

SCHEDULES

SCHEDULE 1

THE ICRR, THE COMMISSIONERS AND ICRR OFFICERS

PART 2

THE COMMISSIONERS

Number of Commissioners

- 7 The Secretary of State is to determine from time to time how many other Commissioners there are to be under section 2(3)(c) (which allows for there to be between one and five of them).

Appointment

- 8 (1) The Commissioners are to be appointed by the Secretary of State.
- (2) In exercising the power to appoint Commissioners, the Secretary of State must ensure that (as far as it is practicable) the Commissioners include one or more persons who have experience gained outside the United Kingdom that is relevant to the work of the ICRR.
- (3) A person may not be appointed as a Commissioner if—
- (a) the person has been sentenced to a term of imprisonment, or given a sentence of detention, of three months or more;
 - (b) the person is insolvent; or
 - (c) the person is disqualified from being a company director.
- (4) A person may not be appointed as the Chief Commissioner unless—
- (a) the person holds or has held high judicial office, and
 - (b) the Secretary of State has consulted—
 - (i) the relevant senior judge, and
 - (ii) such other persons as the Secretary of State considers appropriate.
- (5) A person's current or previous appointment as a Commissioner does not prevent the person from being appointed again as a Commissioner.
- (6) But a person who has been removed from office in accordance with paragraph 12(2) and (3) may not be appointed as a Commissioner.
- (7) A reference in this paragraph to a person being insolvent, or to being disqualified from being a company director, has the same meaning as in paragraph 12 (see paragraph 12(4) or (5)).
- (8) The following Orders apply to the Commissioners as they apply to constables—

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- (a) the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 ([S.R. 1979/195](#));
- (b) the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ([S.I. 1975/1023](#));
- (c) the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ([S.S.I. 2013/50](#)).

(9) For the purposes of this paragraph—

“high judicial office” means office as a judge of a kind listed in an entry in the first column of this table;

“relevant senior judge”, in relation to a person who holds or has held an office listed in such an entry, means the person listed in the corresponding entry in the second column of this table; and, in the case of a person who has previously held two or more different kinds of high judicial office (but no longer holds any kind of high judicial office), the relevant senior judge is to be identified by reference to the kind of high judicial office which the person ceased to hold most recently—

<i>high judicial office</i>	<i>relevant senior judge</i>
Judge of the Supreme Court of the United Kingdom or Lord of Appeal in Ordinary	President of the Supreme Court of the United Kingdom
Judge of the Court of Appeal in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the High Court in Northern Ireland	The Lord Chief Justice of Northern Ireland
Judge of the Court of Appeal in England and Wales	The Lord Chief Justice of England and Wales
Judge of the High Court in England and Wales	The Lord Chief Justice of England and Wales
Judge of the Court of Session	The Lord President of the Court of Session

Person holding public elected position not to be a Commissioner

- 9 (1) A person who holds a relevant office may not be appointed as a Commissioner.
- (2) A person ceases to be a Commissioner if the person begins to hold a relevant office.
- (3) A reference in this Schedule to a person who holds a relevant office is a reference to a person who is—
- (a) a member of the Northern Ireland Assembly;
 - (b) a councillor (within the meaning of the Local Government Act (Northern Ireland) 2014 — see section 126(1) of that Act);
 - (c) a Member of Parliament;
 - (d) a member of a council established under—
 - (i) section 2 of the Local Government Act 1972 (councils in England outside London), or
 - (ii) paragraph 1(2) of Schedule 2 to that Act (London borough councils);

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- (e) a member of the Common Council of the City of London;
- (f) a member of a council established under section 21 of the Local Government Act 1972 (councils in Wales);
- (g) a member of the Scottish Parliament;
- (h) a councillor of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (i) a member of the Dáil Éireann (House of Representatives of Ireland);
- (j) a member of the Seanad Éireann (Senate of Ireland);
- (k) a member of a city council, county council or city and county council in Ireland;
- (l) a member of the European Parliament from any member State.

Terms of appointment of Commissioners

- 10 (1) The appointment of a person as a Commissioner is for a term which—
- (a) is of a duration, not exceeding five years, determined by the Secretary of State,
 - (b) begins with the day determined by the Secretary of State, and
 - (c) continues until its end, unless the person resigns before its end in accordance with paragraph 12(1) or (3).
- (2) The other terms of a person's appointment as a Commissioner are to be determined by the Secretary of State.
- (3) The Secretary of State may pay a person compensation on ceasing to be a Commissioner if it appears to the Secretary of State that there are special circumstances which make it right for the person to receive the compensation.

Conflicts of interest

- 11 (1) The Secretary of State may require—
- (a) a Commissioner, or
 - (b) a person who is being considered for appointment as a Commissioner,
- to provide the Secretary of State with information about any relevant matter.
- (2) In this paragraph “relevant matter” means any matter which might reasonably be expected to—
- (a) give rise to a conflict of interest in respect of a person's work as a Commissioner, or
 - (b) otherwise affect a person's ability to carry out the work as a Commissioner fairly and impartially.

Resignation and removal of Commissioners

- 12 (1) A person ceases to be a Commissioner if the person gives the Secretary of State written notice of resignation.
- (2) The Secretary of State may call on a Commissioner to resign—
- (a) if the Commissioner is convicted of an offence and sentenced to a term of imprisonment;
 - (b) if the Commissioner is insolvent; or

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- (c) if the Commissioner is disqualified from being a company director.
- (3) If the Secretary of State calls on a Commissioner to resign, the Commissioner must resign—
- (a) on the date specified by the Secretary of State, or
 - (b) on any earlier date which the Commissioner agrees with the Secretary of State.
- (4) For the purposes of this paragraph a person is “insolvent” if—
- (a) the person has become bankrupt or is an undischarged bankrupt;
 - (b) the person has become the subject of a bankruptcy restrictions order;
 - (c) a debt relief order or a debt relief restrictions order has been made in respect of the person;
 - (d) the person has made a composition or arrangement with his or her creditors, or granted a trust deed for his or her creditors;
 - (e) under the law of Scotland, the person’s estate has been sequestrated and the person has not been discharged.
- (5) For the purposes of this paragraph a person is “disqualified from being a company director” if the person is subject to—
- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002 ([S.I. 2002/3150 \(N.I. 4\)](#)),
 - (b) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect,
 - (c) an order under Article 86(1) of the Judgments Enforcement (Northern Ireland) Order 1981 ([S.I. 1981/226 \(N.I. 6\)](#)), or
 - (d) any order, undertaking or other provision under the law of England and Wales or Scotland that has a corresponding effect.