

## SCHEDULES

### SCHEDULE 2

Article 12(4).

#### THE HEALTH AND SAFETY<sup>[F1]</sup> EXECUTIVE] FOR NORTHERN IRELAND

**F1** 1998 NI 18

#### Status

1. The<sup>[F2]</sup> Executive] shall be a body corporate to which, subject to paragraph 15, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

**F2** 1998 NI 18

*Para.2 rep by 1998 NI 18*

#### Members

3. Persons may be appointed as whole-time or part-time members of the<sup>[F3]</sup> Executive].

**F3** 1998 NI 18

4. Subject to paragraphs 5 and 6 a person shall hold and vacate office as chairman<sup>[F4]</sup>, deputy chairman] or member of the<sup>[F4]</sup> Executive] in accordance with the terms of his appointment.

**F4** 1998 NI 18

5. A person may at any time resign office as chairman<sup>[F5]</sup>, deputy chairman] or member of the<sup>[F5]</sup> Executive] by notice in writing to the Department.

**F5** 1998 NI 18

6.—(1) The Head of the Department may at any time remove a person from office as chairman<sup>[F6]</sup>, deputy chairman] or member of the<sup>[F6]</sup> Executive] if satisfied that—

- (a) he has been absent from meetings of the<sup>[F6]</sup> Executive] for a period longer than six consecutive months without the permission of the<sup>[F6]</sup> Executive]; or
- (b) he has been convicted of a criminal offence; or
- (c) he has become bankrupt <sup>[F7]</sup>or is the subject of a bankruptcy restrictions order<sup>[F8]</sup> or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order] or made an arrangement with his creditors; or
- (d) he is incapacitated by physical or mental illness; or

(e) he is otherwise unable or unfit to perform his duties.

(2) If the chairman<sup>[F6]</sup> or deputy chairman] ceases to be a member of the<sup>[F6]</sup> Executive] he shall also cease to be chairman<sup>[F6]</sup> or, as the case may be, deputy chairman].

**F6** 1998 NI 18

**F7** Words in Sch. 2 para. 6(1)(c) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 2, **Sch. para. 6**

**F8** Words in Sch. 2 para. 6(1)(c) 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. 8**

7. Past service as chairman<sup>[F9]</sup>, deputy chairman] or member of the<sup>[F9]</sup> Executive] is no bar to reappointment.

**F9** 1998 NI 18

### Remuneration of members

8. The Department 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<sup>[F10]</sup>, deputy chairman] and other members of the<sup>[F10]</sup> Executive], or any of them, as with the approval of the Department of the Civil Service, it may determine.

**F10** 1998 NI 18

### Proceedings

9. The<sup>[F11]</sup> Executive] may regulate its own procedure and business including its quorum.

**F11** 1998 NI 18

10. A person authorised in writing in that behalf by the Department shall be entitled to attend any meeting of the<sup>[F12]</sup> Executive] and to take part in the proceedings at the meeting, but not to vote.

**F12** 1998 NI 18

11. The validity of any proceedings of the<sup>[F13]</sup> Executive] shall not be affected by any vacancy in the office of chairman<sup>[F13]</sup>, deputy chairman] or member of the<sup>[F13]</sup> Executive] or by any defect in the appointment of the chairman<sup>[F13]</sup>, deputy chairman] or any member.

**F13** 1998 NI 18

### The Seal

12. The fixing of the common seal of the<sup>[F14]</sup> Executive] shall be authenticated by the signature of the chairman<sup>[F14]</sup> or deputy chairman] of the<sup>[F14]</sup> Executive] or some other member thereof authorised either generally or specially by the<sup>[F14]</sup> Executive] to act for that purpose.

**F14** 1998 NI 18

## Instruments

**13.** A document purporting to be duly executed under the common seal of the<sup>[F15 Executive]</sup> shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

**F15** 1998 NI 18

**14.** Any contract or instrument which, if entered into or executed by an individual, would not require to be<sup>[F16 executed as a deed]</sup> may be entered into or executed on behalf of the<sup>[F17 Executive]</sup> by any person generally or specially authorised by the<sup>[F17 Executive]</sup> 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.

**F16** 2005 NI 7

**F17** 1998 NI 18

## Staff

<sup>[F18]</sup>**15.**—(1) Subject to sub-paragraph (2), the Executive with the approval of the Department and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of employment—

- (a) shall appoint a chief executive to carry on and manage and control generally the administration and business of the Executive and to perform such other functions as may be determined by the Executive;
- (b) shall employ such other officers and servants as the Executive considers necessary;
- (c) may employ the services of such other persons as the Executive considers expedient for any particular purpose.

(2) The first chief executive shall be appointed, and may be removed from office at any time, by the Head of the Department and each subsequent chief executive may be removed from office at any time by the Executive with the consent of the Head of the Department.

(3) The Executive shall, in the case of the chief executive and such other persons employed by it as may be determined by the Executive with the approval of the Department and the Department of Finance and Personnel, pay to or in respect of them such allowances (including allowances for expenses), 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.]

**F18** 1998 NI 18

## Performance of functions

**16.** The<sup>[F19 Executive]</sup> may authorise any member of the<sup>[F19 Executive]</sup> or any officer or servant of the<sup>[F19 Executive]</sup> to perform on behalf of the<sup>[F19 Executive]</sup> such of the<sup>[F19 Executive]</sup> 's functions (including the function conferred on the<sup>[F19 Executive]</sup> by this paragraph) as are specified in the authorisation.

**F19** 1998 NI 18

17. The<sup>F20</sup> Executive] with the consent of the Department concerned may appoint officers from that Department as assessors to assist the<sup>F20</sup> Executive] in the discussion of any matter relating to its functions.

**F20** 1998 NI 18

<sup>F21</sup>17A.—(1) The Executive shall prepare in respect of the period ending on 31st March 2000 and in respect of each subsequent financial year a report on the Executive's activities during that period or year ( “the annual report”).

(2) The annual report shall include a general survey of developments, during the period to which it relates, in respect of matters falling within the scope of the Executive's functions.

[  
<sup>F22</sup>(3) The Executive shall send a copy of every report prepared under this paragraph to the Department.

(4) The Department shall—

- (a) lay the report before the Assembly; and
- (b) cause the report to be published.]]

**F21** 1998 NI 18

**F22** 2003 NI 5

## Accounts and reports

<sup>F23</sup>18.—(1) The Executive 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 Executive 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 Executive 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.]

**F23** 2003 NI 5

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Safety at Work (Northern Ireland) Order 1978, SCHEDULE 2.