

## SCHEDULES

### SCHEDULE 5

Section 31.

#### EDUCATION ASSOCIATIONS

##### *Supplementary powers*

- 1 (1) Subject to sub-paragraph (2) and to the articles of government of any school they conduct, an education association may do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular—
- (a) acquiring and disposing of land and other property,
  - (b) entering into contracts,
  - (c) investing sums not immediately required for the purpose of the discharge of their functions, and
  - (d) accepting gifts of money, land or other property.
- (2) An education association shall not borrow money except money lent under section 255 of the Education Act 1996.
- (3) The power to dispose of land mentioned in sub-paragraph (1)(a) above—
- (a) does not include power to grant any mortgage, charge or other security in respect of any land, and
  - (b) may only be exercised with the written consent of the Secretary of State.

##### *Tenure of members*

- 2 (1) A person shall hold and vacate office as a member of an education association in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member of an education association.
- 3 If the Secretary of State is satisfied that a member of an education association—
- (a) has been absent from meetings of the association for a period longer than six consecutive months without the permission of the association, or
  - (b) is unable or unfit to discharge the functions of a member,
- the Secretary of State may by notice in writing to that member remove him from office and thereupon the office shall become vacant.

##### *Salaries, allowances and pensions*

- 4 (1) The Secretary of State may—
- (a) pay to the members of an education association such salaries or fees, and such travelling, subsistence or other allowances, as he may determine, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) may, as regards any member of the association in whose case the Secretary of State may so determine, pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (2) If a person ceases to be a member of an education association and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.
- (3) Any determination of the Secretary of State under this paragraph requires the approval of the Treasury.

#### *Committees*

- 5 (1) An education association may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the association.
- (3) Such a committee may include persons who are not members of the association.
- (4) The association shall keep under review the structure of committees established by them under this paragraph and the scope of each such committee's activities.

#### *Delegation of functions*

- 6 An education association may authorise the chairman or any committee established by them under paragraph 5 to exercise such of their functions as they may determine.

#### *Proceedings*

- 7 The validity of any proceedings of an education association or of any of their committees shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.
- 8 Subject to the preceding provisions of this Schedule, an education association may regulate their own procedure and that of any of their committees.

#### *Application of seal and proof of instruments*

- 9 The application of the seal of an education association shall be authenticated by the signature—
  - (a) of the chairman or of some other person authorised either generally or specifically by the association to act for that purpose, and
  - (b) of one other member.
- 10 Every document purporting to be an instrument made or issued by or on behalf of an education association and to be duly executed under their seal, or to be signed or executed by a person authorised by the association to act in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.