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STATUTORY INSTRUMENTS

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**1998 No. 1759**

Education (Northern Ireland) Order 1998

PART V

PRE-SCHOOL EDUCATION

CHAPTER II

ADMISSION TO PRE-SCHOOL EDUCATION AT GRANT-AIDED SCHOOLS

*Admission to part-time pre-school education*

**Appeals against certain admission decisions under Article 30**

**31.**—(1) Every board shall make arrangements for enabling the parent of child to appeal against any decision made under Article 30 by the Board of Governors of a school situated in the area of the board refusing the child admission to the school.

(2) An appeal under this Article shall be to an appeal tribunal constituted in accordance with regulations under paragraph (8) of Article 15 of the Education (Northern Ireland) Order 1997; and paragraphs (9) to (11) of that Article apply in relation to appeals under this Article as they apply in relation to appeals under that Article.

(3) An appeal under this Article may be brought only on the ground that the criteria drawn up under Article 32(1) by the Board of Governors of a school—

- (a) were not applied; or
- (b) were not correctly applied, in deciding to refuse the child admission to the school.

(4) On the hearing of an appeal under this Article—

- (a) if it appears to the tribunal that the criteria were not applied, or were not correctly applied, in deciding to refuse the child admission to the school, the tribunal shall, subject to paragraph (5), allow the appeal and direct the Board of Governors of the school to admit the child to the school;
- (b) in any other case, the tribunal shall dismiss the appeal.

(5) If, in any case mentioned in paragraph (4)(a), it appears to the tribunal that had the criteria been applied, or (as the case may be) been correctly applied, the child would have been refused admission to the school, the tribunal shall dismiss the appeal.

(6) It shall be the duty of the Board of Governors of a school to comply with any direction given under paragraph (4)(a).