Appendix 3: Schedule 3 of the Education and Training Boards Act, 2013

SCHEDULE 3

Education and Training Boards

Section 9.
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 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.
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.