

## SCHEDULES

### SCHEDULE 2

Section 14.

#### THE CURRICULUM AND ASSESSMENT COUNCILS

##### *Preliminary*

- 1 References below in this Schedule to the Council are references to each of the following bodies—
- (a) the National Curriculum Council;
  - (b) the Curriculum Council for Wales; and
  - (c) the School Examinations and Assessment Council.

##### *Status*

- 2 The Council shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 3 The Council shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the exercise or performance of any of its functions including, in particular, power—
- (a) to acquire or dispose of land or other property;
  - (b) to enter into contracts;
  - (c) to form bodies corporate or to subscribe for shares or stock;
  - (d) to invest any sums not immediately required for the purpose of the discharge of its functions;
  - (e) to accept gifts of money, land or other property; and
  - (f) to borrow money.
- 4 (1) The Council shall also have power to furnish assistance, other than financial assistance, to any person or body, whether within or outside the United Kingdom.
- (2) Assistance may be provided on such terms and subject to such conditions (if any) as the Council may determine.
- (3) In particular assistance may be provided free of charge or on such terms as to payment as the Council may determine.
- (4) The consent of the Secretary of State shall be required for the exercise of any power conferred by this paragraph.

##### *Chief officer*

- 5 (1) The Council shall have a chief officer who shall be appointed—

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- (a) in the case of a person who is also chairman of the Council, by the Secretary of State;
  - (b) in any other case, by the Council with the approval of the Secretary of State.
- (2) The appointment of the chief officer shall be on such terms and conditions as the Secretary of State or, as the case may be, the Council with the approval of the Secretary of State may determine.
- (3) No member of the Council other than the chairman shall be appointed as chief officer.

*Qualifications of members and tenure of office*

- 6 (1) A person shall hold and vacate office as a member or as chairman or deputy chairman of the Council in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or deputy chairman of the Council.
- 7 (1) If the Secretary of State is satisfied that a member of the Council—
- (a) has been absent from meetings of the Council for a period longer than six consecutive months without the permission of the Council; or
  - (b) is unable or unfit to discharge the functions of a member;
- the Secretary of State may by notice in writing to that member remove him from office.
- (2) If the chairman or deputy chairman of the Council ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.

*Salaries, allowances and pensions for members*

- 8 (1) The Council—
- (a) shall pay the members of the Council such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine; and
  - (b) shall pay, or make such payments towards the provision of, such pension to or in respect of any member of the Council as the Secretary of State may determine.
- (2) If a person ceases to be a member of the Council and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Council to make to that person a payment of such amount as the Secretary of State may determine.
- (3) A determination or direction of the Secretary of State under sub-paragraph (1) or (2) above requires the approval of the Treasury.

*House of Commons disqualification*

- 9 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate places the following entries—
- “A member of the National Curriculum Council established under section 14 of the Education Reform Act 1988 who is in receipt of remuneration.

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A member of the Curriculum Council for Wales established under section 14 of the Education Reform Act 1988 who is in receipt of remuneration.

A member of the School Examinations and Assessment Council established under section 14 of the Education Reform Act 1988 who is in receipt of remuneration.”

#### *Staff*

- 10 (1) The Council may, with the approval of the Secretary of State as to numbers given with the consent of the Treasury, appoint such employees as it thinks fit.
- (2) The Council shall pay to its employees such remuneration and allowances as it may determine.
- (3) The employees of the Council shall be appointed on such terms and conditions as the Council may determine.
- (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State given with the consent of the Treasury.
- (5) Employment with the Council shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed), at the end of the list of “Other Bodies” there shall be inserted the following entries—  
“National Curriculum Council.  
Curriculum Council for Wales.  
School Examinations and Assessment Council.”
- (6) The Council shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the Council is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Council the Treasury may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Council (whether or not any benefits are payable to or in respect of him by virtue of paragraph 8 above).

#### *Expenses*

- 11 Any expenses of the Council, up to such amount as may be approved by the Secretary of State with the consent of the Treasury, shall be defrayed by the Secretary of State.

#### *Committees*

- 12 (1) The Council may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the Council.
- (3) Such a committee may include persons who are not members of the Council.

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- (4) The Council shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

*Delegation of functions*

- 13 The Council may authorise the chairman, the deputy chairman, the chief officer or any committee established under paragraph 12 above to exercise such of its functions as it may determine.

*Proceedings*

- 14 The validity of proceedings of the Council shall not be affected by a vacancy among the members or any defect in the appointment of a member.
- 15 The Council shall have power to regulate its own procedure and that of any of its committees.

*Application of seal and proof of instruments*

- 16 The application of the seal of the Council shall be authenticated by the signature of the chairman or deputy chairman and that of one other member.
- 17 Any document purporting to be an instrument made or issued by or on behalf of the Council and to be duly executed under the seal of the Council, or to be signed or executed by a person authorised by the Council in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

*Accounts*

- 18 (1) It shall be the duty of the Council—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year of the Council a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
  - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (3) In this paragraph “financial year” means the period beginning with the date on which the Council is established and ending with the second 31st March following that date, and each successive period of twelve months.