

SCHEDULE 1 SCOTTISH COMMISSION ON SOCIAL SECURITY

PART 1

OPERATION AND COMPOSITION OF THE COMMISSION

CHAPTER 5

MEMBERSHIP

Number of members

- 13 (1) The Commission is to consist of—
- (a) a member to chair the Commission, and
 - (b) at least 2 but no more than 4 other members.
- (2) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) by substituting a different number for any number for the time being specified there.

Appointment of members

- 14 (1) The Scottish Ministers are to appoint the Commission's members.
- (2) The Scottish Ministers may not appoint a person who is disqualified from being a member (see paragraph 17).
- (3) When appointing members the Scottish Ministers must have regard to the desirability of—
- (a) securing that the Commission (taken as a whole) has experience in or knowledge of—
 - (i) the formulation, implementation and evaluation of social security policies in Scotland and elsewhere in the United Kingdom,
 - (ii) research in connection with social security, and
 - (iii) the effect of disability, arising from a physical or mental impairment, on daily life,
 - (b) having a member with personal experience of having a disability arising from a physical or mental impairment, and
 - (c) having as members people who have not previously been members.

Tenure and other terms and conditions

- 15 (1) A person's membership of the Commission continues until the end of the period of appointment (subject to paragraph 16(1) and (2)).
- (2) In sub-paragraph (1), "the period of appointment" means the period specified by the Scottish Ministers on appointing the person as a member.
- (3) The Scottish Ministers may not specify a period of appointment that is longer than 4 years, beginning with the day that the appointment takes effect.

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- (4) Nothing in this paragraph prevents a person from being a member of the Commission for two or more consecutive periods of appointment.
- (5) The Scottish Ministers may determine other terms and conditions of membership, in relation to matters not covered by this schedule.

Early termination

- 16 (1) A member of the Commission may resign by giving notice in writing to the Scottish Ministers.
- (2) A person's membership of the Commission ends if—
- (a) the person becomes disqualified from being a member (see paragraph 17), or
 - (b) the Scottish Ministers give the person written notice that the person is removed from the Commission.
- (3) The Scottish Ministers may remove a member of the Commission by virtue of sub-paragraph (2)(b) only if they consider that the member is—
- (a) unfit to continue to be a member, or
 - (b) unable to perform the member's functions.

Disqualification grounds

- 17 (1) A person is disqualified from being a member of the Commission if sub-paragraph (2) or (3) applies to the person.
- (2) This sub-paragraph applies to a person who is—
- (a) a member of the—
 - (i) Scottish Parliament,
 - (ii) House of Commons,
 - (iii) House of Lords,
 - (iv) National Assembly for Wales,
 - (v) Northern Ireland Assembly, or
 - (vi) European Parliament,
 - (b) a councillor of any local authority,
 - (c) a member of the Scottish Government,
 - (d) a Minister of the Crown,
 - (e) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,
 - (f) an office-holder in the Scottish Administration,
 - (g) a civil servant,
 - (h) one of the members of the Scottish Tribunals, as defined in section 13(3) of the Tribunals (Scotland) Act 2014,
 - (i) a judge, or other member, of the Upper Tribunal or First-tier Tribunal established by section 3 of the Tribunals, Courts and Enforcement Act 2007.
- (3) This sub-paragraph applies to a person (subject to sub-paragraph (4)) who is or has been—
- (a) disqualified as a company director under the Company Directors Disqualification Act 1986,

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- (b) disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005,
 - (c) the subject of a disqualification under a disqualification provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.
- (4) Sub-paragraph (3) does not apply to a person who is or has been disqualified as mentioned in that sub-paragraph only by—
- (a) section 11 of the Company Directors Disqualification Act 1986 (undischarged bankrupts),
 - (b) section 69(2)(b) of the Charities and Trustee Investment (Scotland) Act 2005 (which disqualifies undischarged bankrupts from being charity trustees), or
 - (c) a provision analogous to either of those mentioned in paragraph (a) or (b) anywhere in the world.