

*Status: Point in time view as at 01/04/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1

#### THE OFFICE OF FAIR TRADING

##### **Textual Amendments applied to the whole legislation**

- F1** Act: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (prosp.) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 5](#) [Editorial Note: this amendment will be carried through into the text of the Act at the same time as any other effects on the Act for the year in which the relevant commencement order (or first such order) is made]

##### *Membership*

- 1 (1) The OFT shall consist of a chairman and no fewer than four other members, appointed by the Secretary of State.
- (2) The Secretary of State shall consult the chairman before appointing any other member.

##### *Terms of appointment, remuneration, pensions etc.*

- 2 (1) Subject to this Schedule, the chairman and other members shall hold and vacate office in accordance with the terms of their respective appointments.
- (2) The terms of appointment of the chairman and other members shall be determined by the Secretary of State.
- 3 (1) An appointment of a person to hold office as chairman or other member shall be for a term not exceeding five years.
- (2) A person holding office as chairman or other member—
  - (a) may resign that office by giving notice in writing to the Secretary of State; and
  - (b) may be removed from office by the Secretary of State on the ground of incapacity or misbehaviour.
- (3) A previous appointment as chairman or other member does not affect a person's eligibility for appointment to either office.
- 4 (1) The OFT shall pay to the chairman and other members such remuneration, and such travelling and other allowances, as may be determined by the Secretary of State.
- (2) The OFT shall, if required to do so by the Secretary of State—
  - (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who holds or has held office as chairman or other member; or

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- (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If, where any person ceases to hold office as chairman or other member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the OFT shall pay to him such amount by way of compensation as the Secretary of State may determine.

### *Staff*

- 5 (1) The Secretary of State shall, after consulting the chairman, appoint a person (who may, subject to sub-paragraph (2), also be a member of the OFT) to act as chief executive of the OFT on such terms and conditions as the Secretary of State may think appropriate.
- (2) A person appointed as chief executive after the end of the transitional period may not at the same time be chairman.
- (3) In sub-paragraph (2) “the transitional period” means the period of two years beginning with the day on which this paragraph comes into force.
- 6 The OFT may, with the approval of the Minister for the Civil Service as to numbers and terms and conditions of service, appoint such other staff as it may determine.

### *Membership of committees or sub-committees of OFT*

- 7 The members of a committee or sub-committee of the OFT may include persons who are not members of the OFT (and a sub-committee may include persons who are not members of the committee which established it).

### *Proceedings etc.*

- 8 (1) The OFT may regulate its own procedure (including quorum).
- (2) The OFT shall consult the Secretary of State before making or revising its rules and procedures for dealing with conflicts of interest.
- (3) The OFT shall from time to time publish a summary of its rules and procedures for dealing with conflicts of interest.
- 9 The validity of anything done by the OFT is not affected by a vacancy among its members or by a defect in the appointment of a member.
- 10 (1) The application of the seal of the OFT shall be authenticated by the signature of—
  - (a) any member; or
  - (b) some other person who has been authorised for that purpose by the OFT, whether generally or specially.
- (2) Sub-paragraph (1) does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.
- 11 A document purporting to be duly executed under the seal of the OFT, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

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### *Performance of functions*

- 12 (1) Anything authorised or required to be done by the OFT (including exercising the power under this paragraph) may be done by—
- (a) any member or employee of the OFT who is authorised for that purpose by the OFT, whether generally or specially;
  - (b) any committee of the OFT which has been so authorised.
- (2) Sub-paragraph (1)(b) does not apply to a committee whose members include any person who is not a member or employee of the OFT.

### *Supplementary powers*

- 13 The OFT has power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of its functions.

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 14 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), there is inserted at the appropriate place—
- “Office of Fair Trading.”

### *House of Commons Disqualification Act 1975 (c. 24)*

- 15 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there is inserted at the appropriate place—
- “The Office of Fair Trading.”

### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 16 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), there is inserted at the appropriate place—
- “The Office of Fair Trading.”

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