

## SCHEDULES

### SCHEDULE 9

Article 17(1), 127.

#### TRANSFER OF VOLUNTARY SCHOOLS TO DEPARTMENT

1. An arrangement for transferring a school to the Department under Article 17 may, subject to the following provisions of this Schedule, be made by the trustees who, in making such an arrangement, may act by resolution or otherwise as follows—

- (a) where the trust deed provides any manner in which or any assent with which a resolution or act binding the trustees is to be passed or done, then in accordance with the provisions of the trust deed;
- (b) where the trust deed contains no such provision—
  - (i) then in the manner and with the assent, if any, in and with which it may be shown to the Department to have been usual for a resolution or act binding the trustees to be passed or done; or
  - (ii) if no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose and vote on the question and with the assent of any other person whose assent under the circumstances appears to the Department to be requisite.

2. An arrangement under this Schedule may provide for an absolute conveyance to the Department of all the estate in the premises of the school possessed by the trustees of the school or for a lease of the same with or without restrictions and either at a nominal rent or otherwise to the Department or for any arrangement that may be agreed upon between the trustees and the Department.

3. An arrangement under this Schedule may also provide for the transfer to the Department of a teacher's residence held or used in connection with the school or for the transfer or application, subject to the approval of the Department of Finance and Personnel, of any endowment belonging to the school or for the Department undertaking to discharge any debt charged on the school not exceeding the value of the estate in the premises or endowments transferred to it.

4. Where an arrangement is made under this Schedule, it shall be one of the terms of the arrangement that the trustees of the school or endowment shall, in pursuance of the arrangement, execute a proper conveyance and take all necessary steps in law for the effective conveyance to the Department of all such estate in the premises or endowment as is vested in those trustees or such smaller estate as may be agreed upon in the arrangement.

5. Where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of the trustees, nothing in this Schedule shall authorise any interference with that right except with the consent of that person.

6. The Department shall consider and have due regard to any objections and representations respecting a proposed transfer of a school under this Schedule which may be made by any person or by the representatives or successors of any person who has contributed to the establishment of the school.

**Changes to legislation:** *The Education and Libraries (Northern Ireland) Order 1986, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 June 2023. 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](#)*

7. Where the trust instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this Schedule shall be made by the persons in the manner and with the consent so provided.

8. Where a transfer of a school is made in pursuance of an arrangement under this Schedule, the consent of the Department shall, after the expiration of six months from the date of the transfer, be conclusive evidence that the arrangement has been made in conformity with this Order.

9. Where an arrangement under this Schedule provides for the transfer of a teacher's residence to the Department, this Schedule shall apply for the purposes of such transfer in like manner as it applies for the purposes of the transfer of a school.

**Changes to legislation:**

The Education and Libraries (Northern Ireland) Order 1986, SCHEDULE 9 is up to date with all changes known to be in force on or before 19 June 2023. 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.

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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\(7\)](#)