

## SCHEDULE 1

*(introduced by section 1(3))*

### CONSUMER SCOTLAND

#### *Status*

- 1 (1) Consumer Scotland—
  - (a) is not a servant or agent of the Crown, and
  - (b) does not enjoy any status, immunity or privilege of the Crown.
- (2) Consumer Scotland’s members are not to be regarded as civil servants.

#### *Membership*

- 2 (1) Consumer Scotland is to consist of—
  - (a) a member appointed by the Scottish Ministers to chair Consumer Scotland, and
  - (b) at least 2 but no more than 4 other members appointed by the Scottish Ministers.
- (2) A member is appointed for such period not exceeding 5 years as the Scottish Ministers determine.
- (3) The Scottish Ministers may reappoint as a member a person who is, or has been, a member of Consumer Scotland.
- (4) The Scottish Ministers must, when appointing members of Consumer Scotland—
  - (a) do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements,
  - (b) have regard to the desirability of having at least one member who has personal experience of being a vulnerable consumer or who otherwise has experience in dealing with or knowledge of the difficulties faced by vulnerable consumers.
- (5) The Scottish Ministers may determine other terms and conditions of membership in relation to matters not covered by this Act.
- (6) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) to substitute for the minimum or maximum number of members for the time being specified such other number or numbers of members.
- (7) In sub-paragraph (4)(a), “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Part 2 of schedule 5 of the Scotland Act 1998.

#### *Persons who may not be members*

- 3 (1) The Scottish Ministers may not appoint a person as a member of Consumer Scotland if—
  - (a) the person is—
    - (i) a member of the Scottish Parliament,
    - (ii) a member of the House of Commons,
    - (iii) a member of the House of Lords,

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- (iv) a member of the National Assembly for Wales,
  - (v) a member of the Northern Ireland Assembly,
  - (vi) a member of the European Parliament,
  - (vii) a councillor of a local authority,
  - (viii) the holder of any other relevant elective office within the meaning of paragraph 1(8) of schedule 7 of the Political Parties, Elections and Referendums Act 2000,
  - (ix) a member of the Scottish Government,
  - (x) a Minister of the Crown,
  - (xi) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,
  - (xii) an office-holder in the Scottish Administration,
  - (xiii) a civil servant,
  - (b) the person is insolvent,
  - (c) the person is or has been disqualified as a company director under the Company Directors Disqualification Act 1986,
  - (d) the person is or has been disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005, or
  - (e) the person is or has been disqualified under any disqualification provision analogous to either of those mentioned in paragraphs (c) and (d), anywhere in the world.
- (2) For the purposes of sub-paragraph (1)(b), a person becomes insolvent when—
- (a) the person's estate is sequestrated,
  - (b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
  - (c) the person is the subject of any other kind of arrangement analogous to either of those described in paragraphs (a) and (b), anywhere in the world.

#### *Early termination of membership*

- 4 (1) A member of Consumer Scotland may resign by giving notice in writing to the Scottish Ministers.
- (2) A person's membership of Consumer Scotland ends if the person becomes disqualified as a member after appointment.
- (3) A person becomes disqualified as a member after appointment if, during the person's period of appointment as a member, any of paragraphs (a) to (e) of paragraph 3(1) applies to the person.
- (4) The Scottish Ministers may, by giving notice to the member in writing, remove a member if—
- (a) the member has been absent, without reasonable excuse, from 3 consecutive meetings of Consumer Scotland, or
  - (b) the Scottish Ministers consider that the member is—
    - (i) unable to perform the functions of a member, or
    - (ii) unsuitable to continue as a member.

#### *Members' remuneration, allowances and pensions*

- 5 (1) Consumer Scotland may pay each member such remuneration and allowances (including expenses) as it, with the approval of the Scottish Ministers, determines.
- (2) Consumer Scotland may pay, or make arrangements for the payment of, such pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of Consumer Scotland as it, with the approval of the Scottish Ministers, determines.
- (3) Those arrangements may include—
- (a) making payments towards the provision of those pensions, allowances and gratuities,
  - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (4) The reference in sub-paragraph (2) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

#### *Chief executive and other staff*

- 6 (1) Consumer Scotland is to have, as a member of staff, a chief executive.
- (2) Consumer Scotland is to appoint each chief executive with the approval of the Scottish Ministers.
- (3) The chief executive may not be a member of Consumer Scotland.
- (4) Consumer Scotland may appoint other staff.
- (5) The chief executive and other staff are appointed on such terms and conditions as Consumer Scotland, with the approval of the Scottish Ministers, determines.

#### *Pensions of chief executive and other staff*

- 7 (1) Consumer Scotland may pay or make arrangements for the payment of pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of staff of Consumer Scotland.
- (2) Those arrangements may include—
- (a) making payments towards the provision of those pensions, allowances and gratuities,
  - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

#### *Committees*

- 8 (1) Consumer Scotland may establish committees and sub-committees.
- (2) The membership of a committee or sub-committee may include or consist of persons who are not members of Consumer Scotland (but those persons are not entitled to vote at meetings).

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- (3) Consumer Scotland may—
- (a) pay each member of a committee or sub-committee who is not a member of or a member of staff of Consumer Scotland remuneration and allowances (including expenses), and
  - (b) pay, or make arrangements for the payment of, allowances and gratuities to, or in respect of, any person who is or has been a member of a committee or sub-committee who is not a member of or a member of staff of Consumer Scotland.
- (4) Those arrangements may include—
- (a) making payments towards the provision of those allowances and gratuities,
  - (b) providing and maintaining schemes for the payment of those allowances and gratuities to, or in respect of, any person who is or has been a member of a committee or sub-committee.
- (5) The reference in sub-paragraph (3) to allowances and gratuities include allowances and gratuities by way of compensation for loss of office as a member of a committee or sub-committee.

*Authority to perform functions*

- 9 (1) Consumer Scotland may authorise—
- (a) any of its members,
  - (b) any committee or sub-committee established by it,
  - (c) its chief executive, or
  - (d) any other member of its staff,
- to perform such of its functions (and to such extent) as it determines.
- (2) But Consumer Scotland may not authorise another person to perform any of the following functions—
- (a) approving any annual budget or financial plan,
  - (b) approving annual reports or accounts.
- (3) The giving of authority under this paragraph to perform a function does not—
- (a) affect Consumer Scotland's responsibility for the performance of the function, or
  - (b) prevent Consumer Scotland from performing the function itself.

*Regulation of procedure*

- 10 Consumer Scotland may regulate its own procedure (including quorum) and that of any committee or sub-committee.

*Validity of things done*

- 11 The validity of anything done by Consumer Scotland or its committees or sub-committees is not affected by—
- (a) a vacancy in membership,
  - (b) a defect in the appointment of a member,
  - (c) the disqualification of a person as a member after appointment.

*General powers*

- 12 Consumer Scotland may do anything which appears to it—
- (a) to be necessary or expedient for the purposes of, or in connection with, the performance of its functions, or
  - (b) to be otherwise conducive to the performance of its functions.

*Location of office*

- 13 Consumer Scotland's determination of the location of its office premises is subject to the approval of the Scottish Ministers.