

SCHEDULES

SCHEDULE 8

Article 141(2).

THE COUNCIL FOR CATHOLIC MAINTAINED SCHOOLS

Constitution

1. The Council shall be a body corporate to which, subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954(1) shall apply.

2.—(1) The Council shall consist of—

- (a) the Archbishop of Armagh or a person nominated by him;
- (b) the Bishops of Clogher, Derry, Down and Connor, Dromore and Kilmore or, in each case, a person nominated by that Bishop;
- (c) 14 persons appointed by the Archbishop and Bishops mentioned in heads (a) and (b) acting jointly;
- (d) 8 persons appointed by the Head of the Department after consultation with the said Archbishop and Bishops;
- (e) 4 parents appointed in accordance with sub-paragraphs (2) and (3) by the Council after consultation with the Head of the Department from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools;
- (f) 4 assistant teachers appointed in accordance with sub-paragraphs (2) and (3) by the Council after consultation with the Head of the Department from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools.

(2) For the purposes of appointments to the Council under sub-paragraph (1)(e) and (f) 15 parents and 15 assistant teachers shall be nominated by diocesan education committees established under paragraph 3 as follows, namely—

- (a) 3 parents and 3 assistant teachers shall be nominated by the diocesan education committee for the Archdiocese of Armagh;
- (b) 2 parents and 2 assistant teachers shall be nominated by the diocesan education committee for the dioceses of Clogher and Kilmore;
- (c) 3 parents and 3 assistant teachers shall be nominated by the diocesan education committee for the diocese of Derry;
- (d) 5 parents and 5 assistant teachers shall be nominated by the diocesan education committee for the diocese of Down and Connor;
- (e) 2 parents and 2 assistant teachers shall be nominated by the diocesan education committee for the diocese of Dromore,

and the persons nominated by each diocesan education committee shall, as equitably as possible, represent the interests of primary schools and of secondary schools within the area of that committee.

(1) 1954 c. 33 (N.I.)

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(3) The persons appointed to the Council under sub-paragraph (1)(e) and (f) shall be chosen by the Council from amongst those nominated under sub-paragraph (2) and shall be so chosen as to represent as equitably as possible the interests of both primary and secondary schools and the interests of each of the areas for which a diocesan education committee is appointed under paragraph 3.

(4) The Department may, after consultation with the Archbishop of Armagh, by order amend this paragraph.

Diocesan education committees

3.—(1) There shall be established a committee of the Council, to be known as a diocesan education committee, for each of the following areas, namely—

- (a) the Archdiocese of Armagh;
- (b) the Dioceses of Clogher and Kilmore;
- (c) the Diocese of Derry;
- (d) the Diocese of Down and Connor;
- (e) the Diocese of Dromore.

(2) The diocesan education committee for the Archdiocese of Armagh shall consist of—

- (a) the Archbishop of Armagh or a person nominated by him;
- (b) 9 persons appointed by the trustees of Catholic maintained schools in the Archdiocese;
- (c) 4 persons appointed by the Head of the Department after consultation with the said Archbishop;
- (d) 2 parents appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the Archdiocese;
- (e) 2 assistant teachers appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the Archdiocese.

(3) The diocesan education committee for the dioceses of Clogher and Kilmore shall consist of—

- (a) the Bishop of Clogher or a person nominated by him and the Bishop of Kilmore or a person nominated by him;
- (b) 4 persons appointed by the trustees of Catholic maintained schools in those dioceses;
- (c) 2 persons appointed by the Head of the Department after consultation with the said Bishops;
- (d) 1 parent appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in those dioceses;
- (e) 1 assistant teacher appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in those dioceses.

(4) The diocesan education committee for the diocese of Derry shall consist of—

- (a) the Bishop of Derry or a person nominated by him;
- (b) 9 persons appointed by the trustees of Catholic maintained schools in that diocese;
- (c) 4 persons appointed by the Head of the Department after consultation with the said Bishop;

- (d) 2 parents appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese;
 - (e) 2 assistant teachers appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese.
- (5) The diocesan education committee for the diocese of Down and Connor shall consist of—
- (a) the Bishop of Down and Connor or a person nominated by him;
 - (b) 9 persons appointed by the trustees of Catholic maintained schools in that diocese;
 - (c) 4 persons appointed by the Head of the Department after consultation with the said Bishop;
 - (d) 2 parents appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese;
 - (e) 2 assistant teachers appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese.
- (6) The diocesan education committee for the diocese of Dromore shall consist of—
- (a) the Bishop of Dromore or a person nominated by him;
 - (b) 5 persons appointed by the trustees of Catholic maintained schools in that diocese;
 - (c) 2 persons appointed by the Head of the Department after consultation with the said Bishop;
 - (d) 1 parent appointed by the committee from amongst parents elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese;
 - (e) 1 assistant teacher appointed by the committee from amongst assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools in the diocese.
- (7) The Department may, after consultation with the Council, by order amend sub-paragraphs (1) to (6).
- (8) The functions to be performed by diocesan education committees shall be specified in a scheme made by the Council and approved by the Department and that scheme may provide for such functions as are specified in the scheme to be performed by diocesan education committees on behalf of, and in the name of, the Council.
- (9) Where a scheme is submitted to the Department for its approval under sub-paragraph (8) the Department may before approving the scheme make such modifications (if any) in the scheme as after consultation with the Council it considers necessary or expedient.
- (10) A diocesan education committee may appoint such sub-committees as it considers necessary and may authorise any such sub-committee all the members of which are members of the committee to perform specific functions on behalf of, and in the name of, the committee.
- (11) Paragraphs 5 to 8 (except paragraph 5(2)) shall apply in relation to a diocesan education committee as they apply in relation to the Council, but with the substitution for references to a committee of the Council of references to a sub-committee of the diocesan education committee.

Other committees of the Council

4. The Council may appoint such other committees as it considers necessary and may authorise any such committee all the members of which are members of the Council to perform specific functions on behalf of, and in the name of, the Council.

Terms of appointment

5.—(1) Subject to sub-paragraph (2), the members of the Council shall be appointed in the year 1990, the year 1993 and in every fourth year thereafter.

(2) The following members of the Council, namely—

(a) one half of those appointed under paragraph 2(1)(c); and

(b) one half of those appointed under paragraph 2(1)(d),

shall be appointed in the year 1990, the year 1995 and in every fourth year thereafter.

(3) A person appointed to the Council in accordance with sub-paragraph (1) or (2) shall become a member of the Council from such date as shall be specified in his appointment; and the appointment shall cease to have effect after the day preceding that from which the first of the next subsequent appointments made to the Council in accordance with sub-paragraph (1) or (as the case may be) sub-paragraph (2) are effective.

(4) A member of the Council shall, on the expiry of his term of office, be eligible for re-appointment.

(5) A vacancy occurring in the membership of the Council shall be filled by a person nominated or appointed by the same person or body and in the same manner as the member being replaced and that person shall hold office for the residue of the term of office of that member.

Resignation and disqualification

6. A member of the Council may resign therefrom by giving notice in writing to the Council and, in the case of a member appointed by the Head of the Department, to the Head of the Department.

7.—(1) A person shall be disqualified for being a member of the Council if—

(a) he is employed by the Council, otherwise than as an assistant teacher within the meaning of Schedule 5 to the principal Order;

(b) he has been adjudged bankrupt or has made a composition with his creditors;

(c) he has, within the last five years immediately preceding the day of his appointment or at any time thereafter, been convicted by a court in Northern Ireland or elsewhere in the British Islands of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine.

(2) A person appointed to the Council by the Council from amongst parents or assistant teachers elected under paragraph 2(3) of Schedule 5 to the principal Order to the Boards of Governors of Catholic maintained schools shall if he ceases to hold office as a member of the Board of Governors of a Catholic maintained school cease to be a member of the Council.

(3) Where a member of the Council becomes disqualified under sub-paragraph (1) or is absent from meetings of the Council for more than 6 months consecutively, or a person ceases to be a member of the Council under sub-paragraph (2), the Council shall forthwith declare his office vacant.

(4) Attendance as a member of the Council at any meeting of a committee of the Council shall for the purposes of sub-paragraph (3) be regarded as an attendance at a meeting of the Council.

Procedure

8.—(1) The proceedings of the Council shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualification of any of its members.

(2) Without prejudice to the generality of sub-paragraph (1), the Council shall be regarded as fully constituted notwithstanding that parents and assistant teachers to be appointed to the Council by the Council have not yet been appointed.

9.—(1) Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954(2), the Council shall make standing orders for the Council and its committees and sub-committees relating to—

- (a) the convening of meetings;
- (b) the fixing of the quorum;
- (c) the conduct of business at meetings;
- (d) the disclosure by a member of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a member from any discussion on that matter;
- (e) the keeping of minutes and other records;
- (f) the signing of cheques;
- (g) the custody of deeds and other documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of business as the Council thinks fit.

(2) Articles 95(1) to (5), 96, 97 and 98 of the principal Order shall apply in relation to the Council (but not a committee or sub-committee of the Council) as they apply in relation to a board.

10. The common seal of the Council shall, when applied to a document, be attested by the signatures of any two members of the Council authorised by the Council to act for that purpose.

Staff

11.—(1) The right of the Council under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954 to employ staff shall be exercised subject to any directions which may be given by the Department with respect to the number and terms and conditions of service of persons employed or to be employed by the Council.

(2) The officers of the Council shall be appointed at such rates of remuneration as the Council may, with the consent of the Department, determine.

(3) The Council may, in accordance with arrangements approved by the Department, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of officers of the Council.

(4) The Council shall appoint a fit person approved by the Department to be its Director.

(5) The Council shall not employ as a paid officer of the Council a person who is, or has within the preceding 12 months been, a member of the Council or a diocesan education committee.

12.—(1) Subject to sub-paragraph (2), this paragraph applies to any person employed immediately before the appointed day by the Interim Council for Catholic Maintained Schools established in accordance with the memorandum published by the Department on 17th September 1987 (in this paragraph referred to as “the former employer”).

(2) This paragraph does not apply to a person—

- (a) whose contract of employment terminates on the day immediately preceding the appointed day; or

(2) 1954 c. 33 (N.I.)

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- (b) employed for a temporary period.
- (3) The contract of employment between a person to whom this paragraph applies and the former employer shall have effect from the appointed day as if originally made between him and the Council.
- (4) Without prejudice to sub-paragraph (3)—
 - (a) all the former employer’s rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies shall by virtue of this paragraph be transferred to the Council on the appointed day; and
 - (b) anything done before that day by or in relation to the former employer in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Council.
- (5) Sub-paragraphs (3) and (4) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this paragraph.

Allowances

13. The Council may pay to any member of the Council or a committee or sub-committee thereof travelling, subsistence and other allowances at such rates as the Department may approve.

Financial arrangements

14.—(1) The Council shall, at such times, in such form and in respect of such periods as the Department may direct, submit to the Department in relation to each such period estimates of its payments and receipts in respect of its functions and the Department may approve any such estimates with or without modifications in respect of such periods as the Department considers appropriate.

(2) The Council may at any time where necessary submit supplementary or revised estimates to the Department and the Department may approve any such estimates with or without modifications.

(3) The Council shall submit to the Department such information relating to any estimate submitted under this paragraph as the Department may require.

(4) The Council shall not incur expenditure otherwise than in accordance with estimates approved by the Department under this paragraph.

15.—(1) The Department may pay to the Council in respect of approved expenditure—

(a) incurred for the provision or alteration of premises for the use of the Council, a sum equal to eighty-five per cent. of that expenditure;

(b) incurred for the provision of equipment for the Council, a sum equal to that expenditure.

(2) The Department may pay to the Council grants equal to the approved net expenditure incurred by the Council in accordance with estimates approved under paragraph 14 less the amount of any sums received by the Council otherwise than from the Department.

(3) In sub-paragraph (2) “approved net expenditure” does not include any expenditure mentioned in sub-paragraph (1)(a) or (b).

16.—(1) Where any premises in respect of which the Department has paid a grant under paragraph 15(1)(a) cease to be used for approved purposes of the Council, there shall be payable to the Department by the Council or its successors in title such sum as the Department considers equitable but not exceeding such proportion of the value of the premises as the proportion that the amount of the grant was of the approved cost of the provision or alteration of the premises together with

interest on that sum from the date on which the premises ceased to be used as aforesaid until the date of payment to the Department.

(2) Where any site which has been acquired for the purposes of the Council and in respect of which site the Department has paid a grant under paragraph 15(1)(a) ceases in the opinion of the Department to be required for such purposes, there shall be payable to the Department by the Council or its successors in title such sum as the Department considers equitable but not exceeding such proportion of the value of the site as the proportion that the amount of the grant was of the approved cost of the acquisition of the site together with interest on that sum from the date on which the site so ceased to be required until the date of payment to the Department.

(3) Where the Department proposes to pay a grant under paragraph 15(1)(a) in respect of the provision or alteration of premises used or to be used for the purposes of the Council and the new or altered premises in the opinion of the Department replace any premises in respect of which the Department has paid a grant under paragraph 15(1)(a) or (before the coming into operation of this paragraph) under the Educational and Library Services Etc. Grants Regulations (Northern Ireland) 1973⁽⁴⁾, the Department may either—

- (a) reduce the amount of the grant so payable by such amount as the Department considers equitable; or
- (b) attach to the grant a condition that when the replaced premises cease to be used for approved purposes of the Council, there shall be payable to the Department by the Council or its successors in title such amount as the Department considers equitable.

(4) The amount by which a grant may be reduced under sub-paragraph (3)(a) or the amount payable to the Department under sub-paragraph (3)(b) shall consist of a sum not exceeding such proportion of the value of the replaced premises as the proportion that the amount of the grant is or was of the approved cost of the provision of the new or altered premises together with interest on that sum from the date on which the premises ceased to be used as aforesaid until the date of the payment of the grant under sub-paragraph (3)(a) or, as the case may be, the payment to the Department under sub-paragraph (3)(b).

(5) For the purposes of sub-paragraphs (1), (2) and (4) the value of premises or a site shall be taken to be the amount which the premises or site might be expected to realise if sold in the open market on the date on which the premises ceased to be used or the site ceased to be required as aforesaid and where the Department certifies that it is not possible to reach agreement as to such value, the dispute as to such value may be referred to and determined by the Lands Tribunal for Northern Ireland.

(6) Where any equipment in respect of which the Department has paid a grant under paragraph 15(1)(b) ceases to be used for approved purposes of the Council, there shall be payable to the Department by the Council such sum as the Department considers equitable, regard being had to the length of the period during which the equipment was used for those purposes.

(7) For the purposes of sub-paragraphs (1), (2) and (4) interest shall be at such rate as may from time to time be determined by the Department of Finance and Personnel under paragraph 18(2) of Schedule 6 to the Local Government Act (Northern Ireland) 1972⁽³⁾.

(8) Any sum payable to the Department under this paragraph may be recovered as a debt due to the Department.

17.—(1) The Council shall—

- (a) keep, in such form as the Department may direct, proper accounts of all moneys received and of all moneys paid out by it and such other records as the Department may direct;

⁽⁴⁾ S.R. & O. (N.I.) 1973 No. 439

⁽³⁾ 1954 c. 33 (N.I.)

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- (b) submit to the Department, on or before such date in each year as the Department may determine, a statement of its accounts in respect of the financial year then last previously occurring, in such form and containing such information as the Department, after consultation with the Department of Finance and Personnel, may determine.
- (2) The accounts, books and records of the Council shall be open at all times to inspection by the Comptroller and Auditor General for Northern Ireland and by officers of the Department.
- (3) The statement of accounts shall be examined and certified by auditors appointed by the Council and approved by the Department and the report of the auditors thereon shall be sent to the Council and the Department.
- (4) The Department shall lay before the Assembly a copy of the statement of accounts together with the report of the auditors thereon.

Transfer of assets and liabilities of Interim Council

18. On the appointed day all the assets and liabilities of the body referred to in paragraph 12(1) shall be transferred to the Council; and accordingly, as from that day by virtue of this Order and without any further conveyance, transfer or assignment, those assets shall vest in, and those liabilities shall become liabilities of, the Council.

Interpretation

19. References in this Schedule to an Archbishop or a Bishop are to a Roman Catholic Archbishop or Bishop and references to an Archdiocese or a diocese are to a Roman Catholic Archdiocese or diocese.