

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 11. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 11

Section 91(1).

#### TRIBUNAL ESTABLISHED UNDER SECTION 91

##### *Introductory*

1 In this Schedule “the Tribunal” means the tribunal established under section 91.

##### **Commencement Information**

**II** Sch. 11 para. 1 wholly in force at 2.8.1999; Sch. 11 para. 1 not in force at Royal Assent see s. 101(3); Sch. 11 para. 1 in force for specified purposes at 15.2.1999 by S.I. 1999/340, art. 2(2), Sch. Pt. 2; Sch. 11 para. 1 in force at 2.8.1999 insofar as not already in force by S.I. 1999/2204, art. 5

##### *Members*

- 2 (1) The Tribunal shall consist of such number of members appointed by the Lord Chancellor as he may determine.
- (2) A member of the Tribunal shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.
- (3) A member of the Tribunal may resign his office at any time by notice in writing to the Lord Chancellor.

##### **Commencement Information**

**I2** Sch. 11 para. 2 wholly in force at 2.8.1999; Sch. 11 para. 2 not in force at Royal Assent see s. 101(3); Sch. 11 para. 2 in force for specified purposes at 15.2.1999 by S.I. 1999/340, art. 2(2), Sch. Pt. 2; Sch. 11 para. 2 in force at 2.8.1999 insofar as not already in force by S.I. 1999/2204, art. 5

- [<sup>F1</sup>2A (1) The Lord Chancellor may only appoint persons to the Tribunal who have been selected by the Northern Ireland Judicial Appointments Commission as follows.
- (2) The Lord Chancellor may at any time by notice require the Commission to select a person for appointment.
- (3) The Commission must then select a person for appointment and notify the Lord Chancellor accordingly.
- (4) The Lord Chancellor must then appoint the selected person.
- (5) Section 5A of, and Part 4 of Schedule 3 to, the Justice (Northern Ireland) Act 2002 apply for the purposes of selections under this paragraph as they apply for the purposes of selections under that Schedule.]

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### Textual Amendments

- F1** Sch. 11 para. 2A inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 5 para. 4; S.I. 2010/812, art. 2

### Chairman

- 3 (1) The Lord Chancellor shall appoint one of the members of the Tribunal to be its chairman.
- (2) The chairman may nominate a member as deputy chairman to act in his absence.
- (3) A member may not be appointed as chairman or nominated as deputy chairman, unless he holds, or has held, office as a judge of the High Court, the High Court of Justice in Northern Ireland, the Court of Appeal or the Court of Appeal in Northern Ireland.
- (4) The chairman may resign his office at any time by notice in writing to the Lord Chancellor.

### Commencement Information

- I3** Sch. 11 para. 3 wholly in force at 2.8.1999; Sch. 11 para. 3 not in force at Royal Assent see s. 101(3); Sch. 11 para. 3 in force for specified purposes at 15.2.1999 by S.I. 1999/340, art. 2(2), Sch. Pt. 2; Sch. 11 para. 3 in force at 2.8.1999 insofar as not already in force by S.I. 1999/2204, art. 5

### Payments to members

- 4 (1) The Lord Chancellor may pay to the members of the Tribunal such remuneration and allowances as he may determine.
- (2) The Lord Chancellor may, if he thinks fit in the case of any member of the Tribunal pay such pension, allowance or gratuity to or in respect of the member, or such sums towards the provision of such pension, allowance or gratuity, as he may determine.
- (3) If a person ceases to be a member of the Tribunal and it appears to the Lord Chancellor that there are special circumstances which make it right that the person should receive compensation, he may pay to that person a sum of such amount as he may determine.

### Proceedings

- 5 (1) The Tribunal shall sit at such times and in such places as the [<sup>F2</sup>Lord Chief Justice] may direct.
- [<sup>F3</sup>(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

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#### Textual Amendments

- F2** Sch. 11 para. 5 renumbered as Sch. 11 para. 5(1) and words in para. 5(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 108(2)(3)**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 12(b)**
- F3** Sch. 11 para. 5(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 108(4)**; S.I. 2006/1014, art. 2(a), **Sch. 1 para. 12(b)**

6 The Tribunal shall be deemed to be duly constituted if it consists of the chairman or deputy chairman and two or more other members.

7 The chairman or, in his absence, the deputy chairman, shall preside at sittings of the Tribunal.

#### *Staff*

8 The Lord Chancellor may appoint such officers and servants for the Tribunal as he thinks fit.

#### Commencement Information

- I4** Sch. 11 para. 8 wholly in force at 2.8.1999; Sch. 11 para. 8 not in force at Royal Assent see s. 101(3); Sch. 11 para. 8 in force for specified purposes at 15.2.1999 by S.I. 1999/340, art. 2(2), **Sch. Pt. 2**; Sch. 11 para. 8 in force at 2.8.1999 insofar as not already in force by S.I. 1999/2204, **art. 5**

#### *Expenses*

9 The Lord Chancellor shall defray the remuneration of persons appointed under paragraph 8 and such expenses of the Tribunal as he thinks fit.

#### *Disqualification of Tribunal Members*

10 In Part II of Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert— “ The Tribunal established under section 91 of the Northern Ireland Act 1998 ”.

#### Marginal Citations

- M1** 1975 c.24.

11 In Part II of Schedule 1 to the <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert— “ The Tribunal established under section 91 of the Northern Ireland Act 1998 ”.

#### Marginal Citations

- M2** 1975 c.25.

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