



## 2011 CHAPTER 17

### **PART 2**

#### THE NORTHERN IRELAND ASSEMBLY COMMISSIONER FOR STANDARDS

*Appointment, etc.*

##### **Appointment of the Commissioner**

**19.—**(1) The Commissioner shall be appointed by resolution of the Assembly.

(2) The Commissioner shall be appointed for a term of 5 years.

(3) A person may not be appointed as the Commissioner if that person has already held office as the Commissioner.

(4) The Assembly shall make arrangements for—

- (a) ensuring that any person to be appointed as Commissioner has been identified by fair and open competition;
- (b) determining any criteria for appointment; and
- (c) determining the terms and conditions on which such appointment, when made, is to have effect.

(5) The Assembly may delegate to the Commission any of the functions referred to in subsection (4).

##### **Disqualification from being appointed or serving as the Commissioner**

**20.—**(1) Schedule 3 makes provision as to the persons who are disqualified from being appointed or serving as the Commissioner.

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*Changes to legislation: There are currently no known outstanding effects for the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, Cross Heading: Appointment, etc.. (See end of Document for details)*

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(2) The Commission may by order amend Schedule 3.

(3) An order under this section shall not be made unless a draft of the order has been laid before and approved by resolution of the Assembly.

### **Termination of the Commissioner's appointment**

**21.**—(1) The appointment of a person as Commissioner ceases—

- (a) on the expiry of the term for which that person was appointed;
- (b) if that person resigns by giving notice in writing to the Presiding Officer;
- (c) if that person becomes disqualified from serving as the Commissioner; or
- (d) if the Assembly dismisses that person under subsection (2).

(2) The Assembly may by resolution dismiss a person from office as the Commissioner.

(3) A resolution under subsection (2) shall not be passed without the support of a number of members of the Assembly which equals or exceeds two thirds of the total number of members voting on the resolution.

### **Further provision about the Commissioner**

**22** Schedule 4 makes further provision about the Commissioner.

### **Appointment of an Acting Commissioner**

**23.**—(1) When the office of the Commissioner is vacant or the Commissioner is, for any reason, unable to act, the Assembly may appoint a person to discharge any function of that office until such time as may be specified by the terms and conditions of such appointment; and a person so appointed is referred to in this section as an “Acting Commissioner”.

(2) There may be more than one Acting Commissioner at any one time.

(3) The Assembly may delegate to the Commission any matter connected with the appointment of an Acting Commissioner, including the terms of such appointment (but not the appointment itself).

(4) The Commissioner and an Acting Commissioner may each discharge the functions of the Commissioner at the same time in relation to different investigations or requests for advice.

(5) A person who is disqualified from being appointed or serving as the Commissioner is disqualified from being appointed or serving as an Acting Commissioner.

(6) The appointment of a person as an Acting Commissioner ceases in any of the circumstances specified (in relation to the Commissioner) in section 21.

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**Changes to legislation:** *There are currently no known outstanding effects for the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, Cross Heading: Appointment, etc.. (See end of Document for details)*

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(7) Anything done by an Acting Commissioner in accordance with the provisions of this Act and an appointment made under subsection (1) shall be valid as if it had been done by the Commissioner.

(8) Sections 18, 22 and 24 to 34 shall apply to the discharge by an Acting Commissioner of the function which that Acting Commissioner was appointed to discharge as if references in those sections to the Commissioner were references to an Acting Commissioner.

**Changes to legislation:**

There are currently no known outstanding effects for the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, Cross Heading: Appointment, etc..