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STATUTORY INSTRUMENTS

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**1989 No. 2406**

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

**PART V**

**FINANCING SCHOOLS**

*Financing of controlled and maintained schools*

**Provisions supplementary to Articles 50 and 51**

**52.**—(1) Subject to the provisions of this Article—

- (a) any delegation by a board under a scheme to the Board of Governors of any school of the management of the school's budget share; and
- (b) the spending by the Board of Governors of any school of any sum made available to it under a scheme in accordance with Article 51,

shall be subject to such conditions as may be imposed by or under the scheme.

(2) In imposing conditions under a scheme a board shall take into account any guidance given by the Department as to the conditions it regards as appropriate for imposition under a scheme.

(3) The Department shall publish any guidance given by it under paragraph (2) in such manner as it thinks fit.

(4) The times at which, and the manner in which—

- (a) any sum is put at the disposal of a Board of Governors which has a delegated budget;
- (b) any sum is made available to a Board of Governors under a scheme in accordance with Article 51,

shall be such as may be provided by or under the scheme.

(5) The Board of Governors of a school may delegate to the principal, to such extent as may be permitted by or under a scheme—

- (a) its power under Article 50(6) in relation to any part of the sum made available to it in respect of the school's budget share for any financial year;
- (b) its power under Article 51 in relation to any part of a sum made available to it under the scheme in accordance with that Article.

(6) The members of the Board of Governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of any power under Article 50(6), Article 51 or paragraph (5).

(7) A board may not—

- (a) delegate to the Board of Governors of any school required to be covered by a scheme in any financial year the power to spend any sum appropriated by the board for the purposes of the school;

- (b) make available to the Board of Governors of any such school any sum of money to be spent by the Board of Governors,  
otherwise than as required or permitted under the scheme.
- (8) Where a new school is established and is required to be covered by a scheme, then—
  - (a) if apart from this paragraph the delegation requirement would apply in relation to that school, that requirement shall not apply in relation to the school until such date as may be specified in the scheme in relation to the school;
  - (b) if apart from this paragraph the delegation requirement would not apply in relation to the school, the duty mentioned in Article 51 shall not apply in relation to the school until such date as may be specified in the scheme in relation to the school.