

*Status: Point in time view as at 01/04/1994.*

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## SCHEDULES

### SCHEDULE 2

Section 14.

#### THE CURRICULUM AND ASSESSMENT COUNCILS

##### *Preliminary*

.....  
F1<sub>1</sub>

##### **Textual Amendments**

- F1** Sch. 2 para. 1 repealed (1.1.1994) by 1993 c. 35, s. 307(3), Sch. 21Pt. II; S.I. 1993/3106, art. 9, Sch. 1 Appendix (with art. 5, Sch. 2) (as amended by S.I. 1994/436, art. 2).

##### *Status*

- 2 The [F2 Authority] shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

##### **Textual Amendments**

- F2** Word in Sch. 2 para. 2 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15, para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

##### *Powers*

- 3 The [F3 Authority] shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the exercise or performance of any of its functions including, in particular, power—
- (a) to acquire or dispose of land or other property;
  - (b) to enter into contracts;
  - (c) to form bodies corporate or to subscribe for shares or stock;
  - (d) to invest any sums not immediately required for the purpose of the discharge of its functions;
  - (e) to accept gifts of money, land or other property; and
  - (f) to borrow money.

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**Textual Amendments**

**F3** Word in Sch. 2 para. 3 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15, para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

- 4
- (1) The [<sup>F4</sup>Authority] shall also have power to furnish assistance, other than financial assistance, to any person or body, whether within or outside the United Kingdom.
  - (2) Assistance may be provided on such terms and subject to such conditions (if any) as the [<sup>F4</sup>Authority] may determine.
  - (3) In particular assistance may be provided free of charge or on such terms as to payment as the [<sup>F4</sup>Authority] may determine.
  - (4) The consent of the Secretary of State shall be required for the exercise of any power conferred by this paragraph.

**Textual Amendments**

**F4** Words in Sch. 2 para. 4 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15, para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

*Chief officer*

- 5
- (1) The [<sup>F5</sup>Authority] shall have a chief officer who shall be appointed—
    - (a) in the case of a person who is also chairman of the [<sup>F5</sup>Authority], by the Secretary of State;
    - (b) in any other case, by the [<sup>F5</sup>Authority] with the approval of the Secretary of State.
  - (2) The appointment of the chief officer shall be on such terms and conditions as the Secretary of State or, as the case may be, the [<sup>F5</sup>Authority] with the approval of the Secretary of State may determine.
  - (3) No member of the [Authority] other than the chairman shall be appointed as chief officer.

**Textual Amendments**

**F5** Words in Sch. 2 para. 5 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15, para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

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### *Qualifications of members and tenure of office*

- 6 (1) A person shall hold and vacate office as a member or as chairman or deputy chairman of the [F6 Authority] in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or deputy chairman of the [F6 Authority].

#### **Textual Amendments**

- F6** Words in Sch. 2 para. 6 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15, para. 4(6); S.I. 1994/507, reg. 4(1), Sch. 2.

- 7 (1) If the Secretary of State is satisfied that a member of the [F7 Authority]—
- (a) has been absent from meetings of the [F7 Authority] for a period longer than six consecutive months without the permission of the [F7 Authority]; or
  - (b) is unable or unfit to discharge the functions of a member;
- the Secretary of State may by notice in writing to that member remove him from office.
- (2) If the chairman or deputy chairman of the [F7 Authority] ceases to be a member of the [Authority], he shall also cease to be chairman or deputy chairman.

#### **Textual Amendments**

- F7** Words in Sch. 2 para. 7 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15, para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

### *Salaries, allowances and pensions for members*

- 8 (1) The [F8 Authority]—
- (a) shall pay the members of the [F8 Authority] such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine; and
  - [F9(b)] shall, as regards any member of the [F8 Authority] in whose case the Secretary of State may so determine, pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.]
- (2) If a person ceases to be a member of the [F8 Authority] and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the [F8 Authority] to make to that person a payment of such amount as the Secretary of State may determine.

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- (3) A determination or direction of the Secretary of State under sub-paragraph (1) or (2) above requires the approval of the Treasury.

**Textual Amendments**

- F8** Words in **Sch. 2 para. 8** substituted (1.4.1994) by **1993 c. 35, s. 253, Sch. 15 para. 4(6)**; S.I. 1994/507, art. 4(1), **Sch. 2**.
- F9** **Sch. 2 para. 8(1)(b)** substituted (1.10.1993) by **1993 c. 35, s. 307(1), Sch. 19 para. 141**; S.I. 1993/1975, art. 9 **Sch. 1**

*House of Commons disqualification*

.....  
**F10<sup>g</sup>**

**Textual Amendments**

- F10** **Sch. 2 para. 9** repealed (1.1.1994 in respect of repeals of the entries relating to membership of the National Curriculum Council and the School Examinations and Assessment Council in Sch. 2 para. 9 and otherwise 1.4.1994) by **1993 c. 35, s. 307(3), Sch. 21 Pt. II**; S.I. 1993/3106, art. 4, **Sch. 1** Appendix (with art. 5, Sch. 2); S.I. 1994/507, art. 4(1), **Sch. 2** Appendix.

*Staff*

- 10 (1) The [<sup>F11</sup>Authority] may, with the approval of the Secretary of State as to numbers given with the consent of the Treasury, appoint such employees as it thinks fit.
- (2) The [<sup>F11</sup>Authority] shall pay to its employees such remuneration and allowances as it may determine.
- (3) The employees of the [<sup>F11</sup>Authority] shall be appointed on such terms and conditions as the [<sup>F11</sup>Authority] may determine.
- (4) A determination under sub-paragraph (2) or (3) above requires the approval of the Secretary of State given with the consent of the Treasury.
- (5) Employment with the [<sup>F11</sup>Authority] shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply, <sup>F12</sup> . . .
- (6) The [<sup>F11</sup>Authority] shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (5) above in the sums payable out of money provided by Parliament under that Act.
- (7) Where an employee of the [<sup>F11</sup>Authority] is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the [<sup>F11</sup>Authority] the Treasury may determine that his service as such a member

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shall be treated for the purposes of the scheme as service as an employee of the [Authority](whether or not any benefits are payable to or in respect of him by virtue of paragraph 8 above).

#### Textual Amendments

- F11** Words in **Sch. 2 para. 10** substituted (1.4.1994) by 1993 c. 35, s. 253, **Sch. 15, para. 4(6)**; S.I. 1994/507, art. 4(1), **Sch. 2**.
- F12** Words in **Sch. 2 para. 10(5)** repealed (1.1.1994 in relation to repeals of the entries relating to the National Curriculum Council and otherwise 1.4.1994) by 1993 c. 35, s. 307(3), **Sch. 21 Pt. II**; S.I. 1993/3106, **art. 4 Sch. 1** Appendix (with art. 5, Sch. 2); S.I. 1994/507, art. 4(1), **Sch. 2** Appendix.

#### Marginal Citations

- M1** 1972 c. 11.

### *[<sup>F13</sup> Finance]*

#### Textual Amendments

- F13** **Sch. 2 para. 11** and marginal heading “Finance” substituted for **Sch. 2 para. 11** and marginal heading “Expenses” (1.10.1993) by 1993 c. 35, s. 249; S.I. 1993/1975, art. 9, **Sch. 1**

- <sup>F14</sup>11 (1) The Secretary of State may make grants to the [<sup>F15</sup>Authority]] of such amount as he thinks fit in respect of expenses incurred or to be incurred by it in carrying out its functions.
- (2) The payment of grant under this paragraph shall be subject to the fulfilment of such conditions as the Secretary of State may determine.
- (3) The Secretary of State may also impose such requirements as he thinks fit in connection with the payment of grant under this paragraph.

#### Textual Amendments

- F14** **Sch. 2 para. 11** and marginal heading “Finance” substituted for **Sch. 2 para. 11** and marginal heading “Expenses” (1.10.1993) by 1993 c. 35, s. 249; S.I. 1993/1975, art. 9, **Sch. 1**
- F15** Word in **Sch. 2 para. 11** substituted (1.4.1994) by 1993 c. 35, s. 307(3), **Sch. 15 para. 4(6)**; S.I. 1994/507, art. 4(1), **Sch. 2**.

### *Committees*

- 12 (1) The [<sup>F16</sup>Authority] may establish a committee for any purpose.
- (2) The number of the members of a committee established under this paragraph, and the terms on which they are to hold and vacate office, shall be fixed by the [<sup>F16</sup>Authority].
- (3) Such a committee may include persons who are not members of the [<sup>F16</sup>Authority].

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- (4) The [<sup>F16</sup>Authority] shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

**Textual Amendments**

**F16** Words in Sch. 2 para. 12 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

*Delegation of functions*

- 13 The [<sup>F17</sup>Authority] may authorise the chairman, the deputy chairman, the chief officer or any committee established under paragraph 12 above to exercise such of its functions as it may determine.

**Textual Amendments**

**F17** Word in Sch. 2 para. 13 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

- [<sup>F18</sup>13A(1) The chairman of the School Curriculum and Assessment Authority, or a representative of his, shall be entitled to attend and take part in deliberations (but not in decisions) at meetings of the [<sup>F19</sup>Authority] or any committee of the [<sup>F20</sup>Authority.]

- (2) The [<sup>F21</sup>Authority] shall provide the chairman of the School Curriculum and Assessment Authority with such copies of any documents distributed to members of the [<sup>F22</sup>Authority] or of any such committee as he may require.

**Textual Amendments**

**F18** Sch. 2 para. 13A inserted (1.10.1993) by 1993 c. 35, s.250; S.I. 1993/1975, art. 9 Sch.1

**F19** Words in Sch. 2 para. 13A substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

**F20** Words in Sch. 2 para. 13A substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

**F21** Words in Sch. 2 para. 13A substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

**F22** Words in Sch. 2 para. 13A substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

*Proceedings*

- 14 The validity of proceedings of the [<sup>F23</sup>Authority] shall not be affected by a vacancy among the members or any defect in the appointment of a member.

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#### Textual Amendments

**F23** Word in Sch. 2 para. 14 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

- 15 The [F24 Authority] shall have power to regulate its own procedure and that of any of its committees.

#### Textual Amendments

**F24** Word in Sch. 2 para. 15 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

#### *Application of seal and proof of instruments*

- 16 The application of the seal of the [F25 Authority] shall be authenticated by the signature of the chairman or deputy chairman and that of one other member.

#### Textual Amendments

**F25** Word in Sch. 2 para. 16 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

- 17 Any document purporting to be an instrument made or issued by or on behalf of the [F26 Authority] and to be duly executed under the seal of the [F26 Authority], or to be signed or executed by a person authorised by the [F26 Authority] in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

#### Textual Amendments

**F26** Words in Sch. 2 para. 17 substituted (1.4.1994) by 1993 c. 35, s. 253, Sch. 15 para. 4(6); S.I. 1994/507, art. 4(1), Sch. 2.

#### *Accounts*

- 18 (1) It shall be the duty of the [F27 Authority]—
- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year of the [F27 Authority] a statement of accounts F28. . . ; and
  - (c) to send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

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- [<sup>F29</sup>(1A) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information contained in it is to be presented; or
  - (c) the methods and principles according to which the statement is to be prepared.]
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.
- (3) In this paragraph “financial year” means the period beginning with the date on which the [<sup>F27</sup>Authority] is established and ending with the second 31st March following that date, and each successive period of twelve months.

#### **Textual Amendments**

- F27** Words in Sch. 2 para. 18 substituted (1.4.1994) by 1993 c. 35, s. 253, **Sch. 15 para. 4(6)**; S.I. 1994/507, art. 4(1), **Sch. 2**.
- F28** Words in Sch. 2 para. 18(1)(b) repealed (1.10.1993) by 1993 c.35, ss. 251(2), 307(3), **Sch. 21 Pt. II**; S.I. 1993/1975, art. 9, **Sch. 1** Appendix
- F29** Sch. 2 para. 18(1A) inserted (1.10.1993) by 1993 c. 35, s. 251(3); S.I. 1993/1975, art. 9, **Sch. 1**



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