
Changes to legislation: There are currently no known outstanding effects for the Public Processions (Northern Ireland) Act 1998, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

THE COMMISSION

Status

- 1 (1) The Commission shall be a body corporate.
- (2) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

Membership

- 2 (1) The Commission shall consist of—
 - (a) a chairman; and
 - (b) not more than 6 other members,
appointed by the Secretary of State.
- (2) The Secretary of State may by order vary the number for the time being specified in sub-paragraph (1)(b).
- (3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Commission is representative of the community in Northern Ireland.

Term of office

- 3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member or as chairman of the Commission in accordance with the terms of his appointment.
- (2) The chairman and other members of the Commission shall be appointed for a term not exceeding 3 years, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.
- (3) A person may at any time resign as a member or as chairman of the Commission by notice in writing to the Secretary of State.
- (4) The Secretary of State may remove a person from office as a member or as chairman of the Commission if satisfied that—
 - (a) he has been convicted of a criminal offence;
 - (b) he has become bankrupt [^{F1}or has become the subject of a bankruptcy restrictions order] or [^{F2}a debt relief order (under Part 7A of the Insolvency Act 1986 [^{F3}or Part 7A of the Insolvency (Northern Ireland) Order 1989])

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has been made in respect of him [^{F3}or he has become the subject of a debt relief restriction order] or he has] made a composition or arrangement with his creditors;

- (c) he has failed to comply with the terms of his appointment; or
- (d) he is otherwise unable or unfit to discharge his functions.

- (5) A member of the Commission whose term of office expires or who has resigned shall be eligible for re-appointment.

Textual Amendments

- F1** Words in Sch. 1 para. 3(4)(b) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 11**
- F2** Words in Sch. 1 para. 3(4)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 37** (with art. 5)
- F3** Words in Sch. 1 para. 3(4)(b) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 17**

Remuneration

- 4 The Secretary of State may pay to the chairman and other members of the Commission such remuneration and allowances as the Secretary of State may determine.

Procedure

- 5 (1) The quorum for a meeting of the Commission shall be three.
- (2) Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (3) If the chairman of the Commission is absent from a meeting of the Commission, the members present shall elect one of their number to act as chairman of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to the procedural rules, the Commission may regulate its own procedure.

Staff

- 6 (1) The Commission may, with the approval of the Secretary of State as to numbers and terms and conditions of service, employ persons to assist the Commission or otherwise to enable the Commission to discharge its functions.
- (2) The Commission may make arrangements for administrative, secretarial or other assistance to be provided for the Commission by persons employed in the civil service of Northern Ireland or of the United Kingdom.
- (3) The Commission shall, with the approval of the Secretary of State, designate a person to whom sub-paragraph (1) or (2) applies as the secretary to the Commission.

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Validity of proceedings

- 7 The validity of any proceedings of the Commission shall not be affected by—
- (a) any defect in the appointment of the chairman or any other member; or
 - (b) any vacancy in the office of chairman or among the other members.

Seal

- 8 The application of the seal of the Commission shall be authenticated by the signatures of—
- (a) two members of the Commission; and
 - (b) the secretary to the Commission or some other person generally or specially authorised by the Commission to act for that purpose.

Contracts, etc.

- 9 (1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised by the Commission to act for that purpose.
- (2) Before entering into contracts for the supply of goods or the execution of works, the Commission shall comply with such requirements as the Secretary of State may direct.

Evidence

- 10 A document purporting to be—
- (a) duly executed under the seal of the Commission; or
 - (b) signed on behalf of the Commission,
- shall be received in evidence and, unless the contrary is proved, shall be deemed to be so executed or signed.

Finance

- 11 The Secretary of State may make payments to the Commission of such amounts and on such terms and conditions as he may determine.

Accounts and audit

- 12 (1) The Commission 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 of the Commission.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may direct.
- (3) The Commission shall send a copy of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (4) The Comptroller and Auditor General shall—

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- (a) examine, certify and report on the statement of accounts; and
- (b) lay a copy of the statement of accounts and of his report before each House of Parliament.

[^{F4}(5) The financial year of the Commission shall be the period of 12 months ending on 31st March; but the financial year that began on 1st January 2000 shall end on 31st March 2001.]

(6) The Secretary of State may by order amend sub-paragraph (5).

Textual Amendments

F4 Sch. 1 para. 12(5) substituted (30.3.2001) by S.I. 2001/852, art. 2

Annual report

- 13 (1) The Commission shall, within such period after the end of each financial year of the Commission as the Secretary of State may direct, issue a report on the discharge of its functions in that year.
- (2) The Commission shall—
- (a) arrange for every report issued under sub-paragraph (1) to be published in such manner as appears to it to be appropriate; and
 - (b) send a copy of the report to the Secretary of State.
- (3) The Secretary of State shall lay before each House of Parliament a copy of each report received by him under this paragraph.

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