
STATUTORY INSTRUMENTS

1986 No. 594

The Education and Libraries (Northern Ireland) Order 1986

PART III

PROVISION OF EDUCATION

The statutory system of education

[^{F1}Stages and purposes of statutory system of education

5.—(1) The statutory system of public education shall be organised in three stages, namely—

- (a) primary education;
- (b) secondary education; and
- (c) further education.

(2) It shall be the duty of [^{F2}the Authority] (so far as its powers extend) to contribute towards the spiritual, moral, cultural, intellectual and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs [^{F3}of the community] .

(3) The Further Education (Northern Ireland) Order 1997 confers functions with respect to further education.]

F1 1997 NI 15

F2 Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

F3 Words in art. 5(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(3)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

Powers and duties of boards in relation to primary and secondary education

Duty of boards to secure provision of primary and secondary education

6.—(1) Subject to paragraph (2), [^{F2}the Authority] shall secure that there are available ^{F4}... sufficient schools for providing primary and secondary education and the schools available ^{F4}... shall not be deemed to be sufficient unless they are sufficient in number, character and equipment to afford for all pupils opportunity for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes, and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs and, without prejudice to the generality of the foregoing provisions of this Article, [^{F2}the Authority] in fulfilling its duties under this Article shall in particular have regard to—

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- (a) the need for securing that special educational provision is made for pupils who have special educational needs;
- (b) the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by ^{F2}the Authority] to be desirable.

^{F5}(1A) In fulfilling its duty under this Article to secure that there are available ^{F6}... sufficient schools for providing secondary education ^{F2}the Authority] shall have regard to any facilities for full time education which are—

- (a) provided for senior pupils in an institution of further education; ^{F7}...

^{F7}(b)]

(2) Each board may provide nursery schools or nursery classes in other controlled schools; and Article 7 shall apply to any provision made by ^{F2}the Authority] under this paragraph.

Para. (3) rep. by 1998 NI 13

Para. (4) rep. by 1996 NI 1

F2	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
F4	Words in art. 6(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
F5	1989 NI 20
F6	Words in art. 6(1A) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
F7	Art. 6(1A)(b) and preceding word repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

Provision, maintenance and management of controlled schools by boards

7. For the purposes of fulfilling its duties under^{F8} the Education Orders], ^{F2}the Authority] may provide primary, secondary and special schools ^{F9}... and shall maintain and manage any such school provided by it or transferred to its management ^{F9}....

F2	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
F8	1989 NI 20
F9	Words in art. 7 repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

Duties of boards in relation to certain voluntary schools

8. ^{F10}

F10	Art. 8 repealed (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3)(h), 91(2)(3), Sch. 6 Pt. II; S.R. 2009/183, art. 3(e)(i)
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***F11* Power of boards to assist voluntary grammar schools and direct grant voluntary intermediate schools**

- 9.—^{F12}(1) A board, with the approval of the Department, may—
- (a) give assistance, other than financial assistance, to the trustees or Board of Governors of a voluntary grammar school^{F12} . . . ; and
 - (b) give financial assistance to the trustees or Board of Governors of a voluntary grammar school,^{F13} in relation to which an agreement with ^{F2}the Authority] is in force under paragraph 2 of Schedule 6.]

^{F12}(2) A board, with the approval of the Department, may give financial or other assistance to the Board of Governors of a grant#maintained integrated school on such terms and conditions as may be arranged between ^{F2}the Authority] and the Board of Governors of the school.]

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| <p>F2 Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)</p> <p>F11 prosp. rep. by 1998 NI 13</p> <p>F12 1989 NI 20</p> <p>F13 1993 NI 12</p> |
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School management

***F14* Schemes of management**

9A.—(1) For every grant#aided school^{F15} . . . there shall be a scheme (to be known as a “scheme of management”) providing for—

- (a) the membership and procedure of the Board of Governors of the school;
- (b) the management of the school, and in particular the functions to be exercised in relation to the school by the Board of Governors, the principal and any other person or body specified in the scheme;
- (c) such other matters as are required or authorised by the Education Orders to be included in or regulated by the scheme of management.

(2) The scheme of management for a grant#aided school may provide for the establishment by the Board of Governors of the school of committees (whether or not including persons who are not members of the Board of Governors) and for—

- (a) the membership and procedure of such committees;
- (b) the delegation to such committees of such functions of the Board of Governors of the school as may be specied in or determined in accordance with the scheme.

(3) The scheme of management for a grant#aided school may provide for the delegation to the principal of the school of such functions of the Board of Governors as may be specified in or determined in accordance with the scheme.

- (4) The scheme of management for a grant#aided school shall—
- (a) contain no provision which is inconsistent with any provision of the Education Orders or any other statutory provision;
 - (b) except in so far as any provision of the Education Orders requires or authorises, comply with any instrument of government of the school.
- (5) The scheme of management for—

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- (a) a controlled integrated school, shall be a scheme applying only to that school;
- (b) any other controlled school, may be either a scheme applying only to that school or a scheme applying to that school and to other controlled schools, all being schools specified, or of a description specified, in the scheme.

(6) The scheme of management for a Catholic maintained school may be a scheme applying only to that school or a scheme applying to that school and to other Catholic maintained schools, all being schools specified, or of a description specified, in the scheme.

Para. (7) rep. by 1993 NI 12]

F14 1989 NI 20

F15 1997 NI 15

Preparation of schemes of management

9B.—(1) It shall be the duty of [^{F2}the Authority] to prepare a scheme or schemes of management for controlled schools ^{F16}...; but before preparing a scheme of management applying to any school [^{F2}the Authority] shall consult the Board of Governors of that school.

(2) It shall be the duty of [^{F2}the Authority] , after consultation with the managers or trustees of a maintained school (other than a Catholic maintained school) maintained by it, to prepare a scheme of management for the school.

(3) It shall be the duty of the Council for Catholic Maintained Schools to prepare a scheme or schemes of management for Catholic maintained schools; but before preparing a scheme of management applying to any school the Council shall consult the trustees or managers of the school and [^{F2}the Authority]^{F17}

[^{F18}(4) It shall be the duty of the Board of Governors of a voluntary school (other than a maintained school) to prepare a scheme of management for the school.]

(5) It shall be the duty of the Board of Governors of a grant#maintained integrated school to prepare a scheme of management for the school.

(6) In preparing a scheme of management under this Article a body or person shall take into account any guidance given by the Department as to the provisions it regards as suitable for inclusion in that scheme.

(7) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.

F2 Words in Order substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 1\(1\)\(a\)](#) (with [Sch. 2 para. 4\(3\)](#), [Sch. 3 para. 1\(2\)](#)); S.R. 2015/35, art. 2(b)

F16 Words in art. 9B(1) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

F17 Words in art. 9B(3) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

F18 1993 NI 12

Approval or imposition of scheme of management by Department

9C.—(1) Every body or person required by Article 9B to prepare a scheme of management shall, on or before such date as the Department may direct, submit the scheme to the Department for its approval, and in this Article and Article 9D “the submitting authority”, in relation to a scheme, means the body by which or person by whom the scheme is required to be prepared.

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(2) In the case of a scheme prepared under paragraph (1) or (3) of Article 9B the submitting authority shall also submit to the Department such information as to the results of consultations under that paragraph as the Department may require.

(3) A scheme of management submitted under paragraph (1) shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving its approval, specify; and the Department may approve such a scheme either without modifications or with such modifications as it thinks fit after consulting the submitting authority.

(4) Where—

- (a) a submitting authority fails to submit a scheme to the Department as required by paragraph (1); or
- (b) it appears to the Department that a scheme submitted by a submitting authority as required by that paragraph does not accord with any guidance given by it for the purposes of Article 9B and cannot be made to do so merely by modifying it,

the Department may impose a scheme of management making such provision of a description required or authorised to be made by a scheme of management as it considers appropriate.

(5) A scheme of management imposed by the Department by virtue of paragraph (4)—

- (a) shall be treated for all purposes as if it had been prepared by the submitting authority and approved by the Department under this Article; and
- (b) shall come into operation on such date as may be specified therein.

(6) Before imposing a scheme under paragraph (4) the Department shall consult the submitting authority and—

- (a) in the case of a scheme of management applying to a controlled school or controlled schools, the Board of Governors of the school or schools to which the scheme applies;
- (b) in the case of a scheme of management applying to a maintained school (other than a Catholic maintained school) the managers or trustees of the school; and
- (c) in the case of a scheme of management applying to a Catholic maintained school or schools, the managers or trustees of the school or schools to which the scheme applies and [^{F2}the Authority]^{F19}....

(7) The Council for Catholic Maintained Schools shall provide [^{F2}the Authority] with a copy of the scheme or schemes of management approved under this Article and applying to [^{F20}Catholic maintained schools] .

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| F2 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F19 | Words in art. 9C(6)(c) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F20 | Words in art. 9C(7) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 9(4) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |

Revision of schemes of management

9D.—(1) A submitting authority may at any time, and shall if the Department so directs, prepare a revised scheme of management and submit it to the Department for its approval.

(2) Article 9B(6) and (7) shall apply in relation to the preparation of a revised scheme of management as it applies in relation to the preparation of the initial scheme.

(3) A revised scheme of management submitted under paragraph (1) shall not come into operation until it has been approved by the Department or until such date as the Department may, in giving

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its approval, specify; and the Department may approve such a scheme either without modifications or with such modifications as it thinks fit after consulting the submitting authority.

Management of controlled schools

10.—^{F21}(1) Subject to paragraph (2), ^{F2}[the Authority] shall make provision by means of a Board of Governors to be appointed by ^{F2}[the Authority] for the management of each controlled school

^{F22} ... ^{F23}

(2) Two or more controlled primary schools, other than controlled integrated primary schools or nursery schools, under the management of ^{F2}[the Authority] may, if ^{F2}[the Authority] so determines and the Department approves, be grouped under one Board of Governors.

(3) The scheme of management for a controlled school—

- (a) shall, in so far as it relates to the membership of the Board of Governors of the school, comply with the provisions of Schedule 4;
- (b) may provide for the carrying out by the Board of Governors in relation to the school of specified functions on behalf of, and in the name of, ^{F2}[the Authority] .

Para. (4) rep. by 1989 NI 20

^{F24}(5) A Board of Governors shall, when carrying out specified functions on behalf of, and in the name of, ^{F2}[the Authority] , be regarded as a committee of ^{F2}[the Authority] but shall not be so regarded for any other purpose and the functions of a Board of Governors in relation to the appointment of teachers under Schedule 14 or the appointment of other staff under Article 88 shall not be regarded as being carried out on behalf of, or in the name of, ^{F2}[the Authority] .

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| F2 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F21 | 1989 NI 20 |
| F22 | Words in art. 10(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F23 | 1997 NI 15 |
| F24 | prosp. subst. by 1989 NI 20 |

^{F25}Management of voluntary schools

11.—(1) Subject to paragraph (3), each voluntary school shall be under the control and management of a Board of Governors.

(2) Subject to paragraph (3), each maintained school shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Part I of Schedule 5^{F26}

(3) Two or more maintained primary schools, other than nursery schools, may be grouped under one Board of Governors where the trustees or Board of Governors of each school so requests and—

- (a) in the case of Catholic maintained schools, the Council for Catholic Maintained Schools, with the approval of the Department, so determines; and
- (b) in the case of other maintained schools, ^{F2}[the Authority] , with the approval of the Department, so determines.

(4) Each voluntary grammar school in relation to which an agreement under paragraph 1 of Schedule 6 is in force shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Schedule 6.

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(5) Each voluntary grammar school in relation to which no agreement under paragraph 1 of Schedule 6 is in force shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Schedule 7.

Para. (6) rep. by 1996 NI 1]

F2 Words in Order substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 1\(1\)\(a\)](#) (with [Sch. 2 para. 4\(3\)](#), [Sch. 3 para. 1\(2\)](#)); S.R. 2015/35, art. 2(b)
F25 1993 NI 12
F26 1996 NI 1

[^{F27}Limitation on membership of Boards of Governors

12. Except with the approval of the Department, no person shall at the same time hold office as a member of more than three Boards of Governors of grant#aided schools.]

F27 1993 NI 12

Miscellaneous provisions relating to Boards of Governors

13.—(1) The proceedings of a Board of Governors[^{F28} of a grant#aided school] shall not be invalidated by any vacancy among its members or by any defect in the appointment, election or nomination of any member.

(2) Without prejudice to the generality of paragraph (1), where[^{F28} members of the Board of Governors of a grant#aided school] are required to be elected or nominated by other persons then if, for whatever reason, such members have not yet[^{F28} been], or cannot be, so elected or nominated the Board of Governors shall notwithstanding such vacancies be regarded as fully constituted.

(3) Nothing in paragraph (1) or (2) affects the operation of any provision relating to the quorum for meetings of a Board of Governors.

[^{F28}(3A) Where, at any grant#aided school,—

- (a) one or more vacancies for parent members are required to be filled by election; and
- (b) the number of parents standing for election as parent members is less than the number of vacancies,

the required number of parent members shall be made up by persons appointed by the voting members of the Board of Governors of the school.

[
^{F29}(3AA) [^{F30}Where, in relation to a school established in a hospital, the Authority is of the opinion that] it is likely to be impracticable for there to be elections of parent members at the school, the required number of parent members may be made up by persons appointed by the voting members of the Board of Governors of the school.]

(3B) Where it is reasonably practicable to do so, it shall be the duty of the voting members of the Board of Governors in appointing any person under paragraph (3A)[^{F29} or (3AA)] to appoint a person who is the parent of a registered pupil at the school.

(3C) In paragraph (3A)[^{F29} or (3AA)] “parent member” means a member of the Board of Governors of a grant#aided school who but for that paragraph would be required to be elected by parents of [^{F31}registered pupils at] the school from amongst the parents of such pupils.

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(3D) A person appointed under paragraph (3A)^[F29] or (3AA)] shall for all purposes of the Education Orders except Schedule 8 to the 1989 Order be treated as if he had been duly elected as a member of the Board of Governors by parents of ^[F31]registered pupils at] the school.

(3E) In paragraphs (3A)^[F29], (3AA)] and (3B) “voting members” has the meaning assigned to it by Article 122(3) of the 1989 Order.]

(4) An assistant teacher elected as a member of the Board of Governors of one or more than one^[F28] grant#aided] school shall, on ceasing to be an assistant teacher at the school or one of the schools, cease to hold office as a member of the Board of Governors.

(5) A parent elected as a member of the Board of Governors of one or more than one^[F28] grant#aided] school shall not by reason only of ceasing to be a parent of a ^[F32]registered pupil at] the school or one of the schools cease to hold office as a member of the Board of Governors.

(6) Where the principal of a^[F28] grant#aided] school is absent or otherwise unavailable, the Board of Governors of the school may invite the vice-principal or other person for the time being performing the duties of the principal to attend a meeting of the Board of Governors; and any person so invited shall be entitled to attend and take part in the meeting but not to vote on any question.

^[F28](7) Any question as to the right of any person to be, or to appoint or nominate, a member of the Board of Governors of a grant#aided] school shall be decided by the Department whose decision shall be final.]

F28 1989 NI 20

F29 1993 NI 12

F30 Words in art. 13(3AA) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(5)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

F31 Words in art. 13(3C)(3D) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), **Sch. 2 para. 23(a)**; S.R. 2007/197, **art.2(a)**

F32 Words in art. 13(5) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), **Sch. 2 para. 23(b)**; S.R. 2007/197, **art. 2(a)**

Establishment, recognition and discontinuance of, and effecting of changes to, grant-aided schools

Proposals as to primary and secondary education

14.—(1) Where ^[F2]the Authority] proposes—

- (a) to establish a new controlled school^[F33], other than a controlled integrated school];
- (b) to have an existing school recognised as a^[F33] controlled school, other than a controlled integrated] school;
- (c) to discontinue a controlled school;
- (d) to make a significant change in the character or size of a controlled school;
- (e) to make any other change in a controlled school which would have a significant effect on another grant-aided school,

^[F2]the Authority] shall submit the proposal to the Department.

(2) Where a person other than ^[F2]the Authority] proposes—

- (a) to establish a new voluntary school;
- (b) to have an existing school recognised as a^[F33] voluntary] school;
- (c) to discontinue a voluntary school;

- (d) to make a significant change in the character or size of a voluntary school;
- (e) to make any other change in a voluntary school which would have a significant effect on another grant-aided school,

[^{F33}then—

- (i) where the school is, or is proposed to be established or recognised as, a Catholic maintained school, the person making the proposal shall submit it to the Council for Catholic Maintained Schools which, after making such modifications (if any) as may be agreed with the person making the proposal, shall submit the proposal to [^{F2}the Authority]^{F34} ... together with the Council's views thereon;
- (ii) in any other case, the person making the proposal shall submit the proposal to [^{F2}the Authority]^{F34} ...,

and [^{F2}the Authority] shall submit the proposal to the Department together with its views thereon and, in a case to which head (i) applies, the Council's views thereon.]

(3) It shall, where the Department so directs, be the duty of [^{F2}the Authority] to submit to the Department a proposal—

- (a) to establish a new controlled school[^{F33}, other than a controlled integrated school];
- (b) that a controlled or voluntary school should be discontinued;
- (c) that a significant change should be made in the character or size of a controlled or voluntary school.

(4) A proposal under paragraph (1), (2) or (3) shall be in such form and contain such particulars as may be required by the Department.

[^{F35}(5) Before a proposal concerning an existing school is submitted to [^{F2}the Authority] under paragraph (2), the person making the proposal shall consult the following persons (or representatives of them)—

- (a) the Board of Governors of the school concerned;
- (b) the teachers employed at that school; and
- (c) the parents of registered pupils at that school.

(5A) Before a proposal concerning an existing school is submitted to the Department by [^{F2}the Authority] under paragraph (1) or (3), [^{F2}the Authority] shall consult the following persons (or representatives of them)—

- (a) the Board of Governors of the school concerned;
- (b) the teachers employed at that school; and
- (c) the parents of registered pupils at that school.

(5B) Before a proposal concerning any school is submitted to the Department by [^{F2}the Authority] under paragraph (1), (2) or (3), [^{F2}the Authority] shall consult the trustees and managers (or representatives of them) of any other school which would, in the opinion of [^{F2}the Authority] , be affected by the proposal.]

(6) A board, after submitting a proposal to the Department under paragraph (1), (2) or (3), shall—

- (a) forthwith furnish to the trustees and managers of every school which would, in the opinion of [^{F2}the Authority] , be affected by the proposal such particulars of the proposal as are sufficient to show the manner in which the school would be affected;
- (b) forthwith publish by advertisement in one or more newspapers circulating in the area affected by the proposal a notice stating the nature of the proposal, that the proposal has been submitted to the Department, that a copy of the proposal can be inspected at

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a specified place and that objections to the proposal can be made to the Department within two months of the date specified in the advertisement, being the date on which the advertisement first appears;

- (c) furnish to any person, on application, a copy of the proposal on payment of such reasonable sum as [F2the Authority] may determine.

(7) Subject to Article 15(3), the Department, after considering any objections to a proposal made to it within the time specified in the notice under paragraph (6)(b), may, after making such modification, if any, in the proposal as, after consultation with [F2the Authority] or person making the proposal[F33 and, in a case to which paragraph (2)(i) applies, the Council for Catholic Maintained Schools], it considers necessary or expedient, approve the proposal and inform [F2the Authority] or person accordingly.

(8) In relation to a proposal made under paragraph (3), paragraph (7) shall have effect with the substitution for the references to the person making the proposal of references to the trustees and managers of the school to which the proposal relates.

(9) A proposal under paragraph (1), (2) or (3) shall not be implemented until it has been approved by the Department.

[F36(9A) Subject to paragraph (9B), where a proposal under paragraph (1), (2) or (3) is approved by the Department after 1st April 1987, it shall be the duty of [F2the Authority] or person making the proposal to implement the proposal.

(9B) The Department may modify any proposal which is required to be implemented under paragraph (9A), but shall not do so except at the request of [F2the Authority] or person making the proposal.]

[F33(9C) Where the Department approves under paragraph (9) a proposal submitted to [F2the Authority] under paragraph (2)(i) by the Council for Catholic Maintained Schools, it shall be the duty of the Department to make such amendments (if any) to the scheme under Article 141(4) of the 1989 Order as appear to the Department to be necessary or expedient in connection with the implementation of that proposal.]

(10) Any dispute as to whether, for the purposes of this Article, a change is a significant change or would have a significant effect on another grant-aided school shall be determined by the Department.

F2	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
F33	1989 NI 20
F34	Words in art. 14(2)(i)(ii) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
F35	2003 NI 12
F36	1987 NI 2

Establishment and recognition of grant-aided schools

15.—(1) Where the Department approves a proposal to establish a[F37 controlled or voluntary] school, [F2the Authority] or other person by whom the proposed school is to be established shall, unless the Department otherwise determines, submit to the Department in such form and in such manner as the Department may from time to time direct, specifications and plans for the school premises and the Department, on being satisfied that the school premises will conform to the standards specified[F38 . . . under Article 18 with or without such exemption from those standards as the Department may grant under that Article, may approve the specifications and plans.

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(2) Where the proposal, specifications and plans for a new school have been approved by the Department, [F2the Authority] or persons by whom the proposed school is to be established shall not give effect to the proposal otherwise than in accordance with the specifications and plans as so approved.

(3) The Department shall not approve under Article 14(7) a proposal for the establishment[F37 of a new voluntary school or the recognition of an existing school as a voluntary school] unless the school is to become a maintained school or unless it is to become a grammar school[F39 in relation to which an agreement with the Department under paragraph 1(1) of Schedule 6 is in force];F39 . . .

(4) Where the Department approves a proposal for the recognition of an existing school as a[F37 controlled or voluntary] school, the Department may grant such recognition upon such terms and subject to such conditions as it may determine.

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| F2 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F37 | 1989 NI 20 |
| F38 | 1996 NI 1 |
| F39 | 1993 NI 12 |

Discontinuance of grant-aided schools

16.—(1) Subject to paragraph (2), where the trustees of a voluntary school propose to discontinue the school they shall give at least two years notice of their intention to the Department and to [F2the Authority]F40... but no such notice given 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 [F41by the Authority or by a board] or, before 1st October 1973, by a former local education authority.

(2) Paragraph (1) shall not apply where the Department and [F2the Authority]F40... agree to dispense with the notice required by that paragraph.

(3) If, during the period of a notice given under paragraph (1) in respect of a voluntary school, the trustees of the school inform the Department that they are 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.

(4) Where a voluntary school is discontinued and—

- (a) moneys have been paid in respect of the school under[F42 Article 68 of the Education (Northern Ireland) Order 1998], the trustees shall[F43 repay to the Department such sums as are repayable in accordance with the provisions of regulations under that Article];

Sub#para. (b) rep. by 1996 NI 1

- (c) moneys have been paid in respect of the school under section 10 of the Education Act (Northern Ireland) 1930 or section 106 of the Education Act (Northern Ireland) 1947, the provisions of those sections and of any regulations thereunder relating to the repayment of such moneys shall continue to apply to the school as if those sections had not been repealed.

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| F2 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F40 | Words in art. 16(1)(2) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b); S.R. 2015/35, art. 2(b) |

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- F41** Words in art. 16(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(6)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F42** Words in art. 16(4)(a) substituted (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3)(g), 91(1), Sch. 5 Pt. II; S.R. 2009/183, **art. 3(d)**
- F43** 1993 NI 12

Transfer of voluntary schools

17.—(1) Notwithstanding anything in any instrument of government of a voluntary school, the trustees of the school may, with the consent of the Department given after consultation with ^[F44]the Authority] , transfer to the Department the school (which expression in this Article includes any land, equipment or teachers' residences held or used in connection with the school by the trustees or managers of the school) upon such terms as may be agreed by the trustees, the Department and ^[F45]the Authority] and the provisions of Schedule 9 shall apply to any such transfer.

(2) The terms on which a school is transferred to the Department under paragraph (1) may contain a provision that in specified circumstances the school should be transferred back to the original transferors or transferred to such other persons as may be specified.

(3) A school transferred under paragraph (1) shall, on the date of the transfer, become a controlled school and the Department shall place it under the management of ^[F46]the Authority] and may, subject to the terms on which the school was transferred to the Department, convey to ^[F2]the Authority] any estate in land relating to the school and, whether or not it does so, may transfer to ^[F2]the Authority] any equipment, furniture or other movable contents of the school transferred to it under paragraph (1).

(4) The trustees of a school transferred under paragraph (1) shall, from the date of the transfer, be absolutely freed and discharged from all responsibility in connection with the school whether under any deed of trust or otherwise.

(5) The existing staff of teachers in a school transferred under paragraph (1) shall from the date of transfer be placed as regards appointment, dismissal and remuneration on terms not less favourable than those applicable to them before the transfer and any question which may arise as to the fulfilment or observance of the provisions or requirements of this paragraph shall be referred to the Department whose decision thereon shall be final.

(6) Where a school is vested in the Department, it may place the school under the management of ^[F47]the Authority] but shall not do so without the consent of the managers of the school and where it does so, the Department may convey to ^[F2]the Authority] any estate in land relating to the school.

^{F48}(7)

- F2** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
- F44** Words in art. 17(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(7)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F45** Words in art. 17(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(8)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F46** Words in art. 17(3) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(7)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F47** Words in art. 17(6) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(7)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F48** Art. 17(7) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

^{F49}Regulations as to carrying on of grant#aided schools

17A.—(1) The Department may by regulations make provision as to the carrying on of grant#aided schools.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may include provision—

- (a) prescribing the terms and conditions on which a school may remain a grant#aided school;
- (b) with respect to the number and composition of the teaching staff to be provided in grant#aided schools;
- (c) with respect to the duration of the school day^{F50}, school term] and school year at such schools;
- (d) with respect to the curriculum and time#table to be followed in such schools;
- (e) enabling the Department to prohibit the use in such schools of any book or the teaching material of which the Department does not approve;
- (f) preventing the use of the premises of such schools for such purposes as may be prescribed.

[with respect to the keeping, disclosure and transfer of educational records about pupils^{F50}(g) at such schools and the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.]

[^{F50}(2A) Regulations made under paragraph (1) by virtue of paragraph (2)(g) may authorise persons who in pursuance of the regulations supply copies of any such records as are there mentioned to charge such fee as they think fit (not exceeding the cost of supply) in respect of each copy so supplied.]

(3) Regulations under this Article may enable the Department^{F50} or a prescribed body or person] to authorise such exceptions, grant such approvals and make such determinations for the purposes of the regulations as are specified therein.]

F49 1987 NI 2

F50 1989 NI 20

Modifications etc. (not altering text)

C1 Art. 17A(2)(g) amendment continued (1.8.2006) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(2), 44(1), **Sch. 2 para. 2(a)**

C2 Art. 17A(2A) amendment continued (1.8.2006) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(2), 44(1), **Sch. 2 para. 2(b)**

^{F51}Standard of school premises

18.—(1) The Department shall issue directions specifying the standards to which premises of grant#aided schools shall conform.

(2) Subject to paragraph (3), it shall be the duty of—

- (a) [^{F2}the Authority]]^{F52}:in the case of] a controlled school;
- (b) the Board of Governors of a grant#maintained integrated school; and
- (c) the trustees of a voluntary school,

to secure that the premises of the school conform to the standards specified under this Article for schools of the description to which the school belongs.

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(3) Where the Department is satisfied that it would be unreasonable to expect the premises of a particular school to conform to the standards specified under this Article, it may exempt the school premises from conforming with such standards to such extent and for such time as it thinks appropriate.

(4) Directions given under this Article by the Department—

- (a) shall be given in writing; and
- (b) shall be published by the Department in such manner as it thinks fit.]

<p>F2 Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)</p> <p>F51 1993 NI 12</p> <p>F52 Words in art. 18(2)(a) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 9(9) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)</p>

Arts. 19, 20 rep. by 1989 NI 20

Religious education in schools

Religious education in controlled and voluntary schools other than nursery and special schools

21.—(1) Subject to the provisions of this Article, religious^[F53] education] shall be given in every^[F53] grant#aided] school other than a nursery^{F54}. . . school and the school day in every such school shall also include collective worship whether in one or more than one assembly on the part of the ^[F55]registered pupils] at the school.

(2) In a controlled school^[F53], other than a controlled integrated school,] the religious^[F53] education] required by paragraph (1) shall be undenominational religious^[F53] education], that is to say,^[F53] education] based upon the Holy Scriptures according to some authoritative version or versions thereof but excluding^[F53] education] as to any tenet distinctive of any particular religious denomination and the collective worship required by paragraph (1) in any such school shall not be distinctive of any particular religious denomination.

^[F56](3) Subject to paragraph (3A), in—

- (a) a controlled integrated school;
- (b) a grant#maintained integrated school; and
- (c) a voluntary school,

the religious education and collective worship required by paragraph (1) shall be under the control of the Board of Governors of the school and that religious education shall be subject to such arrangements for inspection and examination as the Board of Governors thinks fit.]

^[F57](3A) In a grant-aided school the religious education required by paragraph (1) shall include religious education in accordance with any core syllabus specified under Article 11 of the Education (Northern Ireland) Order 2006.]

(4) Religious^[F53] education] and collective worship required by paragraph (1) shall be so arranged that—

- (a) the school shall be open to pupils of all religious denominations for^[F53] education] other than religious^[F53] education];
- (b) no pupil shall be excluded directly or indirectly from the other advantages which the school affords.

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(5) If the parent of any pupil requests that the pupil should be wholly or partly excused from attendance at religious^[F53 education] or collective worship or from both, then, until the request is withdrawn, the pupil shall be excused from such attendance in accordance with the request.

(6) No payment from public funds in respect of a pupil shall be varied by reason of his attendance or non-attendance at religious^[F53 education] or collective worship.

(7) Ministers of religion and other suitable persons, including teachers of the school, to whom the parents do not object shall, subject to paragraph (8), be granted reasonable access at convenient times to pupils in any^[F53 grant#aided] school other than a nursery^{F54} . . . school for the purpose of giving religious^[F53 education], whether as to tenets distinctive of a particular religious denomination or otherwise, or of inspecting and examining the religious^[F53 education] given in the school and^[F53 education] given by virtue of this paragraph may be in addition to that provided under paragraph (1).

(8) Paragraph (7) shall not, without the consent of the managers of the school, apply to a voluntary school in existence immediately before 1st October 1973 which was not at that date required to give such access as is referred to in that paragraph and where a pupil has been wholly or partly excused from attendance at religious^[F53 education] in any voluntary school to which such access is not granted, such pupil may be withdrawn from the school during such periods as are reasonably necessary for the purpose of enabling him to receive religious^[F53 education] of which his parents approve.

(9) The Department shall make such regulations as it considers necessary for securing that the provisions of this Article relating to religious education are complied with in all^[F53 grant#aided] schools other than nursery^{F54} . . . schools, and in particular such regulations may contain provisions with respect to—

- (a) the times during which any religious observance may be practised or any religious^[F53 education] may be given;
- (b) the times during which pupils may be withdrawn from the school so that they may receive religious^[F53 education] in accordance with the provisions of paragraph (8);
- (c) the making of arrangements for religious^[F53 education] in schools;
- (d) the amount of time which may be allotted in the time-tables of schools to religious^[F53 education].

F53 1989 NI 20

F54 1996 NI 1

F55 Words in art. 21(1) substituted (23.3.2007) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(4)(c), 44(1), **Sch. 2 para. 24**, SR 2007/197, {art. 2(a)}

F56 1993 NI 12

F57 Art. 21(3A) substituted (1.8.2006) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(2), 44(1), **Sch. 2 para. 4**

Modifications etc. (not altering text)

C3 Art. 21 amendment continued (1.8.2006) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(2), 44(1), **Sch. 2 para. 3**

Duties of teachers in controlled schools as to collective worship and religious instruction

22.—(1) Subject to the provisions of this Article, the teachers in every controlled school other than^[F58 a controlled integrated school or] a nursery^{F59} . . . school, if so requested by ^[F2 the Authority]^{F60} . . ., shall conduct or attend collective worship in the school and give undenominational

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religious^{F58} education] in the school but a teacher in a controlled school shall not be required to give religious^{F58} education] other than undenominational religious^{F58} education].

(2) A teacher who has, under paragraph (1), been required to conduct or attend collective worship or give undenominational religious^{F58} education], may make a request to the Board of Governors of the school in which he is serving to be wholly or partly excused from conducting or attending such worship or giving such^{F58} education] or both from conducting and attending such worship and giving such^{F58} education] and at the same time furnish to the Board of Governors for submission to ^{F2}the Authority^{F60} ... a statutory declaration that his request to be so excused is made solely on grounds of conscience.

(3) Where a teacher makes a request under paragraph (2) and furnishes the statutory declaration required by that paragraph, the teacher shall, until the request is withdrawn, be excused in accordance with the request and whilst he is so excused shall not receive less emoluments or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does not conduct or attend collective worship or give undenominational religious^{F58} education].

(4) Where ^{F2}the Authority] is wholly or partly unable to arrange that the teachers in a school conduct the collective worship or give the undenominational religious^{F58} education] which it is required to provide in the school in accordance with the provisions of Article 21, ^{F2}the Authority] may, for the purpose of fulfilling its obligations under that Article, advertise for and appoint a teacher to conduct such collective worship or give such religious^{F58} education].

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| F2 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F58 | 1989 NI 20 |
| F59 | 1996 NI 1 |
| F60 | Words in art. 22(1)(2) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |

Modifications etc. (not altering text)

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| C4 | Art. 22 amendment continued (1.8.2006) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)) , arts. 1(2), 44(1), Sch. 2 para. 3 |
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Religious instruction not to be inspected, but complaints to be investigated, by Department

Para. (1) rep. by 1989 NI 20

Para. (2) rep. by 1993 NI 12

Arts. 24#28 rep. by 1989 NI 20

Arts. 29#34 rep. by 1996 NI 1

Art. 35 rep. by 1987 NI 2

Art. 36 rep. by 1996 NI 1

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Recreational, social, physical, cultural and youth service activities

Provision of facilities for recreational, social, physical, cultural and youth service activities

37^{F61}.—(1) Each board shall secure the provision^{F62}... of adequate facilities for recreational, social, physical, cultural and youth service activities and for services ancillary to education and for that purpose may, with the approval of the Department, either alone or together with^{F62}... any other person—

- (a) establish, maintain and manage any such facilities;
- (b) organise any such activities;
- (c) assist, by financial contributions or otherwise, any person to establish, maintain and manage any such facilities or to organise any such activities;
- (d) provide, or assist by financial contribution or otherwise in the provision of, leaders for such activities; and
- (e) defray or contribute towards the expenses of any persons taking part in any such activities.

(2) A board shall, in carrying out its functions under paragraph (1), have regard to the facilities provided by^{F63}... other persons.

(3) A board may from time to time make bye-laws for all or any of the following purposes—

- (a) for regulating the use and management of any lands or buildings provided by it for any of the purposes mentioned in paragraph (1);
- (b) for regulating the days and times of, and charges for, admission to such lands or buildings;
- (c) for the preservation of order and prevention of nuisances in such lands and buildings;

and such bye-laws may authorise persons employed by [^{F2}the Authority] to enforce the bye-laws and to take all steps and do all acts and things necessary for that purpose and, in particular authorise such persons or members of the Royal Ulster Constabulary after due warning to remove or exclude from any place with respect to which any such bye-laws are for the time being in force a person who commits, or who is reasonably suspected of committing, in that place an offence against any such bye-law or against section 4 of the Vagrancy Act 1824.

^{F64}(4)

F2	Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
F61	certain functions transf. by SR 1999/481
F62	Words in art. 37(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
F63	Words in art. 37(2) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
F64	Art. 37(4) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12) , Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 2](#)
- [art.77\(3\)](#) revoked by [S.I. 1996/2967 reg.11\(7\)](#)