

Information note regarding section 19 (3) of the Education (Welfare) Act, 2000.

What is section 19 (3) of the Education (Welfare) Act, 2000?

Section 19 (3) of the Education (Welfare) Act, 2000 states

“As soon as practicable, but not later than 21 days, after a parent has provided, in accordance with subsection (2), such information as may be prescribed by the Minister thereunder, the board of management of the school concerned shall make a decision in respect of the application concerned and inform the parent in writing thereof.”

What does this mean?

It means that under section 19 (3) of the Act of 2000 there is an obligation placed on a board of management to make a decision on an application for school enrolment within 21 days. Under the section the application must contain the relevant information prescribed by the Minister.

What does prescribed by the Minister mean?

When it falls to the Minister to prescribe something under the Act of 2000 then this means that it must be prescribed by regulation. To date no regulations have been made prescribing the information that must accompany an application for enrolment.

What does this mean for section 29 appeals?

The Department’s legal advice is that reliance on section 19 (3) of the Education (Welfare) Act, 2000 is not within the jurisdiction of a section 29 appeals committee when determining appeals.