

## SCHEDULES

### SCHEDULE 2

Section 87

#### COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT

##### *Status*

- 1 (1) The Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Commission is not to be regarded as the property of, or property held on behalf of, the Crown.
- (3) Service as a member of the Commission is not service in the civil service of the Crown.

##### *Membership*

- 2 (1) The Secretary of State must—
  - (a) appoint the members of the Commission;
  - (b) appoint one of the members as chairman.
- (2) Subject to the other provisions of this Schedule, a person holds and vacates office as a member of the Commission or as chairman in accordance with the terms of his appointment.
- (3) The Commission is to have a minimum of eight and a maximum of sixteen members.
- (4) The Secretary of State may by order vary either or both of the numbers specified in sub-paragraph (3).
- (5) The validity of proceedings of the Commission is not affected by—
  - (a) the number of members being less than the minimum as specified for the time being in sub-paragraph (3);
  - (b) a defect in the appointment of a person as a member of the Commission or as chairman.

##### *Tenure*

- 3 (1) The Secretary of State may not appoint a person to hold office as a member of the Commission or as chairman for a term of more than four years.
- (2) A person may at any time resign as a member of the Commission or as chairman by giving notice in writing to the Secretary of State.
- (3) The Secretary of State may remove a person from office as a member of the Commission or as chairman on the grounds that—

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- (a) a bankruptcy order has been made against the person, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
  - (b) he is, in the opinion of the Secretary of State, unable, unwilling or unfit to discharge the functions of his office.
- (4) A person who ceases to be a member of the Commission or chairman may be re-appointed.

#### *Staff etc*

- 4 (1) The Commission may appoint staff, agents and advisers.
- (2) Service as a member of staff of the Commission is not service in the civil service of the Crown.

#### *Committees*

- 5 (1) The Commission may establish one or more committees.
- (2) A committee—
- (a) must include at least one member of the Commission, and
  - (b) may also include other persons (who may include members of staff of the Commission).

#### *Remuneration etc*

- 6 (1) The Commission may pay to or in respect of a member of the Commission or the chairman such sums as the Secretary of State may determine by way of, or in respect of—
- (a) remuneration;
  - (b) pensions.
- (2) The Commission may also pay to or in respect of a member of the Commission or the chairman sums by way of, or in respect of—
- (a) allowances;
  - (b) expenses.
- (3) If the Secretary of State thinks that there are special circumstances that make it right for a person ceasing to hold office as a member of the Commission or as chairman to receive compensation, the Commission may pay to the person such compensation as the Secretary of State may determine.
- (4) The Commission may pay to or in respect of a member of staff sums by way of or in respect of remuneration, subject to any conditions imposed by the Secretary of State.
- (5) The Commission may also pay to or in respect of a member or former member of staff sums by way of, or in respect of—
- (a) allowances;
  - (b) expenses;
  - (c) pensions;
  - (d) gratuities;
  - (e) compensation for loss of employment.

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- (6) The Commission may pay to or in respect of a person who is a member of a committee established under paragraph 5 (but who is not a member of the Commission or a member of staff) sums by way of, or in respect of—
- (a) allowances;
  - (b) expenses.

#### *Delegation*

- 7 The Commission may delegate any of its functions to—
- (a) a member of the Commission,
  - (b) a member of its staff,
  - (c) a committee established under paragraph 5, or
  - (d) any other person.

#### *Proceedings*

- 8 (1) The Commission may, subject to the other provisions of this Schedule, regulate its own proceedings and those of its committees.
- (2) In particular, the Commission may specify a quorum for meetings.

#### *Accounts*

- 9 (1) The Commission must—
- (a) keep proper accounting records, and
  - (b) prepare a statement of accounts in respect of each financial year in accordance with directions given, with the consent of the Treasury, by the Secretary of State.
- (2) The statement must comply with any directions given by the Secretary of State, with the consent of the Treasury, as to—
- (a) the information to be contained in the statement;
  - (b) the form which the statement is to take;
  - (c) the manner in which the information is to be presented;
  - (d) the methods and principles according to which the statement is to be prepared.
- (3) The Commission must send a copy of a statement under sub-paragraph (1)(b) to—
- (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General.
- (4) A copy of a statement must be sent under sub-paragraph (3) within such period, beginning with the end of the financial year to which the statement relates, as the Secretary of State may, with the consent of the Treasury, direct.
- (5) The Comptroller and Auditor General must—
- (a) examine, certify and report on a statement received under this paragraph, and
  - (b) lay a copy of the statement and his report before Parliament.
- (6) Directions given by the Secretary of State under sub-paragraph (2) may, with the consent of the Treasury, be amended or revoked by him.

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### *Annual report*

- 10 (1) The Commission must send to the Secretary of State a report on the discharge of its functions during each financial year.
- (2) A report must be sent under sub-paragraph (1) within such period, beginning with the end of the financial year to which the report relates, as the Secretary of State may, with the consent of the Treasury, direct.
- (3) The Secretary of State must lay before Parliament a copy of each report received by him under this paragraph.

### *Instruments and authentication*

- 11 (1) The fixing of the seal of the Commission must be authenticated by the signature of the chairman or of another person authorised by the Commission to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Commission, or to be signed on the Commission's behalf, is to be received in evidence and, unless the contrary is proved, is to be treated as having been so executed or signed.

### *Records*

- 12 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records), at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert—
- “Commission for Architecture and the Built Environment.”

### *Disqualification*

- 13 In the House of Commons Disqualification Act 1975 (c. 24), in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate place insert—
- “Commission for Architecture and the Built Environment.”

### *Transitional provisions*

- 14 (1) A person who immediately before the appointed day was a member of the old Commission is to be treated—
- (a) as having been appointed as a member of the Commission under paragraph 2;
  - (b) for the purposes of paragraph 3(1), as having been so appointed on the date on which he was appointed as a member of the old Commission.
- (2) A person who immediately before the appointed day was the chairman of the old Commission is to be treated—
- (a) as having been appointed as chairman of the Commission under paragraph 2;
  - (b) for the purposes of paragraph 3(1), as having been so appointed on the date on which he was appointed chairman of the old Commission.
- (3) A committee of the old Commission which was in existence immediately before the appointed day is to be treated as having been established as a committee of the Commission under paragraph 5.

*Interpretation*

- 15 (1) The appointed day is the day on which section 92 comes into force.
- (2) The financial year of the Commission is the period of 12 months ending on 31 March.
- (3) But the first financial year of the Commission is the period—
- (a) starting on the appointed day, and
  - (b) ending on the following 31 March.