

**Changes to legislation:** Education (Northern Ireland) Order 1998, Payments in respect of dismissals, resignations, etc. is up to date with all changes known to be in force on or before 17 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

### SCHEDULE 2

#### PROVISIONS RELATING TO THE STAFF OF CONTROLLED AND MAINTAINED SCHOOLS WITH DELEGATED BUDGETS

##### Payments in respect of dismissals, resignations, etc.

7.—(1) Subject to sub-paragraph (2), it shall be for the Board of Governors of any school to which this Schedule for the time being applies to determine—

- (a) whether any payment should be made by the <sup>[F1]</sup>Authority] in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of the school; and
- (b) the amount of any such payment.

(2) Sub-paragraph (1) does not apply in relation to any payment which is required or authorised to be made—

- (a) by virtue of any contract other than one made in contemplation of the impending dismissal or resignation of the member of staff concerned; or
- (b) under any statutory provision.

(3) The <sup>[F1]</sup>Authority]—

- (a) shall take such steps as may be required for giving effect to any determination of the Board of Governors of any such school under sub-paragraph (1); and
- (b) shall not make, or agree to make, any payment to which that sub-paragraph applies in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of any such school otherwise than in accordance with any such determination.

(4) Costs incurred by the <sup>[F1]</sup>Authority] in giving effect to any determination under sub-paragraph (1) in respect of any member of the staff of any such school shall not be met from the school's budget share for any financial year except in so far as <sup>[F2]</sup>the Authority] has good reason for deducting those costs, or any part of those costs, from that share.

(5) The fact that the employing authority has a policy precluding dismissal of its employees by reason of redundancy is not to be regarded as a good reason for the purposes of sub-paragraph (4).

<sup>F3</sup>(6) .....

- |           |  |
|-----------|--|
| <b>F1</b> | Word in Sch. 2 para. 7 substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <a href="#">Sch. 3 para. 20(7)</a> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)   |
| <b>F2</b> | Words in <a href="#">Order</a> substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <a href="#">Sch. 3 para. 1(1)(a)</a> (with <a href="#">Sch. 2 para. 4(3)</a> , <a href="#">Sch. 3 para. 1(2)</a> ); S.R. 2015/35, art. 2(b) |
| <b>F3</b> | Sch. 2 para. 7(6) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <a href="#">Sch. 4</a> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)   |

**Changes to legislation:**

Education (Northern Ireland) Order 1998, Payments in respect of dismissals, resignations, etc. is up to date with all changes known to be in force on or before 17 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.

[View outstanding changes](#)

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

- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(b\)](#)

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

- art. 89A inserted by [2022 c. 45 s. 5](#)