

SCHEDULES

SCHEDULE 1 N.I.

Article 3.

THE PROBATION BOARD FOR NORTHERN IRELAND

Status

1.—(1) The Board shall be a body corporate to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply, subject to the provisions of this Order.

Sub#para. (2) rep. by 1998 c. 47 sch. 15

2. The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown, and the Board's property shall not be regarded as property or property held on behalf of the Crown.

Members

3.—(1) The Board shall consist of—

- (a) a chairman, a deputy chairman, and not less than 10 nor more than 18 other members appointed by the [^{F1}Minister of Justice]; and
- (b) not more than five members co-opted by the Board with the approval of the [^{F1}Minister of Justice].

(2) A person shall not be appointed or co-opted as a member of the Board for more than three years at a time.

(3) A person may at any time resign his office as a member or as chairman or deputy chairman by notice in writing to the [^{F1}Minister of Justice].

(4) The [^{F1}Minister of Justice] may at any time remove a person from office as a member if satisfied that he—

- (a) has been absent from meetings of the Board or a committee of the Board for a period longer than three consecutive months without the permission of the Board;
- (b) has been adjudged bankrupt [^{F2}or is the subject of a bankruptcy restrictions order][^{F3}or has had a debt relief order has been made in respect of him or is the subject of a debt relief restrictions order] or has made any composition or arrangement with his creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member.

(5) If a person who is chairman or deputy chairman ceases to be a member of the Board, he shall also cease to be chairman or deputy chairman.

(6) Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment by the [^{F1}Minister of Justice] and any person so appointed shall hold office for the remainder of the term of office of the former member.

(7) A person whose term of office as a member of the Board expires by effluxion of time or who has resigned that office shall be eligible for re-appointment.

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[^{F4}(8) In this paragraph “ the Minister of Justice ” means the Minister in charge of the Department of Justice.]

- F1** Words in Sch. 1 para. 3 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 25(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F2** Words in Sch. 1 para. 3(4)(b) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, **Sch. Pt para. 7**
- F3** Words in Sch. 1 para. 3(4)(b) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 9**
- F4** Sch. 1 para. 3(8) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 25(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

4. The Board shall pay or make provisions for such remuneration and allowances (including allowances for expenses), pensions and gratuities to or in respect of the chairman, deputy chairman and other members of the Board as the [^{F5}Department of Justice, with the approval of the Department of Finance and Personnel], may determine.

- F5** Words in Sch. 1 para. 4 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 25(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

5. Where a person ceases to be a member of the Board otherwise than on the expiry of his term of office, and it appears to the [^{F6}Department of Justice] that there are special circumstances which make it right for that person to receive compensation, the [^{F6}Department of Justice] may, with the approval of the [^{F7}Department of Finance and Personnel], direct the Board to make to that person a payment of such amount as the [^{F6}Department of Justice], with the approval of the [^{F7}Department of Finance and Personnel], may determine.

- F6** Words in Sch. 1 para. 5 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 25(5)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F7** Words in Sch. 1 para. 5 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 25(5)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

6. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975^{F8} (bodies of which all members are disqualified) there shall be inserted at the appropriate place in alphabetical order—
“ The Probation Board for Northern Ireland ”.

- F8** 1975 c. 25.

Proceedings

7.—(1) Subject to the provisions of this Order, the arrangements for the proceedings of the Board (including the quorum for meetings) shall be such as the Board may determine.

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(2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee of the Board or by one or more of the members of the Board or of its staff.

8. The validity of any proceedings of the Board shall not be affected by any defect in the appointment or co-option of a member or by any vacancy among the members or in the office of chairman or deputy chairman.

Disclosure of pecuniary, etc., interests and related provisions

9.—(1) Section 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972^{F9} and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to the Board and to a member thereof as if—

(a) in those sections any reference—

(i) to the Department of the Environment were to the [^{F10}Department of Justice];

(ii) to a council were to the Board;

(iii) to a councillor were to a member of the Board;

(iv) to the clerk of the council were to the person appointed by the Board to act as its secretary; and

(v) to that Act were to this Order;

(b) in section 28(4) of that Act the words “or 46” were omitted and for the words “by any local elector” onwards there were substituted the words “by any person”.

(2) In sub-paragraph (1), except in head (a) (iv), references to the Board include references to a committee of the Board.

(3) Notwithstanding anything in sub-paragraph (1), where a member of the staff of the Board is also a member of the Board he may vote upon any matter which touches the interests of the staff, or any class of the staff, of the Board (including a class to which he belongs), but shall not vote upon any matter touching only his individual interest.

F9 1972 c. 9 (N.I.)

F10 Words in [Sch. 1 para. 9](#) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 25\(6\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

The seal

10. The seal of the Board shall be authenticated by the signature of at least one member of the Board and of a member of the staff of the Board authorised by it to act in that behalf.

Execution of contracts and instruments not under seal

11. Any contract or instrument which, if entered into or executed by an individual, would not require to be [^{F11} executed as a deed] may be entered into or executed on behalf of the Board by any person generally or specifically authorised by the Board to act for that purpose and any document purporting to be such a contract or instrument shall be deemed to be such an instrument until the contrary is proved.

F11 2005 NI 7

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Acquisition and disposal of property

12.—(1) The powers of the Board under section 19 of the Interpretation Act (Northern Ireland) 1954 to acquire and dispose of property shall not be exercised without the consent of the [^{F12}Department of Justice] which may be given either generally or in particular cases or descriptions of case or subject to specified conditions.

(2) The absence of the consent of the [^{F12}Department of Justice] in any particular case shall not invalidate the exercise of the powers referred to in sub-paragraph (1) if that consent is subsequently given.

F12 Words in Sch. 1 para. 12 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 25(7) (with arts. 28-31); S.I. 2010/977, art. 1(2)

Staff

13.—(1) The remuneration and other terms and conditions of service of members of the staff of the Board shall be subject to the approval of the [^{F13}Department of Justice] given with the consent of the [^{F14}Department of Finance and Personnel].

(2) The qualifications, manner of appointment and duties of members of the staff of the Board shall be such as may be prescribed.

(3) In the case of such classes or descriptions of members of the staff of the Board as may be prescribed, the Board's power to appoint them shall be subject to the approval of the [^{F13}Department of Justice].

(4) The Board may, in the case of such classes or descriptions of members of the staff of the Board as may be determined by the [^{F13}Department of Justice] with the consent of the [^{F14}Department of Finance and Personnel],—

- (a) pay such pensions, allowances or gratuities to or in respect of them, or
- (b) make such payments towards the provision of such pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions), or
- (c) make or maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- (d) make such redundancy payments, being not less than the Board would but for this head be required to make,

as may be determined by the [^{F13}Department of Justice] with the consent of the [^{F14}Department of Finance and Personnel].

F13 Words in Sch. 1 para. 13 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 25(8)(a) (with arts. 28-31); S.I. 2010/977, art. 1(2)

F14 Words in Sch. 1 para. 13 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 25(8)(b) (with arts. 28-31); S.I. 2010/977, art. 1(2)

14. The Board may make arrangements with the [^{F15}Department of Justice] for the provision of administrative, secretarial or other assistance for the Board.

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F15 Words in Sch. 1 para. 14 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 25(9) (with arts. 28-31); S.I. 2010/977, art. 1(2)

SCHEDULE 2 **N.I.**

Article 3.

TRANSFER OF PROPERTY AND STAFF

Property

1.—(1) There shall, on the day on which this paragraph comes into operation, be transferred to and vest in the Board by virtue of this Order—

- (a) all the estates held immediately before that day by the Secretary of State in land used wholly or mainly for probation purposes;
- (b) all equipment, furniture or other moveable property then owned by the Secretary of State and used on or in connection with such land for those purposes; and
- (c) all rights and liabilities to which the Secretary of State was entitled or subject immediately before that day, being rights and liabilities acquired or incurred solely in connection with any such land, equipment, furniture or other moveable property.

(2) The Secretary of State may by regulations make such provision supplementary to or consequential on the provisions of sub-paragraph (1) as appears to him to be necessary or expedient, and in particular, but without prejudice to the foregoing, may provide by such regulations—

- (a) for the determination by arbitration, in default of agreement, of any question arising as to whether any property, right or liability will be or has been transferred under that sub-paragraph;
- (b) where any property, right or liability transferred under this paragraph or the title to any such property or right is entered on any register kept in pursuance of any enactment, for the amendment of the entry by the person keeping the register;
- (c) for enabling pending proceedings relating to any property, rights or liabilities transferred under this paragraph to be continued; and
- (d) for substituting, as from the beginning of the day on which this paragraph comes into operation, for any reference, in any enactment, judgment, decree, order, award, deed, contract, regulation, rule, bye-law, certificate or other document affecting any property, right or liability transferred under this paragraph and passed or made before that day, to the Secretary of State, or for any reference which is to be construed as a reference to the Secretary of State, a reference to the Board.

[^{F16}(3) Regulations made by the Secretary of State under sub-paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.]

F16 Sch. 2 para. 1(3) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 26 (with arts. 28-31); S.I. 2010/977, art. 1(2)

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Staff

2.—(1) Notwithstanding anything in Schedule 1, the Board shall make to each person who immediately before the commencement of this paragraph was employed in the Northern Ireland Civil Service as a probation officer or as a probation assistant an offer of employment by the Board on terms which, taken as a whole, are not less favourable to that person than the terms on which he is employed on the date when the offer is made; and an offer made in pursuance of this paragraph shall not be revocable during the period of three months beginning with the date on which the offer is made.

(2) Any person to whom an offer is made under this paragraph shall not, if retired from the Northern Ireland Civil Service on redundancy in consequence of this Order, be eligible for any compensation benefit in respect of that redundancy payable under any scheme made under Article 3 of the Superannuation (Northern Ireland) Order 1972^{F17}, but this sub-paragraph is without prejudice to any other provision of such a scheme.

F17 1972 NI 10

^{F18}3.—(1) Any probation officer appointed by the Ministry of Home Affairs before 14th February 1950 shall be deemed to have been appointed under the Probation Act (Northern Ireland) 1950 and any full#time service rendered by him as a probation officer before that date shall, for the purposes of the Superannuation (Northern Ireland) Order 1972 be deemed to have been service in an unestablished capacity.

(2) Sub#paragraph (1) is without prejudice to the Northern Ireland (Modification of Enactments # No.1) Order 1973 (which amongst other things transferred the functions of the Ministry of Home Affairs under the Probation Act (Northern Ireland) 1950 to the Secretary of State).]

F18 1996 NI 24

SCHEDULE 3 N.I.

Article 7.

REPORTS AND ACCOUNTS, ETC

1.—(1) The Board shall furnish the [^{F19}Department of Justice] with such reports, returns, records, accounts and other information with respect to the Board's property and activities or proposed activities as [^{F20}the Department of Justice] may require.

(2) The Board shall afford to the [^{F19}Department of Justice] facilities for the verification of information so furnished and for that purpose permit any person authorised in that behalf by the [^{F19}Department of Justice] to inspect and make copies of the Board's accounts, books, documents or papers and give that person such explanation of them as that person may reasonably require.

(3) The Board shall comply with any directions given by the [^{F19}Department of Justice] relating to the preservation of reports, returns, records, accounts and other information relating to the activities of the Board.

F19 Words in Sch. 3 para. 1 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 27(2)(a) (with arts. 28-31); S.I. 2010/977, art. 1(2)

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F20 Words in Sch. 3 para. 1(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

2.—(1) The Board shall—

- (a) maintain proper accounts and other records relating to accounts in accordance with directions of the [^{F21}Department of Justice]; and
- (b) prepare in respect of each accounting period a statement of accounts in such form as the [^{F21}Department of Justice] with the approval of the [^{F22}Department of Finance and Personnel] may direct and submit it to the [^{F21}Department of Justice] at such time as [^{F23}the Department of Justice] may direct.

(2) The [^{F21}Department of Justice] shall, on or before 30th November in any year, send to the [^{F24}Comptroller and Auditor General for Northern Ireland] the statement of accounts prepared by the Board under this paragraph for the accounting period last ended.

(3) The [^{F24}Comptroller and Auditor General for Northern Ireland] shall examine, certify and report on the statement of accounts sent to him under this paragraph and shall lay copies of the statement of accounts and of his report thereon before [^{F25}the Assembly].

(4) In this paragraph “accounting period” means the period of 12 months ending on 31st March in any year except that the first accounting period shall, if the Secretary of State with the approval of the Treasury so directs, be such period shorter or longer than 12 months (but not longer than two years) as is specified in the direction^{F26}. . . .

F21 Words in Sch. 3 para. 2(1)(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(3)(a)** (with arts. 28-31, Sch. 14 para. 27(7)); S.I. 2010/977, **art. 1(2)**

F22 Words in Sch. 3 para. 2(1)(b) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(3)(b)** (with arts. 28-31, Sch. 14 para. 27(7)); S.I. 2010/977, **art. 1(2)**

F23 Words in Sch. 3 para. 2(1)(b) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(3)(c)** (with arts. 28-31, Sch. 14 para. 27(7)); S.I. 2010/977, **art. 1(2)**

F24 Words in Sch. 3 para. 2(2)(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(4)** (with arts. 28-31, Sch. 14 para. 27(7)); S.I. 2010/977, **art. 1(2)**

F25 Words in Sch. 3 para. 2(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(5)** (with arts. 28-31, Sch. 14 para. 27(7)); S.I. 2010/977, **art. 1(2)**

F26 Words in Sch. 3 para. 2(4) omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 27(6)** (with arts. 28-31, Sch. 14 para. 27(7)); S.I. 2010/977, **art. 1(2)**

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Schedule 5—Repeals

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Changes and effects yet to be applied to :

- Sch. 1 para. 3(4)(b) words inserted by [S.R. 2015/159 Sch. Pt. 1 para. 7](#)