

## SCHEDULES

### SCHEDULE 1

Regulation 3(2)

#### The Board

##### **Status of the Board**

- 1.—(1) The Board is a body corporate.
- (2) The Board 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.
- (3) Section 19 of the Interpretation Act (Northern Ireland) 1954<sup>(1)</sup>, except for subsection (1)(a)(iv) and (vi), applies to the Board, subject to the provisions of this Act; and, for the purposes of that section, the Board is to be treated as if it were established by an Act of the Northern Ireland Assembly.

##### **Administrative functions exercisable by the Department**

- 2.—(1) The Executive Office must in writing designate a Northern Ireland Department to exercise the administrative functions of the Board on the Board's behalf.
- (2) The designated Department (whether in its own capacity or in the capacity of an agency of that Department) is, accordingly, to exercise the administrative functions of the Board on the Board's behalf.
- (3) The Board, or any member of the Board acting on its behalf, may do anything which the Board or member considers to be appropriate for facilitating, or to be incidental or conducive to, the exercise of its functions.
- (4) The power under sub-paragraph (2) does not include a power to borrow money.

##### **Members**

- 3.—(1) The Northern Ireland Judicial Appointments Commission must appoint—
  - (a) legal members of the Board;
  - (b) medical members of the Board, and
  - (c) ordinary members of the Board.
- (2) A person may be appointed as a legal member of the Board only if that person is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland of at least 5 years' standing.
- (3) A person may be appointed as a medical member of the Board only if that person is a registered medical practitioner.
- (4) A person may be appointed as an ordinary member of the Board only if it appears to the Department that the person has appropriate knowledge or experience.

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(1) 1954 c. 33; section 19 is amended by the Mortmain (Repeals) Act (Northern Ireland) 1960 (c. 20).

### **The President of the Board**

4.—(1) The Lord Chief Justice of Northern Ireland is to appoint a person as the President of the Board.

(2) A person may be appointed under sub-paragraph (1) only if the person holds or has held office—

(a) as a judge of the Court of Judicature of Northern Ireland, or

(b) as a judge or deputy judge of a county court in Northern Ireland.

(3) The President has responsibility for ensuring the efficient and effective discharge of the Board's functions.

(4) Subject to these Regulations, the President may determine the procedure in relation to the discharge of any of the Board's functions.

(5) Any function of the President may be exercised by a legal member of the Board who has been authorised (whether generally or specifically) by the President for that purpose.

### **Terms of appointment**

5.—(1) A member and the President holds and vacates office in accordance with the terms and conditions of their appointment.

(2) Those terms and conditions are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the Department.

(3) A person holding office as a member of the Board may resign that office by giving notice in writing to the Northern Ireland Judicial Appointments Commission.

(4) A previous appointment as a member of the Board does not affect a person's eligibility for re-appointment as a member of the Board.

(5) A person shall not hold office as a member of the Board after reaching the age of 70.

(6) Section 26(5) and (6) of the Judicial Pensions and Retirement Act 1993 (c. 8) (extension to age 75) apply in relation to a member of the Board as they apply in relation to a holder of a relevant office.

### **Remuneration and expenses**

6.—(1) The Department must pay to or in respect of the President and each member of the Board such remuneration, such allowances, and such sums for the provision of a pension as the Department may determine.

(2) The Department may reimburse the President and each member of the Board for such expenses as the member reasonably incurs in acting as such.

### **Staff and accommodation**

7.—(1) The staff required for the Board are, with the approval of the Executive Office as to numbers, to be provided by the Department.

(2) The staff provided under sub-paragraph (1) must, in particular, include a person to act as the secretary to the Board.

(3) The Department may assign one or more members of its staff to act as a deputy secretary to the Board; and a deputy secretary is entitled to act on behalf of the secretary.

(4) The office accommodation and equipment required for the Board are to be provided by the Department.

## **Expenses**

8. The Department may defray the expenses of the Board to such amount as the Department may determine.

## **Funding**

9.—(1) The Executive Office may make to the Department grants of such amounts as the Executive Office determines for the purpose of funding—

- (a) the costs of exercising the administrative functions of the Board;
- (b) the payment of victims' payments and lump sums, and
- (c) the reimbursing of expenses under regulation 51.

(2) The Board must pay to the Executive Office all sums received by it in the course of, or in connection with, the exercise of the Board's functions.

(3) But sub-paragraph (2) does not apply to such sums, or sums of such description, as the Executive Office may direct with the approval of the Department of Finance in Northern Ireland.

(4) Any sums received by the Executive Office under this paragraph must be paid into the Consolidated Fund of Northern Ireland.

## **Seal**

10. The application of the seal of the Board must be authenticated—

- (a) by the signature of the President, or
- (b) by the signature of a person who is authorised under paragraph 5(4) for that purpose.

## **Evidence**

11.—(1) A document purporting to be an instrument issued by the Board and to be duly executed under the Board's seal or signed by or on behalf of the Board is to be received in evidence and, unless the contrary is proved, taken to be such an instrument.

(2) The Board may administer oaths for the purposes of these Regulations.

## **Panels**

12.—(1) A panel other than an appeal panel or a review panel must be constituted to consist of—

- (a) one legal member, or
- (b) three members, including at least one legal member and one ordinary member.

(2) A panel must be constituted in accordance with paragraph (1)(b) if the panel is to make a decision or determination under regulations 5(5), 6(2) or (3), 9(4)(b), 10(4) or 20(3).

(3) Where a panel has been constituted in accordance with paragraph (1)(a), the President may appoint further members such that the panel is constituted in accordance with paragraph (1)(b).

(4) Where a panel consists of one legal member, that member is chair.

(5) Where a panel consists of three members—

- (a) if the panel includes the President of the Board, the President is the chair of the panel;
- (b) in any other case, the President must appoint a legal member as the chair.

(6) A determination or decision of a panel is the determination or decision of the majority of the members of the panel.

*Status: This is the original version (as it was originally made).*

(7) The functions of a panel consisting of one legal member may, where and to the extent the President considers it appropriate, be exercised by a member of staff provided under paragraph 7.

### **Advisors**

**13.—**(1) The Board may appoint one or more persons to act as advisors to the Board.

(2) A person may be appointed as an advisor only if it appears to the Board that the person has expertise that makes that person a suitable person to provide advice to the Board.

(3) The Board may at any time terminate the appointment of an advisor.

### **Annual report**

**14.—**(1) The Board must, as soon as practicable after the end of each financial year, send to the Executive Office a report on the exercise of the Board's functions during that year.

(2) The Executive Office must, in the case of each report sent to it under this paragraph, lay a copy of the report before the Northern Ireland Assembly.

(3) In this paragraph, "financial year" means—

(a) the period beginning with the day on which the Board is established under section 1 and ending with the next 31 March following that date, and

(b) each successive period of twelve months ending with 31 March.