

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE AGENCIES

##### PART I

###### AGENCIES' FUNCTIONS UNDER PART II

- 1 (1) Each Agency shall in accordance with this paragraph make reports to the Secretary of State on the way they have discharged their functions under Part II of this Act.
- (2) Each report shall be submitted to the Secretary of State not later than thirty days after the end of the period covered by the report, and the Secretary of State shall lay the report before Parliament.
- (3) The first two months during which Part II of this Act is in force shall be covered by a separate report, and separate reports shall be made covering each subsequent period of three months during which Part II of this Act is in force (on the first or any subsequent occasion); and a separate report shall be made covering any terminal period short of three months.
- (4) This paragraph shall have effect in relation to the Price Commission as if references to the Secretary of State were references to the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly.

##### PART II

###### ADVISORY ROLE OF THE AGENCIES

###### *References and instructions*

- 2 (1) The Minister may refer to the appropriate Agency any question relating to prices, charges, remuneration or company dividends, and the Agency shall examine the question and report to the Minister.
- (2) The Minister may instruct the appropriate Agency to keep under continuous review any question concerning all or any of the matters mentioned in sub-paragraph (1) above ; and—
  - (a) the Agency shall from time to time as they think fit, report to the Minister on the matters to which the instruction relates ;
  - (b) the Minister may at any time require the Agency to make to him a report on those matters, or on any question relating to them.

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*Supplemental provisions*

- 3 (1) For the purposes of paragraph 2 above " the appropriate Agency " means the Agency which in the opinion of the Minister is, in the circumstances of the case, the Agency which should consider the reference or, as the case may be, carry out the instruction.
- (2) A question referred, or instruction given, to one of the Agencies under paragraph 2 above may be framed in any way whatsoever, and in particular may be concerned with a specified region or locality or with named persons.
- (3) The Minister referring any question, or giving an instruction, to one of the Agencies under paragraph 2 above may at any time—
- (a) withdraw the question or instruction, or
  - (b) vary it by referring a further question or, as the case may be, by giving a further instruction, under paragraph 2 above.
- (4) In framing any report under paragraph 2 above the Agency concerned shall have regard to the need for excluding, so far as that is practicable, matter which relates to the private affairs of a person and the publication of which would or might in the opinion of the Agency prejudicially affect the interests of that person ; but for the purposes of the law relating to defamation, absolute privilege shall attach to any report made by either Agency.

**PART III**

INCIDENTAL PROVISIONS HAVING EFFECT IN RELATION TO EACH AGENCY

- 4 The Agency shall be a body corporate with perpetual succession and a common seal.

*Appointment of members*

- 5 (1) The Secretary of State may appoint persons to the Agency either as full-time members or as part-time members and may appoint any person to be a part-time member of both Agencies.
- (2) The Agency shall have a chairman and one or more, as the Secretary of State thinks fit, deputy chairman or deputy chairmen appointed by the Secretary of State from among the members of the Agency (including any part-time members).

*Tenure of office, etc, of members*

- 6 (1) Subject to the following provisions of this paragraph, a member of the Agency shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) A person shall not be appointed to the Agency for a term exceeding three years, but previous membership thereof shall not affect eligibility for re-appointment.
- (3) The Secretary of State may, with the consent of the member concerned, vary the terms of appointment of any member of the Agency, so far as they relate to his service as a full-time or part-time member.
- (4) A member of the Agency may at any time resign his membership by notice in writing addressed to the Secretary of State.

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- (5) The Secretary of State may, by notice in writing addressed to the member in question, terminate the appointment of any member of the Agency who is, in his opinion, unfit to continue in office or incapable of performing his duties as a member.

*Tenure of office of chairman and deputies*

- 7 (1) Subject to the following provisions of this paragraph, the chairman and any deputy chairman of the Agency shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) The chairman or a deputy chairman of the Agency may at any time resign his office as such by notice in writing addressed to the Secretary of State.
- (3) If the chairman or a deputy chairman of the Agency ceases to be a member of the Agency, he shall also cease to be chairman or, as the case may be, a deputy chairman.

*Remuneration and expenses of members*

- 8 The Secretary of State shall, out of money provided by Parliament—
- (a) pay to the members of the Agency such remuneration, and such travelling or other allowances as he may with the approval of the Minister for the Civil Service determine, and
- (b) in the case of any member of the Agency to whom he may, with the approval of the said Minister, determine that this paragraph applies, pay such pension, allowance or gratuity to or in respect of the member on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as he may, with the like approval, determine ;

and if a person ceases to be a member of the Agency and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation he may, with the approval of the said Minister, pay to that person out of money provided by Parliament a sum of such amount as he may, with the like approval, determine.

*Application of House of Commons Disqualification Act*

- 9 In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act), there shall (at the appropriate place in alphabetical order) be inserted the following entries:—

“The Price Commission”

“The Pay Board”;

and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

*Officers and servants*

- 10 The Agency—
- (a) shall have a secretary, to be appointed by them after consultation with the Secretary of State and with the consent of the Minister for the Civil Service, and

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- (b) may, after such consultation and with the consent of the said Minister, appoint such other officers and servants as they think fit.
- 11 (1) The Agency shall pay to their officers and servants such remuneration, and such travelling and other allowances, as the Secretary of State may with the approval of the Minister for the Civil Service determine.
- (2) The Agency shall, in the case of such persons engaged in its business as may be determined by them with the approval of the Minister for the Civil Service (not being members of the Agency), pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (3) Where a participant in such a scheme as is mentioned in sub-paragraph (2) above becomes a member of the Agency, he may be treated for the purposes of the scheme as if his service as a member of the Agency were service as a person engaged in their business otherwise than as such a member, and his rights under the scheme shall not be affected by paragraph 8(b) above.

*General provisions with respect to the Agency's proceedings*

- 12 The validity of any proceedings of the Agency shall not be affected by any vacancy among the members of the Agency, or by any defect in the appointment of any such member.
- 13 Subject to paragraph 18 below, the Agency may determine their own procedure, including the quorum necessary for their meetings.

*Exercise of chairman's functions during absence, incapacity etc.*

- 14 (1) At any time when the chairman of the Agency is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman—
- (a) such one of the Agency's deputy chairmen as the Secretary of State may direct or, in default of any such direction, such one of them as the Agency may determine, or
- (b) if there is then only one deputy chairman of the Agency, the deputy chairman, may exercise any of the functions of chairman of the Agency.
- (2) At any time when every person who is chairman or deputy chairman of the Agency is absent or otherwise incapable of acting, or there is no such person, such member of the Agency as the Secretary of State may direct or, in default of any such direction, such member of the Agency as the Agency may determine, may exercise any of the functions of chairman of the Agency.

*Inquiries*

- 15 (1) The Agency may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this Act; and the chairman of the Agency, or other member of the Agency presiding in his stead, may at any such inquiry direct that any person appearing as a witness be examined on oath, and administer an oath accordingly, or, instead of so directing, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

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- (2) If any person who is to give evidence at any such inquiry so requests at the hearing, or by a notice in writing served on the Agency's secretary before the date of the hearing, the Agency may direct that the public shall be excluded from the hearing while that person gives his evidence.
- 16 (1) For the purposes of any inquiry under this Act, the chairman of the Agency or any other member of the Agency authorised by the chairman (whether generally or in connection with the particular inquiry) to exercise the powers conferred by this subparagraph, may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence on any matter so specified, being a matter in question at the inquiry.
- (2) No person shall be compelled for the purposes of any such inquiry to give any evidence which he could not be compelled to give in proceedings before the High Court.
- (3) No person shall be required, in obedience to a summons under this paragraph, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (4) A person who refuses or wilfully neglects to attend in obedience to a summons issued under this paragraph or to give evidence as required by such a summons shall be liable on summary conviction to a fine not exceeding £400.
- (5) In the application of this paragraph to Scotland, for any reference to a summons there shall be substituted a reference to a notice in writing, and for the reference to the High Court there shall be substituted a reference to the Court of Session; and in the application of this paragraph to Northern Ireland, for the reference to the High Court there shall be substituted a reference to the High Court in Northern Ireland.

*Publication of information and advice*

- 17 The Agency may arrange for the publication, in such form and in such manner as they may consider appropriate, of such information and advice with respect to the application of any provisions of the code, or the discharge of any of the Agency's functions, as may appear to them to be expedient.

*Power of Secretary of State to give directions*

- 18 In determining any matter of procedure (including the quorum necessary for their meetings) and in exercising their powers under paragraph 17 above, the Agency shall act in accordance with any general directions which may from time to time be given with respect thereto by the Secretary of State.

*Expenses of the Agency*

- 19 The expenses incurred by the Agency under paragraph 11 above and, to such amount as the Secretary of State may with the approval of the Minister for the Civil Service determine, any other expenses of the Agency shall be paid out of money provided by Parliament.

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*Interpretation*

- 20 This Part of this Schedule shall have effect in relation to the Price Commission as if references to the Secretary of State were references to the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly.