

SCHEDULES

SCHEDULE 1

Section 4

CONFIRMATION HEARINGS ETC: SCHEDULE 4A TO THE GLA ACT 1999

This is the Schedule that is to be inserted as Schedule 4A to the GLA Act 1999—

“SCHEDULE 4A

CONFIRMATION HEARINGS ETC

Application of Schedule

- 1 (1) This Schedule has effect where the Mayor proposes to make an appointment to any of the offices specified in section 60A(3) of this Act.
- (2) If the Mayor decides to appoint himself to any of those offices—
 - (a) he must notify the Assembly of that fact, but
 - (b) the following provisions of this Schedule do not have effect in relation to the appointment of the Mayor to that office.

Mayor not to make appointment until end of confirmation process

- 2 (1) The Mayor must not make any appointment to the office until the end of the confirmation process has been reached.
- (2) The end of the confirmation process is reached when—
 - (a) the Mayor has given the Assembly the notification required by paragraph 5(2) below (acceptance or rejection of Assembly’s recommendation), or
 - (b) the period of 3 weeks described in sub-paragraph (3) of paragraph 4 below has expired without any recommendation under that paragraph being given to the Mayor by the Assembly.

Duty of Mayor to notify Assembly

- 3 (1) The Mayor must notify the Assembly of the person (“the candidate”) whom he proposes to appoint to the office.
- (2) The notification must contain the following information—
 - (a) the candidate’s name;
 - (b) the candidate’s address for correspondence;
 - (c) the office to which the Mayor proposes to appoint the candidate;
 - (d) the reasons why the candidate is the person the Mayor proposes to appoint to the office.

Assembly to make recommendation to the Mayor

- 4
- (1) This paragraph applies when the Mayor has given that notification to the Assembly.
 - (2) The Assembly must make a recommendation to the Mayor as to whether or not the candidate should be appointed to the office.
 - (3) The recommendation must be given to the Mayor in writing before the end of the period of 3 weeks beginning with the day on which the Assembly receives the notification from the Mayor.
 - (4) In calculating the period of 3 weeks mentioned in sub-paragraph (3) above, no regard shall be had to the period beginning with the day of the poll at an ordinary election and ending with the day on which the Chair of the Assembly and the Deputy Chair of the Assembly are elected under section 52(2) of this Act.

The Mayor's response to the recommendation

- 5
- (1) The Mayor may accept or reject the Assembly's recommendation.
 - (2) The Mayor must notify the Assembly of his decision whether to accept or reject the recommendation.

Power to request candidate to attend confirmation hearing or produce documents

- 6
- (1) The Assembly may decide to hold a confirmation hearing before deciding the recommendation that is to be made to the Mayor.
 - (2) In this Schedule "confirmation hearing" means a meeting at which the candidate is requested to appear for the purpose of answering questions relating to the proposed appointment.
 - (3) In this Schedule "appear", in relation to a meeting, means—
 - (a) attend in person, or
 - (b) participate in proceedings by means of any device that enables a person to hear and be heard in the proceedings as they happen, without attending in person.
 - (4) The Assembly may decide to request the candidate to produce, whether at a confirmation hearing or otherwise, documents which are in his possession or under his control and which relate to the proposed appointment.

Procedure for requesting candidate's appearance at confirmation hearing

- 7
- (1) This paragraph applies where the Assembly decides to hold a confirmation hearing.
 - (2) The head of the Authority's paid service must give the candidate a notice requesting him to appear at the confirmation hearing.
 - (3) The notice must state the date on which, and the time and place at which, the confirmation hearing is to take place.
 - (4) The notice must state whether the candidate is requested to attend in person.
 - (5) If the candidate is not requested to attend in person, the notice must specify or describe the means by which the candidate may appear.

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

- (6) The notice must be given to the candidate at least one week before the day on which the confirmation hearing is to take place, unless the candidate waives this right.
- (7) The notice is to be taken to have been given to the candidate if it is sent by—
 - (a) registered post, or
 - (b) a recorded delivery service,to the address for correspondence specified in the Mayor's notification under paragraph 3 above.
- (8) Sections 61 and 62 of this Act (power to require attendance at meetings and procedure for doing so) do not apply in relation to the candidate in the case of a confirmation hearing.

Restriction of information etc

- 8 (1) This paragraph applies in relation to—
 - (a) any confirmation hearing, and
 - (b) any document which the candidate is requested to produce by virtue of paragraph 6(4) above.
- (2) The Secretary of State may by order make provision for any order for the time being in force under section 63 of this Act (restriction of information) to have effect (with or without modifications) in relation to the candidate as it has effect in relation to a person required to attend proceedings or produce documents under section 61(1) (a) or (b) of this Act.
- (3) The candidate is not obliged to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England or Wales.

Discharge of Assembly's functions by Assembly, ordinary committee or Chair of Assembly

- 9 (1) The Assembly may arrange under section 54(1)(a) of this Act for any of its functions under this Schedule to be discharged on its behalf by an ordinary committee.
- (2) The Assembly may arrange under section 54(1)(b) of this Act for any of the following functions to be discharged on its behalf by the Chair of the Assembly—
 - (a) its function under paragraph 6(1) above of deciding whether to hold a confirmation hearing;
 - (b) its function under paragraph 6(4) above of deciding whether to request the candidate to produce any documents.
- (3) Except as provided by sub-paragraphs (1) and (2) above, neither the Assembly nor an ordinary committee may arrange for the discharge of any functions under this Schedule on its behalf by—
 - (a) any committee or sub-committee, or
 - (b) a single member of the Assembly.”.