STATUTORY RULES OF NORTHERN IRELAND

2010 No. 19

EDUCATION

School Admissions (Exceptional Circumstances) Regulations (Northern Ireland) 2010

Made - - - -	*26th January 2010*
Coming into operation	*1st March 2010*

The Department of Education, in exercise of the powers conferred on it by Article 16 A (4), (5) and (6) of the Education (Northern Ireland) Order 1997(**1**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the School Admissions (Exceptional Circumstances) Regulations (Northern Ireland) 2010 and shall come into operation on 1st March 2010.

Interpretation

2. In these Regulations—

"the body" means the Exceptional Circumstances body constituted in accordance with regulation 3;

"exceptional circumstances" means circumstances which are both exceptional and personal to the child in question and relate to admission to a specified school only;

"panel" means three persons selected by or on behalf of the Department from amongst the members of the body.

Constitution of the Exceptional Circumstances body

3.—(1) Subject to paragraphs (2) to (5), the Exceptional Circumstances body shall be appointed by the Department from amongst persons appearing to it to have relevant experience in the education or welfare of children.

(2) In addition to the persons mentioned in paragraph (1) the Department may appoint persons who are solicitors or barristers entitled to practice in Northern Ireland to be members of the Exceptional Circumstances body.

(**1**) SI 1997/866 (NI5); Article 16A was inserted by Article 29 of SI 2006/1915 (NIII)

(3) A member of the body shall be appointed for a period of 2 years and shall unless he is disqualified under paragraph (5), be eligible for re-appointment.

(4) A member of the body may resign by giving notice in writing to the Department.

(5) A person shall be disqualified from being a member of the body if—

(a) he is employed by the Department;

(b) he has been adjudged bankrupt or has made composition or arrangement with his creditors; or

(c) he has within the five years immediately preceding the day of his appointment or at any time thereafter been convicted by a court in Northern Ireland or elsewhere in the British Islands of any offence and has been ordered to be imprisoned for a period of not less than three months without the option for a fine.

Procedure of the Exceptional Circumstances Body

4. The Schedule shall have effect in relation to the procedure for applications to the body.

Examples of Circumstances

5. Examples of circumstances which may be regarded as exceptional circumstances requiring the admission of a child to a particular school are—

(a) circumstances where in the opinion of a registered medical practitioner the child has been subjected to sexual abuse;

(b) circumstances where a child is looked after by an authority (as defined in Article 25 of the Children (Northern Ireland) Order 1995)(**2**).

6. The following circumstances may not be regarded as exceptional circumstances requiring the admission of a child to a particular school—

(a) circumstances related wholly or mainly to the kind of education provided at that school;

(b) circumstances related to a child's academic ability;

(c) circumstances related wholly or mainly to the availability of transport to that school.

Sealed with the Official Seal of the Department of Education on 26th January 2010

Dorothy Angus
A senior officer of the
Department of Education

(**2**) SI 1995/975 (NI2)