

## SCHEDULES

### SCHEDULE 1

#### THE NORTHERN IRELAND AUTHORITY FOR ENERGY REGULATION

##### *Terms of appointment, remuneration, pensions, etc.*

2.—(1) Subject to this Schedule, the chairman and other members shall hold and vacate office as such in accordance with the terms of their respective appointments.

(2) The terms of appointment of the chairman and other members shall be determined by [<sup>F1</sup>the Department of Finance and Personnel].

**F1** Words in Sch. 1 substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), **3(4)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

[<sup>F2</sup>**2A.** A person holding office as chairman or other member shall not—

- (a) carry out any activity or have any financial or other interest that might compromise or might reasonably be seen to compromise that person's impartiality; <sup>F3</sup>...
- (b) seek or take any instructions from any person or body that might compromise or might reasonably be seen to compromise the independence of the Authority when the Authority is carrying out functions in its capacity as national regulatory authority for Northern Ireland [<sup>F4</sup>,or]

[ disclose information which is subject to a duty of confidentiality either while holding <sup>F5</sup>(c) office or after holding office.]]

**F2** Sch. 1 para. 2A inserted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 45(a)**

**F3** Word in Sch. 1 para. 2A(a) omitted (31.12.2020) by virtue of [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **31(a)(i)**

**F4** Word in Sch. 1 para. 2A(b) substituted (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **31(a)(ii)**

**F5** Sch. 1 para. 2A(c) added (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **31(a)(ii)**

[<sup>F6</sup>**3.**—(1) No person shall be appointed to hold office as chairman or other member for a term of less than 5 years or for a term of more than 7 years.

[<sup>F7</sup>(1A) No person shall be appointed to hold office as chairman or other member except—

- (a) in accordance with the code and such other guidance as may be published from time to time under Article 3(2) of the Commissioner for Public Appointments (Northern Ireland) Order 1995; and
- (b) on the basis of the application of objective, transparent and published criteria which ensures that the candidate has the necessary skills and experience for the relevant position.]

**Changes to legislation:** There are currently no known outstanding effects for the The Energy (Northern Ireland) Order 2003, Terms of appointment, remuneration, pensions, etc.. (See end of Document for details)

(2) If a person who is on the Authority's staff, is appointed as chairman or other member, the Department of Finance and Personnel may make the appointment subject to the condition that the appointment will end if that person ceases to be on the Authority's staff.

(3) The appointment of a person as chairman or other member may be renewed only once.

(4) To ensure continuity of the functioning of the Authority, the Department of Finance and Personnel shall ensure that there is a rotation of the Authority's membership. To do this, that Department shall appoint members so that their terms of office will not all expire at the same time.

(5) A person holding office as chairman or other member may resign that office by giving notice in writing to the Department of Finance and Personnel.

(6) A person holding office as chairman or other member may only be removed from office by the Department of Finance and Personnel, and on one of the following grounds only—

- (a) a breach of paragraph 2A;
- (b) incapacity; or
- (c) misbehaviour.]

**F6** Sch. 1 para. 3 substituted (15.4.2011) by [Gas and Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/155\)](#), **reg. 45(b)**

**F7** Sch. 1 para. 3(1A) inserted (31.12.2020) by [The Electricity \(Internal Markets\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/307\)](#), regs. 1, **31(b)**

**4.—(1)** The Authority shall pay to the chairman and other members such remuneration, and such travelling and other allowances, as may be determined by [<sup>F8</sup>the Department of Finance and Personnel] .

(2) The Authority shall, if required to do so by [<sup>F8</sup>the Department of Finance and Personnel]—

- (a) pay such pension, allowances or gratuities as may be determined by [<sup>F8</sup>the Department of Finance and Personnel] to or in respect of a person who is or has been the chairman or a member of the Authority; or
- (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.

(3) If, where any person ceases to hold office as chairman or other member, [<sup>F8</sup>the Department of Finance and Personnel] determines that there are special circumstances which make it right that he should receive compensation, the Authority shall pay to him a sum by way of compensation of such amount as may be determined by [<sup>F8</sup>the Department of Finance and Personnel] .

**F8** Words in Sch. 1 substituted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), **3(4)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the The Energy (Northern Ireland) Order 2003, Terms of appointment, remuneration, pensions, etc..