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SCHEDULES

SCHEDULE 2

Section 2.

CONSTITUTION OF AGENCIES

Commencement Information

- II** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent, see s. 43; Sch. 2 in force for certain purposes at 25.11.1998 by S.I. 1998/2952, art. 2(2); Sch. 2 in force at 3.7.2000 as far as not already in force by S.I. 2000/1173, art. 2(2)(c)

Membership

- 1 (1) Subject to the following provisions of this paragraph, a member of a regional development agency shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A member of a regional development agency may at any time resign his office by giving notice to the Secretary of State.
- (3) The Secretary of State may remove a member of a regional development agency from that office if he is satisfied—
- (a) that the member has been absent from meetings of the agency for a period of more than 3 months without the permission of the agency,
 - (b) that the member has been adjudged bankrupt, that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) that the member is unable or unfit to carry out the functions of a member.

Chairman and deputy chairman

- 2 A person designated as chairman or deputy chairman of a regional development agency shall hold office as such in accordance with the terms of his appointment unless and until—
- (a) he resigns that office by giving notice to the Secretary of State, or
 - (b) he ceases to be a member,
- and shall, on ceasing to be chairman or deputy chairman, be eligible for further designation as such in accordance with paragraph (a) or, as the case may be, paragraph (b) of section 2(4) at any time when he is a member.

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Remuneration, pensions, etc.

- 3 (1) A regional development agency shall pay to its members such remuneration, and such travelling and other allowances, as may be determined by the Secretary of State.
- (2) A regional development agency shall, if so required by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been a member,
 - (b) make such payments as may be determined by the Secretary of State towards provision for the payment of a pension, allowances or gratuities to or in respect of a person who is or has been a member, or
 - (c) provide and maintain such schemes (whether contributory or not) as may be determined by the Secretary of State for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been members.
- (3) If, when a person ceases to hold office as a member of a regional development agency, the Secretary of State determines that there are special circumstances which make it right that the person should receive compensation, the agency shall pay to him by way of compensation a sum of such amount as may be determined by the Secretary of State.

VALID FROM 03/07/2000

^{F1}Application of paragraph 3 in relation to the London Development Agency

Textual Amendments

- F1** Sch. 2 para. 3A and cross-heading inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para. 20(5)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

- ^{F2}3A (1) Payments by way of remuneration or allowances, other than allowances in respect of expenses incurred in the exercise of their functions, shall not be made under paragraph 3(1) to members of the London Development Agency who are also members of the London Assembly.
- (2) The payments that may be made to or in respect of a person—
- (a) under paragraph 3(2)(a) or (b), or
 - (b) under a scheme provided or maintained under paragraph 3(2)(c),
- do not include payments referable to periods when the person is or was a member of both the London Development Agency and the London Assembly.
- (3) In the application of paragraph 3 in relation to the London Development Agency, the references to the Secretary of State shall be taken as references to the Mayor of London.]

Textual Amendments

- F2** Sch. 2 para. 3A inserted (3.7.2000) by 1999 c. 29, s. 309, **Sch. 25 para 20(5)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

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Staff

- 4 (1) A regional development agency may appoint such officers and employees as it may determine, subject to sub-paragraph (2).
- (2) Appointments to the position of chief executive of a regional development agency shall be made as follows—
- (a) the first appointment shall be made by the Secretary of State after consultation with the chairman (or chairman designate) of the agency, and
 - (b) subsequent appointments shall be made by the agency with the consent of the Secretary of State.
- (3) A regional development agency may—
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who are or have been its officers or employees as it may, with the approval of the Secretary of State, determine,
 - (b) make such payments as it may so determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such persons, and
 - (c) provide and maintain such schemes as it may so determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons.
- (4) Any reference in sub-paragraph (3) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the agency's officers or employees who suffer loss of office or employment or loss or diminution of emoluments.
- 5 (1) The persons to whom section 1 of the ^{M1}Superannuation Act 1972 applies (persons to or in respect of whom benefits may be provided by schemes under that section) shall include employees of a regional development agency.
- (2) Accordingly, in Schedule 1 to that Act, at the appropriate point in the list of "Other Bodies", there is inserted " A development agency established under section 1 of the Regional Development Agencies Act 1998 ".

Marginal Citations

M1 1972 c. 11.

Proceedings

- 6 Subject to the following provisions of this Schedule, a regional development agency may regulate its own procedure (including quorum).

Delegation of functions

- 7 (1) Anything authorised or required by or under any enactment to be done by a regional development agency may be done—

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- (a) by any member, officer or employee of the agency who has been authorised for the purpose, whether generally or specially, by the agency, or
 - (b) by any committee or sub-committee of the agency which has been so authorised.
- (2) A member may not act in relation to any matter delegated to him under sub-paragraph (1)(a) if he is in any way directly or indirectly interested in that matter.

Modifications etc. (not altering text)

C1 Sch. 2 para. 7 excluded (8.5.2000 so far as it applies to the Greater London Authority, otherwise 3.7.2000) by 1988 c. 41, s. 115(4A) as inserted by 1999 c. 29, s. 131 (with Sch. 12 para. 9(1)); S.I. 1999/3434, arts. 3, 4

Members' interests

- 8 (1) A member of a regional development agency who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the agency, or any committee or sub-committee of the agency, shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting, and
 - (b) the member shall not take any part in any deliberation or decision of the agency, or any committee or sub-committee of the agency, with respect to that matter.
- (2) If a member is not present at a meeting at which a matter in which he is interested is brought up for consideration, sub-paragraph (1) shall only apply to him if he was aware of the fact that the matter would be brought up for consideration at the meeting.
- (3) For the purposes of sub-paragraph (1), a general notification given at a meeting of the agency by a member to the effect that he—
- (a) has an interest in a specified company, firm or other organisation, and
 - (b) is to be regarded as interested in any matter involving that company, firm or other organisation,
- shall be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (4) A member need not attend in person at a meeting 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 read and considered at the meeting.
- (5) The Secretary of State may remove a disability under this paragraph subject to such conditions as he considers appropriate.
- (6) The power of the Secretary of State under sub-paragraph (5) includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (7) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (5).

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Vacancies and defective appointments

- 9 The validity of any proceedings of a regional development agency shall not be affected by a vacancy amongst the members or by a defect in the appointment of a member.

Minutes

- 10 (1) Minutes shall be kept of proceedings of a regional development agency and of the committees and sub-committees of such an agency.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by a person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in sub-paragraph (2), those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

Execution and proof of instruments

- 11 (1) The application of the seal of a regional development agency shall be authenticated by the signature of any member, officer or employee of the agency who has been authorised for the purpose, whether generally or specially, by the agency.
- (2) Any document which a regional development agency is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the agency by any member, officer or employee of the agency who has been authorised for the purpose, whether generally or specially, by the agency.
- (3) Every document purporting to be an instrument made or issued by or on behalf of a regional development agency and to be duly executed under the seal of the agency, or to be signed or executed by a person authorised by the agency for the purpose, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.
- (4) In sub-paragraph (1), the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced, and “signed” in sub-paragraphs (2) and (3) shall be construed accordingly.

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