
STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART VII

FINANCING OF SCHOOLS

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, the board for the area in which a maintained school is situated shall 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 a board 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 a board 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 a board 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) A board 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 the board may determine with the approval of the Department.

(7) A board 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 situated in its area 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 a board 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;
- (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 a board if the board has the responsibilities mentioned in paragraph (1) in relation to the school.

Payment of salaries, etc of teachers

71.—(1) Except where regulations otherwise provide, the Department shall, on behalf of a board, issue payment of—

- (a) the salaries and allowances of—
 - (i) teachers employed by the board;
 - (ii) teachers employed on the staff of a maintained school maintained by the board; 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.

Charges for educational facilities and services

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

- (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) A board may make available educational facilities or services in a controlled school which is under the management of the board 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 the board.

(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 the board 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 Article 52(4)(b).