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STATUTORY INSTRUMENTS

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**2003 No. 424**

**The Education and Libraries (Northern Ireland) Order 2003**

**PART IV**

**SCHOOLS**

*Admissions*

**Admission appeals: tribunal procedures and expenses**

**20.**—(1) In Article 15(8) of the 1997 Order (regulations as to constitution and procedure of admission appeal tribunals) after sub-paragraph (d) there shall be inserted—

“(dd) may provide for tribunals to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;” .

(2) In Article 15(10) of the 1997 Order (travelling and subsistence allowances to members of admission appeal tribunals to be on such conditions and at such rates as the Department may determine) the words “ , on such conditions and at such rates as the Department may determine, ” shall be omitted.

(3) After that paragraph there shall be inserted—

“(10A) Payments under paragraph (10) shall be made at such rates and on such conditions as may be—

- (a) determined by the board; and
- (b) approved by the Department.” .

**Parental preferences for admission to nursery schools**

**21.**—(1) In Article 23 of 1998 Order (arrangements for applications for admission to pre-school education to be made directly to the Board of Governors of the school concerned) for paragraphs (1) and (2) there shall be substituted—

“(1) Every board shall make arrangements for the parent of a child resident in the area of the board—

- (a) to express (in order of preference) his preferences as to the school at which he wishes pre-school education to be provided for his child;
- (b) where any of those schools provides both full time and part-time pre-school education, to express his preference as to which kind of pre-school education he wishes to be provided for his child; and
- (c) to give reasons for his preferences.

(2) Where the parent of a child has expressed his preferences under arrangements under paragraph (1)—

- (a) the parent shall be taken as making an application for admission of the child to the school which is the first preference of the parent; and
- (b) if that application is refused, the parent shall then be taken as making an application for admission of the child to the school which is the second preference of the parent,

and so on, taking each preference of the parent in order.

(2A) Where—

- (a) a school provides both full-time and part time education; and
- (b) a parent's expressed preferences include both,

paragraph (2) shall be read as if references to admission to a school were references to admission to a school for the particular kind of pre-school education (that is to say part-time or full-time) which is specified in the preference in question.” .

(2) This Article does not apply in relation to any admission to a school taking effect, or proposed admission which would take effect, in a school year ending on or before 31st July 2004.

#### **Admission to special schools of children resident outside Northern Ireland**

**22.**—(1) [<sup>F1</sup>The Authority] may make arrangements for the admission to a special school <sup>F2</sup>... of a child who is resident outside Northern Ireland and has special educational needs.

(2) Arrangements made in respect of a child under this Article shall not be for a period of more than one school year at a time; but further arrangements may be made under this Article for a subsequent school year in respect of the same child and the same special school.

(3) [<sup>F1</sup>The Authority] may only enter into arrangements under this Article in respect of a special school and a school year (or a part thereof) if [<sup>F1</sup>the Authority] is of the opinion that doing so will not, in the school year in question, prevent the admission to the school of a child resident in Northern Ireland.

(4) Articles 128 to 131 of the 1989 Order (which restrict the charges which can be made in respect of pupils at a grant-aided school) shall not apply to a special school in relation to a pupil admitted to the school in accordance with arrangements under this Article; and accordingly in Article 127 of the 1989 Order after paragraph (4) there shall be inserted—

“(4A) Those Articles do not apply to a special school in relation to a pupil admitted to the school in accordance with arrangements under Article 22 of the Education and Libraries (Northern Ireland) Order 2003.” .

(5) [<sup>F1</sup>The Authority] may, in respect of a pupil admitted to a special school in accordance with arrangements under this Article, make such charges as it may determine.

#### **Annotations:**

**F1** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), s. 7(2)(c), Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

**F2** Words in art. 22(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), s. 7(2)(c), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the The Education and Libraries (Northern Ireland) Order 2003, Cross Heading: Admissions.