

STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART VII

FINANCING OF SCHOOLS

CHAPTER I

FINANCING OF SCHOOLS BY BOARDS

Financing by boards of special schools

Application of^{F1} the common funding scheme] to special schools

59.—(1) The Department may by regulations provide for requiring or authorising^{F1} the common funding scheme]

- (a) to cover controlled or maintained special schools;
 - (b) to include provision, in the case of any such school which by virtue of any regulations made under sub-paragraph (a) is required or authorised to be covered by^{F1} the common funding scheme], for the delegation by ^{F2}the Authority] of the management of the school's budget share for any financial year to the Board of Governors of the school.
- (2) Regulations under this Article—
- (a) may make in any provisions of this Chapter^{F1} or Part I of the 2003 Order] such amendments as appear to the Department to be required in consequence of any provision made in those regulations by virtue of paragraph (1); and
 - (b) may provide that^{F1} the common funding scheme] shall have effect with such modifications as appear to the Department to be appropriate in consequence of any provision so made.

F1 2003 NI 12

F2 Words in art. 59(1)(b) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 20(2) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

Duty on board to make a sum of money available to Board of Governors of special school not covered by a scheme

60.—(1) Subject to paragraphs (4) and (12), in respect of any period during which any special school is not covered by a scheme, it shall be the duty of ^{F3}the Authority] to make available a sum of money which the Board of Governors of the school is to be entitled to spend at its discretion during that period (but subject to paragraph (2)) on such heads of expenditure as ^{F3}the Authority] may specify or as the Department may direct.

- (2) A Board of Governors to which any sum is made available under this Article—

Changes to legislation: Education (Northern Ireland) Order 1998, Cross Heading: Financing by boards of special schools is up to date with all changes known to be in force on or before 22 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

- (a) shall comply in spending that sum with such reasonable conditions as [F3the Authority] thinks fit to impose; and
- (b) may delegate to the principal, to such extent as it may specify, its powers in relation to that sum.

(3) The members of the Board of Governors of a school shall not incur any personal liability in respect of anything done in good faith in the exercise or purported exercise of any power under paragraph (2).

(4) Where a new special school is established and is not covered by a scheme, paragraph (1) shall not apply in relation to the school until such date as the Department may direct.

(5) Before specifying any heads of expenditure under paragraph (1), [F3the Authority] shall consult the Board of Governors of every special school appearing to it to be concerned and the Council for Catholic Maintained Schools and before giving any directions under paragraph (1), the Department shall consult [F4the Authority], the Council for Catholic Maintained Schools and any other person with whom consultation appears to it to be desirable.

(6) Where it appears to [F3the Authority] that a Board of Governors to which any sum is made available under this Article—

- (a) has been guilty of a substantial or persistent failure to comply with any conditions imposed on it under paragraph (2)(a); or
- (b) is not managing the appropriation or expenditure of the sum in a satisfactory manner,

[F3the Authority] may suspend the Board of Governors' right under paragraph (1) to have a sum of money made available to it by giving the Board of Governors (subject to paragraph (8)) not less than one month's notice of suspension.

(7) A notice under paragraph (6) shall specify the grounds for the proposed suspension, giving particulars of any alleged failure on the part of the Board of Governors to comply with any conditions imposed on it under paragraph (2)(a) or of any alleged mismanagement on its part.

(8) A copy of the notice shall be given to—

- (a) the principal of the school;
- (b) the Department; and
- (c) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,

at the same time as the notice is given to the Board of Governors.

(9) [F3The Authority] may suspend the right mentioned in paragraph (6) of any Board of Governors to which it has given notice under that paragraph before the expiry of the period of notice if it appears to [F3the Authority] to be necessary to do so by reason of gross incompetence or mismanagement on the part of the Board of Governors or other emergency.

(10) [F3The Authority] may withdraw a notice given under paragraph (6) at any time before the expiry of the period of notice.

(11) If [F3the Authority] exercises its power under paragraph (9) or (10), it shall immediately give written notification of its action and, in the case of action under paragraph (9), of the reasons for it to—

- (a) the Board of Governors and principal of the school;
- (b) the Department; and
- (c) where the school is a Catholic maintained school, the Council for Catholic Maintained School.

Changes to legislation: Education (Northern Ireland) Order 1998, Cross Heading: Financing by boards of special schools is up to date with all changes known to be in force on or before 22 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

(12) During any period when a Board of Governors' right mentioned in paragraph (6) is suspended under this Article, the duty of [^{F5}the Authority] under paragraph (1) shall not apply in relation to that Board of Governors.

(13) Articles 56 and 57 shall apply in relation to a suspension under this Article as they apply in relation to a suspension under Article 55.

- | |
|--|
| <p>F3 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)</p> <p>F4 Words in art. 60(5) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 20(3) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)</p> <p>F5 Words in art. 60(12) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 20(4) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)</p> |
|--|

Changes to legislation:

Education (Northern Ireland) Order 1998, Cross Heading: Financing by boards of special schools is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(b\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 89A inserted by [2022 c. 45 s. 5](#)