

SCHEDULES

SCHEDULE 1

Section 3(9).

MEMBERS AND PROCEEDINGS OF REGIONAL AND LOCAL LAND DRAINAGE COMMITTEES

Terms of office of members

- 1 Members of a regional or local land drainage committee other than those appointed by or on behalf of constituent councils shall hold and vacate office in accordance with the terms of their appointment.
- 2 (1) Members of a regional or local land drainage committee appointed by or on behalf of a constituent council or councils may be members of that council or one of those councils or other persons.
- (2) Any member of a regional or local land drainage committee appointed by or on behalf of a constituent council who at the time of his appointment was a member of that council shall if he ceases to be a member of that council, cease also to be a member of the committee at the expiration of the period of 3 months beginning with the date when he ceases to be a member of the council or on the appointment of another person in his place, whichever first occurs; but for the purposes of this sub-paragraph a member of a council shall not be deemed to have ceased to be a member of the council by reason of retirement if he has been re-elected a member thereof not later than the date of his retirement.
- 3 (1) The first members of a regional or local land drainage committee appointed by or on behalf of a constituent council or councils shall come into office on the day on which the committee comes into existence, or, in the case of a member who is for any reason appointed after that day, on the day on which the appointment is made, and, subject to the following provisions of this Schedule, shall hold office until the end of May in such year as may be specified for the purposes of this paragraph in the resolution or scheme establishing the committee.
- (2) Any other members of a regional or local land drainage committee appointed by or on behalf of a constituent council or councils shall come into office at the beginning of the June next following the day on which they are appointed, and, subject to the following provisions of this Schedule, shall hold office for a term of 4 years.
- (3) If for any reason any such member as is mentioned in sub-paragraph (2) above is appointed on or after the day on which he ought to have come into office, he shall come into office on the day on which he is appointed and shall hold office for the remainder of the term.

Vacation of office by members

- 4 (1) The chairman of a regional land drainage committee may resign his office at any time by giving notice in writing to the chairman of the water authority and to the Minister.

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- (2) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee and also to the Minister if he was appointed by him.
- (3) The chairman of a local land drainage committee may resign his office at any time by giving notice in writing to the chairman of the regional land drainage committee.
- (4) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee.
- 5 (1) The office of a member of a regional or local land drainage committee shall become vacant upon the happening of any of the following events, namely, if he—
- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors ; or
 - (b) is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine ; or
 - (c) is disqualified for being elected or for being a member of a local authority or water authority under Part III of the Representation of the People Act 1949 or under Part VIII of the Local Government Act 1972 ; or
 - (d) has, for a period of 6 consecutive months, been absent from meetings of the committee, otherwise than by reason of illness or some other cause approved during that period by the committee.
- (2) For the purposes of sub-paragraph (1)(d) above, the attendance of a member of a regional or local land drainage committee at a meeting of any sub-committee of the committee of which he is a member, or at any joint committee to which he has been appointed by the committee, shall be treated as attendance at a meeting of the committee.

Appointments to fill casual vacancies

- 6 Where, for any reason whatsoever, the place of a member of a regional or local land drainage committee becomes vacant before the end of his term of office the vacancy—
- (a) shall, if the unexpired portion of the term of office of the vacating member is 6 months or more, be filled by the appointment of a new member ; and
 - (b) may be so filled in any other case.
- 7 A person appointed by virtue of paragraph 6 above to fill a casual vacancy shall hold office so long only as the former member would have held office.

Disqualification and re-appointment

- 8 (1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a regional or local land drainage committee if he—
- (a) is a paid officer of the committee ; or
 - (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors ; or
 - (c) has within the period of 5 years ending on the day on which his qualification for appointment falls to be determined, incurred an obligation to pay an amount exceeding £500 pursuant to an order of the court under, or a

certificate of a district auditor under, section 161 of the Local Government Act 1972 (or pursuant to a surcharge by a district auditor under the corresponding provisions of the Local Government Act 1933); or

- (d) has within 5 years before the day of his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine ; or
- (e) is disqualified for being elected or for being a member of a local authority or water authority under Part III of the Representation of the People Act 1949 or Part VIII of the Local Government Act 1972.

(2) Where a person is disqualified under sub-paragraph (1) above by reason of having been adjudged bankrupt, then—

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge ; and
- (c) if he is discharged without such a certificate his disqualification shall cease on the expiration of 5 years from the date of his discharge.

(3) Where a person is disqualified under sub-paragraph (1) above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease on the expiration of 5 years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) For the purposes of sub-paragraph (1)(c) and (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails by reason of non-prosecution shall be taken to be the date of the surcharge or conviction, as the case may be.

(5) Section 92 of the Local Government Act 1972 (proceedings for disqualification) shall apply in relation to disqualification under this paragraph for appointment as a member of a regional or local land drainage committee as it applies in relation to disqualification for acting as a member of a local authority.

9 Subject to the provisions of this Schedule, a member of a regional or local land drainage committee shall be eligible for reappointment.

Payment

10 A water authority—

- (a) shall pay the chairman of their regional land drainage committee and their local land drainage committees such remuneration and such allowances as may be determined by the Ministers with the consent of the Minister for the Civil Service ; and
- (b) if the Ministers with the consent of the Minister for the Civil Service so determine in the case of any person who is or has been chairman of any such committee, shall pay or make arrangements for the payment of a pension,

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allowance or gratuity to or in respect of that person in accordance with the determination.

Arrangements for discharge of functions

- 11 (1) Subject to any express provision contained in this Act or any Act passed after this Act, a regional or local land drainage committee may arrange for the discharge of any of their functions—
- (a) by a sub-committee, a committee of a sub-committee (referred to in the following provisions of this paragraph as " an under sub-committee ") or an officer of the committee ; or
 - (b) by any other regional or, as the case may be, local land drainage committee ;
- and two or more regional or two or more local land drainage committees may arrange to discharge any of their functions jointly or may arrange for the discharge of any of their functions by a joint sub-committee of theirs.
- (2) Where by virtue of this paragraph any functions of a regional or local land drainage committee or two or more such committees may be discharged by a sub-committee, then, unless the committee or committees otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an under sub-committee or by an officer of the committee or one of those committees, and where by virtue of this paragraph any such functions may be discharged by an under sub-committee, then, unless the committee or committees or the sub-committee otherwise direct, the under subcommittee may arrange for the discharge of any of those functions by an officer of the committee or one of those committees.
- (3) Any arrangements made by a regional or local land drainage committee under this paragraph for the discharge of any functions shall not prevent the committee from discharging those functions.
- (4) References in the foregoing provisions of this paragraph to the discharge of any functions of a regional or local land drainage committee include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- (5) For the purpose of discharging any functions in pursuance of arrangements under this paragraph—
- (a) a regional or local land drainage committee may appoint a sub-committee of the committee ; or
 - (b) two or more regional or two or more local land drainage committees may appoint a joint sub-committee of those committees; or
 - (c) any such sub-committee may appoint one or more under sub-committees;
- and the number of members of any such sub-committee and their term of office shall be fixed by the appointing committee or committees or, in the case of an under sub-committee, by the appointing sub-committee.
- (6) A sub-committee appointed under sub-paragraph (5) above may include persons who are not members of the appointing committee or committees or, in the case of an under sub-committee, the committee or committees of whom they are an under sub-committee, but at least two-thirds of the members appointed to any such sub-committee shall be members of that committee or those committees, as the case may be.

- (7) A person who is disqualified for being a member of a regional or local land drainage committee shall be disqualified also for being a member of a sub-committee or under sub-committee appointed under this paragraph.
- (8) A regional land drainage committee shall not, under this paragraph, make arrangements for the discharge in a local land drainage district of any functions which fall to be discharged there by the local land drainage committee.

Appointment of deputies

- 12
- (1) Subject to the following provisions of this paragraph, a person nominated by one or more constituent councils may act as deputy for a member of a regional or local land drainage committee appointed by or on behalf of that council or those councils and may accordingly (instead of that member) attend and vote at a meeting of the committee.
 - (2) A person nominated under sub-paragraph (1) above as deputy for a member of a regional land drainage committee may by virtue of that nomination attend and vote at a meeting of a sub-committee of that committee (other than a meeting of a local land drainage committee) to which the member for whom he is a deputy belongs.
 - (3) A person nominated under sub-paragraph (1) above as deputy for a member of a local land drainage committee may attend and vote at a meeting of a sub-committee of that committee to which the member for whom he is a deputy belongs.
 - (4) A person acting as deputy for a member of a regional or local land drainage committee shall be treated for the purposes for which he is nominated as a member of that committee.
 - (5) A person shall not act as deputy for a member of a regional or local land drainage committee unless his nomination has been notified to an officer of the water authority appointed to receive such nominations.
 - (6) A nomination shall be in writing and may apply either to a particular meeting or to all meetings during a stated period or until the nomination is revoked.
 - (7) A person shall not act as deputy for more than one member of a regional or local land drainage committee.

Authentication of documents

- 13
- (1) Any notice or other document which a regional or local land drainage committee are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the committee by any member or officer of the committee generally or specifically authorised for that purpose by a resolution of the committee; and any document purporting to bear the signature of a person expressed to be so authorised shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the committee.
 - (2) In this paragraph "signature" includes a facsimile of a signature by whatever process reproduced.

Proceedings

- 14 A water authority may not make rules with regard to the proceedings of their regional land drainage committee or any of their local land drainage committees.

Disqualification for paid office of water authority

- 15 A person shall, so long as he is, and for 12 months after he ceases to be, a member of a water authority's regional land drainage committee or any of their local land drainage committees, be disqualified from being appointed to any paid office by the water authority other than the office of chairman of the authority or chairman of their regional land drainage committee or one of their local land drainage committees.

Interpretation

- 16 Any reference in this Schedule to an officer of a regional or local land drainage committee is a reference to an officer of the parent water authority.