

SCHEDULES

SCHEDULE 4

Article 82(2).

THE LABOUR RELATIONS AGENCY

PART I

THE CONSTITUTION OF THE AGENCY

1. The Agency shall be a body corporate to which section 19 of the Interpretation Act (Northern Ireland) 1954(1) shall apply.

2. The Agency shall consist of the following persons appointed by the Head of the Department, namely—

(a) a chairman; and

(b) 9 other members of whom—

(i) 3 shall be appointed after consultation with such organisations or associations of organisations representative of employers as appear to the Head of the Department to be appropriate;

(ii) 3 shall be appointed after consultation with such organisations or associations of organisations representative of employees as appear to the Head of the Department to be appropriate; and

(iii) 3 shall be appointed as appears to the Head of the Department to be appropriate.

3.—(1) A member of the Agency shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold his office, be eligible for re-appointment.

(2) Any member may at any time by notice in writing to the Head of the Department resign his office.

4. The Head of the Department may, by notice in writing addressed to a member, terminate his appointment as a member of the Agency if of the opinion that he is unfit to continue in office or incapable of performing his duties as a member.

5. The proceedings of the Agency shall not be invalidated by any vacancy in the membership of the Agency or by any defect in the appointment of any of its members.

6. The Agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

(1) 1954 c. 33 (N.I.)

PART II

SUPPLEMENTARY PROVISIONS AS TO THE AGENCY

Members

7. The Agency may pay, or make such payments towards the provision of, such remuneration, allowances (including allowances for expenses), pensions or gratuities to or in respect of the chairman and other members of the Agency, or any of them, as the Department, with the approval of the Department of Finance and Personnel, may determine.

8. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(2) the following entry shall continue to be inserted at the appropriate place in alphabetical order—

“The Labour Relations Agency.”.

Panel of advisers

9.—(1) The Agency may appoint a panel of persons, who are not members of the Agency, from whom it may from time to time select persons to assist it in the discharge of its functions.

(2) The number of persons which the Agency may appoint under this paragraph shall be determined by the Agency with the approval of the Department and the Department of Finance and Personnel.

(3) The Agency may pay to persons appointed under this paragraph such fees and such allowances for expenses as the Agency, with the approval of the Department and the Department of Finance and Personnel, may determine.

The seal

10. The fixing of the common seal of the Agency shall be authenticated by the signature of the chairman of the Agency or some other member thereof authorised either generally or specially by the Agency to act for that purpose.

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 under seal may be entered into or executed on behalf of the Agency by any person generally or specially authorised by the Agency to act for that purpose and any document purporting to be such a contract or instrument shall be deemed to be such a contract or instrument until the contrary is proved.

Staff

12. The number of persons employed by the Agency and the terms and conditions of employment of such persons shall be determined by the Agency, with the approval of the Department and the Department of Finance and Personnel.

13. The Agency may, in the case of such persons employed by it as may be determined by the Agency with the approval of the Department and the Department of Finance and Personnel, pay to or in respect of them such pensions or gratuities, or provide and maintain for them such pension

(2) 1975 c. 25

schemes (whether contributory or not) or contributory or other pension arrangements as may be so determined.

Financial provision

14. For the purpose of enabling the Agency to carry out its functions, the Department shall pay to the Agency such sums as the Department may, with the approval of the Department of Finance and Personnel, determine.

Accounts and audit

15.—(1) The Agency shall keep proper accounts, in such form as may be approved by the Department, and proper records in relation to the accounts.

(2) The Agency shall prepare in respect of each financial year a statement of accounts, in particular showing separately any sums disbursed to or on behalf of the Certification Officer in consequence of this Order, in such form as the Department, with the approval of the Department of Finance and Personnel, may direct.

(3) The accounts of the Agency shall be audited by auditors appointed by the Agency with the approval of the Department and shall be vouched to the satisfaction of such auditors.

(4) The Agency shall, at such time in each year as the Department may direct, transmit copies of the annual statement of accounts, certified by the auditors, to the Department and to the Comptroller and Auditor General for Northern Ireland.

(5) The Comptroller and Auditor General shall examine a copy of each annual statement of accounts and shall make a report thereon and shall send copies of that report to the Department and may in connection with such examination examine any accounts kept by the Agency and any records relating thereto.

Reports

16.—(1) The Agency shall, as soon as possible within a period of three months after the end of each financial year, make to the Head of the Department a report, in such form and containing such information as the Department may direct, on the performance of its functions during that financial year.

(2) The Head of the Department shall lay before the Assembly a copy of each report made to him under this paragraph together with a copy of each annual statement of accounts transmitted to the Department under paragraph 15(4) and of the report made by the Comptroller and Auditor General thereon under paragraph 15(5).