

*Status: Point in time view as at 18/01/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019, SCHEDULE 1. (See end of Document for details)*

## SCHEDULE 1

*(introduced by section 1(2))*

### THE POW OF INCHAFFRAY DRAINAGE COMMISSION

#### *Functions*

- 1 (1) The functions of the Commission are to—
  - (a) maintain, repair and renew the Pow,
  - (b) control fauna and flora within—
    - (i) the Pow,
    - (ii) the affected land,
  - (c) carry out improvements to the Pow and protective works,in so far as the Commission considers necessary or desirable to maintain effective drainage of the benefited land.
- (2) Where an improvement to the Pow involves widening, or lowering the bed of, a watercourse under a bridge, the Commission must carry out any works necessary to protect the bridge's foundations.

#### *General powers*

- 2 (1) The Commission may do anything which appears to the Commission—
  - (a) to be necessary or expedient for the purpose of, or in connection with, the performance of its functions, or
  - (b) to be otherwise conducive to the performance of its functions.
- (2) In particular, the Commission may—
  - (a) enter into contracts,
  - (b) borrow money.

#### *Appointment etc. of Clerk*

- 3 The Commission—
  - (a) must appoint a Clerk of the Commission on such terms as it thinks fit,
  - (b) may appoint a Commissioner as Clerk,
  - (c) may pay the Clerk's fees and expenses, and
  - (d) may replace the Clerk at any time.

#### *Committees*

- 4 (1) The Commission may, subject to such conditions and procedures as it determines, delegate any of its functions to a committee comprising Commissioners.
- (2) Where the Commission delegates functions to a committee, a reference in this Act to the “Commission” includes, except where the context otherwise requires, reference to the committee.

#### *Advisers and other services*

- 5 The Commission may obtain advice, assistance or any other service from any person who, in the opinion of the Commission, is qualified to give it.

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6 The Commission may pay to that person fees and expenses.

*Proceedings etc.*

7 Subject to the provisions of this Act, the Commission may regulate its own procedure.

8 The validity of any act of the Commission is not affected by—

- (a) a defect in the appointment of a Commissioner,
- (b) a vacancy in the office of Commissioner.

*Finances, accounts and audit*

9 The Commission must—

- (a) ensure that the resources of the Commission are used economically, efficiently and effectively,
- (b) keep proper accounts and accounting records, and
- (c) prepare annual accounts for each assessment year and have them audited.

10 If requested by a heritor, the Commission must provide the heritor with a copy of the audited accounts in printed or electronic form.

11 The Commission may charge a reasonable fee for providing a copy of the audited accounts under paragraph 10.

*Execution of documents*

12 A document is validly executed by the Commission by signature on behalf of the Commission by—

- (a) two Commissioners, or
- (b) one Commissioner and the Clerk.

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