

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE NORTHERN IRELAND LIBRARY AUTHORITY

##### *Status*

- 1.—(1) The Authority shall not be regarded—
  - (a) as the servant or agent of the Crown; or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Authority shall not be regarded as property of, or held on behalf of, the Crown.
- (3) Subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Authority.

##### *Membership*

- 2.—(1) The Authority shall consist of—
  - (a) a Chair, and
  - (b) not more than 18 other members,appointed by the Department.
- (2) In making appointments under sub-paragraph (1), the Department shall so far as practicable secure—
  - (a) that at any time a majority of members are councillors (within the meaning of the Local Government Act (Northern Ireland) 1972 (c. 9)); and
  - (b) that each member of the Authority has experience in a field of activity relevant to the discharge of the functions of the Authority.
- (3) The Department may by order subject to negative resolution amend sub-paragraph (1)(b) by substituting for the number specified there such other number as may be specified in the order.

### *Tenure of office*

3.—(1) Subject to the provisions of this Schedule, the Chair and other members of the Authority hold and vacate office in accordance with the terms of their respective appointments.

(2) A person holding office as Chair or other member of the Authority may at any time resign that office by notice in writing to the Department.

(3) A person appointed as Chair of the Authority shall cease to hold that office if that person ceases to be a member of the Authority.

(4) The Department may by notice in writing remove a person from office as Chair or other member of the Authority.

(5) A person who ceases (otherwise than by virtue of sub-paragraph (4)) to be the Chair or other member of the Authority shall be eligible for re-appointment

### *Remuneration, etc. of members*

4. The Authority shall pay to the Chair and other members of the Authority such remuneration and allowances as the Department may determine.

### *Employees*

5.—(1) The Authority shall have—

- (a) a chief executive, with responsibility to the Authority for the carrying out of its functions and the management of its employees; and
- (b) such other employees as the Authority may determine.

(2) The first chief executive of the Authority shall be appointed by the Department.

(3) Every subsequent chief executive shall be appointed by the Authority.

(4) The Authority shall not appoint a person as chief executive unless the Department approves the appointment.

(5) A person shall, so long as that person is, and for 12 months after ceasing to be, a member of the Authority, be disqualified for being an employee of the Authority.

### *Remuneration, allowances and pensions of employees*

6.—(1) Subject to sub-paragraph (2), the Authority shall pay to its employees such remuneration and allowances as it may determine.

(2) The Department may direct that the remuneration and allowances of employees of such class or description as may be specified in the direction shall not be determined under sub-paragraph (1) without the approval of the Department.

(3) The Authority shall—

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

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- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may, with the approval of the Department, determine; or
  - (b) provide and maintain such schemes (whether contributory or not) as it may, with the approval of the Department, determine, for the payment of pensions or gratuities to or in respect of its employees or former employees.
- (4) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.

*Arrangements for assistance*

- 7.—(1) The Authority may make arrangements with such persons (including the Department or any other government department) as it considers appropriate for assistance to be provided to it.
- (2) Arrangements under this paragraph with a person other than the Department
- (a) require the approval of the Department;
  - (b) may provide for the payment of fees by the Authority.

*Committees*

- 8.—(1) The Authority may establish committees.
- (2) A person who is not a member of the Authority shall not, except with the approval of the Department, be appointed to a committee of the Authority.
- (3) The Authority may pay to members of its committees who are neither members nor employees of the Authority such remuneration and allowances as the Authority may, with the approval of the Department, determine.

*Delegation to committees and staff*

- 9.—(1) The Authority may, to such extent as it may determine, delegate any of its functions to—
- (a) any committee of the Authority;
  - (b) any employee of the Authority.
- (2) Any committee of the Authority may, to such extent as the committee may determine, delegate any functions of the committee to any employee of the Authority.

### *Proceedings*

**10.** Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 (c. 33), the Authority shall make standing orders regulating the procedure of the Authority and its committees, including provision regulating—

- (a) the convening of meetings;
- (b) the fixing of the quorum;
- (c) the conduct of business at meetings;
- (d) the disclosure by a member of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a member from any discussion on that matter;
- (e) the admission or exclusion of the public and press from meetings;
- (f) the keeping of minutes and other records;
- (g) the custody of documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of its business as the Authority thinks fit.

**11.** The validity of any proceedings of the Authority, or of any of its committees, shall not be affected by—

- (a) any vacancy among the members of the Authority or of the committee;
- (b) any vacancy in the office of Chair of the Authority;
- (c) any defect in the appointment of any one or more members of the Authority or in the appointment of the Chair of the Authority; or
- (d) any failure to comply with paragraph 10

### *Application of seal and documents*

**12.** The application of the seal of the Authority shall be authenticated by the signature—

- (a) of the Chair of the Authority or the chief executive; or
- (b) of any other member or employee of the Authority who has been authorised by the Authority (whether generally or specially) for that purpose.

**13.** Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Authority by any person generally or specially authorised by the Authority for that purpose.

### *Premises*

14.—(1) The headquarters of the Authority shall be at such place as the Department may approve.

(2) All library premises shall be open at all reasonable times to inspection by a person authorised by the Department.

### *Finance*

15.—(1) The Department may make payments to the Authority.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Authority shall pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) shall not apply to such sums, or sums of such description, as the Department may direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

### *Accounts*

16.—(1) The Authority shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Authority shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received under sub-paragraph (3)(b); and
- (b) send a copy of that report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

*Annual report*

17.—(1) As soon as practicable after the end of each financial year, the Authority shall send to the Department a report on the carrying out of its functions during that year.

(2) The Department shall lay a copy of the report before the Assembly.

*Interpretation*

18. In this Schedule “financial year” means—

- (a) the period beginning with the day on which the Authority is established and ending on the next following 31st March; and
- (b) any subsequent period of twelve months ending on 31st March.

SCHEDULE 2

Section 1.

TRANSFER SCHEMES

*Creation and apportionment of property, rights and liabilities etc.*

1. A scheme may—

- (a) create for the transferor interests in or rights over property transferred by virtue of the scheme;
- (b) create for the Authority interests in or rights over property retained by the transferor;
- (c) create rights or liabilities between the transferor and the Authority.

2.—(1) A scheme may provide for the transfer of property, rights or liabilities that would not otherwise be capable of being transferred or assigned.

(2) In particular, it may provide for the transfer to take effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of a provision having effect in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

(3) It does not matter whether the provision referred to in sub-paragraph (2) has effect under a statutory provision or an agreement or in any other way.

3. A certificate by the Department that anything specified in the certificate has vested in the Authority by virtue of a scheme is conclusive evidence for all purposes of that fact.

*Employment contract*

4.—(1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.

(2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those regulations.

(3) The scheme shall—

- (a) identify the transferring employees (whether by name or otherwise);
- (b) include provision securing pension protection for such employees;
- (c) include provision for procedures designed to resolve any grievances of such employees arising in relation to matters dealt with by the scheme; and
- (d) include provision for the payment of compensation by the Department to any such employee who suffers loss or detriment in consequence of the scheme.

(4) Before making the scheme the Department shall consult—

- (a) in the case of a scheme identifying the transferring employees by name, those employees; and
- (b) in the case of a scheme identifying the transferring employees in any other way, such persons as appear to the Department to be representative of the transferring employees.

(5) For the purposes of sub-paragraphs (3) and (4)—

- (a) “transferring employee” means an employee of an education and library board whose contract of employment becomes, by virtue of sub-paragraph (2), a contract of employment with the Authority;
- (b) “pension protection” is secured for a transferring employee (“T”) if after the change in T’s employer T has, as an employee of the Authority, rights to acquire pension benefits and those rights are the same as or (taken as a whole) not less favourable than those which T had as an employee of the education and library board.

(6) Procedures under sub-paragraph (3)(c) must involve consideration of grievances by a person other than—

- (a) a member, or member of staff, of an education and library board;
- (b) a member, or member of staff, of the Authority; or
- (c) a member of staff of the Department.

### *Continuity*

5. A transfer by virtue of a scheme does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

6. Anything which—

- (a) is done by the transferor for the purposes of or otherwise in connection with anything transferred by virtue of a scheme, and
- (b) is in effect immediately before the transfer date,

is to be treated as done by the Authority

7. There may be continued by or in relation to the Authority anything (including legal proceedings)—

- (a) which relates to anything transferred by virtue of a scheme, and
- (b) which is in the process of being done by or in relation to the transferor immediately before the transfer date.

8.—(1) This paragraph applies to any document—

- (a) which relates to anything transferred by virtue of a scheme, and
- (b) which is in effect immediately before the transfer date.

(2) Any references in the document to the transferor are to be read as references to the Authority.

### *Incidental provision*

9. A scheme may include supplementary, incidental, transitional and consequential provision.

### *Interpretation*

10. In this Schedule “transferor”, in relation to anything transferred by virtue of a scheme, means the education and library board from which it is so transferred.

## SCHEDULE 3

Section 10.

## AMENDMENTS

### *The Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14)*

1. In Article 67 after “Library Boards” insert “, the Northern Ireland Library Authority”.



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

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*The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

2. In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place—

“The Northern Ireland Library Authority”.

*The Rates (Northern Ireland) Order 1977 (NI 28)*

3. In Schedule 13 after the entry relating to the Northern Ireland Fire and Rescue Service Board insert—

“The Northern Ireland Library Authority.”.

*The Commissioner for Complaints (Northern Ireland) Order 1996 (NI. 7)*

4. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) there shall be inserted, at the appropriate place—

“The Northern Ireland Library Authority”.

*The Employment Rights (Northern Ireland) Order 1996 (NI 16)*

5. In Article 78(2) after sub-paragraph (a) insert—

“(aa) the Northern Ireland Library Authority;”.

*The Freedom of Information Act 2000 (c. 36)*

6. In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc. which are public authorities for the purposes of the Act) there shall be inserted, at the appropriate place—

“The Northern Ireland Library Authority”.

SCHEDULE 4

Section 10.

REPEALS

Short Title	Extent of repeal
<a href="#">The Education and Libraries (Northern Ireland) Order 1986 (NI 3)</a>	In Article 3(1) the words “and library authority”.  In Article 4(1) the words “and a library committee”.  In Article 4(2) the words from “and a library committee” to the end.

Short Title	Extent of repeal
	In Article 4(3) the words from “and a scheme” to the end.
	In Article 4(4) the words “and its library committee”.
	Part 7.
	Article 83(1)(b) and (3)(b).
	In Article 83(6)(a) the words “and chief librarians”.
	In Article 92(1)(b) the words “or library”.
	In Article 115(1)(a)(i) the words “or library”.
	In Schedule 2, in paragraph 4(2), the words from “and at least” to the end.
	In Schedule 3, Part 2.
	In Schedule 15, paragraph 2(1)(d) and in paragraph 2(1)(e) the words “or chief librarians”.
The Education Reform (Northern Ireland) Order 1989 (NI 20)	In Article 152 the words “or library”.
The Education and Libraries (Northern Ireland) Order 1993 (NI 12)	Article 43.
The Education and Libraries (Northern Ireland) Order 2003 (NI 12)	Article 10(7)(a)(ii). Article 11(1)(b).