

Appendix I: The legislative framework

The Principal Act

1. Education and Training Boards operate in accordance with the Education and Training Boards Act 2013 (the Act).

2. The functions of the board are either executive or reserved. Executive functions are carried out by the Chief Executive and reserved functions are carried out by the Board. All functions which are not reserved are considered to be executive (Section 13 of the Act).

4. In accordance with Section 15(4) of the Act, a chief executive is accountable to the board for the due performance of his or her functions.

5. Reserved functions are set out in Section (2) 12 of the Act and are summarised as follows:

	Function	Section of the Act	Ministerial consent required
1	A request to the Minister for a name by which the board may describe itself for operational purposes	9 (3)	Yes
2	The appointment of a chief executive	14	Yes
3	The suspension of a chief executive	17	Yes
4	The establishment of a scholarship	24	Yes
5	The giving of an opinion as to persons with whom the Chief Executive must consult in the preparation of a strategy statement.	27(4)(h)	No
6	The adoption of a strategy statement	27(6)	No
7	The adoption of an annual report	28	No
8	The acceptance of gifts or being constituted as a trustee	29	Yes
9	A decision to authorise the attendance by a member at a conference, seminar, meeting or event	38	No, but subject to regulations made by the Minister
10	In relation to an ETB committees (i) the establishment or dissolution of the committee (ii) the determination of the terms of reference and the regulation of the procedures of the committee	44	No, but may be subject to Ministerial direction.

	(iii) the appointment or removal from office of a member (including the chairperson) of the committee, and (iv) the confirmation of an act of the committee		
11	In relation to a finance committee and an audit committee: (i) the establishment of those committees (ii) the appointment and removal of a member (including the chairperson) of those committees, and (iii) the receipt of a report prepared by each of those committees and the determination of what action (if any) should be taken as a result of the findings of any such report;	45	No, but may be subject to Ministerial direction.
12	The adoption of an annual service plan	47	No
13	The power to borrow money	49	Yes
14	The keeping of accounts	51	No
15	The acquisition, holding and disposal of land, or any interest in land	53	Subject to regulations made by the Minister

2. Other legislation relevant to Education and Training Boards

Legislation, other than the principal act, which directly or indirectly impacts on the work of the ETB is listed below. This listing does not purport to be comprehensive.

A wide range of legislative provision in the areas of public administration, contract law, employment law and other areas apply to the activities of education and training boards. The legislation listed below contains those legislative provisions of most significance and does not purport to be comprehensive.

The text of these acts, and others, are available at <http://www.irishstatutebook.ie>.

Related education acts:

Education Act, 1998

Education (Welfare) Act, 2000

Education for Persons with Special Educational Needs Acts 2004

The Qualifications (Education and Training) Act, 1999

Youth Work Act, 2001

The Teaching Council Act, 2001
Further Education and Training Act 2013

Acts with direct implications for Education and Training Boards:

Comptroller and Auditor General (Amendment) Act, 1993
Ethics in Public Office Act, 1995
Standards in Public Office Act, 2001
The Official Languages Act, 2003
The Children Act, 2001
The Ombudsman for Children Act, 2002
Data Protection Acts, 1988 to 2003
Freedom of Information Acts, 1997-2014
Public Service Management (Recruitment and Appointments) Acts, 2004
Financial Emergency Measures in the Public Interest Acts, 2009-2013
Protected Disclosures Act, 2014
Ombudsman Acts 1980-2012

Employment legislation – a selection:

The Organisation of Working Time Act, 1997
The Employment Equality Act, 1998 (& Bill, 2004)
The Equal Status Act, 2000
The Protection of Employees (Part-time Work) Act, 2001
The Protection of Employees (Fixed Term Work) Act, 2003
Maternity Protection (Amendment) Act, 2004
Safety, Health and Welfare at Work Bill, 2004

Other legislation with application to Education and Training Boards:

Redundancy Payment Act, 1967-1991
Minimum Notice and Terms of Employment Act, 1973-2001
Safety, Health & Welfare at Work Act, 1989 & related Regulations
Industrial Relations Act, 1990
Payment of Wages Act, 1991
Maternity Protection Act, 1994
Terms of Employment (Information) Act, 1994
Adoptive Leave Act, 1995
Protection of Young Persons (Employment) Act, 1996
Prompt Payment of Accounts Act, 1996
The Unfair Dismissals Acts, 1997-1993
Parental Leave Act, 1998
Carers' Leave Act, 2001
The Finance Acts, various years
Charities Act 2001