

Political Appointments Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Mr Jim Allister, had made the following statement under Standing Order 30:

“In my view the Political Appointments Bill would be within the legislative competence of the Northern Ireland Assembly.”

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Schedule Transitional Provisions: Termination Payments

A

BILL

TO

Amend the law on public appointments in Northern Ireland and amend the Commissioner for Public Appointments (Northern Ireland) Order 1995.

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

Meaning of “political member”

1.—(1) A person (P) is a political member if any of subsections (2) to (4) apply.

(2) P is nominated as a political member of the Northern Ireland Policing Board in accordance with paragraph 7 of Schedule 1 to the Police (Northern Ireland) Act 2000 or holds office as a political member of the Northern Ireland Policing Board.

(3) P is nominated as a political member of the Education Authority in accordance with paragraph 3 of Schedule 1 to the Education Act (Northern Ireland) 2014 or holds office as a political member of the Education Authority.

(4) P is nominated as a political member of any public body, other than an elected body, by the nominating officer of a political party, or holds office as a political member of that public body.

Political members: serious criminal convictions

2.—(1) Subject to subsection (2) and section 3, a person is not eligible for nomination as a political member if the person has a serious criminal conviction.

(2) Where a nominating officer of a political party proposes to nominate as a political member a person who has a serious criminal conviction, that person may refer the proposed nomination to the Commissioner for Public Appointments for Northern Ireland.

(3) Where a person who holds office as a political member incurs a serious criminal conviction, that person’s office terminates immediately by virtue of this Act.

(4) Where on the date of coming into operation of this subsection a person—

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- (a) holds office as a political member, and
- (b) has before that date incurred a serious criminal conviction,

that person's office terminates immediately by virtue of this Act.

5 (5) But a person to whom subsection (4) will apply may refer the prospective termination of office to the Commissioner for Public Appointments, within 21 days of this subsection coming into operation.

(6) The nominating officer of a political party must inform the Commissioner for Public Appointments in writing whether any political member nominated by that party has a serious criminal conviction.

10 **Determination of eligibility of political members by review panel**

3.—(1) This section applies where a nomination, or prospective termination of office, of a political member is referred to the Commissioner for Public Appointments under section 2(2) or (5).

15 (2) The Commissioner for Public Appointments must, within 14 days of the referral, establish a review panel and refer the matter to it.

(3) The review panel must determine whether the person is eligible for nomination as, or to continue to hold office as, a political member.

20 (4) The person is only eligible if the review panel is satisfied that there are exceptional circumstances justifying it after having regard to the matters set out in subsection (5).

(5) Those matters are—

- (a) whether the person has shown contrition for the offence to which the serious criminal conviction relates,
- 25 (b) whether the person has taken all reasonable steps to assist in the investigation and prosecution of all other persons connected with the commission of the offence,
- (c) the views of any victim of the offence, or where a victim has died, the views of any close family member of the victim.

(6) The Commissioner for Public Appointments must—

- 30 (a) appoint independent persons to be members of the review panel,
- (b) pay those persons such fees, allowances or expenses as appear appropriate,
- (c) provide the review panel with staff, accommodation or other facilities as appear appropriate.

(7) A review panel may regulate its own procedure.

35 (8) A review panel only remains in existence for so long as is necessary for it to exercise its functions.

Appeals against review panel's determinations

4.—(1) Where a person who is the subject of a determination of a review panel is aggrieved by that determination, that person may appeal to the High Court.

40 (2) The appeal can only be brought on the grounds that it was not reasonable for the review panel to make that determination.

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(3) The appeal must be brought within 21 days from the day on which the review panel made the determination.

(4) On hearing the appeal, the High Court may make such order as it thinks fit in respect of a person's eligibility for nomination as, or to continue to hold office as, a political member.

Meaning of “serious criminal conviction”

5 **5.**—(1) In this Act “serious criminal conviction” means a conviction for an offence for which—

- (a) a sentence of immediate imprisonment of 5 years or more was imposed,
- 10 (b) a sentence of imprisonment for life was imposed,
- (c) an indeterminate custodial sentence under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 was imposed,
- (d) a sentence of detention during the pleasure of the Secretary of State or the Minister of Justice, or for life, or for 5 years or more, was imposed under
15 Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (punishment of certain grave crimes), or
- (e) a sentence of detention during the pleasure of the Governor or the Secretary of State, or for life, or for 5 years or more, was imposed under
20 section 73 of the Children and Young Persons Act (Northern Ireland) 1968 (punishment of certain grave crimes).

(2) This section applies whether the person—

- (a) was convicted in Northern Ireland or elsewhere,
- (b) was convicted before or after the coming into operation of this section.

25 (3) Where the person was convicted in a country or territory outside Northern Ireland, the references in subsection (1)(c), (d) and (e) to sentences are to be read as references to equivalent sentences in the country or territory in which the person was convicted.

Amendment of Commissioner for Public Appointments (Northern Ireland) Order 1995

30 **6.**—(1) The Commissioner for Public Appointments (Northern Ireland) Order 1995 is amended as follows.

(2) In paragraph 3 insert after (5) “(6) The Commissioner shall perform such functions as arise under the Political Appointments Act (Northern Ireland) 2021”.

Interpretation

35 **7.** In this Act - “nominating officer”, in relation to a political party, means the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or such other person nominated by the party's nominating officer for the purpose.

Transitional provisions

40 **8.** The Schedule (Transitional Provisions: Termination Payments) has effect.

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Commencement

9.—(1) Section 2(4) comes into operation at the end of the period of 2 months after the day on which the Act receives Royal Assent.

(2) The other provisions of this Act come into operation on the day on which the
5 Act receives Royal Assent.

Short title

10. This Act may be cited as the Political Appointments Act (Northern Ireland) 2021.

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SCHEDULE

Section 8.

TRANSITIONAL PROVISIONS: TERMINATION PAYMENTS

- 5 1. A political member whose office is terminated by virtue of section 2(4) is entitled to a termination payment from the public body if the position held was remunerated.
2. The termination payment is an amount equivalent to the greater of—
- (a) 3 months' remuneration, or
 - (b) where the political member is entitled to a contractual severance payment
10 under the terms and conditions of the office, that payment.
3. No termination payment under paragraph 2(b) shall exceed an amount equivalent to 6 months' remuneration.

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A Bill to amend the law on public appointments in Northern Ireland and amend the Commissioner for Public Appointments (Northern Ireland) Order 1995.

Introduced by: Mr Jim Allister

On: 6 July 2021

Bill Type: Non-Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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