

*Changes to legislation: There are currently no known outstanding effects for the Historical Institutional Abuse (Northern Ireland) Act 2019, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1

#### THE HISTORICAL INSTITUTIONAL ABUSE REDRESS BOARD

##### *Status*

- 1 (1) The Board is a body corporate.
- (2) The Board is not to be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (3) Section 19 of the Interpretation Act (Northern Ireland) 1954, except for subsection (1)(a)(iv) and (vi), applies to the Board, subject to the provisions of this Act; and, for the purposes of that section, the Board is to be treated as if it were established by an Act of the Northern Ireland Assembly.

##### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

##### *Advertisement in the Belfast Gazette*

- 2 The Executive Office must secure that the establishment of the Board is advertised in the Belfast Gazette.

##### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

##### *Administrative functions exercisable by Northern Ireland Department*

- 3 (1) The Executive Office must in writing designate a Northern Ireland Department to exercise the administrative functions of the Board on the Board's behalf.
- (2) The designated Department (whether in its own capacity or in the capacity of an agency of that Department) is, accordingly, to exercise the administrative functions of the Board on the Board's behalf; and references in this Schedule to “the Department” are references to the designated Department.

##### **Commencement Information**

**I3** Sch. 1 para. 3 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

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### *Functions*

- 4 (1) In the exercise of the Board's functions, the Board or any member of the Board acting on its behalf, must have regard to the Report of the Historical Institutional Abuse Inquiry (ISBN 978-1-908820-91-4), being the report of the Inquiry held under the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013; but this duty does not apply in so far as any of the Board's functions depart from the recommendations made in the Report.
- (2) The Board, or any member of the Board acting on its behalf, may do anything which the Board or member considers to be appropriate for facilitating, or to be incidental or conducive to, the exercise of its functions.
- (3) The power under sub-paragraph (2) does not include a power to borrow money.

#### **Commencement Information**

**I4** [Sch. 1 para. 4](#) in force at 27.3.2020 by [S.R. 2020/48](#), [art. 2\(b\)](#)

### *President and other members*

- 5 (1) The Lord Chief Justice of Northern Ireland is to appoint a person as the President of the Board.
- (2) The Lord Chief Justice of Northern Ireland is to appoint such persons to serve as the other judicial members of the Board as the President considers necessary, but with the number subject to the approval of the Executive Office.
- (3) A person may be appointed under sub-paragraph (1) or (2) only if the person holds or has held office—
- as a judge of the Court of Judicature of Northern Ireland, or
  - as a judge or deputy judge of a county court in Northern Ireland.
- (4) The Executive Office is to appoint such number of persons to serve as the other members of the Board as the Executive Office considers necessary.
- (5) A person may be appointed under sub-paragraph (4) only if the person has professional qualifications or experience in the field of health or social care which the Executive Office considers relevant.
- (6) The President has responsibility for ensuring the efficient and effective discharge of the Board's functions.
- (7) The Department may pay to or in respect of the President and each other member of the Board such remuneration, such allowances, and such sums for the provision of a pension as the Executive Office determines.
- (8) The Department may reimburse the President and each other member of the Board for such expenses as the member reasonably incurs in acting as such.

#### **Commencement Information**

**I5** [Sch. 1 para. 5](#) in force at 27.3.2020 by [S.R. 2020/48](#), [art. 2\(b\)](#)

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*Staff, accommodation etc.*

- 6
- (1) The staff required for the Board are, with the approval of the Executive Office as to numbers, to be provided by the Department.
  - (2) The staff provided under sub-paragraph (1) must, in particular, include a person to act as the secretary to the Board.
  - (3) The Department may assign one or more members of its staff to act as a deputy secretary to the Board; and a deputy secretary is entitled to act on behalf of the secretary.
  - (4) The office accommodation and equipment required for the Board are to be provided by the Department.

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**Commencement Information**

**I6** Sch. 1 para. 6 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Delegation and committees*

- 7
- (1) Any function of the President may be exercised by another judicial member of the Board who has been authorised (whether generally or specifically) by the President for that purpose.
  - (2) The Board may establish one or more committees to advise the Board or the President.
  - (3) The Board may establish one or more committees to which the Board may delegate functions.

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**Commencement Information**

**I7** Sch. 1 para. 7 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Seal*

- 8
- The application of the seal of the Board must be authenticated—
- (a) by the signature of the President, or
  - (b) by the signature of a person who is authorised under paragraph 7(1) for that purpose.

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**Commencement Information**

**I8** Sch. 1 para. 8 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Evidence*

- 9
- (1) A document purporting to be an instrument issued by the Board and to be duly executed under the Board's seal or signed by or on behalf of the Board is to be received in evidence and, unless the contrary is proved, taken to be such an instrument.

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(2) The Board may administer oaths for the purposes of this Act.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Funding*

- 10 (1) The Executive Office may make to the Department grants of such amounts as the Executive Office determines for the purpose of funding—
- (a) the costs of exercising the administrative functions of the Board,
  - (b) the awards of compensation made under this Part, and
  - (c) the amounts the Board is required to pay under this Part in respect of costs and expenses incurred in connection with applications and appeals.
- (2) The Board must pay to the Executive Office all sums received by it in the course of, or in connection with, the exercise of the Board's functions.
- (3) But sub-paragraph (2) does not apply to such sums, or sums of such description, as the Executive Office may direct with the approval of the Department of Finance in Northern Ireland.
- (4) Any sums received by the Executive Office under this paragraph must be paid into the Consolidated Fund of Northern Ireland.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Annual report*

- 11 (1) The Board must, as soon as practicable after the end of each financial year, send to the Executive Office a report on the exercise of the Board's functions during that year.
- (2) The Executive Office must, in the case of each report sent to it under this paragraph, lay a copy of the report before the Northern Ireland Assembly.
- (3) In this paragraph, “financial year” means—
- (a) the period beginning with the day on which the Board is established under section 1 and ending with the next 31 March following that date, and
  - (b) each successive period of twelve months ending with 31 March.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

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*Disqualification from the Assembly*

- 12 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices: bodies of which all members are disqualified), at the appropriate place, insert— “ The Historical Institutional Abuse Redress Board ”.

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**Commencement Information**

**I12** Sch. 1 para. 12 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Freedom of information*

- 13 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies in Northern Ireland which are public authorities for the purposes of the Act), at the appropriate place, insert— “ The Historical Institutional Abuse Redress Board, in relation to its administrative functions. ”

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**Commencement Information**

**I13** Sch. 1 para. 13 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

*Public Services Ombudsman*

- 14 In Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 (listed authorities), under the heading “Miscellaneous”, at the appropriate place, insert— “ The Historical Institutional Abuse Redress Board established under section 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019 ”.

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**Commencement Information**

**I14** Sch. 1 para. 14 in force at 27.3.2020 by S.R. 2020/48, art. 2(b)

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