

## SCHEDULES

### SCHEDULE 4

Article 10(3)

#### MEMBERSHIP OF BOARD OF GOVERNORS OF CONTROLLED SCHOOLS

- 1.—(1) The Board of Governors of one or more than one controlled school shall consist of—
- (a) such number of persons (in this Schedule referred to as “voting members”) as [<sup>F1</sup>the Authority] may, subject to paragraphs 2 to 5, determine;<sup>F2</sup> . . .
  - (b) the principal of the school, or each of the schools, who, subject to sub-paragraph (2), shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.
  - [<sup>F2</sup>(c) persons co#opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.]
- (2) Where two or more schools are grouped under one Board of Governors, the principal of a school shall not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating exclusively to one or more of the other schools is being discussed.

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| <p><b>F1</b> Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a>, <b>Sch. 3 para. 1(1)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a>, <a href="#">Sch. 3 para. 1(2)</a>); S.R. 2015/35, art. 2(b)</p> <p><b>F2</b> 1989 NI 20</p> |
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#### *Controlled primary schools (other than nursery or integrated schools)*

- 2.—(1) There shall be 9, 16 or 24 voting members appointed to the Board of Governors of one or more than one controlled primary school, other than a controlled nursery school or controlled integrated primary school.
- (2) Subject to paragraph 6, where there are 9 voting members appointed to such a Board of Governors, then of those members—
- (a) four shall be nominated by the transferors and superseded managers of the school or schools;
  - (b) two shall be elected by parents of [<sup>F3</sup>registered pupils at] the school or schools from amongst the parents of such pupils;
  - (c) two shall be chosen by [<sup>F1</sup>the Authority]<sup>F4</sup>...;
  - (d) one shall be elected by assistant teachers at the school or schools from amongst such assistant teachers.
- (3) Where there are 16 or 24 voting members appointed to such a Board of Governors, sub-paragraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d), of that sub-paragraph there were substituted the fractions three-eighths, one-quarter, one-quarter and one-eighth respectively.

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- F1** 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 Sch. 4 para. 2(2)(b) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), **Sch. 2 para. 27(a)**; S.R. 2007/197, **art. 2(a)**
- F4** Words in Sch. 4 para. 2(2)(c) 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)

*[Controlled secondary schools (other than controlled grammar or integrated schools or technical secondary schools)]*

**Modifications etc. (not altering text)**

**C1** 1989 NI 20

3.—(1) There shall be 9, 16 or 24 voting members appointed to the Board of Governors of a controlled secondary school, other than a controlled grammar or integrated school<sup>F5</sup>. . . ]

(2) Subject to paragraph 6, where there are 9 voting members appointed to such a Board of Governors, then of those members—

- [<sup>F6</sup>(a) four shall be nominated by the relevant members of the Boards of Governors of contributory schools from amongst the relevant members of those Boards of Governors;]
- (b) two shall be elected by parents of [<sup>F7</sup>registered pupils at] the school from amongst parents of such pupils;
- (c) two shall be chosen by [<sup>F1</sup>the Authority]<sup>F8</sup>....;
- (d) one shall be elected by assistant teacher at the school from amongst such assistant teachers.

[<sup>F6</sup>(2A) In sub#paragraph (2)(a) “relevant members”, in relation to a Board of Governors, means the members nominated by transferors and superseded managers under paragraph 2(2)(a) or 5(1)(c).]

(3) Where there are 16 or 24 voting members appointed to such a Board of Governors, sub-paragraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d) of that sub-paragraph there were substituted the fractions three-eighths, one-quarter, one-quarter and one-eighth respectively.

- F1** 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)
- F5** 1997 NI 15
- F6** 1997 NI 5
- F7** Words in Sch. 4 para. 3(2)(b) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), **Sch. 2 para. 27(a)**; S.R. 2007/197, **art. 2(a)**
- F8** Words in Sch. 4 para. 3(2)(c) 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)

*[<sup>F9</sup>Controlled grammar schools (other than controlled integrated grammar schools)]<sup>F10</sup>, controlled nursery schools (other than controlled integrated nursery schools)] and special schools*

**F9** 1989 NI 20

**F10** 1998 NI 13

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4. There shall be 8, 16 or 24 voting members appointed to the Board of Governors of a controlled grammar school (other than a controlled integrated grammar school), a controlled nursery school<sup>[F11]</sup> (other than a controlled integrated nursery school)] or a controlled special school and, subject to paragraph 6, of those members—

- (a) three#eighths shall be chosen by <sup>[F1]</sup>the Authority<sup>[F12]</sup> ...;
- (b) one#quarter shall be nominated by the Head of the Department;
- (c) one#quarter shall be elected by parents of <sup>[F13]</sup>registered pupils at] the school from amongst the parents of such pupils;
- (d) one#eighth shall be elected by assistant teachers at the school from amongst such assistant teachers.]

<b>F1</b>	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), <b>Sch. 3 para. 1(1)(a)</b> (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
<b>F11</b>	1998 NI 13
<b>F12</b>	Words in Sch. 4 para. 4(a) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), <b>Sch. 4</b> (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
<b>F13</b>	Words in Sch. 4 para. 4(c) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), <b>Sch. 2 para. 27(a)</b> ; S.R. 2007/197, art. 2(a)

#### *Controlled integrated schools*

5.—(1) There shall be 14 or 21 voting members appointed to the Board of Governors of a controlled integrated school, other than a controlled integrated school to which sub-paragraph (3) applies, and, subject to paragraph 6, of those members—

- (a) two-sevenths shall be elected by parents of <sup>[F14]</sup>registered pupils at] the school from amongst the parents of such pupils;
- (b) two-sevenths shall be chosen by <sup>[F1]</sup>the Authority<sup>[F15]</sup> ...;
- (c) one-seventh shall be nominated by the transferors and superseded managers of controlled schools (other than controlled integrated schools) in the <sup>[F16]</sup>locality served by the school] ;
- (d) one-seventh shall be nominated by the nominating trustees of Catholic maintained schools in the <sup>[F17]</sup>Roman Catholic diocese in which the school is situated (or in so much of that diocese as lies within Northern Ireland)] ;
- (e) one-seventh shall be elected by assistant teachers at the school from amongst such assistant teachers.

(2) Sub-paragraph (3) applies to—

- (a) a controlled integrated grammar school; and
- (b) a controlled integrated school which immediately before the date on which it became a controlled integrated school was a voluntary school (other than a Catholic maintained school).

(3) There shall be 14 or 21 voting members appointed to the Board of Governors of a controlled integrated school to which this sub-paragraph applies and, subject to paragraph 6, of those members—

- (a) two-sevenths shall be elected by parents of <sup>[F18]</sup>registered pupils at] the school from amongst the parents of such pupils;
- (b) two-sevenths shall be chosen by <sup>[F1]</sup>the Authority<sup>[F19]</sup> ...;

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- (c) two-sevenths shall be nominated by the Head of the Department;
- (d) one-seventh shall be elected by assistant teachers at the school from amongst such assistant teachers.

(4) It shall be the duty of [F1the Authority] in appointing persons to a Board of Governors under sub-paragraph (1)(b) or (3)(b) to choose for appointment persons appearing to [F1the Authority] to be committed to the continuing viability of the school as a controlled integrated school and it shall be the duty of the Head of the Department in nominating persons for appointment to a Board of Governors under sub-paragraph (3)(c) to nominate persons appearing to the Head of the Department to be so committed.

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| <b>F1</b>  | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(a)</b> (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>F14</b> | Words in Sch. 4 para. 5(1)(a) substituted (23.3.2007) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(4)(c), 44(1), <b>Sch. 2 para. 27(a)</b> ; S.R. 2007/197, art. 2(a)                    |
| <b>F15</b> | Words in Sch. 4 para. 5(1)(b) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                                       |
| <b>F16</b> | Words in Sch. 4 para. 5(1)(c) substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 9(15)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                     |
| <b>F17</b> | Words in Sch. 4 para. 5(1)(d) substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 9(15)(b)</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                     |
| <b>F18</b> | Words in Sch. 4 para. 5(3)(a) substituted (23.3.2007) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(4)(c), 44(1), <b>Sch. 2 para. 27(a)</b> ; S.R. 2007/197, art. 2(a)                    |
| <b>F19</b> | Words in Sch. 4 para. 5(3)(b) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                                       |

#### *Provisions supplementary to paragraphs 2 to 5*

6.—[F20(1) Where [F1the Authority] proposes to appoint persons to a Board of Governors under paragraph 2(2)(a), 3(2)(a) or 5(1)(c) or (d) it shall serve on the nominating authorities a notice—

- (a) stating [F21the Authority's] intention to appoint such persons; and
- (b) requesting the nominating authorities to make nominations to [F1the Authority] within a period of 21 days from the date on which the notice is served;

and where the nominating authorities fail to make any nomination requested by such a notice within that period [F1the Authority] may, subject to sub-paragraph (2), appoint such persons as it considers to be suitable for appointment.

(2) It shall be the duty of [F1the Authority] in appointing persons to the Board of Governors of a school under sub#paragraph (1)—

- (a) in the case of a controlled integrated school, to choose for appointment persons appearing to [F1the Authority] to be committed to the continuing viability of the school as a controlled integrated school; and
- (b) in all cases, so far as possible to choose for appointment persons who are resident in the locality served by the school.

(3) Persons appointed under sub#paragraph (1) shall be deemed for all purposes of this Schedule to have been duly nominated by the nominating authorities.]

(4) The board shall, with the approval of the Department, make arrangements for the election of persons under paragraphs 2(2)(b) and (d), 3(2)(b) and (d), 4(c) and (d)[F20, 5(1)(a) and (e) and

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5(3)(a) and (d)] and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

(5) Where it is not practicable to appoint to a Board of Governors under paragraph 2(2)(a) persons nominated by the transferors or superseded managers because a school is not a transferred school or does not supersede any other school or schools, [F<sup>1</sup>the Authority] shall appoint in their place an equivalent number of persons appearing to [F<sup>1</sup>the Authority] to be representative of transferors and superseded managers F<sup>22</sup>... and those persons shall, so far as possible, be persons resident in the locality served by the school or schools under the management of the Board of Governors and shall be deemed to have been duly nominated for the purposes of paragraphs 2(2)(a) and 3(2)(a).

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| <b>F1</b>  | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(a)</b> (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>F20</b> | <a href="#">1989 NI 20</a>  |
| <b>F21</b> | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(b)</b> (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>F22</b> | Words in Sch. 4 para. 6(5) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)  |

### *Interpretation*

#### 7. In this Schedule—

“assistant teacher” means a teacher, other than the principal or a temporary or part-time teacher, employed on the staff of a school;

“superseded managers” means the persons who were formerly trustees or managers of any schools which have been superseded by [F<sup>23</sup>controlled schools] or, if those persons were recognised by the Department as such trustees or managers by virtue of any office, then, their successors in such office;

“nominating trustees” has the meaning assigned to it by [F<sup>24</sup> paragraph 7(1)] of Schedule 5.

[F<sup>25</sup>“nominating authorities”, in relation to the appointment of any persons to a Board of Governors, means the persons who or bodies which are to nominate persons for the purpose of such appointment.]

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| <b>F23</b> | Words in Sch. 4 para. 7 substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 9(15)(c)</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b) |
| <b>F24</b> | <a href="#">1993 NI 12</a>  |
| <b>F25</b> | <a href="#">1989 NI 20</a>  |

**Changes to legislation:**

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

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

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)](#)Sch. 2
- [art.77\(3\)](#) revoked by [S.I. 1996/2967 reg.11\(7\)](#)