

## SCHEDULES

### SCHEDULE 1

#### The Education Authority

##### *Political members*

3.—(1) Where members are first appointed to the Authority, the political members shall be nominated by applying sub-paragraphs (3) to (8).

(2) Where at any other time—

- (a) an Assembly is elected under section 31 or 32 of the Northern Ireland Act 1998,
- (b) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2) of that Act, or
- (c) the period of exclusion imposed by a resolution under section 30(2) of that Act comes to an end,

all political members shall cease to hold office and the political members shall be nominated by applying sub-paragraphs (3) to (8).

(3) At the request of the Department, the nominating officer of the political party for which the formula in sub-paragraph (7) gives the highest figure may nominate a person as a political member.

(4) The nominated person may take up office as a political member by making a statement to that effect to the Department.

(5) If—

- (a) the nominating officer does not exercise the power conferred by sub-paragraph (3) within the period of 7 days from the Department's request, or
- (b) the nominated person does not take up office as a political member within that period,

that power shall become exercisable by the nominating officer of the political party for which the formula in sub-paragraph (7) gives the next highest figure.

(6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that all of the offices as political member are filled.

(7) The formula is—

$$\frac{S}{1 + M}$$

where—

S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election;

M = the number of members of the party (if any) who hold office as a political member.

(8) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.

(9) A person shall cease to hold office as a political member if that person resigns by notice in writing to the Department.

(10) Where a person ceases to hold office as a political member otherwise than by virtue of sub-paragraph (2), the nominating officer of the party on whose behalf that person was nominated may nominate another person to hold the office.

(11) If—

(a) the nominating officer does not exercise the power conferred by sub-paragraph (10) within such period as the Department may determine from the person ceasing to hold office, or

(b) the nominated person does not take up the office within that period,

the vacancy shall be filled by applying sub-paragraphs (3) to (8) within the further period of 7 days.

(12) Where—

(a) the Assembly has resolved under section 30(2) of the Northern Ireland Act 1998 that a political party does not enjoy its confidence, and

(b) the party's period of exclusion has not come to an end,

the party shall be disregarded for the purposes of any application of sub-paragraphs (3) to (8).

(13) In this paragraph “nominating officer”, in relation to a party, means the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or a member of the Assembly nominated by that person for the purpose.