

SCHEDULES

SCHEDULE 1

Article 3(5).

COMMISSIONERS

Chairman

1. The Secretary of State shall appoint a chairman from among the Commissioners.

Tenure

2. A Commissioner—
 - (a) shall hold office in accordance with the terms of his appointment; and
 - (b) may resign by notice in writing to the Secretary of State.
3. The Secretary of State may, after consultation with the Lord Chief Justice, dismiss a Commissioner if satisfied—
 - (a) that he has without reasonable excuse failed to carry out his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal;
 - (b) that he has been convicted of a criminal offence;
 - (c) that a bankruptcy order has been made against him, or his estate had been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
 - (d) that he is unable or unfit to carry out his functions.

Remuneration and allowances

4.—(1) The Secretary of State shall pay such remuneration, fees and allowances as he thinks fit to or in respect of a Commissioner.

(2) If a Commissioner resigns in accordance with paragraph 2(b), the Secretary of State may pay him compensation if in the Secretary of State's opinion special circumstances make it appropriate.

Staff, premises, etc.

5. The Secretary of State shall provide for the Commissioners the services of such staff, and the use of such premises and other facilities, as he thinks appropriate.

Annual report

6.—(1) The chairman shall, as soon as reasonably practicable after the end of each financial year, make a report to the Secretary of State on the performance of the Commissioners' functions during the year.

(2) The Secretary of State shall lay a copy of the report before each House of Parliament.

(3) In sub-paragraph (1) "financial year" means—

Status: This is the original version (as it was originally made).

- (a) the period starting with the date on which the first Commissioner is appointed and ending on 31st March following that date, and
- (b) each successive period of twelve months.

Disqualification of Commissioners

7. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975(1) (other disqualifying offices) at the appropriate place insert—

“Life Sentence Review Commissioner”.

8. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(2) (other disqualifying offices) at the appropriate place insert—

“Life Sentence Review Commissioner”.

SCHEDULE 2

Article 4.

COMMISSIONERS' PROCEDURE

Rules

1.—(1) The Secretary of State may make rules prescribing the procedure to be followed in relation to proceedings of the Commissioners under this Order, and in particular rules may—

- (a) make provision for the matters set out in this Schedule;
- (b) confer functions on the chairman.

(2) Rules under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946(3) shall apply accordingly.

Allocation of cases

2. The rules may provide—

- (a) for the allocation of proceedings to panels of Commissioners;
- (b) for the taking of specified decisions by a single Commissioner.

Evidence and information

3. The rules may make provision about evidence and information, including provision—

- (a) requiring Commissioners to send to the Secretary of State copies of such documents as the rules may specify;
- (b) requiring the Secretary of State to provide specified information to Commissioners;
- (c) for the giving of evidence by or on behalf of the Secretary of State, the Police Service of Northern Ireland and others;
- (d) about the way in which information or evidence is to be given;

(1) 1975 c. 24.
(2) 1975 c. 25.
(3) 1946 c. 36.

- (e) for evidence or information about a prisoner not to be disclosed to anyone other than a Commissioner if the Secretary of State certifies that the evidence or information satisfies conditions specified in the rules;
- (f) preventing a person from calling any witness without leave of Commissioners.

Exclusion of persons from proceedings

4. The rules may provide for proceedings to be held in private except where Commissioners direct otherwise.

5. The rules may prevent a person who is serving a sentence of imprisonment or detention from representing or acting on behalf of a prisoner.

6.—(1) The rules may permit Commissioners to hold proceedings in specified circumstances in the absence of any person, including the prisoner concerned and any representative appointed by him.

(2) Where a prisoner and any representative appointed by him are excluded from proceedings by virtue of sub-paragraph (1), the Attorney General may appoint a person to represent the prisoner's interests in those proceedings.

(3) A person appointed under sub-paragraph (2) shall not be responsible to the prisoner whose interests he represents.

SCHEDULE 3

Article 13(2).

REPEALS

Chapter or Number	Short title	Extent of repeal
1953 c. 18 (N.I.).	Prison Act (Northern Ireland) 1953.	Section 23.
1973 c. 53.	Northern Ireland (Emergency Provisions) Act 1973.	In section 1, subsections (2) and (3).
1998 N.I. 9.	Criminal Justice (Children) (Northern Ireland) Order 1998.	In Schedule 5, paragraph 6(b).