1994 No. 13

EDUCATION

Schools (Expulsion of Pupils) (Appeal Tribunals) Regulations (Northern Ireland) 1994

Made . . . . . *17th January 1994*

Coming into operation . . *17th February 1994*

The Department of Education, in exercise of the powers conferred on it by Articles 49(10)(**a**) and 134(1)(**b**) of the Education and Libraries (Northern Ireland) Order 1986(**c**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Schools (Expulsion of Pupils) (Appeal Tribunals) Regulations (Northern Ireland) 1994 and shall come into operation on 17th February 1994.

Interpretation

2. In these Regulations—

"appeal" means an appeal by virtue of Article 49(6) of the 1986 Order and "appellant" shall be construed accordingly;

"board" means the education and library board for the area in which the school from which the pupil was expelled is situated;

"school" means a grant-aided school.

Constitution of appeal tribunals

3. An appeal tribunal shall be constituted in accordance with Schedule 1.

Procedure of appeal tribunals

4. Schedule 2 shall have effect in relation to the procedure on appeals.

Sealed with the Official Seal of the Department of Education on 17th January 1994.

(L.S.) *J. S. Smith*
Assistant Secretary

(**a**) As substituted by S.I. 1993/2810 (N.I. 12) Article 39
(**b**) As amended by S.I. 1993/2810 (N.I. 12) Article 50(1) and Schedule 4 Part II
(**c**) S.I. 1986/594 (N.I. 3)

SCHEDULE 1 Regulation 3

1. Subject to the provisions of this Schedule, an appeal tribunal shall consist of three or five members selected by the board or, on behalf of the board, by the Chief Executive of the board or his nominee from a panel of persons appointed by the board under paragraph 2; and sufficient persons may be appointed to enable two or more appeal tribunals to sit at the same time.

2. The panel of persons appointed by the board to act as members of appeal tribunals shall comprise—

(*a*) persons appearing to the board to represent the interests of controlled schools in the area of the board;

(*b*) persons appearing to the board, after consultation with the Council for Catholic Maintained Schools and such other bodies as the board considers appropriate, to represent the interests of voluntary schools in the area of the board and persons appearing to the board to represent the interests of grant-maintained integrated schools in the area of the board;

(*c*) persons who have experience in education, are acquainted with the educational arrangements in the area of the board or are parents of registered pupils at a school,

but shall not include any person employed by the board otherwise than as a full-time teacher.

3. The membership of an appeal tribunal shall comprise—

(*a*) at least one person falling within the category of persons mentioned in paragraph 2(*a*);

(*b*) at least one person falling within the category of persons mentioned in paragraph 2(*b*);

(*c*) at least one person falling within the category of persons mentioned in paragraph 2(*c*).

4. The members of an appeal tribunal shall elect one of their number to be chairman of the tribunal.

5. A person shall not be a member of an appeal tribunal for the consideration of an appeal against a decision if he was among those who made the decision or took part in discussions as to whether the decision should be made.

6. A person who is a teacher at a school shall not be a member of an appeal tribunal for the consideration of an appeal involving a question as to whether or not a pupil should be re-admitted to that school.