

SCHEDULES

SCHEDULE 1

Article 3(2).

THE GENERAL CONSUMER COUNCIL FOR NORTHERN IRELAND

Incorporation and status

1.—(1) The Council shall be a body corporate with perpetual succession to which, subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

(2) The Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown and the Council's property shall not be regarded as property of, or property held on behalf of, the Crown.

Appointment and tenure of office of members

2.—(1) The Council shall be appointed by the Head of the Department and shall consist of—

- (a) a chairman;
- (b) a deputy chairman; and
- (c) not more than sixteen other members.

(2) Before making any appointment under sub-paragraph (1)(c) the Head of the Department shall consult with such bodies as he considers appropriate.

(3) The Department may by order subject to negative resolution amend sub-paragraph (1)(c) so as to substitute for the number of other members there mentioned such other number as is specified in the order.

3.—(1) Subject to sub-paragraphs (2) to (6), a member of the Council shall hold and vacate office in accordance with the terms of his appointment.

(2) A member may resign his office by giving to the Head of the Department a signed notice in writing to that effect.

(3) The Head of the Department may by notice in writing remove a member from office.

(4) A member who ceases to hold office shall be eligible for re-appointment to the Council.

(5) Where a member becomes or ceases to be the chairman or deputy chairman the Head of the Department may vary the terms of the instrument appointing him a member.

(6) If the chairman or deputy chairman ceases to be a member he shall cease to be chairman or deputy chairman as the case may be.

4. The Department may appoint a person in relation to the Council and any group established by the Council under paragraph 10 and a person so appointed shall be entitled to receive notice of, and to attend and speak at, meetings of the Council and of such groups, but shall not be entitled to vote at any such meeting.

Remuneration and allowances of members

5. The Council may pay—

- (a) to the chairman and deputy chairman of the Council such remuneration, allowances and expenses; and
- (b) to the other members of the Council and the members of groups appointed under paragraph 10(4) such allowances and expenses,

as the Department may, with the consent of the Department of Finance and Personnel, determine.

Disqualification for the Assembly

6. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 there shall be inserted at the appropriate place in alphabetical order—
“Chairman and deputy chairman of the General Consumer Council for Northern Ireland”.

Staff

7.—(1) The Council may employ such officers and servants on such terms and conditions as the Council may, with the approval of the Department and the Department of Finance and Personnel, determine.

(2) The Council may, in accordance with arrangements determined by the Department with the approval of the Department of Finance and Personnel, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of officers and servants of the Council.

Proceedings

8.—(1) Subject to the provisions of this Schedule, the arrangements relating to meetings of the Council shall be such as the Council may determine.

(2) The quorum of the Council shall be determined by the Council at a meeting of not less than eight members of the Council, including the chairman or deputy chairman.

9. The validity of any proceedings of the Council shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Appointment and functions of groups

10.—(1) The Council shall establish—

- (a) a group in connection with the exercise of its functions in relation to transport;
- (b) a group in connection with the exercise of its functions in relation to food;

[^{F1}(bb) a group in connection with the exercise of its functions in relation to energy.]

[^{F2}(bbb) a group in connection with the exercise of its functions under Chapter III of Part III of the Water and Sewerage Services (Northern Ireland) Order 2006.]

Head (c) rep. by 1992 NI 1

Head (d) rep. by 2003 NI 6

(2) The Council may establish, in connection with the exercise of any of its other functions, such other groups as appear to it to be appropriate.

(3) Subject to sub-paragraphs (4) and (5), the composition of any group established under sub-paragraph (1) or (2) shall be determined by the Council.

(4) Persons who are not members of the Council may be appointed to a group established under sub-paragraph (1) or (2) but—

- (a) the number of persons appointed under this sub-paragraph shall be less than the number of members of the Council appointed to the group;

(b) persons appointed under this sub-paragraph shall not be entitled to vote at any meeting of the group; and

(c) a person appointed under this sub-paragraph shall not act as chairman of the group.

Sub#para. (5) rep. by 2003 NI 6

(6) Subject to sub-paragraph (7), the Council may delegate to a group established under sub-paragraph (1) or (2) any of the functions of the Council and may authorise a group to perform any such functions on behalf of, and in the name of, the Council.

(7) The functions of any group established under sub-paragraph (1) or (2) shall be exercised and the proceedings of the group regulated in accordance with, and subject to, any directions given by the Council.

(8) The Department may, after consultation with [^{F3}the Department for Regional Development and] the Council, by order subject to negative resolution amend or repeal any of the foregoing provisions of this paragraph to such extent as appears to the Department to be necessary or desirable so as to reduce the number of groups which the Council is required to establish under sub-paragraph (1).

F1 2003 NI 6

F2 Sch. 1 para. 10(1)(bbb) inserted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), **45(6)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F3 Words in Sch. 1 para. 10(8) inserted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308, **Sch. 12 para. 20** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Financial provision

11. The Department may pay such sums to the Council in respect of its expenses as the Department may, with the consent of the Department of Finance and Personnel, determine.

Reports and accounts

12.—(1) The Council shall prepare in respect of the period ending on 31st March 1986 and each subsequent financial year a report on the activities of the Council during that period or year and shall send such report to the Head of the Department [^{F4}and the Secretary of State].

[^{F5}(1A) The Secretary of State shall lay a copy of the report before Parliament.]

(2) The Council shall provide the Department with such returns or information relating to the affairs of the Council as the Department may from time to time require.

[^{F6}(3) The Council 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.

(4) 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.

(5) The Council 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; ^{F7} ...

- (b) the Comptroller and Auditor General for Northern Ireland. [^{F8}; and
(c) the Secretary of State.]
- (6) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement of accounts sent to him by the Council under this paragraph; and
(b) send a copy of his report to the Department.[^{F9}and the Secretary of State.]
- (6A) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]
- [^{F10}(6B) The Secretary of State shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before Parliament.]
- (7) The Head of the Department shall lay before the Assembly—
- (a) a copy of each report sent to him under sub-paragraph (1);
Heads (b)#(c) rep. by 2003 NI 5

F4	Words in Sch. 1 para. 12(1) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3), Sch. 1 para. 21(2)(a) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
F5	Sch. 1 para. 12(1A) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3), Sch. 1 para. 21(2)(b) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
F6	2003 NI 5
F7	Word in Sch. 1 para. 12(5)(a) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3), Sch. 1 para. 21(2)(c)(i) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
F8	Sch. 1 para. 12(5)(c) and word inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3), Sch. 1 para. 21(2)(c)(ii) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
F9	Words in Sch. 1 para. 12(6)(b) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3), Sch. 1 para. 21(2)(d) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
F10	Sch. 1 para. 12(6B) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631) , art. 1(3), Sch. 1 para. 21(2)(e) (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

Documents

13.—(1) The application of the seal of the Council to any document shall be attested by the signatures of—

- (a) the chairman or deputy chairman of the Council or some other member of the Council authorised by the Council to act for that purpose; and
(b) a member of the staff of the Council authorised by the Council to act for that purpose.

(2) Any contract or instrument which, if entered into or executed by an individual, would not require to be [^{F11}executed as a deed] may be entered into or executed on behalf of the Council by the chairman or by any person generally or specially authorised by the Council to act for that purpose.

(3) Any document purporting to be such a contract or instrument as is referred to in sub-paragraph (2) shall be deemed to be such contract or instrument until the contrary is proved.

F11 2005 NI 7

Land

14. The Council shall not acquire or dispose of any estate in land except with the consent of the Department and of the Department of Finance and Personnel.

[^{F12}Exemption from liability in damages

F12 Sch. 1 para. 15 inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 21(3)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

15.—(1) The Council and the persons listed in paragraph (2) are not liable in damages for anything done or omitted to be done in exercise or purported exercise of any of the functions transferred to it under the following enactments—

- (a) the Postal Services Act 2000;
 - (b) the Consumers, Estate Agents and Redress Act 2007;
 - (c) the Postal Services Act 2011.
- (2) The persons referred to in sub-paragraph (1) are—
- (a) an employee of the Council;
 - (b) a person contracted to work for the Council.
- (3) Sub-paragraph 1 does not apply—
- (a) if it is shown that the act or omission was in bad faith, or
 - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.]

Schedule 2—Amendments

Schedule 3—Repeals

Changes to legislation:

There are currently no known outstanding effects for the The General Consumer Council (Northern Ireland) Order 1984.