

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 II

DUTY OF PARENT OF REGISTERED PUPIL TO SECURE HIS REGULAR ATTENDANCE AT SCHOOL

3.—(1) Subject to the following provisions of this paragraph, it shall be the duty of a parent of a registered pupil at a school to secure his regular attendance at that school.

^{F1}(1A) For the purposes of sub-paragraph (1) and of any proceedings under paragraph 4, attendance by a pupil at a school or other place in pursuance of arrangements under Article 21 of the Education (Northern Ireland) Order 2006 shall be taken to be attendance at the school at which he is a registered pupil.]

(2) For the purposes of sub-paragraph (1) and of any proceedings brought under paragraph 4 in respect of a child who is not a boarder at the school at which he is a registered pupil, the child shall not be deemed to have failed to attend regularly at the school only by reason of his absence therefrom—

(a) at any time when he was prevented from attending by reason of sickness or other unavoidable cause;

^{F2}(b) if the parent proves—

(i) that the school at which the child is a registered pupil is not within walking distance of the child's home; and

(ii) that the child is one for whom ^{F3}the Authority] is required to make provision under Article 52(1), but no suitable arrangements have been made by ^{F3}the Authority] for his transport to and from school; and

(iii) that no suitable arrangements have been made by ^{F3}the Authority] for boarding accommodation for the child at or near the school or for enabling him to become a registered pupil at a school nearer to his home;]

(c) at any time when he is employed in accordance with the provisions of Article 63(2).

(3) Where, in any proceedings brought against a parent on the ground that a child who is a registered pupil at a school has failed to attend that school regularly, it is proved that the child has no fixed abode, sub-paragraph (2)(b) shall not apply but the parent shall be entitled to be acquitted if he proves that he is engaged in any trade or business of such a nature as to require him to travel from place to place and that the child has attended (at the school at which he was a registered pupil) as regularly as the trade or business of the parent permitted provided that, in the case of a child who

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has attained the age of six years, he has so attended on at least one hundred days during the period of twelve months ending with the date on which the proceedings were instituted.

(4) In any proceedings as aforesaid in respect of a child who is a boarder at the school at which he is a registered pupil, the child shall be deemed to have failed to attend regularly at the school if he is absent therefrom at a time when he was not prevented from being present by reason of sickness or other unavoidable cause.

(5) For the purpose of determining whether a child of compulsory school age who is a registered pupil at a school has failed to attend regularly because of sickness, [^{F3}the Authority] may cause the child to be examined either at his home or elsewhere by a medical practitioner and where the parent of a child unreasonably prevents [^{F3}the Authority] from exercising its power to have a child so examined he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) In this paragraph “walking distance” means, in relation to a child [^{F2} who is a registered pupil at a primary school], two miles and, in the case of any other child, three miles measured by the nearest available route.

F1 Sch. 13 para. 3(1A) inserted (23.3.2007) by [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#), arts. 1(4)(c), 44(1), **Sch. 2 para. 29**; S.R. 2007/197, **art. 2(a)**

F2 1997 NI 5

F3 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)**

Modifications etc. (not altering text)

C1 [Sch. 13 para. 3\(1\)](#) 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. 3\(1\)](#) 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)

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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\(7\)](#)