
STATUTORY INSTRUMENTS

2003 No. 424

The Education and Libraries (Northern Ireland) Order 2003

PART IV

SCHOOLS

Miscellaneous

Removal of members of Boards of Governors

23.—(1) The Department may by regulations provide for the removal by the Department of all of the voting and co-opted members of the Board of Governors of a grant-aided school (“the relevant school”)—

- (a) in prescribed circumstances; or
- (b) in such circumstances as may be determined by the Minister of Education in accordance with the regulations.

(2) Regulations under paragraph (1)—

- (a) shall provide for the formation of a new Board of Governors for the relevant school;
- (b) may provide for the exercise by a prescribed person or body of prescribed functions of the Board of Governors of the relevant school during such period as may be prescribed; and
- (c) may, for the purposes of any provision made by virtue of sub-paragraph (a) or (b), provide for any prescribed provisions of the Education Orders to apply in relation to the relevant school with such modifications as may be prescribed.

(3) Regulations under paragraph (1) shall require the Department before exercising any power of removal conferred by the regulations—

- (a) to consult such bodies and persons as may be prescribed;
- (b) to give to the Board of Governors of the relevant school such notice as may be prescribed of its intention to exercise the power of removal;
- (c) to afford the Board of Governors an opportunity to make representations to the Department concerning the matter; and
- (d) to consider any representations so made.

(4) The Department may by regulations provide for the removal from office by a relevant authority of any member of the Board of Governors of a grant-aided school appointed by it—

- (a) in prescribed circumstances; or
- (b) in such circumstances as may be determined by the Minister of Education in accordance with the regulations.

(5) Regulations under paragraph (4)—

- (a) shall provide for the appointment of a person to hold office in place of the member removed for the remainder of his term of office; and

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Changes to legislation: There are currently no known outstanding effects for the The Education and Libraries (Northern Ireland) Order 2003, Section 23. (See end of Document for details)

- (b) may for that purpose provide for any prescribed provisions of the Education Orders to apply in relation to that appointment with such modifications as may be prescribed.
- (6) Regulations under paragraph (4) shall require the relevant authority before exercising any power of removal conferred by the regulations—
- (a) to consult such bodies and persons as may be prescribed;
 - (b) to give to such persons or bodies as may be prescribed such notice as may be prescribed of its intention to exercise the power of removal;
 - (c) to afford to such bodies or persons as may be prescribed an opportunity to make representations to the relevant authority concerning the matter; and
 - (d) to consider any representations so made.
- (7) This Article and any regulations under this Article have effect in relation to a grant-aided school notwithstanding any provision for the time being contained in—
- (a) the scheme of management of the school; or
 - (b) any other instrument of government of the school;
- and any such scheme or instrument shall have effect accordingly.
- (8) In this Article, in relation to a Board of Governors—
- “co-opted members” means members co-opted under Article 122 or 139 of the 1989 Order;
 - “relevant authority” means a body by which, or person by whom, any member of the Board of Governors is appointed;
 - “voting members” has the same meaning as Article 122 of the 1989 Order.
- (9) In this Article “appoint” includes nominate and choose.

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