



Number 11 of 2013

EDUCATION AND TRAINING BOARDS ACT 2013

REVISED

Updated to 4 April 2019

This Revised Act is an administrative consolidation of the *Education and Training Boards Act 2013*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Sea-Fisheries (Amendment) Act 2019* (9/2019), enacted 4 April 2019, and all statutory instruments up to and including *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2019* (S.I. No. 142 of 2019), made 4 April 2019, were considered in the preparation of this revision.

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EDUCATION AND TRAINING BOARDS ACT 2013

REVISED

Updated to 4 April 2019

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 EDUCATION 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 TRAINING BOARDS; TO PROVIDE FOR THE REPEAL OF THE VOCATIONAL EDUCATION ACTS 1930 TO 2006, THE AMENDMENT OF THE UNFAIR DISMISSALS ACT 1977, THE NATIONAL DEVELOPMENT FINANCE AGENCY ACT 2002 AND THE EDUCATION ACT 1998, THE REVOCATION OF CERTAIN STATUTORY INSTRUMENTS AND THE CONSEQUENTIAL AMENDMENT OF CERTAIN OTHER ENACTMENTS; AND TO PROVIDE FOR RELATED MATTERS.

[8th May, 2013]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement.

1.— (1) This Act may be cited as the Education and Training Boards Act 2013.

(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 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 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.

Annotations**Editorial Notes:**

E1 Power pursuant to subs. (1) exercised (24.06.2013 and 1.07.2013) by *Education and Training Boards Act 2013 (Commencement) Order 2013* (S.I. No. 211 of 2013).

3. The 24th day of June 2013 is appointed as the day on which—

(a) sections 1, 2, 3 and 8, and

(b) subsections (3), (4), (5) and (6) of section 14

of the Act of 2013 shall come into operation.

4. The 1st day of July 2013 is appointed as the day on which the Act of 2013, other than the provisions specified in paragraphs (a) and (b) of Article 3, shall come into operation.

Interpretation.

2.— In this Act—

“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](#);

“annual service plan” has the meaning assigned to it by [section 47](#) and includes an amended annual service plan;

“audit committee” has the meaning assigned to it by [section 45](#);

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

“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](#);

“dissolved body” shall be construed in accordance with [section 55](#);

“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](#);

“Education and Training Boards Ireland” means the association established to collectively represent education and training boards and promote their interests, which is recognised by the Minister for the purposes of this Act;

“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;

“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](#);

“finance committee” has the meaning assigned to it by [section 45](#);

“functional area” shall be construed in accordance with [section 9](#);

“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;

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

“post election meeting” has the meaning assigned to it by [section 31](#);

“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 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

(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 27](#);

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

“vocational education committee” means a vocational education committee established under section 7 of the Act of 1930.

Regulations and orders.

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

(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—

(a) apply in respect of all education and training boards or such education and training boards or classes of education and training boards as are specified in the regulation or order, and

(b) contain different provisions in relation to different education and training boards or to different parts of an education and training board area.

(4) Every order (other than an order under [section 1\(2\)](#), [section 8](#) or [section 43\(3\)](#)) 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 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.

Annotations**Editorial Notes:**

- E2** Power pursuant to section exercised (4.04.2019) by *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2019* (S.I. No. 142 of 2019).
- E3** Power pursuant to section exercised (6.06.2014) by *Education and Training Boards Act 2013 (Election of Staff) Regulations 2014* (S.I. No. 270 of 2014).
- E4** Previous affecting provision: power pursuant to section exercised (6.06.2014) by *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2014* (S.I. No. 271 of 2014); revoked (4.04.2019) by *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2019* (S.I. No. 142 of 2019), reg. 9.

Repeals and
revocations.

4.— (1) Each Act specified in *columns (2) and (3)* of *Part 1* of *Schedule 1* is repealed to the extent specified in *column (4)* of that Part.

(2) Each statutory instrument specified in *columns (1) and (2)* of *Part 2* of *Schedule 1* is revoked to the extent specified in *column (3)* of that Part.

Expenses.

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.

Service of
documents.

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:

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

(2) For the 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.

Offences.

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.

PART 2

EDUCATION AND TRAINING BOARDS

Establishment
day.

8.— The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Annotations**Editorial Notes:**

E5 Power pursuant to section exercised (1.07.2013) by *Education and Training Boards Act 2013 (Establishment Day) Order 2013* (S.I. No. 212 of 2013).

2. The 1st day of July 2013 is appointed as the establishment day for the purposes of the Education and Training Boards Act 2013 (No. 11 of 2013).

Establishment of
education and
training boards.

9.— (1) There shall stand established on the establishment day the education and training boards (each of which shall be known as an education and training board) specified in *column (1)* of *Schedule 2* for the education and training board areas specified in *column (2)* of that Schedule opposite the reference in *column (1)*.

(2) An education and training board established under *subsection (1)* shall, subject to *subsection (3)*, be known by the name specified in *column (1)* of *Schedule 2*.

(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.

(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)*.

(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 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 be construed in accordance with *section 54*.

Functions of
education and
training boards.

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

(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 20*—

(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,

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

- (i) recognised schools or centres for education maintained by it,
 - (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) enter into arrangements with, and provide support services to, education or training providers, in accordance with [section 22](#),
- (e) establish scholarships in accordance with [section 24](#),
- (f) adopt a strategy statement in accordance with [section 27](#),
- (g) adopt an annual service plan in accordance with [section 47](#),
- (h) cooperate with any body nominated to carry out the internal audit functions under [section 52](#),
- (i) 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,
- (j) 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, and
- (k) assess whether the manner in which it performs its functions is economical, efficient and effective.
- (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,
 - (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, education or training facilities or facilities maintained by other public service bodies where the board provides education or training,
 - (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,
 - (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,
 - (f) members of its staff,
 - (g) bodies representative of business, industry and employers,

(h) 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

(i) 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.

(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.

(5) The Minister may request Education and Training Boards Ireland to—

(a) make representations on behalf of an education and training board in respect of its functions,

(b) conduct surveys in respect of information sought by the Minister in respect of the performance of functions by education and training boards, and

(c) give such assistance to an education and training board as the Minister considers necessary for the effective discharge of its functions.

(6) In this section “youth work” has the same meaning as it has in the [Youth Work Act 2001](#).

Conferral of additional functions on education and training boards.

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.

(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.

Reserved functions.

12.— (1) Every education and training board shall, subject to [sections 44](#) and [45](#), perform by resolution of its members, such of its functions as are declared by or under this Act to be reserved functions.

(2) Each of the following are reserved functions:

(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](#);

(d) the establishment of a scholarship under [section 24](#);

(e) the giving of an opinion under [section 27\(4\)\(h\)](#) and the adoption (with or without modifications) of a strategy statement under [section 27](#);

(f) the adoption of an annual report under [section 28](#);

(g) the acceptance of gifts or being constituted as a trustee under [section 29](#);

(h) a decision to authorise the attendance by a member at a conference, seminar, meeting or event under [section 38](#);

(i) in relation to a committee established under *section 44*—

- (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 47*;

(k) the power to borrow money under *section 49*;

(l) the keeping of accounts in accordance with *section 51*;

(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
- (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;

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.

(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.

(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.

(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.

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—

(a) in accordance with procedures determined by the Minister following consultation with the Minister for Public Expenditure and Reform, and

(b) with the consent of the Minister.

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

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

(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.

(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 31(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.

(7) Subject to *subsections (8) and (9)*, 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.

(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.

(9) The Minister may direct an education and training board to arrange for the secondment of the chief executive of its board to—

(a) another education and training board, or

(b) another public service body.

(10) An education and training board shall comply with a direction under *subsection (9)*.

Functions of chief executive.

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

(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.

(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.

(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—

- (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,
- (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.

(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 by
board.

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

- (a) for stated misbehaviour, or
- (b) where it appears necessary to the board for the effective performance by the board of its functions.

(2) Where an education and training board intends to propose a resolution to suspend the chief executive of that board for any of the reasons set out in *subsection (1)*, a notice of intention to propose the resolution shall be served on the chief executive and each member of the board concerned.

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

- (a) be signed by not less than half of the members of the board concerned,
- (b) state the reasons for the proposed suspension,
- (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.

(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 three quarters of the members of the board concerned to vote in favour of the resolution.

(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.

(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.

(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”).

(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—

- (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.

(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,
- (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
- (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.

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

Suspension and
removal of chief
executive by
Minister.

18.— (1) The Minister may, subject to this section, suspend a chief executive of an education and training board—

- (a) for stated misbehaviour, or
- (b) where it appears necessary to the Minister for the effective performance by the board of its functions.

(2) Where the Minister proposes to suspend a chief executive of an education and training board for any of the reasons set out in *subsection (1)*, a notice of intention

to suspend the chief executive shall be served by the Minister on the chief executive and on each member of the board concerned.

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

(a) state the reasons for the proposed suspension, and

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

(4) The Minister may, having considered any statements submitted under *paragraph (b)* of *subsection (3)*, suspend the chief executive of the education and training board from such date as may be specified by the Minister.

(5) The Minister shall notify the chief executive and the board concerned of his or her decision as soon as practicable after the decision is made.

(6) The Minister shall, within 21 days of any decision to suspend a chief executive under *subsection (4)*, appoint a board of 3 persons having knowledge of, or experience in, education, human resources or management (in this section referred to as an “advisory board”).

(7) The Minister shall nominate one of the 3 persons appointed to the advisory board to be the chairperson of that board.

(8) An advisory board shall, within 21 days of being appointed, having considered the notice of intention to suspend, any statement submitted to the Minister under *paragraph (b)* of *subsection (3)* and the decision of the Minister, submit a report to the Minister containing its recommendations as to—

(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 board thinks appropriate in the circumstances.

(9) Upon consideration of a report submitted under *subsection (8)*, 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,

(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

(c) remove the chief executive from office.

(10) The Minister shall notify the education and training board and the chief executive concerned of his or her decision under *subsection (9)* and the date from which such decision is to take effect.

(11) An advisory board appointed under this section shall be independent in the performance of its functions.

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

Staff.

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

(a) in accordance with procedures determined by the Minister following consultation with the Minister for Public Expenditure and Reform, and

(b) with the consent of the Minister,

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.

(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.

(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.**20.—** The Minister may give a direction to an education and training board to—

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

(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

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

Joint
performance of
functions of
education and
training boards.**21.—** (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 the education and training boards concerned to the Minister whose decision thereon shall be final.(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.

(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—

(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 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.

(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)*.

(7) Where the Minister gives a direction to 2 or more education and training boards under this section, the Minister may request Education and Training Boards Ireland 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.

Cooperation by
education and
training boards
with education or
training
providers.

22.— (1) An education and training board may, with the consent of the Minister, enter into an arrangement with an education or training provider for the joint performance of any of the functions of the board, subject to such terms and conditions as may be agreed by the board and the provider.

(2) Without prejudice to the generality of *subsection (1)*, but subject to *section 53* and any regulations made under that section, an arrangement under *subsection (1)* may relate to the acquisition, holding, management, maintenance, development (including project management of such development) and disposal of land, or any interest in land.

(3) The Minister may, at the request of an education or training provider, direct an education and training board to perform any of its functions jointly with that provider, subject to such terms and conditions as may be specified in the direction.

(4) An education and training board may, at the request of an education or training provider, with the consent of the Minister and subject to such terms and conditions as may be agreed by the board and the provider, provide support services to the education or training provider.

(5) The Minister may, at the request of an education or training provider, direct an education and training board to provide support services to the education or training provider, subject to such terms and conditions as may be specified in the direction.

(6) The Minister may request Education and Training Boards Ireland to give such assistance to an education and training board as he or she considers necessary for the implementation of a direction under this section.

(7) An education and training board shall comply with a direction under this section.

(8) The Minister shall, in deciding whether or not to give a direction or his or her consent under this section, have regard to—

- (a) the existing provision of, and future need for, education and training in the area in which the education or training provider is situated,
- (b) the desirability of providing a diverse range of education and training opportunities for students and learners,
- (c) the optimum use of available resources,
- (d) the desirability of securing value for money in respect of arrangements entered into or support services provided under this section,
- (e) the availability of expertise, experience and skills in the education and training board and education or training provider concerned,

(f) the capacity of the education and training board concerned to enter into arrangements or provide support services under this section, and

(g) the opportunity to share resources, expertise, experience and skills for the benefit of students or learners.

(9) In this section, “support services” includes—

(a) the holding, management, maintenance or development of land,

(b) project management,

(c) the giving of assistance in relation to the purchase or procurement of goods and services,

(d) human resources,

(e) financial services,

(f) legal services,

(g) information and communications technology, and

(h) corporate governance.

Function of
education and
training board
performed
outside
functional area.

23.— (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.

(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—

(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) 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.

(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.

24.— (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.

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

- (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,
- (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)*—

- (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.

Accountability of
chief executive to
Public Accounts
Committee.

25.— (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—

- (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,
- (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
- (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 laid before Dáil Éireann.

(2) The chief executive of an education and training board shall give evidence to the Committee referred to in *subsection (1)*, whenever required to do so by that Committee, in respect of any of the following matters insofar as they relate to a dissolved body for which the board is the relevant education and training board—

- (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 dissolved body was required by the [Vocational Education \(Amendment\) Act 2001](#) to prepare,
- (b) the economy and efficiency of the dissolved body in the use of its resources,
- (c) the systems, procedures and practices employed by the dissolved body for the purpose of evaluating the effectiveness of its operations, and

- (d) any matter affecting the dissolved body 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 laid before Dáil Éireann.

(3) 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.

(4) In this section, “relevant education and training board” shall be construed in accordance with **section 54**.

Accountability of
chief executive to
other Oireachtas
committees.

26.— (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.

(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.

(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.

(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—

- (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

- (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 25** or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee.

Strategy
statement.

27.— (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,

(g) bodies representative of business, industry and employers, and

(h) 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
 - (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.

Annual report.

28.— (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.

(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 29(4)* and such other particulars as it considers appropriate or as the Minister may direct.

(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.

29.— (1) Where a person—

- (a) makes an offer of a gift of money, land or other property to an education and training board, or
- (b) requests the board to act as a trustee of any trust or charity,

the chief executive of that board shall, within one month of the offer or request being made, prepare and submit a proposal to the board setting out his or her observations on the offer or request, as the case may be, and his or her recommendation as to whether the board should accept the gift or agree to act as a trustee, as the case may be.

(2) Subject to *subsection (3)*, an education and training board may having considered any relevant observations and recommendations of the chief executive of the board—

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

(i) act as a trustee of any trust or charity, or

(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

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

(3) An education and training board shall not act as 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.

(4) An education and training board shall include in each report prepared under *section 28*, 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 training board concerned during the period to which the report relates.

(5) In *subsection (4)* "details" means—

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

(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

Composition of
education and
training boards.

30.— (1) Subject to *section 9(5)*, each education and training board shall consist of 21 members and shall comprise—

(a) 12 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)*;

(b) 2 members who are members of staff of the education and training board elected in accordance with regulations made under *subsection (7)*;

(c) 2 members appointed in accordance with *subsection (10)*, 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;

(d) 5 members appointed in accordance with *subsection (11)*.

(2) 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 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 12.

(3) Where—

- (a) 3 local authorities are mentioned in *column (2)* of *Schedule 4* opposite mention of an education and training board in *column (1)* of that Schedule an order under *subsection (2)* shall specify that at least 3 members of that education and training board shall be elected by each of the local authorities concerned, and
- (b) 2 local authorities are mentioned in *column (2)* of *Schedule 4* opposite mention of an education and training board in *column (1)* of that Schedule an order under *subsection (2)* shall specify that at least 4 members of that education and training board shall be elected by each of the local authorities concerned.
- (4) Subject to *subsection (3)*, when making an order under *subsection (2)*, the Minister shall have regard to the population, at the time the order is made, of each local authority referred to in the order.
- (5) The Minister shall make regulations for the conduct of elections for the purposes of *subsection (1)(a)* and the regulations may provide—
- (a) for 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
- (b) that, as far as practicable, a minimum number of women and a minimum number of men shall be elected from each local authority.
- (6) When making regulations under *subsection (5)*, the Minister shall have regard to the objective that at least 40 per cent of members elected under *subsection (1)(a)* shall be women and at least 40 per cent shall be men.
- (7) Subject to *subsections (8)* and *(9)*, the Minister shall make regulations for the conduct of elections for the purposes of *subsection (1)(b)*.
- (8) The Minister shall consult with Education and Training Boards Ireland and recognised trade unions and staff associations representing members of the staff of education and training boards prior to making regulations under *subsection (7)*.
- (9) Without prejudice to the generality of *subsection (7)*, regulations under that subsection may provide for—
- (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
- (b) the establishment, following the election, of a panel from which casual vacancies may be filled.
- (10)(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.
- (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.
- (c) Where more than one national association of parents is specified under *paragraph (b)*, the members referred to in *paragraphs (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.

(11)(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—

- (i) at least one of whom shall be a body representative of business, industry and employers,
- (ii) at least one of whom shall be a body representative of learners, and
- (iii) at least one of whom shall be a body established for the purpose of representing the interests of persons engaged in the management of, or leadership in, recognised schools,

and each specified body shall nominate one man and one woman who reside within the functional area of the education and training board concerned, for appointment to that board.

(b) The members referred to in *paragraphs (a), (b) and (c) of subsection (1)* shall appoint 5 members to the education and training board from among the persons nominated under *paragraph (a)*—

- (i) at least one of whom shall have been nominated by a body referred to in *subparagraph (i) of that paragraph*,
- (ii) at least one of whom shall have been nominated by a body referred to in *subparagraph (ii) of that paragraph*, and
- (iii) at least one of whom shall have been nominated by a body referred to in *subparagraph (iii) of that paragraph*.

(c) The members appointed in accordance with *paragraph (b)* shall reside within the functional area of the education and training board and shall include at least 2 men and at least 2 women.

(12) In this section—

“population” means the population ascertained by the Central Statistics Office in the most recent census report published by that office setting out the final result of a census of population of the State (whether or not that is the most recent such census of population);

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

Annotations

Editorial Notes:

- E6** Number of members to be elected by each local authority to the corresponding education and training board pursuant to subs. (2) specified (6.06.2014) by *Education and Training Boards Act 2013 (Composition of Local Authority Membership) Order 2014* (S.I. No. 272 of 2014).
- E7** Procedures to be used by local authorities to elect members to education and training boards pursuant to subs. (5) and having regard to subs. (6) specified (6.06.2014) by *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2014* (S.I. No. 271 of 2014).
- E8** Procedures for the conduct of elections of members of staff to education and training boards prescribed pursuant to subs. (7) (6.06.2014) by *Education and Training Boards Act 2013 (Election of Staff) Regulations 2014* (S.I. No. 270 of 2014).

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

31.— (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 30* to so elect.

(2) Every education and training board shall, subject to *subsection (3)*, in every election year, appoint a date for the first meeting of the board after the local elections concerned (in this Act referred to as a “post election meeting”).

(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.

(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.

(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 30(1)* shall—

(i) for the purpose of *subsection (1)(c)* of that section, appoint 2 members in accordance with *subsection (10)* of that section, and

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

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

(6) The term of office of every member of an education and training board referred to in *paragraphs (a), (b) and (c) of section 30(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 30(1)* shall—

(i) appoint 5 members in accordance with *section 30(11)(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.

(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.

Eligibility for membership of an education and training board.

32.— (1) Subject to this section and *section 34*, 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.

(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.

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

Annotations

Editorial Notes:

- E9** Power pursuant to subs. (2) exercised (4.04.2019) by *Education and Training Boards Act 2013 (Section 32) Order 2019* (S.I. No. 141 of 2019).
- E10** Previous affecting provision: power pursuant to subs. (2) exercised (6.06.2014) by *Education and Training Boards Act 2013 (Section 32) Order 2014* (S.I. No. 269 of 2014); revoked (4.04.2019) by *Education and Training Boards Act 2013 (Section 32) Order 2019* (S.I. No. 141 of 2019), art. 3.

Cesser of
membership.

33.— (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 34](#) or where—

- (a) in the case of a person elected under [section 30\(1\)\(a\)](#), he or she ceases for any reason, to be a member of a local authority,
- (b) in the case of a person elected in accordance with regulations made under [section 30\(7\)](#), 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
- (c) in the case of a person appointed under [section 30\(1\)\(c\)](#), and subject to [subsection \(2\)](#), he or she ceases to be the parent of—
 - (i) any child who has not reached 18 years of age and is registered as a student in a centre for education or recognised school, or
 - (ii) 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.

(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—

- (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—

- (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.

(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.

Disqualification
from membership
of an education
and training
board.

34.— (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—

- (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,
 - (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,
 - (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,
 - (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,
 - (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,
 - (k) is convicted of, or has had a conviction confirmed on appeal for an offence under *section 35(1)*, *section 38(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,
- 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,

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.

35.— (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.

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

Resignation from
membership.

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

(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.

(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.

(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.

(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.

(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.

(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

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

Casual vacancies. **37.—** (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—

- (a) referred to in *section 30(1)(a)*, by a person elected by the local authority whose member occasioned the vacancy,
- (b) referred to in *section 30(1)(b)*, by a person in accordance with regulations made under *subsection (7)* of that section,
- (c) referred to in *section 30(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 30(1)(d)*, by a person—
 - (i) nominated under *section 30(11)(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.

(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 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.

Expenses of
members.

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

(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;
- (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;
- (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;

- (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
- (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—

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

(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)*.

(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.

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

(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

Policy directions
of Minister.

39.— (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.

(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)*.

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

(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.

Report on
operation of
education and
training board.

40.— (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.

(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.

(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.

(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.

(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.

(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—

(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.

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

41.— (1) Where, on consideration of a report submitted to him or her under *section 40(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—

(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)*.

(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—

(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.

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

(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.

(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.

Transfer of
functions of
education and
training boards.

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

(a) any direction given by the Minister to the board under *section 41* has not been complied with, or

(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.

(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

(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.

(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.

(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.

(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.

Removal of
members from
office.

43.— (1) Where—

- (a) the Minister is satisfied that an education and training board has failed to comply with a direction under *section 41*,
- (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 51(2)*,

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.

(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.

(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.

(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 in accordance with *subsection (7)*.

(6) An order under *subsection (3)* shall specify a date, being not more than 12 months from the date of the order, for the purposes of *section 31* as modified by *subsection (7)*.

(7) Where an order is made under *subsection (3)*, *section 31* shall apply to the election and appointment of new members to the education and training board concerned subject to the following modifications—

(a) in *subsection (1)*—

- (i) by deleting “in every election year,” and
- (ii) by substituting “the date specified by the Minister by order under *section 43(6)*” for “the local elections concerned”,

(b) in *subsection (2)*—

- (i) by substituting “The Minister” for “Every education and training board”,
 - (ii) by deleting “in every election year,”, and
 - (iii) by substituting “the date specified by the Minister by order under *section 43(6)*” for “the local elections concerned”,
- and
- (c) in *subsection (3)* by substituting “the date specified by the Minister by order under *section 43(6)*” for “the date of the local elections concerned”.

PART 5

COMMITTEES OF EDUCATION AND TRAINING BOARDS

Committees. **44.—** (1) Subject to *section 45*, an education and training board may establish committees to—

- (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,

and may determine the terms of reference and regulate the procedure 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 *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 30(1)(b)*, shall not be a member of a committee of that board.

(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 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 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 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 *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

(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—

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

(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

(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—

(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,

(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

(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)*.

(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.

(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.

(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.

(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,

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 Minister otherwise directs.

(19) Notwithstanding the repeal of the *Vocational Education (Amendment) Act 2001* by *section 4(1)*, a subcommittee established under subsection (1) or pursuant to a direction under subsection (3) of section 31 of that Act, which immediately before the establishment day performs any of the functions referred to in *paragraph (a)* or *(b)* of *subsection (11)* shall continue in being on and after the establishment day as if—

(a) in the case of a subcommittee established under subsection (1) of section 31 of that Act, it were a committee established by the relevant education and training board under *subsection (1)*, or

(b) in the case of a subcommittee established pursuant to a direction under subsection (3) of section 31 of that Act, it were a committee established by the relevant education and training board under *subsection (7)*,

and the provisions of this Act shall apply to the subcommittee accordingly.

(20) In this section “relevant education and training board” has the same meaning as it has in *section 54*.

Finance
committee and
audit committee.

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

(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

(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—

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

(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 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.

(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.

(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.

PART 6

FINANCE

Expenditure limit. **46.**— (1) The Minister shall, as soon as practicable in each financial year, by notice in writing, inform each education and training board of—

(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.

(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.

(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.

(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.

(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.

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

(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.

Annual service
plan.

47.— (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 46(1)(a)*, within one month of receipt of such notification, prepare and submit to the board a plan setting out—

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

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

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.

(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.

(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 46(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.

(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

(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.

(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.

(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.

(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 46(1)(b)*.

(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 46(5)(a)*.

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

(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—

(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)*,

(d) within the period specified under *section 46(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.

(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 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.

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

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

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

(i) the Minister for Finance, or

(ii) in circumstances where the function conferred on the Minister 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 of that Act, the National Treasury Management Agency,

or

- (b) deposit any such monies with a credit institution on such terms and conditions (including terms and conditions relating to the payment of interest) as it may agree with the credit institution concerned subject to 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 Supervision of Credit Institutions) Regulations 1992 ([S.I. No. 395 of 1992](#)), authorised and approved by—

- (a) the Central Bank of Ireland, or
- (b) the competent authority (within the meaning of those Regulations) of a Member State of the European Union other than the State.

Powers of
borrowing.

49.— (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, for the purposes of carrying out the board’s functions.

(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 the Minister, and having regard to any directions of the Minister for Public Expenditure and Reform or the Minister for Finance, 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—

- (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.

Fees.

50.— (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.

(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.

(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.

(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)*.

(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)*.

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

(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

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

expressed as a percentage of the first-mentioned number.

Accounts.

51.— (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 expended 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.

(2) Accounts kept in accordance with this section shall be submitted, not later than 1 April in the year immediately following the accounting period to which they relate or on such other 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.

Audit functions.

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

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

(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.

Acquisition, holding or disposal of land.

53.— (1) An education and training board shall provide such information to the Minister in respect of any acquisition, holding or disposal of land, or an interest in land, by the board as the Minister may specify from time to time.

(2) The Minister may give a direction to an education and training board to acquire, hold or dispose of land, or an interest in land, where he or she considers it necessary having regard to the interests of the local community within the functional area of the board and the public interest in ensuring value for money.

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

(4) 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 (3)*.

(5) The Minister shall consider any representations made under *subsection (4)* prior to giving a direction under *subsection (2)*.

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

(7) All moneys received by an education and training board on the sale or other disposal of land or any interest in land may be recovered by the Minister and where not recovered by the Minister shall be applied towards such purposes as the Minister determines.

(8) The Minister may make regulations in relation to the acquisition, holding or disposal of land or an interest in land by education and training boards.

(9) Without prejudice to the generality of *subsection (8)*, regulations made under that subsection may—

- (a) require an education and training board to manage, maintain or develop land or an interest in land, including the project management of such development,
- (b) require an education and training board to obtain an independent valuation of any land or interest in land in respect of a proposed acquisition or disposal of such land,
- (c) require an education and training board to set a reserve price in respect of a proposed disposal of land having regard to any independent valuation obtained,
- (d) specify the method by which land or an interest in land held by an education and training board shall be advertised, offered for sale or otherwise disposed of,
- (e) require an education and training board to ensure that costs, including professional fees, incurred in relation to the acquisition, holding or disposal of land or an interest in land are minimised,
- (f) specify the maximum term of a lease or licence which may be entered into by an education and training board which shall not require the consent of the Minister,
- (g) specify a maximum value for any transaction in relation to the acquisition or disposal of land, or an interest in land, which may be entered into by an education and training board above which the consent of the Minister shall be required, and
- (h) require an education and training board to keep such records as may be specified in respect of any acquisition, holding or disposal of land or an interest in land.

PART 7

DISSOLUTION OF BODIES

Interpretation.

54.— 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.

Dissolution of
vocational
education
committees.

55.— (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.

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

Liability for loss
occurring before
establishment
day.

56.— (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.

(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.

(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.

(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.

Transfer of land
and other
property.

57.— (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.

(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.

(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.

Transfer of staff.

58.— (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.

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

(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

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

- (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.

- (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, become and be 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.

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

- (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

- (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.

(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;
- (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;
- (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;

(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;

“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.

Superannuation. **59.—** (1) A person referred to in [section 58\(1\)](#) who, immediately before the establishment day, was a member of a relevant superannuation scheme shall, on the establishment day, continue to be a member of such scheme in accordance with its terms and conditions.

(2) A pensionable public servant who—

(a) is not a member of the Single Public Service Pension Scheme, and

(b) is appointed under [section 19](#) to be a member of staff of an education and training board,

shall, on his or her appointment to the education and training board concerned, become and be a member of a relevant superannuation scheme in accordance with its terms and conditions.

(3) Nothing in this section prevents a relevant superannuation scheme being varied in accordance with its terms and conditions.

(4) In this section—

“pensionable public servant” shall be construed in accordance with Part 2 of the [Public Service Pensions \(Single Scheme and Other Provisions\) Act 2012](#);

“relevant superannuation scheme” means—

(a) in the case of a person employed as a teacher, the Vocational Teachers' Superannuation Schemes within the meaning of Article 3(5) of the Vocational Education Superannuation Schemes (Transfer of Departmental Administration and Ministerial Functions) Order 1998 ([S.I. No. 362 of 1998](#)), and

(b) in the case of all other members of staff, the Education Sector Superannuation Scheme, within the meaning of Article 3(4) of the Education Sector Superannuation Scheme (Transfer of Departmental Administration and Ministerial Functions) Order 2001 ([S.I. No. 14 of 2001](#)).

Transfer of rights and liabilities, and continuation of leases, licences and permissions. **60.—** (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.

(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.

(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.

Provisions
consequent upon
transfer of assets
and liabilities.

61.— (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.

(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.

(3) Any money, stocks, shares or securities transferred by *section 57* 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.

(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 57* or *60* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Records of
dissolved bodies.

62.— 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.

Accounts and
final annual
report of
dissolved bodies.

63.— (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)*.

(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 51*, and immediately after the audit, a copy of the accounts 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.

(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) Any accounts of a dissolved body, other than the final accounts, which on the establishment day have not been submitted to the Comptroller and Auditor General for audit, shall be prepared and submitted by the relevant education and training board not later than 3 months after the establishment day.

(5) Immediately after the relevant education and training board receives a copy of the accounts submitted under *subsection (4)* duly audited and a copy of the Comptroller and Auditor General's report, the board shall present a copy of the accounts and a copy of the report to the Minister who shall, as soon as may be, cause copies thereof to be laid before each House of the Oireachtas.

(6) 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 28*.

(7) The Minister shall, as soon as may be after receiving a final annual report under *subsection (6)*, cause copies of the report to be laid before each House of the Oireachtas.

(8) 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 (7)*.

PART 8

MISCELLANEOUS

Repeal of section 2(1)(j) of Unfair Dismissals Act 1977.

64.— 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.

Repeal of section 24(13) of Act of 1998.

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

Amendment of section 13 of Act of 1998.

66.— Section 13 of the Act of 1998 is amended by inserting the following subsection after subsection (12):

“(12A) A person who obstructs or interferes with an inspector in the course of exercising a power conferred on the inspector by this section or impedes the exercise by the inspector of such a power commits an offence and is liable—

(a) on summary conviction to a Class A fine, or

(b) on conviction on indictment, to a fine not exceeding €100,000.”.

Transition for membership.

67.— (1) Notwithstanding the repeal by *section 4(1)* of section 2 of the Act of 1944, that section shall apply as if it had not been repealed in respect of a person who is a member of an education and training board pursuant to *section 9(5)* for the period beginning on the establishment day and ending on the date of the next post election meeting of that board.

(2) *Sections 34* and *37* shall not apply to a person referred to in *subsection (1)* for the period specified in that subsection.

(3) Where a person becomes a member of an education and training board pursuant to *section 9(5)* and the person dies, resigns, ceases to be qualified for office or ceases to hold office during a period beginning on the establishment day and ending on the date of the next post election meeting, the casual vacancy arising shall be filled—

(a) in the case of a vacancy occasioned by a member who was elected by a local authority, by a person elected by the local authority concerned,

(b) in the case of a vacancy occasioned by a member who was appointed by a local authority, by a person appointed by the local authority concerned, or

(c) in the case of any other vacancy, in accordance with directions given by the Minister.

(4) A person who becomes a member of an education and training board under *subsection (3)* shall, subject to this Act, hold office for the period ending on the date of the next post election meeting of that board.

Transition for
inquiries.

68.— (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—

(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.

(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

(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).

69.— 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—

(a) F1[...]

(b) F2[...]

Annotations

Amendments:

F1 Repealed (24.04.2018) by *Technological Universities Act 2018* (3/2018), s. 87(1)(b), S.I. No. 124 of 2018.

F2 Repealed (24.04.2018) by *Technological Universities Act 2018* (3/2018), s. 72(1)(b), S.I. No. 124 of 2018.

Transition for
scholarships.

70.— 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.

Saver (Student
Support Act
2011).

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

Consequential
amendments to
other Acts.

72.— (1) The Acts specified in *columns (2) and (3)* of *Schedule 6* are amended to the extent specified in *column (4)* of that Schedule.

(2) Subject to this Act, references (however expressed) to a vocational education committee in any Act passed before the establishment day, or in any instrument made before that day under an Act, shall be read as references to an education and training board, unless the context otherwise requires.

PART 9

AMENDMENT OF NATIONAL DEVELOPMENT FINANCE AGENCY ACT 2002

Amendment of
National
Development
Finance Agency
Act 2002.

73. — F3[...]

Annotations

Amendments:

F3 Repealed (27.01.2015) by *National Treasury Management Agency (Amendment) Act 2014 (23/2014)*, s. 5(1) and sch. 1 part 10, S.I. No. 22 of 2015, art. 2(a)(vii).

Section 4.

SCHEDULE 1

PART 1

ACTS REPEALED

Item (1)	Number and Year (2)	Short Title (3)	Extent of Repeal (4)
1	No. 29 of 1930	Vocational Education Act 1930	The Whole Act
2	No. 42 of 1935	Local Authorities (Mutual Assurance) Act 1935	Section 2
3	No. 50 of 1936	Vocational Education (Amendment) Act 1936	The Whole Act
4	No. 9 of 1944	Vocational Education (Amendment) Act 1944	The Whole Act
5	No. 24 of 1946	Local Government Act 1946	The reference to “vocational education committee” in subsection (7) of section 68
6	No. 1 of 1947	Vocational Education (Amendment) Act 1947	The Whole Act
7	No. 33 of 1950	Vocational Education (Amendment) Act 1950	The Whole Act
8	No. 37 of 1953	Vocational Education (Amendment) Act 1953	The Whole Act
9	No. 28 of 1962	Vocational Education (Amendment) Act 1962	The Whole Act
10	No. 15 of 1970	Vocational Education (Amendment) Act 1970	The Whole Act
11	No. 31 of 1993	Local Government (Dublin) Act 1993	Section 19
12	No. 20 of 1999	Regional Technical Colleges (Amendment) Act 1999	Section 12
13	No. 23 of 2001	Vocational Education (Amendment) Act 2001	The Whole Act, other than section 36
14	No. 37 of 2001	Local Government Act 2001	Section 29(2)

PART 2

STATUTORY INSTRUMENTS REVOKED

Number and Year (1)	Title of Instrument (2)	Extent of Revocation (3)
S.R.O. No. 20 of 1931	Vocational Education (Accounts, Audit and Procedure) Regulations 1931	The Whole Regulations

S.R.O. No. 35 of 1931	Vocational Education (Borrowing) Regulations 1931	The Whole Regulations
S.R.O. No. 36 of 1931	Vocational Education (Contracts) Regulations 1931	The Whole Regulations
S.R.O. No. 37 of 1931	Vocational Education (Expenses of Attending Conferences) Regulations 1931	The Whole Regulations
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
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
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
S.R.O. No. 253 of 1934	County Clare Vocational Education Committee (Special Provision) (Gaeltacht) Order 1934	The Whole Order
S.R.O. No. 320 of 1934	County Mayo Vocational Education Committee (Special Provision) (Gaeltacht) Order 1934	The Whole Order
S.R.O. No. 366 of 1934	Vocational Education (“Technical Education”) Order 1934	The Whole Order
S.R.O. No. 675 of 1935	County Galway Vocational Education Committee (Special Provision) (Gaeltacht) Order 1935	The Whole Order
S.R.O. No. 250 of 1937	Town of Galway Vocational Education Committee (Special Provision) (Gaeltacht) Order 1937	The Whole Order
S.R.O. No. 118 of 1938	Vocational Education Act 1930 (Requisition For Birth Certificates) Regulations 1938	The Whole Regulations
S.R.O. No. 173 of 1938	County Cork Vocational Education Committee (Special Provision) (Gaeltacht) Order 1938	The Whole Order

S.R.O. No. 386 of 1939	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939	The Whole Regulations
S.R.O. No. 341 of 1941	Vocational Education Act 1930 (Grants Under Section 53) Regulations 1941	The Whole Regulations
S.R.O. No. 153 of 1945	Vocational Education Act 1930 (Sections 44 and 46) Regulations 1945	The Whole Regulations
S.I. No. 104 of 1948	Vocational Education (Expenses of Attending Conferences) Regulations 1931 (Amendment) Regulations 1948	The Whole Regulations
S.I. No. 74 of 1949	Vocational Education Act 1930 (Extension of Technical Education) Order 1949	The Whole Order
S.I. No. 318 of 1953	Vocational Education Act 1930 (Requisitions For Birth Certificates) (Amendment) Regulations 1953	The Whole Regulations
S.I. No. 372 of 1953	County Kerry Vocational Education Committee (Special Provision) (Gaeltacht) Order 1953	The Whole Order
S.I. No. 8 of 1955	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1955	The Whole Regulations
S.I. No. 56 of 1958	Vocational Education Committees (Age Limit For Officers) Declaration 1958	The Whole Declaration
S.I. No. 203 of 1958	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1958	The Whole Regulations
S.I. No. 69 of 1960	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1960	The Whole Regulations
S.I. No. 275 of 1961	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1961	The Whole Regulations
S.I. No. 114 of 1963	Vocational Education Committees (Allowances to Members) Rules 1963	The Whole Rules
S.I. No. 226 of 1964	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1964	The Whole Rules

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
S.I. No. 287 of 1966	Vocational Education Act 1930 (Grants Under Section 109) Regulations 1939 (Amendment) Regulations 1966	The Whole Regulations
S.I. No. 3 of 1969	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1969	The Whole Rules
S.I. No. 313 of 1972	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1972	The Whole Rules
S.I. No. 151 of 1975	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1975	The Whole Rules
S.I. No. 284 of 1976	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1976	The Whole Rules
S.I. No. 20 of 1978	Vocational Education (Contracts) (Amendment) Regulations 1978	The Whole Regulations
S.I. No. 23 of 1978	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1978	The Whole Rules
S.I. No. 114 of 1980	Na Rialacha i dtaobh Coistí Gairm-Oideachais (Liúntais do Chomhaltaí) (Leasú) 1980	The Whole Regulations
S.I. No. 133 of 1981	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1981	The Whole Regulations
S.I. No. 68 of 1982	Na Rialacha i dtaobh Coistí Gairm-Oideachais (Liúntais do Chomhaltaí) (Leasú) 1982	The Whole Rules
S.I. No. 69 of 1982	Na Rialacháin Ghairmoideachais (Conarthaí) (Leasú) 1982	The Whole Rules
S.I. No. 60 of 1984	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1984	The Whole Rules
S.I. No. 234 of 1990	Na Rialacha i dtaobh Coistí Gairm-Oideachais (Liúntais do Chomhaltaí) (Leasú) 1990	The Whole Rules

S.I. No. 205 of 1996	Vocational Education Committees (Filling of Casual Vacancies) Regulations 1996	The Whole Regulations
S.I. No. 171 of 1998	Vocational Education Committees (Allowances to Members) (Amendment) Rules 1998	The Whole Rules
S.I. No. 207 of 1999	County Dublin Vocational Education Committee (Membership) Regulations 1999	The Whole Regulations
S.I. No. 382 of 2004	Vocational Education Committees (Allowances to Members) (Amendment) Rules 2004	The Whole Rules
S.I. No. 924 of 2004	Composition of Vocational Education Committee Regulations 2004	The Whole Regulations
S.I. No. 260 of 2005	County Dublin Vocational Education Committee (Membership) Order 2004	The Whole Order

Section 9.

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
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
Limerick and Clare Education and Training Board	F4[Limerick City and County and County Clare]
Cavan and Monaghan Education and Training Board	County Cavan and County Monaghan
Donegal Education and Training Board	County Donegal
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
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
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
Tipperary Education and Training Board	F4[County Tipperary]
Waterford and Wexford Education and Training Board	F4[Waterford City and County]

Annotations**Amendments:**

- F4** Substituted (1.06.2014) by the *Local Government Reform Act 2014* (1/2014), s. 5(8) and sch. 2 part 6, S.I. No. 214 of 2014.

Section 9.**SCHEDULE 3****EDUCATION AND TRAINING BOARDS**

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, subject to [section 53](#) and any regulations made under that section, with the consent of the Minister, 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.

(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
- (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.

2.(1)Subject to the provisions of this paragraph and [section 31](#) every education and training board shall hold such and so many meetings, at such times, and in such places as it thinks proper.

(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.

(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.

(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.

(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.

(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.

(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.

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.

5.(1) The quorum for a meeting of an education and training board shall be 12.

(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;

(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.

(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.

(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.

6. Subject to *paragraph 5(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.

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—

- (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.

(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.

(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.

(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.

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,
- (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—

- (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
- (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.

(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.

(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
- (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.

11. *Paragraph 13* shall apply to a member of a committee established under *section 44* or *45* where the member is not also a member of an education and training board and for the purposes of that application—

- (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.

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—

- (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
- (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.

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
- (b) a member of a committee established under *section 44* or *45*,

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.

(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,
- (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—

- (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.

Section 30.

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
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
Limerick and Clare Education and Training Board	F5[Limerick City and County Council] Clare County Council
Cavan and Monaghan Education and Training Board	Cavan County Council Monaghan County Council
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
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
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
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
Tipperary Education and Training Board	F5[Tipperary County Council]
Waterford and Wexford Education and Training Board	F5[Waterford City and County Council] Wexford County Council

Annotations**Amendments:**

- F5** Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(8) and sch. 2 part 6, S.I. No. 214 of 2014.

Modifications (not altering text):

- C1** References to “a county council or a city council” and “a county council and a city council” construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 9(2)-(3), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas**9....**

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and

(b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

*Section 54.***SCHEDULE 5****RELEVANT EDUCATION AND TRAINING BOARDS**

Vocational Education Committee (1)	Education and Training Board (2)
City of Dublin Vocational Education Committee	City of Dublin Education and Training Board
County Donegal Vocational Education Committee	Donegal Education and Training Board
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	
City of Galway Vocational Education Committee	Galway and Roscommon Education and Training Board
County Galway Vocational Education Committee	
County Roscommon Vocational Education Committee	
City of Limerick Vocational Education Committee	Limerick and Clare Education and Training Board
County Limerick Vocational Education Committee	
County Clare Vocational Education Committee	
County Cavan Vocational Education Committee	Cavan and Monaghan Education and Training Board
County Monaghan Vocational Education Committee	
County Dublin Vocational Education Committee	Dublin and Dun Laoghaire Education and Training Board
Dun Laoghaire Vocational Education Committee	
County Kildare Vocational Education Committee	Kildare and Wicklow Education and Training Board
County Wicklow Vocational Education Committee	
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
County Offaly Vocational Education Committee	
County Longford Vocational Education Committee	Longford and Westmeath Education and Training Board
County Westmeath Vocational Education Committee	
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
County Sligo Vocational Education Committee	
County Leitrim Vocational Education Committee	
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
County Waterford Vocational Education Committee	
County Wexford Vocational Education Committee	

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
1	No. 18 of 1954	Defence Act 1954	Section 104: In subsection (1)(a) to substitute “an education and training board” for “a vocational education committee”.
2	No. 24 of 1963	Superannuation and Pensions Act 1963	Section 1: In the definition of “local authority” to substitute the following paragraph for paragraph (b): “(b) an education and training board,”.
3	No. 5 of 1967	Industrial Training Act 1967	Section 32: In subsection (1)— (a) to substitute “an education and training board” for “a vocational education committee”, and (b) to substitute “the education and training board” for “the vocational education committee”. In subsection (2) to substitute “an education and training board” for “a vocational education committee”.
4	No. 21 of 1967	Redundancy Payments Act 1967	Section 2: In subsection (1), in the definition of “employee” (amended by section 3(b) of the Redundancy Payments Act 2003) to substitute “education and training board” for “vocational education committee” in both places where it occurs.
5	No. 14 of 1969	Industrial Relations Act 1969	Section 9: In subsection (1)(e) to substitute “an education and training board” for “a vocational education committee”. In subsection (1)(f) to substitute “recognised” for “national, secondary, vocational or comprehensive school or in any similar”.
6	No. 11 of 1976	Family Law (Maintenance of Spouses and Children) Act 1976	Section 16: In subsection (1) to substitute “an education and training board” for “a vocational education committee established by the Vocational Education Act, 1930 ”.
7	No. 8 of 1980	Local Government (Superannuation) Act 1980	Section 1: In the definition of “local authority” to substitute the following paragraph for paragraph (b): “(b) an education and training board,”.

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>Section 10:</p> <p>In subsection (3) to substitute “an education and training board” for “a vocational education committee”.</p>
8	No. 19 of 1990	Industrial Relations Act 1990	<p>Section 23:</p> <p>In subsection (1) to substitute the following paragraph for paragraph (e):</p> <p>“(e) a member of staff of an education and training board, or”.</p> <p>In subsection (2)(c) to substitute “an education and training board” for “a vocational education committee”.</p>
9	No. 25 of 1990	Pensions Act 1990	<p>Section 2:</p> <p>In subsection (1), in the definition of “employee” (inserted by section 6 of the Pensions (Amendment) Act 2002)—</p> <p>(a) to substitute “a member of staff of an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “or board” for “, board or committee”.</p> <p>Section 65:</p> <p>In subsection (2)(b) (amended by section 22 of the Social Welfare (Miscellaneous Provisions) Act 2004)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
10	No. 25 of 1991	Payment of Wages Act 1991	<p>Section 1:</p> <p>In subsection (1) in the definition of “employee”—</p> <p>(a) to substitute “a member of staff of an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
11	No. 15 of 1992	Dublin Institute of Technology Act 1992	<p>Section 2:</p> <p>In subsection (1)—</p> <p>(a) to delete the definition of “the Vocational Education Committee”, and</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>(b) to insert the following definition:</p> <p>“ ‘Education and Training Board’ means City of Dublin Education and Training Board;”.</p> <p>Section 6:</p> <p>In subsection (5)(a) to substitute “Education and Training Board” for “Vocational Education Committee”.</p> <p>Second Schedule:</p> <p>In paragraph 3—</p> <p>(a) to substitute “Education and Training Board” for “Vocational Education Committee” in each place it occurs, and</p> <p>(b) to substitute “on the recommendation of the Board” for “on the recommendation of the Committee”.</p> <p>In paragraph 9(b) to substitute “Education and Training Board” for “Vocational Education Committee”.</p>
12	No. 16 of 1992	Regional Technical Colleges Act 1992	<p>Section 2:</p> <p>In subsection (1)—</p> <p>(a) to insert the following definitions:</p> <p>“ ‘education and training board’ in relation to a college, means the education and training board in whose education and training board area the college is situated;</p> <p>‘education and training board area’ has the same meaning as it has in the <i>Education and Training Boards Act 2013</i>;”,</p> <p>and</p> <p>(b) to delete the definition of “the vocational education committee”.</p> <p>Section 6:</p> <p>In subsection (6)(a) to substitute “education and training board” for “vocational education committee”.</p> <p>First Schedule:</p> <p>To delete column (2) of the Table.</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>Second Schedule:</p> <p>In paragraph 3 to substitute “education and training board” for “vocational education committee” in each place it occurs.</p> <p>In paragraph 9(b) to substitute “education and training board” for “vocational education committee”.</p>
13	No. 8 of 1993	Comptroller and Auditor General (Amendment) Act 1993	<p>Section 7:</p> <p>In subsection (1) to substitute “education and training boards” for “vocational education committees”.</p> <p>In subsection (2)(b) to substitute “board” for “committee” in both places where it occurs.</p> <p>In subsection (3)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “board” for “committee” in each place where it occurs.</p> <p>In subsection (4)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) in paragraph (b), to substitute “board” for “committee”.</p> <p>In subsection (5) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (6)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “board” for “committee” in both places where it occurs.</p>
14	No. 2 of 1994	Criminal Justice (Public Order) Act 1994	<p>Section 19A (inserted by section 24 of the Housing (Miscellaneous Provisions) Act 2002):</p> <p>In subsection (1), in the definition of “statutory body” to substitute the following paragraph for paragraph (f):</p> <p>“(f) an education and training board,”.</p>
15	No. 5 of 1994	Terms of Employment (Information) Act 1994	Section 1:

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In subsection (1), in the definition of “employee”—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
16	No. 29 of 1994	Regional Technical Colleges (Amendment) Act 1994	<p>In the Act, to substitute “education and training board” for “vocational education committee” in each place where it occurs.</p> <p>Section 4:</p> <p>In subsection (1)—</p> <p>(a) in paragraph (b) to substitute “other boards” for “other committees”, and</p> <p>(b) in paragraph (g), to substitute “that board” for “that committee”.</p>
17	No. 31 of 1994	Dublin Institute of Technology (Amendment) Act 1994	<p>In the Act, to substitute “City of Dublin Education and Training board” for “Vocational Education Committee” in each place where it occurs.</p> <p>Section 4:</p> <p>In subsection (1)(g) to substitute “that board” for “that Committee”.</p>
18	No. 34 of 1994	Maternity Protection Act 1994	<p>Section 2:</p> <p>In subsection (2)(b)—</p> <p>(a) to substitute “a member of staff of an education and training board” for “a vocational education committee” and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
19	No. 2 of 1995	Adoptive Leave Act 1995	<p>Section 2:</p> <p>In subsection (2)(b)—</p> <p>(a) to substitute “a member of staff of an education and training board” for “a vocational education committee” and,</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
20	No. 16 of 1996	Protection of Young Persons (Employment) Act 1996	<p>Section 1:</p> <p>In subsection (1) in the definition of “employee”—</p> <p>(a) to substitute “a member of staff of an education and training</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			board" for "a vocational education committee" and, (b) to substitute "or board" for "board or committee".
21	No. 11 of 1997	National Cultural Institutions Act 1997	Second Schedule (amended by Article 2 of the National Cultural Institutions Act 1997 (Amendment to Second Schedule) Order 2002 (S.I. No. 640 of 2002)): To substitute "Cork Education and Training Board" for "city of Cork Vocational Education Committee".
22	No. 20 of 1997	Organisation of Working Time Act 1997	Section 2: In subsection (1) in the definition of "employee"— (a) to substitute "a member of staff of an education and training board" for "vocational education committee" and, (b) to substitute "or board" for "board or committee".
23	No. 31 of 1997	Prompt Payment of Accounts Act 1997	Schedule: To substitute "Education and training boards" for "Vocational Education Committees".
24	No. 39 of 1997	Taxes Consolidation Act 1997	Section 4: In subsection (1), in the definition of "company" to substitute the following paragraph for paragraph (c): "(c) an education and training board,". Section 214: In subsection (2), to substitute the following paragraph for paragraph (c): "(c) an education and training board,". Section 787A (inserted by section 4(1)(d)(v) of the Pensions (Amendment) Act 2002): In subsection (1) in the definition of "employee"— (a) to substitute "a member of staff of an education and training board" for "vocational education committee", and (b) to substitute "or board" for "board or committee". Schedule 13: To substitute the following paragraph for paragraph 17:

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>"17. An education and training board."</p> <p>Schedule 15:</p> <p>To substitute the following paragraph for paragraph 8:</p> <p>"8. An education and training board."</p>
25	No. 21 of 1998	Employment Equality Act 1998	<p>Section 2:</p> <p>In subsection (3)(b)—</p> <p>(a) to substitute "member of staff of an education and training board" for "vocational education committee", and</p> <p>(b) to substitute "or board" for "board or committee".</p> <p>Section 36:</p> <p>In subsection (1) to substitute "or a health board or a member of staff of an education and training board" for "a health board or vocational education committee".</p>
26	No. 30 of 1998	Parental Leave Act 1998	<p>Section 2:</p> <p>In subsection (1), in the definition of "employee"—</p> <p>(a) to substitute "a member of staff of an education and training board" for "vocational education committee", and,</p> <p>(b) to substitute "or board" for "board or committee".</p>
27	No. 51 of 1998	Education Act 1998	<p>Section 2:</p> <p>In subsection (1) to delete the definition of "vocational education committee".</p> <p>Section 8:</p> <p>In subsection (4) to substitute "an education and training board, that board" for "a vocational education committee that committee".</p> <p>Section 14:</p> <p>In subsection (2) to substitute "an education and training board" for "a vocational education committee".</p> <p>Section 18:</p> <p>In subsection (1), to substitute "an education and training board" for "a vocational education committee".</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>Section 24 (amended by section 6 of the Education (Amendment) Act 2012):</p> <p>In subsection (5)(b)(ii) to substitute “education and training board” for “vocational education committee”.</p> <p>In subsection (7)—</p> <p>(a) in paragraph (a) to substitute “education and training board” for “vocational education committee”, and</p> <p>(b) in paragraph (b) to substitute “an education and training board, provide the Minister or education and training board” for “a vocational education committee, provide the Minister or vocational education committee”.</p> <p>Section 29:</p> <p>In subsection (9)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “the education and training board” for “the vocational education committee”.</p> <p>In subsection (10) to substitute “education and training boards” for “vocational education committees” in each place where it occurs.</p>
28	No. 6 of 1999	Irish Sports Council Act 1999	<p>Section 2:</p> <p>In subsection (1), in the definition of “public authority” to substitute the following paragraph for paragraph (c):</p> <p>“(c) an education and training board,”.</p>
29	No. 5 of 2000	National Minimum Wage Act 2000	<p>Section 2:</p> <p>In subsection (2)—</p> <p>(a) to substitute “or of a health board, or a member of staff of an education and training board” for “, health board or vocational education committee”, and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
30	No. 22 of 2000	Education (Welfare) Act 2000	Section 2:

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In subsection (1) to delete the definition of “vocational education committee”.</p> <p>Section 12:</p> <p>In subsection (2) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (6) to substitute the following for paragraph (h):</p> <p>“(h) an education and training board;”.</p>
31	No. 30 of 2000	Planning and Development Act 2000	<p>Second Schedule:</p> <p>In paragraph 5(1) to substitute the following paragraph for paragraph (f):</p> <p>“(f) an education and training board;”.</p>
32	No. 39 of 2000	National Treasury Management Agency (Amendment) Act 2000	<p>Section 18:</p> <p>In the definition of “designated body” to substitute the following paragraph for paragraph (b):</p> <p>“(b) an education and training board;”.</p>
33	No. 8 of 2001	Teaching Council Act 2001	<p>Section 42:</p> <p>In subsection (1)(a) to substitute “<i>Education and Training Boards Act 2013</i>” for “<i>Vocational Education Acts, 1930 to 1999</i>”.</p> <p>In subsection (5)(b)(ii) to delete “, or the Vocational Education Acts, 1930 to 1999, as the case may be,”.</p>
34	No. 18 of 2001	Sex Offenders Act 2001	<p>Section 25:</p> <p>In subsection (1) in the definition of “State work or a service” (amended by section 75 of and Schedule 6 to the <i>Health Act 2004</i>) to substitute the following paragraph for paragraph (d):</p> <p>“(d) is an officer or servant of a harbour authority or a member of staff of an education and training board;”.</p>
35	No. 19 of 2001	Carer’s Leave Act 2001	<p>Section 2:</p> <p>In subsection (1), in the definition of “employee”—</p> <p>(a) to substitute “or health board, or a member of staff of an education and training board” for “, health board or vocational education committee” and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
36	No. 24 of 2001	Children Act 2001	<p>Section 159A (inserted by section 147 of the Criminal Justice Act 2006):</p> <p>In subsection (1) to delete the definition of “vocational education committee”.</p> <p>In subsection (3) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (4) to substitute “education and training board” for “vocational education committee”.</p>
37	No. 37 of 2001	Local Government Act 2001	<p>Section 220:</p> <p>In subsection (1), in the definition of “linked body” to substitute “an education and training board” for “a vocational education committee”.</p> <p>Schedule 10:</p> <p>In paragraph 18—</p> <p>(a) in subparagraph (3)(c) to substitute “an education and training board” for “a vocational education committee within the meaning of the Vocational Education Act, 1930”, and</p> <p>(b) in subparagraph (4)(b) to substitute “an education and training board” for “a vocational education committee”.</p> <p>Schedule 12:</p> <p>In Part 2 to delete “Vocational Education Acts, 1930 to 2001” and substitute “<i>Education and Training Boards Act 2013</i>”.</p>
38	No. 42 of 2001	Youth Work Act 2001	<p>Section 2:</p> <p>In subsection (1)—</p> <p>(a) in the definition of “approved national voluntary youth work organisation” to substitute “education and training board areas” for “vocational education areas”,</p> <p>(b) in the definition of “Youth Work Budget” to substitute “an education and training board” for “a vocational education committee”,</p> <p>(c) to delete the definitions of “Irish Vocational Education Association”, “vocational education area” and</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>“vocational education committee”, and</p> <p>(d) to insert the following definitions:</p> <p>“ ‘education and training board area’ has the same meaning as it has in the <i>Education and Training Boards Act 2013</i>; and</p> <p>‘Education and Training Boards Ireland’ has the same meaning as it has in the <i>Education and Training Boards Act 2013</i>;”.</p> <p>Section 8:</p> <p>In subsection (1)—</p> <p>(a) in paragraph (d) to substitute “education and training board areas” for “vocational education areas”,</p> <p>(b) in paragraph (g) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(c) in paragraph (h) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (7) to substitute “education and training board” for “vocational education committee” in each place where it occurs.</p> <p>In subsection (8)—</p> <p>(a) to substitute “education and training boards” for “vocational education committees”, and</p> <p>(b) to substitute “the boards” for “the committees”.</p> <p>Section 9:</p> <p>In subsection (1)—</p> <p>(a) to substitute “(1) In addition to the functions conferred on it by or under the <i>Education and Training Boards Act 2013</i>, each education and training board shall, as far as practicable and within the financial resources available to it—” for “(1) In addition to the functions conferred on it by or under the <i>Vocational Education Acts, 1930</i></p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>to 1999, each vocational education committee shall, as far as practicable and within the financial resources available to it—”,</p> <p>(b) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and</p> <p>(c) in paragraph (a)(ii) to substitute “education and training board” for “vocational education committee”.</p> <p>In subsection (2) to substitute “an education and training board” for “a vocational education committee”.</p> <p>Section 10:</p> <p>(a) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs, and</p> <p>(b) to substitute “an education and training board” for “a vocational education committee” in each place where it occurs.</p> <p>Section 11:</p> <p>In subsection (1)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”,</p> <p>(b) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and</p> <p>(c) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.</p> <p>In subsection (2) to substitute “education and training board” for “vocational education committee”.</p> <p>In subsection (3) to substitute “education and training board” for “vocational education committee” in each place where it occurs.</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In subsection (4) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (5) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (6) to substitute “An education and training board” for “A vocational education committee”.</p> <p>Section 12:</p> <p>(a) in subsection (1) to substitute “the chief executive of the board” for “the Chief Executive Officer of the committee”,</p> <p>(b) to substitute “an education and training board” for “a vocational education committee” in each place where it occurs, and</p> <p>(c) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.</p> <p>Section 13:</p> <p>In subsection (1)—</p> <p>(a) to substitute “An education and training board” for “A vocational education committee” and</p> <p>(b) to substitute “education and training board area” for “vocational education area”.</p> <p>In subsection (4)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”,</p> <p>(b) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and</p> <p>(c) to substitute “the education and training board” for “the vocational education committee”.</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In subsection (6) to substitute “the education and training board” for “the vocational education committee”.</p> <p>In subsection (7) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (8)—</p> <p>(a) to substitute “An education and training board” for “A vocational education committee”, and</p> <p>(b) to substitute “education and training board area” for “vocational education area”.</p> <p>Section 14:</p> <p>In subsection (1)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “education and training board area” for “vocational education area” in each place that it occurs.</p> <p>In subsection (2)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “the education and training board” for “the vocational education committee”.</p> <p>In subsection (3) to substitute “An education and training board” for “A vocational education committee”.</p> <p>Section 15:</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”,</p> <p>(b) to substitute “education and training board areas” for “vocational education areas”, and</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>(c) to substitute “an education and training board area” for “a vocational education area”.</p> <p>Section 17:</p> <p>In subsection (2)(k) to substitute “education and training boards” for “vocational education committees”.</p> <p>Section 18:</p> <p>In subsection (5) to delete “the Irish Vocational Education Association” and substitute “Education and Training Boards Ireland”.</p> <p>Section 19:</p> <p>In subsection (1)—</p> <p>(a) to substitute “An education and training board” for “A vocational education committee”,</p> <p>(b) to substitute “education and training board area” for “vocational education area”, and</p> <p>(c) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.</p> <p>In subsection (2) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (3) to substitute “education and training board” for “vocational education committee”.</p> <p>In subsection (4) to substitute “education and training board” for “vocational education committee” in each place where it occurs.</p> <p>In subsection (5) to substitute “education and training board” for “vocational education committee” in each place where it occurs.</p> <p>In subsection (6)—</p> <p>(a) to substitute “An education and training board” for “A vocational education committee”, and</p> <p>(b) to substitute “the education and training board” for “the vocational education</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>committee" in each place where it occurs.</p> <p>In subsection (7) to substitute "the education and training board" for "the vocational education committee".</p> <p>In subsection (8) to substitute "the education and training board" for "the vocational education committee" in each place where it occurs.</p> <p>In subsection (11) to substitute "the education and training board" for "the vocational education committee".</p> <p>Section 20:</p> <p>In subsection (1) to substitute "<i>section 44(2)</i> of the <i>Education and Training Boards Act 2013</i>, the members of a youth work committee shall number not less than 16 and not more than 20, and an education and training board" for "<i>section 21(4) of the Vocational Education Act, 1930</i>, the members of a youth work committee shall number not less than 16 and not more than 20, and a vocational education committee".</p> <p>In subsection (2)—</p> <p>(a) to substitute "An education and training board" for "A vocational education committee",</p> <p>(b) in paragraph (a) to substitute "the education and training board" for "the vocational education committee",</p> <p>(c) to substitute "education and training board area" for "vocational education area" in each place where it occurs, and</p> <p>(d) in paragraph (b)(vi) to substitute "an education and training board" for "a vocational education committee".</p> <p>In subsection (3) to substitute "an education and training board" for "a vocational education committee".</p> <p>In subsection (5)—</p> <p>(a) to substitute "an education and training board" for "a vocational education committee", and</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>(b) to substitute “the education and training board” for “the vocational education committee”.</p> <p>Section 21:</p> <p>(a) to substitute “education and training board area” for “vocational education area” in each place where it occurs, and</p> <p>(b) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.</p> <p>Section 22:</p> <p>In subsection (1) to substitute “education and training board” for “vocational education committee”.</p> <p>In subsection (3) to substitute “education and training board area” for “vocational education area”.</p> <p>In subsection (5)(a) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (7) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (8) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (9)—</p> <p>(a) to substitute “An education and training board” for “A vocational education committee”, and</p> <p>(b) to substitute “education and training board area” for “vocational education area”.</p> <p>In subsection (10) to substitute “education and training board” for “vocational education committee”.</p> <p>Section 23:</p> <p>In subsection (4) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.</p> <p>Section 26:</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>To substitute “education and training board areas” for “vocational education areas”.</p> <p>Section 29:</p> <p>In subsection (1)—</p> <p>(a) to substitute “An education and training board” for “A vocational education committee”, and</p> <p>(b) to substitute “the education and training board area of that board” for “the committee’s vocational education area”.</p> <p>In subsection (2) to substitute “An education and training board” for “A vocational education committee”.</p> <p>Section 30:</p> <p>In subsection (1)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “the education and training board” for “the vocational education committee” in each place where it occurs.</p> <p>In subsection (2) to substitute “the education and training board” for “the vocational education committee”.</p> <p>Section 31:</p> <p>In subsection (1) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (3)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “the education and training board” for “the vocational education committee”.</p> <p>In subsection (4) to substitute “the education and training board” for “the vocational education committee”.</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In subsection (5) to substitute “an education and training board” for “a vocational education committee”.</p> <p>Section 32:</p> <p>(a) to substitute “an education and training board” for “a vocational education committee” in each place in which it occurs,</p> <p>(b) to substitute “the education and training board” for “the vocational education committee” in each place in which it occurs, and</p> <p>(c) in subsection (3)(d) to substitute “education and training board area” for “vocational education area”.</p> <p>Section 33:</p> <p>In subsection (1) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (2) to substitute “An education and training board” for “A vocational education committee”.</p> <p>In subsection (3)—</p> <p>(a) to substitute “an education and training board” for “a vocational education committee”, and</p> <p>(b) to substitute “the education and training board” for “the vocational education committee”.</p> <p>Section 34:</p> <p>In subsection (1) to substitute the following paragraph for paragraph (a):</p> <p>“(a) an education and training board,”.</p> <p>Section 35:</p> <p>In subsection (1) to substitute “an education and training board” for “a vocational education committee”.</p> <p>In subsection (2) to substitute “the education and training board” for “the vocational education committee”.</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In subsection (3) to substitute “The education and training board” for “The vocational education committee”.</p> <p>In subsection (5) to substitute “the education and training board” for “the vocational education committee”.</p> <p>Section 37:</p> <p>In paragraph (c) to substitute “the education and training board” for “the vocational education committee”.</p>
39	No. 45 of 2001	Protection of Employees (Part-Time Work) Act 2001	<p>Section 3:</p> <p>In subsection (1) in the definition of “employee”—</p> <p>(a) to substitute “or health board, or a member of staff of an education and training board” for “, health board or vocational education committee”, and</p> <p>(b) to substitute “or board” for “, board or committee”.</p>
40	No. 54 of 2001	Family Support Agency Act 2001	<p>Section 1:</p> <p>In subsection (1), in the definition of “public authority” to substitute the following paragraph for paragraph (e):</p> <p>“(e) an education and training board,”.</p>
41	No. 1 of 2002	State Authorities (Public Private Partnership Arrangements) Act 2002	<p>Schedule:</p> <p>To substitute “An education and training board” for “A vocational education committee within the meaning of section 7 of the Vocational Education Act, 1930”.</p>
42	No. 29 of 2002	National Development Finance Agency Act 2002	<p>Section 16:</p> <p>In subsection (1)(d) to substitute “an education and training board” for “a vocational education committee”.</p> <p>Schedule:</p> <p>To substitute “An education and training board” for “A vocational education committee within the meaning of section 7 of the Vocational Education Act, 1930”.</p>
43	No. 29 of 2003	Protection of Employees (Fixed-Term Work) Act 2003	<p>Section 2:</p> <p>In subsection (1) in the definition of “employee”—</p> <p>(a) to substitute “or health board or a member of staff of an education and training board,” for “, a health board or</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>vocational education committee", and</p> <p>(b) to substitute "or board" for "health board or vocational education committee".</p>
44	No. 32 of 2003	Official Languages Act 2003	<p>First Schedule:</p> <p>In paragraph 1(2) of the Irish text to substitute "bord oideachais agus oiliúna" for "coiste gairmoideachais".</p> <p>In paragraph 1(2) of the English text to substitute "an education and training board" for "a vocational education committee".</p>
45	No. 46 of 2003	Personal Injuries Assessment Board Act 2003	<p>Section 4:</p> <p>In subsection (1) in the definition of "employee"—</p> <p>(a) to substitute "or health board, or a member of staff of an education and training board" for "health board or vocational education committee", and</p> <p>(b) to substitute "or board" for "board or committee".</p>
46	No. 7 of 2004	Public Service Superannuation (Miscellaneous Provisions) Act 2004	<p>Section 1:</p> <p>In subsection (1), in the definition of "public service body" to substitute the following paragraph for paragraph (f):</p> <p>"(f) an education and training board,".</p>
47	No. 33 of 2004	Public Service Management (Recruitment and Appointments) Act 2004	<p>Section 2:</p> <p>In subsection (1)—</p> <p>(a) in the definition of "appointment" to substitute "an education and training board" for "a vocational education committee",</p> <p>(b) in the definition of "public service body" to substitute the following paragraph for paragraph (e):</p> <p>"(e) an education and training board, and",</p> <p>and</p> <p>(c) to delete the definition of "vocational education committee".</p> <p>Section 5:</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>In paragraph (d) to substitute “education and training boards” for “vocational education committees”.</p> <p>Section 6:</p> <p>In subsection (1)(a)(ii) to substitute the following clause for clause (III):</p> <p style="padding-left: 40px;">“(III) the Minister for Education and Skills, where that body is an education and training board,”.</p> <p>Section 24:</p> <p>In subsection (2) to substitute the following paragraph for paragraph (c):</p> <p style="padding-left: 40px;">“(c) one or more education and training boards, the Minister for Education and Skills, or”.</p> <p>Section 34:</p> <p>In subsection (1)(d) to substitute the following subparagraph for subparagraph (iv):</p> <p style="padding-left: 40px;">“(iv) in respect of education and training boards, at the request of the Minister for Education and Skills or the office holder concerned,”.</p> <p>Section 40:</p> <p>In subsection (2)(i) to substitute the following subparagraph for subparagraph (iii):</p> <p style="padding-left: 40px;">“(iii) the chief executive of an education and training board — the Secretary General of the Department of Education and Skills.”.</p> <p>Section 44:</p> <p>In subsection (1) to substitute the following paragraph for paragraph (d):</p> <p style="padding-left: 40px;">“(d) the chief executive of an education and training board,”.</p> <p>Section 58:</p> <p>In subsection (4) to substitute “education and training boards” for “vocational education committees” in each place where it occurs.</p>
48	No. 10 of 2005	Safety, Health and Welfare at Work Act 2005	<p>Section 2:</p> <p>In subsection (3) to substitute the following paragraph for paragraph (b):</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			“(b) an officer or servant of a harbour authority or the Health Service Executive or a member of staff of an education and training board is deemed to be an employee employed by the harbour authority, the Health Service Executive or education and training board, as the case may be, and”.
49	No. 21 of 2005	Grangegorman Development Agency Act 2005	Section 2: In subsection (1), in the definition of “statutory body” to substitute the following paragraph for paragraph (d): “(d) City of Dublin Education and Training Board,”.
50	No. 26 of 2005	Social Welfare Consolidation Act 2005	Section 353: In subsection (1) to substitute “an education and training board” for “a vocational education committee established by the Vocational Education Act 1930”. Schedule 3: In Part 1, in paragraph (b)(ii) of the definition of “maintenance grant” to substitute “education and training boards” for “Vocational Education Committees”. Schedule 5: In paragraph 1 to substitute the following subparagraph for subparagraph (2A) (inserted by section 6 of the Social Welfare and Pensions Act 2012): “(2A) an education and training board,”.
51	No. 9 of 2007	Education (Miscellaneous Provisions) Act 2007	Section 7: In subsection (1)— (a) to delete the definition of “Committee”, and (b) to insert the following definition: “ ‘Board’ means Cork Education and Training Board;”. In subsection (2) to substitute “Board” for “Committee” in each place where it occurs. In subsection (4) to substitute “Board” for “Committee” in each place where it occurs. In subsection (5)(a) to substitute “Board” for “Committee”.

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
52	No. 5 of 2009	Financial Emergency Measures in the Public Interest Act 2009	Section 1: In the definition of "public service body" to substitute the following paragraph for paragraph (g): "(g) an education and training board".
53	No. 6 of 2009	Charities Act 2009	Section 2: In subsection (1), in the definition of "education body" to substitute the following paragraph for paragraph (a): "(a) an education and training board".
54	No. 22 of 2009	Housing (Miscellaneous Provisions) Act 2009	Section 36: In paragraph (d) of the definition of "specified body" to substitute "an education and training board" for "a vocational education committee within the meaning of section 7 of the Vocational Education Act 1930".
55	No. 41 of 2009	Financial Emergency Measures in the Public Interest (No. 2) Act 2009	Section 1: In the definition of "public service body" to substitute the following paragraph for paragraph (f): "(f) an education and training board".
56	No. 24 of 2010	Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010	Section 59: In subsection (1) to substitute "an education and training board" for "a vocational education committee established by the Vocational Education Act 1930". Section 182: In subsection (1) to substitute "an education and training board" for "a vocational education committee established by the Vocational Education Act 1930".
57	No. 38 of 2010	Financial Emergency Measures in the Public Interest Act 2010	Section 1: In the definition of "public service body" to substitute the following paragraph for paragraph (h): "(h) an education and training board".
58	No. 4 of 2011	Student Support Act 2011	Section 2: (a) In the definition of "awarding authority" to substitute the following paragraph for paragraph (a): "(a) an education and training board", and

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
			<p>(b) to delete the definition of "vocational education committee".</p> <p>Section 9:</p> <p>In subsection (3) to substitute the following paragraph for paragraph (a):</p> <p>"(a) an education and training board;".</p> <p>Section 15:</p> <p>In subsection (2) to substitute "an education and training board" for "a vocational education committee".</p>
59	No. 10 of 2011	Ministers and Secretaries (Amendment) Act 2011	<p>Section 3:</p> <p>In subsection (1) to substitute the following paragraph for paragraph (g):</p> <p>"(g) an education and training board;".</p>
60	No. 13 of 2012	Protection of Employees (Temporary Agency Work) Act 2012	<p>Section 2:</p> <p>In subsection (3)(b)—</p> <p>(a) to substitute "or the Health Service Executive or a member of staff of an education and training board", for ", the Health Service Executive or a vocational education committee", and</p> <p>(b) to substitute "that board" for "that committee".</p>
61	No. 28 of 2012	Qualifications and Quality Assurance (Education and Training) Act 2012	<p>Section 2:</p> <p>In subsection (1) to delete the definition of "vocational education committee".</p> <p>Section 44:</p> <p>In subsection (9)(f) to substitute "an education and training board" for "a vocational education committee".</p> <p>Section 65:</p> <p>In subsection (5)(i) to substitute "an education and training board" for "a vocational education committee".</p>
62	No. 35 of 2012	Residential Institutions Statutory Fund Act 2012	<p>Section 42:</p> <p>In subsection (2)(b) by substituting the following subparagraph for subparagraph (iii):</p> <p>"(iii) an education and training board;".</p>

Item (1)	Number and Year (2)	Short Title (3)	Amendment (4)
63	No. 37 of 2012	Public Service Pensions (Single Scheme and Other Provisions) Act 2012	Section 5: In subsection (1), in the definition of “public service body” by substituting the following paragraph for paragraph (f): “(f) an education and training board,”.



Number 11 of 2013

EDUCATION AND TRAINING BOARDS ACT 2013

REVISED

Updated to 4 April 2019

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Education and Training Boards Acts 2013 and 2014: this Act is one of a group of Acts included in this collective citation (*Local Government Reform Act 2014* (1/2014), s. 1(12)). The Acts in this group are:

- *Education and Training Boards Act 2013* (11/2013)
- *Local Government Reform Act 2014* (1/2014), s. 1(12) and s. 5(6) and sch. 2 part 6 (in so far as they amend the *Education and Training Boards Act 2013*)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Technological Universities Act 2018* (3/2018)

- *National Treasury Management Agency (Amendment) Act 2014* (23/2014)
- *Local Government Reform Act 2014* (1/2014)

All Acts up to and including *Sea-Fisheries (Amendment) Act 2019* (9/2019), enacted 4 April 2019, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2019* (S.I. No. 142 of 2019)
- *Education and Training Boards Act 2013 (Section 32) Order 2019* (S.I. No. 141 of 2019)
- *Education and Training Boards Act 2013 (Composition of Local Authority Membership) Order 2014* (S.I. No. 272 of 2014)
- *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2014* (S.I. No. 271 of 2014)
- *Education and Training Boards Act 2013 (Election of Staff) Regulations 2014* (S.I. No. 270 of 2014)
- *Education and Training Boards Act 2013 (Section 32) Order 2014* (S.I. No. 269 of 2014)
- *Education and Training Boards Act 2013 (Establishment Day) Order 2013* (S.I. No. 212 of 2013)
- *Education and Training Boards Act 2013 (Commencement) Order 2013* (S.I. No. 211 of 2013)

All statutory instruments up to and including *Education and Training Boards Act 2013 (Local Authority Members) Regulations 2019* (S.I. No. 142 of 2019), made 4 April 2019, were considered in the preparation of this revision.