

Changes to legislation: The Education and Libraries (Northern Ireland) Order 1986, PART I is up to date with all changes known to be in force on or before 25 April 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

SCHEDULES

^{F1}SCHEDULE 13

ENFORCEMENT OF DUTY IMPOSED BY ARTICLE 45 AS TO EDUCATION OF CHILDREN OF COMPULSORY SCHOOL AGE

F1 mod. by [1986 NI 3](#) sch. 13 para. 1B(3A) as inserted by [2005 NI 6](#)

PART I

SCHOOL ATTENDANCE ORDERS

^{F1}1.—(1) If it appears to [^{F2}the Authority] that a parent of a child of compulsory school age ^{F3}... is failing to perform the duty imposed on him by Article 45, it shall serve a notice in writing on the parent requiring him to satisfy [^{F2}the Authority], within such period (not being less than fourteen days beginning with the day on which the notice is served) as is specified in the notice, that the child is, by regular attendance at school or otherwise, receiving suitable education.

(2) If—

(a) a parent on whom a notice has been served under sub-paragraph (1) fails to satisfy [^{F2}the Authority], within the period specified in the notice, that the child is receiving suitable education, and

(b) in the opinion of [^{F2}the Authority] it is expedient that the child should attend school,

[^{F2}the Authority] shall serve in the prescribed manner on the parent an order (referred to in this Order as a “school attendance order”), in the prescribed form, requiring him to cause the child to become a registered pupil at a school named in the order.

(3) Unless it is revoked by [^{F2}the Authority] or a direction is made in respect of it by a court under paragraph 6, a school attendance order shall (subject to any amendment made by [^{F2}the Authority]) continue in force—

(a) where the school named in the order provides education for pupils up to the upper limit of compulsory school age or beyond, for so long as the child is of compulsory school age;

(b) where the school does not provide education up to or beyond that age, until the pupil has reached the age at which he would normally leave that school.

(4) Where a grant-aided school is named in a school attendance order the Board of Governors of the school shall admit the child to the school.

(5) Sub-paragraph (4) does not affect any power to suspend or expel from a school a pupil who is already a registered pupil there.

(6) In this Part “suitable education”, in relation to a child, means efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.]

F1 [1996 NI 1](#)

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- F2** 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)
- F3** Words in Sch. 13 para. 1(1) 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)

Modifications etc. (not altering text)

- C1** [Sch. 13 para. 1\(4\)](#) power to disapply or modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), [Sch. 17 para. 17](#) (with ss. 88-90)
- C2** [Sch. 13 para. 1\(4\)](#) expiry of earlier affecting provision 2020 c. 7, Sch. 16 para. 17 (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

1A.—(1) Sub-paragraphs (2) to (5) apply where [^{F2}the Authority] is required by virtue of paragraph 1(2) to serve a school attendance order in respect of a child, other than a child for whom it maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

(2) Before serving the order, [^{F2}the Authority] shall serve on the parent a notice in writing—

- (a) informing him of its intention to serve the order,
- (b) specifying the school which [^{F2}the Authority] intends to name in the order and, if it thinks fit, one or more other schools which it regards as suitable alternatives, and
- (c) stating the effect of sub-paragraphs (4) and (5).

(3) A voluntary or grant-maintained integrated school shall not be specified in a notice under sub-paragraph (2) unless [^{F2}the Authority] has consulted the managers of the school.

(4) If the notice specifies one or more alternative schools and the parent selects one of them and notifies [^{F2}the Authority] accordingly before the expiration of the period of fourteen days beginning with the day on which the notice is served, the school selected by him shall be named in the order.

(5) If before the expiration of the period mentioned in sub-paragraph (4) the parent—

- (a) applies for the child to be admitted to a school other than the school or schools specified in the notice; and
- (b) notifies [^{F2}the Authority] accordingly,

then, if as a result of the application the child is offered a place at that school, that school shall, subject to sub-paragraph (7), be named in the order.

(6) If at any time while a school attendance order is in force with respect to a child, other than a child for whom [^{F2}the Authority] maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

- (a) the parent applies for the child to be admitted to a school other than the school named in the order; and
- (b) as a result of the application the child is offered a place at a school,

[^{F2}the Authority] shall, subject to sub-paragraph (7), at the request of the parent amend the order by substituting that school for the one previously named.

(7) Sub-paragraphs (5) and (6) do not apply where the school at which the child is offered a place is an independent school unless, in the opinion of [^{F2}the Authority], the school is suitable to his age, ability and aptitude and to any special educational needs he may have.

- F2** 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)

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1B.—(1) Sub-paragraphs (2) and (3) apply where [^{F2}the Authority] is required by virtue of paragraph 1(2) to serve a school attendance order in respect of a child for whom it maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

(2) Where the statement specifies the name of a School that school shall be named in the order.

(3) Where the statement does not specify the name of a school—

(a) [^{F2}the Authority] shall, [^{F4} . . . , amend the statement so that it specifies the name of a school, and

(b) that school shall then be named in the order.

[^{F4}(3A) An amendment to a statement required to be made under sub-paragraph (3)(a) shall be treated for the purposes of Schedule 2 to the Education (Northern Ireland) Order 1996 as if it were an amendment proposed following a periodic review (within the meaning of that Schedule).]

(4) Where—

(a) a school attendance order is in force in respect of a child for whom [^{F2}the Authority] maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996, and

(b) the name of the school specified in the statement differs (for whatever reason) from that specified in the order,

[^{F2}the Authority] shall amend the order so that it names the school specified in the statement.

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| F2 | 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) |
| F4 | 2005 NI 6 |

2.—(1) This paragraph applies where a school attendance order is in force in respect of a child.

(2) If at any time the parent applies to [^{F2}the Authority] requesting that the order be revoked on the ground that arrangements have been made for the child to receive suitable education otherwise than at school, [^{F2}the Authority] shall comply with the request, unless it is of the opinion that no satisfactory arrangements have been made for the education of the child otherwise than at school.

(3) If a parent is aggrieved by a refusal of [^{F2}the Authority] to comply with a request under sub-paragraph (2), he may refer the question to the Department.

(4) Where a question is referred to the Department under sub-paragraph (3), it shall give such direction determining the question as it thinks fit.

(5) Where the child in question is one for whom [^{F2}the Authority] maintains a statement under Article 16 of the Education (Northern Ireland) Order 1996.

(a) sub-paragraphs (2) to (4) do not apply if the name of a school is specified in the statement, and

(b) in any other case a direction under sub-paragraph (4) may require [^{F2}the Authority] to make such amendments in the statement as the Department considers necessary or expedient in consequence of its determination.

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| F2 | 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) |
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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\(7\)](#)