
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART IV

ADMISSION OF CHILDREN TO GRANT-AIDED SCHOOLS

Requirement to admit pupils in accordance with admissions number

41.—(1) Subject to paragraphs (2) and (3), the Board of Governors of a grant-aided school shall not admit to the school in any school year a number of pupils in the relevant age group which exceeds the school's admissions number for that school year.

(2) In calculating for the purposes of paragraph (1) the number of pupils in the relevant age group admitted to a school in any school year no account shall be taken of any pupils admitted to the school in compliance with a direction of an appeal tribunal or in compliance with a school attendance order.

(3) The Department may, on the application of the Board of Governors of a school, approve the admission to that school in any particular school year of a number of pupils in the relevant age group which exceeds the school's admissions number for that school year, being either—

- (a) the number specified by the Board of Governors in its application; or
- (b) such lesser number as the Department thinks fit;

and, where any such approval is given, paragraph (1) shall have effect in relation to that school and that school year as if for the reference to the school's admissions number there were substituted a reference to the number approved under this paragraph.

(4) In determining whether and, if so, how to exercise its powers under paragraph (3) on an application made by the Board of Governors of a school in respect of a school year, the Department shall—

- (a) have regard in particular to—
 - (i) the criteria for admission to the school drawn up under Article 38; and
 - (ii) the number of applications received by or on behalf of the Board of Governors in respect of pupils in the relevant age group for admission to the school in that year; and
- (b) consider—
 - (i) where the application relates to a controlled school, any representations which are made to it regarding that application by the board responsible for the management of the school;
 - (ii) where the application relates to a Catholic maintained school, any representations which are made to it regarding that application by the Council for Catholic Maintained Schools.

(5) The Board of Governors of a grammar school shall not in any school year—

- (a) admit to the school a number of pupils in the relevant age group which is less than the school's admissions number for that school year; and

- (b) refuse admission to other pupils by virtue of paragraph (3) or (4) of Article 36, unless—
 - (i) the Board of Governors of the school has obtained the Department’s approval to do so; and
 - (ii) the number of pupils admitted to the school in that school year in the relevant age group is not less than a number approved by the Department, being either the number specified by the Board of Governors in its application for an approval under this Article or such greater number as the Department thinks fit.
- (6) In determining whether to grant an approval under paragraph (5) to the Board of Governors of a school and in approving a number under that paragraph in relation to a school, the Department shall—
 - (a) have regard in particular to the criteria for admission to the school drawn up under Article 38;
 - (b) where the approval relates to a controlled school, consider any representations which are made to it regarding that approval by the board responsible for the management of the school.
- (7) Where the Department grants an approval under this Article on the application of—
 - (a) the Board of Governors of a controlled school, it shall send notice of the approval to the board responsible for the management of the school;
 - (b) the Board of Governors of a Catholic maintained school, it shall send notice of the approval to the Council for Catholic Maintained Schools.