Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 9 *of* 2007

EDUCATION (MISCELLANEOUS PROVISIONS) ACT 2007

REVISED

Updated to 24 June 2021

This Revised Act is an administrative consolidation of *Education (Miscellaneous Provisions) Act 2007*. It is prepared by the Law Reform Commission in accordance with its function under *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 *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), enacted 21 June 2021, and all statutory instruments up to and including *Education (Miscellaneous Provisions) Act 2007 (Vesting) Order 2021* (S.I. No. 307 of 2021), made 24 June 2021, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Amendment of section 2 of Act of 1998.
3. Amendment of section 13 of Act of 1998.
4. Amendment of section 29 of Act of 1998. *(Repealed)*
5. Amendment of section 53 of Act of 1998.
6. Amendment of Act of 2000. *(Repealed)*
7. Transfer of lands from City of Cork Vocational Education Committee.
8. Expenses.
9. Short title, collective citation and commencement.

ACTS REFERRED TO

Education (Welfare) Act 2000	2000, No. 22
Education Act 1998	1998, No. 51
Education Acts 1878 to 2001	
Education for Persons with Special Educational Needs Act 2004	2004, No. 30

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EDUCATION (MISCELLANEOUS PROVISIONS) ACT 2007

REVISED

Updated to 24 June 2021

AN ACT TO PROVIDE FOR CERTAIN CHANGES IN THE HEARING OF APPEALS UNDER SECTION 29 OF THE EDUCATION ACT 1998, TO PROVIDE FOR CERTAIN CHANGES IN THE FUNCTIONS PERFORMED BY THE INSPECTORATE UNDER SECTION 13 OF THAT ACT, TO MAKE PROVISION WITH REGARD TO ACCESS TO CERTAIN INFORMATION UNDER THAT ACT, FOR THOSE AND OTHER PURPOSES TO AMEND THE EDUCATION ACT 1998 AND THE EDUCATION (WELFARE) ACT 2000, TO PROVIDE FOR THE TRANSFER OF CERTAIN LANDS AND TO PROVIDE FOR RELATED MATTERS.

[31*st March*, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.— In this Act—

" Act of 1998 " means the Education Act 1998;

" Act of 2000 " means the Education (Welfare) Act 2000;

" Minister " means the Minister for Education and Science.

Amendment of section 2 of Act of 1998.

2.— Section 2 of the Act of 1998 is amended, in subsection (1), by inserting the following definition before the definition of "articles of management":

" ' Act of 2000 ' means the Education (Welfare) Act 2000;".

Amendment of section 13 of Act of 1998.

3.— Section 13 of the Act of 1998 is amended—

(*a*) in subsection (3), by deleting paragraphs (*a*)(ii) and (*h*),

(*b*) by deleting subsection (4), and

(*c*) by adding the following subsections:

"(13) The Chief Inspector, with the consent of the Minister, may delegate the performance of one or more of his or her functions to an Inspector nominated by the Chief Inspector and functions so delegated to such an Inspector shall be performable by him or her accordingly.

(14) The Minister may appoint an Inspector to perform the functions of the Chief Inspector during any period in which the Chief Inspector is temporarily unable to perform his or her functions, whether because of absence, ill-health

or for any other reason, and, for the duration of that period, the functions of the Chief Inspector shall be performable by the Inspector so appointed accordingly.".

Amendment of section 29 of Act of 1998.

4.— F1**[**...**]**

Annotations

Amendments:

F1 Repealed (12.11.2020) by *Education (Admission to Schools) Act 2018* (14/2020), s. 12(d), S.I. No. 366 of 2020).

Amendment of section 53 of Act of 1998.

5.— Section 53 of the Act of 1998 is amended by inserting "or the State Examinations Commission" after "Minister".

Amendment of Act of 2000.

6.— F2**[**...**]**

Annotations

Amendments:

F2 Repealed (12.11.2020) by *Education (Admission to Schools) Act 2018* (14/2020), s. 12(d), S.I. No. 366 of 2020).

Transfer of lands from City of Cork Vocational Education Committee.

7.— (1) In this section—

"Commissioners" means the Commissioners of Public Works in Ireland;

F3**[**...**]**

F4**[**"Board" means Cork Education and Training Board;**]**

"relevant day specified in the order" means—

(*a*) if a single day is specified in an order under this section on which all the land, property, rights, powers and privileges to which the order relates shall vest in the Commissioners, that day,

(*b*) if different days are specified in an order under this section on which different parts or elements of the land, property, rights, powers or privileges to which the order relates shall vest in the Commissioners, the particular day so specified in relation to the part or element concerned.

(2) Subject to *subsection (4)*, the Minister may by order, with the consent of the F5**[**Board**]** and the Minister for Finance, provide—

(*a*) that the lands described in the Table to this section together with all property relating thereto whether real or personal (including choses-in-action), and

(*b*) that all rights, powers and privileges relating to or connected with such lands or property,

which, in each case, stands vested in the F5**[**Board**]** immediately before the relevant day specified in the order shall, on that day, vest in the Commissioners.

(3) An order under this section may specify different days in relation to which different parts or elements of the lands, property, rights, powers or privileges to which the order relates shall vest in the Commissioners.

(4) The Minister shall not make an order under this section unless the Minister is satisfied that the use by the F5**[**Board**]** of the land and property to which the order will, if made, relate is not necessary for the performance by the F5**[**Board**]** of its functions.

(5) An order under this section shall operate to vest in the Commissioners on the relevant day specified in the order—

(*a*) in so far as the order relates to lands or other real property referred to in *subsection (2)*, those lands or other such property for all the estate or interest for which immediately before that day those lands or other property were vested in the F5**[**Board**]**, but subject to all trusts and equities affecting those lands or other property subsisting and capable of being performed,

(*b*) in so far as the order relates to personal property (including choses-in-action) referred to in *subsection (2)*, that property without any assignment, but subject, where necessary, to transfer in the books of any bank, corporation or company, and

(*c*) in so far as the order relates to rights, powers and privileges referred to in *subsection (2)*, those rights, powers and privileges.

(6) An order under this section may contain such incidental, consequential, transitional or supplementary provisions as may appear to the Minister to be necessary or proper for the purpose of, or in consequence of, or to give full effect to, a transfer of the lands, property, rights, powers and privileges effected by the order.

(7) A provision of any enactment, apart from this Act, shall neither be construed as preventing, nor shall it operate to prevent, a transfer of land, property or any other thing by an order under this section.

TABLE

Crawford Art Gallery, Emmet Place in the City of Cork

Annotations

Amendments:

F3 Deleted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72(1) and sch. 6 item 51, S.I. No. 211 of 2013.

F4 Inserted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72(1) and sch. 6 item 51, S.I. No. 211 of 2013.

F5 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72(1) and sch. 6 item 51, S.I. No. 211 of 2013.

Modifications (not altering text):

C1 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial*

Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 9 of 2007	Education (Miscellaneous Provisions) Act 2007	Section 7
...	...	...

Editorial Notes:

E1 Power pursuant to section exercised (24.06.2021) by *Education (Miscellaneous Provisions) Act 2007 (Vesting) Order 2021* (S.I. No. 307 of 2021).

Expenses.

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

Short title, collective citation and commencement.

9.— (1) This Act may be cited as the Education (Miscellaneous Provisions) Act 2007.

(2) The Education Acts 1878 to 2001 and *sections 2* to *5* may be cited together as the Education Acts 1878 to 2007.

(3) 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 different provisions.

Annotations

Editorial Notes:

E2 Power pursuant to subs. (3) exercised (23.06.2021) by *Education (Miscellaneous Provisions) Act 2007 (Section 7) (Commencement) Order 2021* (S.I. No. 306 of 2021).

2. The 23rd day of June 2021 is appointed as the day on which section 7 of the Education (Miscellaneous Provisions) Act 2007 (No. 9 of 2007) shall come into operation.

E3 Powers pursuant to section exercised (13.06.2014) by *Education (Miscellaneous Provisions) Act 2007 (Commencement) Order 2014* (S.I. No. 274 of 2014).

2. The 13th day of June 2014 is appointed as the day on which section 3 of the Education (Miscellaneous Provisions) Act 2007 (No. 9 of 2007) comes into operation.

E4 Powers pursuant to section exercised (17.05.2013) by *Education (Miscellaneous Provisions) Act 2007 (Commencement) Order 2013* (S.I. No. 166 of 2013).

2. The 17th day of May 2013 is appointed as the day on which section 5 of the Education (Miscellaneous Provisions) Act 2007 (No. 9 of 2007) comes into operation.

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REVISED

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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 Acts 1878 to 2018: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Education (Admission to Schools) Act 2018* (14/2018), s. 13(2)). The Acts in this group are:

- *Intermediate Education (Ireland) Act 1878* (41 & 42 Vict. c. 66)
- *Intermediate Education (Ireland) Act 1882* (45 & 46 Vict. c. 69)
- *Intermediate Education (Ireland) Act 1900* (63 & 64 Vict, c. 43)
- *Intermediate Education (Ireland) Act 1913* (3 & 4 Geo. 5, c. 29)
- *Intermediate Education (Amendment) Act 1924* (47/1924)
- *Education Act 1998* (51/1998)
- *Vocational Education (Amendment) Act 2001* (23/2001), s. 36
- *Education (Miscellaneous Provisions) Act 2007* (9/2007), ss. 2 to 5
- *Education (Amendment) Act 2012* (14/2012), ss. 1(3) and 4 to 7
- *Education (Miscellaneous Provisions) Act 2015* (11/2015), s. 7
- *Teaching Council (Amendment) Act 2015* (31/2015), s. 32
- *Education (Admission to Schools) Act 2018* (14/2018), other than ss. 10 , 11, 12(b), (c), (d)

Act previously included in the collective citation but now repealed:

- *Intermediate Education (Ireland) Act 1914* (4 & 5 Geo. 5, c. 41)

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

- *Education (Admission to Schools) Act 2018* (14/2018)
- *Education and Training Boards Act 2013* (11/2013)
- *Education (Amendment) Act 2012* (14/2012)

All Acts up to and including *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), enacted 21 June 2021, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Education (Miscellaneous Provisions) Act 2007 (Vesting) Order 2021* (S.I. No. 307 of 2021)
- *Education (Miscellaneous Provisions) Act 2007 (Section 7) (Commencement) Order 2021* (S.I. No. 306 of 2021)
- *Education (Miscellaneous Provisions) Act 2007 (Commencement) Order 2014* (S.I. No. 274 of 2014)
- *Education (Miscellaneous Provisions) Act 2007 (Commencement) Order 2013* (S.I. No. 166 of 2013)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)

All statutory instruments up to and including *Education (Miscellaneous Provisions) Act 2007 (Vesting) Order 2021* (S.I. No. 307 of 2021), made 24 June 2021, were considered in the preparation of this revision.