
Status: Point in time view as at 01/10/2008.

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

SCHEDULES

SCHEDULE 1

Section 1.

THE NORTHERN IRELAND LIBRARY AUTHORITY

Status

- 1.—(1) The Authority shall not be regarded—
- (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Authority shall not be regarded as property of, or held on behalf of, the Crown.
- (3) Subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Authority.

Membership

- 2.—(1) The Authority shall consist of—
- (a) a Chair, and
 - (b) not more than 18 other members,
- appointed by the Department.
- (2) In making appointments under sub-paragraph (1), the Department shall so far as practicable secure—
- (a) that at any time a majority of members are councillors (within the meaning of the Local Government Act (Northern Ireland) 1972 (c. 9)); and
 - (b) that each member of the Authority has experience in a field of activity relevant to the discharge of the functions of the Authority.
- (3) The Department may by order subject to negative resolution amend sub-paragraph (1)(b) by substituting for the number specified there such other number as may be specified in the order.

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Tenure of office

3.—(1) Subject to the provisions of this Schedule, the Chair and other members of the Authority hold and vacate office in accordance with the terms of their respective appointments.

(2) A person holding office as Chair or other member of the Authority may at any time resign that office by notice in writing to the Department.

(3) A person appointed as Chair of the Authority shall cease to hold that office if that person ceases to be a member of the Authority.

(4) The Department may by notice in writing remove a person from office as Chair or other member of the Authority.

(5) A person who ceases (otherwise than by virtue of sub-paragraph (4)) to be the Chair or other member of the Authority shall be eligible for re-appointment

Remuneration, etc. of members

4 The Authority shall pay to the Chair and other members of the Authority such remuneration and allowances as the Department may determine.

Employees

5.—(1) The Authority shall have—

- (a) a chief executive, with responsibility to the Authority for the carrying out of its functions and the management of its employees; and
- (b) such other employees as the Authority may determine.

(2) The first chief executive of the Authority shall be appointed by the Department.

(3) Every subsequent chief executive shall be appointed by the Authority.

(4) The Authority shall not appoint a person as chief executive unless the Department approves the appointment.

(5) A person shall, so long as that person is, and for 12 months after ceasing to be, a member of the Authority, be disqualified for being an employee of the Authority.

Remuneration, allowances and pensions of employees

6.—(1) Subject to sub-paragraph (2), the Authority shall pay to its employees such remuneration and allowances as it may determine.

(2) The Department may direct that the remuneration and allowances of employees of such class or description as may be specified in the direction shall not be determined under sub-paragraph (1) without the approval of the Department.

(3) The Authority shall—

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- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may, with the approval of the Department, determine; or
 - (b) provide and maintain such schemes (whether contributory or not) as it may, with the approval of the Department, determine, for the payment of pensions or gratuities to or in respect of its employees or former employees.
- (4) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.

Arrangements for assistance

- 7.—(1) The Authority may make arrangements with such persons (including the Department or any other government department) as it considers appropriate for assistance to be provided to it.
- (2) Arrangements under this paragraph with a person other than the Department
- (a) require the approval of the Department;
 - (b) may provide for the payment of fees by the Authority.

Committees

- 8.—(1) The Authority may establish committees.
- (2) A person who is not a member of the Authority shall not, except with the approval of the Department, be appointed to a committee of the Authority.
- (3) The Authority may pay to members of its committees who are neither members nor employees of the Authority such remuneration and allowances as the Authority may, with the approval of the Department, determine.

Delegation to committees and staff

- 9.—(1) The Authority may, to such extent as it may determine, delegate any of its functions to—
- (a) any committee of the Authority;
 - (b) any employee of the Authority.
- (2) Any committee of the Authority may, to such extent as the committee may determine, delegate any functions of the committee to any employee of the Authority.

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Proceedings

10 Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954 (c. 33), the Authority shall make standing orders regulating the procedure of the Authority and its committees, including provision regulating—

- (a) the convening of meetings;
- (b) the fixing of the quorum;
- (c) the conduct of business at meetings;
- (d) the disclosure by a member of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a member from any discussion on that matter;
- (e) the admission or exclusion of the public and press from meetings;
- (f) the keeping of minutes and other records;
- (g) the custody of documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of its business as the Authority thinks fit.

11 The validity of any proceedings of the Authority, or of any of its committees, shall not be affected by—

- (a) any vacancy among the members of the Authority or of the committee;
- (b) any vacancy in the office of Chair of the Authority;
- (c) any defect in the appointment of any one or more members of the Authority or in the appointment of the Chair of the Authority; or
- (d) any failure to comply with paragraph 10

Application of seal and documents

12 The application of the seal of the Authority shall be authenticated by the signature—

- (a) of the Chair of the Authority or the chief executive; or
- (b) of any other member or employee of the Authority who has been authorised by the Authority (whether generally or specially) for that purpose.

13 Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Authority by any person generally or specially authorised by the Authority for that purpose.

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Premises

14.—(1) The headquarters of the Authority shall be at such place as the Department may approve.

(2) All library premises shall be open at all reasonable times to inspection by a person authorised by the Department.

Finance

15.—(1) The Department may make payments to the Authority.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Authority shall pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) shall not apply to such sums, or sums of such description, as the Department may direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

Accounts

16.—(1) The Authority shall—

- (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 shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Authority shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received under sub-paragraph (3)(b); and
- (b) send a copy of that report to the Department.

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

Annual report

17.—(1) As soon as practicable after the end of each financial year, the Authority shall send to the Department a report on the carrying out of its functions during that year.

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

Interpretation

18 In this Schedule “financial year” means—

- (a) the period beginning with the day on which the Authority is established and ending on the next following 31st March; and
- (b) any subsequent period of twelve months ending on 31st March.

Status:

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Changes to legislation:

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