

## SCHEDULES

### SCHEDULE 4

Article 82(2).

#### THE LABOUR RELATIONS AGENCY

### PART I

#### THE CONSTITUTION OF THE AGENCY

1. The Agency shall be a body corporate to which section 19 of the Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply.

**F1** 1954 c.33 (NI)

[<sup>F2</sup>2.—(1) The Agency shall consist of the following persons appointed by the Minister—

- (a) a chairman; and
- (b) 9 other members of whom—
  - (i) 3 shall be persons appearing to the Minister to be representative of employers;
  - (ii) 3 shall be persons appearing to the Minister to be representative of employees; and
  - (iii) 3 shall be such other persons as appear to the Minister to be appropriate.

(2) The Minister shall consult—

- (a) such organisations representative of employers as appear to the Minister to be appropriate about the arrangements for making an appointment under sub-paragraph (1)(b)(i);
- (b) such organisations representative of employees as appear to the Minister to be appropriate about the arrangements for making an appointment under sub-paragraph (1)(b)(ii).]

**F2** Sch. 4 para. 2 substituted (3.8.2010) by Employment Act (Northern Ireland) 2010 (c. 12), ss. 7(1), 8(2), Sch. 1 para. 4(3)

3.—(1) A member of the Agency shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold his office, be eligible for re-appointment.

(2) Any member may at any time by notice in writing to the Head of the Department resign his office.

4. The Head of the Department may, by notice in writing addressed to a member, terminate his appointment as a member of the Agency if of the opinion that he is unfit to continue in office or incapable of performing his duties as a member.

5. The proceedings of the Agency shall not be invalidated by any vacancy in the membership of the Agency or by any defect in the appointment of any of its members.

6. The Agency shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown or as exempt from any tax, duty, rate, levy or other charge

**Changes to legislation:** The Industrial Relations (Northern Ireland) Order 1992, SCHEDULE 4 is up to date with all changes known to be in force on or before 15 December 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

whatsoever, whether general or local, and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

## PART II

### SUPPLEMENTARY PROVISIONS AS TO THE AGENCY

#### *Members*

7. The Agency 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 the Department, with the approval of the Department of Finance and Personnel, may determine.

8. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975<sup>F3</sup> the following entry shall continue to be inserted at the appropriate place in alphabetical order—

“The Labour Relations Agency.” .

F3 1975 c.25

#### *Panel of advisers*

9.—(1) The Agency may appoint a panel of persons, who are not members of the Agency, from whom it may from time to time select persons to assist it in the discharge of its functions.

(2) The number of persons which the Agency may appoint under this paragraph shall be determined by the Agency with the approval of the Department and the Department of Finance and Personnel.

(3) The Agency may pay to persons appointed under this paragraph such fees and such allowances for expenses as the Agency, with the approval of the Department and the Department of Finance and Personnel, may determine.

#### *The seal*

10. The fixing of the common seal of the Agency shall be authenticated by the signature of the chairman of the Agency or some other member thereof authorised either generally or specially by the Agency to act for that purpose.

#### *Execution of contracts and instruments not under seal*

11. Any contract or instrument which, if entered into or executed by an individual, would not require to be<sup>F4</sup> executed as a deed] 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.

F4 2005 NI 7

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### *Staff*

**12.** The number of persons employed by the Agency and the terms and conditions of employment of such persons shall be determined by the Agency, with the approval of the Department and the Department of Finance and Personnel.

**13.** 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 and Personnel, pay to or in respect of them such 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.

### *Financial provision*

**14.** For the purpose of enabling the Agency to carry out its functions, the Department shall pay to the Agency such sums as the Department may, with the approval of the Department of Finance and Personnel, determine.

### *Accounts and audit*

[<sup>F5</sup>**15.**—(1) The Agency 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.

(3) The Agency 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 for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by the Agency 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.]

**F5** [2003 NI 5](#)

### *Reports*

**16.**—(1) The Agency shall, as soon as possible within a period of three months after the end of each financial year, make to the Head of the Department a report, in such form and containing such information as the Department may direct, on the performance of its functions during that financial year.

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(2) The Head of the Department shall lay before the Assembly a copy of each report made to him under this paragraph<sup>F6</sup> . . . .

**F6** [2003 NI 5](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Instrument excl by [1994 c. 33 s. 127\(8\)](#)
- Instrument restr (pt retrospect) by [1994 c. 33 s. 126\(1\)s. 126\(2\)\(b\)\(4\)](#)