

EXPLANATORY MEMORANDUM TO

The General Teaching Council for Northern Ireland (Constitution) (Amendment No. 2) Regulations (Northern Ireland) 2015

S.R. 2015 No. 341

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 extend the term of office of some of the current members of the General Teaching Council for Northern Ireland (GTCNI).

3. Background

- 3.1. As a result of not being able to progress proposals for a GTCNI Bill in the current Assembly mandate, it is necessary to make arrangements for the constitution of the Council from 14 October 2015.
- 3.2. Fourteen members of the Council are directly elected by registered teachers. The Department of Education appoints four members and fifteen are appointed members representing a range of educational interests.
- 3.3. In order to facilitate the completion of an election and public appointments, the Department is extending the term of office of the current elected members by a further six months. At the same time it will extend the appointment of its three representative until the end of February 2016. The remaining appointing bodies will make appointments by 14 October 2015.
- 3.4. The Department also proposes to take this opportunity to remove references to repealed legislation in regulations 4 and 8 of the Constitution Regulations which, respectively, relate to not being eligible to stand or vote in an election to the Council or ceasing to hold office by virtue of having become ineligible to teach under powers which were previously exercised by the Department but which are no longer in operation.

4. Consultation

- 4.1. There is no legislative requirement for the Department to consult on these proposals. However, the Department has written to the current members to advise them of its proposals and to the Chairs of the appointing bodies seeking their nominations from 14 October 2015.

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.

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. There are no financial implications for the Department of Education.

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.