

# **Assembly Members (Remuneration Board) Bill**

[AS INTRODUCED]

## LEGISLATIVE COMPETENCE

At Introduction Mr J Blair MLA, Mr K Buchanan MLA, Mr R Butler MLA, Mrs D Kelly MLA and Mr John O'Dowd MLA had made the following statement on behalf of the Assembly Commission under Standing Order 30:

*“In our view the Assembly Members (Remuneration Board) Bill would be within the legislative competence of the Northern Ireland Assembly.”*



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## **BILL**

TO

Amend the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 to make provision about the name, functions and membership of the Independent Financial Review Panel; and for connected purposes.

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

### *Independent Financial Review Panel*

#### **Title**

1.—(1) The Independent Financial Review Panel is renamed the Remuneration Board.

5 (2) In sections 1(1) and 15 of the 2011 Act (and the heading of Part 1) for “Independent Financial Review Panel” substitute “Remuneration Board”.

(3) For the word “Panel” in the 2011 Act, in each place (including headings), substitute “Board”.

(4) For the word “Panel’s” in the 2011 Act, in each place, substitute “Board’s”.

10 (5) In the following provisions, for “The Independent Financial Review Panel” substitute “The Remuneration Board”—

(a) Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016; and

15 (b) Part VII of Schedule 1 to the Freedom of Information Act 2000 (public bodies and offices: Northern Ireland).

#### **Functions**

2.—(1) In section 2 of the 2011 Act (functions of the Panel)—

(a) in subsection (1)(a) omit “and allowances”; and

(b) in subsection (2) omit paragraph (c).

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(2) In the heading to section 12 (contents of determinations: salaries and allowances) omit “and allowances”.

**Temporary appointments**

5 3. After section 6 of the 2011 Act “termination of membership of the Panel” insert—

**“Temporary appointments**

6A.—(1) The Commission may appoint a temporary Chair where a person ceases to be Chair (whether at the end of their term of appointment or otherwise) and—

- 10 (a) a replacement has not been appointed, or  
(b) the replacement’s appointment has not yet taken effect.

(2) The Commission may appoint a person as a temporary member of the Board where a person ceases to be a Board member (whether at the end of their term of appointment or otherwise) and—

- 15 (a) a replacement has not been appointed, or  
(b) the replacement’s appointment has not yet taken effect.

(3) A temporary appointment lapses—

- 20 (a) when the appointment of a replacement takes effect, and  
(b) in any event, at the end of the period of 12 months beginning with the date on which the temporary appointment takes effect.

(4) Where a temporary appointment lapses under subsection (3)(b) the Commission may renew it or make a new temporary appointment.

(5) Temporary appointments are to be disregarded for the purposes of section 4(3) (subject to subsection (6) below).

25 (6) A person is not eligible for temporary appointment as Chair or Board member if the person could not be appointed under section 4(1) by reason of section 4(3) (disregarding temporary appointments).

(7) The Commission may by order make provision about appointments under this section.

30 (8) An order under subsection (7) shall not be made unless a draft of the order has been laid before and approved by resolution of the Assembly.

(9) Subject to the provisions of this section or of any order under subsection (7)—

- 35 (a) a temporary appointment under this section shall be treated for all purposes as if it were an appointment under section 4(1); and  
(b) the provisions of this Act (including, in particular, sections 5 and 6) apply to temporary appointments as to appointments under section 4(1).”

**Membership**

40 4.—(1) In paragraph 1 of Schedule 1 to the 2011 Act (disqualification from membership of the Panel) omit paragraph (d) (former member of the Assembly).

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- (2) In section 4 of the 2011 Act (appointments to the Panel) at the end add—  
“(4) At any one time no more than one Board member may be a former member of the Assembly.”

### **Determinations**

5     **5.**—(1) Section 11 of the 2011 Act (determinations: exercise of functions) is amended as follows.

(2) In subsection (4) (determinations to be made in advance of Assembly election) for “before the date of the poll” substitute “before the beginning of the period of 6 months ending with the date of the poll”.

10    (3) After subsection (5) insert—

    “(5A) Before making a determination under section 2(1) the Board shall—

    (a) publish a draft determination;

    (b) consult the following on the draft—

15         (i) members of the Assembly;

       (ii) the Commission;

       (iii) the Trustees of any pension scheme established in accordance with a previous determination and still in operation; and

       (iv) such other persons (if any) as the Board thinks appropriate.”

20    (4) After subsection (8) insert—

    “(8A) Before forming such an opinion as is referred to in subsection (3)(b) the Board must consult the Commission.”

### *Supplementary provisions*

### **Continuity of the law**

25     **6.**—(1) Any determination (“the original determination”) made under or by virtue of section 47 or 48 of the 1998 Act or any provision of the 2011 Act in respect of salaries, allowances, pensions or gratuities for members or former members of the Assembly shall continue to have effect in accordance with its terms except to the extent (if any) that it is revoked or superseded (expressly or by  
30     implication) by a new determination under or by virtue of those provisions (whether or not the original determination could have been made under the provisions of the 2011 Act as amended by this Act).

(2) In any enactment, instrument or other document a reference to “the Independent Financial Review Panel” under section 1 of the 2011 Act shall be  
35     construed as being or including a reference to the Panel by its new title “the Remuneration Board” if and in so far as necessary for the purposes of its continuing to have effect in accordance with its terms.

### **Interpretation**

**7.** In this Act—

40     “the 1998 Act” means the Northern Ireland Act 1998; and

   “the 2011 Act” means the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011.

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**Commencement**

8. The provisions of this Act come into operation on the day on which this Act receives Royal Assent.

**Short title**

5 9. This Act may be cited as the Assembly Members (Remuneration Board) Act (Northern Ireland) 2020.



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[AS INTRODUCED]

A Bill to amend the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 to make provision about the name, functions and membership of the Independent Financial Review Panel; and for connected purposes.

Introduced by: Mr Robbie Butler, on behalf of the Assembly Commission

On: 14 December 2020

Bill Type: Non-Executive Bill

## **ACCOMPANYING DOCUMENTS**

**An Explanatory and Financial Memorandum is printed separately as  
NIA Bill 13/17-22 EFM.**







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