

## SCHEDULES

### SCHEDULE 1

#### THE NORTHERN IRELAND AUTHORITY FOR ENERGY REGULATION

##### *Membership*

1.—(1) The Authority shall consist of a chairman, and no fewer than two other members, appointed by the Department.

(2) The Department shall consult the chairman before appointing any other member.

##### *Terms of appointment, remuneration, pensions, etc.*

2.—(1) Subject to this Schedule, the chairman and other members shall hold and vacate office as such in accordance with the terms of their respective appointments.

(2) The terms of appointment of the chairman and other members shall be determined by the Department.

3.—(1) An appointment of a person to hold office as chairman or other member shall be for a term not exceeding five years.

(2) A person holding office as chairman or other member—

(a) may resign that office by giving notice in writing to the Department; and

(b) may be removed from office by the Department on the ground of incapacity or misbehaviour.

(3) A previous appointment as chairman or other member does not affect a person's eligibility for appointment to either office.

4.—(1) The Authority shall pay to the chairman and other members such remuneration, and such travelling and other allowances, as may be determined by the Department.

(2) The Authority shall, if required to do so by the Department—

(a) pay such pension, allowances or gratuities as may be determined by the Department to or in respect of a person who is or has been the chairman or a member of the Authority; or

(b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.

(3) If, where any person ceases to hold office as chairman or other member, the Department determines that there are special circumstances which make it right that he should receive compensation, the Authority shall pay to him a sum by way of compensation of such amount as may be determined by the Department.

### *Staff*

5. The Authority may, with the approval of the Department of Finance and Personnel as to numbers and terms and conditions of service, appoint such staff as it may determine.

### *Committees*

6.—(1) The Authority may establish committees and any committee of the Authority may establish sub-committees.

(2) The members of a committee of the Authority may include persons who are not members of the Authority (and the members of a sub-committee may include persons who are not members of the committee).

### *Proceedings, etc.*

7.—(1) The Authority may regulate its own procedure (including quorum).

(2) The Authority shall consult the Department before making or revising its procedures for dealing with conflicts of interest.

(3) The validity of anything done by the Authority is not affected by a vacancy among its members or by a defect in the appointment of a member.

8.—(1) The application of the seal of the Authority shall be authenticated by the signature of the chairman or by some other person who has been authorised by the Authority to act for that purpose.

(2) A document purporting to be duly executed under the seal of the Authority, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

### *Performance of functions*

9.—(1) Anything authorised or required to be done by the Authority may be done by—

(a) any member or employee of the Authority who is authorised for that purpose by the Authority, whether generally or specially;

(b) any committee of the Authority which has been so authorised.

(2) Sub-paragraph (1) does not apply to any power to make a statutory instrument (within the meaning of section 1(e) of the Interpretation Act (Northern Ireland) 1954 (c. 33)).

(3) In sub-paragraph (1)(b) “committee of the Authority” does not include a committee whose members include any person who is not a member or employee of the Authority.

### *Rule-making authority*

10. In the [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#) in Schedule 1 (authorities which are rule-making authorities) in the Part headed “Other authorities” there shall be inserted (at the appropriate place) the following entry—

“The Northern Ireland Authority for Energy Regulation.”.

*Supplementary powers*

**11.**—(1) The Authority has power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of its functions.

(2) That power includes the formation of advisory bodies.

*Assembly disqualification*

**12.** In the Northern Ireland Assembly Disqualification Act 1975 (c. 25), in Part II of Schedule 1 (bodies of which all members are disqualified) there shall be inserted at the appropriate place the following entry—

“The Northern Ireland Authority for Energy Regulation.”.

*Assembly Ombudsman*

**13.** In the Ombudsman (Northern Ireland) Order 1996 (NI 8), in Schedule 2 (departments and other authorities subject to investigation) there shall be inserted at the appropriate place the following entry—

“The Northern Ireland Authority for Energy Regulation.”.