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**AN BILLE GAIRMOIDEACHAIS (LEASÚ), 2000**  
**VOCATIONAL EDUCATION (AMENDMENT) BILL, 2000**

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*Mar a leasaíodh sa Roghchoiste um Oideachas agus Eolaíocht*  
*As amended in the Select Committee on Education and Science*

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Regional Technical Colleges (Amendment) Act, 1999	1999, No. 20
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AN BILLE GAIRMOIDEACHAIS (LEASÚ), 2000  
VOCATIONAL EDUCATION (AMENDMENT) BILL, 2000

# BILL

*entitled*

5 AN ACT TO AMEND THE LAW RELATING TO THE MEM-  
BERSHIP OF VOCATIONAL EDUCATION COMMIT-  
TEES, TO MAKE PROVISION IN RELATION TO THE  
PERFORMANCE BY VOCATIONAL EDUCATION COM-  
MITTEES OF THEIR FUNCTIONS AND IN RELATION  
10 TO EXPENDITURE BY VOCATIONAL EDUCATION  
COMMITTEES, TO AMEND THE VOCATIONAL EDU-  
CATION ACT, 1930, AND TO PROVIDE FOR MATTERS  
CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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## PART 1

### PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Vocational Education  
(Amendment) Act, 2001.

Short title,  
collective citation,  
construction and  
commencement.

20 (2) The Vocational Education Acts, 1930 to 1999, and this Act  
may be cited together as the Vocational Education Acts, 1930 to  
2001, and shall be construed together as one.

25 (3) This Act shall come into operation on such day or days as the  
Minister may, by order or orders, appoint either generally or with  
reference to any particular purpose or provision, and different days  
may be so appointed for different purposes or different provisions  
and for the repeal of different enactments effected by *section 4*.

2.—(1) In this Act, except where the context otherwise requires—

Interpretation.

“Act of 1998” means the Education Act, 1998;

30 “board of management” means, in relation to a school, a board of  
management appointed in accordance with section 14 of the Act of  
1998 or such persons as are required by subsection (3) of that section  
to discharge the functions of a board of management;

“centre for education” has the same meaning as it has in the Act of  
1998;

“chief executive officer” shall be construed in accordance with *section 15*;

“education plan” has the meaning assigned to it by *section 27*;

“executive function” shall be construed in accordance with *section 12*; 5

“functions” includes powers and duties, and references to the performance of functions include references to the exercise of powers and the carrying out of duties;

“the Minister” means the Minister for Education and Science;

“national association of parents” has the same meaning as it has in the Act of 1998; 10

“the Principal Act” means the Vocational Education Act, 1930;

“recognised school” means—

(a) a school designated by the Minister under subsection (1) of section 10 of the Act of 1998 to be a school recognised for the purposes of that Act, or 15

(b) a school deemed to be a school recognised in accordance with the said section 10;

“reserved function” shall be construed in accordance with *section 11*;

“service plan” has the meaning assigned to it by *section 22*; 20

“student” has the same meaning as it has in the Act of 1998;

“subcommittee” means a subcommittee of a vocational education committee appointed under section 21 of the Principal Act;

“vocational education committee” means a vocational education committee established under section 7 of the Principal Act. 25

(2) In this Act—

(a) a reference to a section, Part or Schedule is a reference to a section or Part of, or a Schedule to, this Act, unless it is indicated that a reference to some other enactment is intended, 30

(b) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended, and 35

(c) a reference to any enactment is a reference to that enactment as amended, extended or adapted, whether before or after the coming into operation of this Act, by or under any subsequent enactment.

Orders.

**3.**—Every order under this Act (other than an order under *section 1(3)*) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling such order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be 40

annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

4.—The enactments specified in *column (2)* of *Schedule 1* are hereby repealed to the extent specified in *column (3)* of that Schedule.

5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

6.—(1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be so served on or given in one of the following ways:

(a) by delivering it to the person,

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address, or

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

(2) For the purposes of this section, a company within the meaning of the Companies Acts, 1963 to 1999, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

## PART 2

### VOCATIONAL EDUCATION COMMITTEES

7.—The Principal Act is hereby amended by—

(a) the substitution of the following section for section 8:

“8. (1) Subject to subsection (2), a vocational education committee shall consist of the following members, that is to say—

(a) 9 members elected by the council of the county borough being a borough vocational education area, or by the council of the county being or including a county vocational education area, as may be appropriate, from among the members of the council concerned,

(b) in the case of a county vocational education area that contains one or more urban districts—

(i) (in respect of council areas containing not more than 4 urban districts) 2 members elected by the council of each urban district within the county vocational education area concerned, whether members of the council concerned or not, or

Composition of vocational education committees.

- (ii) (in respect of council areas containing more than 4 urban districts) one member elected by the council of each urban district within the county vocational education area concerned, whether a member of the council concerned or not, 5
  - (c) 2 members elected by parents of students who have not reached the age of 18 years and who are registered as students at recognised schools or centres for education established or maintained by the committee,
  - (d) 2 members elected by members of the staff of the committee, and 10
  - (e) 4 members appointed by the council of the county borough, being a borough vocational education area, or by the council of the county, being or including a county vocational education area, as may be appropriate, after consultation with persons elected under paragraphs (a), (b), (c) and (d), from among persons nominated by such bodies as, in the opinion of the council concerned, are representative of— 15
    - (i) students, 20
    - (ii) voluntary organisations, and
    - (iii) persons carrying on, in places within the vocational education area concerned, trades, professions or commercial or industrial activities. 25
- (2) The County Dublin Vocational Education Committee shall consist of the following members, that is to say—
- (a) 12 members elected by Fingal County Council, South Dublin County Council and Dún Laoghaire-Rathdown County Council in accordance with an order under subsection (6)(a), 30
  - (b) 2 members elected by parents of students who have not reached the age of 18 years and who are registered as students at recognised schools or centres for education established or maintained by that Committee, 35
  - (c) 2 members elected by members of the staff of that Committee, and
  - (d) 4 members appointed jointly by Fingal County Council and South Dublin County Council, after consultation with persons elected under paragraphs (a), (b) and (c), from among persons nominated by such bodies as, in the joint opinion of those councils, are representative of— 40
    - (i) students,
    - (ii) voluntary organisations, and 45
    - (iii) persons carrying on, in places within the County Dublin Vocational Education Area, trades, professions or commercial or industrial activities.

(3) Elections held pursuant to this section, shall be conducted in accordance with regulations made by the Minister, after consultation with—

(a) in the case of regulations relating to the election of members of—

(i) a vocational education committee in accordance with subsection (1)(a), or

(ii) the County Dublin Vocational Education Committee under subsection (2)(a),

the Minister for the Environment and Local Government and the Irish Vocational Education Association,

(b) in the case of regulations relating to the election of members of—

(i) a vocational education committee in accordance with subsection (1)(c), or

(ii) the County Dublin Vocational Education Committee in accordance with subsection (2)(b),

national associations of parents, and

(c) in the case of regulations relating to the election of members of—

(i) a vocational education committee in accordance with subsection (1)(d), or

(ii) the County Dublin Vocational Education Committee in accordance with subsection (2)(c),

recognised trade unions and staff associations representing members of the staff of vocational education committees.

(4) Regulations under subsection (3) may provide that both sexes shall be represented on a vocational education committee in such proportions as are specified in the regulations and, for that purpose, may include provisions for the establishment, in respect of elections to which this section applies, panels of candidates comprising women only and panels of candidates comprising men only from which persons shall be elected in accordance with those regulations.

(5) The Minister may make regulations providing that members of both sexes shall be appointed to—

(a) a vocational education committee under subsection (1)(e), or

(b) the County Dublin Vocational Education Committee under subsection (2)(d),

in such proportions as are specified in the regulations.

(6) (a) The Minister shall make an order specifying the number of members of the County Dublin Vocational Education Committee that shall be elected by each

council specified in subsection (2)(a), the aggregate of which shall be equal to the number specified in that subsection.

(b) The Minister may by order amend or revoke an order under this subsection (including an order under this paragraph). 5

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

and 15

(b) the substitution of the following section for section 12:

“12.—If a member of a vocational education committee dies, resigns, ceases to be qualified for office and ceases to hold office, or is removed from office a person shall be elected or appointed, as may be appropriate, to fill the casual vacancy so occasioned, in the same manner as the member of the vocational education committee who occasioned the casual vacancy was elected or appointed, as the case may be.”. 20

First meeting of vocational education committee.

8.—(1) The Minister shall fix the date of the first meeting of each vocational education committee first constituted pursuant to section 8 of the Principal Act (as inserted by this Act) and he or she may fix different dates for different vocational education committees. 25

(2) Each member of a vocational education committee holding office immediately prior to the coming into operation of this section shall continue in office as such member for a term ending on the date fixed for the holding of the first meeting of the vocational education committee concerned pursuant to *subsection (1)*. 30

Functions of vocational education committee.

9.—Without prejudice to the operation of any other enactment by or under which functions are conferred on a vocational education committee, a vocational education committee shall— 35

(a) plan, coordinate and review the provision of education and services ancillary thereto in recognised schools and centres for education established or maintained by that committee, 40

(b) assess whether the manner in which it performs its functions is economical, efficient and effective,

(c) adopt and submit, in accordance with *section 27*, an education plan,

(d) adopt and submit a service plan to the Minister in accordance with *section 22*, 45

(e) where it considers appropriate, make all reasonable efforts to consult, in relation to the performance by it of its functions, with—

(i) boards of management of schools established or maintained by that vocational education committee, 50



- 5 (ii) persons performing, in relation to centres of education established or maintained by that vocational education committee, functions the same as, or substantially the same as, those exercised by boards of management in relation to schools referred to in *sub-paragraph (i)*,
- (iii) students registered at such schools or centres for education,
- 10 (iv) parents of students who are so registered and who have not reached the age of 18 years,
- (v) members of the staff of that vocational education committee, and
- 15 (vi) such other persons as it considers are likely to be affected as a result of the performance by it of its functions, or as it considers have a particular interest or experience in relation to the education or training provided in recognised schools or centres for education established or maintained by it,
- and
- 20 (f) in the performance of its functions and in so far as is practicable, cooperate with other vocational education committees, schools and such persons providing services similar to or connected with those provided by the vocational education committee concerned in relation to the
- 25 vocational education area of that committee as the vocational education committee considers appropriate.

**10.—(1)** The Minister may, by order, confer on a vocational education committee such additional functions connected with the functions for the time being of that committee as he or she thinks fit, subject to such conditions (if any) as may be specified in the order.

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Conferral of additional functions on vocational education committee.

(2) An order under this section may contain such incidental, supplementary and additional provisions as may, in the opinion of the Minister, be necessary to give full effect to the order.

(3) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

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**11.—(1)** Each vocational education committee shall, subject to *section 28*, perform by resolution of the vocational education committee concerned such of its functions as are declared by or under this Act to be reserved functions and “reserved functions” shall in this Act be construed and have effect accordingly.

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Reserved functions.

(2) A function of a vocational education committee under an enactment specified in *column (3)* of *Schedule 2* is hereby declared to be a reserved function.

(3) The Minister may by order declare any function conferred by him or her on a vocational education committee under *section 10* to be a reserved function.

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(4) Any dispute as to whether or not a particular function is a reserved function shall be determined by the Minister.

(5) The chief executive officer of a vocational education committee shall assist the vocational education committee for which he or

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she is the chief executive officer in the performance of its functions, in such manner as that vocational education committee may require.

(6) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

(7) A vocational education committee shall not perform by resolution of its members, or give a direction in relation to the performance of, a function of that vocational education committee that is not a reserved function. 5

Executive functions. 12.—(1) Every function of a vocational education committee that is not a reserved function shall be an executive function of that vocational education committee, and “executive function” shall, in this Act, be construed and have effect accordingly. 10

(2) The executive functions of a vocational education committee shall be performed by the chief executive officer of that vocational education committee. 15

(3) A chief executive officer shall in the performance of an executive function act in accordance with the policies for the time being of the vocational education committee for which he or she is the chief executive officer.

(4) A chief executive officer shall provide such information to the vocational education committee concerned regarding the performance of his or her functions as the vocational education committee may from time to time require. 20

(5) A chief executive officer shall provide such information to the Minister regarding the performance of his or her functions as the Minister may from time to time require. 25

(6) A chief executive officer shall, in relation to the performance of his or her functions, be accountable to the vocational education committee for which he or she is the chief executive officer.

Transfer of functions of vocational education committee. 13.—(1) Where, on consideration of a report submitted under subsection (5), the Minister is satisfied that a vocational education committee is not performing any one or more of its functions in an effective manner or has failed to comply with a direction of the Minister, he or she may, by order, transfer such functions of that vocational education committee as may be specified in the order to— 30 35

(a) the chief executive officer of that vocational education committee, or

(b) such other person as may be specified therein,

for such period, not exceeding 2 years, as may be specified therein.

(2) Where the Minister proposes to make an order under subsection (1) he or she shall, by notice in writing— 40

(a) inform the vocational education committee concerned that he or she so proposes and of the reasons therefor, and

(b) invite that vocational education committee to make representations to him or her, not later than 14 days from the service of the notice, concerning the proposal, 45

and the Minister shall, in deciding whether to make such order or not, take into consideration such representations.

(3) The Minister may, by order—

(a) amend an order under *subsection (1)*, or

(b) revoke an order under *subsection (1)* or *paragraph (a)*.

5 (4) An order under *subsection (3)* shall not amend an order under *subsection (1)* in such a manner as would result in any function to which the second-mentioned order relates standing transferred for a period exceeding 2 years.

10 (5) The Minister may from time to time appoint a person to carry out an investigation into the performance by a vocational education committee of its functions either generally or with reference to any particular function during such period as the Minister may determine and a person so appointed shall on completion of such investigation prepare and submit a report thereon to the Minister.

15 (6) Where a function of a vocational education committee stands transferred under this section the vocational education committee concerned shall not, during the period that it stands so transferred, perform that function and the performance of that function shall not, during that period, be subject to its direction, control or supervision.

20 (7) The chief executive officer or other person to whom a function stands transferred under this section shall provide the vocational education committee concerned with such information relating to the performance by him or her of that function as the Minister directs.

25 (8) A chief executive officer shall not pursuant to *section 16* delegate a function standing transferred under this section to a member of the staff of the vocational education committee concerned without the prior consent of the Minister.

30 **14.—**(1) The Minister may, in relation to the performance by a vocational education committee of its functions, give a direction in writing to that vocational education committee requiring it to comply with such policy decisions made by the Minister as are specified in the direction. Directions of Minister.

(2) The Minister may by direction in writing amend or revoke a direction under this section (including a direction under this subsection).

35 (3) A vocational education committee or a chief executive officer, as may be appropriate, shall comply with a direction under this section.

40 **15.—**(1) There shall be a chief executive officer of each vocational education committee who shall be known as and is referred to in this Act as a “chief executive officer”. Chief executive officer.

(2) The appointment of a chief executive officer shall be a reserved function.

45 (3) A chief executive officer shall perform for the vocational education committee for which he or she is the chief executive officer the executive functions of that vocational education committee.

(4) Subject to *section 11*, a chief executive officer shall, in addition to the functions conferred on him or her by or under this Act or any other enactment (whether passed before or after the passing of this Act)—

(a) carry on and manage, and control generally, the administration and business of the vocational education committee for which he or she is the chief executive officer, and 5

(b) ensure that a service plan adopted under *section 19* by that vocational education committee is implemented. 10

(5) Subject to sections 7 and 8 of the Vocational Education (Amendment) Act, 1944, and *section 11*, a chief executive officer shall, in addition to the function conferred on him or her by or under this Act or any other enactment (whether passed before or after the passing of this Act), perform any function relating to the control, supervision, service, remuneration, privileges or superannuation of members of the staff of that vocational education committee, or any one or more of such members of staff. 15

(6) A chief executive officer shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the vocational education committee for which he or she is chief executive officer with the consent of the Minister. 20

Delegation by chief executive officer.

**16.—**(1) The chief executive officer of a vocational education committee may delegate any function performable by him or her to a member of staff of the vocational education committee, subject to any directions that may be given by the Minister. 25

(2) Where a delegation to a member of staff is made under this section—

(a) the member of staff shall perform the function concerned under the general direction and control of the chief executive officer, 30

(b) the member of staff shall perform the function concerned in accordance with any limitations specified in the delegation as to the area, period in which, or extent to which he or she is to perform that function, and 35

(c) a provision of or under this Act, or any other enactment (whether passed before or after the passing of this Act), that vests functions in the chief executive officer or regulates the manner in which any function is to be performed shall, if and in so far as it is applicable to the function concerned, have effect, for the purposes of the performance of that function by the member of staff, with the substitution of the member of staff for the chief executive officer. 40 45

(3) Notwithstanding *subsection (2)*, where a delegation to a member of staff is made under this section the chief executive officer may, in any particular case, inform the member of staff that he or she has decided to perform the function himself or herself, and the function shall thereupon be performable in that case by the chief executive officer and not by the member of staff. 50

(4) The chief executive officer may revoke a delegation under this section.

5 **17.**—(1) Each vocational education committee shall, subject to Staff.  
such directions (if any) as may be given by the Minister, appoint such  
and so many persons to be members of the staff of the vocational  
education committee concerned as it may from time to time  
determine.

(2) The appointment of a member of staff of a vocational education committee shall be an executive function.

10 (3) The terms and conditions of service of a member of the staff  
of a vocational education committee shall, with the consent of the  
Minister, be such as may be determined from time to time by the  
vocational education committee concerned.

15 **18.**—(1) Any 2 or more vocational education committees may, Staff.  
with the consent of the Minister, make arrangements for the joint  
performance by them of any of their functions, and if any question  
arises in relation to such an arrangement the question shall be  
referred by the vocational education committees concerned to the  
Minister whose decision thereon shall be final. Cooperation  
between vocational  
education  
committees.

20 (2) Without prejudice to the generality of *subsection (1)*, an  
arrangement to which that subsection applies may relate to the joint  
acquisition of land or property by 2 or more vocational education  
committees.

25 (3) The Minister may, if of opinion that 2 or more vocational education  
committees would more effectively perform any function if  
they were to perform it jointly with one another, direct that they so  
do, subject to such terms as may be specified in the direction.

(4) Before giving a direction under *subsection (3)*, the Minister  
shall by notice in writing inform each of the vocational education  
committees concerned that he or she proposes to give such direction.

(5) A notice under *subsection (4)* shall—

30 (a) specify the Minister's reasons for proposing to give a direction  
under this section,

(b) specify the terms of the direction that he or she proposes to  
give, and

35 (c) invite the vocational education committee concerned to  
make, not later than 14 days from the date of the service  
of the notice, representations to the Minister in relation  
to the proposed direction.

40 (6) The Minister shall, in deciding whether to give a direction  
under this section or not, take into account any representations of a  
vocational education committee made pursuant to an invitation in a  
notice under *subsection (5)*.

45 (7) The Minister may by direction amend or revoke a direction  
given under this section (including a direction under this subsection),  
and *subsections (4), (5) and (6)* shall apply in relation to a direction  
under this subsection as they apply to a direction under *subsection*  
(3) subject to any necessary modifications.

(8) A vocational education committee shall comply with a direction  
given to it under this section.

Expenditure limit  
for vocational  
education  
committee.

**19.—**(1) A vocational education committee shall not, in the performance of its functions, incur expenditure, during any financial year, in excess of such amount as shall be determined by the Minister without the consent of the Minister.

(2) The Minister may at any time vary the amount of expenditure that a vocational education committee may incur under this section and where the Minister varies such amount the vocational education committee concerned shall not, without the consent of the Minister, incur expenditure, in respect of the period, activity, project or programme concerned, in excess of that amount.

(3) If at any time a chief executive officer is of opinion that the vocational education committee for which he or she is the chief executive officer is, as a result of the action, or proposed action, of that committee, likely to contravene this section he or she shall so inform that vocational education committee and the Minister.

(4) The Minister shall, by notice in writing, inform a vocational education committee of any determination under this section that relates to expenditure by that vocational education committee, as soon as practicable after the presentation to Dáil Éireann of the ordinary yearly Estimates for the Public Service.

Aggregate of  
monies borrowed  
by vocational  
education  
committee.

**20.—**The aggregate at any one time of monies borrowed by a vocational education committee shall not exceed such amount as may be determined by the Minister.

Deposit of monies  
standing to credit of  
vocational  
education  
committee.

**21.—**(1) A vocational education committee may, in relation to monies standing to the credit of such committee—

(a) make a deposit within the meaning of Part 3 of the National Treasury Management Agency (Amendment) Act, 2000, on such terms and conditions (including terms and conditions relating to the payment of interest) as it may agree with—

(i) the Minister for Finance, or

(ii) in circumstances where the function conferred on the Minister by section 20(1) of that Act stands delegated to the National Treasury Management Agency by virtue of an order under section 23 of that Act, the National Treasury Management Agency,

or

(b) deposit any such monies with a credit institution on such terms and conditions (including terms and conditions relating to the payment of interest) as it may agree with the credit institution concerned.

(2) In this section “credit institution” means a credit institution within the meaning of the European Communities (Licensing and Supervision of Credit Institutions) Regulations, 1992 (S.I. No. 395 of 1992), authorised and approved by—

(a) the Central Bank of Ireland, or

- (b) the competent authority (within the meaning of those Regulations) of a Member State of the European Communities other than the State.

**22.—**(1) A vocational education committee shall, not later than— Service plan.

(a) 42 days after service of a notice under *section 19*, or

(b) such shorter period (being not less than 21 days) after such service as the Minister considers appropriate,

adopt and submit to the Minister a plan containing a statement of—

(i) the services that the vocational education committee proposes to provide, and

(ii) the estimate of income and expenditure of that vocational education committee,

during the period to which the plan relates (hereafter in this section referred to as a “service plan”).

(2) A service plan shall be in such form and shall contain such information as the Minister may determine.

(3) Where a vocational education committee fails to submit a service plan to the Minister within the period required under *subsection (1)* for its submission, the Minister may direct that vocational education committee to submit a service plan to him or her within such period (not exceeding 10 days from the giving of the direction) as may be specified in the direction.

(4) Where a vocational education committee fails to submit a service plan to the Minister in accordance with a direction under *subsection (3)*, the Minister may direct the chief executive officer for that vocational education committee to prepare and submit a service plan to him or her not later than 10 days after the service of the direction on the chief executive officer.

(5) Where, in the opinion of the Minister a service plan submitted to the Minister does not comply with this section or is not in accordance with the policies and objectives of the Government or the Minister in so far as they relate to the vocational education committee concerned, the Minister may, not later than 21 days after submission of the service plan concerned, direct the vocational education committee or chief executive officer, as may be appropriate, to make such modifications to the service plan as he or she considers appropriate.

(6) The adoption and submission of a service plan under this section shall, subject to *subsection (4)*, be a reserved function.

(7) A vocational education committee or chief executive officer to whom a direction is given under this section shall comply with such direction.

**23.—**(1) Where the Minister varies the amount of expenditure that may be incurred by a vocational education committee under *section 19* he or she may— Amendment of service plan.



(a) direct that the service plan adopted by the vocational education committee concerned shall stand amended in such manner as may be specified in the direction, or

(b) direct the vocational education committee concerned to adopt and submit to him or her an amended service plan that is in accordance with the variation concerned. 5

(2) Where in accordance with *subsection (1)(b)*, the Minister directs a vocational education committee to adopt and submit a new service plan to the Minister, *section 22* shall apply subject to any necessary modification. 10

Expenditure in excess of amount determined under *section 19*.

**24.—**(1) Where a vocational education committee incurs, during a financial year, expenditure in excess of the amount determined under *section 19*, or expenditure in excess of that otherwise agreed to by the Minister, the amount exceeding that so determined or agreed shall, for the purposes of that section, be reckoned as expenditure during the financial year immediately following the first-mentioned financial year. 15

(2) Where a vocational education committee incurs, during a financial year, expenditure that is less than the amount determined under *section 19*, an amount equal to the difference between the said expenditure and the first-mentioned amount may be expended during the financial year immediately following the first-mentioned financial year but shall not, for the purposes of that section, be reckoned as expenditure during the second-mentioned financial year. 20

Accounts of a vocational education committee.

**25.—**A vocational education committee shall keep, in such form and in respect of such accounting periods as may be approved by the Minister, all proper and usual accounts of monies received or expended by it, including an income and expenditure account and a balance sheet, and in particular shall keep in such form as aforesaid all such special accounts as the Minister may, from time to time, direct. 25 30

Annual report of a vocational education committee.

**26.—**(1) A vocational education committee shall, not later than such day as may be specified by the Minister in each year, prepare and submit to the Minister a report in relation to the performance of its functions during the year immediately preceding the year in which the report is so submitted, which shall include— 35

(a) a statement of the services provided by that vocational education committee in that year, and

(b) such other particulars as it considers appropriate or as the Minister may direct, 40

(hereafter in this Act referred to as the “annual report”).

(2) The adoption by a vocational education committee of its annual report shall be a reserved function.

(3) As soon as may be after adopting an annual report, a vocational education committee shall submit a copy thereof to the Minister. 45

(4) Copies of the annual report of a vocational education committee shall be kept at the principal office of the vocational education



- committee concerned and shall be made available at the principal office for inspection by members of the public, or for purchase by them at such price as may be determined by the committee, during normal office hours, and a vocational education committee shall give or publish in a newspaper circulating in the vocational education area of the vocational education committee concerned notice of the dates on which and the place at which the annual report may be so inspected or purchased.
- 5
- 27.—(1) A chief executive officer shall, in the year immediately following the coming into operation of this section and— Education plans.
- 10
- (a) in every fifth year thereafter, or
  - (b) where the Minister gives a direction under *subparagraph (ii)*, in the year immediately preceding the commencement of a period to which the direction relates,
- 15 prepare and submit to the vocational education committee for which he or she is the chief executive officer a plan setting out in respect of—
- (i) the period of 5 years immediately following the preparation of the plan, or
  - (ii) such other period as the Minister may direct,
- 20 the objectives of that vocational education committee, the priorities to be accorded to those objectives and the measures to be adopted for the purposes of attaining those objectives (hereafter in this section referred to as an “education plan”).
- 25 (2) A chief executive officer shall, prior to preparing an education plan, consult, in such manner as the vocational education committee concerned considers appropriate, with—
- (a) teachers teaching at schools or centres for education established or maintained by that vocational education committee,
  - (b) students attending such schools or centres for education,
  - (c) parents of students so attending who have not reached the age of 18 years, and
  - (d) such other persons as, in the opinion of the vocational education committee, are likely to—
- 30
- (i) be affected by the adoption of measures for the attainment of the objectives that are likely to be included in the education plan, and
  - (ii) have a significant interest in the implementation of the education plan.
- 35
- 40
- (3) In preparing an education plan a chief executive officer shall have regard to—
- (a) such policy directions as may from time to time be given by the Minister, and
  - (b) the financial resources that are likely to be available to give effect to the education plan concerned.
- 45

(4) A vocational education committee may adopt an education plan or, after consultation with the chief executive officer, adopt an education plan with such modifications as it considers appropriate.

(5) As soon as may be after an education plan has been adopted (whether with or without modifications) the chief executive officer shall give a copy of the education plan to— 5

(a) the Minister, and

(b) (i) the board of management of each recognised school established or maintained by the vocational education committee concerned, and 10

(ii) the persons who, in relation to each centre for education established or maintained by the vocational education committee concerned, perform functions the same as, or substantially the same as, those performed by boards of management in relation to recognised schools referred to in *subparagraph (i)*. 15

(6) A copy of the education plan shall be kept at the principal office of the vocational education committee concerned and shall be made available at that principal office for inspection during normal office hours by members of the public, or for purchase by them at such price as may be determined by the committee. 20

(7) The chief executive officer shall in each year to which an education plan relates review the implementation of the education plan and prepare a report thereon which he or she shall submit to the vocational education committee and the Minister. 25

(8) A vocational education committee may, after considering a report submitted under *subsection (7)* amend the education plan concerned.

(9) *Subsections (5) and (6)* shall, subject to any necessary modifications, apply in respect of the amending of an education plan under *subsection (8)*. 30

(10) The giving of an opinion under *subsection (2)(d)*, the adoption (with or without modifications) of an education plan under *subsection (4)* and the amendment of an education plan under *subsection (8)* shall be reserved functions. 35

Subcommittees of vocational education committee.

**28.—(1)** A vocational education committee may establish subcommittees to—

(a) perform such one or more of its functions as, in its opinion, could be better or more conveniently performed by a subcommittee, or 40

(b) advise it in relation to the performance by it of any of its functions,

and may determine the terms of reference and regulate the procedure of any such subcommittee.

(2) A subcommittee established under *subsection (1)* shall consist of not more than 12 members and may consist partly of members who are not members of the vocational education committee concerned. 45

- 5 (3) A vocational education committee shall, upon being so directed by the Minister, establish a subcommittee to perform, in relation to all or part of the vocational education area of that vocational education committee, such functions of the vocational education committee as are specified in the direction concerned.
- (4) The Minister may direct that a subcommittee established under *subsection (1)* or pursuant to a direction under *subsection (3)* shall consist—
- 10 (a) partly of members who are members of the vocational education committee concerned and partly of members who are not members of that vocational education committee, or
- (b) exclusively of members who are members of the vocational education committee concerned.
- 15 (5) A subcommittee established under *subsection (3)* shall consist of such and so many members as the Minister shall direct.
- (6) A member of a subcommittee established under *subsection (1)* may be removed from office at any time by the vocational education committee concerned.
- 20 (7) A member of a subcommittee established under *subsection (3)* may be removed from office at any time by the vocational education committee concerned with the consent of the Minister, and shall be so removed where the Minister so directs.
- (8) A vocational education committee may at any time dissolve a subcommittee established under *subsection (1)*.
- 25 (9) A vocational education committee may, with the consent of the Minister, at any time dissolve a subcommittee established under *subsection (3)*, and shall dissolve such subcommittee where the Minister so directs.
- 30 (10) A vocational education committee may appoint a person to be chairperson of a subcommittee established under *subsection (1)*.
- (11) The acts of every subcommittee established under this section (other than *subsection (1)(b)*) shall be subject to confirmation by the vocational education committee that established it, save where the Minister otherwise directs.
- 35 (12) A vocational education committee may, with the consent of the Minister, appoint a person to be chairperson of a subcommittee established under *subsection (3)*, and shall appoint a person to be chairperson of such subcommittee where the Minister so directs.
- 40 (13) There may be paid by the vocational education committee concerned to members of a subcommittee established under this section such allowances for expenses (if any) incurred by them as the vocational education committee may, with the consent of the Minister and the Minister for Finance, determine.
- 45 (14) The following functions under this section shall be reserved functions:
- (a) the establishment or dissolution of a subcommittee;
- (b) the determination of the terms of reference and the regulation of the procedures of a subcommittee established under this section;
- 50

(c) the removal from office of a member, or the appointment of a chairperson, of a subcommittee established under this section;

(d) the confirmation of an act of a subcommittee established under this section.

5

Amendment of  
section 38 of  
Principal Act.

**29.**—Section 38 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (1):

“(1) A vocational education committee may, subject to there being compliance with subsection (2) of this section, establish and maintain in its vocational education area, schools (hereafter in this section referred to as ‘day technical colleges’) having as their main object the provision of education in the general principles of science, commerce or art suited to the requirements of persons employed in positions of control or responsibility in trade or industry.”.

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# SCHEDULE 1

Section 4.

## ENACTMENTS REPEALED

	Year and Number (1)	Short Title (2)	Extent of Repeal (3)
5	No. 29 of 1930	Vocational Education Act, 1930	Sections 21, 23, 40, 42, 43, 44, 45, 46, 47, 48, PART V, PART VI, PART VII, Sections 117, 118, First Schedule
10	No. 9 of 1944	Vocational Education (Amendment) Act, 1944	Section 5
	No. 20 of 1999	Regional Technical Colleges (Amendment) Act, 1999	Section 11

# SCHEDULE 2

Section 11.

## RESERVED FUNCTIONS

	Year and Number (1)	Short Title (2)	Section (3)
	No. 29 of 1930	Vocational Education Act, 1930	Sections 22, 28, 29, 39, 49, 54 and 55
20	No. 50 of 1936	Vocational Education (Amendment) Act, 1936	Section 2
	No. 9 of 1944	Vocational Education (Amendment) Act, 1944	Section 7