

## SCHEDULES

### SCHEDULE 1

Section 1.

#### LEARNING AND SKILLS COUNCIL FOR ENGLAND

##### *Chief executive*

- 1 (1) One of the Council's members is to be its chief executive.
- (2) The first chief executive is to be appointed by the Secretary of State and to hold and vacate office in accordance with the terms of his appointment.
- (3) Each subsequent chief executive is to be appointed by the Council on such terms as it determines.
- (4) An appointment or determination under sub-paragraph (3) requires the Secretary of State's approval.
- (5) If a person to be appointed under sub-paragraph (3) is not already a member of the Council, the Secretary of State must appoint him as a member for the same term as the term of his appointment as chief executive.
- (6) If a person to be appointed under sub-paragraph (3) is already a member of the Council but his term of appointment as such ends before the term of his appointment as chief executive ends, the Secretary of State must extend his term of appointment as a member so that it ends when the term of his appointment as chief executive ends.

##### *Tenure of members*

- 2 (1) A person is to hold and vacate office as a member or as chairman or chief executive of the Council in accordance with the terms of his appointment.
- (2) On ceasing to be a member or chairman or chief executive a person is eligible for re-appointment.
- (3) 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 chief executive.
- 3 (1) This paragraph applies if the Secretary of State is satisfied that a member—
  - (a) has been absent from meetings of the Council for a period longer than 6 consecutive months without the Council's permission, or
  - (b) is unable or unfit to carry out the functions of a member.
- (2) The Secretary of State may by notice in writing to the member remove him from office, which shall then become vacant.

##### *Salaries, pensions, etc*

- 4 (1) The Council must pay in respect of its members such salaries and fees and such travelling, subsistence and other allowances as the Secretary of State may determine.

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- (2) A payment under sub-paragraph (1) may be made to the member concerned or (if the member consents) to another person.
- (3) As regards any member in whose case the Secretary of State may so determine, the Council must pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (4) If a person ceases to be a member and it appears to the Secretary of State that there are special circumstances making it right that he should receive compensation, the Secretary of State may direct the Council to make to the person a payment of such amount as the Secretary of State may determine.

#### *Staff*

- 5 (1) The Council may appoint such employees as it thinks fit.
- (2) A person is to be appointed as an employee of the Council on such terms (including terms as to remuneration and allowances) as the Council may determine.
- (3) A determination under this paragraph requires the Secretary of State's approval.
- 6 (1) Employment with the Council is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) The Council must pay to the Minister for the Civil Service such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act; and the Council must pay the sums at such times as that Minister may direct.
- (3) If 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 Secretary of State may determine that his service as such a member is to 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 4).

#### *Delegation of functions*

- 7 (1) The Council may authorise the chairman or the chief executive to exercise such of its functions as it may determine.
- (2) If the chairman is authorised to exercise a function he may authorise another member of the Council to exercise it.
- (3) If the chief executive is authorised to exercise a function he may authorise an employee of the Council to exercise it.

#### *Members' interests*

- 8 (1) A member of the Council who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Council or a committee of the Council must disclose the nature of his interest to the meeting.
- (2) If such a disclosure is made—
  - (a) the disclosure must be recorded in the minutes of the meeting, and

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- (b) the member must not take any part in any deliberation or decision of the Council or any committee of the Council with respect to that matter.
- (3) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) only applies to him if he was aware that the matter would be brought up for consideration at the meeting.
- (4) For the purposes of sub-paragraph (1) a general notification given at a meeting by a member to the effect that he—
  - (a) has an interest in a specified company, firm or other organisation, and
  - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,must be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (5) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is read and considered at the meeting.
- (6) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (7) The power of the Secretary of State under sub-paragraph (6) includes power to remove (either indefinitely or for any period) a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (8) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or in voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (6).

#### *Proceedings*

- 9 (1) A representative of the Secretary of State is entitled to attend and take part in any deliberations (but not in decisions) at meetings of the Council.
- (2) The Council must provide the Secretary of State with such copies (and made in such form) as he may require of any information distributed to members of the Council.
- (3) This paragraph is without prejudice to any other rights the Secretary of State may have as a condition of any grants made to the Council under this Act.
- 10 The validity of any proceedings of the Council is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- 11 The Council may regulate its own procedure, subject to the preceding provisions of this Schedule.

#### *Seal and proof of instruments*

- 12 The application of the Council's seal must be authenticated by the signature—
  - (a) of the chairman or of some other person authorised (generally or specially) by the Council to act for that purpose, and
  - (b) of one other member.

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- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Council and—
- (a) to be duly executed under the Council’s seal, or
  - (b) to be signed or executed by a person authorised by the Council to act in that behalf.
- (2) The document must be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

#### *Accounts*

- 14 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them;
  - (b) prepare a statement of accounts in respect of each financial year of the Council;
  - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information is to be presented;
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) The statement of accounts must contain such additional information as the Secretary of State may require to be provided for the information of Parliament.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph;
  - (b) lay copies of each statement and of his report before each House of Parliament.

#### *Council’s status*

- 15 (1) The Council is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Council’s property is not to be regarded as property of the Crown or as property held by or on its behalf.