

Changes to legislation: The Education and Libraries (Northern Ireland) Order 1986, PART III is up to date with all changes known to be in force on or before 01 October 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 III

OFFENCES, PENALTIES AND ENFORCEMENT

4.—(1) Where a parent on whom a school attendance order has been served fails to comply with the requirements of the order or, subject to paragraph 3, where a child of compulsory school age who is a registered pupil at a school fails to attend regularly at that school, the parent shall be guilty of an offence unless he proves that he is causing the child to receive, otherwise than at school, efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have.

(2) A person guilty of an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale ^{F1}...

F1 [1995 NI 2](#)

5.—^{F2}(1) Before instituting proceedings against a parent for an offence under paragraph 4(1) [^{F3}the Authority] shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to apply for an education supervision order with respect to the child.]
Sub#para. (2) rep. by 1995 NI 2

(3) ^{F2}. . . Where it appears to [^{F3}the Authority] that a child of compulsory school age ^{F4}... is a child whom a person habitually wandering from place to place takes with him, [^{F3}the Authority] may, if satisfied that it is necessary to do so in order to secure that the child receives efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have, [^{F2} apply for an education supervision order].

^{F2}(4) In this Schedule “education supervision order” means an education supervision order under the Children (Northern Ireland) Order 1995.]

F2 [1995 NI 2](#)

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)

F4 Words in Sch. 13 para. 5(3) 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)

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^{F5}6.—(1) The court before which a prosecution is brought for an offence under paragraph 4 may direct [^{F3}the Authority] to apply for an education supervision order unless [^{F3}the Authority] , having consulted the appropriate authority, decides that the child's welfare will be satisfactorily safeguarded even though no education supervision order is made.

(2) Where, following such a direction, [^{F3}the Authority] decides not to apply for an education supervision order, [^{F3}the Authority] shall inform the court of its reasons for the decision.

(3) Unless the court directs otherwise, [^{F3}the Authority] shall so inform the court within eight weeks from the date on which the direction was given.

(4) Where—

- (a) [^{F3}the Authority] applies for an education supervision order with respect to a child who is the subject of a school attendance order; and
- (b) the court decides that Article 55(2) of the Children (Northern Ireland) Order 1995 prevents it from making the order,

the court may direct that the school attendance order shall cease to have effect.

(5) In sub-paragraph (1) “the appropriate authority” means the appropriate authority within the meaning of paragraph 9 of Schedule 4 to the Children (Northern Ireland) Order 1995.]

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)
F5	1995 NI 2

Para. 7 rep. by 1995 NI 2

8. For the purposes of a prosecution of the parent of a child for an offence under paragraph 4, the parent of the child shall be required to give to the court such information as he possesses regarding the date and place, and place of registration, of the birth of the child and where the parent refuses or is unable to give such information, the child shall, in so far as his having been of compulsory school age at any time is material, be presumed to have been of compulsory school age at that time.

Para. 9 rep. by 1995 NI 2

10.—(1) Proceedings for an offence under this Schedule shall not be taken except by or on behalf of the Authority or by an officer appointed for the purpose and authorised in that behalf by [^{F3}[^{F3}the Authority] .

(2) Any such officer appointed and authorised as aforesaid may, on behalf of [^{F3}the Authority] ,—

- (a) perform the functions of [^{F3}the Authority] under sub-paragraph^{F6}. . . (3) of paragraph 5 or carry out any direction of a court given under paragraph 6(1);
- (b) although not of counsel or a solicitor, prosecute or conduct any proceedings brought under this Schedule before a court of summary jurisdiction^{F6}. . .]

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)
F6	1995 NI 2

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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\(7\)](#)