
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART III

MISCELLANEOUS

Incorporation of Boards of Governors

40.—(1) A Board of Governors constituted in pursuance of Part III of the 1986 Order on or after the appointed day shall be constituted as a body corporate.

(2) A Board of Governors so constituted before that day which is not constituted as a body corporate shall, as constituted on that day, become on that day a body corporate.

(3) On the incorporation of a Board of Governors by virtue of paragraph (2), any property, rights or liabilities attributable to the Board of Governors immediately before incorporation shall be transferred to, and by virtue of this Article vest in, the body corporate.

(4) For the purposes of paragraph (3), property, rights or liabilities are attributable to a Board of Governors if—

- (a) in the case of any property, it was held by or on behalf of any persons as members or former members of the Board of Governors, and
- (b) in the case of rights or liabilities, they were acquired or incurred by or on behalf of any such persons,

and are so held or, as the case may be, they subsist immediately before the incorporation of the Board of Governors.

(5) Subject to any provision made by or under the Education Orders, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to a Board of Governors incorporated by virtue of this Article.

(6) A Board of Governors incorporated by virtue of this Article shall be known as “The Board of Governors of” with the addition of—

- (a) in a case where two or more schools are grouped under the management of a Board of Governors, the names of each of those schools in alphabetical order; and
- (b) in any other case, the name of the school under its management.

(7) The application of the seal of any such Board of Governors must be authenticated by the signature—

- (a) of the chairman of the Board of Governors, or
- (b) of some other member authorised either generally or specially by the Board of Governors to act for that purpose,

together with the signature of any other member.

(8) Schedule 4 (which supplements the provisions of this Article) shall have effect.

(9) In this Article and Schedule 4 “appointed day” means the day appointed under Article 1(3) for the coming into operation of this Article.