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## SCHEDULES

### SCHEDULE 5

#### RURAL DEVELOPMENT BOARDS

##### PART II

###### CONSTITUTION AND PROCEDURE OF BOARDS

- 1 (1) A Rural Development Board shall consist of not less than six nor more than twelve members appointed by the appropriate Minister of whom more than half shall be appointed as having had experience of, and shown capacity in, or otherwise as having special knowledge of, agriculture or forestry.
- (2) The Board shall have a chairman and deputy chairman appointed by the appropriate Minister from among the members of the Board.
- (3) The Board shall pay to the members of the Board such travelling or other allowances as the appropriate Minister, with the approval of <sup>[F1</sup>the Minister for the Civil Service], may determine, and in the case of any member of the Board as respects whom the appropriate Minister, with the approval of <sup>[F1</sup>The Minister for the Civil Service], so determines—
- (a) may pay such remuneration, whether by way of salary or fees, as the appropriate Minister and the Treasury may determine in his case, and
  - (b) may pay such pension, or make such payments towards the provision of a pension, to or in respect of him as the appropriate Minister and <sup>[F1</sup>the Minister for the Civil Service] may determine in his case,
- and if a person ceases to be a member of a Board and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation, the Board may, with the approval of <sup>[F1</sup>the Minister for the Civil Service], pay to that person a sum of such amount as the appropriate Minister may with the approval of the Treasury determine.

###### Textual Amendments

**F1** Words substituted by virtue of S.I. 1968/1656, art. 2(1)(e), 3(2)

- 2 A Board shall be a body corporate with perpetual succession and a common seal.
- 3 (1) It shall be within the capacity of a Board as a statutory corporation to do such things and to enter into such transactions as are incidental or conducive to the performance of any of its functions, but they shall not borrow money without the appropriate Minister's written consent.
- (2) Without prejudice to the generality of sub-paragraph (1) above, where in the performance of any of their functions a Board render any services to any person they

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may make such charges in respect of those services as may be agreed between a Board and that person.

- 4 The validity of any proceedings of a Board shall not be affected by any vacancy among the members of a Board or by any defect in the appointment or any disqualification of any of the members of a Board.
- 5 (1) Subject to the following provisions of this paragraph, a member of a Board and the chairman and deputy chairman shall hold and vacate office as such in accordance with the terms of his appointment, and previous tenure of any such office shall not affect eligibility for re-appointment.
- (2) If the chairman or deputy chairman ceases to be a member of a Board, he shall also cease to be chairman or deputy chairman.
- (3) A member of a Board may at any time, by notice in writing addressed to the appropriate Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- 6 If the appropriate Minister is satisfied that a member of a Board—
- (a) has become bankrupt or<sup>F2</sup>has had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986) or has] made an arrangement with his creditors;
  - (b) is incapacitated by reason of physical or mental illness;
  - (c) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board; or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,
- the appropriate Minister shall have power to remove him from his office as a member of that Board.

#### Textual Amendments

**F2** Words in Sch. 5 Pt. 2 para 6(a) inserted (1.10.2012) by [S.I. 2012/2404](#), [Sch. 2 para. 3](#)

- 7 (1) If a member of a Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of that Board at which the contract or other matter is the subject of consideration, he shall disclose the fact as soon as practicable after the commencement of the meeting, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter, but he may nevertheless be taken into account for the purpose of constituting a quorum of that Board for any such consideration of, or decision on, the contract or other matter:

Provided that this sub-paragraph shall not apply to any interest which a member may have—

- (a) as an inhabitant of the Board's area, or the owner of an estate or interest in land in that area, or
- (b) as an applicant or prospective applicant for any consent, licence, grant or loan,

being an interest which he has in common with all other such inhabitants, owners, applicants or prospective applicants, or with any class thereof; and provided also that the chairman at any meeting, may, at his discretion, permit a member to take

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part in the consideration or discussion of any question (but not to vote thereon) notwithstanding that the member has an interest to which this sub-paragraph applies, but subject to such restrictions as the chairman may think it right to impose.

- (2) A general notice given in writing by a member of a Board to the officer designated by that Board for the purpose to the effect that he is a member or in the employment of a specified company or other body, or that he is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.
- (3) Any disclosure made under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting at which it is made; and any notice given under sub-paragraph (2) thereof shall be recorded in a book to be kept for the purpose.
- 8 (1) In the case of an equality of votes at any meeting of a Board, the person who is chairman at that meeting shall have a second or casting vote.
- (2) A Board's quorum shall be three or such larger number as they may determine, and subject to the foregoing provisions of this Schedule a Board may determine their own procedure, and the procedure of their committees.
- 9 (1) A Board may appoint such officers and servants as the Board may determine.
- (2) A Board shall—
- (a) pay to their officers and servants such remuneration and such travelling or other allowances as they may with the approval of the appropriate Minister and <sup>F3</sup>the Minister for the Civil Service] determine; and
  - (b) as to any officers or servants in whose case the Board may determine to do so, pay to or in respect of them such pensions, or provide and maintain for them such pensions schemes, as the Board may with the consent of the appropriate Minister and <sup>F3</sup>the Minister for the Civil Service] determine.

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**Textual Amendments**

**F3** Words substituted by virtue of S.I. 1968/1656, art. 2(1)(e), 3(2)

- 10 The application of the seal of a Board to any document shall be authenticated by the signature of a member of the Board or of the person for the time being acting as secretary of the Board.
- 11 A Board's office shall be in its area or where it is conveniently accessible from places in its area.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(10A) inserted by [2003 c. 44 Sch. 27 para. 2\(3\)](#)