



Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011

2011 CHAPTER 17

An Act to make provision for a Panel to determine the salaries, allowances, pensions and gratuities payable to members and former members of the Northern Ireland Assembly; to make provision for a Northern Ireland Assembly Commissioner for Standards; and for connected purposes. [29th March 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

THE INDEPENDENT FINANCIAL REVIEW PANEL

Establishment and functions

Establishment and membership of the Panel

1.—(1) There shall be a body known as the Independent Financial Review Panel.

(2) The members of the Panel are the Chair and two other members.

Functions of the Panel

2.—(1) The functions of the Panel are to make determinations as to—

- (a) the salaries and allowances payable to members of the Assembly under section 47 of the 1998 Act; and
- (b) the pensions, gratuities and allowances payable under section 48 of that Act.

(2) The Panel shall exercise its functions with a view to achieving the objectives of—

- (a) ensuring probity, accountability and value for money with respect to the expenditure of public funds;
- (b) securing for members of the Assembly a level of remuneration which—
 - (i) fairly reflects the complexity and importance of their functions as members of the Assembly; and
 - (ii) does not, on financial grounds, deter people with the necessary commitment and ability from seeking election to the Assembly; and
- (c) securing for members of the Assembly adequate resources to enable them to exercise their functions as members of the Assembly.

(3) The Panel shall keep under review the extent to which, having regard to—

- (a) experience gained from the operation of its determinations,
- (b) changes in the functions of members of the Assembly, and
- (c) any other relevant circumstances,

its determinations appear to be achieving the objectives in subsection (2).

(4) The Panel may consider any other matter which is relevant to the discharge of its functions, either on its own initiative or at the written request of the Commission.

Independent status

Independence and openness

3.—(1) The Panel shall not, in the exercise of its functions, be subject to the direction or control of—

- (a) the Assembly; or
- (b) the Commission.

(2) A Panel member is not a member of the staff of the Assembly.

(3) The Panel shall—

- (a) act in such a manner that its decisions and its reasons for those decisions are readily ascertainable;

- (b) publish such information as will enable the public to be kept informed about its activities.

(4) Subsection (3) does not prevent the Panel from—

- (a) considering a matter in private,
- (b) maintaining the privacy of its consideration of that matter, or
- (c) refraining from publishing material relating to that matter,

if, in the opinion of the Panel, the nature of that matter makes it appropriate to do so.

Appointments, etc.

Appointments to the Panel

4.—(1) The Chair and other Panel members shall be appointed by the Commission.

(2) Each appointment shall be for a term of 5 years from the date of the appointment.

(3) A person may not be appointed to be a Panel member if that person has already been appointed to be a Panel member on two occasions.

Disqualification from membership of the Panel

5.—(1) Schedule 1 makes provision as to the persons who are disqualified from being appointed or serving as Panel members.

(2) The Commission may by order amend Schedule 1.

(3) An order under this section shall not be made unless a draft of the order has been laid before and approved by resolution of the Assembly.

Termination of membership of the Panel

6.—(1) The appointment of a person as a Panel member ceases—

- (a) on the expiry of the term for which that person was appointed;
- (b) if that person resigns by giving notice in writing to the Commission;
- (c) if that person becomes disqualified from being a Panel member; or
- (d) if the Commission dismisses that person under subsection (2).

(2) The Commission may dismiss a person from office as a Panel member if it is satisfied that—

- (a) the person has been convicted of a criminal offence;
- (b) the person has become bankrupt [^{F1}or is the subject of a bankruptcy restrictions order]^{F2} or has had a debt relief order made in respect of him

or is the subject of a debt relief restrictions order] or made an arrangement or composition with the person's creditors;

- (c) the person has without reasonable excuse failed to discharge the functions of a Panel member for a continuous period of 3 months beginning not earlier than 6 months before the day of dismissal;
- (d) the person is unfit or unable to carry out those functions.

Textual Amendments

- F1** Words in s. 6(2)(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. 20**
- F2** Words in s. 6(2)(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. 26**

Code of conduct for Panel members

- 7.—**(1) The Panel shall issue a code of conduct for its members.
- (2) The code of conduct shall in particular—
 - (a) incorporate the Nolan principles or such other similar principles as may be adopted by the Panel from time to time; and
 - (b) include provision about the disclosure of interests by Panel members.
- (3) The Panel shall keep the code of conduct under review.
- (4) In this section “the Nolan principles” means the 7 general principles of public life set out in the First Report of the Committee on Standards in Public Life (Cm 2850).

Administration and finance

- 8** Schedule 2 makes administrative and financial provision about the Panel.

Annual report

- 9** The Panel shall, as soon as practicable after the end of each financial year, provide to the Commission a report on the performance of its functions, including the use of resources, during that financial year.

Procedure

Meetings of the Panel

10.—(1) Subject to section 11, the Panel shall determine its own procedure and when it is to meet.

(2) The validity of the Panel's proceedings and determinations shall not be affected by—

- (a) a vacancy among the Panel members; or
- (b) a defect in the appointment of any Panel member.

Determinations

Exercise of functions

11.—(1) Subject to subsection (3), the Panel shall make the determinations referred to in section 2(1) only once in respect of each Assembly.

(2) Subject to subsection (3), the Panel shall not make the determinations referred to in section 2(1) in respect of an Assembly if the date of the poll for the election of that Assembly—

- (a) was directed under section 32(4) of the 1998 Act; and
- (b) occurs within one year of the date of the poll for the election of the immediately preceding Assembly.

(3) If at any time the Panel is of the opinion that it is reasonable and appropriate—

- (a) for a determination relating to pensions to be made, the Panel may make such a determination;
- (b) that due to exceptional circumstances the restriction in subsection (1) or (2) should not apply, the Panel may make determinations—
 - (i) more than once in respect of each Assembly,
 - (ii) in respect of such an Assembly as is described in subsection (2),

as the case may be.

(4) Subject to subsection (6), the Panel shall, so far as reasonably practicable, make the determinations referred to in section 2(1) before the date of the poll for the election of the Assembly in respect of which the determination is made.

(5) The Panel shall, as soon as reasonably practicable after its establishment, make the determinations referred to in section 2(1) in respect of the Assembly existing at that time.

(6) Any determination made under section 2(1) shall have the effect (whether or not expressly so provided) of revoking any determination or provision—