
STATUTORY INSTRUMENTS

2006 No. 1915

The Education (Northern Ireland) Order 2006

PART III

MISCELLANEOUS AND SUPPLEMENTARY

Admissions

Admission criteria

28.—(1) For Article 16 of the 1997 Order substitute—

“Admission criteria

16.—(1) Subject to the following provisions of this Article, the Board of Governors of each grant-aided school shall draw up, and may from time to time amend, the criteria to be applied in selecting children for admission to the school under Article 13.

(2) When drawing up or amending criteria under this Article—

- (a) the Board of Governors of a controlled school shall consider any representations made to it by the board responsible for the management of the school;
- (b) the Board of Governors of a Catholic maintained school shall consider any representations made to it by the Council for Catholic Maintained Schools.

(3) Where the criteria to be applied in respect of any school year have been published under Article 17(2), the Board of Governors shall not amend those criteria in respect of that school year without the approval of the Department.

(4) The criteria drawn up by the Board of Governors of a school under paragraph (1)—

- (a) shall be such as to ensure that the Board of Governors by applying those criteria can comply with Article 13 before the criteria are exhausted;
- (b) shall provide for all children resident in Northern Ireland at the time of their proposed admission to the school to be selected for admission to the school before any child not so resident may be selected for admission;
- (c) shall in all other respects comply—
 - (i) in the case of a secondary school, with regulations under paragraph (5); and
 - (ii) in the case of a primary school, with regulations under paragraph (9).

(5) Regulations may make provision in relation to the drawing up of criteria under paragraph (1) by the Board of Governors of a secondary school; and in particular such regulations may—

- (a) require the Board of Governors to include only such criteria, or criteria of such description, as are specified (“permitted criteria”);

- (b) require the Board of Governors to include a specified number (or minimum number) of permitted criteria;
 - (c) require the Board of Governors to include—
 - (i) any specified permitted criteria;
 - (ii) any specified combination of permitted criteria;
 - (iii) a specified combination of permitted criteria selected in a specified manner;
 - (d) require the Board of Governors to include provision as to the sequence in which different criteria are to be applied in making any selection using the criteria.
- (6) In paragraph (5) “specified” means specified in the regulations under that paragraph.
- (7) Regulations may—
- (a) confer on the Department power to direct the Board of Governors of a secondary school to reconsider any criteria drawn up by that Board under paragraph (1) (but not yet published under Article 17(2)) in the light of concerns of the Department as to the likely effect of the application of those criteria on admissions to the school; and
 - (b) provide that where such a direction has been given, the criteria drawn up by the Board of Governors under paragraph (1) may not be published under Article 17(2) without the consent of the Department.
- (8) Before making any regulations under paragraph (5) or (7) the Department shall consult—
- (a) the Boards of Governors of secondary schools; and
 - (b) such other bodies or persons as appear to the Department to be appropriate.
- (9) Regulations may provide, in relation to any primary school—
- (a) that the criteria drawn up under paragraph (1) shall include such matters, or matters of such description, as are specified in the regulations;
 - (b) that those criteria shall not include such matters, or matters of such description, as may be so specified.”.
- (2) In Article 16 of the 1997 Order (as substituted by paragraph (1))—
- (a) in paragraph (4)(c)(i) after “with” insert “paragraph (4A) and”; and
 - (b) after paragraph (4) insert—
 - “(4A) The criteria drawn up by the Board of Governors of a secondary school under paragraph (1) shall not include the academic ability or aptitude of the child (whether assessed by reference to his performance in any test or examination or by any other means whatsoever).”.