

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.

Advertisement in the Belfast Gazette

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

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.

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.

Status: This is the original version (as it was originally enacted).

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—
 - (a) as a judge of the Court of Judicature of Northern Ireland, or
 - (b) 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.

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.

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.

Status: This is the original version (as it was originally enacted).

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.

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

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.

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.

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”.

Status: This is the original version (as it was originally enacted).

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.”

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”.

SCHEDULE 2

Section 21

THE COMMISSIONER FOR SURVIVORS OF INSTITUTIONAL CHILD ABUSE

Status

- 1 (1) The person for the time being holding the office of Commissioner for Survivors of Institutional Childhood Abuse is, by that name, a corporation sole.
- (2) The Commissioner 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) The property held by the Commissioner is not to be regarded as property of, or property held on behalf of, the Crown.

General powers

- 2 (1) The Commissioner may do anything which the Commissioner considers to be appropriate for facilitating, or to be incidental or conducive to, the exercise of the Commissioner’s functions.
- (2) The power under sub-paragraph (1) includes a power to co-operate with other bodies which exercise functions (whether in the United Kingdom or elsewhere) relating to persons who suffered abuse while children and while resident in accommodation provided for them by a body, society or organisation with responsibility for the care, health and welfare of children.
- (3) The power under sub-paragraph (1) does not include a power to borrow money.
- (4) The reference in sub-paragraph (2) to being resident in accommodation includes a reference to being absent from the accommodation while under the care of—
- (a) the body, society or organisation which provided the accommodation, or
- (b) a person authorised by that body, society or organisation.

Status: This is the original version (as it was originally enacted).

Tenure of office

- 3
- (1) A person holds and vacates office as the Commissioner in accordance with the terms of that person's appointment; but that is subject to the following provisions of this paragraph.
 - (2) An appointment as the Commissioner is for a term of five years.
 - (3) A person who ceases to be the Commissioner on the expiry of that person's first term of office is eligible for re-appointment.
 - (4) But a person who has been re-appointed by virtue of sub-paragraph (3) is not eligible for appointment or re-appointment as the Commissioner at any time after the end of that person's second term of office.
 - (5) A person may at any time resign from office as the Commissioner by giving written notice to the Executive Office.
 - (6) The Executive Office may remove a person from office as the Commissioner if satisfied that the person—
 - (a) has been convicted of an offence,
 - (b) has become bankrupt, has had a bankruptcy restrictions order, debt relief order or debt relief restrictions order made in respect of that person, or has made a voluntary arrangement,
 - (c) has, without reasonable excuse, failed to discharge the functions of the Commissioner for a continuous period of three months, or
 - (d) has, in the opinion of the Executive Office, become unfit or unable to exercise the functions of the Commissioner.
 - (7) Each of the expressions used in sub-paragraph (6)(b) has the same meaning as in the Insolvency (Northern Ireland) Order 1989.

Salary, etc

- 4
- (1) The Executive Office may pay to or in respect of the Commissioner such remuneration, such allowances, and such sums for the provision of a pension as the Executive Office determines.
 - (2) Where a person ceases to hold office as the Commissioner otherwise than on the expiry of the person's term of office and the Executive Office determines that there are special circumstances that make it right for the person to receive compensation, the Executive Office may make to the person a payment of such amount as it determines.
 - (3) A determination by the Executive Office under this paragraph requires the approval of the Department of Finance in Northern Ireland.

Staff

- 5
- (1) The Commissioner may, with the approval of the Executive Office as to numbers, appoint such staff as the Commissioner considers necessary.
 - (2) The remuneration and other conditions of service of the persons appointed as members of the Commissioner's staff are to be determined by the Commissioner.

Status: This is the original version (as it was originally enacted).

- (3) The Commissioner may make payments towards the provision of such pensions or allowances to or in respect of the persons appointed as members of the Commissioner’s staff as the Commissioner determines.
- (4) The reference in sub-paragraph (3) to pensions or allowances includes a reference to pensions or allowances by way of compensation for loss of employment.
- (5) A determination by the Commissioner under this paragraph requires the approval of the Executive Office and of the Department of Finance in Northern Ireland.
- (6) Employment as a member of the Commissioner’s staff is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order, under the heading “Other Bodies”, at the end insert—
“Employment by the Commissioner for Survivors of Institutional Childhood Abuse.”

Delegation of functions of Commissioner

- 6 Any function of the Commissioner may be exercised by a member of the Commissioner’s staff who has been authorised (whether generally or specifically) by the Commissioner for that purpose.

Seal

- 7 The application of the seal of the Commissioner must be authenticated—
- (a) by the Commissioner’s signature, or
 - (b) by the signature of a person who is authorised under paragraph 6 for that purpose.

Evidence

- 8 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, unless the contrary is proved, taken to be such an instrument.

Property

- 9 (1) Any real or personal property vested in the Commissioner must (unless and until disclaimed or disposed of) vest in the Commissioner’s 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 must vest in the successor on that person’s appointment.

Funding

- 10 (1) The Executive Office may make grants to the Commissioner of such amounts as it determines.

Status: This is the original version (as it was originally enacted).

- (2) The Commissioner must pay to the Executive Office all sums received by the Commissioner in the course of, or in connection with, the exercise of the Commissioner'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.

Accounts

- 11 (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 direct with the approval of the Department of Finance in Northern Ireland.
- (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 for Northern Ireland must—
 - (a) examine, certify and report on every statement of accounts sent to the Comptroller and Auditor General by the Commissioner under this paragraph, and
 - (b) send the Executive Office a copy of the report of the Comptroller and Auditor General for Northern Ireland.
- (5) The Executive Office must lay before the Northern Ireland Assembly—
 - (a) a copy of the statement of accounts, and
 - (b) a copy of the report of the Comptroller and Auditor General for Northern Ireland.
- (6) In this paragraph, “financial year” means—
 - (a) the period beginning with the day on which the first person appointed under section 21(2) takes office and ending with the next 31 March following that date, and
 - (b) each successive period of twelve months ending with 31 March.

Annual report

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

Status: This is the original version (as it was originally enacted).

- (2) A report under this paragraph must give details of the steps taken by the Commissioner in the financial year to which the report relates for the purpose of complying with the Commissioner’s duties.
- (3) 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.
- (4) In this paragraph, “financial year” has the meaning given in paragraph 11.

Disqualification from the Assembly

- 13 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices), at the appropriate place, insert—
“Commissioner for Survivors of Institutional Childhood Abuse”.

Freedom of information

- 14 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—
“Commissioner for Survivors of Institutional Childhood Abuse”.

Public Services Ombudsman

- 15 In Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 (listed authorities), under the heading “Miscellaneous”, at the appropriate place, insert—
“The Office of the Commissioner for Survivors of Institutional Childhood Abuse”.