



**BILLE NA gCOLAISTÍ TEICNIÚLA RÉIGIÚNACHA
(LEASÚ), 1994
REGIONAL TECHNICAL COLLEGES (AMENDMENT) BILL,
1994**

*Mar a leasaíodh sa Roghchoiste um Ghnóthaí Sóisialta
As amended in the Select Committee on Social Affairs*

ARRANGEMENT OF SECTIONS

Section

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 8. Short title, collective citation and construction.
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ACT REFERRED TO

Regional Technical Colleges Act, 1992

1992, No. 16



**BILLE NA gCOLÁISTÍ TEICNIÚLA RÉIGIÚNACHA
(LEASÚ), 1994
REGIONAL TECHNICAL COLLEGES (AMENDMENT) BILL,
1994**

BILL

5

entitled

**AN ACT TO AMEND THE REGIONAL TECHNICAL COL-
LEGES ACT, 1992.**

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

The Principal Act.

1.—In this Act “the Principal Act” means the Regional Technical 10
Colleges Act, 1992.

Appointment of
Commission.

2.—(1) Where the Minister is satisfied, after considering the
report of a person appointed under section 20 of the Principal Act,
that the affairs of a college are not being managed in an effective
manner, the Minister may by order appoint a person or a body of 15
persons, hereinafter referred to as the Commission, to carry out such
and so many of the functions of any or all of the governing body, the
chairman or the Director or of any of them as the Minister may
determine and upon such appointment that body or person shall
cease to exercise the functions thereby vested in the Commission. 20

(2) A Commission appointed under *subsection (1)* shall have all
such powers as are necessary or expedient for the purpose of carrying
out the functions so vested and shall be appointed on such terms and
for such period as the Minister decides, provided that in no case shall 25
a Commission be appointed for a period longer than two years.

(3) Upon the appointment of a Commission the governing body,
the chairman and the Director shall be informed of the reasons
therefor and that body or person may, within fourteen days from the
date of the appointment of the Commission show cause to the Mini-
ster why any functions vested in the Commission should not have 30
been so vested and request the Minister to revest those functions in
that body or person.

(4) A Commission in carrying out its functions may consult with
and request information concerning the management of the affairs
of the college from the governing body, the chairman or the Director, 35
and in any such case that body or person shall provide any such
information as is requested.

(5) The Minister may—

(a) remove a Commission, or any member thereof, from office,
or

(b) vary the number of persons on the Commission.

5 (6) Where a Commission or a member thereof is removed from office within the two year term referred to in *subsection (2)*, or where a member resigns or dies in office, the Minister may appoint another Commission or member as appropriate for the remainder of that term.

10 (7) Upon the termination of the appointment of a Commission, unless the Minister appoints another Commission, and in any case at the end of two years from the date of the first appointment, the functions vested in the Commission shall revert in the then acting governing body, chairman or Director.

15 (8) At any time prior to the termination of the appointment of a Commission, the Minister may by order revert any of the functions to which an order under *subsection (1)* applies in the body or person to which the order relates.

20 (9) The remuneration, if any, of every person appointed under *subsection (1)* or *subsection (6)* shall be paid out of moneys provided by the Oireachtas under the Principal Act.

(10) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid
25 before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

3.—Section 9 of the Principal Act is hereby amended by the insertion of the following subsection:

Amendment of
section 9 of the
Principal Act.

30 “(4) Where an office of Director becomes vacant, the Minister may appoint a person to be the Director temporarily until a permanent appointment to the office is made and such temporary appointment may be terminated by the Minister at any time.”

4.—(1) Upon the expiration of the term of office of a governing
body, the ordinary members shall be appointed by the Minister, on
35 the recommendation of the vocational education committee, in accordance with the following provisions:

Governing body.

(a) six persons of whom at least three shall be members of a local authority shall be nominated by the vocational education committee;

40 (b) if the region served by the college includes all or part of the functional area of one or more than one vocational education committee other than the vocational education committee in whose functional area the college is situated, the Minister may direct that one or more, but not more than four in all, of the persons to whom *paragraph*
45 (a) relates, shall be nominated by such of those other committees as the Minister may specify;

(c) two persons, one of whom shall be a woman and one a man, being members of the academic staff of the college who

are employed on a permanent, full-time basis or who are required, during the period beginning on the 1st day of September preceding the election and ending on the following 31st day of August, to teach not less than 280 time-tabled hours in the college, or such other number of hours as the Minster may from time to time specify, shall be elected by that staff in accordance with regulations made by the governing body; 5

(d) one person, being a member of the staff (other than the academic staff) of the College who are employed on a permanent, full-time basis or who are required, during the period beginning on the 1st day of September preceding the election and ending on the following 31st day of August, to work not less than 50 per cent. of the number of hours which a full-time member of such staff is required to work, shall be elected by that staff in accordance with regulations made by the governing body; 10 15

(e) two persons, one of whom shall be a woman and one a man, being registered students of the college, shall be chosen in accordance with regulations made by the governing body; and for the purposes of this provision registered students shall include full-time officers of the Students Union or other student representative body recognised by the governing body for that purpose; 20

(f) one person shall be nominated by the Irish Congress of Trade Unions; 25

(g) five persons shall be nominated by the vocational education committee from among persons nominated to that committee by such organisations as the college, on the recommendation of the academic council considers require representation having regard to the particular courses provided by the college, excluding interests otherwise represented on the governing body. Such organisations shall be representative of industry, agriculture, commerce, the professions and other interests as appropriate to the activities of the college. 30 35

(2) In making recommendations to the Minister pursuant to *subsection (1)*, the vocational education committee shall—

(a) ensure that not fewer than seven of those so recommended are women and not fewer than seven are men, and 40

(b) make such recommendations subject to such directives as may be issued by the Minister from time to time.

(3) *Subsection (1)* is in substitution for subsection (4) of section 6 of the Principal Act, which is hereby repealed, and any reference in the Principal Act to that subsection shall be read as a reference to *subsection (1)* of this section. 45

(4) The provisions of *paragraph (c)* of *subsection (1)* shall apply to any elections, as provided therein, held with effect from the 1st day of April, 1994.

Default provisions.

5.—(1) Where the vocational education committee—

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(a) fails to make recommendations in accordance with *section 4*, or

(b) makes recommendations which do not allow the Minister to implement directives issued by her,

5 then the Minister, by notice in writing, shall inform the vocational education committee of the nature of its default and, within one month of the date of that notice, the vocational education committee shall make such revised recommendations as will amend that default.

10 (2) Where, at the end of the month provided for in *subsection (1)*, the vocational education committee remains in default, the Minister shall inform it, by notice in writing, of the nature of that default and may thereafter appoint any body of persons as the Minister thinks fit to perform the functions of the governing body.

15 (3) The remuneration, if any, of every person appointed under *subsection (2)* shall be paid out of moneys provided by the Oireachtas under section 15 of the Principal Act.

20 (4) The body appointed under *subsection (2)* shall exercise the functions of the governing body for a period of one year or for such lesser period as the Minister, on its appointment, shall determine and at the end of that period the Minister shall appoint a governing body under section 6 of the Principal Act, or another body under this section where *subsection (1)* continues to apply.

6.—The Second Schedule to the Principal Act is hereby amended by the insertion of the following in subparagraph (1) of paragraph 6:

Amendment of the Second Schedule to the Principal Act.

25 “or

(f) who was appointed on foot of an election by the academic staff or by the non-academic staff of the college, ceases to be a member of such staff,”.

30 7.—(1) Where the term of office of a governing body comes to an end before that body has made valid regulations in respect of the holding of any or all of the elections provided for in *section 4*, the Minister may appoint a governing body with such lesser number of members than is provided for in *subsection (1)* of that section, as can be appointed in the absence of such regulations.

Failure by governing body to make regulations.

35 (2) A governing body appointed under *subsection (1)* shall, within two months of the date of the notice of its appointment, make the regulations referred to in *subsection (1)* and shall cause the elections, referred to therein, to be held in accordance with such regulations.

40 (3) Upon the holding of the elections referred to in *subsection (1)* and within one month of the date thereof, the Minister shall appoint those remaining members of a governing body recommended for appointment by the vocational education committee.

(4) This section shall be deemed to have come into effect on the 1st day of January, 1994.

45 8.—(1) This Act may be cited as the Regional Technical Colleges (Amendment) Act, 1994.

Short title, collective citation and construction.

(2) The Principal Act and this Act may be cited together as the Regional Technical Colleges Acts, 1992 and 1994, and shall be construed as one.

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RÉIGIÚNACHA (LEASÚ), 1994

BILLE

*(mar a leasaíodh sa Roghchoiste um Ghnóthaí
Sóisialta)*

dá ngairtear

Acht do leasú Acht na gColáistí Teicniúla
Réigiúnacha, 1992.

An tAire Oideachais a thólaic

*Ordaíodh ag an Roghchoiste a chlóbhualadh,
25 Samhain, 1994*

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(AMENDMENT) BILL, 1994

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*(as amended in the Select Committee on Social
Affairs)*

entitled

An Act to amend the Regional Technical
Colleges Act, 1992.

Presented by the Minister for Education

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