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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform (Northern Ireland) Order 1989**

PART VI

INTEGRATED EDUCATION

CHAPTER II

GRANT#MAINTAINED INTEGRATED SCHOOLS

*Discontinuance of grant#maintained integrated schools*

**<sup>F1</sup>Withdrawal of grant by Department**

**81.**—(1) The Department may cease to maintain a grant#maintained integrated school by giving notice of its intention to do so to the Board of Governors of the school under this Article; and on the date specified in any such notice as the date on which the Department intends to cease to maintain the school the Department's duty to maintain the school shall cease.

(2) Subject to the following provisions of this Article—

- (a) a notice under this Article may not specify as the date on which the Department intends to cease to maintain such a school a date falling less than two years after the date of the notice; and
- (b) before giving such a notice the Department shall consult—
  - (i) the Board of Governors of the school;
  - (ii) [<sup>F2</sup>the Authority] for the area in which the school is situated; and
  - (iii) the Council for Catholic Maintained Schools.

(3) Paragraph (2) shall not apply where the Department is satisfied, in the case of any grant#maintained integrated school, that the school as currently constituted or conducted is unsuitable to continue as a grant#maintained integrated school on all or any of the following grounds—

- (a) that the number of registered pupils at the school is too small for sufficient and suitable instruction to be provided for them at reasonable cost;
- (b) that the Board of Governors has failed for a significant period of time to carry out its duties under Part III;
- (c) that the Board of Governors has been guilty of substantial or persistent failure to comply or secure compliance with any other requirement imposed by or under this Order or any other statutory provision;
- (d) that the school is not [<sup>F3</sup>provide integrated education].

(4) In any case within paragraph (3), the Department may give to the Board of Governors of the school a notice stating the grounds on which it considers that the school as currently constituted or conducted is unsuitable to continue as a grant#maintained integrated school together with full particulars of the matters relevant to each such ground.

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**Changes to legislation:** *The Education Reform (Northern Ireland) Order 1989, Section 81 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(5) Where any of the matters of which particulars are given in a notice under paragraph (4) are stated in the notice to be in the opinion of the Department irremediable, the notice shall also state that the Department intends to cease to maintain the school on a date specified in the notice.

(6) Where paragraph (5) does not apply in the case of any notice under paragraph (4), the notice shall—

- (a) state that the Department intends to cease to maintain the school unless the matters of which particulars are given in the notice are remedied;
- (b) specify the measures necessary in the opinion of the Department to remedy those matters; and
- (c) specify the time, not being less than three months after the date of the notice, within which the Board of Governors is required to take those measures.

(7) Where the Board of Governors of a grant#maintained integrated school fails to take the measures required by a notice under paragraph (4) within the time specified in the notice or allowed by any previous notice under this paragraph, the Department shall within the period of two months beginning with the date next following the end of that time either—

- (a) give notice to the Board of Governors extending the time within which those measures are required to be taken; or
- (b) after consulting [<sup>F2</sup>the Authority] for the area in which the school is situated, give notice that it intends to cease to maintain the school on a date specified in the notice.

(8) The Department may by notice given to the Board of Governors—

- (a) withdraw any notice under paragraph (1), (4) or (7)(b); or
- (b) vary—
  - (i) any notice under paragraph (1) or (7)(b); or
  - (ii) any notice under paragraph (4) to which paragraph (5) applies,
 by substituting a later date for the date for the time being specified in the notice as the date on which it intends to cease to maintain the school; or
- (c) vary any notice under paragraph (4) to which paragraph (6) applies, so far as relates to the measures required by the notice to remedy the matters of which particulars are given in the notice.

(9) If by virtue of paragraph (8)(c) the Department varies any notice under paragraph (4) so as to require di#erent measures to be taken it shall also substitute for the time specified in the notice as the time within which the Board of Governors is required to take the measures specified in the notice as varied a time ending—

- (a) not less than three months after the date of the notice of variation; and
- (b) where the time so specified has been extended under paragraph (7), not earlier than that time as so extended.

(10) Any variation under paragraph (9) of the time specified in a notice under paragraph (4) is without prejudice to any further extension of that time under paragraph (7).

(11) Any notice under this Article shall be in writing; and references in this Article to the date of any such notice given to a Board of Governors under this Article are references to the date on which it is given to the Board of Governors.

**F1** prosp. rep. by 1998 NI 13

**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** Words in art. 81(3)(d) substituted (26.10.2022) by [Integrated Education Act \(Northern Ireland\) 2022](#) (c. 15), [ss. 13\(5\)](#), 15

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

- art. 81 repealed by [S.I. 1998/1759 \(N.I.\) Sch. 6 Pt. 2](#)

**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):

- art. 13(3)(b) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)