

## SCHEDULES

### SCHEDULE 3

Section 1.

#### ADMINISTRATIVE AND SUPPLEMENTARY PROVISIONS RELATING TO COUNCIL

#### PART I

#### GENERAL

##### *Constitution and staff*

- 1 The Council shall be a body corporate.
- 2 The Secretary of State shall appoint one of the members of the Council to be chairman of the Council and may appoint a member to be deputy chairman.
- 3 The chairman, deputy chairman and other members of the Council shall hold and vacate office in accordance with the terms of their appointment.
- 4 A member of the Council may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman and deputy chairman of the Council may by such a notice resign their office as such without resigning their membership.
- 5 A member of the Council who ceases to be a member or ceases to be chairman or deputy chairman of the Council shall be eligible for reappointment.
- 6 The Secretary of State may remove a member of the Council from membership if he is satisfied that he—
  - (a) has been adjudged bankrupt or has made a composition or arrangement with his creditors or, in Scotland, has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract; or
  - (b) is incapacitated by physical or mental illness ; or
  - (c) has, for a period of six consecutive months, been absent from meetings of the Council, otherwise than by reason of illness or some other cause approved during that period by the Council; or
  - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- 7 If the chairman or deputy chairman of the Council ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.
- 8 The proceedings of the Council and their committees shall not be invalidated by any vacancy in the number of their members, or by any defect in the appointment of any person as a member or as chairman or deputy chairman.
- 9 (1) The Council shall appoint a chief officer, but no such appointment shall be made except with the approval of the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Council may appoint such number of other officers as they may, with the approval of the Secretary of State and the Minister for the Civil Service, determine.

*Remuneration and allowances for members and officers*

- 10 (1) The Council—
- (a) shall pay to their members such remuneration and allowances (if any) as the Secretary of State may, with the approval of the Minister for the Civil Service, determine ; and
  - (b) as regards any member in whose case the Secretary of State may, with the approval of the Minister for the Civil Service, so determine, shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as the Secretary of State may, with the Minister's approval, determine.
- (2) If a person ceases to be a member of the Council, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may, with the approval of the Minister for the Civil Service, require the Council to pay to that person a sum of such amount as the Secretary of State may, with the Minister's approval, determine.
- 11 The Council shall pay to the officers of the Council such remuneration and allowances as the Council may, with the approval of the Secretary of State and the Minister for the Civil Service, determine.
- 12 The Council shall, in the case of such of their officers as they may, with the approval of the Secretary of State and the Minister for the Civil Service, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of them ;
  - (b) make such payments towards the provision of such pensions, allowances or gratuities ; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- as they may, with the approval of the Secretary of State and the Minister, determine.

*Documents*

- 13 The application of the seal of the Council shall be authenticated by the signature of any member or officer of the Council authorised by them, either generally or specially, to act for that purpose.
- 14 Any document purporting to be a document duly executed under the seal of the Council, or to be signed on behalf of the Council, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.

*Land*

- 15 (1) For the purposes of the application of any enactment or rule of law to land an interest in which belongs to the Council, and which is managed as a nature reserve, the Council shall be deemed to be a Government department; and any other land occupied by them shall be deemed, for the purpose of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.

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- (2) In sub-paragraph (1) above " interest" and " land " have the meanings assigned to them by section 114 of the National Parks and Access to the Countryside Act 1949.

*Reports, accounts etc.*

- 16 The Council shall furnish the Secretary of State with such returns, accounts and other information with respect to their property and activities or proposed activities as he may from time to time require, and shall afford to the Secretary of State facilities for the verification of information so furnished and for that purpose permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the Council's accounts, books, documents or papers and give that person such explanation of them as he may reasonably require.
- 17 (1) The Council shall as soon as possible after 31st March 1975 make to the Secretary of State a report on the exercise and performance of their functions down to that date, and shall make a similar report to him as to each period of twelve months thereafter as soon as possible after its end.
- (2) The Secretary of State shall lay a copy of any report under this paragraph before each House of Parliament.
- 18 (1) The Council shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (2) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statements of account of the Council for the financial year last ended.
- (3) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under this paragraph, and lay copies of them together with his report thereon before each House of Parliament.
- (4) In this paragraph " financial year" means the period beginning with the day appointed under section 1 above and ending with 31st March 1974 and each period of twelve months thereafter.

## PART II

### APPLICATION OF ENACTMENTS

*House of Commons Disqualification Act 1957*

- 19 In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the entry " Any member of the Nature Conservancy Council in receipt of remuneration. ".

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*Superannuation Act 1965*

- 20 In section 39(1) of the Superannuation Act 1965 (public offices) for the entry in paragraph 7 relating to the Nature Conservancy there shall be substituted the following entry:—  
“The Nature Conservancy Council.”.

**PART III**

TRANSITIONAL

- 21 (1) The Secretary of State may at any time by order made by statutory instrument make such incidental, consequential transitional or supplementary provision as may appear to him to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto, and nothing in any other provision of this Act shall be construed as prejudicing the generality of this sub-paragraph.
- (2) An order under this paragraph may include provision for the transfer of rights, liabilities and obligations to the Council in connection with the transfer to them of functions discharged by the Natural Environment Research Council before the day appointed by section 1(7) above, and may in particular provide—
- (a) for the transfer and management or custody of property, whether real or personal, and in Scotland whether heritable or moveable, held by the Natural Environment Research Council wholly or partly for the purpose of any such function ; and
  - (b) for treating anything duly done by that Council in the exercise of any such function before the said appointed day as having been duly done by the Nature Conservancy Council and treating any instrument made before that day by the Natural Environment Research Council, if or so far as it was made in the exercise of any such function, as continuing in force on and after that day until varied or revoked by the Nature Conservancy Council.
- (3) Subject to sub-paragraph (4) below, any agreement, appointment, licence, byelaws, authorisation or other instrument in writing made or granted or treated by virtue of any enactment as having been made or granted by or to or in relation to the Natural Environment Research Council in connection with the discharge of any such function shall, as from the said appointed day, be treated as having been made or granted by, to or in relation to the Nature Conservancy Council.
- (4) Sub-paragraph (3) above is without prejudice to any provision made by an order under this paragraph, but has effect subject to any provision to the contrary made by such an order and in particular may be excluded by such an order from applying either wholly or to any specified extent in any particular case.