

SCHEDULES

SCHEDULE 1 **N.I.**

Article 3.

THE NORTHERN IRELAND FIRE AND RESCUE SERVICE BOARD

Status

- 1.—(1) The Board shall not be regarded—
 - (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, privilege or immunity of the Crown.
- (2) The property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) Subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply to the Board.

Constitution

- 2.—(1) The Board shall consist of the following members—
 - (a) a chairman appointed by the Department;
 - (b) the Chief Fire and Rescue Officer; and
 - (c) 10 other members appointed by the Department.
- (2) Persons appointed under sub-paragraph (1)(a) or (c) shall be referred to as “non-executive members”.
- (3) In the absence of the chairman, the Board may, with the approval of the Department, appoint one of the members mentioned in sub-paragraph (1)(c) as vice-chairman of the Board for such a period, not exceeding the remainder of his term as a non-executive member, as it may specify on appointing him.
- (4) Of the members appointed under sub-paragraph (1)(c), 4 shall be members of district councils—
 - (a) appointed from nominations made by such associations or bodies representative of district councils as appear to the Department to be desirable; or
 - (b) if the associations or bodies referred to in paragraph (a) fail to make such nominations within a reasonable time, appointed after consultation with such district councils as appear to the Department to be desirable.
- (5) In appointing a person to fill a casual vacancy in the non-executive membership of the Board, the Department shall, where the member being replaced was nominated under sub-paragraph (4) or appointed after such consultation as is mentioned in that sub-paragraph, appoint a person in accordance with that sub-paragraph.

Term of office

- 3.—(1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a non-executive member in accordance with the terms of his appointment.

Status: Point in time view as at 21/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006, SCHEDULE 1. (See end of Document for details)

(2) The non-executive members may not be appointed for a term of more than 4 years at a time, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.

(3) A person may at any time resign as a non-executive member by notice in writing to the Department.

(4) The Department may remove a person from office as a non-executive member if satisfied that—

- (a) he has been convicted of a criminal offence;
- (b) he has become bankrupt ^{F1}or is the subject of a bankruptcy restrictions order^{F2}or has a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986)^{F3}...;
- (c) he has failed to comply with the terms of his appointment; or
- (d) he is otherwise unable or unfit to carry out his functions.

(5) Where a person ceases to be the Chief Fire and Rescue Officer, he ceases to be a member.

Textual Amendments

- F1** Words in Sch. 1 para. 3(4)(b) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 14(2)(a)**
- F2** Words in Sch. 1 para. 3(4)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 3 para. 53** (with art. 7)
- F3** Words in Sch. 1 para. 3(4)(b) omitted (21.4.2015) by virtue of [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 14(2)(b)**

Remuneration and allowances of members

4.—(1) The Board shall pay to the non-executive members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

Staff, etc.

5.—(1) The Board shall have—

- (a) a Chief Fire and Rescue Officer, with responsibility for securing that the functions of the Board are carried out efficiently and effectively; and
- (b) such other employees as the Board may appoint with the approval of the Department as to numbers.

(2) The person who is the Chief Fire Officer employed by the Fire Authority for Northern Ireland immediately before the appointed day shall be appointed by the Department as the first Chief Fire and Rescue Officer.

(3) Every subsequent Chief Fire and Rescue Officer shall be appointed by the non-executive members with the approval of the Department.

6.—(1) The Board shall pay to its employees such remuneration and allowances as it may, with the approval of the Department, determine.

(2) The Board shall—

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- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may, with the approval of the Department and the Department of Finance and Personnel, determine; and
 - (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the approval of the Department and the Department of Finance and Personnel, for the payment of pensions or gratuities to or in respect of its employees or former employees.
- (3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or diminution of emoluments.

Procedure

- 7.—(1) The quorum for a meeting of the Board shall be 5.
- (2) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (3) If—
- (a) the chairman is absent from a meeting and the Board has not appointed a vice-chairman under paragraph 2(3); or
 - (b) both the chairman and the vice-chairman appointed by the Board under paragraph 2(3) are absent from a meeting,

the members present shall elect one of the non-executive members to act as chairman of the meeting.

- (4) Subject to sub-paragraphs (1) to (3), the Board may regulate its own procedure.

Validity of proceedings

8. The validity of any proceedings of the Board, or of any of its committees, shall not be affected by—
- (a) any defect in the appointment of the members; or
 - (b) any vacancy in the office of chairman or vice-chairman or among the other members.

Seal

- 9.—(1) The application of the seal of the Board shall be authenticated by the signatures of any two of the persons mentioned in sub-paragraph (2).
- (2) The persons referred to in sub-paragraph (1) are—
- (a) the chairman;
 - (b) the Chief Fire and Rescue Officer;
 - (c) any other person who has been authorised by the Board (whether generally or specially) to act for that purpose.

Contracts, etc.

10. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.

Evidence

11. A document purporting to be—
- (a) duly executed under the seal of the Board, or

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(b) signed on behalf of the Board,
shall be received in evidence and, unless the contrary is proved, shall be taken to be so executed or signed.

Admission to meetings, general provisions

12. Sections 23 to 27, 31, 48, 123, 126 and 127 of the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply to the Board and its members (and in the case of section 31 of that Act also to its employees) as if in those sections—

- (a) any reference to a council were a reference to the Board; or
- (b) any reference to a councillor or officer of the council were a reference to a member of the Board (and in the case of section 31, were a reference to a member or employee of the Board).

Committees

13.—(1) The Board may—

- (a) constitute committees of such of its members as the Board may appoint; and
- (b) delegate to a committee so constituted any of the functions of the Board.

(2) The powers of any committee of the Board shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Board.

Finance

14.—(1) The Department may make payments to the Board out of money appropriated for this purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine.

(3) Subject to sub-paragraph (4), the Board shall pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) shall not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

(6) If the Department makes a direction under sub-paragraph (4), sums which are the subject of the direction shall be applied by the Board for the purposes of this Order, subject to such terms and conditions as the Department may determine.

15.—(1) The Board shall—

- (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 shall—

- (a) be in such form; and
- (b) contain such information;

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Board shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and

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- (b) the Comptroller and Auditor General for Northern Ireland.
- (4) The Comptroller and Auditor General shall—
 - (a) examine, certify and report on every statement of accounts sent to him by the Board under this paragraph; and
 - (b) send a copy of his report to the Department.
- (5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

Annual report

- 16.—(1) As soon as practicable after the end of each financial year, the Board shall send to the Department a report on the carrying out of its functions during that year.
- (2) The Department shall lay a copy of the report before the Assembly.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

17. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place— “ The Northern Ireland Fire and Rescue Service Board ”.

The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)

18. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) there shall be inserted, at the appropriate place—
“The Northern Ireland Fire and Rescue Service Board”.

The Freedom of Information Act 2000 (c. 36)

19. In Part VII of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc. which are public authorities for the purposes of the Act) there shall be inserted at the appropriate place— “ The Northern Ireland Fire and Rescue Service Board ”.

Interpretation

20. In this Schedule—
- [^{F4}“bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986]
 - “financial year” means—
 - (a) the period beginning with the appointed day and ending on the next following 31st March; and
 - (b) any subsequent period of twelve months ending on 31st March;
 - “member” means a member of the Board;
 - “non-executive member” has the meaning given by paragraph 2(2).

Textual Amendments

- F4** Words in Sch. 1 para. 20 inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 14(3)**

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Changes to legislation:

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