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Explanatory Memorandum](#)

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**AN BILLE UM CHOMHAIRLE MHÚINTEOIREACHTA  
(LEASÚ) 2006  
TEACHING COUNCIL (AMENDMENT) BILL 2006**

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*Mar a tionscnaíodh  
As initiated*

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ARRANGEMENT OF SECTIONS

Section

1. Definition.
  2. Principal Act — operation and validity of certain provisions and acts.
  3. Future exercise of certain powers not affected.
  4. Short title, collective citation and construction.
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AN BILLE UM CHOMHAIRLE MHÚINTEOIREACHTA  
(LEASÚ) 2006  
TEACHING COUNCIL (AMENDMENT) BILL 2006

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# BILL

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*entitled*

AN ACT TO MAKE PROVISION CONCERNING THE OPER-  
ATION OF CERTAIN SECTIONS OF THE TEACHING  
COUNCIL ACT 2001 AND THE VALIDITY AND EFFECT  
OF CERTAIN THINGS PURPORTED TO BE DONE  
10 THEREUNDER.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.**—In this Act “Principal Act” means the Teaching Council Act 2001. Definition.

**2.**—(1) Notwithstanding section 1(2) of the Principal Act, sections 1, 2, 4, 5, 6 and 8 to 10 of that Act (referred to subsequently in this Act as the “relevant sections”) shall be deemed to have come into operation on the 10th day of September 2004. Principal Act — operation and validity of certain provisions and acts.

(2) Accordingly—

(a) the Teaching Council (First Election of Members) Regulations 2004 (S.I. No. 916 of 2004) shall be deemed to have been validly made and to have come into operation on the date of their purported making, namely the 10th day of September 2004, and

(b) (i) each of the elections and nominations mentioned in section 8 of the Principal Act purported to have been conducted or made before the passing of this Act, and

(ii) any condition precedent to the conducting of any such election or the making of any such nomination purported to have been satisfied before such passing,

shall, as respect its conducting, making or satisfaction, as the case may be, have the same validity and effect as it would have had had an order under section 1(2) of the Principal Act been made appointing the 10th day of September 2004 as the day on which the relevant sections come into operation.

Future exercise of certain powers not affected.

**3.**—Nothing in *section 2* prejudices the future exercise of the powers under section 1(2) of the Principal Act in relation to provisions of that Act that are not the relevant sections.

Short title, collective citation and construction.

**4.**—(1) This Act may be cited as the Teaching Council (Amendment) Act 2006.

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(2) The Principal Act and this Act may be cited together as the Teaching Council Acts 2001 and 2006 and shall be construed together as one Act.



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(LEASÚ) 2006  
TEACHING COUNCIL (AMENDMENT) BILL 2006**

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**EXPLANATORY MEMORANDUM**

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*Introduction*

The purpose of this Bill is to correct a legislative difficulty in relation to the Teaching Council. The issue relates to the Minister's power to make Regulations governing the first election of members to the Teaching Council in circumstances where the relevant applicable provisions of the Teaching Council Act 2001 had not been commenced. The Bill will declare that the requirement in the 2001 Act to commence the relevant sections will not serve to invalidate the Regulations made by the Minister on 10 September 2004 in respect of the first election of members to the Teaching Council or anything done under those Regulations.

*Provisions of the Bill*

*Section 1* defines "Principal Act" in the Bill as the Teaching Council Act 2001.

*Section 2* provides that a number of sections of the Teaching Council Act 2001 are deemed to have come into operation on the date they were made; *ie* 10 September 2004. The sections relate to the 2001 Act's short title and commencement, interpretation, the making of regulations and orders under that Act, the legal status and objects of the Council, its membership, and the election and appointment of members.

The section will ensure that the Regulations made governing the first election of members to the Teaching Council, and anything done under them, will be deemed to have been validly done, despite not commencing the relevant section of the Act.

*Section 3* provides that nothing in this Bill will affect the power of the Minister for Education and Science to make commencement orders under the 2001 Act.

*Section 4* provides for the short title of the Bill and that it can be interpreted and cited in combination with the Teaching Council Act 2001.

*Staffing and financial implications*

It is not expected that the Bill, when enacted, will give rise to any staffing and financial costs.

*An Roinn Oideachais agus Eolaíochta,  
Feabhra 2006.*