

EXPLANATORY MEMORANDUM TO

The General Teaching Council for Northern Ireland (Constitution) (Amendment) Regulations (Northern Ireland) 2015

S.R. 2015 No. 224

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 34 of and paragraph 1 of Schedule 1 to the Education (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Rule amends the General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001 (“the Constitution Regulations”) to replace a reference to the Association of Education and Library Boards as an appointing body with a reference to the Education Authority.
- 2.2. Regulation 7 of the Constitution Regulations lists the bodies who can appoint members to the General Teaching Council. This currently includes the non-statutory Association of Education and Library Boards (AELB) which was an umbrella body of what were the five Education and Library Boards. The establishment of the Education Authority means that the Boards and therefore the AELB cease to exist.
- 2.3. The Rule therefore makes a technical amendment to ensure that in future the Education Authority is the appointing body.

3. Background

- 3.1. As a result of the establishment of the Education Authority from 1 April 2015 we have identified the need to make a consequential amendment to the General Teaching Council for Northern Ireland (Constitution) Regulations (NI) 2001 to replace a reference to “the Association of Education and Library Boards”, as an appointing body, with a reference to “the Education Authority”.
- 3.2. On establishment of the Education Authority, the five Education and Library Boards ceased to exist. The AELB was their umbrella organisation (although it did not have any statutory footing) and it had been given rights in the Constitution Regulations that provide for it to nominate two members to the GTCNI.
- 3.3. Normally when a body or bodies constituted under statute are replaced by another also constituted by statute, the property rights, etc., of the former body automatically transfer to the successor body and the Education Act 2014 provides for this by enabling, where appropriate, references to “the Boards” to be read as references to “the Authority”. However, this did not

include references to the Association of Education and Library Boards. In order to provide certainty that these nomination rights properly transfer to the Education Authority, it is considered that an amendment to the Constitution Regulations is required.

4. Consultation

- 4.1. There is no legislative requirement for the Department to consult on these proposals. However, it has consulted informally with the Education Authority about this change.

5. Equality Impact

- 5.1. An Equality Screening Exercise was carried out on this proposal and has concluded that it will not differentially impact adversely on any of the section 75 groups. This is a technical amendment needed to reflect the change in education delivery structures.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for these regulations as they have no impact on businesses, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Departmental Solicitor's Office has confirmed that the proposed draft regulations comply with section 24 of the Northern Ireland Act 1998 which requires that they are compatible with the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. There are no parity or replicatory measures.

11. Additional Information

- 11.1. Not applicable.