

1990 No. 126**EDUCATION****School Admissions (Appeal Tribunals) Regulations
(Northern Ireland) 1990**

Made 22nd March 1990

Coming into operation 1st April 1990

The Department of Education, in exercise of the powers conferred on it by Article 37(7) of the Education Reform (Northern Ireland) Order 1989(a), Article 134(1) of the Education and Libraries (Northern Ireland) Order 1986(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1990 and shall come into operation on 1st April 1990.

Interpretation

2. In these Regulations—

“appeal” means an appeal by virtue of Article 37 of the 1989 Order;

“the 1989 Order” means the Education Reform (Northern Ireland) Order 1989.

Constitution of appeal tribunals

3. An appeal tribunal shall be constituted in accordance with Schedule 1.

Procedure of appeal tribunals

4. Schedule 2 shall have effect in relation to the procedure on appeals.

Sealed with the Official Seal of the Department of Education on 22nd March 1990.

(L.S.)

J. S. Smith

Assistant Secretary

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

(b) S.I. 1986/594 (N.I. 3)

1. Subject to the provisions of this Schedule an appeal tribunal shall consist of six members appointed by the board from among persons nominated by it under paragraph 2; and sufficient persons may be nominated to enable two or more appeal tribunals to sit at the same time.

2. The persons nominated shall comprise—

- (a) persons appearing to the board to represent the interests of controlled schools in the area of the board;
- (b) persons appearing to the board, after consultation with the Council for Catholic Maintained Schools and such other bodies as the board considers appropriate, to represent the interests of voluntary schools in the area of the board and persons appearing to the board to represent the interests of grant-maintained integrated schools in the area of the board;
- (c) persons who have experience in education, are acquainted with the educational arrangements in the area of the board or are parents of registered pupils at a school;

but shall not include any person employed by the board otherwise than as a full-time teacher.

3. The membership of an appeal tribunal shall comprise—

- (a) two persons falling within the category of persons mentioned in paragraph 2(a);
- (b) two persons falling within the category of persons mentioned in paragraph 2(b); and
- (c) two persons falling within the category of persons mentioned in paragraph 2(c).

4. The members of an appeal tribunal shall elect one of their number to be chairman of the tribunal.

5. A person shall not be a member of an appeal tribunal for the consideration of any appeal against a decision if he was among those who made the decision or took part in discussions as to whether the decision should be made.

6. A person who is a teacher at a school shall not be a member of an appeal tribunal for the consideration of an appeal involving a question as to whether or not a child is to be admitted to that school.

7. A person who is a teacher at a primary school or the preparatory department of a grammar school, or a person who is a member of the Board of Governors of any such school, shall not be a member of an appeal tribunal for the consideration of an appeal involving a child who is transferring from that primary school or preparatory department.

1. An appeal shall be by notice in writing setting out the grounds on which it is made.
2. Two or more appeal tribunals may sit at the same time.
3. An appeal tribunal shall give the appellant an opportunity to make written representations and an opportunity of appearing and making oral representations.
4. An appeal tribunal shall give the Board of Governors by or on whose behalf the decision under appeal was taken an opportunity to make written representations and shall afford a representative of the Board of Governors an opportunity of appearing and making oral representations.
5. Subject to paragraph 6 appeals shall be heard in private except where the board determines otherwise.
6. Where an appeal is in respect of a decision refusing a child admission to a controlled school a representative of the board may attend the hearing as an observer.
7. An appeal tribunal may request the Board of Governors by or on whose behalf the decision under appeal was taken to supply the tribunal with information about admissions and proposed admissions to the school.
8. In the event of disagreement between the members of an appeal tribunal the appeal under consideration shall be decided by a simple majority of the votes cast and in the case of an equality of votes the chairman of the appeal tribunal shall have a second or casting vote.
9. The decision of an appeal tribunal and the grounds on which it was made shall be communicated by the tribunal in writing to the appellant, the board and the Board of Governors by or on whose behalf the decision appealed against was made.
10. Subject to paragraphs 1 to 9, all matters relating to the procedure on appeals, including the time within which they are to be brought, shall be determined by the board.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Under Article 37 of the Education Reform (Northern Ireland) Order 1989 the parent of a child may appeal to an appeal tribunal against a decision of a Board of Governors of a grant-aided school refusing the child admission to the school. These Regulations provide for the constitution and procedure of such appeal tribunals. Article 37 applies initially only to decisions refusing children admission to secondary schools.

Regulation 3 provides that an appeal tribunal shall be constituted in accordance with Schedule 1 and regulation 4 provides for the procedure on appeals to be in accordance with Schedule 2.

Paragraphs 1 to 3 of Schedule 1 relate to the appointment, size and membership of appeal tribunals and paragraph 4 provides for the election of a chairman of an appeal tribunal. Paragraphs 2 and 5 to 7 disqualify certain persons or descriptions of persons from membership of an appeal tribunal.

Paragraph 1 of Schedule 2 deals with the initiation of appeals and paragraph 2 provides for two or more appeal tribunals to sit at the same time. Paragraph 3 provides for the appellant to make written representations and to appear before an appeal tribunal to make oral representations. Paragraph 4 provides for the Board of Governors, by or on whose behalf the decision under appeal was taken, to make written representations and for a representative of the Board of Governors to appear before an appeal tribunal to make oral representations. Paragraph 5 provides for appeals to be heard in private except where the education and library board ("the board") determines otherwise. Paragraph 6 provides that a representative of the board may attend an appeal hearing as an observer where the appeal relates to a controlled school. Paragraph 7 provides for appeal tribunals to request information from the Board of Governors by or on whose behalf the decision under appeal was taken. Paragraph 8 states how a decision is to be reached in the event of disagreement between the members of an appeal tribunal. Paragraph 9 prescribes how and to whom the decision of an appeal tribunal is to be communicated. Paragraph 10 provides for all other matters relating to the procedure on appeals, including the time within which they are to be brought, to be determined by the board.