

1978 No. 217

EDUCATION

**Grammar School Pupils (Admissions, Grants and Allowances)
Regulations (Northern Ireland) 1978**

Made 1st August 1978

Coming into operation 1st September 1978

The Department(a) of Education (hereinafter referred to as "the Department"), in pursuance of the powers vested in it by Articles 21, 39, 105 and 125 of the Education and Libraries (Northern Ireland) Order 1972(b) (hereinafter referred to as "the Order"), and of all other powers enabling it in that behalf, and with the approval of the Department(a) of Finance as to grants, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Grammar School Pupils (Admissions, Grants and Allowances) Regulations (Northern Ireland) 1978 and shall come into operation on 1st September 1978.

Revocation

2. The Grammar Schools (Admissions and Scholarships) Regulations (Northern Ireland) 1973(c) are hereby revoked.

Definitions

3. In these regulations—

"board" means an education and library board established under Article 3 of the Order;

"controlled school" means a controlled grammar school;

"Group A voluntary school" means a school which before 18th January 1951 elected to be classified as a Group A voluntary school or which has been subsequently so classified by the Department;

"Group B voluntary school" means a school which before 18th January 1951 elected to be classified as a Group B voluntary school and has not been subsequently reclassified;

"non-fee-paying pupil" has the meaning assigned to it in regulation 5;

"parent" includes a legal guardian or, where the board considers it to be appropriate, any other person who normally maintains the pupil;

"school" means a grammar school as defined in the Order;

"school authorities" means, in the case of a controlled school, a board, and, in the case of a voluntary school, the managers of that school;

"school year" means the year beginning on 1st August and ending on 31st July;

"secondary department" means that part of a school in which secondary education is provided;

"voluntary school" means a voluntary grammar school.

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) S.I. 1972/1263 (N.I. 12)

(c) S.R. & O. (N.I.) 1973 No. 427 (II, p. 2587)

General

4. These regulations prescribe the conditions under which pupils shall be admitted to the secondary departments of schools and the conditions under which grants and allowances may be paid to schools or parents respectively, in respect of certain pupils.

Admission of non-fee-paying pupils to schools

5.—(1) Subject to paragraphs (2), (3) and (4) a non-fee-paying pupil is a pupil ordinarily resident in Northern Ireland who is enrolled in the secondary department of a school and whom the board for the area in which the school is situated considers to be suitable for the type of education provided by that school.

(2) Where the board is satisfied that a pupil's parents are not ordinarily resident in Northern Ireland and that the pupil is resident in Northern Ireland solely or mainly for the purpose of receiving education the board may refuse to treat that pupil as a non-fee-paying pupil for the purpose of these regulations.

(3) Any pupil who held an award under the Grammar Schools (Admissions and Scholarships) Regulations (Northern Ireland) 1973 and who would have continued to hold that award had those regulations remained in operation shall for the purpose of these regulations be regarded as a non-fee-paying pupil.

(4) A board may cease at any time to treat a pupil as a non-fee-paying pupil for the purpose of these regulations if the board is satisfied, after consultation with the principal of the school concerned, that the conduct, progress or attendance of the pupil is not satisfactory.

6.—(1) The school authorities of every school, other than a Group B voluntary school, shall reserve for non-fee-paying pupils not fewer than 80% of the places available each school year for the admission of day pupils to the secondary department of the school.

(2) The school authorities of a Group A voluntary school or a controlled school shall not, without the prior approval of the Department, increase the number of places available in the school for boarding pupils in such a way as to reduce the number of places available for day pupils.

(3) Subject to paragraph (4) no non-fee-paying pupil shall be refused admission to a Group A voluntary school or controlled school on other than reasonable grounds.

(4) Where the number of non-fee-paying pupils seeking admission to the secondary department of a Group A voluntary school or controlled school is greater than the number of places reserved for such pupils in accordance with the provisions of paragraph (1) the school authorities may select for admission such of the non-fee-paying pupils as appear to them best fitted to profit by the education provided at the school.

Grants in respect of non-fee-paying pupils

7.—(1) The Department may pay each year to the school authorities of each voluntary school a grant in respect of each non-fee-paying pupil enrolled in the school.

(2) The grant payable in accordance with paragraph (1) shall be calculated by the board for the area in which the school is situated and shall consist of—

- (a) in the case of each pupil who is in attendance at a Group A voluntary school the approved tuition fee for the school; or, in the case of each pupil who is in attendance at a Group B voluntary school, an amount determined by the Department;
- (b) the amount of examination fees as certified by or on behalf of the school authorities and approved by the board; and
- (c) such amount in respect of books, stationery and other school requisites as may be determined by the board and approved by the Department.

Allowances in respect of non-fee-paying pupils

8. If in respect of any non-fee-paying pupil ordinarily resident in its area, a board is satisfied—

- (a) that, where by reason of the distance between his home and the nearest suitable school, or other sufficient cause, it would be unreasonable that he should attend a school as a day pupil; and
 - (b) that it is necessary that, for the purpose of the avoidance or alleviation of hardship to the pupil or his parents, an allowance should be granted so as to enable him to attend a suitable school as a boarder,
- the board may pay to the parent of that pupil an allowance of an amount determined in accordance with arrangements approved by the Department.

Conditions of payment of grants and allowances

9. A board may require an application for consideration as a non-fee-paying pupil or for an allowance under regulation 8 to be made in such form, contain such information, be accompanied by such documents and be submitted by such date as it shall direct. The board shall, in accordance with arrangements approved by the Department, satisfy itself of the accuracy of any information furnished under the provisions of this regulation.

10. A board may require the parent of a pupil as a condition of payment of an allowance under regulation 8 to inform the board of any change in his financial circumstances. If the board has reason to believe that such a change has occurred, the board shall give the parent an opportunity of submitting a revised application and the board shall thereafter reconsider and, if necessary, adjust the value of or cancel the allowance.

11. A board shall require the parent of a non-fee-paying pupil to inform the board of a change in the place of residence of either the pupil or the parent.

12. The school authorities of a school shall furnish to the board concerned such reports on the conduct, progress and attendance of each non-fee-paying pupil as the board may require.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 1st August 1978.

(L.S.)

N. R. Jennings

Assistant Secretary

The Department of Finance hereby approves the foregoing regulations as to grants.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 1st August 1978.

(L.S.)

R. McMurray
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make provision for the abolition of grammar school scholarships and the introduction in their place of arrangements for the payment of grants to voluntary grammar schools in respect of pupils enrolled in the schools who are considered suitable for the type of education provided by the schools.

The regulations continue the arrangements for the payment of allowances in respect of pupils boarding at schools which formerly were paid as part of a grammar school scholarship.