
STATUTORY INSTRUMENTS

2006 No. 1915

The Education (Northern Ireland) Order 2006

PART III

MISCELLANEOUS AND SUPPLEMENTARY

Admissions

Admission to secondary school: exceptional circumstances

29.—(1) After Article 16 of the 1997 Order insert—

“Admission to secondary school: exceptional circumstances

16A.—(1) The parent of a child of compulsory school age may apply to the body established by regulations under paragraph (6) (“the body”) for a direction that on the grounds of exceptional circumstances specified in the application the child is to be admitted to a grant-aided secondary school so specified (“the specified school”).

(2) On the hearing of an application under this Article—

- (a) if the body is satisfied that exceptional circumstances exist which require the admission of the child to the specified school, the body shall direct the Board of Governors of that school to admit the child to the school;
- (b) in any other case, the body shall dismiss the application.

(3) It shall be the duty of the Board of Governors of the specified school to comply with any direction given under paragraph (2)(a).

(4) The Department shall make regulations as to the meaning of “exceptional circumstances” for the purposes of this Article.

(5) Such regulations may—

- (a) specify matters to be taken into account, or not to be taken into account, in determining whether, in relation to a particular pupil, there are exceptional circumstances which require his admission to a particular school;
- (b) give examples of—
 - (i) circumstances which may be regarded for the purposes of this Article as exceptional circumstances requiring the admission of a child to a particular school;
 - (ii) circumstances which may not be so regarded.

(6) The Department shall by regulations provide for the constitution and procedure of a body to determine applications under this Article; and, in particular, such regulations—

- (a) shall provide for the membership of the body and may provide for disqualifying prescribed persons or descriptions of person for membership of the body;

- (b) may contain provision requiring the body to hear and determine an application within such period as may be specified in, or determined in accordance with, the regulations;
- (c) may provide for the body to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;
- (d) may provide that all matters relating to the procedure on an application which are not specifically regulated by the regulations shall be determined by the Department.

(7) The Department may make payments by way of travelling and subsistence allowances to members of the body.

(8) Payments under paragraph (7) shall be made at such rates and on such conditions as may be determined by the Department.”.

(2) In Article 10(3) of the 1997 Order (calculation of number of children admitted in relevant age group) after sub-paragraph (a) insert —

“(aa) a direction of the body constituted by regulations under Article 16A(6);”.

(3) In Article 10(4) of the 1997 Order (calculation of number of registered pupils at a school) after sub-paragraph (a) insert—

“(aa) a direction of the body constituted by regulations under Article 16A(6);”.