

## SCHEDULES

### SCHEDULE 6

Section 52.

#### THE ADULT LEARNING INSPECTORATE

##### *Tenure of members*

- 1 (1) A person is to hold and vacate office as a member or as chairman or chief officer of the Inspectorate in accordance with the terms of his appointment.
- (2) If a person to be appointed under section 52(3) is not already a member of the Inspectorate, the Secretary of State must appoint him as a member for the same term as his appointment as chairman or chief officer.
- (3) If a person to be appointed under section 52(3) is already a member of the Inspectorate but his term of appointment as such would end before his term of appointment as chairman or chief officer ends, the Secretary of State must extend his term of appointment as a member so that it ends when his appointment as chairman or chief officer ends.
- (4) On ceasing to be a member, chairman or chief officer a person is eligible for re-appointment.
- (5) 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 officer.
- 2 (1) This paragraph applies if the Secretary of State is satisfied that a member—
  - (a) has been absent from meetings of the Inspectorate for a period longer than 6 consecutive months without the Inspectorate'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*

- 3 (1) The Inspectorate 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.
- (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 Inspectorate 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

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Secretary of State may direct the Inspectorate to make to that person a payment of such amount as the Secretary of State may determine.

#### *Staff*

- 4 (1) The Inspectorate may appoint such employees, including inspectors, as it thinks fit.
- (2) A person employed as an inspector is to be known as an Inspector of Adult Learning.
- (3) In appointing inspectors, the Inspectorate must have regard to the need to appoint persons who have the appropriate experience and expertise.
- 5 (1) The Inspectorate must pay to its employees such remuneration and allowances as it may determine.
- (2) Its employees are to be appointed on such other terms as the Inspectorate may determine.
- (3) A determination under this paragraph requires the Secretary of State's approval.
- 6 (1) Employment with the Inspectorate 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 Inspectorate must pay to the Minister for the Civil Service, at such times as he may direct, such sums as that Minister 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.
- (3) If an employee of the Inspectorate is by reference to that employment a participant in a scheme under section 1 of that Act and is also a member of the Inspectorate, 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 Inspectorate (whether or not any benefits are payable to or in respect of him as a result of paragraph 3).

#### *Committees*

- 7 (1) The Inspectorate may establish such committees as it considers appropriate.
- (2) The members of any committee are to be appointed by the Inspectorate and may include persons who are not members of the Inspectorate.

#### *Supplementary powers*

- 8 (1) The Inspectorate may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the exercise of its functions.
- (2) In particular it may—
- (a) acquire and dispose of land and other property;
  - (b) enter into contracts;
  - (c) invest sums not immediately needed for the purpose of exercising its other functions;
  - (d) accept gifts of money, land and other property.
- (3) But the Inspectorate has no power—
- (a) to borrow money;
  - (b) to lend money without the consent of the Secretary of State;

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- (c) to hold shares in a company, or otherwise become a member of a company, without his consent.

#### *Delegation of functions*

- 9 The Inspectorate may authorise the chairman, the chief officer or one of its committees to exercise such of its functions as it may determine.

#### *Members' interests*

- 10 (1) A member of the Inspectorate who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Inspectorate or a committee of the Inspectorate 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
  - (b) the member must not take any part in any deliberation or decision of the Inspectorate or any committee of the Inspectorate 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*

- 11 (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 Inspectorate.

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- (2) The Inspectorate must provide the Secretary of State with such copies (and made in such form) as he may require of any documents distributed to members of the Inspectorate.
- (3) The validity of any proceedings of the Inspectorate is not to be affected by a vacancy among the members or by any defect in the appointment of a member.
- (4) The Inspectorate may regulate its own procedure, subject to the preceding provisions of this Schedule.

*Seal and proof of instruments*

- 12 The application of the Inspectorate's seal must be authenticated by the signature—
  - (a) of the chairman or of some other person authorised (generally or specially) by the Inspectorate to act for that purpose, and
  - (b) of one other member.
- 13 (1) This paragraph applies if a document purports to be an instrument made or issued by or on behalf of the Inspectorate and—
  - (a) to be duly executed under the Inspectorate's seal, or
  - (b) to be signed or executed by a person authorised by the Inspectorate 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 Inspectorate 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 Inspectorate;
  - (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.

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*Financial year of the Inspectorate*

- 15 A financial year of the Inspectorate is—
- (a) the period starting with the date on which it is established and ending with the second 31 March following that date;
  - (b) each successive period of twelve months.

*Inspectorate's status*

- 16 (1) The Inspectorate 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 Inspectorate's property is not to be regarded as property of the Crown or as property held by or on its behalf.

*House of Commons disqualification*

- 17 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) insert at the appropriate place—
- “Any member of the Adult Learning Inspectorate.”