

THE SCHEDULE

Article 6(2)

The Office of the Renewable Fuels Agency

Constitution

1.—(1) The Office of the Renewable Fuels Agency must consist of at least three but not more than seven members, who must be appointed by the Secretary of State.

(2) The Secretary of State—

- (a) must appoint a member to chair the Office (in this Schedule referred to as “the Chair”), and
- (b) may appoint a member other than the member appointed to chair the Office, as the Chief Executive of the Office.

(3) A member—

- (a) may not be appointed for a term of more than five years (but may be reappointed),
- (b) may resign by notice in writing to the Secretary of State, and
- (c) must hold and vacate office in accordance with the terms of the member’s appointment.

(4) Before appointing a member (other than the Chair), the Secretary of State must consult the Chair.

2. The Secretary of State may dismiss a member of the Office by notice in writing on the grounds that the member—

- (a) has been absent from meetings of the Office without permission of the Office during a period of more than three months,
- (b) has a financial or other personal interest which is likely to influence the performance of that person’s functions as a member,
- (c) is the subject of a bankruptcy restrictions order (or interim order),
- (d) has had estate sequestrated in Scotland or, under Scots law, has made a composition or arrangement with, or granted a trust deed for, that person’s creditors,
- (e) has misbehaved, or
- (f) is unable, unfit or unwilling to perform that person’s functions as a member.

Staff

3.—(1) The Office may appoint employees.

(2) The power under sub-paragraph (1) may be exercised only if the Office has the approval of the Treasury as to—

- (a) numbers, and
- (b) terms and conditions of employment.

Proceedings

4. Where so required by the Secretary of State, the Office must establish a committee chaired by a member, and the committee must carry out the functions specified by the Secretary of State.

5. The Office may establish one or more other committees (which may include persons who are neither members of nor employed by the Office).

6. The Office may delegate a function to—

- (a) the Chief Executive,

Status: This is the original version (as it was originally made).

- (b) any employee of the Office, or
 - (c) a committee.
7. The Office must—
- (a) determine arrangements for the conduct of its proceedings (which may, in particular, include arrangements for a quorum), and
 - (b) publish those arrangements.
8. The validity of any proceedings of the Office (including any decision on a reconsideration of a revocation under article 20) is not affected by—
- (a) a vacancy, or
 - (b) a defective appointment.

Money

9. The Office may with the approval of the Secretary of State make to or in respect of members of the Office, employees or committee-members payments by way of or in respect of—
- (a) remuneration;
 - (b) pension;
 - (c) allowances;
 - (d) expenses.
10. If the Secretary of State thinks that special circumstances of a person's ceasing to be a member of the Office make it appropriate to pay that person compensation, the Office may pay the person compensation of an amount approved by the Secretary of State (whether or not the person receives other benefits by way of pension).
11. The Office may with the approval of the Secretary of State incur expenditure in connection with advisory or other services provided to the Office.
12. The Office may not borrow money.

Accounts and audit

- 13.—(1) The Office must—
- (a) keep proper accounts and proper accounting records, and
 - (b) in respect of each financial year, prepare a statement of its accounts.
- (2) Every statement of accounts prepared under sub-paragraph (1)(b) must—
- (a) give a true and fair view of the Office's income and expenditure for the financial year in question and its state of affairs, and
 - (b) comply with every requirement relating to the accounts which the Secretary of State has notified to the Office.
- (3) The requirements notified under sub-paragraph (2)(b) may include, in particular, requirements relating to—
- (a) the information to be contained in the statement,
 - (b) the manner in which that information is to be presented, and
 - (c) the methods and principles according to which the statement is to be prepared.
- 14.—(1) The statement of accounts and other accounts of the Office relating to each financial year must be audited by the Comptroller and Auditor General.

(2) The Comptroller and Auditor General must send the Office a copy of the report on the accounts audited under sub-paragraph (1).

(3) The Office must send the Secretary of State—

- (a) a copy of the accounts audited under sub-paragraph (1), and
- (b) the report of the Comptroller and Auditor General.

(4) The Secretary of State must lay a copy of the documents sent to her under sub-paragraph (3) before Parliament.

Accounting Officer

15.—(1) The Secretary of State must appoint a member of the Office as the Accounting Officer of the Administrator.

(2) The accounting officer has, in relation to the accounts and finances of the Administrator, the responsibilities which are from time to time specified by the Secretary of State.

(3) Those responsibilities must include in particular—

- (a) responsibilities in relation to the signing of accounts,
- (b) responsibilities for the propriety and regularity of the finances of the Administrator, and
- (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Administrator are used.

(4) The responsibilities which may be specified under this paragraph include responsibilities owed to the House of Commons or its Committee of Public Accounts.

Information

16. The Office must give the Secretary of State information, advice and assistance about any matter in respect of which it has any functions if—

- (a) the Office considers it appropriate to do so, or
- (b) the Secretary of State asks the Office to do so in connection with the carrying out of any the Secretary of State's functions.

Conflict of interest

17.—(1) Before appointing a person as a member of the Office the Secretary of State must satisfy herself that the person neither has nor is expected to acquire a financial or other personal interest which is likely to influence the performance of that person's functions as a member.

(2) From time to time the Secretary of State must satisfy herself that no member of the Office has a financial or other personal interest which is likely to influence the performance of that person's functions as a member.

18.—(1) Procedural arrangements made by the Office under paragraph 7 must include arrangements under which a member, employee or committee-member who has a financial or other personal interest which is likely to influence that person's performance of a particular function is obliged—

- (a) to declare the interest, and
- (b) to withdraw from the performance of the function to the relevant extent.

(2) Procedural arrangements made by the Office under paragraph 7 must include arrangements under which a member, employee or committee-member who has a financial or other personal

interest which is relevant to a particular function but does not fall under sub-paragraph (1) is obliged—

- (a) to declare the interest, and
- (b) unless the members of the Office direct otherwise, to withdraw from the performance of the function to the relevant extent.

Status of the Office

19.—(1) The Office is not to be treated—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Office is not to be regarded as property of the Crown or as held on behalf of the Crown.

Supplementary powers

20.—(1) Subject to paragraph 12, the Office may do anything which it thinks necessary or expedient for purposes connected with the implementation of provision made by Chapter 5 of Part 2 of the 2004 Act or by this Order.

(2) In particular the Office may acquire by agreement or dispose of land and other property.

(3) But the Office must not acquire by agreement or dispose of land without the approval of the Secretary of State.

Execution of documents

21.—(1) The application of the seal of the Office must be authenticated by the signature of a member or employee of the Office whom it has authorised for the purpose (whether generally or specifically).

(2) Any document which the Office is authorised or required by or under any enactment to serve, make or issue may be signed on its behalf by a member or employee whom it has authorised for the purpose (whether generally or specifically).

(3) Every document purporting—

- (a) to be an instrument made or issued by or on behalf of the Office, and
- (b) to be duly executed under the seal of the Office, or to be duly signed or executed by a person authorised by the Office for the purpose,

shall be received in evidence and, unless the contrary is shown, treated without further proof as so made or issued.

(4) In this paragraph the reference to a signature includes a reference to a facsimile of a signature produced by any process and “signed” is to be construed accordingly.

(5) In this paragraph “enactment” includes—

- (a) an enactment contained in subordinate legislation,
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
- (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
- (d) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.