
STATUTORY INSTRUMENTS

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PART VII

FINANCING OF SCHOOLS

CHAPTER I

FINANCING OF SCHOOLS BY BOARDS

Schemes for financing schools

Schemes for financing schools - introductory

44.—(1) In this Chapter “scheme” means a scheme made (or treated as made), by a board under Article 46.

(2) In this Chapter “board”, in relation to a scheme, means the board which made (or is treated as having made) the scheme.

(3) For the purposes of this Chapter—

- (a) a board’s “general schools budget” for a financial year is the amount appropriated by the board for meeting expenditure in the year in respect of all schools required to be covered in the year by any scheme made by the board;
- (b) a board’s “aggregated budget” for a financial year under a scheme is the part (determined as mentioned in Article 49) of the board’s general schools budget for the year which is available for allocation to individual schools under the scheme; and
- (c) a school’s “budget share” for a financial year under a scheme is the share of the board’s aggregated budget for the year which is to be appropriated for the school under the scheme.

(4) In relation to any scheme any reference in paragraph (3) to an amount is a reference to an amount determined (and from time to time revised) in accordance with the scheme.

(5) In this Chapter references to a school’s budget share for a financial year include—

- (a) in a case where Article 51 applies, references to that share as reduced in pursuance of a direction under that Article;
- (b) in any case, references to that share as from time to time revised in accordance with the scheme under which it is determined.

(6) 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 may be specified in the order.

(7) Directions given under this Chapter by the Department—

- (a) shall be given in writing; and
- (b) shall, except for directions under Article 48(10), be published by the Department in such manner as it thinks fit.

Schools required to be covered by a scheme

45.—(1) For the purposes of this Chapter, a school is required to be covered by a scheme in any financial year if either—

- (a) immediately before the beginning of that year it is a relevant school; or
- (b) at any time during that year it becomes a relevant school (whether by virtue of being newly established as such a school or by virtue of becoming such a school where it was previously an independent school).

(2) References in this Chapter to a relevant school in relation to a scheme made or to be made by a board are references to a grant-aided school situated in the area of the board, other than a special school or a school established in a hospital.

Duty of board to have scheme for financing schools

46.—(1) Each board shall have a scheme prepared in accordance with this Chapter and submitted for the approval of the Department in accordance with Article 47.

(2) The scheme shall provide for—

- (a) the determination, in respect of each financial year of the board, of the budget share of each school required to be covered by the scheme in the year; and
- (b) in the case of controlled and maintained schools, the delegation by the board of the management of a school's budget share for a financial year to the Board of Governors of the school where such delegation is required by or under the scheme.

Preparation and imposition of schemes

47.—(1) A scheme prepared by a board under Article 46 shall be submitted to the Department on or before such date as the Department may direct.

(2) In preparing a scheme under that Article a board shall take into account any guidance given by the Department as to the provisions it regards as appropriate for inclusion in the scheme.

(3) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.

(4) Before preparing such a scheme a board shall consult—

- (a) the Board of Governors of every relevant school;
- (b) the Council for Catholic Maintained Schools; and
- (c) such bodies or persons as appear to the board to represent the interests of the Boards of Governors of voluntary grammar schools and grant-maintained integrated schools.

(5) The Department may request a board to furnish such information in connection with any scheme submitted to the Department as the Department may require, including information as to the results of consultations under paragraph (4).

(6) Such a scheme shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving its approval, specify; and the Department may approve such a scheme—

- (a) either without modifications or with such modifications as it thinks fit after consulting the board concerned; and
- (b) subject to such conditions as it may specify in giving its approval.

(7) If in the case of any board either—

- (a) the board fails to submit a scheme as required by paragraph (1); or

- (b) it appears to the Department that a scheme submitted by the board as required by that paragraph does not accord with any guidance given by it for the purposes of this Article and cannot be made to do so merely by modifying it, the Department may, after consulting the board and such other persons as it thinks fit, impose a scheme making such provision of a description required to be made by a scheme under Article 46 in relation to the financing by the board of relevant schools as it considers appropriate.
- (8) A scheme imposed by the Department by virtue of paragraph (7)—
 - (a) shall be treated as if made under Article 46 by the board concerned; and
 - (b) shall come into operation on such date as may be specified in the scheme.

Replacement and variation of schemes

48.—(1) Subject to the following provisions of this Article, a scheme may be replaced or varied by a subsequent scheme made under Article 46 by the board concerned.

(2) Subject to paragraph (5), Article 47(2) to (6) shall apply for the purposes of a scheme replacing or varying a previous scheme.

(3) A scheme prepared by a board under Article 46 which—

- (a) replaces a previous scheme; or
- (b) makes any significant variation of a previous scheme, shall be submitted to the Department for its approval.

(4) A scheme under Article 46 varying a previous scheme which is not required by paragraph (3) (b) to be submitted to the Department for its approval is referred to below in this Article as a “minor variation scheme”.

(5) Paragraphs (4) to (6) of Article 47 shall not apply in relation to a minor variation scheme and such a scheme shall come into operation on such date as is specified in the scheme.

(6) The Department may give directions specifying what descriptions of variation are to be regarded as significant for the purposes of paragraph (3)(b).

(7) Where a board proposes to make a scheme under Article 46 which in its opinion is a minor variation scheme, the board shall notify the Department in writing of its proposal, giving brief particulars of the nature of the variations proposed to be made by the scheme.

(8) If so required by the Department before the end of the period of two months beginning with the date on which it receives notification under paragraph (7) of the board’s proposal, the board shall send to the Department a copy of the board’s proposed scheme.

(9) It shall be for the Department to determine whether or not any variation proposed to be made by the scheme falls within any description of variation specified in directions under paragraph (6).

(10) A scheme made under Article 46 may also be varied by a direction given by the Department, as from such date as may be specified in the direction.

(11) Before giving such a direction the Department shall consult—

- (a) the board concerned;
- (b) the Council for Catholic Maintained Schools; and
- (c) such bodies or persons as appear to the Department to represent the interests of the Boards of Governors of voluntary grammar schools and grant-maintained integrated schools.