

SCHEDULES

SCHEDULE 1

Section 1.

SUPPLEMENTARY PROVISIONS AS TO CONSTITUTION ETC OF CROWN AGENTS

Appointment and tenure of members

- 1 It shall be the duty of the Minister—
- (a) to satisfy himself, before he appoints a person to be a member of the Crown Agents, that he will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
 - (b) to satisfy himself from time to time with respect to each member that he has no such interest;
- and a person who is a member or whom the Minister proposes to appoint as a member shall, whenever requested by the Minister to do so, furnish the Minister with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or deputy chairman of the Crown Agents in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or deputy chairman by giving to the Minister a signed notice in writing stating that he resigns that office.
- 4 Where a member becomes or ceases to be the chairman or deputy chairman, the Minister may vary the terms of the instrument appointing him a member so as to alter the date on which he is to vacate office as a member.
- 5 If the chairman or deputy chairman ceases to be a member, he shall cease to be the chairman or deputy chairman, as the case may be.
- 6 (1) If the Minister is satisfied that a member—
- (a) has been absent from meetings of the Crown Agents for a period longer than three consecutive months without the permission of the Crown Agents; 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 Minister may declare his office as a member vacant, and shall notify the declaration in such manner as he thinks fit; and thereupon the office shall become vacant.
- (2) In the application of sub-paragraph (1) 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 a reference to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

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Remuneration etc. of members

- 7 The Crown Agents shall pay to each of their members such remuneration and such reasonable allowances in respect of expenses as the Minister may determine with the approval of the Minister for the Civil Service.
- 8 (1) If the Minister so determines in the case of any person who is or has been a member of the Crown Agents, the Crown Agents shall pay or make arrangements for the payment of such pension to or in respect of that person as the Minister may determine.
- (2) Where a person ceases to be a member of the Crown Agents otherwise than on the expiry of his term of office and it appears to the Minister that there are special circumstances which make it right for that person to receive compensation, the Minister may direct the Crown Agents to make to that person a payment of such amount as the Minister may determine.
- (3) The approval of the Minister for the Civil Service shall be required for any determination or direction by the Minister under this paragraph.

*Disqualification of members of Crown Agents for
House of Commons and Northern Ireland Assembly*

- 9 As from the appointed day the references to the Crown Agents for Oversea Governments and Administrations in Part II of Schedule I. to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) are to be read as referring to the Crown Agents and not the unincorporated Agents.

Proceedings

- 10 The quorum of the Crown Agents and the arrangements relating to their meetings shall be such as the Crown Agents may determine.
- 11 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Crown Agents (whether as agents or in their own right), or in any other matter whatsoever which falls to be considered by them, shall disclose the nature of his interest at a meeting of the Crown Agents, and the disclosure shall be recorded in the minutes of the meeting.
- (2) The member shall not—
- (a) in the case of any such contract, take part in any deliberation or decision of the Crown Agents with respect to the contract; and
 - (b) in the case of any other matter, take part in any deliberation or decision of the Crown Agents with respect to the matter if the Crown Agents decide that the interest in question might prejudicially affect the member's consideration of the matter.
- (3) For the purposes of this paragraph, a notice given by a member at a meeting of the Crown Agents to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered by the Crown Agents after that date, shall be a sufficient disclosure of his interest.

- (4) A member need not attend in person at a meeting of the Crown Agents in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 12 The validity of any proceedings of the Crown Agents shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 11.

Staff

- 13 (1) The Crown Agents may appoint, on such terms and conditions as they think fit, such officers and servants of the Crown Agents as they think fit.
- (2) In the case of any person to be employed by them on and after the appointed day who immediately before that day was employed by the unincorporated Agents, the Crown Agents shall ensure that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before he joined the Crown Agents' staff, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.
- (3) In relation to any person who—
- (a) is in the employment of the unincorporated Agents immediately before the appointed day ; and
 - (b) is as from that day employed by the Crown Agents,
- Schedule 13 to the Employment Protection (Consolidation) Act 1978 (ascertainment, for the purposes of that Act and section 119 of the Employment Protection Act 1975, of the length of an employee's period of employment and whether that employment has been continuous) shall have effect as if his employment under the unincorporated Agents had been Crown employment within the meaning of paragraph 19 of that Schedule.
- 14 (1) The Crown Agents may pay such pensions as they think fit to or in respect of any of their employees, make such payments as they think fit towards the provision of pensions to or in respect of any of their employees, or provide and maintain such schemes as they think fit (whether contributory or not) for the payment of pensions to or in respect of any of their employees, and may manage the investment of funds for the trustees of any such scheme.
- (2) If an employee of the Crown Agents becomes a member and was by reference to his employment by the Crown Agents a participant in a pension scheme maintained by the Crown Agents for the benefit of any of their employees—
- (a) the Crown Agents may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the Crown Agents whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8(1); but
 - (b) if the Crown Agents determine as aforesaid in his case, any discretion as to the benefits payable to or in respect of him which the scheme confers on the Crown Agents shall be exercised by them only with the consent of the Minister given with the approval of the Minister for the Civil Service.
- 15 (1) Except so far as they are satisfied that adequate machinery exists for achieving the purposes mentioned in sub-paragraph (2), it shall be the duty of the Crown Agents to consult any organisation appearing to them to be appropriate with a

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view to the conclusion between the Crown Agents and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the purposes mentioned in that sub-paragraph.

- (2) Those purposes are—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Crown Agents and their wholly owned subsidiaries ;
 - (b) the resolution of trade disputes, within the meaning of the Trade Union and Labour Relations Act 1974 ;
 - (c) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on of their activities by the Crown Agents and their wholly owned subsidiaries ; and
 - (d) the discussion of other matters of mutual interest to the parties to the agreements.

Performance of functions

- 16 The Crown Agents may authorise any member or employee of the Crown Agents to perform on behalf of the Crown Agents such of the Crown Agents' functions (including the power conferred on the Crown Agents by this paragraph) as are specified in the authorisation.

Instruments and contracts

- 17 The fixing of the common seal of the Crown Agents shall be authenticated by the signature of their secretary or some other person authorised by them to act for that purpose.
- 18 (1) A document purporting to be duly executed under the seal of the Crown Agents shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- (2) A document purporting to be signed on behalf of the Crown Agents shall be received in evidence and shall, unless the contrary is proved, be deemed to be so signed.