

## SCHEDULES

### SCHEDULE 1

Section 1

#### INDEPENDENT BARRING BOARD

##### *Membership*

- 1 (1) IBB shall consist of—
  - (a) a chairman;
  - (b) such number of other members as the Secretary of State decides.
- (2) The chairman and other members—
  - (a) are to be appointed by the Secretary of State;
  - (b) must appear to the Secretary of State to have knowledge or experience of any aspect of child protection or the protection of vulnerable adults.

##### *Tenure of office*

- 2 (1) The chairman and members hold and must vacate office as such in accordance with the terms of their respective appointments.
- (2) The appointment of a person to hold office is for a term not exceeding five years.
- (3) A person holding office may at any time resign that office by giving notice in writing to the Secretary of State.
- (4) The Secretary of State may by notice in writing remove a person from office if satisfied that any of the following applies to him—
  - (a) he has, without reasonable excuse, failed, for a continuous period of three months, to carry out his functions;
  - (b) he has been convicted (whether before or after his appointment) of a criminal offence;
  - (c) he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged;
  - (d) he is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 (c. 45) or an order to the like effect made under any corresponding enactment in force in Scotland or Northern Ireland;
  - (e) he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (f) he has failed to comply with the terms of his appointment;
  - (g) he is otherwise unable or unfit to carry out his functions as chairman or member.
- (5) A person who ceases to be chairman or a member is eligible for re-appointment, except where he is removed from office under sub-paragraph (4).

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*Status: This is the original version (as it was originally enacted).*

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*Remuneration, pension etc. of members*

- 3 (1) IBB must pay to the chairman and each of the other members such remuneration and allowances as may be determined by the Secretary of State.
- (2) IBB must, if required to do so by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or a member, or
  - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If the Secretary of State thinks that there are special circumstances which make it right for a person ceasing to hold office as chairman or a member to receive compensation, IBB must pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.
- (4) Service as chairman or other member of IBB is included among the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of service are listed) insert at the appropriate place—
- “The Independent Barring Board.”
- (5) IBB must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (4) in the sums payable out of money provided by Parliament under that Act.

*Staff*

- 4 (1) IBB shall have—
- (a) a chief executive;
  - (b) such other employees as it may appoint.
- (2) The chairman may be appointed as chief executive.
- (3) IBB may make arrangements for persons to be seconded to IBB to serve as members of its staff.
- (4) A member of a police force on temporary service with IBB shall be under the direction and control of IBB.

*Remuneration, pensions etc. of staff*

- 5 (1) IBB must pay to its employees such remuneration and allowances as it may determine.
- (2) IBB may pay, or make payments in respect of, such pensions, allowances or gratuities to or in respect of its employees or former employees as it may determine.
- (3) Employment with IBB is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) insert at the appropriate place—

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“Employment by the Independent Barring Board.”

- (4) If any person—
- (a) on ceasing to be employed by IBB becomes or continues to be one of its members, and
  - (b) was, by reference to his employment, a participant in a scheme under section 1 of that Act,
- the Minister for the Civil Service may determine that his service as a member of IBB is to be treated for the purposes of the scheme as if his service as a member were service as an employee of IBB (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3).
- (5) IBB must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

#### *Delegation of functions*

- 6 (1) IBB may to such extent as it may determine delegate any of its functions to—
- (a) one of its members;
  - (b) a member of its staff;
  - (c) a committee consisting of some of its members, members of its staff or both members and members of staff.
- (2) A committee mentioned in sub-paragraph (1)(c) which consists of both members and members of staff must be chaired by a member.
- 7 IBB may to such extent as it may determine delegate any of its functions, other than a core function, to—
- (a) a person who is neither a member nor a member of staff;
  - (b) a committee (including a committee which comprises or includes persons who are neither members nor members of staff).
- 8 A core function is—
- (a) determining whether it is appropriate for a person to be included in a barred list;
  - (b) determining whether to remove a person from a barred list;
  - (c) considering representations made for the purposes of Schedule 3.

#### *Reports*

- 9 (1) As soon as possible after the end of each financial year IBB must issue a report on the exercise of its functions during that year.
- (2) IBB must arrange for the report to be published in such manner as it considers appropriate.
- 10 The Secretary of State may direct IBB to submit a report to him on any matter regarding the exercise of IBB’s functions as may be specified in the direction.

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### *Funding*

- 11 The Secretary of State may make payments to IBB of such amounts, at such times and on such conditions (if any) as he thinks appropriate.

### *Accounts*

- 12 (1) IBB must keep its accounts in such form as the Secretary of State determines.
- (2) IBB must prepare annual accounts in respect of each financial year in such form as the Secretary of State decides.
- (3) Before the end of the specified period following the end of each financial year to which the annual accounts relate IBB must send a copy of the accounts to the Secretary of State and the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the annual accounts;
  - (b) send a copy of the accounts and of his report to the Secretary of State, who must lay them before each House of Parliament.
- (5) The financial year is—
- (a) the period starting on the day IBB is established and ending on the next 31st March;
  - (b) each succeeding period of 12 months.
- (6) The specified period is such period as the Secretary of State directs.

### *Status*

- 13 (1) IBB is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) IBB's property is not to be regarded as property of, or property held on behalf of, the Crown.

### *Payments in connection with maladministration*

- 14 (1) If IBB thinks—
- (a) that action taken by or on behalf of IBB amounts to maladministration, and
  - (b) that a person has been adversely affected by the action,
- IBB may make such payment (if any) to the person as it thinks appropriate.
- (2) "Action" includes failure to act.

### *Incidental powers*

- 15 (1) In connection with the exercise of any of its functions IBB may—
- (a) enter into contracts and other agreements (whether legally binding or not);
  - (b) acquire and dispose of property (including land);
  - (c) borrow money;
  - (d) do such other things as IBB thinks necessary or expedient.

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- (2) The power conferred by sub-paragraph (1)(b) includes accepting—
  - (a) gifts of money, and
  - (b) gifts or loans of other property,on such terms as IBB thinks appropriate.
- (3) But IBB may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (4) Such consent may be given—
  - (a) with respect to a particular case or with respect to a class of cases;
  - (b) subject to such conditions as the Secretary of State thinks appropriate.

#### *Documents*

- 16 A document purporting to be signed on behalf of IBB shall be received in evidence and, unless the contrary is proved, be taken to be so signed.