

SCHEDULES

SCHEDULE 1

Section 1(2), Sch. 5 para. 12(1)(a).

THE FAIR EMPLOYMENT AGENCY FOR NORTHERN IRELAND

Incorporation and status

- 1 On the appointment of the first members of the Agency, the Agency shall come into existence as a body corporate.
- 2 (1) The Agency is not an emanation of the Crown, and shall not act or be treated as the servant or agent of the Crown.
(2) Accordingly—
 - (a) neither the Agency nor any of its members or members of its staff as such is entitled to any status, immunity, privilege or exemption enjoyed by the Crown ;
 - (b) the members of the Agency and members of its staff as such are not civil servants ; and
 - (c) the Agency's property is not property of, or held on behalf of, the Crown.

Tenure of office of members

- 3 (1) A person shall hold and vacate his office as chairman or other member of the Agency in accordance with the terms of his appointment:

Provided that no such appointment shall be for a period exceeding five years in the case of the chairman and three years in the case of another member.
- (2) A person may at any time resign office as chairman or other member of the Agency by notice to the Department.
- (3) Past service as chairman or other member of the Agency is no bar to re-appointment.

Remuneration of members

- 4 The Department may pay, or make such payments towards the provision of, such remuneration, allowances (including allowances for expenses), pensions or gratuities to or in respect of the chairman and other members of the Agency, or any of them, as, with the approval of the Department of Finance, it may determine.

Staff

- 5 (1) The Agency may with the approval of the Department and the Department of Finance as to numbers and as to remuneration and other terms and conditions of employment—
 - (a) employ such officers and servants as the Agency considers necessary;

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(b) employ the services of such other persons as the Agency considers expedient for any particular purpose.

(2) The Agency may, in the case of such persons employed by it as may be determined by the Agency with the approval of the Department and the Department of Finance, pay to or in respect of them such allowances (including allowances for expenses), pensions or gratuities, or provide and maintain for them such pension schemes (whether contributory or not), or contributory or other pension arrangements, as may be so determined.

Proceedings

6 (1) Without prejudice to any provision of Schedule 5, the Agency may regulate its own procedure and business including the formalities for affixing its common seal to any document and, subject to sub-paragraph (2), its quorum.

(2) The quorum for meetings of the Agency shall, in the first instance, be determined by a meeting of the Agency attended by not less than five members.

7 The validity of any proceedings of the Agency shall not be affected by any vacancy in the office of chairman or other member of the Agency or by any defect in the appointment of the chairman or any other member.

Instruments

8 A document purporting to be duly executed under the common seal of the Agency shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

9 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 Agency by any person generally or specially authorised by the Agency to act for that purpose, and any document purporting to be such a contract or instrument shall be deemed to be such a contract or instrument until the contrary is proved.

Discharge of functions

10 (1) The Agency may authorise the discharge, under the general direction of the Agency, of its functions in relation to—

- (a) any complaint or other matter falling to be dealt with by it; or
- (b) any class of such matters,

by either a member or a group of members of the Agency selected by the chairman.

(2) Anything done by or in relation to a member or group of members in or in connection with the discharge of functions he or they are authorised to discharge under sub-paragraph (1) shall have the same effect as if done by or in relation to the Agency.

(3) A group of members authorised to discharge any functions under sub-paragraph (1) may regulate their own procedure and business, including their quorum.

(4) The validity of any proceedings of a member or group of members so authorised shall not be affected by any defect in his appointment or any of their appointments ; and the validity of the proceedings of any such group shall not be affected by any vacancy in their number.

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- (5) The chairman may select himself as the member, or as one of the group of members, mentioned in this paragraph.
- 11 The Agency may appoint as assessors, to assist—
- (a) the Agency ; or
 - (b) any member or group of members authorised to discharge functions under paragraph 10,
- in the investigation of any complaint or other matter, persons appearing to the Agency to have special knowledge and experience of the matters to which the investigation relates and of any other circumstances appearing to the Agency to be relevant.

Expenses and accounts

- 12 All expenditure incurred by or on behalf of the Agency—
- (a) within the terms of any general authorisation in writing given by the Department and the Department of Finance; or
 - (b) with the approval of those Departments ;
- may be defrayed as expenses of the Department.
- 13 (1) The Agency shall keep proper accounts in such form as may be approved by the Department, and proper records in relation to the accounts, and shall prepare in respect of the period ending on 31st March 1977 and in respect of each subsequent financial year a statement of accounts in such form as the Department, with the approval of the Department of Finance may direct.
- (2) The accounts of the Agency shall be audited by auditors appointed by the Agency with the approval of the Department and shall be vouched to the satisfaction of the auditors.
- (3) The Agency shall, at such time in each year as the Department may direct, transmit to the Department and the Comptroller and Auditor-General copies, certified by the auditors, of the annual statement of accounts.
- (4) The Comptroller and Auditor-General—
- (a) shall examine a copy of each annual statement of accounts of the Agency;
 - (b) may, in connection with such examination, examine any accounts kept by the Agency and any records relating to the accounts ; and
 - (c) shall make a report on the copy of each annual statement of accounts and send the report to the Department.
- (5) Subject to sub-paragraph (b), a copy of every annual statement of accounts of the Agency and a copy of the Comptroller and Auditor-General's report thereon shall be laid by the head of the Department before the Northern Ireland Assembly.
- (6) During the interim period the copies mentioned in sub-paragraph (5) shall, instead, be sent by the Department to the Secretary of State and laid by him before Parliament.
- (7) In this paragraph "the Comptroller and Auditor-General" means the Comptroller and Auditor-General for Northern Ireland.

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Annual report

- 14 (1) The Agency shall prepare in respect of the period ending on 31st March 1977 and in respect of each subsequent financial year a report on the Agency's activities during that period or year (" the annual report").
- (2) The annual report shall include a general survey of developments, during the period to which it relates, in respect of matters falling within the scope of the Agency's functions.
- (3) Subject to sub-paragraph (4), the annual report shall be made to the head of the Department and shall be laid by him before the Northern Ireland Assembly.
- (4) During the interim period the annual report shall, instead, be made to the Secretary of State and laid by him before Parliament.
- (5) The Department, or where sub-paragraph (4) applies the Secretary of State, shall cause the annual report to be published.