

## SCHEDULE

Article 3(2).

### THE ARTS COUNCIL OF NORTHERN IRELAND

#### *Incorporation and status*

1.—(1) The Arts Council shall be a body corporate to which, subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply.

(2) The Arts Council shall not acquire, hold or dispose of land without the consent of the Department.

**F1** 1954 c. 33 (N.I.)

2. The Arts Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

#### *Membership*

3.—(1) The Arts Council shall consist of such persons as the Head of the Department shall appoint after consultation with such persons as appear to him to represent—

- (a) district councils;
- (b) persons engaged in providing education;
- (c) persons engaged in, or in the promotion of, the arts.

(2) In the period of 12 months from the making of this Order, sub-paragraph (1) shall have effect with the omission of the words from “after consultation with” to the end.

(3) The Head of the Department shall appoint—

- (a) one of the members of the Arts Council to be chairman who, in the case of an equality of votes, shall have a second or casting vote; and
- (b) another member to be vice-chairman who in the absence of the chairman shall, in the case of an equality of votes, have a second or casting vote.

(4) The Department may appoint assessors to the Arts Council who shall be entitled to receive notice of, and to attend and speak at, meetings of the Council and committees thereof, but shall not be entitled to vote at any such meetings.

4.—(1) Subject to the following provisions of this paragraph, a member of the Arts Council shall hold and vacate his office in accordance with the terms of his appointment.

(2) A member shall be deemed to have vacated his office and the Arts Council shall declare his place vacant in the following circumstances—

- (a) where he gives to the Head of the Department a notice in writing of his resignation;
- (b) where he becomes bankrupt [<sup>F2</sup>or has had a debt relief order made in respect of him] or makes a composition with his creditors [<sup>F3</sup>or is the subject of a bankruptcy restrictions order][<sup>F2</sup>or a debt relief restrictions order] ;
- (c) where in the opinion of the Head of the Department he becomes incapacitated to hold office and the Head of the Department so informs the Arts Council in writing;

**Changes to legislation:** There are currently no known outstanding effects for the The Arts Council (Northern Ireland) Order 1995, SCHEDULE. (See end of Document for details)

- (d) where he is convicted of an indictable offence and is sentenced to a term of imprisonment of not less than three months; or
- (e) where he fails, without leave of the Arts Council, to attend any meetings of the Council, or of a committee thereof of which he is a member, for a period of 6 consecutive months.

(3) The Arts Council may pay to its chairman and vice-chairman such salary as the Department, with the approval of the Department of Finance and Personnel, may determine.

(4) The Arts Council may pay travelling and subsistence allowances and other expenses necessarily incurred by members of the Council and committees and sub-committees thereof in the performance of their functions and such allowances and expenses shall be paid at such rates as the Department may determine.

- F2** Words in Sch. para. 4(2)(b) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 15**
- F3** Words in Sch. para. 4(2)(b) inserted (13.5.2008) by [Insolvency \(Disqualification from Office: General\) Order \(Northern Ireland\) 2008 \(S.R. 2008/94\)](#), arts. 1, 2, **Sch. para. 4**

### *Staff*

5.—(1) The right of the Arts Council under section 19(1)(a)(vi) of the Interpretation Act (Northern Ireland) 1954<sup>F4</sup> to employ staff shall be exercised subject to any direction which may be given by the Department with respect to the number and terms and conditions of service of persons employed or to be employed by the Council.

(2) The remuneration of persons employed by the Arts Council shall be at such rate as the Council may, with the consent of the Department, determine.

(3) The Arts Council may, in accordance with arrangements determined by the Department, make provision for the payment on death or retirement of pensions, gratuities or other like benefits to or in respect of the service of officers of the Council.

- F4** [1954 c. 33 \(N.I.\)](#)

6.—(1) The Arts Council shall appoint a fit person to be its chief executive officer.

(2) Before making an appointment under sub-paragraph (1), the Arts Council shall supply to the Department particulars of the names, previous experience and qualifications of the persons from whom it proposes to make a selection.

(3) If the Department considers that any person whose name is submitted under sub-paragraph (2) is not a fit person to be the chief executive officer of the Arts Council, the Department may give directions prohibiting his appointment.

### *Committees*

7.—(1) The Arts Council may appoint committees to assist it in the discharge of its functions or to perform such functions as it may delegate to such committees.

(2) The Arts Council may appoint as members of any committee established under sub-paragraph (1) or authorise any such committee to co-opt as members of the committee persons who are not members of the Arts Council.

(3) The Arts Council may authorise a committee to appoint sub-committees for such advisory purposes as the Council may approve.

(4) A committee may appoint as members of any sub-committee established under subparagraph (3) or authorise any such sub-committee to co-opt as members of the sub-committee persons who are not members of the Arts Council or of the committee who appointed the sub-committee.

(5) References in this paragraph to the functions of the Arts Council do not include references to national lottery functions.

#### *Procedure*

**8.** The proceedings of the Arts Council or of any committee or sub-committee thereof shall not be invalidated by any vacancy among its members or by any defect in the appointment of any of its members.

**9.—(1)** Without prejudice to section 19(1)(a)(v) of the Interpretation Act (Northern Ireland) 1954<sup>F5</sup>, the Arts Council shall make standing orders for the Council and its committees and sub-committees relating to—

- (a) the convening of meetings;
- (b) the fixing of the quorum;
- (c) the conduct of business at meetings;
- (d) the disclosure by a member of any pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting and the withdrawal by such a member from any discussion on that matter;
- (e) the keeping of minutes, accounts and other records;
- (f) the signing of cheques;
- (g) the custody of deeds and other documents;
- (h) the duties of officers;
- (i) such other matters connected with the conduct of its business as the Arts Council thinks fit.

(2) The common seal of the Arts Council shall, when applied to a document, be attested by the signatures of any two members of the Council authorised by the Council to act for that purpose.

**F5** 1954 c. 33 (N.I.)

#### *Assembly disqualification*

**10.** In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975<sup>F6</sup> (other disqualifying offices) there shall be inserted (at the appropriate place) the following entry—

“Chairman or vice-chairman of the Arts Council of Northern Ireland.”.

**F6** 1975 c. 25

**Changes to legislation:**

There are currently no known outstanding effects for the The Arts Council (Northern Ireland) Order 1995, SCHEDULE.