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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

**PART IV**

**ADMISSION OF CHILDREN TO GRANT-AIDED SCHOOLS**

**Appeals against admission decisions**

**37.**—(1) Every board shall make arrangements for enabling the parent of a child to appeal against any decision made by or on behalf of the Board of Governors of a grant-aided school situated in the area of the board refusing the child admission to the school.

(2) Any appeal by virtue of this Article shall be to an appeal tribunal constituted in accordance with regulations under paragraph (7).

(3) An appeal by virtue of this Article may be brought only on the ground that the criteria drawn up under Article 38 for selecting pupils for admission to the school were not applied, or not correctly applied, in deciding to refuse the child admission to the school.

(4) On the hearing of an appeal under this Article—

- (a) if it appears to the appeal tribunal that the criteria drawn up under Article 38 for selecting pupils for admission to the school were not applied, or not correctly applied, in deciding to refuse the child admission to the school, the tribunal shall, subject to paragraph (5), allow the appeal and direct the Board of Governors of the school to admit the child to the school;
- (b) in any other case, the tribunal shall dismiss the appeal.

(5) If in the case mentioned in paragraph (4)(a) it appears to the appeal tribunal that had the criteria drawn up under Article 38 for selecting pupils for admission to the school been applied or (as the case may be) been correctly applied the child would have been refused admission to the school, the tribunal shall dismiss the appeal.

(6) It shall be the duty of the Board of Governors of a school to comply with any direction given to it under paragraph (4)(a).

(7) The Department shall by regulations provide for the constitution and procedure of appeal tribunals and, without prejudice to the generality of the foregoing, such regulations—

- (a) shall provide for the tribunals to be appointed by the board;
- (b) shall provide for the membership of such tribunals and may provide for disqualifying prescribed persons or descriptions of person for membership of such tribunals;
- (c) may provide for two or more tribunals to sit at the same time;
- (d) may provide that all matters relating to the procedure on appeals which are not specifically regulated by the regulations shall be determined by the board.

(8) An appeal tribunal shall not be regarded as a committee of the board.

(9) Article 79(1) of the principal Order shall apply to members of an appeal tribunal in like manner as it applies to members of a board.