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STATUTORY INSTRUMENTS

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**1989 No. 2406**

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

PART VI

INTEGRATED EDUCATION

CHAPTER II

GRANT-MAINTAINED INTEGRATED SCHOOLS

*Discontinuance of grant-maintained integrated schools*

**Discontinuance by Board of Governors**

**80.**—(1) The Board of Governors of a grant-maintained integrated school shall not discontinue the school except in accordance with this Article.

(2) Where the Board of Governors of such a school—

- (a) decides by a resolution passed at a meeting of that body to discontinue the school; and
- (b) confirms that decision by a resolution passed at a subsequent meeting of that body held not less than twenty-eight days after that at which the first resolution was passed;

it shall, subject to paragraphs (3) and (4), give at least two years' notice of its intention to discontinue the school to the Department and to the board for the area in which the school is situated.

(3) No notice given under paragraph (2) without the prior approval of the Department shall be effective if the school premises were built or altered with the aid of a grant from the Department or financial assistance by a board or, before 1st October 1973, by a former local education authority.

(4) The requirement to give notice under paragraph (2) shall not apply where the Department and the board for the area in which the school is situated agree to dispense with that notice.

(5) If, during the period of a notice given under paragraph (2) in respect of a school, the Board of Governors of the school informs the Department that it is unable or unwilling to carry on the school until the expiration of the notice, the Department may give such directions as to the carrying on of the school and as to the education of the children attending the school as it thinks expedient.

(6) Where—

- (a) the period of a notice given under paragraph (2) has expired; or
- (b) the requirement to give that notice has been dispensed with under paragraph (4),

the Board of Governors may submit a proposal to discontinue the school to the board for the area in which the school is situated and that board shall submit the proposal to the Department together with its views thereon.

(7) Paragraphs (4) to (7), (9), (9A), (9B) and (10) of Article 14 of the principal Order shall apply in relation to a proposal under paragraph (6) as they apply in relation to a proposal under paragraph (2) of that Article.

### **Withdrawal of grant by Department**

**81.**—(1) The Department may cease to maintain a grant-maintained integrated school by giving notice of its intention to do so to the Board of Governors of the school under this Article; and on the date specified in any such notice as the date on which the Department intends to cease to maintain the school the Department's duty to maintain the school shall cease.

(2) Subject to the following provisions of this Article—

- (a) a notice under this Article may not specify as the date on which the Department intends to cease to maintain such a school a date falling less than two years after the date of the notice; and
- (b) before giving such a notice the Department shall consult—
  - (i) the Board of Governors of the school;
  - (ii) the board for the area in which the school is situated; and
  - (iii) the Council for Catholic Maintained Schools.

(3) Paragraph (2) shall not apply where the Department is satisfied, in the case of any grant-maintained integrated school, that the school as currently constituted or conducted is unsuitable to continue as a grant-maintained integrated school on all or any of the following grounds—

- (a) that the number of registered pupils at the school is too small for sufficient and suitable instruction to be provided for them at reasonable cost;
- (b) that the Board of Governors has failed for a significant period of time to carry out its duties under Part III;
- (c) that the Board of Governors has been guilty of substantial or persistent failure to comply or secure compliance with any other requirement imposed by or under this Order or any other statutory provision;
- (d) that the school is not attended by reasonable numbers of both Protestant and Roman Catholic pupils.

(4) In any case within paragraph (3), the Department may give to the Board of Governors of the school a notice stating the grounds on which it considers that the school as currently constituted or conducted is unsuitable to continue as a grant-maintained integrated school together with full particulars of the matters relevant to each such ground.

(5) Where any of the matters of which particulars are given in a notice under paragraph (4) are stated in the notice to be in the opinion of the Department irremediable, the notice shall also state that the Department intends to cease to maintain the school on a date specified in the notice.

(6) Where paragraph (5) does not apply in the case of any notice under paragraph (4), the notice shall—

- (a) state that the Department intends to cease to maintain the school unless the matters of which particulars are given in the notice are remedied;
- (b) specify the measures necessary in the opinion of the Department to remedy those matters; and
- (c) specify the time, not being less than three months after the date of the notice, within which the Board of Governors is required to take those measures.

(7) Where the Board of Governors of a grant-maintained integrated school fails to take the measures required by a notice under paragraph (4) within the time specified in the notice or allowed by any previous notice under this paragraph, the Department shall within the period of two months beginning with the date next following the end of that time either—

- (a) give notice to the Board of Governors extending the time within which those measures are required to be taken; or

- (b) after consulting the board for the area in which the school is situated, give notice that it intends to cease to maintain the school on a date specified in the notice.
- (8) The Department may by notice given to the Board of Governors—
  - (a) withdraw any notice under paragraph (1), (4) or (7)(b); or
  - (b) vary—
    - (i) any notice under paragraph (1) or (7)(b); or
    - (ii) any notice under paragraph (4) to which paragraph (5) applies, by substituting a later date for the date for the time being specified in the notice as the date on which it intends to cease to maintain the school; or
  - (c) vary any notice under paragraph (4) to which paragraph (6) applies, so far as relates to the measures required by the notice to remedy the matters of which particulars are given in the notice.
- (9) If by virtue of paragraph (8)(c) the Department varies any notice under paragraph (4) so as to require different measures to be taken it shall also substitute for the time specified in the notice as the time within which the Board of Governors is required to take the measures specified in the notice as varied a time ending—
  - (a) not less than three months after the date of the notice of variation; and
  - (b) where the time so specified has been extended under paragraph (7), not earlier than that time as so extended.
- (10) Any variation under paragraph (9) of the time specified in a notice under paragraph (4) is without prejudice to any further extension of that time under paragraph (7).
- (11) Any notice under this Article shall be in writing; and references in this Article to the date of any such notice given to a Board of Governors under this Article are references to the date on which it is given to the Board of Governors.