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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 288**

**EDUCATION**

**The General Teaching Council for Northern Ireland  
(Constitution) Regulations (Northern Ireland) 2001**

*Made* - - - - *24th July 2001*

*Coming into operation* *1st October 2001*

The Department of Education, in exercise of the powers conferred on it by Article 34 of and paragraph 1 of Schedule 1 to the Education (Northern Ireland) Order 1998(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1. These Regulations may be cited as The General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001 and shall come into operation on 1st October 2001.

2. In these Regulations—

“the Council” means the General Teaching Council for Northern Ireland;

“member” means a member of the Council;

“the 1998 Order” means the Education (Northern Ireland) Order 1998.

**Membership**

3. The Council shall consist of 33 members comprising elected members (that is to say, members elected in accordance with regulations 5 and 6 or appointed in accordance with regulation 9(3)) and appointed members (that is to say, appointed in accordance with regulation 7 or 9(1)(b)).

**Eligibility for election, appointment and to vote in elections**

4.—(1) A person shall not be eligible as an elected member or as a member appointed under regulation 7(a), or to fill a vacancy for such a member under regulation 9(1), unless—

(a) he is employed as a teacher at the date of his election or appointment to the Council or has been so employed within one year preceding that date; and

- (b) he has been employed as a teacher for an aggregate period of two years or more in the five years preceding his election or appointment to the Council;

and for this purpose employment as a teacher includes any period of secondment by arrangement with his employing authority.

(2) A person shall not be eligible as a member, or to vote in the election for elected members under an electoral scheme under regulation 6, at any time when—

- (a) his employment as a teacher is prohibited under regulations made under Articles 70(1) and (2)(2) and 134(1)(3) of the 1986 Order;
- (b) his name has been removed from the register under regulations made under Article 36(3)(f) of the 1998 Order;
- (c) he is ineligible for registration as a teacher or disqualified from being employed as a teacher under any provision of the law of England, of Wales or of Scotland.

### **Elected members**

5.—(1) The elected members shall comprise—

- (a) one teacher (whether or not a principal) in a nursery school;
- (b) one teacher (whether or not a principal) in a special school;
- (c) five teachers in primary education who are not principals;
- (d) five teachers in secondary education who are not principals;
- (e) one principal in primary education; and
- (f) one principal in secondary education.

(2) For the purposes of this regulation—

- (a) “primary education” and “secondary education” have the same meaning as in the 1986 Order(4), except that they do not include education at a nursery school or special school;
- (b) references to a teacher or principal in a particular kind of school or sector of education are references to the kind of school or sector of education in which a teacher or principal is or has been employed in accordance with his eligibility under regulation 4(1) for election or appointment.

### **Scheme for elections**

6.—(1) The election of elected members before the establishment of the Council shall be conducted in accordance with an electoral scheme made by the Department.

(2) Subject to paragraph (1) the election of elected members shall be conducted in accordance with an electoral scheme set out in rules made by the Council with the approval of the Department.

(3) An electoral scheme under paragraph (1) may be amended or revoked by a subsequent scheme of the Department and an electoral scheme under paragraph (2) may be amended or revoked by a subsequent scheme of the Council with the approval of the Department.

(4) An electoral scheme under paragraph (1) or (2) shall include provision for—

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(2) Article 70 was substituted by Article 8 of S.I. 1987/167 (N.I. 2) and Article 70(1) was amended by Article 42(2) of S.I. 1993/2810 (N.I. 12)

(3) Article 134(1) was amended by Article 50(1) and Part II of Schedule 4 to S.I. 1993/2810 (N.I. 12)

(4) The definition of “primary education” in Article 2(2) of the 1986 Order was amended by S.I. 1998/1759 (N.I. 13) Schedule 5 Part I; the definition of “secondary education” in that Article was amended by S.I. 1989/2406 (N.I. 20) Schedule 10 and S.I. 1997/1772 (N.I. 15) Schedule 4

- (a) the appointment of a returning officer and other staff in connection with the holding of elections;
  - (b) the making up of a roll of teacher electors in Northern Ireland showing the proposed category of elected member for which each is entitled to vote;
  - (c) the determination of the category of elected member for which each elector is entitled to vote;
  - (d) the giving of notice of holding of the elections;
  - (e) the nomination of candidates; and
  - (f) any other matter related to the holding of the elections.
- (5) Elections shall be held every four years.

### **Appointed members**

7. The appointed members shall comprise—
- (a) five members appointed by the Northern Ireland Teachers' Council;
  - (b) four members, two members being appointed by each of the following—
    - (i) the Association of Education and Library Boards; and
    - (ii) the Council for Catholic Maintained Schools;
  - (c) six members, one member being appointed by each of the following—
    - (i) Comhairle na Gaelscolaíochta;
    - (ii) the Governing Bodies Association;
    - (iii) the Northern Ireland Council for Integrated Education;
    - (iv) the Transferors' Representative Council;
    - (v) the Archbishop of Armagh and the Bishops of Clogher, Derry, Down and Connor, Dromore and Kilmore acting jointly (as representatives of the trustees of Catholic maintained schools); and
    - (vi) the Universities Council for the Education of Teachers (Northern Ireland); and
  - (d) four members appointed by the Department of whom—
    - (i) one member is representative of industry and commerce; and
    - (ii) three members are representative of such other interests as in the opinion of the Department will enable the Council to carry out its functions more effectively.

### **Term of office**

- 8.—(1) The term of office of a member is four years.
- (2) A member may resign at any time by giving notice in writing addressed to the Registrar of the Council.
- (3) A member may be removed from office by a majority vote of other members if without good cause—
- (a) he has been absent from three consecutive Council meetings; or
  - (b) he has been absent from meetings for a period of six months or more starting with the date on which he last attended a Council meeting, provided that he has been given opportunity to be heard at the meeting at which the vote is taken.
- (4) A member shall cease to hold office if—

- (a) his employment as a teacher is prohibited under regulations made under Articles 70(1) and (2) and 134(1) of the 1986 Order;
- (b) his name has been removed from the register under regulations made under Article 36(3) (f) of the 1998 Order;
- (c) he is ineligible for registration as a teacher or disqualified from being employed as a teacher under any provision of the law of England, of Wales or of Scotland.

(5) The Council may make rules prescribing further grounds on which a member may be removed from office and the procedure for removal, and rules made under this paragraph may be amended or revoked by subsequent rules.

### **Casual vacancies**

**9.—(1)** Where a vacancy occurs among members otherwise than by the expiry of a member's term of office—

- (a) if the vacancy is among the elected members, the vacancy shall be filled by the person receiving the next highest number of votes in the election of the member who has vacated office, and if no such person is available the Council shall fill the vacancy by co-opting a person of like electoral qualifications as the member who has vacated office; and
- (b) if the vacancy is among the appointed members, the body or person who appointed the member who has vacated office shall appoint another person to fill it.

(2) A person appointed under paragraph (1)(a) or (b) to fill a vacancy holds office until the date on which the term of office of the member whose vacancy he fills would have expired.

(3) For the purposes of paragraph (1)(a) a person appointed as a replacement for an elected member shall be treated as an elected member.

### **Chairman**

**10.—(1)** The members of the Council shall elect a chairman from amongst their number.

(2) The chairman—

- (a) may resign as chairman by giving notice in writing addressed to the Registrar of the Council; and
- (b) may be removed as chairman by a two-thirds majority vote of the other members.

(3) The Council may make further rules with respect to the election of the chairman and as to the period for which he holds office, and rules made under this paragraph may be amended or revoked by subsequent rules.

Sealed with the Official Seal of the Department of Education on 24th July 2001.

L.S.

*Finola McQuade*  
A Senior Officer of the  
Department of Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations provide for the composition of the membership of the General Teaching Council for Northern Ireland. The Council will consist of 14 elected teacher members, 5 teachers appointed by the Northern Ireland Teachers' Council, 10 members appointed by other bodies representing different interests in the education field, and 4 members appointed by the Department of Education of whom one member will be representative of industry and commerce.

Elections of elected members will take place every four years. The initial elections are to be organised in accordance with an electoral scheme of the Department of Education. Subsequent elections will be organised by the Council. Appointments will be for a term of four years.

The Regulations also make provision for the election of a chairman, the vacation of office by members and by the chairman in certain circumstances, and the filling of vacancies among members.