

Status: Point in time view as at 12/04/2010.

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)

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 [^{F1}Northern Ireland Judicial Appointments Commission] 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 [^{F2}Department of Justice] that the person has appropriate knowledge or experience relating to charities.

Textual Amendments

- F1** Words in Sch. 2 para. 1(2) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(2) (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F2** Words in Sch. 2 para. 1(4) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 20; S.R. 2010/147, art. 2(2) (this amendment supersedes that by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(3) (with Sch. 5 para. 16); S.I. 2010/812, art. 2 which provided that for the words "First Minister and deputy First Minister acting jointly" the words "justice department (within the meaning of the Justice (Northern Ireland) Act 2002)" are substituted (12.4.2010))

- 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.

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[^{F3}(1A) The terms mentioned in sub-paragraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the [^{F4}Department of Justice].]

(2) A person holding office as a member of the Tribunal may resign that office by giving notice in writing to the [^{F5}Northern Ireland Judicial Appointments Commission].

(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.

Textual Amendments

- F3** Sch. 2 para. 3(1A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(4) (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F4** Words in Sch. 2 para. 3(1A) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 20; S.R. 2010/147, art. 2(2)
- F5** Words in Sch. 2 para. 3(2) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(5) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

4.—(1) A person shall not hold office as a member of the Tribunal after reaching the age of 70.

(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.

[^{F6}5 The [^{F7}Department of Justice] may pay to the members of the Tribunal such remuneration and other allowances as that department may determine.]

Textual Amendments

- F6** Sch. 2 para. 5 substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(6) (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F7** Words in Sch. 2 para. 5 substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 20; S.R. 2010/147, art. 2(2)

Staff and facilities

6 The [^{F8}Department of Justice] may make staff and facilities available to the Tribunal.

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Textual Amendments

- F8** Words in [Sch. 2 para. 6](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), [Sch. 18 para. 171](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)

Modifications etc. (not altering text)

- C1** [Sch. 2 para. 6](#): functions transferred from Lord Chancellor to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(1), [Sch. 17 para. 58\(b\)](#) (with arts. 15(6), 28-31); S.I. 2010/977, [art. 1\(2\)](#)

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.
- (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.

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(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.

[^{F9}Transitory provision]

Textual Amendments

F9 Sch. 2 para. 11 and heading omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(7) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

11 ^{F10}

Textual Amendments

F10 Sch. 2 para. 11 and heading omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), Sch. 4 para. 47(7) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

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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