



AN BILLE UM BOIRD OIDEACHAIS AGUS OILIÚNA, 2012
EDUCATION AND TRAINING BOARDS BILL 2012

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As initiated

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AN BILLE UM BOIRD OIDEACHAIS AGUS OILIÚNA, 2012
EDUCATION AND TRAINING BOARDS BILL 2012

BILL

entitled

5 AN ACT TO PROVIDE FOR THE BETTER COORDINATION
AND DELIVERY OF EDUCATION AND TRAINING,
AND, FOR THAT PURPOSE TO PROVIDE FOR THE
ESTABLISHMENT OF BODIES TO BE KNOWN AS EDU-
10 CATION AND TRAINING BOARDS; TO PROVIDE FOR
THE DISSOLUTION OF VOCATIONAL EDUCATION
COMMITTEES; TO PROVIDE FOR THE TRANSFER OF
ASSETS, LIABILITIES AND STAFF OF VOCATIONAL
EDUCATION COMMITTEES TO EDUCATION AND
15 TRAINING BOARDS; TO PROVIDE FOR THE REPEAL
OF THE VOCATIONAL EDUCATION ACTS 1930 TO 2006,
THE AMENDMENT OF THE UNFAIR DISMISSALS ACT
1977 AND THE EDUCATION ACT 1998, THE REVO-
CATION OF CERTAIN STATUTORY INSTRUMENTS
20 AND THE CONSEQUENTIAL AMENDMENT OF CER-
TAIN OTHER ENACTMENTS; AND TO PROVIDE FOR
RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

25 1.—(1) This Act may be cited as the Education and Training Boards Act 2012. Short title and commencement.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days
30 may be so appointed for different purposes or provisions.

(3) Without prejudice to the generality of *subsection (2)*, an order under that subsection may—

(a) in respect of the repeal by *section 4(1)* of the Acts specified in *Part 1 of Schedule 1*, appoint different days for the
35 repeal of different Acts or different provisions of them,
or

(b) in respect of the revocation by *section 4(2)* of the statutory instruments specified in *Part 2 of Schedule 1*, appoint different days for the revocation of different statutory instruments or different provisions of them.

Interpretation.

2.—In this Act—

5

“Act of 1930” means the Vocational Education Act 1930;

“Act of 1944” means the Vocational Education (Amendment) Act 1944;

“Act of 1998” means the Education Act 1998;

“Act of 2001” means the Local Government Act 2001; 10

“annual service plan” has the meaning assigned to it by *section 45* and includes an amended annual service plan;

“audit committee” has the meaning assigned to it by *section 43*;

“board of management” shall be construed in accordance with *section 14* of the Act of 1998; 15

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

“chief executive” has the meaning assigned to it by *section 14*;

“children detention school” has the same meaning as it has in the Children Act 2001; 20

“dissolved body” shall be construed in accordance with *section 52*;

“education and training board” shall be construed in accordance with *section 9*;

“education and training board area” shall be construed in accordance with *section 9*; 25

“education or training facility” means a place, other than a centre for education or recognised school, which provides education, training or instruction and which is maintained or resourced by an education and training board;

“education or training provider” means a person, other than an education and training board, who provides, organises or procures a programme of education or training; 30

“election year” has the same meaning as it has in the Act of 2001;

“establishment day” shall be construed in accordance with *section 8*;

“executive function” shall be construed in accordance with *section 13*; 35

“finance committee” has the meaning assigned to it by *section 43*;

“functional area” shall be construed in accordance with *section 9*;

“Irish Vocational Education Association” has the same meaning as it has in the Youth Work Act 2001; 40

“learner” means a person, other than a student, who is acquiring or who has acquired knowledge, skill, training or competence;

“local authority” has the same meaning as it has in the Act of 2001;
“local election” has the same meaning as it has in the Act of 2001;
“Minister” means the Minister for Education and Skills;
“parent” has the same meaning as it has in the Act of 1998;
5 “patron” has the same meaning as it has in the Act of 1998;
“post election meeting” has the meaning assigned to it by *section 29*;
“prison” has the same meaning as it has in the Prisons Act 2007;
“prescribed” means prescribed by regulations made by the Minister;
“public service body” has the same meaning it has in section 3(1) of
10 the Ministers and Secretaries (Amendment) Act 2011;
“recognised school” means a school—
 (a) 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) deemed to be a school recognised in accordance with the
 said section 10;
“reserved function” shall be construed in accordance with *section 12*;
“strategy statement” has the meaning assigned to it by *section 25*;
“student” has the same meaning as it has in the Act of 1998;
20 “vocational education committee” means a vocational education
committee established under section 7 of the Act of 1930.

3.—(1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed. Regulations and orders.

25 (2) Without prejudice to any provision of this Act, regulations
under this section may contain such incidental, supplementary and
consequential provisions as appear to the Minister to be necessary
or expedient for the purposes of the regulations.

(3) A regulation or order under this Act may—
30 (a) apply in respect of all education and training boards or
 such education and training boards or classes of edu-
 cation and training boards as are specified in the regu-
 lation or order, and
35 (b) contain different provisions in relation to different edu-
 cation and training boards or to different parts of an edu-
 cation and training board area.

(4) Every order (other than an order under *section 1(2)*, *section 8*
or *section 41(3)*) or regulation made by the Minister under this Act
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 or regulation
40 is passed by either such House within the next 21 days on which that
House sits after the order or regulation is laid before it, the order or
regulation shall be annulled accordingly, but without prejudice to the
validity of anything previously done thereunder.

Repeals and revocations.	<p>4.—(1) Each Act specified in <i>columns (1) and (2) of Part 1 of Schedule 1</i> is repealed to the extent specified in <i>column (3) of that Part</i>.</p> <p>(2) Each statutory instrument specified in <i>columns (1) and (2) of Part 2 of Schedule 1</i> is revoked to the extent specified in <i>column (3) of that Part</i>.</p>	5
Expenses.	<p>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 Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.</p>	10
Service of documents.	<p>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 to the person in one of the following ways:</p> <p style="margin-left: 40px;">(a) by delivering it to the person;</p> <p style="margin-left: 40px;">(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</p> <p style="margin-left: 40px;">(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.</p> <p>(2) For the purpose of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.</p>	15 20 25
Offences.	<p>7.—A person guilty of an offence under this Act is liable on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months or both.</p>	30

PART 2

EDUCATION AND TRAINING BOARDS

Establishment day.	<p>8.—The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.</p>	
Establishment of education and training boards.	<p>9.—(1) There shall stand established on the establishment day the education and training boards specified in <i>column (1) of Schedule 2</i> for the education and training board areas specified in <i>column (2) of that Schedule</i> opposite the reference in <i>column (1)</i>.</p> <p>(2) An education and training board established under <i>subsection (1)</i> shall, subject to <i>subsection (3)</i>, be known by the name specified in <i>column (1) of Schedule 2</i>.</p>	35 40

(3) The Minister may, at the request of an education and training board, by order specify a name, other than the name of the board specified in *column (1)* of *Schedule 2*, by which the board may describe itself for operational purposes.

5 (4) A reference in this Act to the functional area of an education and training board means, in respect of an education and training board specified in *column (1)* of *Schedule 2*, the education and training board area specified in *column (2)* of that Schedule opposite the reference in *column (1)*.

10 (5) Notwithstanding any other provision of this Act, every member of a vocational education committee holding office immediately prior to the establishment day shall on the establishment day become and be a member of the relevant education and training board for a term ending on the date of the next post election meeting
15 of that board.

(6) The Minister shall, on the establishment day, fix a date for the holding of the first meeting of each education and training board.

(7) *Schedule 3* applies to education and training boards.

(8) In this section, “relevant education and training board” shall
20 be construed in accordance with *section 51*.

10.—(1) The general functions of an education and training board shall be to—

Functions of education and training boards.

25 (a) establish and maintain recognised schools, centres for education and education or training facilities in its functional area,

(b) when directed to do so by the Minister under *section 19*—

30 (i) establish and maintain recognised schools in its functional area,

(ii) establish and maintain centres for education in its functional area,

(iii) maintain centres for education or recognised schools in its functional area, and

(iv) establish, maintain or resource education or training facilities in its functional area,

35 (c) plan, provide, coordinate and review the provision of, education and training and services ancillary thereto in its functional area in—

(i) recognised schools or centres for education maintained by it,

40 (ii) education or training facilities maintained or resourced by it,

(iii) children detention schools,

(iv) prisons, and

(v) facilities maintained by other public service bodies,

- (d) establish scholarships in accordance with *section 22*,
 - (e) adopt a strategy statement in accordance with *section 25*,
 - (f) adopt an annual service plan in accordance with *section 45*,
 - (g) cooperate with any body nominated to carry out the internal audit functions under *section 50*, 5
 - (h) provide education and training at the request of, and on behalf of, any body which funds training out of money provided to that body by the Oireachtas,
 - (i) support the provision, coordination, administration and assessment of youth work services in its functional area and provide such information as may be requested by the Minister for Children and Youth Affairs in relation to such support, 10
 - and
 - (j) assess whether the manner in which it performs its functions is economical, efficient and effective. 15
- (2) An education and training board shall, in the performance of its functions where it considers appropriate, consult with—
- (a) boards of management of recognised schools maintained by it, 20
 - (b) persons performing functions which are the same as, or substantially the same as, functions exercised by boards of management referred to in *paragraph (a)*, in relation to—
 - (i) centres for education maintained by it, 25
 - (ii) education or training facilities maintained or resourced by it, or
 - (iii) children detention schools, prisons, education or training facilities or facilities maintained by other public service bodies where the board provides education or training, 30
 - (c) students of recognised schools or centres for education maintained by it,
 - (d) learners in children detention schools, prisons, education or training facilities or in facilities maintained by other public service bodies where the board provides education or training, 35
 - (e) parents of students referred to in *paragraph (c)* and parents of learners referred to in *paragraph (d)* where the students or learners have not attained the age of 18 years, 40
 - (f) members of its staff,
 - (g) persons who have a particular interest in, or knowledge of, education and training provided in recognised schools or centres for education maintained by it, or education or training facilities maintained or resourced by it, and 45

(h) any other person it considers is likely to be affected by the performance of its functions.

(3) An education and training board shall have all powers necessary or expedient for the performance of its functions.

5 (4) An education and training board shall have regard to Government policy to the extent that it may affect or relate to the functions of the board and shall comply with any policy direction that may from time to time be notified to the board by the Minister.

10 (5) In this section “youth work” has the same meaning as it has in the Youth Work Act 2001.

11.—(1) The Minister may, by order, confer on an education and training board such additional functions connected with the functions for the time being of the board as he or she determines, subject to such conditions (if any) as may be specified in the order. Conferral of additional functions on education and training boards.

15 (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.

12.—(1) Every education and training board shall, subject to sections 42 and 43, perform by resolution of its members, such of its functions as are declared by or under this Act to be reserved functions. Reserved functions.

(2) Each of the following are reserved functions:

25 (a) a request by an education and training board for a name by which the board may describe itself for operational purposes under section 9(3);

(b) the appointment of a chief executive in accordance with section 14;

(c) the suspension of a chief executive in accordance with section 17;

30 (d) the establishment of a scholarship under section 22;

(e) the giving of an opinion under section 25(4)(g) and the adoption (with or without modifications) of a strategy statement under section 25;

(f) the adoption of an annual report under section 26;

35 (g) the acceptance of gifts or being constituted as a trustee under section 27;

(h) a decision to authorise the attendance by a member at a conference, seminar, meeting or event under section 36;

(i) in relation to a committee established under section 42—

40 (i) the establishment or dissolution of the committee,

(ii) the determination of the terms of reference and the regulation of the procedures of the committee,

- (iii) the appointment or removal from office of a member (including the chairperson) of the committee, and
 - (iv) the confirmation of an act of the committee;
 - (j) the adoption of an annual service plan under *section 45*;
 - (k) the power to borrow money under *section 47*; 5
 - (l) the keeping of accounts in accordance with *section 49*;
 - (m) in relation to a finance committee and an audit committee—
 - (i) the establishment of those committees,
 - (ii) the appointment and removal of a member (including the chairperson) of those committees, and 10
 - (iii) the receipt of a report prepared by each of those committees and the determination of what action (if any) should be taken as a result of the findings of any such report; 15
- and
- (n) the acquisition, holding and disposal of land, or any interest in land, under *paragraph 3 of Schedule 3*.

(3) The Minister may by order declare any function conferred on an education and training board under *section 11* to be a reserved function. 20

(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 of an education and training board shall assist the members of the board in the performance of their functions in such manner as those members may require. 25

(6) An education and training board shall not perform by resolution of its members, or give a direction in relation to the performance of, a function of the board that is not a reserved function.

Executive functions. **13.**—(1) Every function of an education and training board that is not a reserved function shall be an executive function of the board. 30

(2) The executive functions of an education and training board shall be performed by the chief executive of that board.

(3) A chief executive shall, in the performance of an executive function, act in accordance with the policies for the time being of the education and training board for which he or she is the chief executive. 35

Chief executive. **14.**—(1) There shall be a chief executive officer of each education and training board (in this Act referred to as a “chief executive”).

(2) Subject to *subsections (4), (5) and (6)*, a chief executive shall be appointed by an education and training board— 40

(a) in accordance with any procedures determined by—

- (i) the Minister for Public Expenditure and Reform, or
- (ii) the Minister with the consent of the Minister for Public Expenditure and Reform,

5 and

(b) with the consent of the Minister and the Minister for Public Expenditure and Reform.

10 (3) A chief executive shall hold office upon and subject to such terms and conditions, including terms and conditions relating to remuneration, allowances and superannuation, as may be determined by—

- (a) the Minister for Public Expenditure and Reform, or
- (b) the Minister with the consent of the Minister for Public Expenditure and Reform.

15 (4) The Minister may, before the establishment day, designate a person to be appointed the first chief executive of an education and training board.

20 (5) If immediately before the establishment day, a person stands designated by the Minister under *subsection (4)*, the person shall, on the establishment day, stand appointed as the first chief executive of the education and training board for which he or she was so designated.

25 (6) Where a person who stands appointed under *subsection (5)* dies, resigns or otherwise ceases to hold office prior to the date first fixed under *section 29(7)(a)(ii)*, the Minister may, with the consent of the Minister for Public Expenditure and Reform, appoint a chief executive to fill the vacancy so occasioned.

30 (7) Subject to *subsection (8)*, a chief executive of an education and training board shall not hold any other office or employment or carry on any other business without the consent of the board.

35 (8) A chief executive of an education and training board may, at the request of the Minister, hold any other additional office or employment in any other public service body, for such period as may be specified by the Minister, and shall do so where the Minister so directs.

15.—(1) A chief executive of an education and training board shall perform the executive functions of the board. Functions of chief executive.

40 (2) A chief executive of an education and training board shall provide such information to the board, regarding the performance of his or her functions, as that board may from time to time require.

(3) A chief executive of an education and training board shall provide such information to the Minister regarding the performance of his or her functions as the Minister may from time to time require.

45 (4) A chief executive of an education and training board shall be accountable to the board for the due performance of his or her functions.

Delegation of functions of chief executive.

16.—(1) A chief executive of an education and training board may in writing, subject to such terms and conditions as he or she considers appropriate and any directions that may be given by the Minister, delegate any of his or her functions to a specified member of staff of the board, and that member of staff shall be accountable to the chief executive for the performance of the functions so delegated. 5

(2) A chief executive shall be accountable to the education and training board for the performance of the functions delegated by him or her in accordance with *subsection (1)*.

(3) Where a delegation is made to a member of staff under *subsection (1)*, the member shall perform the function concerned— 10

(a) under the general direction and control of the chief executive,

(b) in accordance with such directions (if any) given by the Minister in relation to the performance of that function, 15

(c) in accordance with such terms and conditions (if any) specified under that subsection, and

(d) in like manner and subject to the like conditions (if any) applicable to the exercise of that function by the chief executive. 20

(4) The chief executive may revoke a delegation made in accordance with this section and shall revoke such delegation where the Minister so directs.

Suspension and removal of chief executive.

17.—(1) An education and training board may, subject to this section, suspend the chief executive of the board— 25

(a) for stated misbehaviour, or

(b) where it appears necessary to the board for the effective performance by the board of its functions.

(2) A notice of intention to propose a resolution under *subsection (1)* shall be served on the chief executive and each member of the board concerned. 30

(3) A notice under *subsection (2)* shall—

(a) be signed by not less than one third of the members of the board concerned,

(b) state the reasons for the proposed suspension, 35

(c) state that the chief executive may submit a statement to the board within 14 days of the service of the notice in relation to the reasons stated under *paragraph (b)*, and

(d) specify a day, not less than 21 days after the day on which the notice is served on the chief executive for the holding of a special meeting of the board to consider the proposed suspension. 40

5 (4) Subject to *subsection (5)*, at a special meeting of an education and training board referred to in *paragraph (d)* of *subsection (3)*, the board may, having considered any statement submitted under *paragraph (c)* of that subsection, by resolution suspend the chief executive of the board from such date as may be specified by the board.

(5) A resolution under *subsection (4)* shall require not less than two thirds of the members of the board concerned to vote in favour of the resolution.

10 (6) A copy of a resolution passed under *subsection (4)* shall be given to the chief executive as soon as practicable after the resolution is passed.

15 (7) An education and training board shall, within 7 days of the passing of a resolution under *subsection (4)*, furnish to the Minister a copy of—

- (a) the notice of intention to propose a resolution,
- (b) any statement of the chief executive submitted in accordance with *subsection (3)(c)*, and
- (c) the resolution so passed.

20 (8) The Minister shall, within 21 days of the receipt of a resolution under *subsection (7)*, appoint a panel of 3 persons having knowledge of, or experience in, education, human resources or management (in this section referred to as an “advisory panel”).

25 (9) The Minister shall nominate one of the 3 persons appointed to the advisory panel to be the chairperson of that panel.

(10) An advisory panel shall, within 21 days of being appointed, having considered the documents referred to in *subsection (7)*, submit a report to the Minister containing its recommendations as to—

- 30
- (a) whether the chief executive should remain suspended and, if so, for what period,
 - (b) whether the chief executive should be removed from office, or
 - (c) any other matter arising out of its considerations as the panel thinks appropriate in the circumstances.

35 (11) Upon consideration of a report submitted under *subsection (10)*, the Minister shall, within 14 days of the receipt of the report—

- (a) lift the suspension of the chief executive, subject to such terms and conditions (if any) as the Minister considers appropriate,
- 40 (b) confirm the suspension of the chief executive setting out the period for which the suspension is to apply and setting out such terms and conditions (if any) as shall apply to the chief executive on the expiration of the period of suspension, or
- 45 (c) remove the chief executive from office.

(12) The Minister shall notify the education and training board and chief executive concerned of his or her decision under *subsection (11)* and the date from which such decision is to take effect.

(13) A panel appointed under this section shall be independent in the performance of its functions. 5

(14) The Minister may by regulations prescribe any matter of procedure for the purposes of this section.

Staff.

18.—(1) Each education and training board may appoint—

(a) in accordance with procedures determined by—

(i) the Minister for Public Expenditure and Reform, or 10

(ii) the Minister with the consent of the Minister for Public Expenditure and Reform,

and

(b) with the consent of the Minister and the Minister for Public Expenditure and Reform, 15

such and so many persons to be members of staff of the board concerned as it may from time to time determine.

(2) The terms and conditions of service of a member of staff of an education and training board shall, with the consent of the Minister and the Minister for Public Expenditure and Reform, be such as may be determined from time to time by the board. 20

(3) There shall be paid by an education and training board to the members of its staff such remuneration, allowances and expenses as, from time to time, the board with the consent of the Minister and the Minister for Public Expenditure and Reform determines. 25

(4) In this section “member of staff” does not include a Principal, teacher or other member of staff of a recognised school.

Direction of Minister.

19.—The Minister may give a direction to an education and training board to—

(a) establish and maintain a recognised school in its functional area, 30

(b) establish and maintain a centre for education in its functional area,

(c) maintain a recognised school or a centre for education in its functional area, or 35

(d) establish, maintain or resource an education or training facility in its functional area.

Joint performance of functions of education and training boards.

20.—(1) Any 2 or more education and training boards may, 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 40

the education and training boards concerned to the Minister whose decision thereon shall be final.

5 (2) Without prejudice to the generality of *subsection (1)* an arrangement to which that subsection applies may relate to the joint acquisition, holding, and disposal of land, or any interest in land, by 2 or more education and training boards.

10 (3) The Minister may, if of the opinion that 2 or more education and training boards 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 education and training boards concerned that he or she proposes to give such direction.

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

15 (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

20 (c) invite the education and training boards concerned to make, not later than 14 days from the date of the service of the notice, representations in writing to the Minister in relation to the proposed direction.

25 (6) The Minister shall, in deciding whether or not to give a direction under this section, take into account any representations made under *subsection (5)*.

30 (7) Where the Minister gives a direction to 2 or more education and training boards under this section, the Minister may request the Irish Vocational Education Association to give such assistance, the nature and form of which shall be stated in the direction, to those boards as he or she considers necessary for the effective implementation of that direction.

(8) An education and training board shall comply with a direction given to it under this section.

35 **21.—(1)** Subject to *subsections (2), (3) and (4)*, the Minister may give a direction to an education and training board (in this section referred to as the “first board”) to carry out a function of another education and training board (in this section referred to as the “second board”) in that board’s functional area, subject to such terms and conditions as the Minister determines. Function of education and training board performed outside functional area.

40 (2) Before giving a direction under *subsection (1)*, the Minister shall, by notice in writing, inform the first and second board that he or she proposes to give such direction.

(3) A notice under *subsection (2)* shall—

45 (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

(c) invite the first board and second board to make, not later than 14 days from the date of service of the notice, representations in writing to the Minister in relation to the proposed direction.

(4) The Minister shall, in deciding whether or not to give a direction under this section, take into account any representations made under *subsection (3)*. 5

(5) The Minister shall notify the second board of a direction given under this section.

(6) The first board shall comply with a direction given to it under this section. 10

(7) The second board shall, on the request of the first board, cooperate with and assist the first board in implementing a direction given to the first board under this section.

Scholarships.

22.—(1) A chief executive of an education and training board may prepare and submit a proposal to the board for the establishment of, or the provision of assistance in the establishment of, a scholarship by the board. 15

(2) A proposal under *subsection (1)* for the establishment of a scholarship by the board shall specify— 20

(a) the amount and tenure of the scholarship, and

(b) any terms and conditions to be attached to the scholarship.

(3) A proposal under *subsection (1)* for the provision of assistance in the establishment of a scholarship shall specify—

(a) the amount and tenure of the scholarship, 25

(b) any terms and conditions to be attached to the scholarship, and

(c) the nature of the assistance to be provided by the board in the establishment of that scholarship.

(4) An education and training board shall, having considered a proposal under *subsection (1)*— 30

(a) with the approval of the Minister establish, or assist in the establishment of, the scholarship in accordance with the terms and conditions of the proposal, or

(b) refuse to establish or assist in the establishment of the scholarship. 35

Accountability of chief executive to Public Accounts Committee.

23.—(1) The chief executive of an education and training board shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on— 40

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of

account subject to audit by the Comptroller and Auditor General that that board is required by this Act to prepare,

- 5 (b) the economy and efficiency of the board in the use of its resources,
- (c) the systems, procedures and practices employed by the board for the purpose of evaluating the effectiveness of its operations, and
- 10 (d) any matter affecting the board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is
- 15 laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

20 **24.—(1)** Subject to *subsection (2)*, the chief executive of an education and training board shall, at the request in writing of a Committee, attend before it to give account for the general administration of the board concerned.

Accountability of chief executive to other Oireachtas committees.

25 (2) The chief executive of an education and training board shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

30 (3) Where the chief executive of an education and training board is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (2)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

35 (4) Where the chief executive of an education and training board has informed a Committee of his or her opinion in accordance with *subsection (3)* and the Committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to a matter the subject of that opinion—

40 (a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or

45 (b) the chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(5) Pending the determination of an application under *subsection (4)*, the chief executive of the education and training board concerned shall not attend before the Committee to give account for the matter the subject of the application.

(6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Committee shall withdraw the request referred to in *subsection (1)*, but if the High Court determines that *subsection (2)* does not apply, the chief executive of the education and training board concerned shall attend before the Committee to give account for the matter.

(7) In the performance of his or her duties under this section, a chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government, or the merits of the objectives of such a policy.

(8) In this section “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in *section 23* or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests in Seanad Éireann) or a subcommittee of such a Committee.

Strategy statement.

25.—(1) Subject to *subsections (2)* and *(4)*, the chief executive of an education and training board shall, as soon as practicable after the commencement of this section, and in every fifth year thereafter, prepare and submit a strategy statement (in this Act referred to as a “strategy statement”) to the board for the following 5 year period.

(2) The Minister may direct a chief executive of an education and training board to prepare and submit a strategy statement to the board—

(a) within a specified period, and

(b) in respect of such period as is specified in the direction.

(3) A strategy statement shall specify the objectives of the board, the priorities of the specified objectives and the strategies for achieving those objectives—

(a) in the case of a statement prepared and submitted under *subsection (1)*, for the 5 year period concerned, and

(b) in the case of a statement prepared and submitted under *subsection (2)*, for the period specified in the direction.

(4) A chief executive shall, in preparing a strategy statement, consult, in such manner as the education and training board concerned considers appropriate, with—

(a) boards of management of recognised schools maintained by it,

(b) persons performing functions which are the same as, or substantially the same as, functions exercised by boards of management referred to in *paragraph (a)*, in relation to—

(i) centres for education maintained by it,

(ii) education or training facilities maintained or resourced by it, or

(iii) children detention schools, prisons or facilities maintained by other public service bodies where the board provides education or training,

(c) members of its staff,

(d) students of recognised schools or centres for education maintained by it,

(e) learners in children detention schools, prisons, education or training facilities or facilities maintained by other public service bodies where the board provides education or training,

(f) parents of students referred to in *paragraph (d)* and parents of learners referred to in *paragraph (e)* where the students or learners have not attained the age of 18 years, and

(g) such other persons as, in the opinion of the board, are likely to—

(i) be affected by the operation of the strategy statement, and

(ii) have a significant interest in the implementation of the strategy statement.

(5) A chief executive shall, in preparing a strategy statement, have regard to—

(a) such policy directions of the Minister as are notified to the board under *section 10(4)*, and

(b) the financial resources that are likely to be available to give effect to the strategy statement concerned.

(6) An education and training board shall, as soon as practicable after the receipt of a strategy statement submitted to it under this section—

(a) adopt the strategy statement, or

(b) adopt the strategy statement with such modifications as it considers appropriate, having consulted with the chief executive.

(7) The chief executive of the education and training board concerned shall, as soon as practicable after a strategy statement has been adopted (whether with or without modifications), give a copy of the strategy statement to—

(a) the Minister,

(b) the board of management of each recognised school maintained by, and

(c) persons performing functions which are the same as, or substantially the same as, functions exercised by boards

of management referred to in *paragraph (b)*, in relation to—

- (i) centres for education maintained by it,
- (ii) education or training facilities maintained or resourced by it, or 5
- (iii) children detention schools, prisons or facilities maintained by other public service bodies where it provides education or training.

(8) An education and training board shall publish a strategy statement on the internet as soon as practicable after the board has adopted it. 10

Annual report.

26.—(1) Each education and training board shall, not later than 30 June in each year, prepare, adopt 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 submitted, and the Minister shall, as soon as may be after receiving the report, cause copies of the report to be laid before each House of the Oireachtas. 15

(2) A report under *subsection (1)* shall include a statement of the services provided by that board in the year to which the report relates, details of any gifts referred to in *section 27(3)* and such other particulars as it considers appropriate or as the Minister may direct. 20

(3) As soon as practicable after the report has been laid before each House of the Oireachtas, an education and training board shall publish it on the internet.

Gifts and trusts.

27.—(1) Subject to *subsection (2)*, an education and training board may having considered any relevant observations or recommendations of the chief executive of the board— 25

(a) with the consent of the Minister and the Minister for Public Expenditure and Reform—

- (i) be a trustee of any trust or charity, or 30
- (ii) accept a gift of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor,

for purposes connected with the functions of the board, or 35

(b) refuse to be a trustee or accept a gift as the case may be.

(2) An education and training board shall not be a trustee of any trust or charity, or accept a gift if the trust or condition attached to it by the donor is, in the opinion of the board, inconsistent with or likely to prejudice the board's operational independence or effective performance of its functions. 40

(3) An education and training board shall include in each report prepared under *section 26*, details of any gift that exceeds such amount as the Minister, with the consent of the Minister for Public Expenditure and Reform specifies, accepted by the education and 45

training board concerned during the period to which the report relates.

(4) In *subsection (3)* “details” means—

(a) the name and address of the donor of the gift,

5 (b) a description of the gift, and

(c) particulars of any trust or condition attached to the gift.

PART 3

MEMBERSHIP OF EDUCATION AND TRAINING BOARDS

10 **28.—(1)** Each education and training board shall consist of 18 members and shall comprise— Composition of
education and
training boards.

15 (a) 10 members elected by the local authority specified in *column (2)* of *Schedule 4* opposite the reference to the education and training board specified in *column (1)* of that Schedule from among the members of the local authority concerned and, where more than one local authority is specified in *column (2)* of that Schedule, the number of members to be elected by each local authority shall be the number specified in an order made under *subsection (2)*;

20 (b) 2 members who are members of staff of the education and training board elected in accordance with regulations made under *subsection (4)*;

25 (c) 2 members appointed in accordance with *subsection (7)*, each of whom is the parent of a child who has not reached 18 years of age and is registered as a student in a centre for education or recognised school, or is the parent of a learner in a children detention school, prison, education or training facility or other facility maintained by any other public service body where the board provides education or training;

30 (d) 4 members appointed in accordance with *subsection (8)*.

(2) Subject to *subsection (3)*, where more than one local authority is mentioned in *column (2)* of *Schedule 4* opposite the mention of an education and training board in *column (1)* of that Schedule, the
35 Minister shall by order specify the number of members of that education and training board to be elected by each local authority concerned, the aggregate of which members shall be 10.

(3) When making an order under *subsection (2)*, the Minister shall
40 have regard to the population, at the time the order is made, of each local authority referred to in the order.

(4) Subject to *subsections (5)* and *(6)*, the Minister shall make regulations for the conduct of elections for the purposes of *subsection (1)(b)*.

(5) The Minister shall consult with the Irish Vocational Education Association and recognised trade unions and staff associations representing members of the staff of education and training boards prior to making regulations under *subsection (4)*.

(6) Without prejudice to the generality of *subsection (4)*, regulations under that subsection may provide for— 5

(a) the establishment of panels of candidates for election comprising women only and panels of candidates for election comprising men only from which persons shall be elected in accordance with those regulations, and 10

(b) the establishment, following the election, of a panel from which casual vacancies may be filled.

(7) (a) Subject to *paragraph (b)*, the Minister shall, for the purpose of *subsection (1)(c)*, specify a national association of parents in respect of the education and training board who shall nominate 2 parents, one of whom shall be a man and one of whom shall be a woman who shall be appointed as members of that board. 15

(b) Where, in the opinion of the Minister, an education and training board provides a significant amount of primary education he or she may, for the purpose of *subsection (1)(c)*, specify more than one national association of parents in respect of that board who shall each nominate 2 parents, one of whom shall be a man and one of whom shall be a woman for appointment to the board. 20 25

(c) Where more than one national association of parents is specified under *paragraph (b)*, the members referred to in *paragraph (a)* and *(b)* of *subsection (1)* shall appoint 2 members to the education and training board from among the persons nominated under *paragraph (b)* of this subsection, one of whom shall be a man and one of whom shall be a woman. 30

(8) (a) The Minister shall, for the purposes of *subsection (1)(d)*, specify a number of bodies which, in his or her opinion, have a special interest in, or knowledge of, education and training and each specified body shall nominate one man and one woman for appointment to the board. 35

(b) The members referred to in *paragraphs (a), (b)* and *(c)* of *subsection (1)* shall appoint 4 members to the education and training board from among the persons nominated under *paragraph (a)*, 2 of whom shall be men and 2 of whom shall be women. 40

(9) In this section “national association of parents” has the same meaning as it has in the Act of 1998.

Election, appointment and term of office of members of education and training boards.

29.—(1) Every local authority shall, in every election year, at a meeting held within 6 weeks of the local elections concerned, elect such number of members of the education and training board as the local authority concerned is entitled under *section 28* to so elect. 45

(2) Every education and training board shall, subject to *subsection (3)*, in every election year, appoint a date for the first meeting of the 50

board after the local elections concerned (in this Act referred to as a “post election meeting”).

5 (3) A date appointed under *subsection (2)* shall be at least 2 months and not more than 3 months after the date of the local elections concerned.

10 (4) Where a post election meeting of an education and training board is for any reason (including a quorum not being present) not held on the day appointed under *subsection (2)* the chief executive shall as soon as may be summon a meeting of such board for a date which appears to him or her to be the earliest convenient date for the purpose and the meeting held in pursuance of such summons shall be deemed to be, for all purposes, a post election meeting.

15 (5) (a) At the post election meeting of an education and training board the members of the board referred to in *paragraphs (a) and (b) of section 28(1)* shall—

(i) for the purpose of *subsection (1)(c)* of that section, appoint 2 members in accordance with *subsection (7)* of that section, and

(ii) fix a date for the next meeting of the board.

20 (b) No business shall be conducted at the post election meeting of an education and training board other than that specified in *paragraph (a)*.

25 (6) The term of office of every member of an education and training board referred to in *paragraphs (a), (b) and (c) of section 28(1)* shall commence on the date of the post election meeting of the education and training board concerned.

(7) (a) At the next meeting after the post election meeting of an education and training board the members referred to in *paragraphs (a), (b) and (c) of section 28(1)* shall—

30 (i) appoint 4 members in accordance with *section 28(8)(b)* and the term of office of those members shall commence on the date of that meeting, and

(ii) fix a date for the next meeting of the board.

35 (b) No business shall be conducted at the meeting referred to in *paragraph (a)* other than the business specified in that paragraph.

(8) A member of an education and training board shall hold office for a term ending on the date of the next post election meeting of the board.

40 **30.—(1)** Subject to this section and *section 32*, a person is eligible to be a member of an education and training board if he or she is a citizen of, or is ordinarily resident in, the State and has or will have attained the age of 18 years at the time of his or her election or appointment to the board. Eligibility for membership of an education and training board.

45 (2) The Minister may by order specify a class, description or grade of position of employment in an education and training board the members of which class, description or grade shall be ineligible to be

a member of any education and training board having regard to the desirability of—

- (a) maintaining the distinction between reserved functions and executive functions, and
- (b) avoiding, as far as possible, any appearance of a conflict of interest that could arise by a member of staff holding a particular class, description or grade of position and, at the same time, being a member of a board. 5

(3) A person shall not be a member of more than one education and training board at any one time. 10

Cesser of membership.

31.—(1) A person shall cease to be a member of an education and training board and a casual vacancy arises in its membership immediately upon he or she becoming disqualified from membership under *section 32* or where—

- (a) in the case of a person elected under *section 28(1)(a)*, he or she ceases for any reason, to be a member of a local authority, 15
- (b) in the case of a person elected in accordance with regulations made under *section 28(4)*, he or she ceases to be a member of staff of the education and training board of which he or she is a member, or 20
- (c) in the case of a person appointed under *section 28(1)(c)*, and subject to *subsection (2)*, he or she ceases to have any child under the age of 18 registered as a student of a centre for education or recognised school, or a learner in a children detention school, prison, education or training facility or other facility maintained by any other public service body where the board provides education or training. 25

(2) Where a person to whom *subsection (1)(c)* applies ceases to have a child under the age of 18 registered as a student of a recognised school by reason only of the permanent exclusion of the child from the school that person shall not cease to be a member of the board for that reason only until the later of the following occurs under the Act of 1998— 30 35

- (a) the time for the taking of an appeal against the exclusion of the child has passed and no appeal has been taken, or
- (b) the decision to permanently exclude the child has been upheld on appeal.

(3) Where a person ceases to be a member of an education and training board for any reason he or she also ceases to be a member of any body— 40

- (a) to which he or she was elected, nominated or appointed by an education and training board, or
- (b) of which he or she was a member by virtue of being a member of an education and training board. 45

(4) Nothing in this section shall be construed so as to affect the validity of anything previously done by a person while he or she was a member of the education and training board concerned.

5 **32.—(1)** Subject to *subsections (2) and (3)*, a person shall cease to be qualified to become a member of, and shall cease to be a member of, an education and training board if he or she—

Disqualification from membership of an education and training board.

- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or of the European Parliament,
- 10 (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament,
- (d) is a Judge, Advocate General or Registrar of the Court of Justice of the European Union,
- 15 (e) is a member of the Commission of the European Union,
- (f) is a member of the Court of Auditors of the European Union,
- (g) is appointed under the Constitution as a Judge or as the Comptroller and Auditor General,
- 20 (h) does not possess a tax clearance certificate issued under section 1095 (inserted by section 127(b) of the Finance Act 2002) of the Taxes Consolidation Act 1997,
- (i) is undergoing a sentence of imprisonment for any term exceeding 6 months imposed by a court of competent jurisdiction in the State,
- 25 (j) fails to comply with a final judgement, order or decree of a court of competent jurisdiction, for payment of money due to any education and training board,
- 30 (k) is convicted of, or has had a conviction confirmed on appeal for an offence under *section 33(1), section 36(7), paragraph 13(2) of Schedule 3* or an offence relating to—
 - (i) fraudulent or dishonest dealings affecting an education and training board, or
 - (ii) corrupt practice,
- 35 or
- (l) is adjudicated bankrupt.

(2) A disqualification arising under *subsection (1)(j)* comes into effect on the seventh day after the last day for compliance with the relevant final judgement, order or decree and the disqualification shall be for 5 years from such last day.

(3) A disqualification arising under *subsection (1)(k)* commences—

- (a) where no appeal is taken against the conviction, when the time limit for taking an appeal has passed, or
- (b) where an appeal is taken against the conviction and the appeal is disallowed, one month from the determination of the appeal,

5

and the disqualification shall be for 5 years from the date of conviction or determination of the appeal, as the case may be.

(4) Nothing in this section operates to prejudice any disqualification referred to in—

- (a) section 20 of the Local Elections (Disclosure of Donations and Expenditure) Act 1999,
- (b) section 13 or 182 of the Act of 2001, or
- (c) any other enactment.

Offence to act when disqualified.

33.—(1) A person is guilty of an offence if he or she knowingly acts as a member of an education and training board when disqualified.

15

(2) *Subsection (1)* is without prejudice to any other disqualification or penalty arising out of the actions of the person concerned.

Resignation from membership.

34.—(1) A member of an education and training board may resign from the board by notice in writing to the chief executive.

20

(2) A resignation under *subsection (1)* shall take effect on—

- (a) the date specified in the notice, or
- (b) where no date is specified in the notice, the date on which the chief executive receives the notice.

(3) Subject to *subsections (4)* and *(5)*, a person shall be taken to have resigned as a member of an education and training board where the person is absent from meetings of the board held during any 6 consecutive month period (in this section referred to as the “relevant period”) from the date (in this section referred to as the “relevant date”) of his or her last attendance at a meeting of the board.

25

30

(4) Where an education and training board accepts, by resolution passed before the end of the relevant period, that the absence of the member was due to illness or in good faith for another reason, the relevant period shall stand extended to 12 months from the relevant date.

35

(5) Where the absence of the member continues uninterrupted for the relevant period extended to 12 months from the relevant date under *subsection (4)*, and the education and training board accept that the absence of the member was due to illness or in good faith for another reason, the relevant period shall stand extended to 18 months from the relevant date.

40

(6) A member is taken to have resigned on the next day after—

- (a) in the case of *subsection (3)*, the end of the relevant period,

(b) in the case of *subsection (4)*, the end of the relevant period as extended to 12 months under that subsection, or

(c) in the case of *subsection (5)*, the end of the relevant period as extended to 18 months under that subsection.

5 (7) Attendance as a member at a meeting of any committee or joint committee of the education and training board shall be taken for the purposes of this section to be attendance at a meeting of the board.

10 (8) A person who resigns as a member of an education and training board under this section also ceases on such resignation to be a member of any body—

(a) to which he or she was elected, nominated or appointed by the board, or

15 (b) of which he or she is a member by virtue of being a member of the board.

35.—(1) If a member of an education and training board dies, resigns, ceases to be qualified for office and ceases to hold office, or is removed from office, the casual vacancy arising shall be filled, in the case of a vacancy occasioned by a member—

20 (a) referred to in *section 28(1)(a)*, by a person elected by the local authority whose member occasioned the vacancy,

(b) referred to in *section 28(1)(b)*, by a person in accordance with regulations made under *subsection (4)* of that section,

25 (c) referred to in *section 28(1)(c)*, by a person nominated by the national association of parents which nominated the member who occasioned the vacancy,

or

(d) referred to in *section 28(1)(d)*, by a person—

30 (i) nominated under *section 28(8)(a)* but not appointed on foot of that nomination, or

(ii) nominated by the same body which nominated the member who occasioned the vacancy,

selected by the education and training board concerned.

35 (2) A person who becomes a member of an education and training board under *subsection (1)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date he or she fills that vacancy and nothing in this section shall be construed as making that
40 person ineligible for appointment or election as a member of the education and training board on the expiry of the said period where that person would otherwise be eligible.

36.—(1) An education and training board may, subject to and in accordance with regulations under *subsection (2)*, pay to members of
45 the board, and members of any committee established under this

Casual vacancies.

Expenses of members.

Act, such allowances for expenses reasonably incurred by them relating to—

(a) attendance at a meeting of the education and training board or committee concerned of which they are members, 5

(b) attendance, authorised by the education and training board, at a conference, seminar or other meeting or event,

(c) any other matter prescribed by regulations made by the Minister. 10

(2) The Minister may, with the consent of the Minister for Public Expenditure and Reform, make regulations for the purpose of this section and, without prejudice to the generality of the foregoing regulations under this subsection may specify—

(a) the circumstances in which expenses will be payable for travel within and outside the State; 15

(b) the frequency, rate of calculation and method of payment of expenses;

(c) the maximum number of members of the board or committee, as the case may be, who may be authorised by an education and training board to attend any conference, seminar, meeting or event; 20

(d) the maximum number of times any one member of the board or committee, as the case may be, may be authorised by an education and training board to attend a conference, seminar, meeting or event; 25

(e) conditions and restrictions in relation to the making of payments to meet expenses;

(f) the manner and means of accounting for, controlling, recording and reporting expenses; and 30

(g) any other matters which appear to the Minister to be necessary or expedient for the purpose of this section.

(3) Subject to *subsection (5)*, an education and training board shall not authorise a member of the board or committee, as the case may be, to attend a conference, seminar, meeting or event unless the board is satisfied that the authorisation is justified having regard to— 35

(a) the benefits likely to accrue to the board from its being represented at the conference, seminar, meeting or event concerned,

(b) the general interests of the local community within its functional area, and 40

(c) the cost to the board of its being so represented.

(4) The chief executive of an education and training board shall confirm in writing to the board whether in his or her opinion—

(a) the board has sufficient resources available to it to fund the attendance referred to in *subsection (3)*, and 45

(b) the funding of, and attendance at, the conference, seminar, meeting or event is consistent with any regulations made under *subsection (2)*.

5 (5) An education and training board may satisfy itself that an authorisation under *subsection (3)* is justified having regard to *paragraph (c)* of that subsection, where the board receives confirmation from the chief executive of the board in the terms of *paragraphs (a)* and *(b)* of *subsection (4)*.

10 (6) Where an education and training board authorises attendance at a conference, seminar, meeting or event under *subsection (3)* the board shall record in writing the reasons the board is satisfied the attendance is justified in relation to the matters specified in each of *paragraphs (a), (b)* and *(c)* of that subsection.

15 (7) A person who knowingly makes a false statement for the purpose of obtaining expenses under this section shall be guilty of an offence.

20 (8) There shall be recorded in the annual report of an education and training board separate particulars in relation to payments made in respect of the matter specified in each paragraph of *subsection (1)* in the year to which the report relates.

PART 4

REGULATION OF EDUCATION AND TRAINING BOARDS

25 **37.**—(1) Subject to *subsections (2)* and *(4)*, the Minister may, in relation to the performance by an education and training board of its functions, give a direction in writing to that board requiring it to comply with such policy decisions made by the Minister as are specified in the direction. Policy directions of Minister.

30 (2) The Minister shall, by notice in writing, inform an education and training board where he or she proposes to give a direction under *subsection (1)* and state the terms of the proposed direction.

(3) An education and training board may make representations in writing to the Minister in relation to the proposed direction not later than 14 days from the date of service of a notice under *subsection (2)*.

35 (4) The Minister shall consider any representations made to him or her under *subsection (3)* prior to giving a direction under *subsection (1)*.

40 (5) An education and training board or a chief executive of an education and training board, as may be appropriate, shall comply with a direction given to that board under this section.

45 **38.**—(1) Where the Minister is of the opinion that any of the functions of an education and training board are not being effectively discharged, the Minister may, having considered any representations made to him or her under *subsection (3)*, appoint a person (in this section referred to as an “investigator”) to carry out an investigation into the performance by the board of its functions either generally or with reference to any particular function during such period as the Minister may determine. Report on operation of education and training board.

(2) The Minister shall, by notice in writing, inform the education and training board concerned where he or she proposes to appoint an investigator under *subsection (1)*.

(3) A notice under *subsection (2)* shall state that the education and training board may make representations to the Minister in relation to the proposed appointment not later than 14 days after the service of the notice on the board. 5

(4) An investigator shall be entitled at all reasonable times to enter any premises occupied by the education and training board concerned and shall be afforded every facility and cooperation by the board, chief executive and members of staff of the board, including access to all records, to perform his or her functions. 10

(5) An investigator shall on completion of his or her investigation prepare a draft report on the investigation.

(6) An investigator shall provide a copy of the draft report prepared under *subsection (5)* to the education and training board concerned and that board may, within one month from the provision of the report to it, make representations in writing to that investigator about that report. 15

(7) After consideration of any representations made to the investigator under *subsection (6)*, that investigator may make any amendments to the draft report that he or she thinks appropriate. 20

(8) The investigator shall submit his or her final report to the Minister as soon as practicable after the report is completed.

(9) A chief executive and an education and training board shall supply such information regarding the performance of the board's functions as— 25

(a) the Minister may from time to time require, and

(b) an investigator requires for the performance of his or her functions under this section. 30

Directions following report on operation of an education and training board.

39.—(1) Where, on consideration of a report submitted to him or her under *section 38(8)*, the Minister is of the opinion that it is appropriate to give a direction to the education and training board concerned in relation to the performance of any of its functions, the Minister shall by notice in writing— 35

(a) inform the board of his or her opinion and state the reasons for that opinion,

(b) state the terms of the proposed direction, and

(c) give a copy of the report to the board.

(2) The education and training board concerned may make representations to the Minister in respect of the Minister's opinion, the proposed direction and the report not later than 14 days from the service of a notice under *subsection (1)*. 40

(3) The Minister may, after consideration of any representations made under *subsection (2)*, give a direction in writing to the education and training board concerned specifying— 45

(a) the measures to be taken by the board in relation to the performance of any of its functions, and

(b) any other requirement the Minister determines.

5 (4) An education and training board and chief executive of the board shall comply with a direction given under *subsection (3)*.

10 (5) A direction to an education and training board under *subsection (3)* may require that board to enter into an arrangement with another education and training board whereby the last-mentioned board provides education and training in the functional area of the first-mentioned board, subject to such terms as may be specified in the direction.

15 (6) Where a direction under *subsection (3)* requires an arrangement referred to in *subsection (5)* both education and training boards referred to in that subsection shall enter into and give effect to the arrangement.

40.—(1) Where, in relation to an education and training board, the Minister considers that—

Transfer of functions of education and training boards.

(a) any direction given by the Minister to the board under *section 39* has not been complied with, or

20 (b) there are serious deficiencies in the carrying out of one or more of the functions of that board,

he or she may, by order, transfer any function of that board to the chief executive of that board or to any other person for such period, not exceeding 2 years, as may be specified in the order.

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

(a) inform the education and training board concerned that he or she proposes to make such an order and of the reasons therefor, and

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

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

35 (3) An order under *subsection (1)* shall not be amended in a manner that would result in any function to which that order relates standing transferred for a period exceeding 2 years.

40 (4) Where a function of an education and training board stands transferred under this section that board shall not, during the period the function stands transferred, perform that function and the performance of that function shall not, during that period, be subject to the direction, control or supervision of the board.

45 (5) The chief executive or other person to whom a function stands transferred under this section shall provide the education and training board concerned with such information relating to the performance by him or her of that function as the Minister directs.

(6) A chief executive shall not pursuant to *section 16* delegate a function standing transferred to him or her under this section to a member of the staff of the education and training board concerned without the prior consent of the Minister.

(7) Any function of an education and training board transferred under *subsection (1)* shall revert in that board at the end of the period specified in an order made under that subsection. 5

Removal of
members from
office.

41.—(1) Where—

(a) the Minister is satisfied that an education and training board has failed to comply with a direction under *section 39*, 10

(b) an education and training board fails to comply with any judgement, order, or decree of any court of competent jurisdiction, or

(c) an education and training board refuses to submit its accounts to the Comptroller and Auditor General for audit in accordance with *section 49(2)*, 15

the Minister may issue a notice in writing to the education and training board concerned that he or she proposes to remove all the members of that board from office. 20

(2) The members of an education and training board referred to in *subsection (1)* may make representations in writing to the Minister in respect of his or her proposal within 21 days after the service of the notice under *subsection (1)*.

(3) Subject to *subsection (4)* the Minister may by order, having considered any representations made under *subsection (2)*, remove all the members of that education and training board from office. 25

(4) Where the Minister proposes to make an order under *subsection (3)*, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House. 30

(5) The Minister shall, in making an order under *subsection (3)*, appoint a person to perform the functions of the education and training board concerned and that person shall perform those functions until the commencement of the first meeting of the board after the election and appointment of new members under *subsection (6)*. 35

(6) The Minister shall make regulations under this section for the appointment and election, as appropriate, of new members of an education and training board to replace the members of that board removed under *subsection (3)*. 40

(7) The Minister may by order do all things necessary and make all such regulations as in his or her opinion shall be necessary to give full effect to any order made by him or her under this section.

PART 5

COMMITTEES OF EDUCATION AND TRAINING BOARDS

42.—(1) Subject to *section 43*, an education and training board Committees.
may establish committees to—

- 5 (a) perform such one or more of its functions as, in its opinion,
 could be better or more conveniently performed by a
 committee, or
- (b) advise it in relation to the performance by it of any of
 its functions,

10 and may determine the terms of reference and regulate the pro-
cedure of any such committee.

 (2) A committee established under *subsection (1)* shall consist of
not more than 12 members and may, subject to *subsection (9)* and
15 *subsection (12)(c)*, consist partly of members who are not members
of the education and training board concerned.

 (3) The chief executive, or a member of staff of an education and
training board, other than a member of staff appointed as a member
of the board under *section 28(1)(b)*, shall not be a member of a com-
mittee of that board.

20 (4) An education and training board may appoint a person to be
chairperson of a committee established under *subsection (1)*.

 (5) Subject to *subsection (6)*, a chief executive or a member of
staff of an education and training board shall, when requested to do
so by a committee of that board, attend at a meeting of that
25 committee.

 (6) A chief executive or member of staff referred to in *subsection*
(5) shall not attend the meeting referred to in that subsection where
the chief executive or member of staff concerned believes that
attendance by him or her is inconsistent with the due performance
30 of his or her functions as chief executive or member of staff, as the
case may be.

 (7) Subject to *subsection (9)*, an education and training board
shall, upon being so directed by the Minister, establish a committee
to perform, in relation to all or part of the functional area of the
35 board, such functions of the board as are specified in the direction
concerned.

 (8) A committee established under *subsection (7)* shall consist of
such and so many members as the Minister shall direct.

 (9) The Minister may direct that a committee established under
40 *subsection (1)* or pursuant to a direction under *subsection (7)* shall
consist—

- (a) partly of members who are members of the education and
 training board concerned and partly of members who are
 not members of that board, or
- 45 (b) exclusively of members who are members of the education
 and training board concerned.

(10) An education and training board may, with the consent of the Minister, appoint a person to be chairperson of a committee established under *subsection (7)*, and shall appoint a person to be chairperson of such committee where the Minister so directs.

(11) The Minister may give directions to education and training boards in relation to the committees of those boards established under *subsection (1)* or *subsection (7)* where the functions of a committee shall include the performance by the committee of— 5

(a) the functions of a board of management of a recognised school maintained by the board, or 10

(b) functions which are the same as or substantially the same as, functions exercised by the boards of management referred to in *paragraph (a)*, in relation to—

(i) centres for education maintained by it,

(ii) education or training facilities maintained or resourced by it, or 15

(iii) children detention schools, prisons or facilities maintained by other public service bodies where the board provides education or training.

(12) Without prejudice to the generality of *subsection (11)*, directions given to education and training boards under that subsection may specify— 20

(a) subject to *subsection (9)*, the composition of those committees which, in the case of a recognised school, may include representatives of the patron, parents, staff and students of the school and such other persons who have a special interest in or knowledge of matters relating to education, as the Minister thinks appropriate, 25

(b) a requirement that members of those committees shall reside within a specified distance of the recognised school, centre for education, education or training facility, children detention school, prison or facility maintained by any other public service body where the board provides education or training, as the case may be, and 30

(c) notwithstanding *subsection (9)*, that those committees may consist exclusively of members who are not members of the education and training boards by which they were established in order to meet the residence requirement referred to in *paragraph (b)*. 35

(13) A member of a committee established under *subsection (1)* may be removed from office at any time by the education and training board concerned. 40

(14) A member of a committee established under *subsection (7)* may be removed from office at any time by the education and training board concerned with the consent of the Minister, and shall be removed where the Minister so directs. 45

(15) Subject to *subsection (17)*, an education and training board may at any time dissolve a committee established under *subsection (1)*.

(16) Subject to *subsection (17)*, an education and training board may, with the consent of the Minister, at any time dissolve a committee established under *subsection (7)* and the board shall dissolve the committee where the Minister so directs.

5 (17) Where—

(a) an education and training board proposes to dissolve a committee under *subsection (15)* or *(16)*, and

(b) that committee is a committee to which *subsection (11)* applies,

10 that education and training board shall comply with sections 16 and 17 of the Act of 1998 before effecting the dissolution.

(18) The acts of every committee established under this section (other than *subsection (1)(b)*) shall be subject to confirmation by the education and training board that established it, save where the

15 Minister otherwise directs.

43.—(1) An education and training board shall establish—

Finance committee and audit committee.

(a) a committee to examine and report to that board on financial matters relating to the board (in this Act referred to as a “finance committee”), and

20 (b) a committee to assist the board in discharging its internal audit functions (in this Act referred to as an “audit committee”).

(2) The Minister may by direction make provision in respect of all or any of the following matters concerning a committee established under this section—

25

(a) procedures governing the number, appointment and removal of members (including the chairperson) of the committee,

30 (b) the holding of meetings, including the frequency and conduct of those meetings, and

(c) the preparation of reports by the committee and the furnishing of those reports to other specified persons.

(3) A committee established under this section shall report to the education and training board which established it not less than 4

35 times in each year.

(4) A member of staff of an education and training board, or a chief executive of that board, shall not be a member of a committee established under this section.

40 (5) Subject to *subsection (6)*, a chief executive or a member of staff of an education and training board shall, when requested to do so by a committee of that board established under this section, attend at a meeting of that committee.

45 (6) A chief executive or member of staff referred to in *subsection (5)* shall not attend the meeting referred to in that subsection where the chief executive or member of staff concerned believes that attendance by him or her is inconsistent with the due performance

of his or her functions as chief executive or member of staff, as the case may be.

(7) An education and training board shall determine what action, if any, it should take as a result of the findings of a report of a committee established under this section.

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PART 6

FINANCE

Expenditure limit.

44.—(1) The Minister shall, as soon as practicable in each financial year, by notice in writing, inform each education and training board of—

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- (a) its provisional expenditure limit for that financial year, and
- (b) its expenditure limit for that financial year as finally determined.

(2) An education and training board shall not, in the performance of its functions, incur expenditure, during any financial year, in excess of the amount determined by the Minister under *subsection (1)(b)* without the consent of the Minister.

15

(3) The Minister may at any time vary the amount of expenditure that an education and training board may incur under *subsection (1)(b)* and where the Minister varies such amount the board concerned shall not, without the consent of the Minister, incur expenditure in excess of that amount.

20

(4) If at any time a chief executive of an education and training board is of opinion that the board is, as a result of the action, or proposed action, of that board, likely to contravene this section he or she shall so inform the board and the Minister.

25

(5) Where the Minister considers that an education and training board is likely to contravene this section, he or she may—

- (a) direct the members of the board to make, within a specified period, such modifications to the annual service plan as he or she considers appropriate in order to ensure that a contravention of this section does not occur, or
- (b) permit the board to incur expenditure in excess of the limit that has been determined under this section.

30

(6) Where an education and training board, in accordance with *subsection (3)* or *subsection (5)(b)*, incurs, during a financial year, expenditure in excess of the limit determined under this section, the Minister shall determine how that excess will be reckoned for the purposes of the expenditure limit of the board in the following financial year and that determination may provide that the amount of the excess expenditure shall be deducted from the expenditure limit of that board in the following financial year.

35

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(7) Where an education and training board incurs in a financial year expenditure that is less than the limit determined under this section, the Minister shall determine how that surplus will be reckoned for the purposes of the expenditure limit of the board in the following financial year and that determination may provide that

45

the amount of the surplus shall be added to the expenditure limit of that board in the following financial year.

5 (8) Where the Minister gives a direction under this section, the education and training board to which the direction is given shall comply with that direction.

(9) The Minister shall, by notice in writing, inform an education and training board of any determination under this section that relates to expenditure by that board.

10 **45.—(1)** A chief executive of an education and training board shall, on the basis of the provisional expenditure limit notified to the board under *section 44(1)(a)*, within one month of receipt of such notification, prepare and submit to the board a plan setting out—
Annual service plan.

(a) the services that the board proposes to provide, and

(b) an estimate of income and expenditure of the board,

15 during the financial year commencing on 1 January of that year (in this Act referred to as an “annual service plan”).

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

20 (3) An education and training board shall, in relation to an annual service plan submitted under *subsection (1)*, not later than 1 March in each year—

(a) adopt the plan, or

(b) after consultation with the chief executive, adopt the plan with such modifications as it considers appropriate.

25 (4) An education and training board shall, not later than 42 days after service of a notice of its expenditure limit as finally determined under *section 44(1)(b)* and after consultation with the chief executive, make any amendments to the annual service plan which it considers appropriate and adopt the amended plan.

30 (5) As soon as may be after an annual service plan has been adopted under *subsection (3)* and on each occasion that an amended annual service plan is adopted under this section by an education and training board, the chief executive of that board shall give a copy of the annual service plan or amended annual service plan, as the case may be, to—

(a) the Minister,

(b) the board of management of each recognised school maintained by the education and training board concerned, and

40 (c) the persons performing functions which are the same as, or substantially the same as, functions exercised by boards of management referred to in *paragraph (b)* in relation to—

(i) centres for education maintained by it,

(ii) education or training facilities maintained or resourced by it,

(iii) children detention schools, prisons or facilities maintained by other public service bodies where the board provides education or training. 5

(6) Each education and training board shall publish its annual service plan adopted under *subsection (3)* and each amended annual service plan adopted by it under this section, as the case may be, on the internet as soon as practicable after such adoption.

(7) A chief executive in preparing an annual service plan or an amended annual service plan and an education and training board in adopting an annual service plan or an amended annual service plan, as the case may be, shall ensure that the plan is in such form and contains such information as the Minister determines. 10

(8) Where, in the opinion of the Minister, an annual service plan or an amended annual service plan submitted to him or her is not in accordance with the policies and objectives of the Government or the Minister in so far as they relate to the education and training board concerned, the Minister may direct the board to make, within a specified period, such modifications to the annual service plan or amended annual service plan as he or she considers appropriate. 15 20

(9) An education and training board to whom a direction under *subsection (8)* is given shall comply with such direction.

(10) An education and training board may, where it considers it necessary, request the chief executive of the board to prepare and submit to the board an amended annual service plan to take account of any variation in the expenditure limit as finally determined under *section 44(1)(b)*. 25

(11) An education and training board shall request the chief executive of the board to prepare and submit to the board an amended annual service plan in accordance with a direction under *section 44(5)(a)*. 30

(12) An education and training board shall, in relation to the amended annual service plan submitted to it under *subsection (10)* or *(11)*— 35

(a) adopt the amended annual service plan, or

(b) after consultation with the chief executive, adopt the amended annual service plan with such modifications as it considers appropriate.

(13) Where an education and training board fails, in any financial year, to adopt an annual service plan or amended annual service plan, as the case may be— 40

(a) under *subsection (3)*, by 1 March of that year,

(b) within the period referred to in *subsection (4)*,

(c) within the period specified under *subsection (8)*, 45

(d) within the period specified under *section 44(5)(a)*,

the Minister may direct that education and training board to submit an annual service plan or amended annual service plan, as the case may be, to him or her within such period (not exceeding 10 days from the giving of the direction) as may be specified in the direction.

5 (14) Where an education and training board fails to submit an annual service plan or amended annual service plan, as the case may be, to the Minister in accordance with a direction given under *subsection (13)*, the Minister may direct the chief executive of that education and training board to prepare and submit an annual service
10 plan or amended annual service plan, as the case may be, to him or her not later than 10 days after the service of the direction on the chief executive.

46.—(1) An education and training board may, in relation to monies standing to the credit of the board—

Deposit of monies standing to credit of education and training board.

15 (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—

20 (i) the Minister for Finance, or

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

or

30 (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 subject to the consent of, and any directions given by, the Minister for Finance.

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

(a) the Central Bank of Ireland, or

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

47.—(1) A chief executive of an education and training board may prepare and submit a proposal in writing to the board that the board should borrow by means of bank overdraft or otherwise money, including money in a currency other than the currency of the State,
45 for the purposes of carrying out the board’s functions.

Powers of borrowing.

(2) A proposal submitted to an education and training board under *subsection (1)* shall give reasons for the proposal.

(3) An education and training board may, having considered a proposal under *subsection (1)*, with the consent of—

(a) the Minister for Public Expenditure and Reform and the Minister for Finance, or

(b) the Minister acting in accordance with any requirements or directions of the Minister for Public Expenditure and Reform or the Minister for Finance, 5

accept the proposal and borrow by the means specified in the proposal for the purposes of carrying out the functions of the board.

(4) The aggregate, at any one time, of monies borrowed by an education and training board shall not exceed such amount as may be determined by— 10

(a) the Minister for Public Expenditure and Reform and the Minister for Finance, or

(b) the Minister acting in accordance with any requirements or directions of the Minister for Public Expenditure and Reform or the Minister for Finance. 15

Fees.

48.—(1) An education and training board may charge, receive and recover, for any services provided by the board, such fees as the board may, with the consent of the Minister, from time to time determine. 20

(2) The fees determined under *subsection (1)* shall be paid in the time and manner specified by an education and training board, subject to any directions of the Minister.

(3) An education and training board may provide for different fees, or exemptions from the payment of fees, or for the waiver, remission or refund of fees (in whole or in part) in different circumstances or classes of circumstances or for different cases or classes of cases and for the manner in which fees are to be disposed of. 25

(4) An education and training board may provide for the payment of reduced fees under this section having regard to the method of payment of the fees. 30

(5) An education and training board shall arrange for the publication on the internet of fees payable as soon as practicable after the fees have been determined under *subsection (1)*. 35

(6) An education and training board may recover any amount due and owing to it under this section from the person by whom it is payable as a simple contract debt in any court of competent jurisdiction.

(7) An education and training board may amend the fees determined under *subsection (1)* to take account of any change in the consumer price index since the determination of the fees for the time being in force, without the necessity for the consent of the Minister under *subsection (1)*. 40

(8) For the purposes of this section, “change in the consumer price index” means the difference between— 45

(a) the All Items Consumer Price Index Number last published by the Central Statistics Office before the date of the last determination under this section, and

5 (b) the Number last published before the date of the amendment under *subsection (7)*,

expressed as a percentage of the first-mentioned number.

10 **49.—(1)** An education and training board shall keep in such form and in respect of such accounting periods as may be approved by the Minister, with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, all proper and usual accounts of monies received or paid by it and shall keep in such form as aforesaid all such special accounts as the Minister with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform may, from time to time, direct. Accounts.

15 (2) Accounts kept in accordance with this section shall be submitted, not later than 1 April in the year immediately following the financial year to which they relate or on such earlier date as the Minister may, from time to time, specify, by an education and training board to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the accounts, and of such other (if any) accounts kept in accordance with this section as the Minister, after consultation with the Minister for Finance and the Minister for Public Expenditure and Reform, may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall, as soon as may be, cause copies thereof to be laid before each House of the Oireachtas. 20 25

50.—(1) An education and training board shall, in respect of internal audit functions, act in accordance with— Audit functions.

(a) guidelines issued and directions given by the Minister, and

30 (b) any requirements of, or directions given by, the Minister for Public Expenditure and Reform.

(2) An education and training board shall cooperate in full with any other body nominated by the Minister to carry out the internal audit function.

35

PART 7

DISSOLUTION OF BODIES

40 **51.—**In this Part, references to a “relevant education and training board”, in relation to a dissolved body, means the education and training board specified in *column (2)* of *Schedule 5* opposite the mention of the vocational education committee in *column (1)* of that Schedule. Interpretation.

52.—(1) The vocational education committees specified in *column (1)* of *Schedule 5* (each of which is referred to in this Act as a “dissolved body”) are dissolved. Dissolution of vocational education committees.

(2) This section shall come into operation on the establishment day.

Liability for loss occurring before establishment day.

53.—(1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the establishment day of the functions of a dissolved body shall on and after that day lie against the relevant education and training board and not against the dissolved body. 5

(2) Where immediately before the establishment day, any legal proceedings are pending in any court or tribunal to which a dissolved body is a party, the name of the relevant education and training board shall be substituted for that of the dissolved body and the proceedings shall not abate by reason of such substitution. 10

(3) Where, before the establishment day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates and the terms of the agreement have not been implemented, or judgement in such a claim has been given in favour of a person but has not been enforced, then the terms of the agreement or judgement, as the case may be, shall, in so far as they would have been enforceable against a dissolved body, be enforceable against the relevant education and training board and not the dissolved body. 15 20

(4) Any claim made or proper to be made by a dissolved body in respect of any loss or injury arising from the act or default of any person before the establishment day shall on and after that day be regarded as having been made by or proper to be made by the relevant education and training board and may be pursued and sued for by the relevant education and training board as if the loss or injury had been suffered by that relevant education and training board. 25

Transfer of land and other property.

54.—(1) On the establishment day, all lands that, immediately before that day, were vested in a dissolved body and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the relevant education and training board for all the estate and interest therein that, immediately before the establishment day was vested in the dissolved body, but subject to all trusts and equities affecting the lands continuing to subsist and capable of being performed. 30 35

(2) On the establishment day all property (other than land), including choses-in-action, that, immediately before that day, was vested in a dissolved body shall stand vested in the relevant education and training board without any assignment. 40

(3) Every chose-in-action vested in an education and training board by virtue of *subsection (2)* may, on and from the establishment day, be sued on, recovered or enforced by the education and training board in its own name, and it shall not be necessary for that education and training board to give notice to any person bound by the chose-in-action of the vesting effected by that subsection. 45

Transfer of staff.

55.—(1) (a) Subject to *paragraph (b)* every person who, immediately before the establishment day, was a member of the staff of a dissolved body shall, on the establishment day become and be a member of the staff of the relevant education and training board. 50

5 (b) Every person who, immediately before the establishment day, was a fixed-term employee of a dissolved body shall, on the establishment day, hold an unestablished position as a fixed-term employee of the relevant education and training board for the duration of his or her contract of employment.

10 (2) A person referred to in *subsection (1)*, other than a person to whom section 24(5) of the Act of 1998 applies, may be transferred, in accordance with procedures determined from time to time by the Minister with the consent of the Minister for Public Expenditure and Reform following consultation with recognised trade unions and staff associations representing the persons concerned, to—

(a) any other education and training board, or

15 (b) a public service body other than an education and training board.

20 (3) (a) Subject to *paragraph (b)* a person transferred in accordance with *subsection (2)* shall, in accordance with procedures determined under that subsection, become and be a member of staff of the education and training board or the public service body to which he or she is transferred.

25 (b) Every person who, immediately before the date on which he or she was transferred in accordance with *subsection (2)*, was a fixed-term employee of an education and training board shall, on that date, hold an unestablished position as a fixed-term employee of the education and training board or public service body to which he or she is transferred, for the duration of his or her contract of employment.

30 (4) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association concerned—

35 (a) a person referred to in *subsection (1)* shall not, on the establishment day, be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before the establishment day, and

40 (b) a person referred to in *subsection (2)* shall not, on the date on which he or she is transferred in accordance with that subsection, be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before the date on which he or she was so transferred.

(5) In *subsection (4)*, a reference to conditions of remuneration does not include conditions in relation to superannuation.

45 (6) In relation to a person referred to in *subsection (1)* or *(2)*, previous service with the body from which the person was transferred shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

(a) the Redundancy Payments Acts 1996 to 2011;

50 (b) the Protection of Employees (Part-Time Work) Act 2001;

- (c) the Act of 2003;
- (d) the Organisation of Working Time Act 1997;
- (e) the Terms of Employment (Information) Acts 1994 to 2012;
- (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005; 5
- (g) the Unfair Dismissals Acts 1977 to 2007;
- (h) the Maternity Protection Acts 1994 and 2004;
- (i) the Parental Leave Acts 1998 and 2006;
- (j) the Adoptive Leave Acts 1995 and 2005; 10
- (k) the Carer’s Leave Act 2001.

(7) In this section—

“Act of 2003” means the Protection of Employees (Fixed-Term Work) Act 2003;

“contract of employment” has the same meaning as it has in the Act of 2003; 15

“fixed-term employee” has the same meaning as it has in the Act of 2003;

“recognised trade union or staff association” means a trade union or staff association recognised by the Minister for the purpose of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees; 20

“unestablished position” has the same meaning as it has in the Public Service Management (Recruitment and Appointments) Act 2004.

Transfer of rights and liabilities, and continuation of leases, licences and permissions.

56.—(1) All rights and liabilities of a dissolved body arising by virtue of any contract or commitment (expressed or implied) entered into by it before the establishment day shall on that day stand transferred to the relevant education and training board. 25

(2) Every right and liability transferred by *subsection (1)* to an education and training board may, on and after the establishment day, be sued on, recovered or enforced by or against the education and training board in its own name, and it shall not be necessary for that education and training board to give notice of the transfer to the person whose right or liability is transferred by that subsection. 30

(3) Every lease, licence, wayleave or permission granted by a dissolved body in relation to land or other property vested in a relevant education and training board by or under this Act, and in force immediately before the establishment day, shall continue in force on and after that day as if granted by the relevant education and training board. 35 40

Provisions consequent upon transfer of assets and liabilities.

57.—(1) Anything commenced and not completed before the establishment day by or under the authority of a dissolved body may

be carried on or completed on or after the establishment day by the relevant education and training board.

5 (2) Every instrument made under an enactment and every document (including any certificate) granted or made by a dissolved body, shall, if and in so far as it was operative immediately before the establishment day, have effect on or after that day as if it had been granted or made by the relevant education and training board.

10 (3) Any money, stocks, shares or securities transferred by *section 54* that immediately before the establishment day were standing in the name of a dissolved body shall, on the request of the relevant education and training board, be transferred into its name.

15 (4) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the relevant education and training board under *section 54* or *56* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

20 **58.**—Each record held by a dissolved body immediately before the establishment day is on that day transferred to the relevant education and training board and is, on and from that day, held by the relevant education and training board. Records of dissolved bodies.

59.—(1) Final accounts of a dissolved body shall be prepared by the relevant education and training board in respect of the period specified under *subsection (3)*. Final accounts and final annual report of dissolved bodies.

25 (2) Each relevant education and training board shall submit the final accounts referred to in *subsection (1)* to the Comptroller and Auditor General for audit not later than the date it submits its first set of accounts to the Comptroller and Auditor General under *section 49*, and immediately after the audit, a copy of the accounts and a copy of the Comptroller and Auditor General's report on the
30 accounts shall be presented to the Minister who shall, as soon as may be, cause copies thereof to be laid before each House of the Oireachtas.

35 (3) For the purposes of *subsection (1)*, the Minister may specify a period that is longer or shorter than a financial year of the dissolved body concerned.

(4) The final annual report for a dissolved body shall be prepared by the relevant education and training board and that board shall submit the report to the Minister not later than the date it submits its first annual report to the Minister under *section 26*.

40 (5) The Minister shall, as soon as may be after receiving a final annual report under *subsection (4)*, cause copies of the report to be laid before each House of the Oireachtas.

45 (6) The final annual report of a dissolved body shall be published on the internet by the relevant education and training board as soon as practicable after copies of the report are laid under *subsection (5)*.

PART 8

MISCELLANEOUS

Repeal of section 2(1)(j) of Unfair Dismissals Act 1977. **60.**—Section 2(1)(j) (amended by section 75 of, and Part 6 of Schedule 6 to, the Health Act 2004) of the Unfair Dismissals Act 1977 is repealed. 5

Repeal of section 24(13) of Act of 1998. **61.**—Subsection 13 (amended by section 6 of the Education (Amendment) Act 2012) of section 24 of the Act of 1998 is repealed.

Transition for inquiries. **62.**—(1) An inquiry commenced but not determined under section 105 of the Act of 1930 immediately before the commencement of *section 4(1)* in so far as that commencement relates to the repeal of— 10

(a) sections 105, 106 and 107 of the Act of 1930, and

(b) sections 7 and 8 of the Act of 1944,

shall, upon the repeal of those provisions, be continued as if those provisions had not been repealed. 15

(2) Where the holder of an office under a vocational education committee stands suspended under section 7 of the Act of 1944 immediately before the commencement of *section 4(1)* in so far as the commencement relates to the repeal of—

(a) sections 104, 105 and 106 of the Act of 1930, and 20

(b) sections 7 and 8 of the Act of 1944,

then notwithstanding the repeal of those provisions, those provisions shall continue to apply to that holder of that office in so far as they relate to that suspension.

Saver (Regional Technical Colleges Act 1992 and Dublin Institute of Technology Act 1992). **63.**—Notwithstanding the repeal of sections 105, 106 and 107 of the Act of 1930, and sections 7 and 8 of the Act of 1944, by *section 4(1)*, those provisions shall continue to apply as if they had not been repealed for the purposes of— 25

(a) section 12 (amended by section 14 of the Institutes of Technology Act 2006) of the Regional Technical Colleges Act 1992, and 30

(b) section 13 (amended by section 40 of the Institutes of Technology Act 2006) of the Dublin Institute of Technology Act 1992.

Transition for scholarships. **64.**—A scholarship established by, or assisted in its establishment by, a vocational education committee under section 39 of the Act of 1930 and in existence immediately prior to the commencement of *section 4(1)* in so far as it relates to the repeal of section 39 of the Act of 1930, shall notwithstanding the repeal of that section continue in force. 35
40

Saver (Student Support Act 2011). **65.**—Nothing in this Act shall affect the operation of subsections (2) and (3) of section 6 of the Student Support Act 2011.

PART 1

ACTS REPEALED

	Number and Year (1)	Short Title (2)	Extent of Repeal (3)
5	No. 29 of 1930	Vocational Education Act 1930	The Whole Act
10	No. 50 of 1936	Vocational Education (Amendment) Act 1936	The Whole Act
	No. 9 of 1944	Vocational Education (Amendment) Act 1944	The Whole Act
15	No. 1 of 1947	Vocational Education (Amendment) Act 1947	The Whole Act
	No. 33 of 1950	Vocational Education (Amendment) Act 1950	The Whole Act
20	No. 37 of 1953	Vocational Education (Amendment) Act 1953	The Whole Act
	No. 28 of 1962	Vocational Education (Amendment) Act 1962	The Whole Act
25	No. 15 of 1970	Vocational Education (Amendment) Act 1970	The Whole Act
30	No. 23 of 2001	Vocational Education (Amendment) Act 2001	The Whole Act

PART 2

STATUTORY INSTRUMENTS REVOKED

	Number and Year (1)	Title of Instrument (2)	Extent of Revocation (3)
35	S.R.O. No. 20 of 1931	Vocational Education (Accounts, Audit and Procedure) Regulations 1931	The Whole Regulations
40	S.R.O. No. 35 of 1931	Vocational Education (Borrowing) Regulations 1931	The Whole Regulations
45	S.R.O. No. 36 of 1931	Vocational Education (Contracts) Regulations 1931	The Whole Regulations
50	S.R.O. No. 37 of 1931	Vocational Education (Expenses of Attending Conferences) Regulations 1931	The Whole Regulations

Number and Year (1)	Title of Instrument (2)	Extent of Revocation (3)	
S.R.O. No. 55 of 1931	Vocational Education (Grants) Regulations 1931	The Whole Regulations	
S.R.O. No. 58 of 1931	Vocational Education (Form of Summons) Regulations 1931	The Whole Regulations	5
S.R.O. No. 78 of 1931	Vocational Education (Acquisition of Land) Regulations 1931	The Whole Regulations	
S.R.O. No. 69 of 1932	Vocational Education (Grants) Amending Regulations 1932	The Whole Regulations	10
S.R.O. No. 85 of 1933	Vocational Education (Gaeltacht) Order 1933	The Whole Regulations	
S.R.O. No. 252 of 1934	County Donegal Vocational Education Committee (Special Provision) (Gaeltacht) Order 1934	The Whole Order	15
S.R.O. No. 253 of 1934	County Clare Vocational Education Committee (Special Provision) (Gaeltacht) Order 1934	The Whole Order	20
S.R.O. No. 320 of 1934	County Mayo Vocational Education Committee (Special Provision) (Gaeltacht) Order 1934	The Whole Order	25
S.R.O. No. 366 of 1934	Vocational Education ("Technical Education") Order 1934	The Whole Order	30
S.R.O. No. 675 of 1935	County Galway Vocational Education Committee (Special Provision) (Gaeltacht) Order 1935	The Whole Order	35
S.R.O. No. 250 of 1937	Town of Galway Vocational Education Committee (Special Provision) (Gaeltacht) Order 1937	The Whole Order	40
S.R.O. No. 118 of 1938	Vocational Education Act 1930 (Requisition For Birth Certificates) Regulations 1938	The Whole Regulations	45
S.R.O. No. 173 of 1938	County Cork Vocational Education Committee (Special Provision) (Gaeltacht) Order 1938	The Whole Order	50
S.R.O. No. 386 of 1939	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939	The Whole Regulations	55
S.R.O. No. 341 of 1941	Vocational Education Act 1930 (Grants Under Section 53) Regulations 1941	The Whole Regulations	60

	Number and Year (1)	Title of Instrument (2)	Extent of Revocation (3)
5	S.R.O. No. 153 of 1945	Vocational Education Act 1930 (Sections 44 and 46) Regulations 1945	The Whole Regulations
10	S.I. No. 104 of 1948	Vocational Education (Expenses of Attending Conferences) Regulations 1931 (Amendment) Regulations 1948	The Whole Regulations
15	S.I. No. 74 of 1949	Vocational Education Act 1930 (Extension of Technical Education) Order 1949	The Whole Order
20	S.I. No. 318 of 1953	Vocational Education Act 1930 (Requisitions For Birth Certificates) (Amendment) Regulations 1953	The Whole Regulations
25	S.I. No. 372 of 1953	County Kerry Vocational Education Committee (Special Provision) (Gaeltacht) Order 1953	The Whole Order
30	S.I. No. 8 of 1955	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1955	The Whole Regulations
35	S.I. No. 56 of 1958	Vocational Education Committees (Age Limit For Officers) Declaration 1958	The Whole Declaration
40	S.I. No. 203 of 1958	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1958	The Whole Regulations
45	S.I. No. 69 of 1960	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1960	The Whole Regulations
50	S.I. No. 275 of 1961	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1961	The Whole Regulations
55	S.I. No. 114 of 1963	Vocational Education Committees (Allowances to Members) Rules 1963	The Whole Rules
60	S.I. No. 226 of 1964	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1964	The Whole Rules

Number and Year (1)	Title of Instrument (2)	Extent of Revocation (3)	
S.I. No. 234 of 1964	Vocational Education (Contracts) (Amendment) Regulations 1964	The Whole Regulations	
S.I. No. 209 of 1965	Vocational Education (Borrowing) (Amendment) Regulations 1965	The Whole Regulations	5
S.I. No. 287 of 1966	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1966	The Whole Regulations	10
S.I. No. 3 of 1969	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1969	The Whole Rules	15
S.I. No. 313 of 1972	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1972	The Whole Rules	20
S.I. No. 151 of 1975	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1975	The Whole Rules	25
S.I. No. 284 of 1976	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1976	The Whole Rules	30
S.I. No. 20 of 1978	Vocational Education (Contracts) (Amendment) Regulations 1978	The Whole Rules	35
S.I. No. 23 of 1978	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1978	The Whole Regulations	40
S.I. No. 114 of 1980	Na Rialacha i dtaobh Coistí Gairm- Oideachais (Liúntais do Chomhaltaí) (Leasú) 1980	The Whole Regulations	45
S.I. No. 133 of 1981	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1981	The Whole Regulations	50
S.I. No. 68 of 1982	Na Rialacha i dtaobh Coistí Gairm- Oideachais (Liúntais do Chomhaltaí) (Leasú) 1982	The Whole Regulations	55
			60

	Number and Year (1)	Title of Instrument (2)	Extent of Revocation (3)
5	S.I. No. 69 of 1982	Na Rialacháin Ghairmoideachais (Conarthaí) (Leasú) 1982	The Whole Rules
10	S.I. No. 60 of 1984	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1984	The Whole Rules
15	S.I. No. 234 of 1990	Na Rialacha i dtaobh Coistí Gairm-Oideachais (Liúntais do Chomhaltáí) (Leasú) 1990	The Whole Rules
20	S.I. No. 205 of 1996	Vocational Education Committees (Filling of Casual Vacancies) Regulations 1996	The Whole Regulations
25	S.I. No. 171 of 1998	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1998	The Whole Rules
30	S.I. No. 207 of 1999	County Dublin Vocational Education Committee (Membership) Regulations 1999	The Whole Regulations
35	S.I. No. 382 of 2004	Vocational Education Committees (Allowances to Members) (Amendment) Rules 2004	The Whole Rules
40	S.I. No. 924 of 2004	Composition of Vocational Education Committee Regulations 2004	The Whole Regulations
45	S.I. No. 260 of 2005	County Dublin Vocational Education Committee (Membership) Order 2004	The Whole Order

SCHEDULE 2

EDUCATION AND TRAINING BOARDS AND EDUCATION AND TRAINING BOARD AREAS

Education and training board (1)	Education and training board area (2)	
Cork Education and Training Board	City of Cork and County Cork	5
City of Dublin Education and Training Board	City of Dublin	
Galway and Roscommon Education and Training Board	City of Galway, County Galway and County Roscommon	10
Limerick and Clare Education and Training Board	City of Limerick, County Limerick and County Clare	
Cavan and Monaghan Education and Training Board	County Cavan and County Monaghan	
Donegal Education and Training Board	County Donegal	15
Dublin and Dun Laoghaire Education and Training Board	Dun Laoghaire-Rathdown, Fingal and South Dublin	
Kerry Education and Training Board	County Kerry	
Kildare and Wicklow Education and Training Board	County Kildare and County Wicklow	20
Kilkenny and Carlow Education and Training Board	County Kilkenny and County Carlow	
Laois and Offaly Education and Training Board	County Laois and County Offaly	
Longford and Westmeath Education and Training Board	County Longford and County Westmeath	25
Louth and Meath Education and Training Board	County Louth and County Meath	
Mayo, Sligo and Leitrim Education and Training Board	County Mayo, County Sligo and County Leitrim	30
Tipperary Education and Training Board	Tipperary North and Tipperary South	
Waterford and Wexford Education and Training Board	City of Waterford, County Waterford and County Wexford	

EDUCATION AND TRAINING BOARDS

- 5 1. (1) An education and training board shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the Minister for Public Expenditure and Reform, have power to acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property.
- 10 (2) The seal of an education and training board shall be authenticated by—
- (a) the signature of the chairperson and the signature of a member of staff of the board authorised in writing for that purpose by the board, or
- 15 (b) the signature of the chief executive and the signature of a member of staff of the board authorised in writing for that purpose by the board.
- (3) Judicial notice shall be taken of the seal of the board and any document purporting to be an instrument made by, and sealed with the seal of, the board shall, unless the contrary is shown, be received in evidence and taken to be such an instrument without further proof.
- 20 2. (1) Subject to the provisions of this paragraph and *section 29* every education and training board shall hold such and so many meetings, at such times, and in such places as it thinks proper.
- 25 (2) Every education and training board shall hold at least one meeting in every 2 months other than the months of July, August and September.
- 30 (3) Every education and training board shall hold at least one meeting during the period commencing on the 1st day of July and ending on the 30th day of September in every year.
3. (1) Every education and training board shall elect one of its members to be the chairperson of such board.
- 35 (2) Whenever the office of chairperson of an education and training board becomes vacant through the death, resignation or disqualification of the chairperson, such board shall, at its next meeting after the occurrence of such vacancy, elect one of its members to be the chairperson of such board.
- 40 (3) Every person elected to be the chairperson of an education and training board shall, unless he or she sooner dies, resigns, or becomes disqualified, hold office as such chairperson until the commencement of the next post election meeting of such board after the meeting at which he or she is so elected.
- 45 (4) The chairperson of an education and training board may at any time resign his or her office by letter addressed to the chief executive and every such resignation shall, unless previously

withdrawn in writing, take effect at the commencement of the meeting of such board held next after the receipt of such resignation by the chairperson.

- (5) Whenever the chairperson of an education and training board ceases during his or her term of office as such chairperson to be a member of such board he or she shall also cease to be chairperson of the board. 5
- (6) Whenever, at an election of the chairperson of an education and training board, there is an equality of votes for 2 or more persons, it shall be determined by lot which of those members shall be chairperson. 10
4. (1) An education and training board may at any time, if it so thinks fit, elect one of its members to be the deputy chairperson of such education and training board.
- (2) The provisions of this Act which apply to the chairperson of an education and training board shall apply to any deputy chairperson of the board while he or she is acting as chairperson in like manner as such provisions apply in respect of that chairperson. 15
5. (1) The quorum for a meeting of an education and training board shall be 12. 20
- (2) At a meeting of an education and training board:
- (a) the chairperson of such board shall, if he or she is present, be the chairperson of the meeting;
- (b) if the chairperson of such board is not present or if the office of chairperson is vacant, the deputy chairperson (if any) of such board shall, if he or she is present, be the chairperson of the meeting; 25
- (c) if the chairperson of such board is not present or the office of chairperson is vacant and there is no deputy chairperson of such board or the deputy chairperson is not present, the members of the board who are present shall choose one of their number to be the chairperson of the meeting. 30
- (3) Every question at a meeting of an education and training board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes the chairperson of the meeting shall be given a second or casting vote save where the question is the election of the chairperson of the board. 40
- (4) Subject to *subparagraph (1)*, an education and training board may act notwithstanding one or more vacancies amongst its members.
- (5) Subject to the provisions of this Act every education and training board shall regulate, by standing orders or otherwise, the procedure to be observed and the business to be transacted at its meetings. 45
6. Subject to *paragraph 9(1)*, the acts, decisions and proceedings of an education and training board shall not be invalidated by reason

only of a vacancy or vacancies in its membership or of the disqualification or want of qualification of any of its members.

- 5 7. Whenever a meeting of an education and training board is abandoned owing to failure to obtain a quorum, the names of the members attending at the time and place appointed for such meeting shall be recorded and they shall, for all purposes, be deemed to have attended a duly constituted meeting.
8. (1) A chief executive of an education and training board has the right, in relation to meetings of that board—
- 10 (a) to attend and speak at those meetings, and
- (b) to take part in discussions,
- but shall not be entitled to vote on any question which is decided by a vote of the members of that board.
- 15 (2) The chief executive shall, in so far as it is not inconsistent with the due performance of his or her functions, attend any meeting of the board where he or she is requested to attend.
9. (1) Every education and training board shall ensure that minutes of each meeting of the board are prepared.
- 20 (2) The minutes of a meeting shall be submitted for confirmation as an accurate record at the next meeting of the board.
- (3) When confirmed, with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting at which they were submitted for confirmation.
- 25 (4) Every education and training board shall keep all such registers and records as shall be prescribed and all such registers and records shall be open to inspection at all reasonable times by a person authorised by the Minister for that purpose.
- (5) Every education and training board shall make to the Minister such reports and returns and furnish to the Minister such information as he or she may from time to time require.
- 30 10. (1) *Subparagraph (2)* applies where at a meeting of an education and training board any of the following matters arise, namely—
- (a) an arrangement to which the board is a party,
- 35 (b) an arrangement to which the board proposes to become a party,
- (c) a contract or other agreement with the board, or
- (d) a proposed contract or other agreement with the board.
- (2) Any member of the board present at the meeting referred to in *subparagraph (1)* who has a pecuniary interest or other beneficial interest in, or material to, the matter concerned shall—
- 40 (a) disclose to the board at the meeting the fact of that interest and its nature,

- (b) not influence (or seek to influence) a decision to be made in relation to the matter,
 - (c) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed,
 - (d) take no part in any deliberation of the board relating to the matter, and 5
 - (e) not vote on a decision relating to the matter.
- (3) Where an interest is disclosed pursuant to this paragraph, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member of the board by whom the disclosure is made shall not be counted in the quorum for the meeting. 10
- (4) Where at a meeting of the board a question arises as to whether or not a course of conduct, if pursued by a member of the board, would constitute a failure by him or her to comply with the requirements of *subparagraph (2)*, the question may, subject to *subparagraph (5)*, be determined by the chairperson of the meeting, whose decision shall be final, and where the question is so determined, particulars of the determination shall be recorded in the minutes of the meeting. 15 20
- (5) Where, at a meeting of the board, the chairperson of the meeting is the member in respect of whom a question to which *subparagraph (4)* applies falls to be determined, then—
- (a) the deputy chairperson (if any) of the board, or 25
 - (b) if there is no deputy chairperson of the board or the deputy chairperson is not present, such other member of the board as the other members of the board attending the meeting shall choose, shall be chairperson of the meeting for the purpose of determining the question concerned. 30
11. *Paragraph 13* shall apply to a member of a committee established under *section 42* or *43* where the member is not also a member of an education and training board and for the purposes of that application— 35
- (a) a reference to a member of an education and training board shall be construed as a reference to a member of the committee, and
 - (b) a reference to an education and training board shall be construed as a reference to the committee. 40
12. (1) Where a member of staff of an education and training board, otherwise than in his or her capacity as such member, has a pecuniary interest or other beneficial interest in, or material to, any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the board is a party, that person shall— 45
- (a) disclose to the board concerned his or her interest and the nature thereof,

- (b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the board or members of staff of the board or committee, as the case may be, in relation to it, or
- 5 (c) not influence, or seek to influence, a decision to be made in the matter or make any recommendation in relation to the contract, agreement or arrangement.
- (2) A reference in *subparagraph (1)* to a contract does not include a contract or proposed contract of employment of a member of staff of the education and training board.
- 10
13. (1) A person shall not disclose confidential information obtained by him or her while performing functions as—
- (a) a member, or member of the staff of, or an adviser or consultant to, an education and training board, or a member of staff of such an adviser or consultant, or
- 15 (b) a member of a committee established under *section 42* or *43*,
- unless he or she is authorised to do so by the board.
- (2) A person who contravenes *subparagraph (1)* shall be guilty of an offence.
- 20 (3) Nothing in this paragraph shall prevent the disclosure of information—
- (a) in a report made to an education and training board,
- (b) by or on behalf of the board to the Minister,
- 25 (c) by a member of an education and training board to the Minister, or
- (d) by a person in the circumstances referred to in *section 35(2)* of the Ethics in Public Office Act 1995.
- (4) In this paragraph “confidential information” includes—
- 30 (a) information that is expressed by the education and training board to be confidential either as regards particular information or as regards information of a particular class or description, and
- (b) proposals of a commercial nature or tenders submitted to an education and training board by contractors, consultants or any other person.
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SCHEDULE 4

COMPOSITION OF EDUCATION AND TRAINING BOARDS

Education and Training Board (1)	Local Authority (2)	
Cork Education and Training Board	Cork City Council Cork County Council	5
City of Dublin Education and Training Board	Dublin City Council	
Galway and Roscommon Education and Training Board	Galway City Council Galway County Council Roscommon County Council	10
Limerick and Clare Education and Training Board	Limerick City Council Limerick County Council Clare County Council	
Cavan and Monaghan Education and Training Board	Cavan County Council Monaghan County Council	15
Donegal Education and Training Board	Donegal County Council	
Dublin and Dun Laoghaire Education and Training Board	Dun Laoghaire-Rathdown County Council Fingal County Council South Dublin County Council	20
Kerry Education and Training Board	Kerry County Council	
Kildare and Wicklow Education and Training Board	Kildare County Council Wicklow County Council	
Kilkenny and Carlow Education and Training Board	Kilkenny County Council Carlow County Council	25
Laois and Offaly Education and Training Board	Laois County Council Offaly County Council	
Longford and Westmeath Education and Training Board	Longford County Council Westmeath County Council	30
Louth and Meath Education and Training Board	Louth County Council Meath County Council	
Mayo, Sligo and Leitrim Education and Training Board	Mayo County Council Sligo County Council Leitrim County Council	35
Tipperary Education and Training Board	Tipperary South County Council Tipperary North County Council	
Waterford and Wexford Education and Training Board	Waterford City Council Waterford County Council Wexford County Council	40

SCHEDULE 5

Section 51

RELEVANT EDUCATION AND TRAINING BOARDS

	Vocational Education Committee (1)	Education and Training Board (2)
5	City of Dublin Vocational Education Committee	City of Dublin Education and Training Board
	County Donegal Vocational Education Committee	Donegal Education and Training Board
10	County Kerry Vocational Education Committee	Kerry Education and Training Board
	City of Cork Vocational Education Committee	Cork Education and Training Board
	County Cork Vocational Education Committee	
15	City of Galway Vocational Education Committee	Galway and Roscommon Education and Training Board
	County Galway Vocational Education Committee	
20	County Roscommon Vocational Education Committee	
	City of Limerick Vocational Education Committee	Limerick and Clare Education and Training Board
	County Limerick Vocational Education Committee	
25	County Clare Vocational Education Committee	
	County Cavan Vocational Education Committee	Cavan and Monaghan Education and Training Board
30	County Monaghan Vocational Education Committee	
	County Dublin Vocational Education Committee	Dublin and Dun Laoghaire Education and Training Board
	Dun Laoghaire Vocational Education Committee	
35	County Kildare Vocational Education Committee	Kildare and Wicklow Education and Training Board
	County Wicklow Vocational Education Committee	
40	County Kilkenny Vocational Education Committee	Kilkenny and Carlow Education and Training Board
	County Carlow Vocational Education Committee	
	County Laois Vocational Education Committee	Laois and Offaly Education and Training Board
45	County Offaly Vocational Education Committee	
	County Longford Vocational Education Committee	Longford and Westmeath Education and Training Board
50	County Westmeath Vocational Education Committee	

Vocational Education Committee (1)	Education and Training Board (2)	
County Louth Vocational Education Committee	Louth and Meath Education and Training Board	
County Meath Vocational Education Committee		
County Mayo Vocational Education Committee	Mayo, Sligo and Leitrim Education and Training Board	5
County Sligo Vocational Education Committee		
County Leitrim Vocational Education Committee		10
Tipperary North Riding Vocational Education Committee	Tipperary Education and Training Board	
Tipperary South Riding Vocational Education Committee		
City of Waterford Vocational Education Committee	Waterford and Wexford Education and Training Board	15
County Waterford Vocational Education Committee		
County Wexford Vocational Education Committee		20