

SCHEDULES

SCHEDULE 2

THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE FOR NORTHERN IRELAND

Status

1.—(1) The person for the time being holding the office of Commissioner for Children and Young People for Northern Ireland shall by that name be a corporation sole.

(2) The Commissioner 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.

(3) The property held by the Commissioner shall not be regarded as property of, or held on behalf of, the Crown.

General powers

2.—(1) The Commissioner may do anything, apart from borrowing money, which he considers is—

- (a) appropriate for facilitating, or
- (b) incidental or conducive to,

the exercise of his functions.

(2) That includes in particular—

- (a) co-operating with other bodies exercising functions relating to children and young persons or their rights (whether in the United Kingdom or elsewhere);
- (b) acquiring, holding and disposing of real or personal property;
- (c) entering into contracts.

Tenure of office

3.—(1) Subject to the provisions of this paragraph, a person shall hold and vacate office as the Commissioner in accordance with the terms of his appointment.

(2) An appointment as the Commissioner shall be for a term of 4 years.

(3) A person who ceases to be the Commissioner on the expiration of his first term of office shall be eligible for re-appointment, but a person who has been re-appointed by virtue of this subparagraph shall not be eligible for appointment or re-appointment as the Commissioner at any time after the end of his second term of office.

(4) A person may at any time resign his office as the Commissioner by notice to the First Minister and deputy First Minister.

(5) The First Minister and deputy First Minister acting jointly may remove a person from office as the Commissioner if satisfied that he has—

Changes to legislation: There are currently no known outstanding effects for the The Commissioner for Children and Young People (Northern Ireland) Order 2003, SCHEDULE 2. (See end of Document for details)

- (a) been convicted of a criminal offence;
- (b) become bankrupt [^{F1}or is the subject of a bankruptcy restrictions order][^{F2}or had a debt relief order made against him or is the subject of a debt relief restrictions order] or made an arrangement or composition with his creditors;
- (c) without reasonable excuse, failed to discharge his functions for a continuous period of 3 months; or
- (d) become unfit or unable to exercise his functions.

F1	Words in Sch. 2 para. 3(5)(b) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159) , art. 1, Sch. para. 13
F2	Words in Sch. 2 para. 3(5)(b) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108) , art. 1, Sch. para. 20

Salary, etc.

4.—(1) The Office may pay to or in respect of the Commissioner—

- (a) such remuneration,
- (b) such allowances, and
- (c) such sums for the provision of a pension,

as the Office may determine.

(2) Where a person ceases to hold office as Commissioner otherwise than on the expiration of his term of office and the Office determines that there are special circumstances that make it right for that person to receive compensation, the Office may make to that person a payment of such amount as the Office may determine.

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

Modifications etc. (not altering text)

- C1** Sch. 2 para. 4: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

Staff

5.—(1) The Commissioner may appoint such number of officers as he may determine.

(2) The remuneration and other conditions of service of the officers appointed under this paragraph shall be determined by the Commissioner.

(3) The Commissioner may make such payments towards the provision of such pensions or allowances to or in respect of the officers appointed under this paragraph as he may determine.

(4) The reference in sub-paragraph (3) to pensions or allowances to or in respect of the officers appointed under this paragraph includes reference to pensions or allowances by way of compensation to or in respect of any of those officers who suffer loss of employment.

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

(6) Employment as an officer of the Commissioner is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 (NI

10) can apply and, accordingly, in Schedule 1 to that Order (employments to which Article 3 can apply) the following entry shall be inserted at the appropriate place—

“Employment by the Commissioner for Children and Young People for Northern Ireland.”.

Modifications etc. (not altering text)

- C2** Sch. 2 para. 5: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

Exercise of functions of Commissioner

6. Any function of the Commissioner may be exercised by any officer of the Commissioner who has been authorised (whether generally or specially) by him for the purpose.

Seal

7. The application of the seal of the Commissioner shall be authenticated by his signature or by the signature of any officer of the Commissioner who has been authorised (whether generally or specially) by him for the purpose.

Evidence

8. A document purporting to be an instrument issued by the Commissioner and to be duly executed under the Commissioner's seal or to be signed by, or on behalf of, the Commissioner shall be received in evidence and shall, unless the contrary is proved, be taken to be such an instrument.

Property

9.—(1) Any real or personal property vested in the Commissioner shall (unless and until disclaimed or disposed of) vest in his successor in office.

(2) Where there is a vacancy in the office of Commissioner at the time when real or personal property would otherwise have vested, the property shall vest in the successor on his appointment.

Funding

10.—(1) The Office may make grants to the Commissioner of such amounts as it may determine.

(2) Subject to sub-paragraph (3), the Commissioner shall pay to the Office all sums received by him in the course of, or in connection with, the carrying out of his functions.

(3) Sub-paragraph (2) shall not apply to such sums, or sums of such description, as the Office may, with the approval of the Department of Finance and Personnel, direct.

(4) Any sums received by the Office under sub-paragraph (2) shall be paid into the Consolidated Fund.

Modifications etc. (not altering text)

- C3** Sch. 2 para. 10: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

Accounts

11.—(1) The Commissioner shall—

- (a) keep proper accounts and proper records in relation to the accounts, and

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- (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 Office may, with the approval of the Department of Finance and Personnel, direct.
- (3) The Commissioner shall, within such period after the end of each financial year as the Office may direct, send copies of the statement of accounts relating to that year to—
 - (a) the Office, 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 the Commissioner under this paragraph, and
 - (b) send a copy of his report to the Office.
- (5) The Office shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.
- (6) In this paragraph and paragraph 12 “financial year” means—
 - (a) the period beginning with the day on which the first person appointed under Article 5(2) takes office and ending with the next 31st March following that date, and
 - (b) each successive period of twelve months ending with 31st March.

Modifications etc. (not altering text)

- C4** Sch. 2 para. 11: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

Annual report

- 12.**—(1) As soon as practicable after the end of each financial year, the Commissioner shall send to the Office a report on the carrying out of his functions during that year.
- (2) A report under this paragraph in respect of any year shall give details of the steps taken by the Commissioner in that year for the purpose of complying with his duty under Article 7(5).
- (3) The Office—
- (a) shall lay a copy of every report sent to it under this paragraph before the Assembly; and
 - (b) shall send a copy of every such report to the Secretary of State.

Modifications etc. (not altering text)

- C5** Sch. 2 para. 12: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 13.** In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) there shall be inserted, at the appropriate place—
- “Commissioner for Children and Young People for Northern Ireland”.

The Commissioner for Complaints (Northern Ireland) Order 1996 (NI. 7)

^{F3}14.

F3 Sch. 2 para. 14 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 9 (with s. 23, 50(3))

The Freedom of Information Act 2000 (c. 36)

15. In Part VII of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies which are public authorities for the purposes of the Act) there shall be inserted, at the appropriate place—

“The Commissioner for Children and Young People for Northern Ireland” .

The Criminal Justice and Court Services Act 2000 (c. 43)

16. In section 36(8) of the Criminal Justice and Court Services Act 2000 (regulated positions in Northern Ireland) at the end add—

“(d) Commissioner for Children and Young People for Northern Ireland appointed under the Commissioner for Children and Young People (Northern Ireland) Order 2003.” .

Changes to legislation:

There are currently no known outstanding effects for the The Commissioner for Children and Young People (Northern Ireland) Order 2003, SCHEDULE 2.