

SCHEDULES

SCHEDULE 2

Article 71(2).

THE NORTHERN IRELAND COMMISSIONER FOR THE RIGHTS OF TRADE UNION MEMBERS

Terms of appointment

1.—(1) The appointment of a person to hold office as the Commissioner shall be for a term not exceeding five years; but previous appointment to that office shall not affect eligibility for re-appointment.

(2) The Department may remove any person from the office of Commissioner if it is satisfied—

- (a) that that person has been adjudged bankrupt or that he has made a composition or arrangement with his creditors;
- (b) that that person is incapacitated by physical or mental illness; or
- (c) that that person is otherwise unable or unfit to discharge his functions as the Commissioner.

(3) Subject to sub-paragraphs (1) and (2), the Commissioner shall hold and vacate office as such in accordance with the terms of his appointment.

Remuneration, pensions etc.

2.—(1) There shall be paid to the Commissioner such remuneration, and such travelling and other allowances, as the Department may determine.

(2) In the case of any such holder of the office of the Commissioner as may be determined by the Department, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity, as may be so determined.

(3) If, when any person ceases to hold office as the Commissioner, the Department determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.

(4) The approval of the Department of Finance and Personnel shall be required for the making of a determination under this paragraph.

Staff

3.—(1) The Commissioner may, with the approval of the Department as to numbers and terms and conditions of service, appoint such staff as the Commissioner may determine.

(2) The consent of the Department of Finance and Personnel shall be required for the giving of an approval under sub-paragraph (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4.—(1) Anything authorised or required by or under this Order to be done by the Commissioner may be done by any member of the staff of the Commissioner who is authorised for the purpose, whether generally or specially, by the Commissioner.

(2) An authorisation given for the purposes of this paragraph shall continue to have effect during any vacancy in the office of Commissioner.

5.—(1) Employment as a member of the staff of the Commissioner shall be included among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972(1) may apply.

(2) Where a person who is employed by the Commissioner and is by reference to that employment a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 becomes the Commissioner, the Department of Finance and Personnel may determine that his service as the Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commissioner; and his rights under the scheme shall not be affected by any of the preceding provisions of this Schedule.

6. Part III of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(2) shall not require insurance to be effected by the Commissioner.

Payment of travelling expenses, etc., to applicants

7.—(1) The Commissioner may, with the approval of the Department, make such provision as the Commissioner considers appropriate for the payment by him to persons who apply for assistance under Article 72 of sums in respect of travelling and other expenses incurred by them in connection with their applications.

(2) The consent of the Department of Finance and Personnel shall be required for the giving of an approval under sub-paragraph (1). Financial provisions

8.—(1) The Department shall pay to the Commissioner such sums as the Department may determine are required by the Commissioner for the purpose of carrying out his functions.

(2) The approval of the Department of Finance and Personnel shall be required for the making of a determination under sub-paragraph (1).

9.—(1) It shall be the duty of the Commissioner—

- (a) to keep proper accounts and proper records in relation to the accounts;
- (b) to prepare in respect of each financial year a statement of accounts in such form as the Department may, with the approval of the Department of Finance and Personnel, direct; and
- (c) to send copies of each such statement to the Department and the Comptroller and Auditor General for Northern Ireland not later than the 30th November following the end of the financial year to which the statement relates.

(2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Commissioner and shall send copies of that report to the Department.

(3) The Department shall lay before the Assembly a copy of each statement of accounts sent to it under sub-paragraph (1)(c) and of the report made by the Comptroller and Auditor General thereon under sub-paragraph (2).

(1) 1972 NI 10
(2) 1972 NI 6

Annual report

10.—(1) As soon as reasonably practicable after the end of each financial year the Commissioner shall prepare a report on his activities during that year and shall send a copy of that report to the Department.

(2) The Department shall lay a copy of every such report before the Assembly.

Miscellaneous

11. The Commissioner shall have an official seal for the authentication of documents required for the purposes of his functions.

12. In the Commissioner for Complaints Act (Northern Ireland) 1969⁽³⁾ in Part II of Schedule 1 (bodies subject to investigation), there shall be inserted (at the appropriate place) the following entry—

“Office of the Northern Ireland Commissioner for the Rights of Trade Union Members.”.

13. In the Northern Ireland Assembly Disqualification Act 1975⁽⁴⁾ in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

“Northern Ireland Commissioner for the Rights of Trade Union Members.”.

⁽³⁾ 1969 c. 25 (N.I.)
⁽⁴⁾ 1975 c. 25