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*Status: Point in time view as at 25/09/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, SCHEDULE 2. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

Section 12(2).

#### THE CHARITY TRIBUNAL

##### *Membership*

- 1.—(1) The Tribunal shall consist of the President and its other members.
- (2) The First Minister and deputy First Minister acting jointly shall appoint—
- (a) a President of the Tribunal,
  - (b) legal members of the Tribunal, and
  - (c) ordinary members of the Tribunal.
- (3) A person may be appointed as the President or a legal member of the Tribunal only if that person is a barrister or solicitor of not less than 7 years' standing.
- (4) A person may be appointed as an ordinary member of the Tribunal only if it appears to the First Minister and deputy First Minister acting jointly that the person has appropriate knowledge or experience relating to charities.
- 2 The Lord Chief Justice may designate a legal member of the Tribunal to carry out the functions of the President when the President is unable to act or when the office is vacant.

##### *Terms of appointment*

- 3.—(1) The members of the Tribunal shall hold and vacate office as such in accordance with the terms of their respective appointments.
- (2) A person holding office as a member of the Tribunal may resign that office by giving notice in writing to the Office of the First Minister and deputy First Minister.
- (3) A previous appointment as a member of the Tribunal does not affect a person's eligibility for re-appointment as a member of the Tribunal.
- 4.—(1) A person shall not hold office as a member of the Tribunal after reaching the age of 70.

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(2) Section 26(5) and (6) of the Judicial Pensions and Retirement Act 1993 (c. 8) (extension to age 75) apply in relation to a member of the Tribunal as they apply in relation to a holder of a relevant office.

*Remuneration, etc.*

5 The Office of the First Minister and deputy First Minister may pay to the members of the Tribunal such remuneration, and such other allowances, as that Office may determine.

*Staff and facilities*

6 The Lord Chancellor may make staff and facilities available to the Tribunal.

*Panels*

7.—(1) The functions of the Tribunal shall be exercised by panels of the Tribunal.

(2) Panels of the Tribunal shall sit at such times and in such places as the President may direct.

(3) More than one panel may sit at a time.

8.—(1) The President shall make arrangements for determining which of the members of the Tribunal are to constitute a panel of the Tribunal in relation to the exercise of any function.

(2) Those arrangements shall, in particular, ensure that each panel is constituted in one of the following ways—

- (a) as the President sitting alone,
- (b) as a legal member sitting alone,
- (c) as the President sitting with two other members,
- (d) as a legal member sitting with two other members,
- (e) as the President sitting with one other member,
- (f) as a legal member sitting with one other member,

(and references in heads (d) and (f) to other members do not include the President).

*Practice and procedure*

9.—(1) Decisions of the Tribunal may be taken by majority vote.

(2) In the case of a panel constituted in accordance with paragraph 8(2)(e), the President shall have a casting vote.

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(3) In the case of a panel constituted in accordance with paragraph 8(2)(f) which consists of a legal member and an ordinary member, the legal member shall have a casting vote.

(4) The President shall make arrangements as to who is to have a casting vote in the case of a panel constituted in accordance with paragraph 8(2)(f) which consists of two legal members.

**10** The President may, subject to rules under section 13, give directions about the practice and procedure of the Tribunal.

*Transitory provision*

**11** Until the commencement of section 5(1) of the Justice (Northern Ireland) Act 2002 (c. 26), references in this Schedule to the First Minister and deputy First Minister acting jointly or to the Office of the First Minister and deputy First Minister shall be construed as references to the Lord Chancellor.

*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 Tribunal for Northern Ireland ”.

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