

## SCHEDULES

### SCHEDULE 4

Section 16.

#### THE NATIONAL ENDOWMENT FOR SCIENCE, TECHNOLOGY AND THE ARTS

##### *Membership*

- 1 (1) NESTA shall consist of not more than 15 members (in this Schedule referred to as “trustees”)—
- (a) all of whom shall be appointed by the Secretary of State; and
  - (b) one of whom shall be so appointed as chairman.
- (2) Before making any appointment under this paragraph, the Secretary of State shall consult such persons as appear to him to be representative of those engaged in the fields of science, technology and the arts.
- (3) The Secretary of State may by order amend sub-paragraph (1) above so as to increase the number for the time being specified in that sub-paragraph.
- (4) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

##### *Delegation of functions*

- 2 (1) NESTA may appoint any other body or person to exercise on their behalf any of their functions under this Part of this Act—
- (a) in any particular case, or
  - (b) in cases of any particular description.
- (2) The persons who may be appointed by NESTA under sub-paragraph (1) above include a trustee, member of staff or committee of NESTA.
- (3) NESTA may establish a committee for the purpose of exercising on behalf of NESTA any such function as is mentioned in sub-paragraph (1) above.
- (4) A committee established under sub-paragraph (3) above—
- (a) may consist of or include persons who are trustees of NESTA;
  - (b) may consist of or include persons who are members of staff of NESTA; and
  - (c) may consist of or include persons who are neither trustees nor members of staff of NESTA.
- (5) Any reference in this paragraph to a trustee of NESTA includes a reference to the chairman of NESTA.

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*Status: This is the original version (as it was originally enacted).*

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*Tenure of office*

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- (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or trustee of NESTA in accordance with the terms of his appointment.
  - (2) The Secretary of State shall not appoint a person to hold office as a trustee of NESTA for a term of more than five years.
  - (3) A chairman or trustee of NESTA may at any time resign his office by notice in writing addressed to the Secretary of State.
  - (4) A trustee of NESTA may be removed from office by the Secretary of State on the ground that—
    - (a) he has been absent for a period longer than three consecutive months from meetings of NESTA, or of any committee of NESTA, without NESTA's consent,
    - (b) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
    - (c) he is unable or unfit to discharge the functions of his office.
  - (5) If a chairman of NESTA ceases to be a trustee of NESTA he shall also cease to be chairman.
  - (6) A person who ceases, otherwise than by virtue of sub-paragraph (4) above, to be a trustee or chairman of NESTA shall be eligible for re-appointment.

*Remuneration and allowances*

- 4
- (1) If the Secretary of State so determines, NESTA may pay such remuneration to their chairman or any other trustee of NESTA as the Secretary of State may determine.
  - (2) NESTA may, in accordance with any scheme for the time being approved by the Secretary of State, pay travelling and other allowances to their chairman, to any other trustee of NESTA, to any member of a committee of theirs or to any person who, by virtue of paragraph 2 above, exercises on behalf of NESTA any of their functions under this Part of this Act.
  - (3) Where the Secretary of State so determines in the case of a holder of the office of chairman of NESTA, or in the case of any other trustee of NESTA, NESTA shall—
    - (a) pay to or in respect of him such pension, allowances or gratuities, or
    - (b) make such payments towards the provision of a pension, allowances or gratuities to or in respect of him,as the Secretary of State may determine.
  - (4) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of NESTA, or ceasing to be a trustee of NESTA, to receive compensation, NESTA may pay to him such compensation as the Secretary of State may determine.

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#### *Staff*

- 5 Subject to any directions under section 21 of this Act, NESTA may appoint such staff as they think fit, on such terms (including terms as to remuneration and pensions) as they think fit.

#### *Proceedings*

- 6 (1) NESTA may regulate their own procedure and that of any of their committees (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of NESTA shall not be affected by any vacancy among their trustees, or by any defect in the appointment of any person as chairman or a trustee.

#### *Application of seal and evidence*

- 7 The application of the seal of NESTA shall be authenticated by the signature—
- (a) of any trustee of NESTA, or
  - (b) of any other person who has been authorised by NESTA (whether generally or specially) for that purpose.
- 8 A document purporting to be duly executed under the seal of NESTA or to be signed on their behalf shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

#### *Status of NESTA*

- 9 NESTA shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### *Parliamentary disqualification*

- 10 (1) In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices) the following entry shall be inserted at the appropriate place—
- “Chairman of the National Endowment for Science, Technology and the Arts (“NESTA”) and, if in receipt of remuneration, any other member of NESTA;”.
- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

#### *Reimbursement*

- 11 The payments which may be made under section 31 of the 1993 Act (payments from Distribution Fund into Consolidated Fund in respect of expenses) shall include a payment of such amount as the Secretary of State with the approval of the Treasury determines to be appropriate for defraying expenses incurred by the Secretary of State before the commencement of this Part of this Act for the purpose of facilitating the establishment of NESTA.

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*Prior consultation*

- 12 Any consultation undertaken before the commencement of this Schedule in connection with any appointments under paragraph 1 above shall be as effective, in relation to those appointments, as if this Schedule had been in force at the time the consultation was undertaken.

*Application to Scotland*

- 13 Paragraphs 7 and 8 above do not extend to Scotland.