

FIRST SCHEDULE

CONSTITUTIONS OF THE COUNCIL AND BOARDS, AND SUPPLEMENTARY PROVISIONS

PART III

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND BOARDS

Incorporation

- 9 The Council and each board shall be a body corporate with perpetual succession and a common seal.

Tenure of office etc. of members, alternate members and chairmen

- 10 (1) Subject to the next following sub-paragraph and paragraph 11 of this Schedule, the representative and alternate members of a board taking office after the initial period and the members (other than representative members) of the Council or a board shall hold office for four years and shall then retire.
- (2) The members (other than representative members) of the Council shall retire in rotation in accordance with a scheme made by the Council and approved by the Privy Council, and the members and alternate members of a board (other than representative and alternate members taking office during the initial period) shall retire in rotation in accordance with a scheme made by the board and approved by the Council; and for the purpose of securing retirement by rotation any such scheme may provide that during the period of four years from the establishment of the body making the scheme (or as respects the retirement of representative and alternate members of a board, four years from the end of the initial period) some persons shall retire after less than four years in office, so however that a representative member of a board and his alternate member shall retire at the same time.
- (3) Subject to paragraph 11 of this Schedule, the representative and alternate members of the Council appointed by a board shall hold office for one year and shall then retire.
- (4) Subject as aforesaid, the representative member of the Council and his alternate member appointed under paragraph 3 of this Schedule by Ministers instead of by a board shall hold office until the end of the period which is the initial period for the purposes of that paragraph as respects that board and shall then retire.
- (5) Subject as aforesaid, the representative and alternate members of a board taking office during the initial period shall hold office until the end of that period and shall then retire.
- 11 (1) A member or alternate member of the Council or a board may at any time, by notice to the registrar appointed under this Act, resign his office.
- (2) A member or alternate member of the Council or a board whose name is removed by direction of a disciplinary committee from any register maintained under this Act shall relinquish his office.
- (3) A representative or alternate member of the Council appointed by a board who ceases to be a representative member of that board shall relinquish his office on the Council.

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- (4) When a member or alternate member of the Council or a board ceases to hold office otherwise than by retirement, his place shall be taken—
- (a) in the case of a representative member of a board, by his alternate member if then in office and if not by a person appointed or elected in the same manner and satisfying the same requirements of Part II of this Schedule as the representative member ;
 - (b) in any other case, by a person appointed or elected in the same manner and satisfying the same requirements of Part I or Part II of this Schedule as the member or alternate member in question:
- Provided that a scheme under sub-paragraph (2) of paragraph 8 of this Schedule may provide for the selection, otherwise than by election, of—
- (i) a person to succeed an alternate member of a board who has taken the place of his representative member under paragraph (a) above ;
 - (ii) persons to succeed a representative member of a board and his alternate member where the representative member ceases to hold office otherwise than by retirement and there is no alternate member to take his place under the said paragraph (a);
- and the requirement that an alternate member shall be selected on the same occasion as his representative member shall not apply where an alternate member is selected in pursuance of this sub-paragraph or continues as the alternate member for the successor under this sub-paragraph of a previous representative member of the Council.
- (5) A person taking office by virtue of sub-paragraph (4) above shall retire when the person whose place he takes would normally have retired.
- 12 (1) One of the members of the Council appointed by the Privy Council shall be designated by the Privy Council as the chairman of the Council, and a board shall appoint one of its members to be the chairman of the board.
- (2) The chairman of the Council or a board shall hold office as such until the expiration of the period determined by the body designating or appointing him as chairman or until he ceases to be a member of the Council or board, whichever first occurs, and shall then retire from that office.
- (3) The Chairman, or in his absence the person acting as chairman, of the Council or a board shall have a second or casting vote.
- 13 An alternate member of the Council or a board may act as a member of the Council or board at any meeting of that body when the representative member for whom he is alternate is absent, but not otherwise.
- 14 A person retiring from or resigning office as the chairman or a member or alternate member of the Council or a board shall be eligible to hold that office again.
- 15 The powers of the Council or a board or any committee thereof may be exercised notwithstanding any vacancy in its membership, and no proceedings of such a body shall be invalidated by any defect in the selection of a person to be a member of that body.

Committees

- 16 (1) The Council or a board with the approval of the Council may appoint one or more committees to carry out, on behalf of the Council or board, such of the functions of

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the Council or board as that body may determine and as are not required in the case of a board to be carried out by an investigating or disciplinary committee.

- (2) A committee appointed under this paragraph shall consist of the number of members determined by the body appointing it, and not more than one third of the members may be persons who are not members of that body; and a member of such a committee shall hold office in accordance with the terms of the instrument under which he is appointed.

Standing Orders

- 17 The Council or a board may make standing orders for regulating the proceedings (including quorum) of the Council or board or any committee thereof, so however that orders under this paragraph shall not be made with respect to the proceedings of a disciplinary committee.

Expenses and accounts

- 18 (1) Any fees payable under this Act in respect of the entry or retention of a name on a register shall be paid to the Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees or otherwise.
- (2) The Council shall furnish each board with such sums as the board may require for defraying—
- (a) any remuneration or allowances which the board is authorised by this Act to pay ; and
 - (b) any costs which the board is directed to pay on an appeal under section nine of this Act; and
 - (c) any other expenses incurred by the board with the approval of the Council, and each board shall furnish the Council with such evidence as the Council may reasonably require of all payments made by the board out of sums furnished by the Council.
- (3) The Council shall keep proper accounts of all sums received or paid by it, and proper records in relation to those accounts (including records of the evidence furnished as aforesaid), and its accounts for each financial year of the Council shall be audited by auditors appointed by the Council; and as soon as any accounts of the Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors thereon.
- (4) No person shall be qualified to be appointed auditor under this paragraph unless he is a member of one or more of the following bodies :—
- the Institute of Chartered Accountants in England and Wales ;
 - the Society of Incorporated Accountants ;
 - the Institute of Chartered Accountants of Scotland ;
 - the Association of Certified and Corporate Accountants ;
 - the Institute of Chartered Accountants in Ireland ;
 - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

- 19 The Council or a board may pay to any of its members or alternate or additional members, or to any member of a committee appointed by it, travelling, subsistence or other allowances at such rates as may be determined by the Council with the consent of the Privy Council.

Officers and servants

- 20 (1) The Council (but not a board) shall have power to appoint a registrar and other officers and servants on such terms as to remuneration, pensions or otherwise as the Council may determine ; and the Council shall make such arrangements as it thinks appropriate for the services of officers and servants appointed by it to be available to the boards and to any committees of the Council or a board.
- (2) A board shall have power with the approval of the Council to appoint teaching and other staff, on such terms as to remuneration, pensions or otherwise as the board with the approval of the Council may determine, in connection with any course of training or examination conducted under arrangements made by the board.
- (3) The Council shall not determine or approve under the foregoing sub-paragraphs any terms relating to pensions unless those terms have been agreed by the Treasury.

Miscellaneous

- 21 It shall be the duty of a board to furnish the Council with a copy of the minutes of proceedings of the board and any committee (other than an investigating or disciplinary committee) appointed by the board and of any document considered at a meeting of the board or committee ; and it shall be the duty of the Council, at the request of a board, to make available to the board a copy of so much of any minutes of proceedings of the Council or a committee appointed by the Council and of so much of any document considered at a meeting of the Council or committee as relates to the board.
- 22 (1) In this Schedule,—
- " the English Colleges " means the Royal College of Physicians of London, the Royal College of Surgeons of England and the Royal College of Obstetricians and Gynaecologists ;
- " the initial period ", in relation to a board, means the period expiring six months (or for the purposes of paragraph 3 of this Schedule, eight months) after such date as the Council may by order determine to be that on which the board's register is established ;
- " representative member" has the meaning assigned to it, in relation to the Council, by paragraph (c) of sub-paragraph (1) of paragraph 1 of this Schedule, and in relation to a board, by paragraph (a) of sub-paragraph (1) of paragraph 4 of this Schedule ;
- " the Scottish Corporations" means the Royal College of Physicians of Edinburgh, the Royal College of Surgeons of Edinburgh and the Royal Faculty of Physicians and Surgeons of Glasgow.
- (2) Any power to make a scheme conferred by a provision of this Schedule shall include power to vary or revoke the scheme by a subsequent scheme under that provision.