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SCHEDULES

SCHEDULE 8

Section 45

CHIEF INSPECTOR OF CRIMINAL JUSTICE

Chief Inspector's tenure

- 1 (1) Subject as follows, the Chief Inspector holds office in accordance with the terms of his appointment (or re-appointment).
- (2) The Chief Inspector must not be appointed for more than five years at a time.
- (3) The Chief Inspector may resign by notice in writing to the Secretary of State.
- (4) The Secretary of State may dismiss the Chief Inspector if satisfied that—
 - (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
 - (b) he has been convicted of a criminal offence,
 - (c) 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) he is otherwise unable or unfit to exercise his functions.

Salary etc. of Chief Inspector

- 2 (1) The Secretary of State must pay to or in respect of the Chief Inspector such—
 - (a) salary,
 - (b) allowances, and
 - (c) sums for the provision of pensions,as the Secretary of State determines.
- (2) If a person who, by reference to any office or employment, is a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11) becomes the Chief Inspector, the Minister for the Civil Service may determine that (instead of payments being made to him under sub-paragraph (1)(c)) his service as Chief Inspector is to be treated for the purposes of the scheme as service in that office or employment.

Staff

- 3 (1) The Chief Inspector may employ staff, but subject to the approval of the Secretary of State as to—
 - (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.

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- (2) The Chief Inspector may make arrangements for securing the provision to him of such assistance by persons employed in—
- (a) the civil service of the United Kingdom, or
 - (b) the civil service of Northern Ireland,
- as he considers appropriate for or in connection with the exercise of his functions.
- (3) Employment as a member of staff of the Chief Inspector is 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 (employments etc. to which section 1 can apply), at the appropriate place in the list of “Other Bodies” insert—
- “Employment by the Chief Inspector of Criminal Justice in Northern Ireland.”
- (4) The Chief Inspector must 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 (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Annual report

- 4 (1) The Chief Inspector must, as soon as possible after the end of each financial year, prepare a report on how he has exercised his functions during the financial year.
- (2) The Chief Inspector must send a copy of each annual report to the Secretary of State who must—
- (a) lay a copy of it before each House of Parliament, and
 - (b) arrange for it to be published.
- (3) But the Secretary of State may exclude a part of an annual report from the copy so laid or published if, in his opinion, the laying or publication of the part—
- (a) would be against the public interest, or
 - (b) might jeopardise the safety of any person.
- (4) If the Secretary of State excludes a part of an annual report from laying or publication, he must lay or publish with the annual report a statement that it has been excluded.
- (5) In this paragraph “financial year” means—
- (a) the period beginning with the day on which section 45 comes into force and ending with the first 31st March which falls at least six months after that day, and
 - (b) each subsequent period of twelve months beginning with 1st April.

Financial provisions

- 5 The Secretary of State may make grants to the Chief Inspector.
- 6 (1) The Chief Inspector must—
- (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- (a) contain such information, and

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- (b) be in such form,
as the Secretary of State directs.
- (3) The Chief Inspector must send copies of the statement of accounts relating to a financial year to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,within such period after the end of the financial year as the Secretary of State directs.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before each House of Parliament.
- (5) In this paragraph “financial year” has the same meaning as in paragraph 4.

Delegation of functions

- 7
- (1) The Chief Inspector may delegate any of his functions (to such extent as he may determine) to—
 - (a) any member of his staff,
 - (b) any person providing assistance by virtue of paragraph 3(2), or
 - (c) the holder of any office within sub-paragraph (2).
 - (2) Those offices are—
 - (a) Her Majesty’s Inspector of Constabulary,
 - (b) Her Majesty’s Chief Inspector of Prisons, and
 - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service.
 - (3) The Secretary of State may by order amend sub-paragraph (2) by—
 - (a) adding an office,
 - (b) omitting an office, or
 - (c) altering the description of an office.
 - (4) If the carrying out of an inspection or review is delegated under this paragraph it is nevertheless to be regarded for the purposes of sections 46 to 49 as carried out by the Chief Inspector.

Inspections of Police Service

- 8
- (1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty’s Inspectors of Constabulary who have been appointed under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland.
 - (2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7.
 - (3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out,

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consult the Secretary of State with a view to obtaining his approval of the inspection which it is proposed to carry out.

Miscellaneous

- 9 The Chief Inspector is a corporation sole.
- 10 (1) The Chief Inspector 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.
- (2) The Chief Inspector’s property is not to be regarded as property of, or held on behalf of, the Crown.
- 11 The Chief Inspector may do anything, apart from borrowing money, which he considers is—
- (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
- the exercise of his functions.
- 12 The application of the seal of the Chief Inspector is to be authenticated by the signature of the Chief Inspector or any member of his staff who has been authorised (whether generally or specially) for the purpose.
- 13 A document purporting to be—
- (a) duly executed by the Chief Inspector under his seal, or
 - (b) signed on his behalf,
- is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 14 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices), insert (at the appropriate place in alphabetical order)—
- “Chief Inspector of Criminal Justice in Northern Ireland.”
- 15 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (disqualifying offices), insert (at the appropriate place in alphabetical order)—
- “Chief Inspector of Criminal Justice in Northern Ireland.”

Freedom of information

- 16 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—
- “The Chief Inspector of Criminal Justice in Northern Ireland.”

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