
STATUTORY INSTRUMENTS

1997 No. 866

The Education (Northern Ireland) Order 1997

PART IV

MISCELLANEOUS

Financing of certain services to schools provided under approved contracts

25.—(1) This Article applies to a school of a description set out in column 1 of the Table below, and in this Article “the relevant authority” in relation to each such school is the body indicated in column 2 of that Table.

TABLE

<i>School</i>	<i>Relevant authority</i>
1. A controlled school.	The board by which the school is managed.
2. A grant-maintained integrated school.	The Board of Governors of the school.
3. A maintained school in relation to which an agreement under paragraph 1 of Schedule 5 to the 1986 Order is in force.	The trustees of the school.
4. A voluntary grammar school in relation to which an agreement under paragraph 1(1)(a) of Schedule 6 to the 1986 Order is in force.	The trustees of the school.

(2) In this Article “an approved contract” means a contract between the relevant authority for a school to which this Article applies and another person (“the contractor”)—

- (a) under which the contractor undertakes at his own cost—
 - (i) to provide or alter any premises of the school; and
 - (ii) to maintain, or provide other services in relation to, those premises over the term of the contract,in consideration for the payment by the relevant authority for the school of sums of money in instalments over the term of the contract; and
- (b) which has been approved by the Department for the purposes of this Article.

(3) The inclusion in a contract of matters other than those mentioned in sub-paragraph (a) of paragraph (2) does not prevent the contract falling within that sub-paragraph.

(4) In this Article references to the costs of a relevant authority on foot of an approved contract are references to the payments made or to be made by the relevant authority over the term of the contract.

(5) The Education Orders shall be amended as follows for the purpose of facilitating the making and carrying out of approved contracts and the meeting of the costs of certain relevant authorities on foot of such contracts.

(6) In Article 2 of the 1986 Order after paragraph (2C) there shall be inserted—

“(2D) In the Education Orders references to—

- (a) an approved contract;
- (b) the contractor, in relation to an approved contract;
- (c) the relevant authority, in relation to an approved contract; and
- (d) the costs of the relevant authority on foot of an approved contract,

shall be construed in accordance with Article 25 of the Education (No. 2) (Northern Ireland) Order 1996.

(2E) References in the Education Orders to the staff of or at a school or to persons employed at, in or about a school do not include references to persons employed by the contractor for the purposes of an approved contract.”.

(7) In Article 8 of the 1986 Order (responsibilities of board in relation to maintained schools) after paragraph (1) there shall be inserted—

“(1A) Paragraph (1) does not impose on a board responsibility for any matter which under an approved contract entered into by the trustees of a school maintained by it is the responsibility of the contractor.

(1B) A board shall be responsible for meeting the costs of the trustees of a school maintained by it on foot of an approved contract, and may, for the purposes of this paragraph, make grants to those trustees on such conditions (including conditions as to repayment) as it may determine with the approval of the Department.”.

(8) In Article 88(1A) of the 1986 Order (employment of non-teaching staff required in controlled and maintained schools) after the words “staff required” there shall be inserted “by a board”.

(9) In Article 60 of the 1989 Order (grants to voluntary grammar schools)—

(a) after paragraph (1) there shall be inserted—

“(1A) The Department may make grants to the trustees of a voluntary grammar school of amounts equal to the costs of the trustees on foot of an approved contract.”;

(b) after paragraph (4) there shall be inserted—

“(4A) Expenditure under paragraph (1A) in any year shall be specified by the Department as an excluded head or item of expenditure.”.

(10) In Article 62 of the 1989 Order (provision of educational facilities and services) after paragraph (5) there shall be inserted—

“(5A) In paragraph (5)(a) the reference to the school premises does not include so much of the school premises as, in pursuance of an approved contract, is under the control of the contractor.”.

(11) In Article 77 of the 1989 Order (grants to grant-maintained integrated schools) in paragraph (10) for the words “The descriptions” there shall be substituted “Where school premises are provided or altered in pursuance of an approved contract, the costs of the Board of Governors on foot of that contract shall for the purposes of this Article be regarded as expenditure which is not of a capital nature; but, subject to that, the descriptions.”.