

Status: Point in time view as at 14/11/2020.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 8. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Section 73(5).

THE EQUALITY COMMISSION FOR NORTHERN IRELAND

Modifications etc. (not altering text)

C1 Sch. 8: transfer of certain functions (1.12.1999) by S.R. 1999/481, arts. 1, 4, Sch. 2 Pt. I

Introductory

- 1 In this Schedule “the Commission” means the Equality Commission for Northern Ireland.

Commencement Information

II Sch. 8 para. 1 wholly in force at 2.8.1999; Sch. 8 para. 1 not in force at Royal Assent see s. 101(3); Sch. 8 para. 1 in force for specified purposes at 15.2.1999 by S.I. 1999/340, art. 2(2), Sch. Pt. 2; Sch. 8 para. 1 in force at 2.8.1999 by S.I. 1999/2204, art. 2

Commissioners’ tenure

- 2 (1) Subject to the provisions of this Schedule, a Commissioner shall hold office in accordance with the terms of his appointment.
- (2) A Commissioner shall not be appointed—
- (a) in the case of the Chief Commissioner, for more than five years at a time; and
 - (b) in any other case, for more than three years at a time.
- (3) A person may resign as a Commissioner, as the Chief Commissioner or as a Deputy Chief Commissioner by notice in writing to the Secretary of State.
- (4) The Secretary of State may dismiss a person from his office of Commissioner, Chief Commissioner or Deputy Chief Commissioner if satisfied—
- (a) that he has without reasonable excuse failed to discharge his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal;
 - (b) that he has been convicted of a criminal offence;
 - (c) that 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) that he is unable or unfit to carry out his functions.

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Commencement Information

- I2** Sch. 8 para. 2 wholly in force at 2.8.1999; Sch. 8 para. 1 not in force at Royal Assent see s. 101(3); Sch. 8 para. 2 in force for specified purposes at 15.2.1999 by S.I. 1999/340, art. 2(2), Sch. Pt. 2; Sch. 8 para. 2 in force at 2.8.1999 by S.I. 1999/2204, art. 2

Commissioners' salary etc.

- 3 The Department of Economic Development may with the approval of the Department of Finance and Personnel pay to or in respect of Commissioners—
- (a) remuneration;
 - (b) allowances and fees; and
 - (c) sums for the provision of pensions.

[^{F1}Additional Commissioners

Textual Amendments

- F1** Sch. 8 para. 3A and crossheading preceding it inserted (19.4.2000) by S.I. 2000/1110, art. 18(1)

- ^{F2}3A (1) Paragraph 2(1) and (2) shall apply to additional Commissioners as they apply to Commissioners.
- (2) The Commission 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 an additional Commissioner as the Office of the First Minister and deputy First Minister, with the consent of the Department of Finance and Personnel, may determine.
 - (3) The Commission may not alter the terms of appointment of an additional Commissioner except with his consent and the approval of the Office of the First Minister and deputy First Minister.
 - (4) An additional Commissioner may resign by notice in writing to the Commission.
 - (5) The Commission may, with the approval of the Office of the First Minister and deputy First Minister, terminate the appointment of an additional Commissioner if satisfied—
 - (a) that without reasonable excuse he has failed to discharge his functions for a continuous period of three months beginning not earlier than six months before the termination;
 - (b) that he has been convicted of a criminal offence;
 - (c) that 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) that he is unable or unfit to carry out his functions.
 - (6) The appointment of an additional Commissioner shall terminate at the conclusion of the investigation for which he was appointed, if not sooner.

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- (7) In this paragraph “additional Commissioner” means an additional Commissioner appointed under—
- (a) Article 57(2) of the Sex Discrimination (Northern Ireland) Order 1976;
 - (b) Article 46(2) of the Race Relations (Northern Ireland) Order 1997; or
 - (c) Article 5(4) of the Equality (Disability, etc.) (Northern Ireland) Order 2000.]

Textual Amendments

F2 Sch. 8 para. 3A and Cross Heading inserted (19.4.2000) by S.I. 2000/1110, art. 18(1)

Staff

- 4 (1) The Commission may with the approval of the Department of Economic Development and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of employment—
- (a) employ such staff as the Commission considers necessary;
 - (b) employ the services of such other persons as the Commission considers expedient for any particular purpose.
- (2) The Commission may, in the case of such of its staff as may be determined by it with the approval of the Department of Economic Development and the Department of Finance and Personnel, pay such pensions, allowances or gratuities, or provide and maintain such pension schemes, as may be so determined.
- (3) Payments made or expenses incurred under this paragraph shall be defrayed out of money appropriated by Act of the Assembly.

Annual report

- 5 (1) The Commission shall, as soon as reasonably practicable after the end of [^{F3}each financial year], make a report to the Department of Economic Development—
- (a) on the performance of its functions during the year; and
 - (b) on any steps which, during the year, have been taken by it and other public authorities to promote such equality of opportunity as is mentioned in section 75(1).
- (2) The report shall, in particular, give details of how resources have been divided between the functions previously exercisable by each of the bodies listed in section 74(2).
- (3) The Department shall lay a copy of the report before the Assembly and send a copy of the report to the Secretary of State.
- (4) The Secretary of State shall lay a copy of the report before each House of Parliament.
- [^{F4}(5) Sub-paragraph (5) of paragraph 7 applies for the purposes of this paragraph as it applies for the purposes of that paragraph.]

Textual Amendments

F3 Words in Sch. 8 para. 5(1) substituted (19.4.2000) by S.I. 2000/1110, art. 19(1)(2)

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F4 Sch. 8 para. 5(5) added (19.4.2000) by S.I. 2000/1110, art. 19(1)(3)

Money

- 6 (1) Expenditure incurred by the Commission may be defrayed as expenses of the Department of Economic Development if authorised by that Department and the Department of Finance and Personnel.
- (2) Expenditure defrayed under this paragraph shall be defrayed out of money appropriated by Act of the Assembly and an authorisation for the purposes of this paragraph may be general or specific.
- 7 (1) The Commission shall keep accounts and financial records in a form approved by the Department of Economic Development.
- (2) The Commission shall—
- (a) prepare a statement of accounts in respect of each financial year containing such information, and in such form, as is directed by the Department of Economic Development with the consent of the Department of Finance and Personnel; and
 - (b) send a copy to the Department of Economic Development and to the Comptroller and Auditor General for Northern Ireland within such period after the end of the financial year as the Department directs.
- (3) The Comptroller and Auditor General for Northern Ireland shall—
- (a) examine, certify and report on the statement of accounts; and
 - (b) send a copy of the statement of accounts and of his report to the Department of Economic Development.
- (4) The Department shall lay a copy of the statement of accounts and the Comptroller and Auditor General's report before the Assembly.
- (5) For the purposes of this paragraph—
- (a) a financial year is a period of twelve months ending on 31st March; but
 - (b) the first financial year is the period beginning with the day on which section 73 comes into force and ending with the first 31st March which falls at least six months after that day.

Modifications etc. (not altering text)

C2 Sch. 8 para 7(3)(4) applied (20.7.1999) by S.I. 1999/1804, art. 6(4)

Procedure

- 8 (1) In determining its own procedure the Commission may, in particular, make provision about—
- (a) the discharge of its functions by committees (which may include persons who are not Commissioners);
 - (b) a quorum for meetings of the Commission or a committee.
- (2) The validity of any proceedings of the Commission or a committee shall not be affected by—

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- (a) a vacancy in the office of Chief Commissioner or Deputy Chief Commissioner; or
- (b) a defect in the appointment of a Commissioner.

Disqualification

- 9 In Part II of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (bodies whose members are disqualified) at the appropriate place insert— “ The Equality Commission for Northern Ireland ”.

Marginal Citations

M1 1975 c.24.

- 10 In Part II of Schedule 1 to the ^{M2}Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) at the appropriate place insert— “ The Equality Commission for Northern Ireland ”.

Marginal Citations

M2 1975 c.25.

The Northern Ireland Commissioner for Complaints

- ^{F5}11

Textual Amendments

F5 Sch. 8 para. 11 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, [Sch. 9](#)

Status

- 12 The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and property of the Commission shall not be regarded as property of, or held on behalf of, the Crown.

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