



2013 CHAPTER 8

Code for appointments

8.—(1) The Department must issue a code governing the appointment of special advisers within 2 months of this section coming into operation.

(2) Where a Minister proposes to appoint a special adviser, such an appointment shall be subject to the terms of the code.

(3) Without prejudice to the generality of subsection (1), the code must provide that persons proposed for appointment as special advisers—

- (a) must be subject to the same vetting procedures as persons to be appointed as Senior Civil Servants to the Northern Ireland Civil Service,
- (b) must not be subject to further vetting procedures if they have been subject to vetting procedures in accordance with section 3.

[^{F1}(c) must not be remunerated at a level higher than the highest level under the published pay scale applicable to an Assistant Secretary (Grade 5) in the Northern Ireland Civil Service.]

(4) The Minister of Finance and Personnel must lay the code before the Assembly as soon as possible after it has been issued.

(5) All persons exercising functions in respect of the appointment of special advisers must have regard to the code.

[^{F2}(6) If, at any time after a special adviser is appointed (and whether or not the appointment has taken effect), a senior officer in the Department of Finance is satisfied that a person exercising functions in respect of the appointment did not have regard to the code, the Department of Finance must as soon as reasonably practicable after that time give the special adviser notice terminating the appointment with effect from the giving of the notice, but this—

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Changes to legislation: There are currently no known outstanding effects for the Civil Service (Special Advisers) Act (Northern Ireland) 2013, Section 8. (See end of Document for details)

(a) does not apply if the appointment otherwise terminates before the notice is given, and

(b) is without prejudice to the person's rights (if any) to payment in lieu of notice.

(7) In subsection (6) "senior officer" has the meaning given by Article 2(3) of the Departments (Northern Ireland) Order 1999.]

Textual Amendments

- F1** S. 8(3)(c) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 1\(4\), 14\(2\)](#)
- F2** S. 8(6)(7) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 1\(5\), 14\(2\)](#)

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