

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*Status: This is the original version (as it was originally enacted).*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

#### *Staff*

- 6 The Service may, with the approval of the Secretary of State, appoint a secretary, such an appointment shall not be made without the consent as to terms and conditions of service of the Secretary of State, and such consent shall not be given without the approval of the Minister for the Civil Service.

---

*Status: This is the original version (as it was originally enacted).*

---

7 The Service may appoint such other officers and servants as it may determine with the consent as to numbers, manner of appointment and terms and conditions of service of the Secretary of State ; and such consent shall not be given without the approval of the Minister for the Civil Service.

8 The Service shall provide for the Certification Officer and the Committee the requisite staff (from among the Service's officers and servants) and the requisite accommodation, equipment and other facilities.

*Supplemental*

9 The Service shall maintain offices in such of the major centres of employment in Great Britain as it thinks fit for the purpose of discharging its functions under any enactment.

10 (1) The fixing of the common seal of the Service shall be authenticated by the signature of the secretary of the Service or some other person authorised by the Service to act for that purpose.

(2) A document purporting to be duly executed under the seal of the Service shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

11 (1) The functions of the Service and of its officers and servants shall be performed on behalf of the Crown, but, subject to paragraph 35 below, the Service shall not be subject to directions of any kind from any Minister of the Crown as to the manner in which it is to exercise any of its functions under any enactment.

(2) For the purposes of any civil proceedings arising out of those functions, the Crown Proceedings Act 1947 and the Crown Suits (Scotland) Act 1857 shall apply to the Service as if it were a government department within the meaning of the said Act of 1947 or, as the case may be, a public department within the meaning of the said Act of 1857.

12 Nothing in section 9 of the Statistics of Trade Act 1947 (restriction on the disclosure of information obtained under that Act) shall prevent or penalise the disclosure to the Service for the purpose of the exercise of any of its functions, of information obtained under that Act by any government department.

13 (1) The Service shall, as soon as practicable after the end of each calendar year, make a report to the Secretary of State on its activities and the activities of the Central Arbitration Committee during that year.

(2) The Certification Officer shall, as soon as practicable after the end of each calendar year, make a report of his activities during that year to the Service and to the Secretary of State.

(3) The Secretary of State shall lay before each House of Parliament a copy of every report received by him under sub-paragraph (1) or sub-paragraph (2) above and shall arrange for it to be published.