

---

STATUTORY INSTRUMENTS

---

**1998 No. 1759**

**Education (Northern Ireland) Order 1998**

**PART VII**

**FINANCING OF SCHOOLS**

**CHAPTER I**

**FINANCING OF SCHOOLS BY BOARDS**

*Schemes for financing schools*

*Arts. 44 - 54 rep. by 2003 NI 12*

**Suspension of financial delegation for mismanagement, etc.**

**55.—**(1) [<sup>F1</sup>Where it appears to [<sup>F2</sup>the Authority], in the case of any relevant school with a delegated budget,], that the Board of Governors of the school—

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

[<sup>F2</sup>the Authority] may suspend the Board of Governors' right to a delegated budget by giving the Board of Governors (subject to paragraph (4)) not less than one month's notice of suspension.

(2) Any notice under paragraph (1) shall specify the grounds for the proposed suspension, giving particulars of any alleged failure on the part of the Board of Governors to comply with any requirements or conditions applicable under the scheme and of any alleged mismanagement on its part.

(3) A copy of the notice shall be given to—

- (a) the principal of the school;
- (b) the Department; and
- (c) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,

at the same time as the notice is given to the Board of Governors.

(4) [<sup>F2</sup>The Authority] may suspend the right mentioned in paragraph (1) of any Board of Governors to which it has given notice under that paragraph before the expiry of the period of notice if it appears to the board to be necessary to do so by reason of gross incompetence or mismanagement on the part of the Board of Governors or other emergency.

(5) [<sup>F2</sup>The Authority] may withdraw a notice given under paragraph (1) at any time before the expiry of the period of notice.

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

(6) If [<sup>F2</sup>the Authority] exercises its power under paragraph (4) or (5), it shall immediately give written notification of its action and, in the case of action under paragraph (4), of the reasons for it to—

- (a) the Board of Governors and principal of the school;
- (b) the Department; and
- (c) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools.

(7) During any period when a Board of Governors' right to a delegated budget is suspended under this Article, the duty of [<sup>F2</sup>the Authority] under [<sup>F1</sup> Article 6(1) of the 2003 Order] shall not apply in relation to that Board of Governors.

**F1** 2003 NI 12

**F2** 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)

### Review of suspension

56.—(1) It shall be the duty of [<sup>F3</sup>the Authority]—

- (a) to review before the beginning of every financial year any suspension under Article 55 which is for the time being in force;
- (b) for the purposes of that review, to afford—
  - (i) the Board of Governors of the school concerned;
  - (ii) the principal of the school concerned; and
  - (iii) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,
 an opportunity for making representations with respect to the suspension and to have regard to any representations made by the Board of Governors, the principal or that Council;
- (c) to revoke any such suspension where [<sup>F2</sup>the Authority] considers it appropriate to do so.

(2) [<sup>F2</sup>The Authority] shall give—

- (a) the Board of Governors concerned;
- (b) the principal of the school concerned;
- (c) the Department; and
- (d) where that school is a Catholic maintained school, the Council for Catholic Maintained Schools,

written notification of its decision on any such review.

(3) The revocation of a suspension on a review under this Article shall take effect as from the beginning of the financial year next following the review.

**F2** 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)

**F3** Words in art. 56(1) substituted (1.4.2015) by *Education Act (Northern Ireland) 2014 (c. 12)*, **Sch. 3 para. 20(2)** (with *Sch. 2 para. 4(3)*); S.R. 2015/35, art. 2(b)

### Appeal against suspension or refusal to revoke it

- 57.—(1) A Board of Governors shall be entitled to appeal to the Department against—
- (a) the imposition of any suspension under Article 55; or
  - (b) any refusal of [<sup>F2</sup>the Authority] to revoke any such suspension on a review under Article 56.
- (2) On an appeal under this Article, the Department—
- (a) may allow or reject the appeal; and
  - (b) shall have regard, in making its determination, to the gravity of the default on the part of the Board of Governors and the likelihood of its continuing or recurring.

**F2** 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)*

### Financial delegation: staff

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

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

shall be subject to Schedule 2.

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

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

as if all such activities were school activities.

### *Financing by boards of special schools*

### Application of [<sup>F4</sup> the common funding scheme] to special schools

59.—(1) The Department may by regulations provide for requiring or authorising [<sup>F4</sup> the common funding scheme]

- (a) to cover controlled or maintained special schools;
- (b) to include provision, in the case of any such school which by virtue of any regulations made under sub-paragraph (a) is required or authorised to be covered by [<sup>F4</sup> the common funding scheme], for the delegation by [<sup>F5</sup>the Authority] of the management of the school's budget share for any financial year to the Board of Governors of the school.

(2) Regulations under this Article—

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

- (a) may make in any provisions of this Chapter<sup>F4</sup> or Part I of the 2003 Order] such amendments as appear to the Department to be required in consequence of any provision made in those regulations by virtue of paragraph (1); and
- (b) may provide that<sup>F4</sup> the common funding scheme] shall have effect with such modifications as appear to the Department to be appropriate in consequence of any provision so made.

**F4** 2003 NI 12

**F5** Words in art. 59(1)(b) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 20(2) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

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

**60.**—(1) Subject to paragraphs (4) and (12), in respect of any period during which any special school is not covered by a scheme, it shall be the duty of [<sup>F2</sup>the Authority] to make available a sum of money which the Board of Governors of the school is to be entitled to spend at its discretion during that period (but subject to paragraph (2)) on such heads of expenditure as [<sup>F2</sup>the Authority] may specify or as the Department may direct.

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

- (a) shall comply in spending that sum with such reasonable conditions as [<sup>F2</sup>the Authority] thinks fit to impose; and
- (b) may delegate to the principal, to such extent as it may specify, its powers in relation to that sum.

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

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

(5) Before specifying any heads of expenditure under paragraph (1), [<sup>F2</sup>the Authority] shall consult the Board of Governors of every special school appearing to it to be concerned and the Council for Catholic Maintained Schools and before giving any directions under paragraph (1), the Department shall consult [<sup>F6</sup>the Authority], the Council for Catholic Maintained Schools and any other person with whom consultation appears to it to be desirable.

(6) Where it appears to [<sup>F2</sup>the Authority] that a Board of Governors to which any sum is made available under this Article—

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

[<sup>F2</sup>the Authority] may suspend the Board of Governors' right under paragraph (1) to have a sum of money made available to it by giving the Board of Governors (subject to paragraph (8)) not less than one month's notice of suspension.

(7) A notice under paragraph (6) shall specify the grounds for the proposed suspension, giving particulars of any alleged failure on the part of the Board of Governors to comply with any conditions imposed on it under paragraph (2)(a) or of any alleged mismanagement on its part.

(8) A copy of the notice shall be given to—

- (a) the principal of the school;

**Changes to legislation:** Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)

(b) the Department; and

(c) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,

at the same time as the notice is given to the Board of Governors.

(9) [F2The Authority] may suspend the right mentioned in paragraph (6) of any Board of Governors to which it has given notice under that paragraph before the expiry of the period of notice if it appears to [F2the Authority] to be necessary to do so by reason of gross incompetence or mismanagement on the part of the Board of Governors or other emergency.

(10) [F2The Authority] may withdraw a notice given under paragraph (6) at any time before the expiry of the period of notice.

(11) If [F2the Authority] exercises its power under paragraph (9) or (10), it shall immediately give written notification of its action and, in the case of action under paragraph (9), of the reasons for it to—

(a) the Board of Governors and principal of the school;

(b) the Department; and

(c) where the school is a Catholic maintained school, the Council for Catholic Maintained School.

(12) During any period when a Board of Governors' right mentioned in paragraph (6) is suspended under this Article, the duty of [F7the Authority] under paragraph (1) shall not apply in relation to that Board of Governors.

(13) Articles 56 and 57 shall apply in relation to a suspension under this Article as they apply in relation to a suspension under Article 55.

**F2** 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)

**F6** Words in art. 60(5) substituted (1.4.2015) by *Education Act (Northern Ireland) 2014 (c. 12)*, **Sch. 3 para. 20(3)** (with *Sch. 2 para. 4(3)*); S.R. 2015/35, art. 2(b)

**F7** Words in art. 60(12) substituted (1.4.2015) by *Education Act (Northern Ireland) 2014 (c. 12)*, **Sch. 3 para. 20(4)** (with *Sch. 2 para. 4(3)*); S.R. 2015/35, art. 2(b)

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

#### **Maintenance and other grants to voluntary grammar schools**

**61.**—(1) Subject to the provisions of this Article and Article 62, <sup>F8</sup>[the Authority] shall in respect of each financial year make grants (known as maintenance grants) to the Board of Governors of a voluntary grammar school <sup>F9</sup>... in respect of expenditure incurred or to be incurred in that year in carrying on the school, except—

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

(b) expenditure incurred or to be incurred for the provision of equipment for the school which is approved expenditure for the purposes of Article 68(1)(b).

[F10(2) The amount of the maintenance grant payable in respect of a voluntary grammar school for a financial year shall be the sum of—

(a) an amount equal to the budget share of the school for that year; and

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

- (b) such other amount determined by or in accordance with the common funding scheme as, in accordance with that scheme, falls to be paid by way of maintenance grant.]
- (3) <sup>F11</sup>[ The Authority] shall make grants to the trustees of a voluntary grammar school <sup>F12</sup>... of amounts equal to the costs of the trustees on foot of an approved contract.
- (4) Grants under this Article shall be made on such conditions (including conditions as to repayment) as <sup>F13</sup>[the Authority] may determine with the approval of the Department.
- (5) The times at which, and the manner in which, payments are made in respect of grants under this Article shall be such as <sup>F14</sup>[the Authority] may determine with the approval of the Department.
- (6) Subject to any conditions imposed under paragraph (4), the Board of Governors of a voluntary grammar school—
- (a) shall be entitled to spend any sums received by it by way of maintenance grants as it thinks fit for the purposes of the school; and
- (b) may delegate to the principal its power under sub-paragraph (a) in relation to any such sums.
- (7) The members of the Board of Governors of a voluntary grammar school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of their powers under paragraph (6).

- 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\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 61](#))
- F9** Words in art. 61(1) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, [art. 2\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 61](#))
- F10** [2003 NI 12](#)
- F11** 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\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 61](#))
- F12** Words in art. 61(3) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, [art. 2\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 61](#))
- F13** 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\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 61](#))
- F14** 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\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 61](#))

### **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 <sup>F15</sup>[the Authority] 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 <sup>F15</sup>[the Authority] 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

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

(b) before giving such a notice the Department shall consult—

- (i) the Board of Governors of the school; and
- (ii) [F15the Authority].

(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 [F15the Authority] 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 [F15the Authority] 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 [F15the Authority], give a notice to the Board of Governors stating that the duty of [F15the Authority] 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,



**Status:** Point in time view as at 01/04/2015.

**Changes to legislation:** Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)

by substituting a later date for the date for the time being specified in the notice as the date on which the duty of [<sup>F15</sup>the Authority] 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 [<sup>F15</sup>the Authority].

(12) Where the Department gives a notice under paragraph (1), (4) or (7)(b) which states that the duty of [<sup>F15</sup>the Authority] under Article 61 to pay maintenance grants to the Board of Governors of a school will cease on a specified date, <sup>F16</sup>[the Authority] 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;

<sup>F17</sup> ...

**F15** Words in art. 62 substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 20\(5\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, [art. 2\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, art. 62)

**F16** 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\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, [art. 62](#))

**F17** Words in art. 62(13) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, [art. 2\(b\)](#) (but this amendment cannot take effect until the commencement of S.I. 1998/1759, art. 62)

## Maintenance and other grants to grant-maintained integrated schools

**63.**—(1) Subject to the provisions of this Article and Article 64, <sup>F18</sup>[the Authority] shall in respect of each financial year make grants (known as maintenance grants) to the Board of Governors of a grant-maintained integrated school situated in its area in respect of expenditure incurred or to be incurred in that year in carrying on the school, other than expenditure of a capital nature.

<sup>F19</sup>(2) The amount of the maintenance grant payable in respect of a grant-maintained integrated school for a financial year shall be the sum of—

(a) an amount equal to the budget share of the school for that year; and

(b) such other amount determined by or in accordance with the common funding scheme as, in accordance with that scheme, falls to be paid by way of maintenance grant.]



(3) <sup>F20</sup>[The Authority] shall make grants to the Boards of Governors of a grant-maintained integrated school situated in its area of amounts equal to the costs of the trustees on foot of an approved contract.

(4) Grants under this Article shall be made on such conditions (including conditions as to repayment) as <sup>F21</sup>[the Authority] may determine, with the approval of the Department.

(5) The times at which, and the manner in which, payments are made in respect of grants under this Article shall be such as <sup>F22</sup>[the Authority] may determine with the approval of the Department.

(6) Subject to any conditions imposed under paragraph (4), the Board of Governors of a grant-maintained integrated school—

- (a) shall be entitled to spend any sums received by it by way of maintenance grants as it thinks fit for the purposes of the school; and
- (b) may delegate to the principal its power under sub-paragraph (a) in relation to any such sums.

(7) The members of the Board of Governors of a grant-maintained integrated school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of their powers under paragraph (6).

**F18** 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)** (but this amendment cannot take effect until the commencement of S.I. 1998/1759, **art. 63**)

**F19** 2003 NI 12

**F20** 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)** (but this amendment cannot take effect until the commencement of S.I. 1998/1759, **art. 63**)

**F21** 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)** (but this amendment cannot take effect until the commencement of S.I. 1998/1759, **art. 63**)

**F22** 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)** (but this amendment cannot take effect until the commencement of S.I. 1998/1759, **art. 63**)

### **Withdrawal of maintenance grants from grant-maintained integrated school**

**64.**—(1) The Department may give to the Board of Governors of a grant-maintained integrated school a notice stating that the duty of <sup>F23</sup>[the Authority] under Article 63 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 <sup>F23</sup>[the Authority] under Article 63 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;
  - (ii) <sup>F23</sup>[the Authority]; and
  - (iii) the Council for Catholic Maintained Schools.

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

(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 grant-maintained integrated 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;
- (d) that the school is not attended by reasonable numbers of both Protestant and Roman Catholic pupils.

(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 grant-maintained integrated 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 [F23the Authority] under Article 63 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 [F23the Authority] under Article 63 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 grant-maintained integrated 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 [F23the Authority], give a notice to the Board of Governors stating that the duty of [F23the Authority] under Article 63 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 [F23the Authority] under Article 63 to pay maintenance grants to the Board of Governors of the school will cease; or

**Changes to legislation:** Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)

(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 [F23the Authority].

(12) Where the Department gives a notice under paragraph (1), (4) or (7)(b) which states that the duty of [F23the Authority] under Article 63 to pay maintenance grants to the Board of Governors of a school will cease on a specified date, F24[the Authority] 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;

F25  
...

**F23** Words in art. 64 substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 20\(5\)](#) (with [Sch. 2 para. 4\(3\)](#)); [S.R. 2015/35](#), [art. 2\(b\)](#) (but this amendment cannot take effect until the commencement of [S.I. 1998/1759](#), [art. 64](#))

**F24** 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\(b\)](#) (but this amendment cannot take effect until the commencement of [S.I. 1998/1759](#), [art. 64](#))

**F25** Words in art. 64(13) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); [S.R. 2015/35](#), [art. 2\(b\)](#) (but this amendment cannot take effect until the commencement of [S.I. 1998/1759](#), [art. 64](#))

### Information

*Arts. 65 and 66 rep. by 2003 NI 12*

### Financial statements in respect of special schools not covered by statements under [F26 Article 7 of the 2003 Order]

67.—(1) Before the beginning of each financial year [F2the Authority] shall prepare a statement of the financial provision initially planned by [F2the Authority] in respect of that financial year for any special schools under the management of, or maintained by, [F2the Authority], other than special schools in respect of which, by virtue of any provision made by regulations under Article 59, any information is required to be included in a statement prepared by [F2the Authority] in respect of that year under [F26 Article 7 of the 2003 Order].

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

**Status:** Point in time view as at 01/04/2015.

**Changes to legislation:** Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)

(3) After the end of each financial year in respect of which [F2the Authority] is required to prepare a statement under paragraph (1), [F2the Authority] shall prepare a statement containing such information with respect to—

- (a) expenditure actually incurred in that year for the purposes of all schools required to be covered by the statement under paragraph (1); and
- (b) expenditure so incurred which was incurred, or is treated by [F2the Authority] as having been incurred, for the purposes of each such school,

as the Department may direct.

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

(5) [F2The Authority] shall furnish—

- (a) the Board of Governors of any school required to be covered by a statement prepared under paragraph (1) in respect of any financial year; and
- (b) if any of those schools is a Catholic maintained school, the Council for Catholic Maintained Schools,

with a copy of each statement prepared by [F2the Authority] under this Article in relation to that year.

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

**F2** 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)

**F26** 2003 NI 12

### [F27] Interpretation of this Chapter

**67A.**—(1) In this Chapter “the 2003 Order” means the Education and Libraries (Northern Ireland) Order 2003.

(2) In this Chapter—

- (a) references to a school which has a delegated budget are references to a school managed by a Board of Governors to which [F2the Authority] has for the time being delegated the management of the school's budget share in pursuance of the common funding scheme;
- (b) the Board of Governors of a school to which [F2the Authority] is required by the scheme to delegate the management of the school's budget share is said to have a right to a delegated budget.

(3) In this Chapter—

“the common funding scheme” means the common funding scheme under Article 3 of the 2003 Order;

**F28** ...

(4) References in this Chapter—

- (a) to a school's budget share are to be construed in accordance with Article 4(3) of the 2003 Order;
- (b) to a relevant school are to be construed in accordance with Article 3(2) of that Order.

(5) The Department may by order subject to affirmative resolution substitute for references in this Chapter to a financial year references to such other period as the Department may determine.

- (6) Directions and guidance given by the Department under this Chapter shall—
- (a) be in writing; and
  - (b) be published in such manner as the Department thinks fit.]

- |            |   |
|------------|---|
| <b>F2</b>  | Words in <i>Order</i> substituted (1.4.2015) by <i>Education Act (Northern Ireland) 2014 (c. 12)</i> , <b>Sch. 3 para. 1(1)(a)</b> (with <i>Sch. 2 para. 4(3)</i> , <i>Sch. 3 para. 1(2)</i> ); S.R. 2015/35, art. 2(b) |
| <b>F27</b> | 2003 NI 12  |
| <b>F28</b> | Words in art. 67A(3) repealed (1.4.2015) by <i>Education Act (Northern Ireland) 2014 (c. 12)</i> , <b>Sch. 4</b> (with <i>Sch. 2 para. 4(3)</i> ); S.R. 2015/35, art. 2(b)  |

## CHAPTER II

### FINANCING OF SCHOOLS BY DEPARTMENT

#### Building and equipment grants for voluntary schools

**68.**—(1) Subject to paragraph (2) and to regulations made with the approval of the Department of Finance and Personnel, the Department may pay to any person in respect of approved expenditure—

- (a) incurred for the provision or alteration of the premises of a voluntary school, a sum equal to—
  - (i) that expenditure where, when that expenditure is approved, the school is—
    - (A) a maintained school in relation to which an agreement under paragraph 1 of Schedule 5 to the 1986 Order is in force; or
    - (B) a voluntary grammar school in relation to which an agreement under paragraph 1(1)(a) of Schedule 6 to the 1986 Order is in force;
  - (ii) eighty-five per cent. of that expenditure where, when that expenditure is approved, the school is—
    - (A) a maintained school not falling within head (i)(A); or
    - (B) a voluntary grammar school in relation to which an agreement under paragraph 1(1)(b) of Schedule 6 to the 1986 Order is in force;
  - (iii) sixty-five per cent. of that expenditure in any other case;
- (b) incurred for the provision of equipment provided in connection with the provision or alteration of the premises of a voluntary grammar school, a sum equal to—
  - (i) that expenditure where, when that expenditure is approved, an agreement under paragraph 1(1)(a) of Schedule 6 to the 1986 Order is in force in relation to the school;
  - (ii) eighty-five per cent. of that expenditure where, when that expenditure is approved, an agreement under paragraph 1(1)(b) of Schedule 6 to the 1986 Order is in force in relation to the school;
  - (iii) sixty-five per cent. of that expenditure in any other case;

(2) No grant shall be paid under paragraph (1)(a)(iii) to a person in respect of expenditure incurred for the provision or alteration of any premises of a voluntary grammar school other than school meals premises.

(3) In paragraph (2) “schools meals premises” means premises used, or to be used, wholly or mainly for the carrying out of arrangements approved under Article 58(5) or (6) of the 1986 Order.

(4) Where a contract entered into for the provision or alteration of the premises of a school provides for payment by instalments, the date on which an instalment is paid under the contract may,

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

for the purposes of this Article, be taken as the date on which expenditure of the amount of that instalment has been incurred.

(5) For the purposes of this Article, any question as to the date on which any expenditure was incurred or approved shall be determined by the Department.

(6) Regulations under paragraph (1) may make provision for—

- (a) the repayment in such circumstances as are prescribed of the whole or part of any grant paid under this Article;
- (b) the reduction in such circumstances as are prescribed of the amount of grant which would otherwise be payable under this Article;
- (c) the payment to the Department by such person as may be prescribed of a sum where—
  - (i) any premises of a school in respect of which the Department has, at any time after 8th August 1978, paid a grant under paragraph (1)(a), cease to be used for approved purposes of a grant-aided school; or
  - (ii) any site in respect of which the Department has, at any time after that date, paid a grant under paragraph (1)(a), ceases, in the opinion of the Department, to be required for the purposes of a grant-aided school.

(7) Without prejudice to the generality of paragraph (6), regulations making any such provision as is mentioned in that paragraph may—

- (a) provide for any repayment, reduction or payment under the regulations to be of such amount as the Department considers equitable;
- (b) provide for any such repayment, reduction or payment not to exceed such amount as may be determined under or in accordance with the regulations;
- (c) provide for any amount determined as mentioned in sub-paragraph (b) to include an amount in respect of interest calculated in such manner as may be prescribed; and
- (d) apply, subject to paragraph (6)(c), to grants made before the coming into operation of this Article under Article 116 of the 1986 Order.

### **Capital and special purpose grants for grant-maintained integrated schools**

**69.**—(1) Regulations may provide for the payment by the Department to the Board of Governors of a grant-maintained integrated school of grants (known as capital grants) in respect of approved expenditure of a capital nature, of any class or description specified in the regulations, incurred or to be incurred for the purposes of the school.

(2) Regulations may provide for the payment by the Department to the Board of Governors of a grant-maintained integrated school of grants (known as special purpose grants) in respect of approved expenditure of a class or description specified in the regulations—

- (a) which is incurred or to be incurred by the Board of Governors; and
- (b) which it appears to the Department the Board of Governors cannot reasonably be expected to meet from maintenance grant under Article 63.

(3) The amount of any capital or special purpose grant shall be equal to 100 per cent. of the approved expenditure in respect of which it is given.

(4) The descriptions of expenditure which are to be regarded for the purposes of this Article as expenditure of a capital nature shall be such as may be determined by or in accordance with regulations.

(5) Capital and special purpose grants shall be made on such conditions (including conditions as to repayment) as the Department may determine.

(6) The times at which, and the manner in which, payments are made in respect of capital or special purpose grants shall be such as the Department may determine.

### CHAPTER III

#### MISCELLANEOUS FINANCIAL PROVISIONS RELATING TO SCHOOLS

##### **Duties of boards in relation to maintained schools**

**70.**—(1) Subject to and in accordance with regulations, [F2the Authority][F29] shall, in relation to a maintained school, be responsible for—

- (a) the maintenance of the school premises;
- (b) providing and replacing equipment;
- (c) employing in accordance with Article 88 of the 1986 Order persons, other than teachers, required in or about the school;
- (d) meeting the teaching costs of the school; and
- (e) meeting the cost of doing all such other things as may be necessary for the carrying on of the school, other than the cost of providing or altering the premises of the school.

(2) The responsibility of [F2the Authority] under paragraph (1) does not extend to—

- (a) any part of the premises of a school used wholly or mainly for boarding purposes; or
- (b) meeting any costs incurred in carrying on such part.

(3) Paragraph (1) does not impose on [F2the Authority] responsibility for any matter which under an approved contract entered into by the trustees of a maintained school is the responsibility of the contractor.

(4) The duty of [F2the Authority] under paragraph (1)(d) to meet the costs of a redundancy payment in respect of a teacher ceasing to be employed on the staff of a maintained school is a duty to pay to—

- (a) the Council for Catholic Maintained Schools, where the teacher was employed on the staff of a Catholic maintained school; and
- (b) the Board of Governors of the school, in any other case,

a sum equal to the amount of the redundancy payment.

(5) [F2The Authority] shall be responsible for meeting the costs of the trustees of a maintained school situated in its area on foot of an approved contract, and accordingly shall make grants to those trustees of amounts equal to those costs.

(6) Grants under paragraph (5) shall be made on such conditions (including conditions as to repayment) as [F2the Authority] may determine with the approval of the Department.

(7) [F2The Authority] shall pay to the Council for Catholic Maintained Schools an amount equal to the expenditure incurred or to be incurred by that Council in insuring against any liability for personal injury suffered by a teacher employed on the staff of a Catholic maintained school F30 ... and arising out of and in the course of his employment by that Council.

(8) Any question which may arise as to the responsibility of [F2the Authority] under this Article shall be referred to the Department whose decision thereon shall be final.

(9) In this Article “the teaching costs”, in relation to a maintained school, means the costs of—

- (a) the salaries and allowances of teachers employed on the staff of the school;



*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)*

- (b) secondary Class 1 contributions under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and employers' superannuation contributions in respect of such teachers;
- (c) payments to which paragraph 7(1)(a) of Schedule 2 applies;
- (d) redundancy payments under the Employment Rights (Northern Ireland) Order 1996 in respect of teachers ceasing to be employed on the staff of the school.

(10) For the purposes of the Education Orders, a maintained school is maintained by [F2the Authority] if [F2the Authority] has the responsibilities mentioned in paragraph (1) in relation to the school.

- F2** 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)
- F29** Words in art. 70(1) substituted (1.4.2015) by *Education Act (Northern Ireland) 2014 (c. 12)*, **Sch. 3 para. 20(6)** (with *Sch. 2 para. 4(3)*); S.R. 2015/35, art. 2(b)
- F30** Words in art. 70(7) repealed (1.4.2015) by *Education Act (Northern Ireland) 2014 (c. 12)*, **Sch. 4** (with *Sch. 2 para. 4(3)*); S.R. 2015/35, art. 2(b)

#### Payment of salaries, etc of teachers

71.—(1) Except where regulations otherwise provide, the Department shall, on behalf of [F2the Authority], issue payment of—

- (a) the salaries and allowances of—
  - (i) teachers employed by [F2the Authority];
  - (ii) teachers employed on the staff of a maintained school maintained by [F2the Authority]; and
- (b) the relevant contributions in respect of such teachers.

(2) Except where regulations otherwise provide, the Department shall, on behalf of the Board of Governors of a grant-maintained integrated school, issue payment of—

- (a) the salaries and allowances of teachers employed by that Board of Governors; and
- (b) the relevant contributions in respect of such teachers.

(3) Regulations may provide for the Department, on behalf of the Board of Governors of a voluntary grammar school, to issue payment of—

- (a) the salaries and allowances of teachers employed by that Board of Governors; and
- (b) the relevant contributions in respect of such teachers.

(4) In this Article “relevant contributions” means—

- (a) secondary Class 1 contributions under the Social Security Contributions and Benefits (Northern Ireland) Act 1992; and
- (b) employers' superannuation contributions.

- F2** 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)

#### Charges for educational facilities and services

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

**Changes to legislation:** Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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)

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

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

(2) [F2The Authority] may make available educational facilities or services in a controlled school which is under the management of [F2the Authority] and does not have a delegated budget, to any school, institution, body or person and, subject to paragraphs (3) and (4), may make charges for any facilities or services made available under this paragraph.

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

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

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

(4) Nothing in paragraphs (1) to (3) applies to any charge which is prohibited or regulated by any provision of Chapter II of Part VIII of the 1989 Order.

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

- (a) for the use of the school premises (other than so much as, in pursuance of an approved contract, is under the control of the contractor) to be under the control of the Board of Governors of the school at all times; and
- (b) for the Board of Governors to exercise control subject to any direction given to it by [F2the Authority].

(6) Paragraph (5)(a) does not apply, in the case of a controlled school which does not have a delegated budget, to the extent necessary for the exercise by [F2the Authority] of its powers under—

- (a) paragraph (2); or
- (b) Article 32 of the Education and Libraries (Northern Ireland) Order 1993.

(7) In this Article—

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

“educational services” includes services provided by teachers;

and references to a school which has a delegated budget shall be construed in accordance with[F31 Article 67A(2)(a)].

**F2** 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)

**F31** 2003 NI 12

**Status:**

Point in time view as at 01/04/2015.

**Changes to legislation:**

Education (Northern Ireland) Order 1998, PART VII is up to date with all changes known to be in force on or before 08 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.