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*Status: Point in time view as at 17/09/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 5.

#### DISQUALIFICATION FROM MEMBERSHIP OF THE PANEL

**1** The following persons are disqualified from being appointed or serving as Panel members—

- (a) a member of the Assembly;
- (b) a family member of a member of the Assembly;
- (c) a candidate for election to the Assembly;
- (d) a former member of the Assembly;
- (e) a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland);
- (f) a councillor;
- (g) a person employed by a political party;
- (h) a person employed by a member of the Assembly;
- (i) a member of the staff of the Assembly;
- (j) a former member of the staff of the Assembly;
- (k) a person employed by a Northern Ireland department;
- (l) a person who has been employed by a Northern Ireland department at any time in the two years prior to the date when the appointment is to take effect;
- (m) a person employed by a district council;
- (n) a person who has been employed by a district council at any time in the two years prior to the date when the appointment is to take effect;
- (o) the Northern Ireland Assembly Commissioner for Standards;
- (p) the Comptroller and Auditor General for Northern Ireland;
- (q) the Attorney General for Northern Ireland; and
- (r) a person who has been the Attorney General for Northern Ireland at any time in the 5 years prior to the date when the appointment is to take effect.

**2** For the purposes of paragraph 1(c), a person becomes a candidate for election to the Assembly on the day on which that person becomes a candidate within the

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meaning of section 118A(1) and (2) of the Representation of the People Act 1983 (c. 2) as applied to the Assembly by Article 3 of the Northern Ireland Assembly (Elections) Order 2001 (SI 2001/2599).

**3** In this Schedule—

“civil partner” has the same meaning as in section 1 of the Civil Partnership Act 2004 (c. 33);

“cohabitant” means either member of a couple consisting of—

- (a) a man and a woman who are living together as if they were husband and wife; or
- (b) two persons of the same sex who are living together as if they were civil partners;

“councillor” means a member of a district council;

“family member” means—

- (a) parent, child, grandparent or grandchild;
- (b) brother, sister, uncle, aunt, nephew or niece (whether of the full or half blood);
- (c) spouse or any person related to a spouse in any of the ways set out in subparagraphs (a) or (b);
- (d) civil partner or any person related to a civil partner in any of the ways set out in sub-paragraphs (a) or (b); and
- (e) cohabitant or any person related to a cohabitant in any of the ways set out in sub-paragraphs (a) or (b); and

“political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

## SCHEDULE 2

Section 8.

### PANEL: ADMINISTRATIVE AND FINANCIAL ARRANGEMENTS

#### *Terms and conditions*

**1** Subject to sections 4 and 6, the Commission shall determine the terms and conditions of appointment applicable to each Panel member.

#### *Administrative support and accommodation*

**2.—(1)** The Commission shall provide the Panel, or ensure that the Panel is provided, with such administrative support, including staff, services and

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accommodation, as the Panel may reasonably require to enable it to discharge its functions.

(2) From time to time, and in any case before providing any support under subparagraph (1), the Commission shall consult the Panel about such support so as to secure that such provision (and in particular the duties of the staff of the Assembly and the separation of the Panel's work from the business of the Assembly or of the Commission) does not call into question the Panel's independence.

### *Funding*

**3** The Commission shall—

- (a) pay such sums as are payable in accordance with the Panel members' terms and conditions of appointment; and
- (b) pay any expenses properly incurred by the Panel.

## SCHEDULE 3

Section 20.

### DISQUALIFICATION FROM BEING APPOINTED OR SERVING AS THE COMMISSIONER

**1** The following persons are disqualified from being appointed or serving as the Commissioner—

- (a) a member of the Assembly;
- (b) a family member of a member of the Assembly;
- (c) a candidate for election to the Assembly;
- (d) a person who has been a member of the Assembly at any time in the 5 years prior to the date when the appointment is to take effect;
- (e) a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland);
- (f) a person who has been a member of the European Parliament, the House of Commons, the House of Lords, the Scottish Parliament, the National Assembly for Wales, Dáil Éireann (House of Representatives of Ireland) or the Seanad Éireann (Senate of Ireland) at any time in the 5 years prior to the date when the appointment is to take effect;
- (g) a councillor;
- (h) a person who has been a councillor at any time in the 5 years prior to the date when the appointment is to take effect;
- (i) a person employed by a political party;

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- (j) a person who has been employed by a political party at any time in the 5 years prior to the date when the appointment is to take effect;
- (k) a person employed by a member of the Assembly;
- (l) a person who at any time in the 5 years prior to the date when the appointment is to take effect has been employed by a member of the Assembly;
- (m) a member of the staff of the Assembly;
- (n) a person who has been a member of the staff of the Assembly at any time in the two years prior to the date when the appointment is to take effect;
- (o) a person employed by a district council;
- (p) a person who has been employed by a district council at any time in the two years prior to the date when the appointment is to take effect;
- (q) a person employed by a Northern Ireland department;
- (r) a person who has been employed by a Northern Ireland department at any time in the two years prior to the date when the appointment is to take effect;
- (s) the Attorney General for Northern Ireland; and
- (t) a person who has been the Attorney General for Northern Ireland at any time in the 5 years prior to the date when the appointment is to take effect.

**2** For the purposes of paragraph 1(c), a person becomes a candidate for election to the Assembly on the day on which that person becomes a candidate within the meaning of section 118A(1) and (2) of the Representation of the People Act 1983 (c. 2) as applied to the Assembly by Article 3 of the Northern Ireland Assembly (Elections) Order 2001 (SI 2001/2599).

**3** In this Schedule—

“civil partner” has the same meaning as in section 1 of the Civil Partnership Act 2004 (c. 33);

“cohabitant” means either member of a couple consisting of—

- (a) a man and woman who are living together as if they were husband and wife; or
- (b) two persons of the same sex who are living together as if they were civil partners;

“councillor” means a member of a district council;

“family member” means—

- (a) parent, child, grandparent or grandchild;
- (b) brother, sister, uncle, aunt, nephew or niece (whether of the full or half blood);

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- (c) spouse or any person related to a spouse in any of the ways set out in subparagraphs (a) or (b);
- (d) civil partner or any person related to a civil partner in any of the ways set out in sub-paragraphs (a) or (b); and
- (e) cohabitant or any person related to a cohabitant in any of the ways set out in sub-paragraphs (a) or (b); and

“political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

#### SCHEDULE 4

Section 22.

#### COMMISSIONER: FURTHER PROVISION

##### *Terms and conditions*

**1** The terms and conditions of appointment applicable to the Commissioner may include provision for superannuation benefits, pensions and gratuities.

##### *Documents*

**2.—(1)** The application of the seal of the Commissioner is to be authenticated by the signature of—

- (a) the Commissioner; or
- (b) any person authorised by the Commissioner for that purpose.

(2) A document purporting to be duly executed under the seal of the Commissioner or to be signed on the Commissioner's behalf may be received in evidence and, unless the contrary is proved, is to be taken to be so executed or signed.

##### *Support and accommodation*

**3.—(1)** The Commission shall provide the Commissioner with such administrative and other support, including staff, services and accommodation, as the Commissioner may reasonably require for the purpose of discharging the functions imposed on the Commissioner by this Act.

(2) From time to time, and in any case before providing any support under subparagraph (1), the Commission shall consult the Commissioner about such support so as to secure that such provision (and in particular the duties of the staff of the Assembly and the separation of the Commissioner's work from the business of the

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Assembly or of the Commission) does not call into question the Commissioner's independence.

#### *Goods and services*

4.—(1) The Commissioner may, on such terms as the Commissioner may determine, secure the provision of such goods or services as the Commissioner considers necessary for assisting in the exercise of the Commissioner's functions.

(2) The Commissioner may enter into arrangements with any public body or holder of a public office, upon such terms as the Commissioner and such body or office holder may agree, for the provision by that body or office holder of such services as the Commissioner considers necessary for assisting in the exercise of the Commissioner's functions.

#### *General Powers*

5 The Commissioner may do anything (except borrow money or employ staff) which is calculated to facilitate the carrying out of the Commissioner's functions or is incidental or conducive to the carrying out of those functions.

#### *Financial Prudence*

6.—(1) The Commissioner shall, in relation to any liability which the Commission may be required to discharge under paragraph 4, 5 or 9(b) or (c), consult the Commission and must do so—

- (a) if reasonably practicable, before incurring the liability in question,
- (b) if not, as soon thereafter as is reasonably practicable.

(2) The Commissioner's duty to consult the Commission under sub-paragraph (1) may be discharged in relation to a particular liability either—

- (a) by providing the Commission with particulars of the liability in question, or
- (b) by notifying the Commission that liabilities may be incurred of such description and maximum total amount as may be specified in the notification.

(3) The Commissioner shall have regard to any representations which the Commission may make when consulted under sub-paragraph (1).

#### *Annual Report*

7 The Commissioner shall, as soon as practicable after the end of each financial year, lay before the Assembly a report on the Commissioner's activities, including the use of resources, during that financial year.

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### *Financial Information*

**8** The Commissioner shall provide the Commission with such information about the Commissioner's financial affairs and transactions as the Commission may reasonably require.

### *Funding*

- 9** The Commission shall—
- (a) pay such sums as are payable in accordance with the Commissioner's terms and conditions of appointment;
  - (b) pay or reimburse any expenses properly incurred by the Commissioner; and
  - (c) indemnify the Commissioner in respect of any payments agreed under section 28(5) or any other liabilities incurred by the Commissioner.

### *Validity of actions*

**10** The validity of the exercise of any function of the Commissioner is not affected by a defect in the appointment of the Commissioner.

## SCHEDULE 5

Section 36.

### CONSEQUENTIAL AMENDMENTS

#### *The Statutory Rules (Northern Ireland) Order 1979 (NI 12)*

**1** In Part 1 of Schedule 1 to that Order, after the entry relating to the Foyle, Carlingford and Irish Lights Commission, insert— “ The Northern Ireland Assembly Commission ”.

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

**2** In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) insert, at the appropriate place— “ The Independent Financial Review Panel ”.

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

**3** In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies which are public authorities for the purposes of the Act) insert, at the appropriate place— “ The Independent Financial Review Panel ”.

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