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STATUTORY INSTRUMENTS

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**1986 No. 594**

**The Education and Libraries (Northern Ireland) Order 1986**

**PART V**

**RIGHTS AND DUTIES OF PARENTS AND  
PROVISIONS RELATING TO INDIVIDUAL PUPILS**

*General*

***[<sup>F1</sup>Compulsory school age***

**46.—(1)** Subject to the following provisions of this Article, in the Education Orders the expression “compulsory school age” means any age between four years and sixteen years [<sup>F2</sup>or, in some deferred cases, seventeen years] and accordingly a person shall be of compulsory school age if he has attained the age of four years and has not attained the age of sixteen years [<sup>F2</sup>or, in some deferred cases, seventeen years].

[  
<sup>F3</sup>(1A) In this Article, “deferred case” means a case in which a person who attains the age of four years on any date occurring in the period beginning on (and including) 1st April in any year and ending on (and including) 1st July in the same year does not begin to receive full-time education until the following year, having attained the age of five years.

(1B) A reference in this Article to a person who attains a specified age on any date occurring in the period beginning on (and including) 1st April in any year and ending on (and including) 1st July in the same year includes—

- (a) a reference to a person who would have attained that age on a day in that period were it not for having been born prematurely, and
- (b) a reference to a person who was born before the beginning of that period but in whose case the expected week of childbirth was after the end of that period.]

(2) Where a person attains the age of four years—

- (a) [<sup>F4</sup>except in a deferred case,] on any date occurring in the period beginning on (and including) 1st September in any year and ending on (and including) 1st July in the following year, he shall be deemed not to have attained the lower limit of compulsory school age until 1st August in that following year;
- (b) on any date occurring in the period beginning on (and including) 2nd July in any year and ending on (and including) 31st August in the same year, he shall be deemed not to have attained the lower limit of compulsory school age until 1st August in the following year.

[  
<sup>F5</sup>(2A) In a deferred case, where a person attains the age of four years on any date occurring in the period beginning on (and including) 1st April in any year and ending on (and including) 1st July in

*Changes to legislation: The Education and Libraries (Northern Ireland) Order 1986, Section 46 is up to date with all changes known to be in force on or before 03 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the same year, the person shall be deemed not to have attained the lower limit of compulsory school age until 1st August in the year in which the person attained the age of five years.]

(3) Where a person attains the age of sixteen years—

- (a) [<sup>F6</sup>except in a deferred case,] on any date occurring in the period beginning on (and including) 1st September in any year and ending on (and including) 1st July in the following year, he shall be deemed not to have attained the upper limit of compulsory school age until, or as the case may be, deemed to have attained that upper limit on 30th June in that following year or [<sup>F7</sup>a prescribed date] ;
- (b) on any date occurring in the period beginning on (and including) 2nd July in any year and ending on (and including) 31st August in the same year, he shall be deemed not to have attained the upper limit of compulsory school age until 30th June in the following year or [<sup>F8</sup>a prescribed date] .]

[<sup>F9</sup>(4) In a deferred case, where a person attains the age of sixteen years on any date occurring in the period beginning on (and including) 1st April in any year and ending on (and including) 1st July in the same year, the person shall be deemed not to have attained the upper limit of compulsory school age until or, as the case may be, deemed to have attained that upper limit on 30th June in the following year or on a prescribed date.]

[<sup>F10</sup>(5) In this Article—

“full-time education” means full-time education of the kind referred to in Article 45(1);

“prescribed date” means such date as the Department may, by order subject to affirmative resolution, prescribe.]

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| <b>F1</b>  | 1989 NI 20  |
| <b>F2</b>  | Words in art. 46(1) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(1), 4(1)          |
| <b>F3</b>  | Art. 46(1A)(1B) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(2), 4(1)              |
| <b>F4</b>  | Words in art. 46(2)(a) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(3), 4(1)       |
| <b>F5</b>  | Art. 46(2A) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(4), 4(1)                  |
| <b>F6</b>  | Words in art. 46(3)(a) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(5)(a), 4(1)    |
| <b>F7</b>  | Words in art. 46(3)(a) substituted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(5)(b), 4(1) |
| <b>F8</b>  | Words in art. 46(3)(b) substituted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(5)(b), 4(1) |
| <b>F9</b>  | Art. 46(4) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(6), 4(1)                   |
| <b>F10</b> | Art. 46(5) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 1(7), 4(1)                   |

**Changes to legislation:**

The Education and Libraries (Northern Ireland) Order 1986, Section 46 is up to date with all changes known to be in force on or before 03 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- art.46 applied by [1998 c. 39 s.55\(5\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 2](#)
- art.77(3) revoked by [S.I. 1996/2967 reg.11\(7\)](#)