
STATUTORY INSTRUMENTS

2006 No. 1915

The Education (Northern Ireland) Order 2006

PART III

MISCELLANEOUS AND SUPPLEMENTARY

Suspension and expulsion of pupils from grant-aided schools

PROSPECTIVE

Appeals against expulsion

- 32.—**(1) Where [^{F1}the Authority] decides to expel a registered pupil from a controlled school—
- (a) [^{F2}the Authority] shall immediately—
 - (i) inform the Board of Governors of the school concerned of that decision; and
 - (ii) inform the relevant person of that decision and of his right of appeal; and
 - (b) the relevant person may appeal against that decision to the appeal tribunal constituted in accordance with regulations under paragraph (6).
- (2) Where the Board of Governors of any grant-aided school other than a controlled school decides to expel a registered pupil from that school—
- (a) the Board of Governors shall immediately inform the relevant person of that decision and of his right of appeal; and
 - (b) the relevant person may appeal against that decision to the appeal tribunal constituted in accordance with regulations under paragraph (6).
- (3) In this Article “the relevant person” means—
- (a) in relation to a pupil under the age of 18, a parent of his;
 - (b) in relation to a pupil who has attained that age, the pupil himself.
- (4) On the hearing of an appeal under this Article the appeal tribunal may—
- (a) allow the appeal and direct that the pupil be re-admitted to the school; or
 - (b) dismiss the appeal.
- (5) It shall be the duty of the Board of Governors of the school to comply with any direction given under paragraph (4)(a).
- (6) The Department shall by regulations provide for the constitution and procedure of an appeal tribunal to hear and determine appeals under this Article.
- (7) Regulations under paragraph (6) may in particular—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the The Education (Northern Ireland) Order 2006, Section 32. (See end of Document for details)

- (a) provide for the tribunal to consist of a prescribed number of persons selected in the prescribed manner from a panel or panels of persons appointed by the Department to act as members of the tribunal;
 - (b) provide for disqualifying prescribed persons or descriptions of person for membership of the tribunal;
 - (c) contain provision requiring—
 - (i) the appeal to be brought; and
 - (ii) the tribunal to hear and determine an appeal, within such period as may be specified in, or determined in accordance with, the regulations;
 - (d) provide for representations to be made to the tribunal by or on behalf of the Board of Governors of the school concerned, the relevant person and (in the case of a controlled school) [F3the Authority] ;
 - (e) provide for the tribunal in determining an appeal to have regard in particular to any prescribed matters;
 - (f) provide for the tribunal to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;
 - (g) provide that all matters relating to the procedure of a tribunal which are not specifically regulated by the regulations are to be determined by the Department.
- (8) The Department may make payments by way of travelling and subsistence allowances to members of the appeal tribunal.
- (9) Payments under paragraph (8) shall be made at such rates and on such conditions as may be determined by the Department.

Textual Amendments

- F1** Words in art. 32(1) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 25\(6\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)
- F2** 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)
- F3** Words in art. 32(7)(d) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 25\(6\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

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