

SCHEDULES

SCHEDULE 1

Section 1

THE ADJUDICATOR

Status

- 1 The Adjudicator is a corporation sole.
- 2 The Adjudicator carries out functions on behalf of the Crown.

Appointment

- 3 The Adjudicator is to be appointed by the Secretary of State.

Deputy Adjudicator

- 4 The Secretary of State may appoint a Deputy Adjudicator.
- 5 The Deputy Adjudicator may carry out any of the Adjudicator's functions.

Term of office etc

- 6 A person holds and vacates office as the Adjudicator or Deputy Adjudicator in accordance with the terms of his or her appointment, but—
 - (a) a person's initial term of office may not be more than four years;
 - (b) a person may be appointed for one or two further terms of office;
 - (c) a further term may not be more than three years;
 - (d) a person may resign by giving written notice to the Secretary of State; and
 - (e) the Secretary of State may dismiss the person if satisfied that the person is unable, unwilling or unfit to perform his or her functions.
- 7 Service as the Adjudicator, or as the Deputy Adjudicator, is not service in the civil service of the state.

Remuneration

- 8 (1) The Adjudicator may pay to or in respect of the person holding office as the Adjudicator or the Deputy Adjudicator—
 - (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.
- (2) The Secretary of State must determine rates and eligibility criteria for the payments.

Staff

- 9 (1) The Adjudicator may make arrangements with the Secretary of State or any other public authority for staff to be seconded to the Adjudicator.
- (2) The arrangements may include provision for payments by the Adjudicator.

Conflicts of interest

- 10 (1) The Adjudicator must make procedural arrangements for dealing with any conflict of interest affecting—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator; or
 - (c) staff working for the Adjudicator.
- (2) The Adjudicator must consult the Secretary of State before making or revising the arrangements.
- (3) The Adjudicator must publish a summary of the arrangements.
- 11 (1) This paragraph applies if both the Adjudicator and the Deputy Adjudicator are unable to act in relation to a matter because of conflicts of interest.
- (2) The Secretary of State must appoint a person to act as a Deputy Adjudicator if asked to do so by the Adjudicator.
- (3) An acting Deputy Adjudicator may carry out any of the Adjudicator's functions for the purpose of dealing with the matter in respect of which he or she is appointed.
- (4) A person holds and vacates office as an acting Deputy Adjudicator in accordance with the terms of his or her appointment (subject to sub-paragraph (5)).
- (5) Paragraphs 6(d) and (e) and 7 and 8 apply to an acting Deputy Adjudicator as they apply to the Deputy Adjudicator.

Validity of acts

- 12 A defect in appointment does not affect the validity of things done by—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator; or
 - (c) an acting Deputy Adjudicator.

Application of seal and proof of documents

- 13 The application of the Adjudicator's seal must be authenticated by the signature of—
- (a) the Adjudicator; or
 - (b) some other person who has been authorised by the Adjudicator for that purpose (whether generally or specially).
- 14 A document purporting to be duly executed under the seal—
- (a) is to be received in evidence; and
 - (b) is to be treated as duly executed unless the contrary is shown.

Accounts

- 15 (1) The Adjudicator must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year the Adjudicator must prepare a statement of accounts in respect of that financial year.
- (3) The statement must be in whatever form the Secretary of State directs.
- (4) The Adjudicator must send a copy of the statement, within a period specified by the Secretary of State, to—
- (a) the Secretary of State; and
 - (b) the Comptroller and Auditor General.
- (5) After the Adjudicator has sent a copy of a statement of accounts to the Comptroller and Auditor General, the Comptroller and Auditor General must—
- (a) examine, certify and report on the statement; and
 - (b) send a copy of the certified statement and the report to the Secretary of State as soon as possible.
- (6) The Secretary of State must lay before Parliament a copy of the certified statement and of the report.

Incidental powers

- 16 The Adjudicator may do anything that is calculated to facilitate the carrying out of the Adjudicator's functions or is conducive or incidental to the carrying out of those functions.

Assistance from Office of Fair Trading

- 17 The Office of Fair Trading may provide staff, premises, facilities or other assistance to the Adjudicator (with or without charge).

Exemption from liability for damages

- 18 (1) The following are exempt from liability in damages for anything done or omitted in the exercise or purported exercise of their functions—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator;
 - (c) acting Deputy Adjudicators;
 - (d) staff working for the Adjudicator.
- (2) But sub-paragraph (1) does not apply—
- (a) if the act or omission is shown to have been in bad faith; or
 - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.