



2013 CHAPTER 8

Determination of eligibility of special advisers by review panel

3.—(1) This section applies where an appointment, or proposed appointment, of a person as a special adviser is referred to the Department under section 2(5) or (2).

(2) The Department must, within 14 days of the referral, establish a review panel and refer the matter to it.

(3) The review panel must determine whether the person is eligible for appointment as, or to continue to hold appointment as, a special adviser.

(4) The person is only eligible if the review panel is satisfied that there are exceptional circumstances justifying it—

- (a) after having regard to the matters set out in subsection (5), and
- (b) in the case of a proposed appointment, after taking account of the outcome of the vetting procedures mentioned in subsection (6).

(5) Those matters are—

- (a) whether the person has shown contrition for the offence to which the serious criminal conviction relates,
- (b) whether the person has taken all reasonable steps to assist in the investigation and prosecution of all other persons connected with the commission of the offence,
- (c) the views of any victim of the offence, or where a victim has died, the views of any close family member of the victim.

(6) The Department must arrange for the proposed appointee to be the subject of the same vetting procedures as apply to the appointment of persons as Senior Civil Servants to the Northern Ireland Civil Service.

(7) The Department must—

Changes to legislation: *There are currently no known outstanding effects for the Civil Service (Special Advisers) Act (Northern Ireland) 2013, Section 3. (See end of Document for details)*

- (a) appoint independent persons to be members of the review panel,
 - (b) pay those persons such fees, allowances or expenses as appear appropriate,
 - (c) provide the review panel with staff, accommodation or other facilities as appear appropriate.
- (8) A review panel may regulate its own procedure.
- (9) A review panel only remains in existence for so long as is necessary for it to exercise its functions.

Changes to legislation:

There are currently no known outstanding effects for the Civil Service (Special Advisers) Act (Northern Ireland) 2013, Section 3.