

## SCHEDULES

### SCHEDULE 5

Section 52.

#### THE TRAFFIC DIRECTOR FOR LONDON

##### *Status*

- 1 The Traffic Director for London shall be a corporation sole.
- 2 The Director shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Director's property shall not be regarded as property of, or held on behalf of, the Crown.

##### *Tenure of office*

- 3 (1) Subject to the following provisions of this paragraph, the Director shall hold and vacate office in accordance with the terms of his appointment.
  - (2) The Director shall be appointed for a term not exceeding five years.
  - (3) At the end of a term of appointment the Director shall be eligible for re-appointment.
  - (4) The Director may at any time resign his office by notice in writing addressed to the Secretary of State.
  - (5) The Secretary of State may remove the Director from office—
    - (a) if a bankruptcy order has been made against him, or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
    - (b) if satisfied that he is otherwise unable or unfit to discharge his functions.
  - (6) The Director's terms of appointment may provide for his removal from office (without assigning cause) on notice from the Secretary of State of such length as may be specified in those terms, subject, if those terms so provide, to compensation of such amount as the Secretary of State may, with the approval of the Treasury, determine.

##### *Remuneration etc*

- 4 (1) There shall be paid to the Director such remuneration and such travelling and other allowances as the Secretary of State may determine.
  - (2) In the case of any such holder of the office of Director as may be determined by the Secretary of State, there shall be paid such pension, allowances or gratuities to or in respect of him, or such payments towards the provision of a pension, allowances or gratuities to or in respect of him, as may be so determined.
  - (3) If the Secretary of State determines that there are special circumstances which make it right that a person ceasing to hold office as Director should receive compensation,

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there may be paid to him a sum by way of compensation of such amount as the Secretary of State may determine.

- (4) Sub-paragraph (3) above does not apply in the case of a person who receives compensation by virtue of paragraph 3(6) above.
- (5) The approval of the Treasury shall be required for the making of a determination under this paragraph.

#### *Staff*

- 5 (1) The Director shall act only with the approval of the Secretary of State, given with the approval of the Treasury, in determining—
  - (a) the number of persons to be employed by him;
  - (b) the remuneration, allowances and gratuities to be paid to or in respect of such persons; and
  - (c) any other terms and conditions of their service.
- (2) Anything authorised or required by or under any enactment to be done by the Director may be done by any person employed by him who has been authorised by the Director, whether generally or specially, for that purpose.
- (3) Employment by the Director shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply; and, accordingly, in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of “Other Bodies” there shall be inserted—

“Employment by the Traffic Director for London.”

- (4) The Director 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 in the sums payable out of money provided by Parliament under that Act attributable to sub-paragraph (3) above.
- (5) Where an employee of the Director who is (by reference to that employment) a participant in a scheme under section 1 of that Act, becomes a holder of the office of Director, the Treasury may determine that his term of office shall be treated for the purposes of the scheme as employment by the Director (whether or not any benefits are payable to or in respect of him by virtue of paragraph 4(2) above).

#### *Financial provisions*

- 6 The remuneration of the Director and any other payments made under paragraphs 3(6) or 4 above to or in respect of him shall be paid out of grants made by the Secretary of State under section 80(2) of this Act.

#### *Accounts*

- 7 (1) The Director shall keep accounts and shall prepare a statement of accounts in respect of each financial year.
- (2) The accounts shall be kept, and the statement shall be prepared, in such form as the Secretary of State may, with the approval of the Treasury, direct.

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- (3) The accounts shall be audited by persons appointed in respect of each financial year by the Secretary of State.
- (4) No person shall be qualified to be appointed as auditor under this paragraph unless he is—
  - (a) a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of Part II of the Companies Act 1989; or
  - (b) a member of the Chartered Institute of Public Finance and Accountancy; but a firm may be appointed as auditor under this paragraph if each of its members is qualified to be so appointed.
- (5) In this paragraph, and in paragraph 8 below, “financial year” means—
  - (a) the period beginning with the day on which the first person to hold the office of Director takes office and ending with the following 31st March; and
  - (b) each subsequent period of twelve months ending with 31st March.

*Annual report etc*

- 8 (1) As soon as possible after the end of each financial year, the Director shall submit to the Secretary of State an annual report on the discharge in that year of his functions.
- (2) Each report shall contain a copy of the statement of accounts prepared and audited under paragraph 7 above in respect of that financial year.
- (3) The Secretary of State shall lay a copy of the Director’s annual report before each House of Parliament.
- (4) The Director shall provide the Secretary of State with such information relating to his property and the discharge and proposed discharge of his functions as the Secretary of State may require; and for that purpose shall—
  - (a) permit any person authorised in that behalf by the Secretary of State to make copies of any accounts or other documents; and
  - (b) give such explanation as may be required of any such accounts or documents.

*Evidence*

- 9 A document purporting to be duly executed under the seal of the Director or to be signed on the Director’s behalf shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

*Public records*

- 10 In Schedule 1 to the Public Records Act 1958, in Part II of the Table in paragraph 3 the following entry shall be inserted at the appropriate place—

“Traffic Director for London”.

*The Parliamentary Commissioner*

- 11 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), the following entry shall be inserted at the appropriate place—

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“Traffic Director for London.”

*Parliamentary disqualification*

- 12 (1) In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), the following entry shall be inserted at the appropriate place—

“Traffic Director for London.”

- (2) The same entry shall be inserted at the appropriate place in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.