

---

STATUTORY INSTRUMENTS

---

**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

PART VIII

SCHOOLS—GENERAL PROVISIONS

CHAPTER II

CHARGES IN GRANT-AIDED SCHOOLS

**Application of Articles 128 to 131**

**127.**—(1) Subject to paragraphs (2) to (5), Articles 128 to 131 apply to all grant-aided schools.

(2) Those Articles do not apply to a voluntary grammar school if, on the appointed day, there is no agreement in force under Schedule 6 to the principal Order between the trustees or Board of Governors of the school and the Department.

(3) The application of those Articles to a voluntary grammar school other than a school mentioned in paragraph (2) is subject to Article 132.

(4) Those Articles do not apply to a grammar school in relation to an excepted pupil, that is to say—

- (a) any pupil who is not resident in Northern Ireland;
- (b) any pupil whose parents are not nationals of a member State;
- (c) in the case of a grammar school having a preparatory department, any pupil in that department of the school;
- (d) any pupil who—
  - (i) was admitted to the grammar school or, in the case of a grammar school having a preparatory department, admitted to the secondary department of the grammar school before the appointed day; and
  - (ii) on that day was not a non-fee-paying pupil, as defined by regulation 5 of the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978<sup>(1)</sup>.

(5) The board for the area in which a grammar school is situated may, in accordance with arrangements approved by the Department, direct that a pupil registered at the school who is an excepted pupil solely by reason of falling within paragraph (4)(d) shall cease to be an excepted pupil; and, accordingly, Articles 128 to 131 shall apply in relation to any pupil in respect of whom such a direction is given.

(6) In paragraph (4)(b) “national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.

---

(1) 1954 c. 33 (N.I.)

---

**Status:** *This is the original version (as it was originally made).*

---