

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Foyle Fisheries Act (Northern Ireland) 1952, SCHEDULE 3A. (See end of Document for details)

SCHEDULES

PROSPECTIVE

[^{F1}SCHEDULE 3A

FOYLE AND CARLINGFORD AQUACULTURE LICENSING APPEALS BOARD

Annotations:

- F1** Schs. 3A, 3B inserted (prosp.) by [Foyle and Carlingford Fisheries \(Northern Ireland\) Order 2007 \(S.I. 2007/915 \(N.I. 9\)\)](#), arts. 1(3), 3(2), **Sch. 1** (with art. 32)

INCORPORATION

- 1 (1) The Appeals Board shall have the legal capacities of a body corporate.
- (2) The Appeals Board shall have the power to acquire, hold and dispose of land or other property.
- (3) The Appeals Board shall not acquire, hold or dispose of land without the consent of NSMC and the Finance Departments.
- (4) Judicial notice shall be taken of the seal of the Appeals Board.

MEMBERSHIP

- 2 (1) Subject to the provisions of this paragraph, the remuneration, allowances and expenses of the Chairperson and other members of the Appeals Board, and any other terms and conditions on which they hold office, shall be determined by NSMC with the approval of the Finance Departments.
- (2) A member of the Appeals Board shall hold office for such period as may be determined by NSMC.
- (3) A person may resign as a member or Chairperson of the Appeals Board by notice in writing to NSMC.
- (4) NSMC may dismiss a person from his office as a member or as Chairperson of the Appeals Board, if—
- he fails without reasonable excuse to discharge his functions for a continuous period of 3 months;
 - he is convicted of an offence on indictment and is sentenced to a term of imprisonment of not less than 3 months;
 - a bankruptcy order is made against him [^{F2}or he is the subject of a bankruptcy restrictions order, or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order,] or he makes a composition or arrangement with his creditors; or
 - in the opinion of NSMC, he is unable or unfit to carry out his functions.

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- (5) If a member of the Appeals Board dies, resigns or is removed from office, NSMC may appoint a person to fill the vacancy, and the person so appointed shall be appointed in the same manner as the member who occasioned the vacancy.
- (6) A person appointed under sub-paragraph (5) shall hold office for such period as may be determined by NSMC.
- (7) In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (disqualifying offices) there shall be inserted at the appropriate place in alphabetical order— Member of the Foyle and Carlingford Aquaculture Licensing Appeals Board..

Annotations:

- F2** Words in [Sch. 3A para. 2\(4\)\(c\)](#) substituted (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. 1](#)

STAFFING

- 3 (1) The Appeals Board may for the purposes of its functions, with the approval of NSMC
 - (a) employ staff; and
 - (b) engage the services of such other persons as the Appeals Board considers necessary or expedient.
- (2) The Appeals Board shall, with the approval of NSMC and the Finance Departments, determine the remuneration, grading, numbers and terms and conditions of service of staff employed by the Board.
- (3) The Appeals Board may, in the case of such of its staff as may be determined by it with the approval of NSMC and the Finance Departments, pay such pensions, allowances or gratuities, or provide and maintain such pension schemes, as may be so determined.

PROCEDURE

- 4 At a meeting of the Appeals Board—
 - (a) the quorum shall be 5 members;
 - (b) the Chairperson when present shall preside;
 - (c) in the absence of the Chairperson the members present shall appoint one of their number to preside; and
 - (d) every question shall be determined by a majority of votes of the members present and, in the event of an equality of votes, the Chairperson or other member presiding shall have a casting vote in addition to his or her deliberative vote.
- 5 The seal of the Appeals Board shall, when applied to a document, be authenticated by the signature of the Chairperson or other member authorised by the Appeals Board to act for that purpose.

CODE OF CONDUCT

- 6 (1) The Appeals Board shall, as soon as practicable, draw up a code of conduct for approval by NSMC.

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- (2) Without prejudice to sub-paragraph (1), the code shall cover the obligations of the Appeals Board to the public and the accountability and conduct of its members and staff (including membership of, or employment by, other organisations, acceptance of gifts or other benefits and the disclosure of other interests relevant to the work of the Appeals Board and confidentiality).

ACCOUNTS

- 7 (1) The Appeals Board shall, in such form as may be determined by NSMC, keep proper accounts and financial records and shall prepare a statement of accounts in respect of each year containing such information and in such form as NSMC may direct.
- (2) The Appeals Board shall submit copies of the statement prepared in pursuance of sub-paragraph (1) to—
- (a) NSMC;
 - (b) the Comptroller and Auditor General for Northern Ireland and the Irish Comptroller and Auditor General who will in co-operation examine and certify the accounts.
- (3) The statement prepared under sub-paragraph (1) shall be laid before the Assembly.
- (4) Any report concerning the Appeals Board by the Comptroller and Auditor General for Northern Ireland and the Irish Comptroller and Auditor General shall be laid before the Assembly.
- (5) The Appeals Board shall permit officers of the Comptroller and Auditor General for Northern Ireland access to all records as may be required to carry out the above functions.

ANNUAL REPORT

- 8 (1) The Appeals Board shall submit a report on its activities in each year to NSMC at such date and in such form as NSMC may direct.
- (2) A copy of the report submitted under sub-paragraph (1) shall be laid before the Assembly.

INTERPRETATION

- 9 In this Schedule, “the Finance Departments” means the Northern Ireland Department of Finance and Personnel and the Irish Department of Finance.]

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