

SCHEDULES

SCHEDULE 1

ADVISORY, CONCILIATION AND ARBITRATION SERVICE, ETC.

PART I

CONSTITUTION ETC. OF ADVISORY, CONCILIATION AND ARBITRATION SERVICE AND ITS COUNCIL

The Council

- 1 The Service shall be directed by a Council constituted in accordance with paragraphs 2 to 4 below and shall be a body corporate of which the corporators are the members of that Council.
- 2 (1) The Council shall consist of a full-time chairman appointed by the Secretary of State and, subject to sub-paragraphs (3)(6) and (4) below, nine other members appointed by the Secretary of State in accordance with sub-paragraph (2) below.
- (2) Before appointing the members of the Council (other than the chairman and any deputy chairman appointed as mentioned in sub-paragraph (3)(b) below) the Secretary of State shall—
- (a) as to three of them, consult such organisations representing employers as he considers appropriate ; and
 - (b) as to three of them, consult such organisations representing workers as he considers appropriate.
- (3) The Secretary of State may appoint up to three full-time or part-time deputy chairmen of the Council who may be appointed—
- (a) from the members appointed in accordance with subparagraph (2) above or sub-paragraph (4) below ; or
 - (b) in addition to those members.
- (4) The Secretary of State may, if he thinks fit, appoint a further two members of the Council (who shall be appointed so as to take office at the same time) and before making those appointments he shall—
- (a) as to one of them, consult such organisations representing employers as he considers appropriate ; and
 - (b) as to one of them, consult such organisations representing workers as he considers appropriate.
- 3 (1) Subject to the following provisions of this paragraph, the members, chairman and any deputy chairman of the Council shall hold and vacate office in accordance with their terms of appointment.

Status: This is the original version (as it was originally enacted).

- (2) A person shall not be appointed to the Council for a term exceeding five years; but previous membership shall not affect eligibility for re-appointment.
- (3) The Secretary of State may appoint persons to the Council either as full-time members or as part-time members.
- (4) The Secretary of State may, with the consent of the member concerned, vary the terms of appointment of any member of the Council so as to provide for him to serve as a full-time member instead of a part-time member or, as the case may be, as a part-time member instead of as a full-time member.
- (5) A member may at any time resign his membership, and the chairman and any deputy chairman may at any time resign his office as such, by, in each case, notice in writing addressed to the Secretary of State.
- (6) A deputy chairman appointed as mentioned in paragraph 2(3)(b) above shall on resigning his office as deputy chairman cease to be a member of the council.
- (7) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Council for a period longer than six consecutive months without the permission of the Council; or
 - (b) has become bankrupt or made an arrangement with his creditors ; or
 - (c) is incapacitated by physical or mental illness ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit; and thereupon the office shall become vacant.
- (8) If the application of sub-paragraph (7) above to Scotland for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to a member's estate having been sequestrated and to a member's having made a trust deed for behoof of his creditors or a composition contract.
- (9) If the chairman ceases to be a member of the Council, or if a deputy chairman ceases to be a member of the Council, he shall cease to be chairman or, as the case may be, a deputy chairman.
- 4 (1) The Council shall determine its own procedure, including the quorum necessary for its meetings.
- (2) If the Secretary of State has not appointed a deputy chairman the Council may choose a member to act as chairman in the absence or incapacity of the chairman.
- 5 The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or by any defect in the appointment of any member of the Council.