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*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Industrial Development Act (Northern Ireland) 2002, SCHEDULE 1. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 1

#### INVEST NORTHERN IRELAND

##### *Status*

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

##### *Membership, chairman, etc.*

- 2.—(1) INI shall consist of—
  - (a) a chairman; and
  - (b) not fewer than 10 or more than 20 other members,appointed by the Department.
- (2) In making appointments under sub-paragraph (1), the Department shall—
  - (a) secure that each member has experience in a field of activity relevant to the discharge of the functions of INI; and
  - (b) as far as practicable secure that the members of INI (taken together) are representative of the community in Northern Ireland.
- (3) The Department may appoint one of the members mentioned in sub-paragraph (1)(b) as deputy chairman of INI.

##### *Tenure of office*

- 3.—(1) Subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of his appointment.
- (2) A person shall not be appointed as a member for more than five years at a time.

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

(4) A person appointed as chairman or deputy chairman of INI—

(a) shall hold and vacate that office in accordance with the terms of his appointment;

(b) may resign that office by notice in writing to the Department; and

(c) shall cease to hold that office if he ceases to be a member.

(5) The Department may by notice in writing remove a person from office as a member or as chairman or deputy chairman of INI.

(6) A person who ceases (otherwise than by virtue of sub-paragraph (5)) to be a member or to be the chairman or deputy chairman of INI shall be eligible for re-appointment.

#### *Remuneration, etc. of members*

4.—(1) INI shall pay to its members such remuneration and allowances as the Department may determine.

(2) If—

(a) a person ceases to be a member or ceases to be the chairman or deputy chairman of INI; and

(b) it appears to the Department that there are special circumstances which make it right that he should receive compensation,

the Department may direct INI to make a payment of such amount as the Department may determine.

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

#### *Staff, etc.*

5.—(1) INI shall have—

(a) a chief executive, with responsibility to INI for the carrying out of its functions and the management of its employees; and

(b) such other employees as INI may appoint.

(2) The first chief executive of INI shall be appointed by the Department.

(3) Every subsequent chief executive shall be appointed by INI.

6.—(1) INI may make arrangements with a Northern Ireland department for persons employed in the Northern Ireland civil service to be seconded to INI.

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(2) Arrangements made with a department other than the Department of Finance and Personnel require the approval of that Department.

7.—(1) INI shall pay to its employees such remuneration and allowances as it may, with the approval of the Department and the Department of Finance and Personnel, determine.

(2) INI shall—

- (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 loss or diminution of emoluments.

#### *Committees*

8.—(1) INI may establish committees.

(2) A person who is not a member of INI shall not, except with the approval of the Department, be appointed to a committee of INI.

(3) INI may pay to members of its committees who are neither members nor employees of INI such remuneration and allowances as INI may, with the approval of the Department, determine.

#### *Delegation to committees and staff*

9.—(1) INI may, to such extent as it may determine, delegate any of its functions to—

- (a) any committee of INI;
- (b) any employee of INI; or
- (c) any person seconded to INI in accordance with arrangements made under paragraph 6.

(2) Any committee of INI may, to such extent as the committee may determine, delegate any functions of the committee to—

- (a) any employee of INI; or

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- (b) any person seconded to INI in accordance with arrangements made under paragraph 6.

### *Proceedings*

**10.**—(1) Subject to the following provisions of this paragraph and paragraph 11, INI may regulate—

- (a) its own procedure (including quorum); and  
(b) the procedure (including quorum) of its committees.

(2) INI shall make provision for a quorum for meetings of its committees to include at least one member or employee of INI.

**11.**—(1) A member who is in any way, directly or indirectly, interested in any matter which falls to be considered by INI shall disclose the nature of his interest at a meeting of INI and the disclosure shall be recorded in the minutes of the meeting.

(2) Where such a disclosure is made by any member in relation to any matter, he shall not take part in any deliberation or decision of INI with respect to the matter, if INI decides that the interest in question might prejudicially affect the member's consideration of the matter.

(3) For the purposes of this paragraph a notice given by a member at a meeting of INI to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any matter concerning the body or firm which falls to be considered by INI after the date of the notice shall be a sufficient disclosure of his interest.

(4) A member need not attend in person at a meeting of INI in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration at such a meeting.

(5) Sub-paragraphs (1) to (4) apply in relation to committees of INI as they apply in relation to INI.

**12.** The validity of any proceedings of INI, or of any of its committees, shall not be affected by—

- (a) any vacancy among the members of INI or of members of the committee;  
(b) any vacancy in the office of the chairman or deputy chairman of INI;  
(c) any defect in the appointment of any one or more members or of the chairman or deputy chairman of INI; or  
(d) any failure to comply with paragraph 11.

### *Application of seal and evidence*

**13.** The application of the seal of INI shall be authenticated by the signature—

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- (a) of any member; or
- (b) of any other person who has been authorised by INI (whether generally or specially) for that purpose.

**14.** A document purporting to be—

- (a) duly executed by INI under its seal; or
- (b) signed on its behalf,

shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

**15.** Any contract or instrument which if entered into or executed by an individual would not require to be<sup>F1</sup> executed as a deed] may be entered into or executed on behalf of INI by any person generally or specially authorised by INI for that purpose.

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### *Finance*

**16.—(1)** The Department may make payments to INI out of money appropriated for the 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) INI shall not borrow money.

(4) Subject to sub-paragraph (5), INI shall pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(5) Sub-paragraph (4) 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.

(6) Any sums received by the Department under sub-paragraph (4) shall be paid into the Consolidated Fund.

**17.—(1)** INI 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.

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(3) INI 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
- (b) the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by INI 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*

**18.**—(1) As soon as practicable after the end of each financial year, INI 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.

#### *Paras. 19#21—Amendments*

#### *Interpretation*

**22.** In this Schedule—

“financial year” means—

- (a) the period beginning with the appointed day and ending on 31st March 2003; and
- (b) any subsequent period of twelve months ending on 31st March; and

“member” means a member of INI.

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