

SCHEDULES

SCHEDULE 1

Section 1.

The Education Authority

Status

- 1.—(1) The Authority shall not be regarded—
 - (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Authority shall not be regarded as property of, or held on behalf of, the Crown.
- (3) Subject to the following provisions of this Schedule and Article 106 of the 1986 Order, section 19 of the Interpretation Act (Northern Ireland) 1954 applies to the Authority.

Membership

- 2.—(1) The Authority shall consist of—
 - (a) a Chair appointed by the Department on the basis of merit through a fair and open public competition,
 - (b) 8 persons nominated in accordance with paragraph 3 (“political members”), and
 - (c) 12 persons appointed by the Department (“appointed members”) of whom—
 - (i) 4 shall be persons appearing to the Department to represent the interests of transferors of controlled schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;
 - (ii) 4 shall be persons appearing to the Department to represent the interests of trustees of maintained schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;
 - (iii) 1 shall be a person appearing to the Department to represent the interests of integrated schools, appointed after consultation with

persons or bodies appearing to the Department to represent such interests;

- (iv) 1 shall be a person appearing to the Department to represent the interests of voluntary grammar schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests;
- (v) 1 shall be a person appearing to the Department to represent the interests of controlled grammar schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests; and
- (vi) 1 shall be a person appearing to the Department to represent the interests of Irish Medium schools, appointed after consultation with persons or bodies appearing to the Department to represent such interests.

(2) In making appointments under sub-paragraph (1)(c)(iii), the Department shall, so far as practicable, secure that each person appointed has experience in a field of activity relevant to the discharge of the functions of the Authority.

(3) A person is disqualified for membership of the Authority if that person is an officer of the 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—

Status: This is the original version (as it was originally enacted).

- (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—

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

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.

Chair and appointed members

4.—(1) Subject to the provisions of this paragraph, the Chair and the appointed members of the Authority shall hold and vacate office in accordance with the terms of their respective appointments.

(2) An appointment as Chair or an appointed member shall be for a specified period of not more than 4 years.

(3) A person holding office as Chair or appointed member may at any time resign that office by notice in writing to the Department.

(4) The Department may by notice in writing remove a person from office as Chair or appointed member if satisfied that the person—

- (a) has, without reasonable excuse, failed to discharge the functions of the office for a continuous period of 6 months,
- (b) is the subject of a bankruptcy restrictions order (or interim order) or a debt relief restrictions order,
- (c) has failed to comply with the terms of appointment,
- (d) has been convicted of an indictable offence, or
- (e) is otherwise unable, unfit or unwilling to perform the functions of the office.

(5) A person whose term of office as Chair or an appointed member expires or who has resigned shall be eligible for re-appointment.

Remuneration and allowances of members

5. The Authority shall pay to its Chair and members such remuneration and allowances as the Department may determine.

Officers

6.—(1) The Authority shall have—

- (a) a chief executive, with responsibility to the Authority for the carrying out of its functions and the management of its officers; and
- (b) such other officers as the Authority may determine.

(2) An interim chief executive of the Authority shall be appointed by the Department.

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(3) Within one year of the date of the first meeting of the Authority, the Authority shall commence a process to appoint a permanent chief executive.

(4) Every subsequent chief executive shall be appointed by the Authority.

(5) The Authority shall not appoint a person as chief executive unless the Department approves the appointment.

(6) A person shall, so long as that person is, and for 12 months after ceasing to be, a member of the Authority, be disqualified for being an officer of the Authority.

Remuneration, allowances and pensions of officers

7.—(1) Subject to sub-paragraph (2), the Authority shall pay to its officers such remuneration and allowances as it may determine.

(2) The Department may direct that the remuneration and allowances of the chief executive and other officers of such class or description as may be specified in the direction shall not be determined under sub-paragraph (1) without the approval of the Department.

(3) The Authority shall—

(a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its officers or former officers as it may, with the approval of the Department, determine; or

(b) provide and maintain such schemes (whether contributory or not) as it may, with the approval of the Department, determine, for the payment of pensions or gratuities to or in respect of its officers or former officers.

(4) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of officers who suffer loss of employment or loss or diminution of emoluments.

Committees

8.—(1) The Authority may appoint such committees as it considers necessary.

(2) The Authority shall appoint a standing committee to exercise the functions of the Authority under section 2(3).

(3) The membership of the standing committee referred to in sub-paragraph (2) shall, as far as practicable, be representative of the membership of the Authority.

(4) The Authority shall appoint a standing committee to exercise the functions of the Authority under section 2(4).

(5) The membership of the standing committee referred to in sub-paragraph (4) shall, as far as practicable, be representative of the membership of the Authority.

(6) The Authority may authorise a committee to appoint sub-committees for such purposes of the committee as the Authority may approve.

(7) A committee or sub-committee may contain members who are not members of the Authority or of the committee which appointed the sub-committee.

(8) The Authority may authorise any committee of the Authority all the members of which are members of the Authority to perform specific functions on behalf of, and in the name of, the Authority.

(9) Except as provided by a scheme under Article 153 of the 1989 Order, the Authority shall not authorise a committee any member or members of which are not members of the Authority to perform functions on behalf of, or in the name of, the Authority.

(10) The Authority may pay to members of its committees and sub-committees who are neither members nor officers of the Authority such remuneration and allowances as the Authority may, with the approval of the Department, determine.

Proceedings

9. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954, the Authority shall make standing orders regulating the procedure of the Authority and its committees, including provision regulating—

- (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 admission or exclusion of the public and press from meetings;
- (f) the keeping of minutes and other records;
- (g) the custody of documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of its business as the Authority thinks fit.

10. The validity of any proceedings of the Authority, or of any of its committees, shall not be affected by—

- (a) any vacancy among the officers of the Authority or of the committee;
- (b) any vacancy in the office of the Chair of the Authority;
- (c) any defect in the appointment of any one or more officers of the Authority or in the appointment of the Chair of the Authority; or
- (d) any failure to comply with paragraph 9.

Application of seal and documents

11.—(1) The application of the seal of the Authority shall be authenticated by the signature—

- (a) of the Chair of the Authority or the chief executive; or
- (b) of any other member or officer who has been authorised by the Authority (whether generally or specially) for that purpose.

(2) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Authority by any person generally or specially authorised by the Authority for that purpose.

(3) In any legal proceedings any document purporting to have been so executed on behalf of the Authority shall be deemed to be so executed until the contrary is proved.

12. Any document required under any statutory provision to be served on or sent to the Authority may (without prejudice to the operation of section 24 of the Interpretation Act (Northern Ireland) 1954) be served on or sent to the chief executive of the Authority.

Finance

13.—(1) A funding department may make payments to the Authority out of moneys appropriated by Act of the Assembly.

(2) Payments made under this paragraph by a funding department shall be made on such terms and conditions as the funding department may determine.

14.—(1) The Authority may, by means of a bank overdraft or other such means and within such limits and subject to such conditions as may be approved by the Department, temporarily borrow such sums as may be necessary for the purposes of defraying expenditure incurred or to be incurred by it.

(2) Any sum borrowed under this paragraph shall be repaid by the Authority before the end of the financial year in which it is borrowed.

Accounts

15.—(1) The Authority shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form, and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Authority shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department;
- (b) DEL; and
- (c) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received under this paragraph; and
- (b) send a copy of each report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

Annual report

16.—(1) As soon as practicable after the end of each financial year, the Authority shall send to the Department and DEL a report on the carrying out of its functions during that year.

(2) A report under this paragraph shall contain such information as the Department may direct.

(3) The Department shall lay a copy of the report before the Assembly.

Other reports and returns

17. The Authority shall make such reports and returns and give such information—

- (a) to the Department as the Department may reasonably require for the purposes of its functions under any statutory provision;
- (b) to DEL as DEL may reasonably require for the purposes of its functions under any statutory provision.

Commissioner for Complaints

18. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) for “An education and library board” substitute “The Education Authority”.

Freedom of information

19. In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc which are public authorities for the purposes of the Act) for “An Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986” substitute “The Education Authority”.

Interpretation

20. In this Schedule “financial year” means—

- (a) the period beginning with the day on which the Authority is established and ending on 31st March 2016; and
- (b) any subsequent period of 12 months ending on 31st March.