

## SCHEDULES

### SCHEDULE 2

#### THE CARE TRIBUNAL

##### *Constitution of Care Tribunal*

- 1.—(1) There shall be appointed—
- (a) a panel of persons ( “the chairmen's panel”) who may serve as chairmen of the Care Tribunal; and
  - (b) a panel of persons ( “the lay panel”) who may serve as the other two members of the Care Tribunal apart from the chairman.
- (2) The Care Tribunal shall consist of—
- [<sup>F1</sup>(a) a chairman nominated from the chairmen's panel by the Lord Chief Justice after consultation with the [<sup>F2</sup>Department of Justice]; and]
  - (b) two other persons nominated by the Department from the lay panel.
- [<sup>F3</sup>(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### **Annotations:**

- F1** Sch. 2 para. 1(2)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 129(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(i)
- F2** Words in Sch. 2 para. 1(2)(a) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 16; S.R. 2010/147, art. 2(2) (which amendment supersedes the substitution of words (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 41(2) (with Sch. 5 para. 16); S.I. 2010/812, art. 2)
- F3** Sch. 2 para. 1(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 129(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(i)

#### **Modifications etc. (not altering text)**

- C1** Sch. 2 para. 1(2)(b): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by Departments (Transfer of Functions) Order (Northern Ireland) 2011 (S.R. 2011/44), arts. 1(2), 6(e) (with art. 8(2))

##### *Appointment of the panels*

- 2.—(1) The members of the chairmen's panel shall be appointed by the [<sup>F4</sup>Northern Ireland Judicial Appointments Commission].
- (2) No person may be appointed a member of the chairmen's panel unless he is a barrister or solicitor of at least ten years' standing.

(3) The members of the lay panel shall be appointed by the Department.

(4) No person may be appointed member of the lay panel unless he satisfies such requirements as may be prescribed.

**Annotations:**

**F4** Words in [Sch. 2 para. 2\(1\)](#) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), ss. 2(3), 5(7)(a), [Sch. 4 para. 41\(3\)](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, [art. 2](#)

**Modifications etc. (not altering text)**

**C2** [Sch. 2 para. 2\(3\)](#): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), [6\(c\)](#) (with [art. 8\(2\)](#))

**C3** [Sch. 2 para. 2\(4\)](#): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), [6\(c\)](#) (with [art. 8\(2\)](#))

*Tenure of office*

3.—(1) Each member of the chairmen's panel or lay panel shall hold and vacate office under the terms of the instrument under which he is appointed.

[<sup>F5</sup>(1A) For a member of the chairmen's panel, the terms mentioned in sub-paragraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the [<sup>F6</sup>Department of Justice].]

(2) A member of the chairmen's panel may resign office by notice in writing to the [<sup>F7</sup>Commission].

(3) <sup>F8</sup> .....

(4) A member of the lay panel may resign office by notice in writing to the Department.

(5) A member of the lay panel may be removed from the panel by the Department on the ground of incapacity or misbehaviour.

(6) A member of the chairmen's panel or lay panel is eligible for re-appointment if he ceases to hold office (otherwise than under sub-paragraph (3) or (5)).

**Annotations:**

**F5** [Sch. 2 para. 3\(1A\)](#) inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), ss. 2(3), 5(7)(a), [Sch. 4 para. 41\(4\)](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, [art. 2](#)

**F6** Words in [Sch. 2 para. 3\(1A\)](#) substituted (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\)](#), ss. 1(5), 3(2), [Sch. para. 16](#); S.R. 2010/147, [art. 2\(2\)](#)

**F7** Words in [Sch. 2 para. 3\(2\)](#) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), ss. 2(3), 5(7)(a), [Sch. 4 para. 41\(5\)](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, [art. 2](#)

**F8** [Sch. 2 para. 3\(3\)](#) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(2), 146, 148(1), [Sch. 5 para. 129\(4\)](#), [Sch. 18 Pt. 3](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 paras. 10, 12\(i\), 29, 30\(c\)](#)

**Modifications etc. (not altering text)**

**C4** [Sch. 2 para. 3\(4\)](#): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), [6\(c\)](#) (with [art. 8\(2\)](#))

**C5** [Sch. 2 para. 3\(5\)](#): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), [6\(c\)](#) (with [art. 8\(2\)](#))

### *Staff and accommodation*

4. The Department may, with the consent of the Department of Finance and Personnel, provide such staff and accommodation as the Care Tribunal may require.

**Annotations:**

**Modifications etc. (not altering text)**

C6 Sch. 2 para. 4: functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), **6(c)** (with art. 8(2))

### *Remuneration and expenses*

5.—(1) The Department may pay any person, in respect of his service as a member of the Care Tribunal, such remuneration and allowances as the Department may, with the consent of the Department of Finance and Personnel, determine.

(2) The Department may defray the expenses of the Care Tribunal to such amount as the Department may, with the consent of the Department of Finance and Personnel, determine.

**Annotations:**

**Modifications etc. (not altering text)**

C7 Sch. 2 para. 5: functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), **6(c)** (with art. 8(2))

### *Attendance allowances*

6. The Department may pay such allowances for the purpose of or in connection with the attendance of persons at the Care Tribunal as the Department may, with the consent of the Department of Finance and Personnel, determine.

**Annotations:**

**Modifications etc. (not altering text)**

C8 Sch. 2 para. 6: functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), **6(c)** (with art. 8(2))

[<sup>F9</sup> .....]

**Annotations:**

F9 Sch. 2 para. 7 and preceding heading omitted (12.4.2010) by virtue of [Northern Ireland Act 2009 \(c. 3\)](#), ss. 2(3), 5(7)(a), **Sch. 4 para. 41(6)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

7. <sup>F10</sup> .....

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**Changes to legislation:** *There are currently no known outstanding effects for the The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, SCHEDULE 2. (See end of Document for details)*

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**Annotations:**

**F10** Sch. 2 para. 7 and preceding heading omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), **Sch. 4 para. 41(6)** (with Sch. 5 para. 16); S.I. 2010/812, **art. 2**

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There are currently no known outstanding effects for the The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, SCHEDULE 2.