

*Status: Point in time view as at 22/05/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Schedule 9A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 9A

Section 78G

#### THE OFFICE OF IDENTITY AND CULTURAL EXPRESSION

##### Textual Amendments

- F1** Sch. 9A inserted (22.5.2023) by Identity and Language (Northern Ireland) Act 2022 (c. 45), s. 10(2), Sch. 1; S.I. 2023/566, reg. 2(b)

##### Status

- 1 (1) The Office is not to be regarded—
  - (a) as a servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) Property of the Office is not to be regarded as property of, or held on behalf of, the Crown.

##### Membership

- 2 The Office is to consist of—
  - (a) a Director appointed by the First Minister and deputy First Minister acting jointly, and
  - (b) no more than five other members appointed by the First Minister and deputy First Minister acting jointly,each, a “member”.

##### Tenure of members

- 3 (1) Subject to the provisions of this Schedule, a person holds office as a member in accordance with the terms of the person’s appointment.
- (2) A person may not be appointed as a member for more than five years at a time, or more than twice.
- (3) A person may resign as a member by notice in writing to the First Minister and deputy First Minister.
- (4) The First Minister and deputy First Minister acting jointly may dismiss a person from office as a member by notice in writing if satisfied that the person—
  - (a) has without reasonable excuse failed to discharge the functions of the office for a continuous period of three months beginning not earlier than six months before the day of dismissal;
  - (b) has been convicted of a criminal offence;

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- (c) has become bankrupt or the subject of a bankruptcy restrictions order, a debt relief order or a debt relief restrictions order, or has made a voluntary arrangement;
  - (d) is unable or unfit to carry out the functions of the office of a member.
- (5) Each of the expressions used in sub-paragraph (4)(c) has the same meaning as in the Insolvency (Northern Ireland) Order 1989 ([S.I. 1989/2405 \(N.I. 19\)](#)).

#### *Members' salary etc.*

- 4
- (1) The Office may pay to or in respect of a member such remuneration, allowances, fees and sums for the provision of a pension as the Executive Office may determine.
  - (2) Where a person ceases to be a member otherwise than on the expiration of a term of office and the Executive Office determines that special circumstances justify compensation, the Office may pay to or in respect of the person such amount as the Executive Office may determine.
  - (3) A determination of the Executive Office under this paragraph requires the approval of the Department of Finance.

#### *Staff*

- 5
- (1) The Office may appoint such number of staff as the Office may determine.
  - (2) The terms and conditions of a person's appointment are to be determined by the Office; but that is subject to the provisions of this Schedule.
  - (3) The Office may pay to or in respect of a member of staff such remuneration, allowances, fees and sums for the provision of a pension as the Office may determine.
  - (4) Where a person ceases to be a member of staff otherwise than on the expiration of a term of appointment and the Office determines that special circumstances justify compensation, the Office may pay to or in respect of the person such amount as the Office may determine.
  - (5) A determination of the Office under this paragraph requires the approval of the Executive Office and Department of Finance.

#### *Assistance*

- 6
- (1) The Executive Office may provide the Office with staff, facilities or services for the purpose of assisting the Office in the exercise of its functions.
  - (2) In this Schedule, a reference to a member of staff includes a reference to a member of staff appointed on secondment; but a period of secondment does not affect a person's continuity of service in the Northern Ireland civil service.

#### *Exercise of functions*

- 7
- Any function of the Office may be exercised by—
- (a) the Director, or
  - (b) another member or member of staff authorised (whether generally or specifically) for the purpose.

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### *General powers*

- 8 The Office may do whatever the Office considers is appropriate for facilitating, or incidental or conducive to, the exercise of the Office's functions, other than borrowing money.

### *Proceedings*

- 9 (1) The Office may regulate its own proceedings.
- (2) The validity of any proceedings of the Office is not affected by a vacancy or defective appointment.

### *Funding*

- 10 (1) The Executive Office may make grants to the Office of such amounts as it determines with the approval of the Department of Finance.
- (2) The Office must pay to the Executive Office any sums received by the Office in the course of, or in connection with, the exercise of the Office's functions.
- (3) Sub-paragraph (2) does not apply to such sums, or sums of such description, as the Executive Office may with the approval of the Department of Finance direct.

### *Accounts*

- 11 (1) The Office must—
- (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.
- (2) The statement of accounts must be in such form and contain such information as the Executive Office may with the approval of the Department of Finance direct.
- (3) The Office must, within such period after the end of each financial year as the Executive Office may direct, send copies of the statement of accounts relating to that year to—
- (a) the Executive Office, and
  - (b) the Comptroller and Auditor General for Northern Ireland.
- (4) The Comptroller and Auditor General for Northern Ireland must—
- (a) examine, certify and report on every statement of accounts received under sub-paragraph (3); and
  - (b) send a copy of the report to the Executive Office.
- (5) The Executive Office must lay a copy of the statement of accounts and the report of the Comptroller and Auditor General for Northern Ireland before the Assembly.
- (6) In this paragraph and [paragraph 12](#) “financial year” means—
- (a) the period beginning with the day on which the first person appointed as Director takes office and ending on the 31 March following that day, and
  - (b) each successive period of twelve months ending on 31 March.

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### *Annual report*

- 12 (1) As soon as reasonably practicable after the end of each financial year, the Office must send to the Executive Office a report on the performance of the Office's functions during that year.
- (2) The Executive Office must lay a copy of the report before the Assembly.

### *Seal and evidence*

- 13 (1) The application of the seal of the Office must be authenticated by the signature of—
- (a) the Director, or
  - (b) another member or member of staff authorised for the purpose.
- (2) A document purporting to be an instrument issued by the Office and to be duly executed under the Office's seal or signed on its behalf is to be received in evidence and is, unless the contrary is proved, taken to be such an instrument.]

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