

*Status: Point in time view as at 01/02/1991.*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE AGENCY: SUPPLEMENTARY PROVISIONS

##### *Appointments and procedure*

- 1 (1) The Secretary of State may make regulations with respect to—
    - (a) the appointment of the members of the Agency and their tenure and vacation of office;
    - (b) the execution of instruments and the mode of entering into contracts by or on behalf of the Agency, and the proof of documents purporting to be executed, issued or signed by the Agency or by a member or officer of the Agency.
  - (2) Subject to any regulations under sub-paragraph (1), the Agency shall have power to regulate their own procedure, including the manner in which matters subject to the determination of the Agency are to be determined by or on behalf of them.
  - (3) Any regulations under sub-paragraph (1) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
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- 2 The validity of any proceedings of the Agency shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

##### *Remuneration etc. of members*

- 3 The Agency shall pay to the members of the Agency such salaries or other remuneration, and such allowances, as the Secretary of State may determine with the approval of the Minister for the Civil Service.

##### *Remuneration and pensions of officers etc.*

- 4 (1) The Agency shall pay to their officers, servants and agents such remuneration as the Agency may determine.
- (2) If the Agency determine in the case of any officers, servants or agents to make provision for the payment on their death or retirement of pensions, gratuities or other like benefits, the Agency shall pay, or provide for the payment of, such pensions, gratuities or other like benefits to them or to others by reference to their service as the Agency may determine.

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(3) Provision for pensions, gratuities or other like benefits under this paragraph may be made either by contributory or by non-contributory arrangements, or partly by the one and partly by the other.

*Incidental powers of the Agency*

5 The Agency shall have power to do anything incidental to the proper discharge of their functions.

*Expenses of Agency*

6 The expenses incurred by the Agency in the exercise of their functions shall be paid out of the proceeds of the levy imposed in accordance with regulations made under section 2.

*Accounts, audit and reports*

- 7 (1) The Agency shall—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare in respect of each financial year of the Agency a statement of accounts in such form as the Secretary of State, with the approval of the Treasury, may direct, being a form conforming with the best commercial standards.
- (2) The accounts of the Agency shall be audited by auditors to be appointed annually by the Secretary of State.
- (3) A person shall not be qualified to be appointed under sub-paragraph (2) unless he is a member of one or more of the following bodies—
- the Institute of Chartered Accountants in England and Wales;
  - the Institute of Chartered Accountants of Scotland;
  - the Association of Certified and Corporate Accountants;
  - the Institute of Chartered Accountants in Ireland;
  - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of [F1section 389(1)(a) of the M1Companies Act 1985] by the Secretary of State;
- but a Scottish firm may be appointed under sub-paragraph (2) if each of the partners is qualified to be so appointed.
- (4) As soon as the accounts of the Agency for any financial year have been audited, the Agency shall send to the Secretary of State a report setting out what has been done in the discharge of their functions during that year.
- (5) Any such report shall include a copy of the statement of accounts for the financial year in question together with a copy of any report made by the auditors on the statement or on the accounts.

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- (6) The Secretary of State shall lay a copy of every report sent to him under sub-paragraph (4) before each House of Parliament.

#### Textual Amendments

- F1** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

#### Marginal Citations

- M1** [1985 c. 6](#).

### *Dissolution of Agency*

- 8 (1) If at any time it appears to the Secretary of State that no functions remain to be discharged by the Agency, the Secretary of State may by order provide—
- (a) for the dissolution of the Agency;
  - (b) for the winding up of their affairs; and
  - (c) for the application, for purposes connected with the British film industry, of any amount by which the assets of the Agency exceed their liabilities.
- (2) Regulations under section 6 (payments by Agency to makers of British films) may include provision for requiring the Agency to set aside, out of the proceeds of the levy imposed in accordance with regulations made under section 2 in respect of the last period in respect of which it is imposed, such sum as appears to the Secretary of State sufficient to defray the expenses of the winding up.
- (3) An order under sub-paragraph (1) may be varied by a subsequent order made by the Secretary of State.
- (4) Any order under this paragraph shall be made by statutory instrument; but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

## SCHEDULE 2

Section 10.

### REPEALS

#### Modifications etc. (not altering text)

- C1** THE TEXT OF s. 10(1)–(3) AND Sch. 2 IS IN THE FORM IN WHICH IT WAS ORIGINALLY ENACTED: IT WAS NOT REPRODUCED IN STATUTES IN FORCE AND DOES NOT REFLECT ANY AMENDMENTS OR REPEALS WHICH MAY HAVE BEEN MADE PRIOR TO 1.2.1991

Chapter	Short title	Extent of Repeal
5 & 6 Eliz. 2. c. 21	Cinematograph Films Act 1957.	The whole Act.

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6 & 7 Eliz. 2. c. 51.	Public Records Act 1958.	In Schedule 2, the entry relating to section 5 of the Cinematograph Films Act 1957.
8 & 9 Eliz. 2. c. 57.	Films Act 1960.	Section 51(5).
1966 c. 48.	Films Act 1966.	Section 7(3) and (6).
1970 c. 26.	Films Act 1970.	Sections 5 to 8. Section 21. Section 22(1)(b).
1972 c. 11.	Superannuation Act 1972.	In Schedule 4, the entry relating to the Agency.
1979 c. 2.	Customs and Excise Management Act 1979.	In Schedule 4, in Part I of the Table at the end of paragraph 12, the entry relating to the Cinematograph Films Act 1957.
1980 c. 41.	Films Act 1980.	Sections 2 & 4. Section 9(1)(b).

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