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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 419**

**EDUCATION**

**Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999**

*Made - - - - 11th October 1999*

*Coming into operation 11th October 1999*

The Department of Education, in exercise of the powers conferred on it by Articles 32(6) and 90(3) of the Education (Northern Ireland) Order 1998<sup>(1)</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 Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999 and shall come into operation on 11th October 1999.

**Interpretation**

2.—(1) In these Regulations—

“Board” in relation to a school means the education and library board for the area in which the school is situated;

“children” means children after they have attained the age of 2 years and before they have attained the lower limit of compulsory school age;

“child from socially disadvantaged circumstances” means a child whose parent is in receipt of income support or income-based jobseeker’s allowance;

“final pre-school year” in relation to a child means the school year immediately prior to the school year in which that child is of compulsory school age;

“income-based jobseeker’s allowance” has the meaning given to it by Article 3(4) of the Jobseekers (Northern Ireland) Order 1995<sup>(2)</sup>;

“income support” means income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(3)</sup>;

“the 1998 Order” means the Education (Northern Ireland) Order 1998; and

“the criteria” means the criteria to be drawn up under Article 32(1) of the 1998 Order.

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(1) S.I.1998/1759 (N.I. 13)  
(2) S.I. 1995/2705 (N.I. 15)  
(3) 1992 c. 7

(2) For the purposes of these Regulations a child in his final pre-school year seeking admission to a school shall be treated as having special educational needs where, in the opinion of the Board, he has significantly greater difficulty in learning than the majority of children of his age and that difficulty is not solely attributable to the fact that the language (or form of language) in which he will be taught is different from the language (or form of language) which has at any time been spoken in his home.

### **Application**

3. These Regulations shall apply in relation to the admission of children to part-time and full-time pre-school education at schools commencing with admissions in the school year ending on 31st July 2001.

### **Matters to be included in the criteria**

4.—(1) The criteria to be applied in selecting children for admission to pre-school education at a school shall include the following matters—

- (a) the order of priority in which children shall be admitted to full-time pre-school education at the beginning of the school year where the number of applications for such admission exceeds the full-time enrolment number determined by the Department under Article 25 of the 1998 Order for the school for that school year;
- (b) the order of priority in which children shall be admitted to part-time pre-school education at the beginning of the school year where the number of applications for such admission exceeds the part-time enrolment number determined by the Department under Article 29 of the 1998 Order for the school for that school year;
- (c) the order of priority in which children shall be admitted to full-time pre-school education at any time after the beginning of the school year where the number of applications for such admission exceeds the number of vacant full-time places for pre-school education for that school year;
- (d) the order of priority in which children shall be admitted to part-time pre-school education at any time after the beginning of the school year where the number of applications for such admission exceeds the number of vacant part-time places for pre-school education for that school year;
- (e) subject to paragraph (2), provision to give priority, in the following order of priority, to—
  - (i) children from socially disadvantaged circumstances who will be aged 4 before 1st September in their final pre-school year;
  - (ii) children from socially disadvantaged circumstances who will be aged 3 before 1st September in their final pre-school year;
  - (iii) children not falling within sub-paragraphs (i) or (ii) who will be aged 4 before 1st September in their final pre-school year; and
  - (iv) children not falling within sub-paragraphs (i) or (ii) who will be aged 3 before 1st September in their final pre-school year;

and who at the time of their proposed admission will not have a pre-school education place whether full-time or part-time at another school or any other premises.

(2) Nothing in paragraph (1)(e)(iv) shall require the criteria to give priority to any children referred to in that provision over any children with special educational needs.

## **Revocation**

5.—(1) Subject to paragraph (2), the Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1998<sup>(4)</sup> are hereby revoked.

(2) The same Regulations shall continue to apply in relation to the admission of children to full-time and part-time pre-school education in schools for any school year ending before 31st July 2001.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 11th October 1999.

*Dr. Mark Browne*  
Assistant Secretary

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(4) S.R. 1998 No. 449, as amended by S.R. 1999 No. 188

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## EXPLANATORY NOTE

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

Article 32 of the Education (Northern Ireland) Order 1998 requires the Board of Governors of each grant-aided nursery school and each grant-aided primary school with a nursery class to draw up the criteria to be applied in selecting children for admission to nursery education at the school. It also enables the Department of Education to make Regulations requiring the criteria to include, or not to include, such matters or matters of such description as are specified in the Regulations.

These Regulations specify matters to be included in the criteria for the admission of children to grant-aided nursery schools and grant-aided primary schools with a nursery class commencing with the school year ending on 31st July 2001. They set out the order of priority for the selection of children for admission to the school. However, they give each school the option of giving children in their final pre-school year with special educational needs priority over any other child who is not from socially disadvantaged circumstances or who does not have a July or August birthday.

Regulation 4 specifies matters which the criteria shall include.