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*Status: Point in time view as at 27/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, SCHEDULE 1. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 6(7).

#### THE CHARITY COMMISSION FOR NORTHERN IRELAND

##### *Terms of appointment*

- 1 The members of the Commission shall hold and vacate office as such in accordance with the terms of their respective appointments.
- 2.—(1) An appointment of a person to hold office as a member of the Commission shall be for a term not exceeding 5 years.
  - (2) A person holding office as a member of the Commission—
    - (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) Before removing a member of the Commission, the Department shall consult the Commission.

##### *Remuneration, etc.*

- 3 The Department may, with the approval of the Department of Finance and Personnel, pay to or in respect of members of the Commission—
  - (a) remuneration;
  - (b) allowances and fees; and
  - (c) sums for the provision of pensions.

##### *Staff*

- 4.—(1) The Commission may with the approval of the Department and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of employment—
  - (a) employ such staff as the Commission considers necessary;
  - (b) employ the services of such other persons as the Commission considers expedient for any particular purpose.
- (2) The Commission may, in the case of such of its staff as may be determined by it with the approval of the Department and the Department of Finance and

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Personnel, pay such pensions, allowances or gratuities, or provide and maintain such pension schemes, as may be so determined.

(3) Payments made or expenses incurred under this paragraph shall be defrayed out of money appropriated by Act of the Assembly.

5.—(1) The Commission may make arrangements with the Department for persons employed in the Northern Ireland civil service to be seconded to the Commission.

(2) Such arrangements require the consent of the Department of Finance and Personnel.

#### *Annual report*

6.—(1) The Commission shall, as soon as reasonably practicable after the end of each financial year, make a report to the Department on—

- (a) the discharge of its functions,
- (b) the extent to which, in its opinion, its objectives (see section 7) have been met,
- (c) the performance of its general duties (see section 9), and
- (d) the management of its affairs.

(2) In sub-paragraph (1), “financial year” means—

- (a) the period beginning with the date on which the Commission is established and ending with the next 31st March following that date, and
- (b) each successive period of 12 months ending with 31st March.

(3) Sub-paragraph (4) applies if there is a period of one or more days which—

- (a) began on the day after the end of the last year for which the Department made a report under section 34 of the Charities Act (Northern Ireland) 1964; and
- (b) ended on the day before the coming into operation of section 6.

(4) The first report published by the Commission under this paragraph shall also be a report on the operations of the Department under that Act and the Charities (Northern Ireland) Order 1987 (NI 19) during the period mentioned in sub-paragraph (3).

(5) The Department shall lay a copy of the report before the Assembly.

#### *Money*

7.—(1) Expenditure incurred by the Commission may be defrayed as expenses of the Department if authorised by that Department and the Department of Finance and Personnel.

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(2) Expenditure defrayed under this paragraph shall be defrayed out of money appropriated by Act of the Assembly and an authorisation for the purposes of this paragraph may be general or specific.

**8.—**(1) The Commission shall keep accounts and financial records in a form approved by the Department.

(2) The Commission shall—

- (a) prepare a statement of accounts in respect of each financial year containing such information, and in such form, as is directed by the Department with the consent of the Department of Finance and Personnel; and
- (b) send a copy to the Department and to the Comptroller and Auditor General for Northern Ireland within such period after the end of the financial year as the Department directs.

(3) The Comptroller and Auditor General for Northern Ireland shall—

- (a) examine, certify and report on the statement of accounts; and
- (b) send a copy of the statement of accounts and of the report to the Department.

(4) The Department shall lay a copy of the statement of accounts and the Comptroller and Auditor General's report before the Assembly.

(5) For the purposes of this paragraph—

- (a) a financial year is a period of 12 months ending on 31st March; but
- (b) the first financial year is the period beginning with the day on which section 6 comes into operation and ending with the first 31st March which falls at least 6 months after that day.

#### *Procedure*

**9.—**(1) In determining its own procedure the Commission may, in particular, make provision about—

- (a) the discharge of its functions by committees (which may include persons who are not members of the Commission);
- (b) a quorum for meetings of the Commission or a committee.

(2) The validity of any proceedings of the Commission or a committee shall not be affected by—

- (a) a vacancy in the office of chair or deputy chair; or
- (b) a defect in the appointment of a member.

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### *Power to transfer property*

- 10.**—(1) This paragraph applies where the Department—
- (a) acts as trustee of any property for a charity, and
  - (b) is of the opinion that the official custodian should so act in exercise of any function conferred on the official custodian by or under this Act.
- (2) The Department may by order transfer to the official custodian any such property, and any rights and liabilities to which the Department is entitled or subject in connection with that property.
- (3) Sub-paragraph (2)—
- (a) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than under that sub-paragraph; but
  - (b) does not apply to rights or liabilities under a contract of employment.
- (4) The Statutory Rules (Northern Ireland) Order 1979 (NI 12) shall not apply to any order made under sub-paragraph (2).

### *Status*

**11** 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 property of the Commission shall not be regarded as property of, or held on behalf of, the Crown.

### *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

**12** In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place insert— “ The Charity Commission for Northern Ireland ”.

### *The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)*

**13** In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) at the appropriate place insert—

“The Charity Commission for Northern Ireland”.

### *The Freedom of Information Act 2000 (c. 36)*

**14** In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc. which are public authorities for the purposes of the Act) at the appropriate place insert— “ The Charity Commission for Northern Ireland ”.

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