2 years after the date on which the notice is given to the Board of Governors; and
- (b) before giving such a notice the Department shall consult—
 - (i) the Board of Governors of the school; and
 - (ii) the relevant board.

(3) Paragraph (2) shall not apply where the Department is satisfied that the school as currently constituted or conducted is unsuitable to continue as a voluntary grammar school on all or any of the following grounds—

- (a) that the number of registered pupils at the school is too small for sufficient and suitable instruction to be provided for them at reasonable cost;
- (b) that the Board of Governors has failed for a significant period of time to carry out its duties under Part III of the 1989 Order;
- (c) that the Board of Governors has been guilty of substantial or persistent failure to comply or secure compliance with any other requirement imposed by or under the Education Orders or any other statutory provision.

(4) In any case within paragraph (3), the Department may give to the Board of Governors of the school a notice stating the grounds on which it considers that the school as currently constituted or conducted is unsuitable to continue as a voluntary grammar school together with full particulars of the matters relevant to each such ground.

(5) Where any of those matters are stated in the notice to be in the opinion of the Department irremediable, the notice shall also state that the duty of the relevant board under Article 61 to pay

maintenance grants to the Board of Governors of the school will cease on a date specified in the notice.

- (6) Where paragraph (5) does not apply, the notice under paragraph (4) shall—
- (a) state that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease unless the matters of which particulars are given in the notice are remedied;
 - (b) specify the measures necessary in the opinion of the Department to remedy those matters; and
 - (c) specify the time, not being less than three months after the date on which the notice is given to the Board of Governors, within which the Board of Governors is required to take those measures.

(7) Where the Board of Governors of a voluntary grammar school fails to take the measures required by a notice under paragraph (4) within the time specified in the notice or allowed by any previous notice under this paragraph, the Department shall within the period of 2 months beginning with the date next following the end of that time either—

- (a) give notice to the Board of Governors extending the time within which those measures are required to be taken; or
 - (b) after consulting the relevant board, give a notice to the Board of Governors stating that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors will cease on a date specified in the notice.
- (8) The Department may by notice given to the Board of Governors—
- (a) withdraw any notice under paragraph (1), (4) or (7)(b); or
 - (b) vary—
 - (i) any notice under paragraph (1) or (7)(b); or
 - (ii) any notice under paragraph (4) to which paragraph (5) applies, by substituting a later date for the date for the time being specified in the notice as the date on which the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of the school will cease; or
 - (c) vary any notice under paragraph (4) so far as relating to any measures specified in it by virtue of paragraph (6)(b).

(9) If by virtue of paragraph (8)(c) the Department varies any notice under paragraph (4) so as to require different measures to be taken, it shall also substitute for the time specified in the notice by virtue of paragraph (6)(c) a time ending—

- (a) not less than 3 months after the date on which the notice of variation is given to the Board of Governors; and
- (b) where the time so specified has been extended under paragraph (7)(a), not earlier than that time as so extended.

(10) Any variation under paragraph (9) of the time specified in a notice under paragraph (4) is without prejudice to any further extension of that time under paragraph (7).

(11) Where the Department gives a notice under this Article to the Board of Governors of a school, it shall give a copy of the notice to the relevant board.

(12) Where the Department gives a notice under paragraph (1), (4) or (7)(b) which states that the duty of the relevant board under Article 61 to pay maintenance grants to the Board of Governors of a school will cease on a specified date, the board shall cease to be under a duty to make such grants to that Board of Governors in respect of any period beginning on or after that date.

- (13) In this Article—

“notice” means notice in writing;

“relevant board”, in relation to a voluntary grammar school, means the board for the area in which the school is situated.