

Status: Point in time view as at 02/12/1999.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 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 68(4).

THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Introductory

- 1 In this Schedule “the Commission” means the Northern Ireland Human Rights Commission.

Commencement Information

- II** Sch. 7 para. 1 wholly in force at 1.3.1999; Sch. 7 para. 1 not in force at Royal Assent see s. 101(3); Sch. 7 para. 1 in force for certain purposes at 15.2.1999 and for all other purposes at 1.3.1999 by S.I. 1999/340, art. 2(1), Sch. Pt. 1

Commissioners’ tenure

- 2 (1) Subject to the provisions of this Schedule, a Commissioner shall hold office in accordance with the terms of his appointment.
- (2) A Commissioner shall not be appointed—
- (a) in the case of the Chief Commissioner, for more than five years at a time; and
 - (b) in any other case, for more than three years at a time.
- (3) A person may resign as a Commissioner or as Chief Commissioner by notice in writing to the Secretary of State.
- (4) The Secretary of State may dismiss a person from his office as Commissioner or Chief Commissioner if satisfied—
- (a) that he has without reasonable excuse failed to discharge his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal;
 - (b) that he has been convicted of a criminal offence;
 - (c) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
 - (d) that he is unable or unfit to carry out his functions.

Commencement Information

- I2** Sch. 7 para. 2 wholly in force at 1.3.1999; Sch. 7 para. 2 not in force at Royal Assent see s. 101(3); Sch. 7 para. 2 in force for certain purposes at 15.2.1999 and for all other purposes at 1.3.1999 by S.I. 1999/340, art. 2(1), Sch. Pt. 1

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Commissioners' salary etc.

- 3 (1) The Commission shall pay to or in respect of Commissioners—
- (a) remuneration;
 - (b) allowances and fees; and
 - (c) sums for the provision of pensions,
- in accordance with directions of the Secretary of State.
- (2) Where a person who by reference to any office or employment is a participant in a scheme under section 1 of the ^{M1}Superannuation Act 1972 becomes a Commissioner or the Chief Commissioner, the Minister for the Civil Service may, notwithstanding any provision made under sub-paragraph (1)(c), determine that the person's service as Commissioner or Chief Commissioner shall be treated for the purposes of the scheme as service in that office or employment.

Marginal Citations

M1 1972 c.11.

Staff

- 4 (1) The Commission may employ staff subject to the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of employment.
- (2) Employment with the Commission shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) after "Commission for Racial Equality" insert— "Northern Ireland Human Rights Commission".
- (3) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Annual report

- 5 (1) The Commission shall, as soon as reasonably practicable after the end of each year, make a report to the Secretary of State on the performance of its functions during the year.
- (2) The Secretary of State shall lay a copy of the report before each House of Parliament.

Money

- 6 The Secretary of State may make grants to the Commission out of money provided by Parliament.
- 7 (1) The Commission shall keep proper accounts and financial records.
- (2) The Commission shall—
- (a) prepare a statement of accounts in respect of each financial year containing such information, and in such form, as the Secretary of State with the consent of the Treasury directs; and

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- (b) send a copy to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year as the Secretary of State directs.
- (3) The Comptroller and Auditor General shall—
 - (a) examine, certify and report on the statement of accounts; and
 - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.
- (4) For the purposes of this paragraph—
 - (a) a financial year is a period of twelve months ending on 31st March; but
 - (b) the first financial year is the period beginning with the day on which section 68 comes into force and ending with the first 31st March which falls at least six months after that day.

Procedure

- 8 (1) In determining its own procedure the Commission may, in particular, make provision about—
- (a) the discharge of its functions by committees (which may include persons who are not Commissioners);
 - (b) a quorum for meetings of the Commission or a committee.
- (2) The validity of any proceedings of the Commission or a committee shall not be affected by—
- (a) a vacancy in the office of Chief Commissioner; or
 - (b) a defect in the appointment of a Commissioner.

Disqualification

- 9 In Part III of Schedule 1 to the ^{M2}House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Northern Ireland Human Rights Commissioner ”.

Marginal Citations

M2 1975 c.24.

- 10 In Part III of Schedule 1 to the ^{M3}Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Northern Ireland Human Rights Commissioner ”.

Marginal Citations

M3 1975 c.25.

Status

- 11 The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and property of the Commission shall not be regarded as property of, or held on behalf of, the Crown.

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