
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VII

FURTHER AND HIGHER EDUCATION

Provisions relating to staff during financial delegation

Costs of dismissal, premature retirement or voluntary severance

115.—(1) Subject to any provision of the relevant scheme or the articles of government of the institution and paragraph (2), it shall be for the governing body of any institution to which Article 114 for the time being applies to determine—

- (a) whether any payment should be made by the board concerned in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of the institution; and
- (b) the amount of any such payment.

(2) Paragraph (1) does not apply in relation to any payment which the board is required to make—

- (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 board concerned—

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

(4) Subject to any provision of the relevant scheme or the articles of government of the institution, costs incurred by the board concerned in respect of the dismissal or premature retirement, or for the purpose of securing the resignation, of any member of the staff of any such institution shall not be met from the institution's budget share for any financial year except in so far as the board has good reason for deducting those costs, or any part of those costs, from that share.

(5) The fact that the board 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 paragraph (4).