

SCHEDULES

SCHEDULE 4

Section 67.

THE COMMISSIONER

Appointment etc. of the Commissioner

- 1
- (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as the Commissioner in accordance with the terms of his appointment.
 - (2) An appointment as Commissioner may be full-time or part-time.
 - (3) The first appointment as Commissioner shall come to an end on 31 May 2003.
 - (4) Any other appointment as Commissioner shall be for a period not exceeding 3 years.
 - (5) A person may at any time resign his office as Commissioner by notice in writing to the Secretary of State.
 - (6) The Secretary of State may call upon the Commissioner to retire if satisfied that the Commissioner has—
 - (a) been convicted of a criminal offence;
 - (b) become bankrupt or made a composition or arrangement with his creditors; or
 - (c) become unfit or unable to discharge his functions.
 - (7) Before calling upon the Commissioner to retire, the Secretary of State shall give the Commissioner an opportunity to make, either personally or otherwise, representations to him and shall consider any representations that he makes.
 - (8) A Commissioner who is called upon to retire under sub-paragraph (6) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between him and the Secretary of State.

Terms of reference

- 2
- (1) On appointing the Commissioner, the Secretary of State shall give him written terms of reference.
 - (2) The terms of reference shall, in particular, describe the changes in policing in Northern Ireland the implementation of which it is the general function of the Commissioner to oversee.

Remuneration, pensions, allowances, etc.

- 3
- (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of a person appointed to the office of Commissioner as he may determine.

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- (2) Where a person ceases to hold office as Commissioner otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.

Staff

- 4 (1) The Commissioner may, with the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of service, employ such persons as he thinks fit to enable him to carry out his functions.
- (2) The Commissioner may make arrangements for administrative, secretarial or other assistance to be provided for him by persons employed in the civil service.
- (3) Employment by the Commissioner shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply and accordingly in Schedule 1 to that Act, at the appropriate place in the list of “Other Bodies” there shall be inserted—

“Employment by the Commissioner appointed under section 67 of the Police (Northern Ireland) Act 2000.”.

- 5 The Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Commissioner.

Exercise of functions

- 6 (1) Any functions of the Commissioner under this Act may be performed by any officer of the Commissioner authorised for the purpose by the Commissioner.
- (2) “Officer of the Commissioner” means—
- (a) a person employed by the Commissioner under paragraph 4(1);
 - (b) a person providing assistance to the Commissioner in pursuance of arrangements made under paragraph 4(2).

Evidence

- 7 A document purporting to be duly signed by, or on behalf of, the Commissioner shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

Finance

- 8 The Secretary of State shall pay to the Commissioner such sums as appear to the Secretary of State to be appropriate for defraying the expenses of the Commissioner under this Act.
- 9 (1) The Commissioner shall—
- (a) keep proper accounts and proper records in relation to the accounts;
 - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct; and

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- (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him under this paragraph and shall lay copies of each statement and of his report before each House of Parliament.