***Status:*** *Point in time view as at 01/10/2006.*
***Changes to legislation:*** *There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 2. (See end of Document for details)*

# SCHEDULES

## SCHEDULE 2

Section 17

### COMMISSION FOR RURAL COMMUNITIES

*Status*

1 The Commission is to be a body corporate.

**Commencement Information**
**I1** Sch. 2 para. 1 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

2 The Commission is not to be regarded—
(a) as a servant or agent of the Crown, or
(b) as enjoying any status, privilege or immunity of the Crown,
and the Commission's property is not to be regarded as property of, or held on behalf of, the Crown.

**Commencement Information**
**I2** Sch. 2 para. 2 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Membership*

3 (1) The Commission is to consist of—
(a) a chairman appointed by the Secretary of State, and
(b) not less than 8 nor more than 15 other members appointed by the Secretary of State.

(2) The Secretary of State must consult the chairman before appointing the other members.

(3) In appointing a person to be a member, the Secretary of State must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of the Commission's functions.

(4) The Secretary of State may by order amend sub-paragraph (1)(b) so as to substitute a different number for a number specified there.

(5) The power to make an order under sub-paragraph (4) is exercisable by statutory instrument.

(6) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.

**Commencement Information**
**I3** Sch. 2 para. 3 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

4 The Secretary of State may appoint one of the members to be deputy chairman.

**Commencement Information**
**I4** Sch. 2 para. 4 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Term of office*

5 Subject to paragraphs 6 to 8, a member holds and vacates office in accordance with the terms of his appointment.

**Commencement Information**
**I5** Sch. 2 para. 5 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

6 A member may resign by giving written notice to the Secretary of State.

**Commencement Information**
**I6** Sch. 2 para. 6 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

7 The Secretary of State may remove a member who—

(a) has been absent from meetings of the Commission for a period longer than 6 months without the permission of the Commission,

(b) has become bankrupt or has made an arrangement with his creditors or has had his estate sequestrated in Scotland, or

(c) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his duties.

**Commencement Information**
**I7** Sch. 2 para. 7 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

8 A person ceases to be chairman or deputy chairman if he—

(a) resigns that office by giving written notice to the Secretary of State, or

(b) ceases to be a member.

**Commencement Information**
**I8** Sch. 2 para. 8 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

9 A person who—

(a) ceases to be a member, or

(b) ceases to be chairman or deputy chairman,

is eligible for reappointment to that office.

**Commencement Information**
**I9** Sch. 2 para. 9 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Remuneration and pensions etc.*

10 The Commission may pay to the members such remuneration and allowances as the Secretary of State may determine.

**Commencement Information**
**I10** Sch. 2 para. 10 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

11 If required to do so by the Secretary of State, the Commission must—

(a) pay such pensions, gratuities or allowances to or in respect of any member as the Secretary of State may determine;

(b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any member.

**Commencement Information**
**I11** Sch. 2 para. 11 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

12 (1) This paragraph applies if—

(a) a person ceases to be a member, and

(b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.

(2) The Secretary of State may require the Commission to pay the person such amount as the Secretary of State may determine.

**Commencement Information**
**I12** Sch. 2 para. 12 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Staff*

13 (1) The Commission must appoint a person to be chief executive, but may only appoint a person who has been approved by the Secretary of State.

(2) The chief executive is an employee of the Commission.

(3) The Secretary of State may appoint the first chief executive.

**Commencement Information**
**I13** Sch. 2 para. 13 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

14 The Commission may appoint other employees.

**Commencement Information**
**I14** Sch. 2 para. 14 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

15 If required to do so by the Secretary of State, the Commission must—
(a) pay such pensions, gratuities or allowances to or in respect of any employee as the Secretary of State may determine;
(b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any employee.

**Commencement Information**
**I15** Sch. 2 para. 15 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

16 (1) Employment with the Commission is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.

(2) The Commission must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

**Commencement Information**
**I16** Sch. 2 para. 16 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Procedure*

17 The Commission may determine its own procedure (including quorum).

**Commencement Information**
**I17** Sch. 2 para. 17 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

18 No proceeding is invalidated by—
(a) a vacancy in the office of chairman, or
(b) any defect in the appointment of any member.

**Commencement Information**
**I18** Sch. 2 para. 18 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Discharge of functions*

19 (1) The Commission may authorise a committee, sub-committee, member or employee of the Commission to exercise any of the Commission's functions.

(2) Sub-paragraph (1) does not prevent the Commission from exercising the function itself or affect the power of the Commission to authorise an employee to carry out functions of the Commission.

**Commencement Information**
**I19** Sch. 2 para. 19 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Membership of committees and sub-committees*

20 (1) A committee or sub-committee may include persons who are not members of the Commission.

(2) The Commission may pay such remuneration and allowances as the Secretary of State may determine to any person who—
(a) is a member of a committee or sub-committee, but
(b) is not a member or employee of the Commission.

**Commencement Information**
**I20** Sch. 2 para. 20 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Application of seal and proof of documents*

21 (1) The application of the Commission's seal must be authenticated by the signature of—
(a) a member of the Commission who is authorised (generally or specially) for that purpose, or
(b) an employee who is so authorised.

(2) A document purporting to be duly executed under the seal of the Commission—
(a) is to be received in evidence, and
(b) is to be treated as so executed unless the contrary is shown.

**Commencement Information**
**I21** Sch. 2 para. 21 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Reports, accounts etc.*

22 (1) For each financial year, the Commission must—
(a) prepare an annual report on how it has discharged its functions during the year, and
(b) send a copy of the report to the Secretary of State within such period as the Secretary of State directs.

(2) In this paragraph and paragraph 23, “financial year” means—
(a) the period beginning with the day on which the Commission is established and ending with the next 31st March, and
(b) each subsequent period of 12 months ending with 31st March.

**Commencement Information**
**I22** Sch. 2 para. 22 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

23 (1) The Commission must keep proper accounts and proper records in relation to the accounts.54

(2) For each financial year, the Commission must—

(a) prepare a statement of accounts in respect of that financial year, and

(b) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State directs.

(3) The statement must be in such form as the Secretary of State may direct.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on the statement, and

(b) send a copy of the certified statement and of his report to the Secretary of State as soon as possible.

**Commencement Information**
**I23** Sch. 2 para. 23 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

24 The Secretary of State must lay before each House of Parliament a document consisting of—

(a) a copy of the report sent under paragraph 22(1), and

(b) a copy of the statement and report sent under paragraph 23(4).

**Commencement Information**
**I24** Sch. 2 para. 24 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

25 (1) The Commission must provide the Secretary of State with such information as he may require relating to the Commission's property or to the discharge or proposed discharge of its functions.

(2) The Commission must also—

(a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of the Commission, and

(b) provide such explanation of them as that person or the Secretary of State may require.

**Commencement Information**
**I25** Sch. 2 para. 25 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

**Status:**
Point in time view as at 01/10/2006.

**Changes to legislation:**
There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 2.