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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 115**

**EDUCATION**

**School Admissions (Appeal Tribunals)  
Regulations (Northern Ireland) 1998**

*Made* - - - - *18th March 1998*

*Coming into operation* *1st April 1998*

The Department of Education, in exercise of the powers conferred on it by Article 15(8) of the Education (Northern Ireland) Order 1997<sup>(1)</sup>, Article 134(1) of the Education and Libraries (Northern Ireland) Order 1986<sup>(2)</sup>, 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) 1998 and shall come into operation on 1st April 1998.

**Interpretation**

2. In these Regulations—

“appeal” means an appeal under Article 15 of the Education (Northern Ireland) Order 1997;

“the chief executive” means the chief executive of the board.

**Application**

3. These Regulations shall apply in relation to appeals against decisions to refuse children admission to grant-aided primary and secondary schools where, if the children had been admitted to the schools, the admissions would have taken effect in the school year ending on 31st July 1999 or in a subsequent school year.

**Constitution of appeal tribunals**

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

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(1) S.I. 1997/866 (N.I. 5)

(2) S.I. 1986/594 (N.I. 3); Article 134(1) was amended by Article 50(1) of, and, Part II of Schedule 4 to, the Education and Libraries (Northern Ireland) Order 1993, S.I. 1993/2810 (N.I. 12)

### **Procedure of appeal tribunals**

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

### **Revocation and saving provision**

6.—(1) Subject to paragraph (2), the School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1990<sup>(3)</sup>, the School Admissions (Appeal Tribunals) (Amendment) Regulations (Northern Ireland) 1991<sup>(4)</sup> and the School Admissions (Appeal Tribunals) (Amendment) Regulations (Northern Ireland) 1994<sup>(5)</sup> are hereby revoked.

(2) The School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1990 shall continue to apply in relation to appeals against decisions to refuse children admission to grant-aided primary and secondary schools where, if the children had been admitted to the schools, the admissions would have taken effect in the school year ending on 31st July 1998.

Sealed with the Official Seal of the Department of Education on

L.S.

18th March 1998.

*J. S. Smith*  
Assistant Secretary

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(3) S.R. 1990 No. 126  
(4) S.R. 1991 No. 218  
(5) S.R. 1994 No. 238

## SCHEDULE 1

Regulation 4

1. An appeal tribunal shall consist of a chairman and two other members selected in accordance with paragraphs 2 and 3.

2. Subject to paragraphs 4 to 7, the chairman shall be selected by the board or, on behalf of the board, by the chief executive or his nominee from a panel of persons appointed by the board to act as chairmen of appeal tribunals.

3. Subject to paragraphs 4 to 7, the two other members shall be selected by the board or, on behalf of the board, by the chief executive or his nominee from a panel of persons appointed by the board to act as members of appeal tribunals.

4. A person employed by the board otherwise than as a full-time teacher shall not be a member or chairman of an appeal tribunal.

5. A person shall not be a member or chairman 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 or chairman 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 or chairman of an appeal tribunal for the consideration of an appeal involving a child who is transferring from that primary school or preparatory department.

## SCHEDULE 2

Regulation 5

1. An appeal shall be by notice in writing sent to the board 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 whom 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 whom 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 (including the chairman) of an appeal tribunal the appeal under consideration shall be decided by a simple majority of the votes cast. The chairman and members shall each have a vote.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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 whom 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.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations revoke and replace, with a saving, the School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1990, as amended.

Article 15 of the Education (Northern Ireland) Order 1997 enables the parent of a child to 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.

Regulation 4 provides that an appeal tribunal shall be constituted in accordance with Schedule 1 and regulation 5 provides for the procedure on appeals to be in accordance with Schedule 2.

Paragraphs 1 to 3 of Schedule 1 relate to the size and membership of appeal tribunals. Paragraphs 4 to 7 of Schedule 1 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 whom 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 whom 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.

These Regulations do not apply to appeals against decisions relating to the admission of children to grant-aided primary and secondary schools in the 1997/98 school year.