
STATUTORY INSTRUMENTS

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

Commencement of secondary education

46A.—^[F1](1) ^[F1]Except as provided by paragraph (2), (3) or (4), a child shall commence secondary education—

- (a) where ^[F2], except in a deferred case,] he attains the age of eleven years on a 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, on 1st August in that following year;
- ^[F3](aa) in a deferred case, where the child attains the age of eleven years on a 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, on 1st August in the following year, with the child having attained the age of twelve years;]
- (b) where he attains that age on a 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, on 1st August in the following year ^[F4], with the child having attained the age of twelve years] .

^[F1](2) A child shall commence secondary education on 1st August next before his normal date of commencement where—

- (a) the appropriate Board of Governors is of the opinion that it is in the best interests of the child to commence secondary education on that earlier date; and
 - (b) the parent of the child agrees with that opinion.
- (3) A child shall commence secondary education on 1st August next after his normal date of commencement where—
- (a) the appropriate Board of Governors is of the opinion that it is in the best interests of the child to commence secondary education on that later date; and
 - (b) the parent of the child agrees with that opinion.
- (4) A child shall commence secondary education on 1st August next before or after his normal date of commencement where—
- (a) ^[F5]the Authority^[F6] ... so directs; and
 - (b) at the time the direction is given the child is not a registered pupil at any school.
- (5) In forming an opinion for the purposes of paragraph (2) or (3) the Board of Governors of a school shall comply with the guidance issued under paragraph (6) and in particular—

Changes to legislation: *The Education and Libraries (Northern Ireland) Order 1986, Section 46A is up to date with all changes known to be in force on or before 11 May 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*

- (a) shall take into account such matters or matters of such description as may be specified in such guidance;
 - (b) shall not take into account such matters or matters of such description as may be so specified; and
 - (c) shall follow such administrative procedures as may be so specified.
- (6) The Department shall issue such guidance as it thinks fit as to the exercise by a Board of Governors of its functions under this Article and such guidance shall in particular—
- (a) require the Board of Governors of a school in forming an opinion for the purposes of paragraph (2) or (3) to take into account the advice of the principal of the school (or, in the case of a grammar school providing both primary and secondary education, the teacher in charge of that part of the school in which primary education is provided);
 - (b) require the Board of Governors of a school in forming an opinion for the purposes of paragraph (3) to take into account the advice of [F7the Authority] ;
 - (c) specify the matters or descriptions of matters which are, or are not, to be taken into account by a Board of Governors in forming an opinion for the purposes of paragraph (2) or (3);
 - (d) specify the administrative procedures to be followed by a Board of Governors in exercising its functions under this Article; and
 - (e) prohibit the delegation by the Board of Governors (notwithstanding anything in the scheme of management of the school) of such functions under this Article as are specified in the guidance.
- (7) The Department shall issue such guidance as it thinks fit as to—
- (a) the exercise by [F5the Authority] of its functions under paragraph (4); and
 - (b) the giving by [F5the Authority] of advice for the purposes of paragraph (6)(b).
- (8) The Department shall publish the guidance issued by it under paragraphs (6) and (7) in such manner as it thinks fit.
- (9) In this Article—
- “appropriate Board of Governors”, in relation to a child, means the Board of Governors of the school at which the child is a registered pupil;
- [F8“deferred case” has the meaning given in Article 46 and paragraph (1B) of that Article applies for the purposes of this Article as it applies for the purposes of that Article;]
- “normal date of commencement”, in relation to a child, means the date on which, but for any provision made under paragraph (2), (3) or (4), the child would commence secondary education;
- F9
...
- (10) This Article does not apply in relation to—
- (a) children in respect of whom statements are maintained under Article 16 of the Education (Northern Ireland) Order 1996; or
 - (b) children in independent schools.]

F1 1996 NI 1

F2 Words in art. 46A(1)(a) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 2(1), 4(1)

F3 Art. 46A(1)(aa) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 2(2), 4(1)

F4 Words in art. 46A(1)(b) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), ss. 2(3), 4(1)

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- F5** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
- F6** Words in art. 46A(4)(a) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F7** Words in art. 46A(6)(b) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 9(10)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F8** Words in art. 46A(9) inserted (28.4.2022) by School Age Act (Northern Ireland) 2022 (c. 21), **ss. 2(4), 4(1)**
- F9** Words in art. 46A(9) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

Changes to legislation:

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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\(7\)](#)