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**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: The deputy and other ordinary members: tenure is up to date with all changes known to be in force on or before 10 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 9

#### THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

##### *The deputy and other ordinary members: tenure*

- 4 (1) The deputy and other ordinary members hold and vacate office in accordance with the terms of their appointments, subject to the following provisions of this Schedule.
- (2) An ordinary member must not be appointed for a term of more than 5 years.
- (3) The deputy may resign from office at any time by giving written notice to Ofqual.
- (4) The ordinary members may resign from office at any time by giving written notice to the Secretary of State
- (5) Ofqual may remove the deputy from office if Ofqual thinks it appropriate to do so.
- (6) The Secretary of State may remove an ordinary member from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of office;
  - (b) absence from Ofqual's meetings for a continuous period of more than 6 months without Ofqual's permission.
- (7) Before removing an ordinary member from office, the Secretary of State must consult the [F1chair] or the deputy (subject to sub-paragraph (9)).
- (8) The Secretary of State may consult the deputy instead of the [F1chair] only if—
- (a) the ordinary member to be removed from office is not the deputy, and
  - (b) the Secretary of State is satisfied that—
    - (i) it is not practicable to consult the [F1chair] , and
    - (ii) it is necessary to remove the ordinary member from office before it would be practicable to do so.
- (9) The Secretary of State may remove an ordinary member from office without consulting either the [F1chair] or the deputy if satisfied that—
- (a) if the ordinary member to be removed from office is the deputy, sub-paragraph (10) applies;
  - (b) in any other case, sub-paragraph (11) applies.
- (10) This sub-paragraph applies if—
- (a) it is not practicable to consult the [F1chair] , and
  - (b) it is necessary to remove the ordinary member from office before it would be practicable to do so.
- (11) This sub-paragraph applies if—

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- (a) it is not practicable to consult either the [<sup>F1</sup>chair] or the deputy, and
- (b) it is necessary to remove the ordinary member from office before it would be practicable to do so.

<sup>F2</sup>(12) .....

(13) The previous appointment of a person as the deputy or another ordinary member does not affect the person's eligibility for re-appointment.

(14) If the deputy ceases to be an ordinary member, the person also ceases to be the deputy.

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**Textual Amendments**

**F1** Word in Sch. 9 para. 4(7)-(11) substituted (1.4.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 7 para. 5](#); [S.I. 2012/924, art. 2](#)

**F2** Sch. 9 para. 4(12) repealed (14.6.2016) by [The Education \(Repeal of Arrangements for Vocational Qualifications Awarded or Authenticated in Northern Ireland\) Order 2016 \(S.I. 2016/642\), art. 1, Sch. Table 1](#)

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**Commencement Information**

**I1** Sch. 9 para. 4 in force at 1.4.2010 by [S.I. 2010/1151, art. 2, Sch. 1](#)

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6