

SCHEDULES

SCHEDULE 3

Article 73.

THE NORTHERN IRELAND COUNCIL FOR THE CURRICULUM, EXAMINATIONS AND ASSESSMENT

Constitution and status

1.—(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 shall apply.

(2) The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

2.—(1) The Council shall consist of a chairman and not fewer than 9 or more than 17 other members.

(2) The chairman and other members of the Council shall be appointed by the Head of the Department and shall be persons appearing to the Head of the Department to have knowledge or experience relevant to the functions of the Council.

(3) The Council may elect a deputy chairman from among its members.

(4) The Department may appoint two assessors to the Council who shall be entitled to receive notice of, and to attend and speak at, meetings of the Council and of committees and sub-committees thereof, but shall not be entitled to vote.

(5) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 (except so much thereof as relates to remuneration) shall apply to the appointment of assessors under sub-paragraph (4).

Qualifications of members and tenure of office

3.—(1) A person shall hold and vacate office as a member or as chairman of the Council in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) A member shall be deemed to have vacated his office and the Council shall declare his place vacant in the following circumstances—

- (a) where he gives to the Head of the Department a notice in writing of his resignation;
- (b) where he becomes bankrupt or makes a composition or arrangement with his creditors;
- (c) where, in the opinion of the Head of the Department, he becomes unable or unfit to discharge the functions of a member and the Head of the Department so informs the Council in writing;
- (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than 3 months; or
- (e) where he fails, without leave of the Council, to attend any meetings of the Council or of a committee or sub-committee thereof for a period of 6 consecutive months.

Changes to legislation: Education (Northern Ireland) Order 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 21 April 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

(3) If the chairman or deputy chairman of the Council ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.

Committees

4.—(1) The Council shall appoint a Finance Committee.

(2) The Council may appoint such other committees as it thinks fit.

(3) A committee appointed under sub-paragraph (2) may include persons who are not members of the Council.

(4) The Council may delegate any of its functions to a committee, but functions which relate to finance may be delegated only to the Finance Committee.

(5) The Council may authorise a committee to appoint sub-committees for such purposes as the Council may approve and the membership of such sub-committees may include persons who are not members of the Council or of the committee which appointed the sub-committee.

(6) The powers of any committee or any sub-committee appointed under this paragraph shall be exercised, and the proceedings of the committee or sub-committee shall be regulated, in accordance with, and subject to, any directions given by the Council.

Procedure

5. The proceedings of the Council or of any committee or sub-committee shall not be invalidated by any vacancy in the membership of the Council, or of any committee or sub-committee, or by any defect in the appointment of a member.

6. Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954, the Council shall make standing orders relating to the convening of meetings of the Council and of committees and sub-committees, the fixing of the quorum, the conduct of business at meetings, the keeping of minutes, accounts and other records, the signing of cheques, the custody of deeds and other documents, the duties of officers and such other matters connected with the conduct of its business as it thinks fit.

7. The application of the seal of the Council shall be authenticated by the signatures of any two members of the Council authorised by the Council to act for that purpose.

8. The power of the Council under section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954 to acquire, hold, dispose of or charge real property shall not be exercised without the approval of the Department.

Staff

9.—(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 the following provisions of this paragraph and 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 (other than the chief executive) shall be appointed at such rates of remuneration as the Council may, with the consent of the Department, determine.

(3) The Council shall have a chief executive who shall be appointed—

- (a) in the case of a person who is also chairman of the Council, by the Head of the Department;
- (b) in any other case, by the Council with the approval of the Department.

(4) The appointment of the chief executive shall be on such terms and conditions as the Department (in the case of an appointment under sub-paragraph (3)(a)) or the Council after

consultation with the Department (in the case of an appointment under sub-paragraph (3)(b)) may determine.

(5) No member of the Council other than the chairman shall be appointed as chief executive.

(6) A person who is an officer of the Council (other than the chief executive) shall not be qualified to be a member of the Council.

(7) The Council may, in accordance with arrangements determined 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.

Allowances

10. The Council may pay to any member of the Council or to any member of a committee or sub-committee thereof (including persons who are not members of the Council) travelling, subsistence and other allowances at such rates as the Department may approve.

Power to form bodies corporate

11. The Council may, in the exercise of any of its functions, form bodies corporate, but shall only do so with the approval of the Department and subject to such conditions as the Department may specify in granting any such approval.

Finance

12.—(1) The Department may pay to the Council grants equal to—

- (a) approved expenditure incurred by the Council for the provision or alteration of premises for the use of the Council;
- (b) approved expenditure incurred by the Council for the provision of equipment;
- (c) other approved expenditure incurred by the Council in carrying out a work programme approved under Article 80.

(2) Grants under this paragraph shall be made on such conditions (including conditions as to repayment) and at such times as the Department may determine.

Accounts and audit

13.—(1) The Council shall keep, in such form as the Department may direct, accounts of all moneys received and all moneys paid out by it.

(2) In respect of each financial year—

- (a) the Council shall prepare and submit to the Comptroller and Auditor General and the Department a statement of accounts before such date, in such form and containing such information as the Department, with the approval of the Department of Finance and Personnel, may direct;
- (b) the Comptroller and Auditor General shall examine and certify the statement of accounts submitted to him by the Council; and
- (c) the Department shall lay before the Assembly a copy of the certified statement of accounts of the Council together with a copy of any report thereon of the Comptroller and Auditor General.

Sub-para. (3) rep. by 2003 NI 5

(4) In this paragraph “Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland.

Changes to legislation:

Education (Northern Ireland) Order 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 21 April 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.

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(b\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 89A inserted by [2022 c. 45 s. 5](#)