
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 special schools

Application of schemes to special schools

- 59.**—(1) The Department may by regulations provide for requiring or authorising schemes—
- (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 a scheme, for the delegation by the board concerned 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—
- (a) may make in any provisions of this Chapter 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 any scheme shall have effect with such modifications as appear to the Department to be appropriate in consequence of any provision so made. 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 the board 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 the board 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 the board 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), the board 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 all the boards, the Council for Catholic Maintained Schools and any other person with whom consultation appears to it to be desirable.

(6) Where it appears to a board 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, the board 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;
- (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) A board 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 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.

(10) A board may withdraw a notice given under paragraph (6) at any time before the expiry of the period of notice.

(11) If the board 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 the board concerned 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.