



# Commission for Victims and Survivors Act (Northern Ireland) 2008

## 2008 CHAPTER 6

An Act to replace the Commissioner for Victims and Survivors for Northern Ireland established by the Victims and Survivors (Northern Ireland) Order 2006 with a Commission for Victims and Survivors for Northern Ireland. [23rd May 2008]

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

### **The Commission for Victims and Survivors for Northern Ireland**

**1.**—(1) The Victims and Survivors (Northern Ireland) Order 2006 (NI 17) is amended in accordance with subsections (2) to (4).

(2) For Article 4(1) to (3) of that Order substitute—

“**4.**—(1) There shall be a body corporate to be known as the Commission for Victims and Survivors for Northern Ireland.

(2) The Schedule has effect in relation to the Commission.”.

(3) For the Schedule to that Order substitute the Schedule set out in Schedule 1.

(4) In the other provisions of that Order—

(a) for “Commissioner” and “Commissioner's” (wherever occurring) substitute “Commission” and “Commission's”, respectively;

(b) for “his” or “he” (wherever occurring) substitute “ its ” and “ it ” respectively.

(5) The statutory provisions mentioned in the first column of Schedule 2 are repealed to the extent set out in the second column.

**Short title**

**2** This Act may be cited as the Commission for Victims and Survivors Act (Northern Ireland) 2008.

## SCHEDULES

### SCHEDULE 1

Section 1(3).

#### THE SCHEDULE TO THE VICTIMS AND SURVIVORS (NORTHERN IRELAND) ORDER 2006, AS SUBSTITUTED

##### “SCHEDULE

##### THE COMMISSION FOR VICTIMS AND SURVIVORS FOR NORTHERN IRELAND

###### *Status*

- 1.—(1) The Commission shall not be regarded as—
- (a) the servant or agent of the Crown; or
  - (b) enjoying any status, privilege or immunity of the Crown.
- (2) The property of the Commission shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) Subject to the following provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the Commission.

###### *General powers*

- 2.—(1) The Commission may do anything, apart from borrowing money, which it considers is—
- (a) appropriate for facilitating, or
  - (b) incidental or conducive to,
- the exercise of its functions.
- (2) Without prejudice to the generality of sub-paragraph (1), that includes co-operating with other bodies or persons exercising functions relating to victims and survivors (whether in the United Kingdom or elsewhere).

*Constitution and terms of office*

3.—(1) The Commission shall consist of such members as are appointed by the First Minister and deputy First Minister acting jointly.

(2) Subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of that member's appointment.

(3) A person shall not be appointed as a member for more than 4 years at a time, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place that person is appointed.

(4) A person who ceases to be a member on the expiration of that person's first term as a member shall be eligible for re-appointment, but a person who has been re-appointed as a member by virtue of this sub-paragraph shall not be eligible for appointment or re-appointment as a member at any time after the end of that person's second term as a member

(5) A person may at any time resign from office as a member by notice in writing to the First Minister and deputy First Minister.

(6) The First Minister and deputy First Minister acting jointly may remove a person from office as a member if satisfied that that person has—

- (a) been convicted of a criminal offence;
- (b) become bankrupt or made an arrangement or composition with that person's creditors;
- (c) failed to comply with the terms of that person's appointment; or
- (d) become unfit or unable to exercise that person's functions as a member.

*Remuneration, etc. of members*

4.—(1) The Commission shall pay to its members such remuneration and allowances as the Office may determine.

(2) If the Office so determines, the Commission shall pay or make provision for the payment of such pension, allowances or gratuities as the Office may determine to or in respect of a person who is or has been a member.

(3) If—

- (a) a person ceases to be a member, and
- (b) it appears to the Office that there are special circumstances which make it right that that person should receive compensation,

the Office may direct the Commission to make a payment to that person of such amount as the Office may determine.

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

*Staff, etc.*

5.—(1) The Commission may appoint such employees as it considers necessary, subject to the approval of the Office as to numbers.

(2) If it appears to the Commission that a person it proposes to appoint as an employee has at any time been convicted of a criminal offence, the Commission may only make the appointment if it has obtained the approval of the First Minister and deputy First Minister to the appointment.

6.—(1) The Commission may make arrangements with a Northern Ireland department for persons employed in the Northern Ireland civil service to be seconded to the Commission.

(2) Arrangements made with a department other than the Department of Finance and Personnel require the approval of that Department

7.—(1) The Commission shall pay to its employees such remuneration and allowances as it may determine.

(2) The Commission shall—

- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees as it may determine; and
- (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the approval of the Office and the Department of Finance and Personnel, for the payment of pensions or gratuities to or in respect of its employees or former employees.

(3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.

(4) Employment as an officer of the Commission 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 in the entry “Employment by the Commissioner for Victims and Survivors for Northern Ireland” for “Commissioner” substitute “Commission ”.

(5) A determination of the Commission under this paragraph requires the approval of—

- (a) the Office; and
- (b) the Department of Finance and Personnel.