1991 No. 255

EDUCATION

Schools (Acquisition of Integrated Status) (Compensation for Transfer of Property) Regulations (Northern Ireland) 1991

Made	*19th June 1991*
Coming into operation . .	*15th July 1991*

The Department of Education, in exercise of the powers conferred on it by Articles 75(7) and 95(4) of the Education Reform (Northern Ireland) Order 1989(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Schools (Acquisition of Integrated Status) (Compensation for Transfer of Property) Regulations (Northern Ireland) 1991 and shall come into operation on 15th July 1991.

(2) In these Regulations "the Order" means the Education Reform (Northern Ireland) Order 1989.

Payment of compensation

2. Where, immediately before—

(*a*) the incorporation date, a grant-maintained integrated school was a voluntary school and, under Article 75(2) of the Order, land or other property held immediately before that date by the trustees of the voluntary school transferred to the Board of Governors of the grant-maintained integrated school; or

(*b*) the proposed date of implementation, a controlled integrated school was a voluntary school and, under Article 95(1) of the Order, land or other property held immediately before that date by the trustees of the voluntary school transferred to the board responsible for the management of the controlled integrated school,

the Department shall pay compensation to the trustees of the voluntary school in respect of that land or other property.

Amount of compensation

3. Subject to regulation 4 the amount of compensation payable to any trustees under regulation 2 shall be such as may be agreed between the Department and the trustees, or in default of agreement, such as may be determined by the Lands Tribunal.

(**a**) S.I. 1989/2406 (N.I. 20)

Reduction of compensation

4.—(1) Where—

(*a*) not more than fifty years before the incorporation date or the proposed implementation date, as the case may be, on which land or other property transferred as described in regulation 2, any grant has been paid by the Department in respect of that land or property; and

(*b*) that grant was paid on or before 8th August 1978,

then the amount of compensation payable under these Regulations shall be reduced by either:

(i) the amount of the grant; or

(ii) the same proportion of the amount of the compensation as the amount of the grant bears to the approved cost of the land or property, as the case may be,

whichever is the lesser.

(2) Where, after 8th August 1978, grant has been paid by the Department in respect of land or other property transferred as described in regulation 2, the amount of compensation payable in respect thereof under these Regulations shall be reduced by the same proportion of that amount as the amount of such grant bears to the approved cost of the land or property, as the case may be.

(3) In this regulation—

(*a*) "grant" means grant paid by the Department under Article 116 of the Education and Libraries (Northern Ireland) Order 1986 or treated for the purposes of that Article as if it had been so paid; and

(*b*) "approved" in relation to the cost of any land or property means approved by the Department for the purposes of grant.

(4) Where grant is paid by instalments the date of the first instalment shall, for the purposes of paragraph (1) and (2), be treated as the date of the grant.

Sealed with the Official Seal of the Department of Education on 19th June 1991.

(L.S.) *A. McVeigh*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide that, where property is transferred from the ownership of the trustees of a voluntary school as a result of the school acquiring grant-maintained integrated status or controlled integrated status, compensation shall be paid by the Department of Education (''the Department'') to the trustees of the voluntary school. The amount of compensation is either to be determined by agreement between the Department and the Trustees or, failing such agreement, with the Lands Tribunal. The amount of compensation for land or other property is to be reduced where grants have already been paid by the Department in respect of it, except in the case of grants paid more than 50 years before:

(*a*) the incorporation date in the case of a Grant-maintained Integrated School; or

(*b*) the proposed implementation date in the case of a Controlled Integrated School.

Where compensation is to be reduced in respect of grants paid on or before 8th August 1978 the amount of the reduction is either:

(*a*) the amount of the grant; or

(*b*) the same proportion of the compensation as the amount of the grant bears to the approved cost of the land or property, whichever is the lesser.

Where compensation is to be reduced in respect of grants paid after 8th August 1978 the amount of the reduction is the same proportion of the compensation as the amount the grant bears to the approved cost of the land or property.