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*Status: Point in time view as at 02/12/1999.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

Section 40(10).

#### NORTHERN IRELAND ASSEMBLY COMMISSION

##### *Membership*

- 1 A person appointed under standing orders made under section 40(2)(b) shall hold office until another member of the Assembly is appointed in his place, unless he previously resigns or ceases to be a member of the Assembly otherwise than by virtue of a dissolution.

##### *Staff*

- 2 (1) The Commission may appoint staff.
- (2) The persons appointed by the Commission are referred to in this Act as the staff of the Assembly.
- (3) It is for the Commission to determine the terms and conditions of appointment of the staff of the Assembly, including arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of the staff of the Assembly.
- (4) Accordingly, the Commission may—
- (a) make contributions or payments towards provision for such pensions, gratuities or allowances;
  - (b) establish and administer one or more pension schemes.
- (5) The power conferred by sub-paragraph (1) includes power to make arrangements for administrative, secretarial or other assistance to be provided for the Commission by officers of the civil service of Northern Ireland or the civil service; and the reference in sub-paragraph (2) to persons appointed by the Commission shall be construed accordingly.

##### *Powers*

- 3 (1) Subject to sub-paragraph (4), the Commission may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions.
- (2) That includes, in particular—
- (a) holding property;
  - (b) charging for goods or services;
  - (c) entering into contracts;
  - (d) investing sums not immediately required in relation to the discharge of its functions; and

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(e) accepting gifts.

- (3) The Commission may sell goods or provide services, and may make arrangements for the sale of goods or provision of services, to the public.
- (4) The Commission may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.
- (5) The Commission may borrow money only under sub-paragraph (4) and may borrow under that sub-paragraph only with the special or general approval of the Assembly.

#### *Delegation*

- 4 The Commission may delegate any of its functions to the Presiding Officer or a member of the staff of the Assembly.

#### *Proceedings and business*

- 5 (1) The validity of any acts of the Commission shall not be affected by any vacancy among the members, or by any defect in the appointment, or qualification for membership, of any member.
- (2) The Commission may determine its own procedure.
- (3) The Presiding Officer shall preside at meetings of the Commission, but the Commission may appoint another of its members to preside if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.

#### *Crown status*

- 6 (1) Her Majesty may by Order in Council provide for the Commission to be treated to any extent as a Crown body for the purposes of any enactment.
- (2) In particular, the Order may for the purposes of any enactment provide—
  - (a) for employment under the Commission to be treated as employment under the Commission as a Crown body;
  - (b) for land held, used or managed by the Commission, or operations carried out by or on behalf of the Commission, to be treated (as the case may be) as land held, used or managed, or operations carried out by or on behalf of, the Commission as a Crown body.
- (3) For the purposes of this paragraph, “Crown body” means a body which is the servant or agent of the Crown, and includes a government department.
- (4) A statutory instrument containing an Order in Council under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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