

SCHEDULES

SCHEDULE 2

Sections 20 and 21.

THE FUNDING AUTHORITIES

Status

- 1 A funding authority 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 property of the authority shall not be regarded as property of, or property held on behalf of, the Crown.

Powers

- 2 (1) Subject to sub-paragraph (2) below, a funding authority may do anything which appears to them to be necessary or expedient for the purpose of or in connection with the discharge of their functions, including in particular—
- (a) acquiring and disposing of land and other property,
 - (b) entering into contracts,
 - (c) investing sums not immediately required for the purpose of the discharge of their functions, and
 - (d) accepting gifts of money, land or other property.
- (2) A funding authority shall not borrow money.
- 3 (1) The Secretary of State may authorise a funding authority to purchase compulsorily any land required for the purpose of implementing any proposals under section 211, 212 or 260 (establishment or change in character of grant-maintained school) which are required to be implemented.
- (2) The Acquisition of Land Act 1981 shall apply to compulsory purchase under this paragraph.

Tenure of members

- 4 (1) A person shall hold and vacate office as a member of a funding authority in accordance with the terms of his appointment and, on ceasing to be a member, shall be eligible for re-appointment.
- (2) A member of a funding authority may at any time resign his office by notice in writing to the Secretary of State.
- 5 If the Secretary of State is satisfied that a member of a funding authority—
- (a) has been absent from meetings of the authority for a period longer than six consecutive months without the permission of the 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 and thereupon the office shall become vacant.

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Salaries, allowances and pensions

- 6 (1) A funding authority—
- (a) shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine, and
 - (b) shall, as regards any member 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 a funding 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 authority to make to that person a payment of such amount as the Secretary of State may determine.
- (3) A funding authority shall pay to the members of any of their committees who are not members of the authority such travelling, subsistence and other allowances as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

Staff

- 7 (1) A funding authority may, with the approval of the Secretary of State as to numbers, appoint such employees as they think fit on such terms and conditions as to remuneration and other matters as the authority may determine.
- (2) A determination under sub-paragraph (1) above requires the approval of the Secretary of State given with the consent of the Treasury.
- (3) An employee of a funding authority may not be appointed as a member of the authority, and a member of a funding authority may not be appointed as an employee of the authority.

Chief officer

- 8 (1) One of the employees of a funding authority shall be the chief officer.
- (2) The first chief officer shall be appointed by the Secretary of State on such terms and conditions as to remuneration and other matters as the Secretary of State may with the consent of the Treasury determine.
- (3) Each subsequent chief officer shall be appointed by the authority with the approval of the Secretary of State.

Superannuation of employees

- 9 (1) Employment with a funding authority shall continue to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) A funding 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 (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

- (3) Where an employee of a funding authority ceases to be such an employee and becomes a member of the authority and was by reference to his employment by the authority a participant in a scheme under section 1 of that Act, the Treasury may determine that his service as a member 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 him by virtue of paragraph 6 above).

Committees

- 10 (1) A funding authority may establish a committee for any purpose.
- (2) The authority shall fix the number of the members which a committee established under this paragraph may have, and the terms on which they are to hold and vacate office.
- (3) A committee may include persons who are not members of the authority.
- (4) The authority shall keep under review the structure of committees established by them under this paragraph and the scope of each committee's activities.

Delegation of functions

- 11 A funding authority may authorise the chairman, the chief officer or any committee established by them under paragraph 10 above to exercise such of their functions as they may determine.

Proceedings

- 12 Without prejudice to any other rights the Secretary of State may require to be accorded to him as a condition of any grants made to a funding authority under section 25—
- (a) a representative of the Secretary of State shall be entitled to attend and take part in any deliberations (but not in decisions) at meetings of the authority or of any of their committees, and
- (b) the authority shall provide the Secretary of State with such copies of any documents distributed to members of the authority or of any of their committees as he may require.
- 13 The validity of any proceedings of a funding authority or of any of their committees shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.
- 14 Subject to the preceding provisions of this Schedule, a funding authority may regulate their own procedure and that of any of their committees.

Accounts

- 15 (1) A funding authority shall—
- (a) keep proper accounts and proper records in relation to the accounts;
- (b) prepare a statement of accounts in respect of each financial year of the authority; and

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- (c) 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.
- (2) 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,
 and shall contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for the information of Parliament.
- (3) 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.
- (4) In this paragraph “financial year” means the period beginning with the date on which the authority is established and ending with the next following 31st March, and each successive period of twelve months.

Application of seal and proof of instruments

- 16 The application of the seal of a funding authority shall be authenticated by the signature—
 - (a) of the chairman or of some other person authorised either generally or specifically by the authority to act for that purpose, and
 - (b) of one other member.
- 17 Any document purporting to be an instrument made or issued by or on behalf of a funding authority and to be—
 - (a) duly executed under their seal, or
 - (b) signed or executed by a person authorised by the authority to act 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.