

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Schedule 9C. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 9C

Section 78R

COMMISSIONER FOR THE ULSTER SCOTS AND THE ULSTER BRITISH TRADITION

Textual Amendments

- F1** Sch. 9C inserted (22.5.2023) by [Identity and Language \(Northern Ireland\) Act 2022 \(c. 45\), s. 10\(2\), Sch. 3; S.I. 2023/566, reg. 2\(f\)](#)

Status

- 1 (1) The Commissioner is not to be regarded—
 - (a) as a servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property held by the Commissioner is not to be regarded as property of, or held on behalf of, the Crown.

Tenure of office

- 2 (1) Subject to the provisions of this Schedule, a person holds office as the Commissioner in accordance with the person's terms of appointment.
- (2) A person may not be appointed as Commissioner for more than five years at a time, or more than twice.
- (3) A person may at any time resign as Commissioner by notice in writing to the First Minister and deputy First Minister.
- (4) The First Minister and deputy First Minister acting jointly may dismiss a person from office as Commissioner by notice in writing if satisfied that the person—
 - (a) has, without reasonable excuse, failed to discharge the functions of the office for a continuous period of three months beginning not earlier than six months before the day of dismissal;
 - (b) has been convicted of a criminal offence;
 - (c) has become bankrupt or the subject of a bankruptcy restrictions order, a debt relief order or a debt relief restrictions order, or has made a voluntary arrangement;
 - (d) is unable or unfit to perform the functions of the office.
- (5) Each of the expressions used in sub-paragraph (4)(c) has the same meaning as in the Insolvency (Northern Ireland) Order 1989 ([S.I. 1989/2405 \(N.I. 19\)](#)).

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Commissioner's salary, etc

- 3
- (1) The Executive Office may pay to or in respect of the Commissioner such remuneration, allowances, fees and sums for the provision of a pension as the Executive Office may determine.
 - (2) Where a person ceases to hold office as Commissioner otherwise than on the expiration of a term of office and the Executive Office determines that special circumstances justify compensation, the Executive Office may pay to or in respect of the person such amount as the Executive Office may determine.
 - (3) A determination of the Executive Office under this paragraph requires the approval of the Department of Finance.

Staff

- 4
- (1) The Commissioner may appoint such number of staff as the Commissioner may determine.
 - (2) The terms and conditions of a person's appointment are to be determined by the Commissioner; but that is subject to the provisions of this Schedule.
 - (3) The Commissioner may pay to or in respect of a member of staff such remuneration, allowances, fees and sums for the provision of a pension as the Commissioner may determine.
 - (4) Where a person ceases to be a member of staff otherwise than on expiration of a term of appointment and the Commissioner determines that special circumstances justify compensation, the Commissioner may pay to or in respect of the person such amount as the Commissioner may determine.
 - (5) A determination of the Commissioner under this paragraph requires the approval of the Executive Office and Department of Finance.

Assistance

- 5
- (1) The Executive Office may provide the Commissioner with staff, facilities or services for the purpose of assisting the Commissioner in the exercise of the Commissioner's functions.
 - (2) The Office of Identity and Cultural Expression may provide the Commissioner with services for the purpose of assisting the Commissioner in the exercise of the Commissioner's functions.
 - (3) In this Schedule, a reference to a member of staff includes a reference to a member of staff appointed on secondment; but a period of secondment does not affect a person's continuity of service in the Northern Ireland civil service.

Exercise of functions

- 6
- Any function of the Commissioner may be exercised by any member of staff of the Commissioner who has been authorised (whether generally or specially) by the Commissioner for the purpose.

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General powers

- 7 The Commissioner may do whatever the Commissioner considers appropriate for facilitating, or incidental or conducive to, the exercise of the Commissioner's functions, other than borrowing money.

Funding

- 8 (1) The Executive Office may make grants to the Commissioner of such amounts as it determines with the approval of the Department of Finance.
- (2) The Commissioner must pay to the Executive Office any sums received by the Commissioner in the course of, or in connection with, the exercise of the Commissioner's functions.
- (3) Sub-paragraph (2) does not apply to such sums, or sums of such description, as the Executive Office may with the approval of the Department of Finance direct.

Accounts

- 9 (1) The Commissioner must—
- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts must be in such form and contain such information as the Executive Office may with the approval of the Department of Finance direct.
- (3) The Commissioner must, within such period after the end of each financial year as the Executive Office may direct, send copies of the statement of accounts relating to that year to—
- (a) the Executive Office; and
 - (b) the Comptroller and Auditor General for Northern Ireland.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on every statement of accounts received under sub-paragraph (3); and
 - (b) send a copy of the report to the Executive Office.
- (5) The Executive Office must lay a copy of the statement of accounts and the report of the Comptroller and Auditor General before the Assembly.
- (6) In this paragraph and paragraph 10 “financial year” means—
- (a) the period beginning with the day on which the first person appointed as Commissioner takes office and ending on the 31 March following that day; and
 - (b) each successive period of twelve months ending on 31 March.

Annual report

- 10 (1) As soon as practicable after the end of each financial year, the Commissioner must send to the Executive Office a report on the exercise of the Commissioner's functions during that year.
- (2) The Executive Office must lay a copy of the report before the Assembly.

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Seal and evidence

- 11 (1) The application of the seal of the Commissioner must be authenticated by the signature of—
- (a) the Commissioner; or
 - (b) a member of staff authorised for the purpose.
- (2) A document purporting to be an instrument issued by the Commissioner and to be duly executed under the Commissioner’s seal or signed by or on behalf of the Commissioner is to be received in evidence and is, unless the contrary is proved, taken to be such an instrument.

Property

- 12 (1) Any real or personal property vested in the Commissioner vests (unless and until disclaimed or disposed of) in the successor in office.
- (2) Where there is a vacancy in the office of Commissioner at the time when real or personal property would otherwise have vested, the property vests in the successor on appointment.]

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