

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Article 3(2).

#### NAMES AND AREAS OF EDUCATION AND LIBRARY BOARDS

**F1** Schs. 1-3 repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

### <sup>F1</sup>SCHEDULE 2

Article 3(4), (5).

### <sup>F1</sup>SCHEDULE 3

Article 4(2)

### SCHEDULE 4

Article 10(3)

#### MEMBERSHIP OF BOARD OF GOVERNORS OF CONTROLLED SCHOOLS

1.—(1) The Board of Governors of one or more than one controlled school shall consist of—

(a) such number of persons (in this Schedule referred to as “voting members”) as [<sup>F2</sup>the Authority] may, subject to paragraphs 2 to 5, determine;<sup>F3</sup> . . .

(b) the principal of the school, or each of the schools, who, subject to sub-paragraph (2), shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.

[<sup>F3</sup>(c) persons co#opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.]

(2) Where two or more schools are grouped under one Board of Governors, the principal of a school shall not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating exclusively to one or more of the other schools is being discussed.

**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)

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**F3** 1989 NI 20

*Controlled primary schools (other than nursery or integrated schools)*

2.—(1) There shall be 9, 16 or 24 voting members appointed to the Board of Governors of one or more than one controlled primary school, other than a controlled nursery school or controlled integrated primary school.

(2) Subject to paragraph 6, where there are 9 voting members appointed to such a Board of Governors, then of those members—

- (a) four shall be nominated by the transferors and superseded managers of the school or schools;
- (b) two shall be elected by parents of [<sup>F4</sup>registered pupils at] the school or schools from amongst the parents of such pupils;
- (c) two shall be chosen by [<sup>F2</sup>the Authority]<sup>F5</sup>...;
- (d) one shall be elected by assistant teachers at the school or schools from amongst such assistant teachers.

(3) Where there are 16 or 24 voting members appointed to such a Board of Governors, subparagraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d), of that subparagraph there were substituted the fractions three-eighths, one-quarter, one-quarter and one-eighth respectively.

**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 Sch. 4 para. 2(2)(b) 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. 27(a)**; S.R. 2007/197, **art. 2(a)**

**F5** Words in Sch. 4 para. 2(2)(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)

*[Controlled secondary schools (other than controlled grammar or integrated schools or technical secondary schools)]*

**Modifications etc. (not altering text)**

**C1** 1989 NI 20

3.—(1) There shall be 9, 16 or 24 voting members appointed to the Board of Governors of a controlled secondary school, other than a controlled grammar or integrated school<sup>F6</sup>. . . ]

(2) Subject to paragraph 6, where there are 9 voting members appointed to such a Board of Governors, then of those members—

- [<sup>F7</sup>(a) four shall be nominated by the relevant members of the Boards of Governors of contributory schools from amongst the relevant members of those Boards of Governors;]
- (b) two shall be elected by parents of [<sup>F8</sup>registered pupils at] the school from amongst parents of such pupils;
- (c) two shall be chosen by [<sup>F2</sup>the Authority]<sup>F9</sup>....;
- (d) one shall be elected by assistant teacher at the school from amongst such assistant teachers.

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[<sup>F7</sup>(2A) In sub#paragraph (2)(a) “relevant members”, in relation to a Board of Governors, means the members nominated by transferors and superseded managers under paragraph 2(2)(a) or 5(1)(c).]

(3) Where there are 16 or 24 voting members appointed to such a Board of Governors, sub-paragraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d) of that sub-paragraph there were substituted the fractions three-eighths, one-quarter, one-quarter and one-eighth respectively.

- 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)
- F6** 1997 NI 15
- F7** 1997 NI 5
- F8** Words in Sch. 4 para. 3(2)(b) 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. 27(a)**; S.R. 2007/197, **art. 2(a)**
- F9** Words in Sch. 4 para. 3(2)(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)

[<sup>F10</sup>Controlled grammar schools (other than controlled integrated grammar schools)]<sup>F11</sup>, controlled nursery schools (other than controlled integrated nursery schools)] and special schools

- F10** 1989 NI 20
- F11** 1998 NI 13

4. There shall be 8, 16 or 24 voting members appointed to the Board of Governors of a controlled grammar school (other than a controlled integrated grammar school), a controlled nursery school [<sup>F12</sup> (other than a controlled integrated nursery school)] or a controlled special school and, subject to paragraph 6, of those members—

- (a) three#eighths shall be chosen by [<sup>F2</sup>the Authority]<sup>F13</sup> ...;
- (b) one#quarter shall be nominated by the Head of the Department;
- (c) one#quarter shall be elected by parents of [<sup>F14</sup>registered pupils at] the school from amongst the parents of such pupils;
- (d) one#eighth shall be elected by assistant teachers at the school from amongst such assistant teachers.]

- 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)
- F12** 1998 NI 13
- F13** Words in Sch. 4 para. 4(a) 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)
- F14** Words in Sch. 4 para. 4(c) 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. 27(a)**; S.R. 2007/197, **art. 2(a)**

#### *Controlled integrated schools*

5.—(1) There shall be 14 or 21 voting members appointed to the Board of Governors of a controlled integrated school, other than a controlled integrated school to which sub-paragraph (3) applies, and, subject to paragraph 6, of those members—

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- (a) two-sevenths shall be elected by parents of [<sup>F15</sup>registered pupils at] the school from amongst the parents of such pupils;
  - (b) two-sevenths shall be chosen by [<sup>F2</sup>the Authority]<sup>F16</sup> ...;
  - (c) one-seventh shall be nominated by the transferors and superseded managers of controlled schools (other than controlled integrated schools) in the [<sup>F17</sup>locality served by the school] ;
  - (d) one-seventh shall be nominated by the nominating trustees of Catholic maintained schools in the [<sup>F18</sup>Roman Catholic diocese in which the school is situated (or in so much of that diocese as lies within Northern Ireland)] ;
  - (e) one-seventh shall be elected by assistant teachers at the school from amongst such assistant teachers.
- (2) Sub-paragraph (3) applies to—
- (a) a controlled integrated grammar school; and
  - (b) a controlled integrated school which immediately before the date on which it became a controlled integrated school was a voluntary school (other than a Catholic maintained school).
- (3) There shall be 14 or 21 voting members appointed to the Board of Governors of a controlled integrated school to which this sub-paragraph applies and, subject to paragraph 6, of those members—
- (a) two-sevenths shall be elected by parents of [<sup>F19</sup>registered pupils at] the school from amongst the parents of such pupils;
  - (b) two-sevenths shall be chosen by [<sup>F2</sup>the Authority]<sup>F20</sup> ...;
  - (c) two-sevenths shall be nominated by the Head of the Department;
  - (d) one-seventh shall be elected by assistant teachers at the school from amongst such assistant teachers.
- (4) It shall be the duty of [<sup>F2</sup>the Authority] in appointing persons to a Board of Governors under sub-paragraph (1)(b) or (3)(b) to choose for appointment persons appearing to [<sup>F2</sup>the Authority] to be committed to the continuing viability of the school as a controlled integrated school and it shall be the duty of the Head of the Department in nominating persons for appointment to a Board of Governors under sub-paragraph (3)(c) to nominate persons appearing to the Head of the Department to be so committed.

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|------------|---|
| <b>F2</b>  | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a> , <a href="#">Sch. 3 para. 1(2)</a> ); S.R. 2015/35, art. 2(b) |
| <b>F15</b> | Words in Sch. 4 para. 5(1)(a) substituted (23.3.2007) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(4)(c), 44(1), <b>Sch. 2 para. 27(a)</b> ; S.R. 2007/197, <b>art. 2(a)</b>             |
| <b>F16</b> | Words in Sch. 4 para. 5(1)(b) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                                       |
| <b>F17</b> | Words in Sch. 4 para. 5(1)(c) substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 9(15)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                     |
| <b>F18</b> | Words in Sch. 4 para. 5(1)(d) substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 9(15)(b)</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                     |
| <b>F19</b> | Words in Sch. 4 para. 5(3)(a) substituted (23.3.2007) by <a href="#">Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))</a> , arts. 1(4)(c), 44(1), <b>Sch. 2 para. 27(a)</b> ; S.R. 2007/197, <b>art. 2(a)</b>             |
| <b>F20</b> | Words in Sch. 4 para. 5(3)(b) repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, art. 2(b)                                       |

*Provisions supplementary to paragraphs 2 to 5*

6.—<sup>F21</sup>(1) Where <sup>F2</sup>the Authority] proposes to appoint persons to a Board of Governors under paragraph 2(2)(a), 3(2)(a) or 5(1)(c) or (d) it shall serve on the nominating authorities a notice—

- (a) stating <sup>F22</sup>the Authority's] intention to appoint such persons; and
- (b) requesting the nominating authorities to make nominations to <sup>F2</sup>the Authority] within a period of 21 days from the date on which the notice is served;

and where the nominating authorities fail to make any nomination requested by such a notice within that period <sup>F2</sup>the Authority] may, subject to sub-paragraph (2), appoint such persons as it considers to be suitable for appointment.

(2) It shall be the duty of <sup>F2</sup>the Authority] in appointing persons to the Board of Governors of a school under sub#paragraph (1)—

- (a) in the case of a controlled integrated school, to choose for appointment persons appearing to <sup>F2</sup>the Authority] to be committed to the continuing viability of the school as a controlled integrated school; and
- (b) in all cases, so far as possible to choose for appointment persons who are resident in the locality served by the school.

(3) Persons appointed under sub#paragraph (1) shall be deemed for all purposes of this Schedule to have been duly nominated by the nominating authorities.]

(4) The board shall, with the approval of the Department, make arrangements for the election of persons under paragraphs 2(2)(b) and (d), 3(2)(b) and (d), 4(c) and (d)<sup>F21</sup>, 5(1)(a) and (e) and 5(3)(a) and (d)] and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

(5) Where it is not practicable to appoint to a Board of Governors under paragraph 2(2)(a) persons nominated by the transferors or superseded managers because a school is not a transferred school or does not supersede any other school or schools, <sup>F2</sup>the Authority] shall appoint in their place an equivalent number of persons appearing to <sup>F2</sup>the Authority] to be representative of transferors and superseded managers <sup>F23</sup>... and those persons shall, so far as possible, be persons resident in the locality served by the school or schools under the management of the Board of Governors and shall be deemed to have been duly nominated for the purposes of paragraphs 2(2)(a) and 3(2)(a).

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

**F23** Words in Sch. 4 para. 6(5) 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)

*Interpretation*

7. In this Schedule—

“assistant teacher” means a teacher, other than the principal or a temporary or part-time teacher, employed on the staff of a school;

“superseded managers” means the persons who were formerly trustees or managers of any schools which have been superseded by <sup>F24</sup>controlled schools] or, if those persons were

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recognised by the Department as such trustees or managers by virtue of any office, then, their successors in such office;

“nominating trustees” has the meaning assigned to it by<sup>[F25]</sup> paragraph 7(1)] of Schedule 5.

[<sup>F26</sup>“nominating authorities”, in relation to the appointment of any persons to a Board of Governors, means the persons who or bodies which are to nominate persons for the purpose of such appointment.]

- F24** Words in Sch. 4 para. 7 substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 9\(15\)\(c\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)
- F25** [1993 NI 12](#)
- F26** [1989 NI 20](#)

## [<sup>F27</sup>SCHEDULE 5

Article 11(2).

### MAINTAINED SCHOOLS

- F27** [1993 NI 12](#)

## PART I

### MEMBERSHIP OF BOARD OF GOVERNORS OF MAINTAINED SCHOOL

**1.—(1)** The trustees of a maintained school shall, notwithstanding anything in any instrument of government of the school, have power to enter into an agreement with the Department that paragraph 2 shall apply in relation to the membership of the Board of Governors of the school; and—

- (a) where an agreement under this paragraph is in force in relation to a school, paragraph 2 shall apply in relation to the membership of the Board of Governors of the school; and
- (b) in any other case, paragraph 3 shall apply in relation to the membership of the Board of Governors of the school.

(2) An agreement under this paragraph shall provide that the Head of the Department, before making an appointment to the Board of Governors of the school under paragraph 2 shall consult—

- (a) in the case of a Catholic maintained school, the Council for Catholic Maintained Schools; and
- (b) in any other case, the Board of Governors of the school.

**2.—(1)** Where this paragraph applies in relation to the membership of the Board of Governors of a maintained school, the Board of Governors shall, notwithstanding anything in any instrument of government of the school, consist of—

- (a) 9, 18 or 27 persons (in this paragraph referred to as voting members);
- (b) the principal of the school who, subject to sub-paragraph (3), shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question; and
- (c) persons co-opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.

(2) Of the voting members of the Board of Governors—

- (a) four-ninths shall be nominated by the nominating trustees in such manner as the scheme of management of the school may provide, and at least one of the persons so nominated shall, at the time of his nomination, be a parent of a <sup>F28</sup>registered pupil at] the school;
- (b) two-ninths shall be nominated by <sup>F2</sup>the Authority] ;
- (c) one-ninth shall be nominated by the Head of the Department;
- (d) one-ninth shall be elected by parents of <sup>F29</sup>registered pupils at] the school from amongst the parents of such pupils;
- (e) one-ninth shall be elected by assistant teachers at the school from amongst such assistant teachers.

(3) Where two or more schools are grouped under one Board of Governors, the principal of a school shall not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating exclusively to one or more of the other schools is being discussed.

(4) The Board of Governors shall, with the approval of the Department, make arrangements for the election of persons under sub-paragraph (2)(d) and (e) and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

- 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)
- F28** Words in Sch. 5 para. 2(2)(a) 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. 28(a)**; S.R. 2007/197, **art. 2(a)**
- F29** Words in Sch. 5 para. 2(2)(d) 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. 27(b)**; S.R. 2007/197, **art. 2(a)**

**3.—(1)** Where this paragraph applies in relation to the membership of the Board of Governors of a maintained school, the Board of Governors shall, notwithstanding anything in any instrument of government of the school, consist of—

- (a) 10, 18 or 27 persons (in this paragraph referred to as voting members);
- (b) the principal of the school who, subject to sub-paragraph (4), shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question; and
- (c) persons co-opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.

(2) Where there are 10 voting members of the Board of Governors of a maintained school, then of those members—

- (a) six shall be nominated by the nominating trustees in such manner as the scheme of management of the school may provide, and at least one of the persons so nominated shall, at the time of his nomination, be a parent of a <sup>F30</sup>registered pupil at] the school;
- (b) two shall be nominated by <sup>F2</sup>the Authority] ;
- (c) one shall be elected by parents of <sup>F31</sup>registered pupils at] the school from amongst the parents of such pupils;
- (d) one shall be elected by assistant teachers at the school from amongst such assistant teachers.

(3) Where there are 18 or 27 voting members of the Board of Governors of a maintained school, sub-paragraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d) of that sub-paragraph there were substituted the fractions five-ninths, two-ninths, one-ninth and one-ninth respectively.

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(4) Where two or more schools are grouped under one Board of Governors, the principal of a school shall not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating exclusively to one or more of the other schools is being discussed.

(5) The Board of Governors shall, with the approval of the Department, make arrangements for the election of persons under sub-paragraph (2)(c) and (d) and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

**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)

**F30** Words in Sch. 5 para. 3(2)(a) 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. 28(a)**; S.R. 2007/197, **art. 2(a)**

**F31** Words in Sch. 5 para. 3(2)(c) substituted (23.03.2007) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(4)(c), 44(1), **Sch. 2 para. 27(b)**; S.R. 2007/197, **art. 2(a)**

4.—(1) The coming into force, or termination, of any agreement under paragraph 1 and any consequential change in the membership of the Board of Governors of a school shall not—

- (a) constitute a change for the purposes of Article 14(2)(d) or (e); or
- (b) break, or otherwise affect, the continuity of employment of persons employed by the Board of Governors.

(2) Where an agreement under paragraph 1 in relation to a school is terminated, the voting members of the Board of Governors of the school nominated under paragraph 2(2)(a) and (c) shall cease to hold office and such nominations to the Board of Governors shall be made by the nominating trustees as are necessary to ensure that the membership of the Board of Governors complies with paragraph 3.

(3) Where an agreement under paragraph 1 comes into force in relation to a school, the voting members of the Board of Governors of the school nominated under paragraph 3(2)(a) shall cease to hold office and such nominations to the Board of Governors shall be made by the nominating trustees and the Head of the Department as are necessary to ensure that the membership of the Board of Governors complies with paragraph 2.

(4) Persons nominated to the Board of Governors under sub-paragraph (2) or (3) shall hold office for the remainder of the original term of office of those ceasing to hold office under that provision.

(5) The coming into force, or termination, of an agreement under paragraph 1 does not affect the membership of the Board of Governors of any persons other than those mentioned in sub-paragraph (2) or (3).

*Part II (Paras. 5,6) rep. by 1996 NI 1*

## PART III

### INTERPRETATION

7.—(1) In this Schedule—

“assistant teacher” has the meaning assigned to it by paragraph 7 of Schedule 4;

**F32**  
...

“nominating trustees”, in relation to a school, means such persons as the scheme of management may provide.



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(2) Where two or more schools are grouped under one Board of Governors this Schedule shall apply to those schools with such modifications as may be necessary and in particular—

- (a) references to the Board of Governors of a school shall be construed as references to the Board of Governors of the group of schools;
- (b) references to a [<sup>F33</sup>registered pupil at] , or an assistant teacher at, a school shall be construed as references to a [<sup>F33</sup>registered pupil at] , or an assistant teacher at, one of the schools in the group;
- (c) references to the principal or the instrument of government of a school shall be construed as references to the principal or the instrument of government of each of the schools in the group;
- (d) references to the trustees of a school shall be construed as references to the trustees of each of the schools in the group, acting jointly;
- (e) any other references to a school shall be construed as references to the group of schools.]

**F32** Words in Sch. 5 para. 7(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)

**F33** Words in Sch. 5 para. 7(2)(b) 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. 28\(a\)](#); S.R. 2007/197, art. 2(a)

## [<sup>F34</sup>SCHEDULE 6

Article 11(4).

### MEMBERSHIP OF BOARD OF GOVERNORS OF VOLUNTARY GRAMMAR SCHOOL ENTERING INTO AGREEMENT WITH DEPARTMENT

**F34** 1993 NI 12

1.—(1) The trustees of a voluntary grammar school shall, notwithstanding anything in any instrument of government of the school, have power to enter into—

- (a) an agreement with the Department that paragraph 4 shall apply in relation to the membership of the Board of Governors of the school; or
- (b) an agreement with the Department that paragraph 5 shall apply in relation to the membership of the Board of Governors of the school.

(2) An agreement under sub-paragraph (1)(a) or (b) shall provide that the Head of the Department, before making an appointment to the Board of Governors of the school under paragraph 4 or 5 (as the case may be), shall consult the Board of Governors of the school and [<sup>F2</sup>the Authority]<sup>F35</sup>....

(3) An agreement under sub-paragraph (1) shall have effect to terminate any prior agreement in force under that sub-paragraph.

**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)

**F35** Words in Sch. 6 para. 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)

2.—(1) The trustees of a voluntary grammar school in relation to which an agreement is in force under paragraph 1(1) shall, notwithstanding anything in any instrument of government of the

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school, have power to enter into an agreement, approved by the Department, with [<sup>F36</sup>the Authority conferring on the Authority] the right to appoint members to the Board of Governors of the school—

- (a) in accordance with paragraph 4(2)(b)(i), where an agreement under paragraph 1(1)(a) is in force in relation to the school;
- (b) in accordance with paragraph 5(2)(b)(i), where an agreement under paragraph 1(1)(b) is in force in relation to the school.

(2) The termination (otherwise than under paragraph 1(3)) of an agreement under paragraph 1(1) in relation to a school shall have effect to terminate any agreement under this paragraph then in force in relation to the school.

**F36** Words in Sch. 6 para. 2(1) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 9\(16\)\(a\)](#) (with [Sch. 2 para. 4\(3\)](#)); [S.R. 2015/35](#), art. 2(b)

**3.—**(1) Where an agreement under paragraph 1(1)(a) is in force in relation to a school, paragraph 4 shall apply in relation to the membership of the Board of Governors of the school.

(2) Where an agreement under paragraph 1(1)(b) is in force in relation to a school, paragraph 5 shall apply in relation to the membership of the Board of Governors of the school.

**4.—**(1) Where this paragraph applies in relation to the membership of the Board of Governors of a voluntary grammar school, the Board of Governors shall, notwithstanding anything in any instrument of government of the school, consist of—

- (a) 9, 18, 27 or 36 persons (in this paragraph referred to as voting members);
- (b) the principal of the school who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question; and
- (c) persons co-opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.

(2) Of the voting members of the Board of Governors—

- (a) four-ninths shall be appointed as provided by the scheme of management and at least one of the persons so appointed shall, at the time of his appointment, be a parent of a [<sup>F37</sup>registered pupil at] the school;
- (b) one-third shall be appointed—
  - (i) where an agreement under paragraph 2 is in force in relation to the school, by the Head of the Department and [<sup>F38</sup>the Authority] in accordance with an agreement made between the Head of the Department and [<sup>F38</sup>the Authority] ;
  - (ii) in any other case, by the Head of the Department;
- (c) one-ninth shall be elected by parents of [<sup>F39</sup>registered pupils at] the school from amongst parents of such pupils;
- (d) one-ninth shall be elected by assistant teachers at the school from amongst such assistant teachers.

(3) Subject to sub-paragraph (4), persons elected to the Board of Governors under sub-paragraph (2)(c) and (d) shall hold office for a period of four years from the date on which they were elected.

(4) If a person referred to in sub-paragraph (3) ceases to hold office before the end of the period referred to in that sub-paragraph, any person elected to replace him shall hold office only for the remainder of that period.

(5) The Board of Governors shall, with the approval of the Department, make arrangements for the election of persons under sub-paragraph (2)(c) and (d) and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

(6) Where under any instrument of government of a school assets of a capital nature held for the purposes of or in connection with the school are vested in the Board of Governors of the school, the persons elected to the Board of Governors of the school under sub-paragraph (2)(c) and (d) shall, unless the other members of the Board of Governors otherwise determine, not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating to the acquisition, disposal or management of such assets is being discussed or to vote on any question relating to such a matter.

**F37** Words in Sch. 6 para. 4(2)(a) 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. 28(b)**; S.R. 2007/197, **art. 2(a)**

**F38** Words in Sch. 6 para. 4(2)(b)(i) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(16)(b)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

**F39** Words in Sch. 6 para. 4(2)(c) 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. 27(c)**; S.R. 2007/197, **art. 2(a)**

5.—(1) Where this paragraph applies in relation to the membership of the Board of Governors of a voluntary grammar school, the Board of Governors shall, notwithstanding anything in any instrument of government of the school, consist of—

- (a) 10, 18, 27 or 36 persons (in this paragraph referred to as voting members);
- (b) the principal of the school who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question; and
- (c) persons co-opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.

(2) Where there are 10 voting members of the Board of Governors of the school, then of those members—

- (a) six shall be appointed as provided by the scheme of management and at least one of the persons so appointed shall, at the time of his appointment, be a parent of a <sup>F40</sup>registered pupil at] the school;
- (b) two shall be appointed—
  - (i) where an agreement under paragraph 2 is in force in relation to the school, by the Head of the Department and <sup>F41</sup>the Authority] in accordance with an agreement made between the Head of the Department and <sup>F41</sup>the Authority] ;
  - (ii) in any other case, by the Head of the Department;
- (c) one shall be elected by parents of <sup>F42</sup>registered pupils at] the school from amongst parents of such pupils;
- (d) one shall be elected by assistant teachers at the school from amongst such assistant teachers.

(3) Where there are 18, 27 or 36 members of the Board of Governors of the school, sub-paragraph (2) shall apply as if for the numbers mentioned in heads (a), (b), (c) and (d) of that sub-paragraph there were substituted the fractions five-ninths, two-ninths, one-ninth and one-ninth respectively.

(4) Subject to sub-paragraph (5), persons elected to the Board of Governors under sub-paragraph (2)(c) and (d) shall hold office for a period of four years from the date on which they were elected.

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(5) If a person referred to in sub-paragraph (4) ceases to hold office before the end of the period referred to in that sub-paragraph, any person elected to replace him shall hold office only for the remainder of that period.

(6) The Board of Governors shall, with the approval of the Department, make arrangements for the election of persons under sub-paragraph (2)(c) and (d) and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

(7) Where under any instrument of government of a school assets of a capital nature held for the purposes of or in connection with the school are vested in the Board of Governors of the school, the persons elected to the Board of Governors of the school under sub-paragraph (2)(c) and (d) shall, unless the other members of the Board of Governors otherwise determine, not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating to the acquisition, disposal or management of such assets is being discussed or to vote on any question relating to such a matter.

- F40** Words in Sch. 6 para. 5(2)(a) 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. 28\(b\)](#); S.R. 2007/197, [art. 2\(a\)](#)
- F41** Words in Sch. 6 para. 5(2)(b)(i) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 9\(16\)\(c\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)
- F42** Words in Sch. 6 para. 5(2)(c) 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. 27\(c\)](#); S.R. 2007/197, [art. 2\(a\)](#)

6.—(1) The coming into force, or termination, of any agreement under paragraph 1(1) and any consequential change in the membership of the Board of Governors of a school shall not—

- (a) constitute a change for the purposes of Article 14(2)(d) or (e); or
- (b) break, or otherwise affect, the continuity of employment of persons employed by the Board of Governors.

(2) Where an agreement under paragraph 1(1)(a) in relation to a school is terminated under paragraph 1(3), the voting members of the Board of Governors of the school appointed under paragraph 4(2)(a) and (b) shall cease to hold office and such appointments to the Board of Governors shall be made under paragraph 5(2)(a) and (b) as are necessary to ensure that the membership of the Board of Governors complies with paragraph 5.

(3) Where an agreement under paragraph 1(1)(b) in relation to a school is terminated under paragraph 1(3), the voting members of the Board of Governors of the school appointed under paragraph 5(2)(a) and (b) shall cease to hold office and such appointments to the Board of Governors shall be made under paragraph 4(2)(a) and (b) as are necessary to ensure that the membership of the Board of Governors complies with paragraph 4.

(4) Persons appointed to the Board of Governors under sub-paragraph (2) or (3) shall hold office for the remainder of the original term of office of those ceasing to hold office under that provision.

(5) The termination under paragraph 1(3) of an agreement under paragraph 1(1) does not affect the membership of the Board of Governors of any persons other than those mentioned in sub-paragraph (2) or (3).

7. In this Schedule “assistant teacher” has the meaning assigned to it by paragraph 7 of Schedule 4.]

SCHEDULE 7

Article 11(6).

MEMBERSHIP OF BOARD OF GOVERNORS OF VOLUNTARY GRAMMAR SCHOOL NOT ENTERING INTO AGREEMENT WITH DEPARTMENT OR BOARD

1. Notwithstanding anything in any instrument of government of a voluntary grammar school<sup>[F43]</sup> in relation to which no agreement under paragraph 1(1) of Schedule 6 is in force], the Board of Governors of the school shall be constituted in accordance with paragraph 2.

**F43** 1993 NI 12

2.—(1) The Board of Governors of the school shall consist of—

- (a) the persons appointed as provided by the scheme<sup>[F44]</sup> of management], at least one of whom shall, at the time of his appointment, be a parent of a <sup>[F45]</sup>registered pupil at] the school;
- (b) either one or two persons elected in accordance with sub-paragraphs (2) and (5) by parents of <sup>[F46]</sup>registered pupils at] the school from amongst the parents of such pupils;
- (c) either one or two persons elected in accordance with sub-paragraphs (2) and (5) by assistant teachers at the school from amongst such assistant teachers;
- (d) the principal of the school, who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.
- <sup>[F44]</sup>(e) persons co#opted under Articles 122 and 139 of the 1989 Order who shall be entitled to attend and take part in meetings of the Board of Governors but not to vote on any question.]

(2) Where the number of persons who are members of the Board of Governors by virtue of sub-paragraph (1)(a) is 13 or less, one person shall be elected to the Board of Governors under sub-paragraph (1)(b) and one person under sub-paragraph (1)(c); and where the number of such persons is 14 or more, two persons shall be elected to the Board of Governors under sub-paragraph (1)(b) and two persons under sub-paragraph (1)(c).

(3) Subject to sub-paragraph (4), persons elected to the Board of Governors under sub-paragraph (1)(b) and (c) shall hold office for a period of four years from the date on which they were elected.

(4) If a person referred to in sub-paragraph (3) ceases to hold office before the end of the period referred to in that sub-paragraph, any person elected to replace him shall hold office only for the remainder of that period.

(5) The Board of Governors shall, with the approval of the Department, make arrangements for the election of persons under sub-paragraph (1)(b) and (c) and such arrangements shall ensure that any vote taken for the purpose of any such election shall be by secret ballot.

(6) Where under any instrument of government of a school assets of a capital nature held for the purposes of or in connection with the school are vested in the Board of Governors of the school under sub-paragraph (1)(b) and (c) shall, unless the other members of the Board of Governors otherwise determine, not be entitled to attend or take part in any meeting of the Board of Governors whenever a matter relating to the acquisition, disposal or management of such assets is being discussed or to vote on any question relating to such a matter.

**F44** 1989 NI 20

**F45** Words in Sch. 7 para. 2(1)(a) 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. 28(c); S.R. 2007/197, art. 2(a)

**F46** Words in Sch. 7 para. 2(1)(b) 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. 27(d); S.R. 2007/197, art. 2(a)

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3. In this Schedule “assistant teacher” has the meaning assigned to it by paragraph 7 of Schedule 4.

*Schedule 8 rep. by 1996 NI 1*

## SCHEDULE 9

Article 17(1), 127.

### TRANSFER OF VOLUNTARY SCHOOLS TO DEPARTMENT

1. An arrangement for transferring a school to the Department under Article 17 may, subject to the following provisions of this Schedule, be made by the trustees who, in making such an arrangement, may act by resolution or otherwise as follows—

- (a) where the trust deed provides any manner in which or any assent with which a resolution or act binding the trustees is to be passed or done, then in accordance with the provisions of the trust deed;
- (b) where the trust deed contains no such provision—
  - (i) then in the manner and with the assent, if any, in and with which it may be shown to the Department to have been usual for a resolution or act binding the trustees to be passed or done; or
  - (ii) if no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose and vote on the question and with the assent of any other person whose assent under the circumstances appears to the Department to be requisite.

2. An arrangement under this Schedule may provide for an absolute conveyance to the Department of all the estate in the premises of the school possessed by the trustees of the school or for a lease of the same with or without restrictions and either at a nominal rent or otherwise to the Department or for any arrangement that may be agreed upon between the trustees and the Department.

3. An arrangement under this Schedule may also provide for the transfer to the Department of a teacher's residence held or used in connection with the school or for the transfer or application, subject to the approval of the Department of Finance and Personnel, of any endowment belonging to the school or for the Department undertaking to discharge any debt charged on the school not exceeding the value of the estate in the premises or endowments transferred to it.

4. Where an arrangement is made under this Schedule, it shall be one of the terms of the arrangement that the trustees of the school or endowment shall, in pursuance of the arrangement, execute a proper conveyance and take all necessary steps in law for the effective conveyance to the Department of all such estate in the premises or endowment as is vested in those trustees or such smaller estate as may be agreed upon in the arrangement.

5. Where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of the trustees, nothing in this Schedule shall authorise any interference with that right except with the consent of that person.

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6. The Department shall consider and have due regard to any objections and representations respecting a proposed transfer of a school under this Schedule which may be made by any person or by the representatives or successors of any person who has contributed to the establishment of the school.

7. Where the trust instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this Schedule shall be made by the persons in the manner and with the consent so provided.

8. Where a transfer of a school is made in pursuance of an arrangement under this Schedule, the consent of the Department shall, after the expiration of six months from the date of the transfer, be conclusive evidence that the arrangement has been made in conformity with this Order.

9. Where an arrangement under this Schedule provides for the transfer of a teacher's residence to the Department, this Schedule shall apply for the purposes of such transfer in like manner as it applies for the purposes of the transfer of a school.

*Schedule 10 rep. by 1989 NI 20*

*Schedule 11 rep. by 1996 NI 1*

*Schedule 12 rep. by 1987 NI 2*

#### <sup>F47</sup>SCHEDULE 13

Article 45.

#### ENFORCEMENT OF DUTY IMPOSED BY ARTICLE 45 AS TO EDUCATION OF CHILDREN OF COMPULSORY SCHOOL AGE

**F47** mod. by [1986 NI 3](#) sch. 13 para. 1B(3A) as inserted by [2005 NI 6](#)

### PART I

#### SCHOOL ATTENDANCE ORDERS

<sup>F48</sup>**1.**—(1) If it appears to [<sup>F2</sup>the Authority] that a parent of a child of compulsory school age <sup>F49</sup>... is failing to perform the duty imposed on him by Article 45, it shall serve a notice in writing on the parent requiring him to satisfy [<sup>F2</sup>the Authority], within such period (not being less than fourteen

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days beginning with the day on which the notice is served) as is specified in the notice, that the child is, by regular attendance at school or otherwise, receiving suitable education.

(2) If—

(a) a parent on whom a notice has been served under sub-paragraph (1) fails to satisfy [F2the Authority], within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of [F2the Authority] it is expedient that the child should attend school,

[F2the Authority] shall serve in the prescribed manner on the parent an order (referred to in this Order as a “school attendance order”), in the prescribed form, requiring him to cause the child to become a registered pupil at a school named in the order.

(3) Unless it is revoked by [F2the Authority] or a direction is made in respect of it by a court under paragraph 6, a school attendance order shall (subject to any amendment made by [F2the Authority]) continue in force—

(a) where the school named in the order provides education for pupils up to the upper limit of compulsory school age or beyond, for so long as the child is of compulsory school age;

(b) where the school does not provide education up to or beyond that age, until the pupil has reached the age at which he would normally leave that school.

(4) Where a grant-aided school is named in a school attendance order the Board of Governors of the school shall admit the child to the school.

(5) Sub-paragraph (4) does not affect any power to suspend or expel from a school a pupil who is already a registered pupil there.

(6) In this Part “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.]

**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)

**F48** 1996 NI 1

**F49** Words in Sch. 13 para. 1(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)

**Modifications etc. (not altering text)**

**C2** [Sch. 13 para. 1\(4\)](#) power to disapply or modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 17](#) (with ss. 88-90)

**C3** [Sch. 13 para. 1\(4\)](#) expiry of earlier affecting provision 2020 c. 7, [Sch. 16 para. 17](#) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**1A.**—(1) Sub-paragraphs (2) to (5) apply where [F2the Authority] is required by virtue of paragraph 1(2) to serve a school attendance order in respect of a child, other than a child for whom it maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

(2) Before serving the order, [F2the Authority] shall serve on the parent a notice in writing—

(a) informing him of its intention to serve the order,

(b) specifying the school which [F2the Authority] intends to name in the order and, if it thinks fit, one or more other schools which it regards as suitable alternatives, and

(c) stating the effect of sub-paragraphs (4) and (5).

(3) A voluntary or grant-maintained integrated school shall not be specified in a notice under sub-paragraph (2) unless [F2the Authority] has consulted the managers of the school.



(4) If the notice specifies one or more alternative schools and the parent selects one of them and notifies <sup>F2</sup>the Authority accordingly before the expiration of the period of fourteen days beginning with the day on which the notice is served, the school selected by him shall be named in the order.

(5) If before the expiration of the period mentioned in sub-paragraph (4) the parent—

(a) applies for the child to be admitted to a school other than the school or schools specified in the notice; and

(b) notifies <sup>F2</sup>the Authority accordingly,

then, if as a result of the application the child is offered a place at that school, that school shall, subject to sub-paragraph (7), be named in the order.

(6) If at any time while a school attendance order is in force with respect to a child, other than a child for whom <sup>F2</sup>the Authority maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

(a) the parent applies for the child to be admitted to a school other than the school named in the order; and

(b) as a result of the application the child is offered a place at a school,

<sup>F2</sup>the Authority shall, subject to sub-paragraph (7), at the request of the parent amend the order by substituting that school for the one previously named.

(7) Sub-paragraphs (5) and (6) do not apply where the school at which the child is offered a place is an independent school unless, in the opinion of <sup>F2</sup>the Authority, the school is suitable to his age, ability and aptitude and to any special educational needs he may have.

**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)

**1B.**—(1) Sub-paragraphs (2) and (3) apply where <sup>F2</sup>the Authority is required by virtue of paragraph 1(2) to serve a school attendance order in respect of a child for whom it maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

(2) Where the statement specifies the name of a School that school shall be named in the order.

(3) Where the statement does not specify the name of a school—

(a) <sup>F2</sup>the Authority shall, <sup>F50</sup>. . . , amend the statement so that it specifies the name of a school, and

(b) that school shall then be named in the order.

<sup>F50</sup>(3A) An amendment to a statement required to be made under sub-paragraph (3)(a) shall be treated for the purposes of Schedule 2 to the Education (Northern Ireland) Order 1996 as if it were an amendment proposed following a periodic review (within the meaning of that Schedule.)

(4) Where—

(a) a school attendance order is in force in respect of a child for whom <sup>F2</sup>the Authority maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996, and

(b) the name of the school specified in the statement differs (for whatever reason) from that specified in the order,

<sup>F2</sup>the Authority shall amend the order so that it names the school specified in the statement.

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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)
- F50** 2005 NI 6

2.—(1) This paragraph applies where a school attendance order is in force in respect of a child.

(2) If at any time the parent applies to [<sup>F2</sup>the Authority] requesting that the order be revoked on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, [<sup>F2</sup>the Authority] shall comply with the request, unless it is of the opinion that no satisfactory arrangements have been made for the education of the child otherwise than at school.

(3) If a parent is aggrieved by a refusal of [<sup>F2</sup>the Authority] to comply with a request under sub-paragraph (2), he may refer the question to the Department.

(4) Where a question is referred to the Department under sub-paragraph (3), it shall give such direction determining the question as it thinks fit.

(5) Where the child in question is one for whom [<sup>F2</sup>the Authority] maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

- (a) sub-paragraphs (2) to (4) do not apply if the name of a school is specified in the statement, and
- (b) in any other case a direction under sub-paragraph (4) may require [<sup>F2</sup>the Authority] to make such amendments in the statement as the Department considers necessary or expedient in consequence of its determination.

- 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)

## PART II

### DUTY OF PARENT OF REGISTERED PUPIL TO SECURE HIS REGULAR ATTENDANCE AT SCHOOL

3.—(1) Subject to the following provisions of this paragraph, it shall be the duty of a parent of a registered pupil at a school to secure his regular attendance at that school.

[<sup>F51</sup>(1A) For the purposes of sub-paragraph (1) and of any proceedings under paragraph 4, attendance by a pupil at a school or other place in pursuance of arrangements under Article 21 of the Education (Northern Ireland) Order 2006 shall be taken to be attendance at the school at which he is a registered pupil.]

(2) For the purposes of sub-paragraph (1) and of any proceedings brought under paragraph 4 in respect of a child who is not a boarder at the school at which he is a registered pupil, the child shall not be deemed to have failed to attend regularly at the school only by reason of his absence therefrom—

- (a) at any time when he was prevented from attending by reason of sickness or other unavoidable cause;
- [<sup>F52</sup>(b) if the parent proves—
  - (i) that the school at which the child is a registered pupil is not within walking distance of the child's home; and

- (ii) that the child is one for whom [F2the Authority] is required to make provision under Article 52(1), but no suitable arrangements have been made by [F2the Authority] for his transport to and from school; and
- (iii) that no suitable arrangements have been made by [F2the Authority] for boarding accommodation for the child at or near the school or for enabling him to become a registered pupil at a school nearer to his home;]

(c) at any time when he is employed in accordance with the provisions of Article 63(2).

(3) Where, in any proceedings brought against a parent on the ground that a child who is a registered pupil at a school has failed to attend that school regularly, it is proved that the child has no fixed abode, sub-paragraph (2)(b) shall not apply but the parent shall be entitled to be acquitted if he proves that he is engaged in any trade or business of such a nature as to require him to travel from place to place and that the child has attended (at the school at which he was a registered pupil) as regularly as the trade or business of the parent permitted provided that, in the case of a child who has attained the age of six years, he has so attended on at least one hundred days during the period of twelve months ending with the date on which the proceedings were instituted.

(4) In any proceedings as aforesaid in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be deemed to have failed to attend regularly at the school if he is absent therefrom at a time when he was not prevented from being present by reason of sickness or other unavoidable cause.

(5) For the purpose of determining whether a child of compulsory school age who is a registered pupil at a school has failed to attend regularly because of sickness, [F2the Authority] may cause the child to be examined either at his home or elsewhere by a medical practitioner and where the parent of a child unreasonably prevents [F2the Authority] from exercising its power to have a child so examined he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) In this paragraph “walking distance” means, in relation to a child [F52 who is a registered pupil at a primary school], two miles and, in the case of any other child, three miles measured by the nearest available route.

**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)

**F51** Sch. 13 para. 3(1A) inserted (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. 29**; S.R. 2007/197, **art. 2(a)**

**F52** 1997 NI 5

**Modifications etc. (not altering text)**

**C4** Sch. 13 para. 3(1) power to disapply or modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 17** (with ss. 88-90)

**C5** Sch. 13 para. 3(1) expiry of earlier affecting provision 2020 c. 7, Sch. 16 para. 17 (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90)

## PART III

### OFFENCES, PENALTIES AND ENFORCEMENT

**4.—(1)** Where a parent on whom a school attendance order has been served fails to comply with the requirements of the order or, subject to paragraph 3, where a child of compulsory school age who is a registered pupil at a school fails to attend regularly at that school, the parent shall be guilty of

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an offence unless he proves that he is causing the child to receive, otherwise than at school, efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.

(2) A person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale <sup>F53</sup>...

**F53** 1995 NI 2

5.—<sup>F54</sup>(1) Before instituting proceedings against a parent for an offence under paragraph 4(1) [<sup>F2</sup>the Authority] shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to apply for an education supervision order with respect to the child.]

*Sub#para. (2) rep. by 1995 NI 2*

(3) <sup>F54</sup>... Where it appears to [<sup>F2</sup>the Authority] that a child of compulsory school age <sup>F55</sup>... is a child whom a person habitually wandering from place to place takes with him, [<sup>F2</sup>the Authority] may, if satisfied that it is necessary to do so in order to secure that the child receives efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, [<sup>F54</sup> apply for an education supervision order].

<sup>F54</sup>(4) In this Schedule “education supervision order” means an education supervision order under the Children (Northern Ireland) Order 1995.]

**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)

**F54** 1995 NI 2

**F55** Words in Sch. 13 para. 5(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)

<sup>F56</sup>6.—(1) The court before which a prosecution is brought for an offence under paragraph 4 may direct [<sup>F2</sup>the Authority] to apply for an education supervision order unless [<sup>F2</sup>the Authority], having consulted the appropriate authority, decides that the child’s welfare will be satisfactorily safeguarded even though no education supervision order is made.

(2) Where, following such a direction, [<sup>F2</sup>the Authority] decides not to apply for an education supervision order, [<sup>F2</sup>the Authority] shall inform the court of its reasons for the decision.

(3) Unless the court directs otherwise, [<sup>F2</sup>the Authority] shall so inform the court within eight weeks from the date on which the direction was given.

(4) Where—

- (a) [<sup>F2</sup>the Authority] applies for an education supervision order with respect to a child who is the subject of a school attendance order; and
- (b) the court decides that Article 55(2) of the Children (Northern Ireland) Order 1995 prevents it from making the order,

the court may direct that the school attendance order shall cease to have effect.

(5) In sub-paragraph (1) “the appropriate authority” means the appropriate authority within the meaning of paragraph 9 of Schedule 4 to the Children (Northern Ireland) Order 1995.]

**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)

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**F56** 1995 NI 2

*Para. 7 rep. by 1995 NI 2*

**8.** For the purposes of a prosecution of the parent of a child for an offence under paragraph 4, the parent of the child shall be required to give to the court such information as he possesses regarding the date and place, and place of registration, of the birth of the child and where the parent refuses or is unable to give such information, the child shall, in so far as his having been of compulsory school age at any time is material, be presumed to have been of compulsory school age at that time.

*Para. 9 rep. by 1995 NI 2*

**10.—(1)** Proceedings for an offence under this Schedule shall not be taken except by or on behalf of the Authority or by an officer appointed for the purpose and authorised in that behalf by [<sup>F2</sup>the Authority] .

(2) Any such officer appointed and authorised as aforesaid may, on behalf of [<sup>F2</sup>the Authority] ,—

- (a) perform the functions of [<sup>F2</sup>the Authority] under sub-paragraph<sup>F57</sup> . . . (3) of paragraph 5 or carry out any direction of a court given under paragraph 6(1);
- (b) although not of counsel or a solicitor, prosecute or conduct any proceedings brought under this Schedule before a court of summary jurisdiction<sup>F57</sup> . . . .]

**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)  
**F57** 1995 NI 2

*Schedule 14 rep. by 1989 NI 20*

<sup>F58</sup>SCHEDULE 15

Article 82(2)

.....

**F58** Sch. 15 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)

SCHEDULE 16

Articles 105(4), 106(2).

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT  
(NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLES 105(4) AND 106(2)

PART I

MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT  
(NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 105(4)

1. References to the Ministry concerned or to the council shall be construed as references to the Department within the meaning of this Order.
2. References to the said Schedule 6 shall be construed as references to that Schedule as modified by this Part.
3. Paragraph 1 shall be omitted.
4. In paragraph 2—
  - (a) for the words from the beginning to “directs” there shall be substituted “ Where the Department proposes to acquire land under Article 105(4) otherwise than by agreement, it shall give public notice of its intention to do so and such notice ”;
  - (b) in sub-paragraph (c) for the words “as may be prescribed” there shall be substituted the words “ as the Department considers fit ”.
5. For paragraph 3(1)(ii) there shall be substituted “ decide not to make the order ”.
6. In paragraph 4 the words from “and may provide” to the end of the paragraph shall be omitted.
7. In paragraph 5—
  - (a) in sub-paragraph (1)(a) the words “in the prescribed form and manner” shall be omitted;
  - (b) in sub-paragraph (1)(b) the two references to the said Act of 1972 shall be construed as references to this Order;
  - (c) in sub-paragraph (1)(d) the words “in the prescribed form” shall be omitted;
  - (d) in sub-paragraph (2) for the words “ as may be prescribed” there shall be substituted the words “ as the Department considers fit ”.
8. In paragraph 6(2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” there shall be substituted the words “ Consolidated Fund ” and for the words “out of the compensation fund” there shall be substituted the words “ made by the Department ”.
9. In paragraph 11(3) the words “in the prescribed form” shall be omitted.
10. In paragraph 12 in sub-paragraph (1) the words “such” and “as may be prescribed” shall be omitted and in sub-paragraph (2) for the words from “clerk” to “directs” there shall be substituted the words “ Department as correct, and shall publish ”.
11. In paragraph 14(1), the words “in the prescribed form” shall be omitted.
12. In paragraph 15(1) for the words “in the prescribed form” there shall be substituted the words “ in such form as may be approved by the Department ”.
13. Paragraph 19 shall be omitted.
14. In paragraph 20, sub-paragraph (2) shall be omitted.

## PART II

### MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 106(2)

1. For any reference to a council or the council or the clerk of the council there shall be substituted a reference to [F2the Authority]<sup>F59</sup> ... or the[F60 chief executive] of [F2the Authority] respectively.

- |            |   |
|------------|---|
| <b>F2</b>  | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a> , <a href="#">Sch. 3 para. 1(2)</a> ); S.R. 2015/35, art. 2(b) |
| <b>F59</b> | Words in Sch. 16 Pt. II para. 1 repealed (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 4</b> (with <a href="#">Sch. 2 para. 4(3)</a> ); S.R. 2015/35, <b>art. 2(b)</b>                              |
| <b>F60</b> | 1989 NI 20  |

2. For any reference to the Ministry concerned there shall be substituted a reference to the Department.

3. For any reference to that Act there shall be substituted a reference to this Order.

4. Any references to that Schedule shall be construed as references to that Schedule as modified by this Part.

5. For any reference to a matter prescribed by regulations made by the Department of the Environment there shall be substituted a reference to a matter prescribed by regulations made by the Department of Education.

6. In paragraphs 2(c) and 5(2) for the words “as may be prescribed” there shall be substituted the words “ as appear to [F2the Authority] to have an interest in the matter ”.

- |           |   |
|-----------|---|
| <b>F2</b> | Words in Order substituted (1.4.2015) by <a href="#">Education Act (Northern Ireland) 2014 (c. 12)</a> , <b>Sch. 3 para. 1(1)(a)</b> (with <a href="#">Sch. 2 para. 4(3)</a> , <a href="#">Sch. 3 para. 1(2)</a> ); S.R. 2015/35, art. 2(b) |
|-----------|---|

7. Paragraph 19 shall be omitted.

*Schedule 17 rep. by 1989 NI 20*

*Schedule 18—Amendments*

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## SCHEDULE 19

Article 133(1)

## TRANSITIONAL PROVISIONS

*General*

1. In so far as anything done or having effect as if done under or in pursuance of any provision repealed by this Order could have been done under or in pursuance of a corresponding provision of this Order, it shall have effect as if done under or in pursuance of that provision.

2. Where any period of time specified in any provision repealed by this Order is current at the coming into operation of this Order, this Order shall have effect as if the corresponding provision of this Order had been in force when that period began to run.

*School management*

3.—(1) This paragraph applies to a voluntary grammar school the trustees or governing body of which had entered into an agreement with the Department or [F2the Authority] or boards under Schedule 6 to the 1972 Order which was existing immediately before 1st August 1984.

(2) Subject to sub-paragraph (3), and agreement made, or having effect as if made, by the trustees or governing body of a school to which this paragraph applies with the Department or [F2the Authority] or boards under paragraph 1 of Schedule 6 to the 1972 Order and existing immediately before 1st August 1984 shall continue to have effect as if made under paragraph 1 of Schedule 6 to this Order.

(3) Any reference in any such agreement to a period of years for which a person appointed to the Board of Governors of the school by the Head of the Department or by [F2the Authority] or boards is to hold office shall, in relation to any appointment made on or after 1st August 1984, have effect as if it were a reference to a period of four years.

(4) Any scheme approved under Article 9(2) of the 1972 Order by the Department for a school to which this paragraph applies shall continue to have effect as if approved under Article 11(2) of this Order but, so far as it relates to the constitution of the Board of Governors of the school, shall have effect, in relation to any appointment of a Board of Governors made after 1st August 1984, subject to the provisions of paragraph 3 of Schedule 6 to this Order.

**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)

4.—(1) This paragraph applies to a voluntary grammar school, the trustees or governing body of which had not entered into an agreement with the Department or [F2the Authority] or boards under Schedule 6 to the 1972 Order which was existing immediately before 1st August 1984.

(2) Any scheme approved under Article 9(2) of the 1972 Order by the Department for a school to which this paragraph applies shall continue to have effect as if approved under Article 11(2) of this Order but, so far as it relates to the constitution of the Board of Governors of the school, shall have effect, in relation to any appointment of a Board of Governors made after 1st August 1984, subject to the provisions of paragraph 2 of Schedule 7 to this Order.

**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)



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*Para. 6 rep. by 1993 NI 12*

*Schedule 20—Repeals*

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 2(2) words substituted by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2](#)
- art. 9 repealed by [S.I. 1998/1759 \(N.I.\) Sch. 5 Pt. 2 Sch. 6 Pt. 2](#)
- art.46 applied by [1998 c. 39 s.55\(5\)](#)
- art. 90(7) transfer of functions by [2013 c. 3 \(N.I.\) s. 5\(1\)](#)
- art. 90(7)(a) words substituted by [2008 c. 12 \(N.I.\) Sch. 8 para. 4\(a\)](#)
- art. 90(7)(b) words substituted by [2008 c. 12 \(N.I.\) Sch. 8 para. 4\(b\)](#)

**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\(7\)](#)