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SCHEDULES

SCHEDULE 4

EXERCISE OF FUNCTIONS DURING VACANCY OR TEMPORARY INCAPACITY OF MAYOR

PART III

MAYOR TEMPORARILY UNABLE TO ACT NOTICE OF MAYOR'S TEMPORARY INABILITY TO ACT

- 13 (1) If the head of the Authority's paid service becomes aware that the Mayor is temporarily unable to act, he shall as soon as reasonably practicable give notice of that fact—
- (a) to the Chair of the Assembly; and
 - (b) to the Deputy Mayor, if there is a holder of that office.
- (2) For the purposes of the following provisions of this Part of this Schedule, any period when the Mayor is temporarily unable to act shall be taken to begin with the giving of the notice required by sub-paragraph (1) above.

Deputy Mayor to be treated as Mayor during the period

PROSPECTIVE

- 14 (1) During any period when the Mayor is temporarily unable to act—
- (a) any functions exercisable by the Mayor shall be exercisable instead by the Deputy Mayor; and
 - (b) any functions exercisable by the Mayor and the Assembly acting jointly shall be exercisable instead by the Deputy Mayor and the Assembly acting jointly; and, for that period, the Deputy Mayor shall accordingly be treated as if he were the Mayor.
- (2) Sub-paragraph (1) above is subject to the following provisions of this Part of this Schedule.

Functions which are not to be exercisable by Deputy Mayor

- 15 (1) Paragraph 14(1)(a) above does not apply in relation to—
- (a) any functions exercisable under Schedule 6 or 7 to this Act;
 - (b) any functions in relation to the preparation, alteration or replacement of strategies under this Act; or
 - (c) any function of making an appointment mentioned in sub-paragraph (2) below.
- (2) The appointments mentioned in sub-paragraph (1)(c) above are—

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- (a) any appointment of a member of any of the functional bodies;
- (b) any appointment of a member of any other body corporate under or by virtue of this Act;
- (c) any appointment under subsection (1) of section 67 of this Act.

Setting the budget during the period

- 16 If, at any time when proceedings under Schedule 6 or 7 to this Act are taking place in respect of any year, the Mayor is temporarily unable to act, those and any subsequent proceedings under the Schedule in question in respect of that year shall proceed as if the Mayor had failed to fulfil his duties under that Schedule.

Mayor unable to act for three consecutive months

- 17 If the Mayor has been temporarily unable to act for a period of three consecutive months—
- (a) the Deputy Mayor shall resign his membership of the Metropolitan Police Authority; and
 - (b) the Chair of the Assembly shall fill the vacancy so arising by appointing another member of the Assembly to be a member of the Metropolitan Police Authority in place of the Deputy Mayor.

Exercise of Mayor's functions by Chair

- 18 (1) This paragraph applies in relation to any period (or, as the case may be, the remainder of any period) when the Mayor is temporarily unable to act, if—
- (a) at the beginning of that period there is no Deputy Mayor; or
 - (b) the person who, at the beginning of that period, is the Deputy Mayor gives notice to the proper officer of the Authority, within the permitted time, that he does not wish to exercise the functions of the Mayor pursuant to paragraph 14 above; or
 - (c) a casual vacancy occurs in the office of Deputy Mayor during that period;
- and in paragraph (b) above “the permitted time” means the period of seven days following the day on which notice under paragraph 13(1)(b) above is given to the Deputy Mayor.
- (2) Where this paragraph applies—
- (a) paragraphs 14 and 15 above shall have effect with the substitution for references to the Deputy Mayor of references to the Chair of the Assembly; and
 - (b) paragraph 17 above shall be disregarded, but without prejudice to any action taken under paragraph (a) or (b), or required to be taken under paragraph (b), of that paragraph.
- (3) If and so long as functions are exercisable by virtue of paragraph 14 above by the Chair of the Assembly, he shall not exercise any of the other functions of Chair of the Assembly.
- (4) If and so long as the Chair of the Assembly is precluded by sub-paragraph (3) above from exercising any of his functions, those functions shall be exercisable instead by the Deputy Chair of the Assembly.

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- (5) If and so long as any functions of the Chair of the Assembly are, by virtue of sub-paragraph (4) above, exercisable by the Deputy Chair of the Assembly, the Deputy Chair of the Assembly shall not exercise any of his other functions.
- (6) If and so long as the Deputy Chair of the Assembly is precluded by sub-paragraph (5) above from exercising any of his functions, those functions shall be exercisable instead by a person (“the acting Deputy Chair”) elected for the purpose at a meeting of the Assembly from among the Assembly members.
- (7) A person must not at the same time hold office as acting Deputy Chair and as Mayor, Deputy Mayor, Chair of the Assembly or Deputy Chair of the Assembly.
- (8) If the acting Deputy Chair becomes Mayor, Deputy Mayor, Chair of the Assembly or Deputy Chair of the Assembly, a vacancy shall occur in the office of acting Deputy Chair.

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