SCHEDULE 4

THE COMMISSIONS

Disqualifications

1 (1) A person snail be disqualified for being appointed as, or for being, a Local Commissioner if—

(a) he is disqualified for being elected, or being, a member of any of the authorities mentioned in section 25(1) of this Act; or

(b) he is a member of any of those authorities or is a member (by co-option) of a committee of any of those authorities.

(2) A Local Commissioner shall not at any time conduct a case arising in an area if it is wholly or partly within an area for which one of those authorities is responsible and, within the five years ending at that time, the Local Commissioner has been a member of that authority, or a member (by co-option) of a committee of that authority.

(3) The acts and proceedings of a person appointed as a Local Commissioner and acting in that office shall, notwithstanding his disqualification under this paragraph, be as valid and effectual as if he had been qualified.

2 (1) So long as a Local Commissioner is responsible for any area, and for three years after he ceases to be so responsible, he shall be disqualified for being appointed to any paid office by any of the authorities mentioned in section 25(1) of this Act if the area for which the Local Commissioner is, or was, responsible falls wholly or partly within the area for which that authority is responsible.

(2) In this paragraph references to the area for which a Local Commissioner is responsible are references to an area for which he assumes responsibility under section 23 of this Act and, if the Commission for Local Administration in Wales consist of more than one Local Commissioner but Wales has not been divided into areas under that section, each of the Local Commissioners for Wales shall be treated as responsible for the whole of Wales.

Remuneration, etc.

3 (1) Each Commission shall pay to or in respect of their Local Commissioners and their officers such amounts, by way of remuneration, pensions, allowances or gratuities or by way of provision for any such benefits, as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

(2) If a person ceases to be a Local Commissioner and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the appropriate Commission may pay to that person a sum of such amount as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.

Staff and accommodation

4 (1) Each of the Commissions may appoint a secretary, and such other officers as they may consider to be required for the discharge of their functions.

(2) Each of the Commissions shall make arrangements to enable Local Commissioners to investigate complaints, and in particular arrangements for—

(a) allocating members of their staff to assist Local Commissioners, and

(b) providing offices and other accommodation,

(3) An officer of a Commission shall not be allocated to assist a Local Commissioner without the approval of that Local Commissioner.

(4) The Commission for Wales shall ensure that staff are available who can enable a Local Commissioner to deal with complaints in the Welsh language.

(5) Any function of a Local Commissioner, other than that of making any report, may be performed by any officer of the Commission who is authorised for the purpose by the Local Commissioner.

Proceedings of the Commissions

5 (1) The Commissions may determine their own procedure, including the quorum necessary for their meetings.

(2) The validity of any proceedings of either Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any member of the Commission.

(3) Each of the Commissions shall be a body corporate, and their common seal shall be authenticated by the signature of a member of the Commission, or of some other person authorised in that behalf by the Commission.

Expenses of the Commissions

6 Subject to paragraph 9 below, all expenses incurred by the Commission for Local Adminstration in England shall be defrayed by the county councils in England, the Greater London Council and the Council of the Isles of Stilly.

7 Subject to paragraph 9 below, all expenses incurred by the Commission for Local Administration in Wales shall be defrayed by the county councils in Wales.

8 (1) The said expenses shall be apportioned among the authorities liable to defray them, each authority being liable for the fraction

$$\frac{A}{B}$$

of the expenses where—

A is the product of a rate levied in the authority's area of 1p in the pound, as ascertained for the purposes of this paragraph by rules made under section 113 of the General Rate Act 1967, and

B is the aggregate product of a rate levied in the area of every authority in England or, as the case may be, in Wales, of 1p in the pound as so ascertained.

(2) Any sums due to a Commission under this Schedule shall be payable on demand and recoverable as a civil debt; and a Commission may, for any financial year, demand payment in advance of part of their expenses.

9 (1) In relation to each of the Commissions, the Secretary of State may by order provide for such part of their expenses as may be specified in the order to be defrayed by such authorities (being authorities to which this Part of this Act applies other than those mentioned in paragraph 6 or 7 above) as may be so specified.

(2) Where two or more authorities are liable, by virtue of an order made under this paragraph, to defray part of the expenses of a Commission, the order shall provide for the apportionment of the amount concerned among those authorities.

(3) Paragraphs 6 and 7 above shall not apply in relation to so much of the expenses of a Commission as is, by virtue of any order made under this paragraph, to be defrayed by authorities other than those mentioned in those paragraphs.

(4) An order made under this paragraph shall be contained in a statutory instrument and may be varied or revoked by a subsequent order.

10 (1) In each financial year each Commission shall prepare an estimate of the expenses which they will incur in the next financial year, and shall submit it, not later than 1st November in the first of those financial years, for consideration by the appropriate representative body.

(2) Any observations by the representative body shall be submitted to the Commission within one month of receipt of the estimate, and it shall be the duty of the Commission to take any such observations into consideration before taking any final decision affecting their expenditure for the next financial year.

(3) The Commission shall, within fourteen days of taking any final decision as to the estimate for the next financial year, notify the appropriate representative body of the decision.

11 (1) Where—

(a) a representative body have made observations on the estimate submitted to them in accordance with paragraph 10(1) above ;

(b) the Commission concerned have notified the representative body of their final decision, in accordance with paragraph 10(3) above ; and

(c) the representative body consider that the estimate is excessive ;

the representative body may refer the question to the Secretary of State.

(2) Where any question has been referred to the Secretary of State under sub-paragraph (1) above he may, if he considers that the expenditure of the Commission for the next financial year is, on the basis of the estimate, likely to be excessive, give such a direction to the Commission in relation to any matter affecting that expenditure as he considers necessary to ensure that it is not excessive.

(3) It shall be the duty of each of the Commissions to comply with any direction given to them by the Secretary of State under this paragraph.

(4) Any direction given by the Secretary of State under this paragraph may be varied or revoked by a subsequent direction given by him.

House of Commons Disqualification Act 1957

12 In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) there shall (at the appropriate place in alphabetical order) be inserted the following entries:—

"The Commission for Local Administration in England".

"The Commission for Local Administration in Wales".

and the like amendments shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Northern Ireland Assembly.