
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VII

FURTHER AND HIGHER EDUCATION

Further and higher education funding schemes

Replacement and variation of further and higher education funding schemes

108.—(1) Subject to the following provisions of this Article, a scheme may be replaced or varied by a subsequent scheme made under Article 106 by the board concerned.

(2) Article 106 shall apply for the purposes of a scheme replacing or varying a previous scheme with the omission of paragraph (1), and, subject to paragraph (5), Article 107(2) to (6) shall also apply for those purposes.

(3) A scheme prepared by a board under Article 106 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 106 varying a previous scheme which is not required by paragraph (3) (b) to be submitted to the Department for its approval is referred to in this Article as a “minor variation scheme”.

(5) Paragraphs (4) to (6) of Article 107 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 106 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) In any such case the board shall, 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, send to the Department a copy of the board’s proposed scheme; and 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).

(9) A scheme made under Article 106 may also be varied by a direction given by the Department, as from such date as may be specified in the direction.

(10) Before giving such a direction the Department shall consult the board concerned and such other persons as it thinks fit.