

SCHEDULES

SCHEDULE 1

THE PUBS CODE ADJUDICATOR

PART 1

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Status

1 The Adjudicator is a corporation sole.

Commencement Information

I1 Sch. 1 para. 1 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

2 The Adjudicator carries out functions on behalf of the Crown.

Commencement Information

I2 Sch. 1 para. 2 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Appointment

3 The Adjudicator is to be appointed by the Secretary of State.

Commencement Information

I3 Sch. 1 para. 3 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Deputy Adjudicator

4 The Secretary of State may appoint a Deputy Adjudicator.

Commencement Information

I4 Sch. 1 para. 4 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

5 The Deputy Adjudicator may carry out any of the Adjudicator's functions.

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, PART 1. (See end of Document for details)

Commencement Information

I5 Sch. 1 para. 5 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Term of office etc

- 6 A person holds and vacates office as the Adjudicator or Deputy Adjudicator in accordance with the terms of the appointment, but—
- (a) the initial term of office may not be more than 4 years,
 - (b) a person may be appointed for no more than 2 further terms of office,
 - (c) a further term may not be more than 3 years,
 - (d) the person may resign by giving written notice to the Secretary of State, and
 - (e) the Secretary of State may dismiss the person if satisfied that the person is unable, unwilling or unfit to perform the person's functions.

Commencement Information

I6 Sch. 1 para. 6 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

- 7 Service as the Adjudicator, or as the Deputy Adjudicator, is not service in the civil service of the state.

Commencement Information

I7 Sch. 1 para. 7 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Remuneration

- 8 (1) The Adjudicator may pay to or in respect of the person holding office as the Adjudicator or Deputy Adjudicator—
- (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.
- (2) The Secretary of State must determine rates and eligibility criteria for the payments.

Commencement Information

I8 Sch. 1 para. 8 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Staff

- 9 (1) The Adjudicator may make arrangements for persons to be seconded to the Adjudicator to serve as members of the Adjudicator's staff.
- (2) The arrangements may include provision for payments by the Adjudicator to the person with whom the arrangements are made, or directly to seconded staff (or both).

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, PART 1. (See end of Document for details)

- (3) A period of secondment to the Adjudicator does not affect the continuity of a person's employment with the employer from whose service he or she is seconded (and a person employed in the civil service of the State continues to be so employed during any period of secondment to the Adjudicator).
- (4) Before making arrangements under sub-paragraph (1), the Adjudicator must obtain the approval of the Secretary of State as to the Adjudicator's policies on—
 - (a) the number of staff to be seconded;
 - (b) payments to be made to or in respect of seconded staff;
 - (c) the terms and conditions on which staff are to be seconded.

Commencement Information

I9 Sch. 1 para. 9 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Conflicts of interest

- 10 (1) The Adjudicator must make procedural arrangements for dealing with any conflict of interest affecting—
 - (a) the Adjudicator,
 - (b) the Deputy Adjudicator, or
 - (c) staff working for the Adjudicator.
- (2) The Adjudicator must consult the Secretary of State before making or revising the arrangements.
- (3) The Adjudicator must publish a summary of the arrangements.

Commencement Information

I10 Sch. 1 para. 10 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

- 11 (1) This paragraph applies if both the Adjudicator and the Deputy Adjudicator are unable to act in relation to a matter because of conflicts of interest.
- (2) The Secretary of State must appoint a person to act as a Deputy Adjudicator if asked to do so by the Adjudicator.
- (3) An acting Deputy Adjudicator may carry out any of the Adjudicator's functions for the purpose of dealing with the matter in respect of which the acting Deputy Adjudicator is appointed.
- (4) A person holds and vacates office as an acting Deputy Adjudicator in accordance with the terms of the person's appointment (subject to sub-paragraph (5)).
- (5) Paragraphs 6(d) and (e), 7 and 8 apply to an acting Deputy Adjudicator as they apply to the Deputy Adjudicator.

Commencement Information

I11 Sch. 1 para. 11 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, PART 1. (See end of Document for details)

Validity of acts

- 12 A defect in appointment does not affect the validity of things done by—
- (a) the Adjudicator,
 - (b) the Deputy Adjudicator, or
 - (c) an acting Deputy Adjudicator.

Commencement Information

I12 Sch. 1 para. 12 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Application of seal and proof of documents

- 13 The application of the Adjudicator's seal must be authenticated by the signature of—
- (a) the Adjudicator, or
 - (b) some other person who has been authorised by the Adjudicator for that purpose (whether generally or specially).

Commencement Information

I13 Sch. 1 para. 13 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

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

Commencement Information

I14 Sch. 1 para. 14 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Accounts

- 15 (1) The Adjudicator must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, the Adjudicator must prepare a statement of accounts in respect of that financial year.
- (3) The statement must be in whatever form the Secretary of State directs.
- (4) The Adjudicator must send a copy of the statement, within a period specified by the Secretary of State, to—
- (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General.
- (5) After the Adjudicator has sent a copy of a statement of accounts to the Comptroller and Auditor General, the Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) send a copy of the certified statement and the report to the Secretary of State as soon as possible.

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, PART 1. (See end of Document for details)

- (6) The Secretary of State must lay before Parliament a copy of the certified statement and the report.

Commencement Information

I15 Sch. 1 para. 15 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Incidental powers

- 16 The Adjudicator may do anything that is calculated to facilitate the carrying out of the Adjudicator's functions or is conducive or incidental to the carrying out of those functions.

Commencement Information

I16 Sch. 1 para. 16 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Assistance from the Secretary of State

- 17 The Secretary of State may provide staff, premises, facilities or other assistance to the Adjudicator (with or without charge).

Commencement Information

I17 Sch. 1 para. 17 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Exemption from liability for damages

- 18 (1) The following are exempt from liability in damages for anything done or omitted in the exercise or purported exercise of their functions—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator;
 - (c) acting Deputy Adjudicators;
 - (d) staff working for the Adjudicator.
- (2) Sub-paragraph (1) does not apply—
- (a) if the act or omission is shown to have been in bad faith, or
 - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.

Commencement Information

I18 Sch. 1 para. 18 in force at 2.5.2016 by S.I. 2016/532, reg. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, PART 1.