Status: *Point in time view as at 01/01/2016.*
Changes to legislation: *There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Schedule 1. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 55

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

Members

1 (1) The Local Government Boundary Commission for England ("the Commission") is to consist of—
- (a) the chair of the Commission, and
- (b) at least four and no more than eleven other members ("ordinary members").

(2) The ordinary members are to be appointed by Her Majesty on the recommendation of the Secretary of State.

(3) The following may not be appointed as an ordinary member—
- (a) a member of a registered party;
- (b) a person who is, or has at any time with the last ten years been, an officer or employee of a registered party or of any accounting unit of such a party;
- (c) a person who holds, or has at any time within the last ten years held, a relevant elective office (within the meaning of Schedule 7 to the Political Parties, Elections and Referendums Act 2000 (c. 41) ("the 2000 Act"));
- (d) a person who has at any time within the last ten years been named—
  - (i) as a donor in the register of donations reported under Chapter 3 or 5 of Part 4 of the 2000 Act, or
  - (ii) as a participant in the register of recordable transactions reported under Part 4A of that Act.

(4) A person may not be appointed as an ordinary member for a period of more than five years at any one time.

(5) Subject to the provisions of this paragraph, an ordinary member holds office—
- (a) for the term for which the ordinary member is appointed, and
- (b) otherwise in accordance with the terms of their appointment.

(6) An ordinary member ceases to hold office if—
- (a) the ordinary member consents to being nominated as a candidate at a relevant election (within the meaning of Part 2 of the 2000 Act) or to being included in a registered party's list of candidates at such an election,
- (b) the ordinary member takes up any office or employment in or with—
  - (i) a registered party or any accounting unit of such a party,
  - (ii) a recognised third party (within the meaning of Part 6 of the 2000 Act), or
  - (iii) a permitted participant (within the meaning of Part 7 of that Act),
- (c) the ordinary member is named as a donor in the register of donations reported under Chapter 3 or 5 of Part 4 of the 2000 Act or in any statement of

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donations included in a return delivered to the Electoral Commission under section 98 or 122 of that Act,

(d) the ordinary member is named as a participant in the register of recordable transactions reported under Part 4A of that Act, or

(e) the ordinary member becomes a member of a registered party.

(7) An ordinary member may, on the member's request, be relieved of office by Her Majesty.

(8) An ordinary member may, on the recommendation of the Secretary of State, be removed from office by Her Majesty on any of the following grounds—

(a) failure to discharge the functions of membership for a continuous period of at least three months;

(b) failure to comply with the terms of appointment;

(c) conviction of a criminal offence;

(d) being an undischarged bankrupt or having their estate sequestrated in Scotland and not being discharged;

(e) making an arrangement or composition contract with, or granting a trust deed for, their creditors;

(f) otherwise being unfit to hold office or unable to carry out the functions of membership.

(9) No-one may serve as an ordinary member for more than ten years (continuously or otherwise).

(10) Service as an ordinary member is not service in the civil service of the State.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Chair

2 (1) The chair of the Commission is to be appointed by Her Majesty on an Address from the House of Commons.

(2) A motion for such an Address may be made only if—

(a) the Speaker of the House of Commons agrees that the motion may be made, and

(b) the person whose appointment is proposed in the motion has been selected in accordance with a procedure put in place and overseen by the Speaker's Committee (see section 2 of the 2000 Act).

(3) Such an Address must specify the period, not exceeding five years, for which the proposed chair is to be appointed.

(4) A person may not be appointed as chair under sub-paragraph (1) if by virtue of paragraph 1(3)(a) to (d) that person may not be appointed as an ordinary member.

(5) Subject to the provisions of this paragraph, the chair holds office—

(a) for the period of their appointment (which is to be that specified under sub-paragraph (3)), and

(b) otherwise in accordance with the terms of their appointment.

(6) The chair ceases to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (e) of paragraph 1(6).

(7) The chair may, on the chair's request, be relieved of office as chair by Her Majesty.

(8) The chair may be removed from office by Her Majesty on an Address from the House of Commons.

(9) No motion may be made for such an Address unless the Speaker's Committee have presented a report to the House of Commons stating that the Speaker's Committee are satisfied that one or more of the following grounds is made out in relation to the chair—

(a) failure to discharge the functions of their office for a continuous period of at least three months;

(b) failure to comply with the terms of appointment as chair;

(c) conviction of a criminal offence;

(d) being an undischarged bankrupt or having their estate sequestrated in Scotland and not being discharged;

(e) making an arrangement or composition contract with, or granting a trust deed for, their creditors;

(f) otherwise being unfit to hold office as chair or unable to carry out the functions of that office.

(10) No-one may serve as chair for more than ten years (continuously or otherwise).

(11) In the case of a re-appointment, the reference in sub-paragraph (2)(b) to being selected in accordance with a procedure put in place and overseen by the Speaker's Committee is to be read as including a reference to being recommended for re-appointment by the Speaker's Committee.

(12) Service as chair is not service in the civil service of the State.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Deputy chair

3 (1) The Secretary of State may designate one of the ordinary members of the Commission to be the deputy chair.

(2) The deputy chair is to act as chair—

(a) in the event of a vacancy in the office of chair,

(b) if the chair is unable to act, and

(c) in such other circumstances as the Commission may determine.

(3) The deputy chair may at any time resign as deputy chair by notice to the Secretary of State.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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Remuneration

4 The Commission must pay to or in respect of the members (including the chair and deputy chair) such sums by way of or in respect of remuneration, allowances, expenses, pensions or gratuities as the Speaker of the House of Commons, after consulting the Speaker's Committee, may determine.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Committees

5 (1) The Commission may establish any committees which it considers appropriate.

(2) A committee of the Commission may establish one or more sub-committees.

[[F1](3) A committee established under this paragraph to review the economy, efficiency or effectiveness with which the Commission has used its resources, or any sub-committee of such a committee, may include up to two people who are not also members of the Commission ("independent members").

(4) The Commission may not appoint as an independent member anyone who would be ineligible for appointment as a member of the Commission because of paragraph 1(3).

(5) An independent member must be appointed on such terms and conditions, including terms and conditions as to remuneration, as the Commission may determine.

(6) Except as provided by sub-paragraph (3), only a member of the Commission may be a member of one of its committees or sub-committees.**]**

Textual Amendments

F1 Sch. 1 para. 5(3)-(6) substituted for Sch. 1para. 5(3) (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(2)**, 115(7); S.I. 2015/1732, art. 3(c)

Commencement Information

I5 Sch. 1 para. 5 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Proceedings

6 (1) Subject to this Schedule, the Commission may regulate its own proceedings and the proceedings of any of its committees or sub-committees (including quorum).

(2) The validity of proceedings of the Commission, or of any of its committees or sub-committees, is not affected by—

(a) a vacancy, or

(b) a defective appointment.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Chief executive and other employees

7 (1) The Commission—

(a) must appoint a chief executive, and

(b) may appoint other employees.

(2) A person may not be appointed—

(a) as chief executive of the Commission if by virtue of paragraph 1(3)(a) to (d) that person may not be appointed as an ordinary member of the Commission;

(b) as any other member of staff of the Commission if by virtue of paragraph 1(3)(b) to (d) that person may not be appointed as an ordinary member of the Commission.

(3) Service as chief executive or other employee of the Commission is not service in the civil service of the State.

(4) Subject as follows, employees of the Commission must be appointed on such terms and conditions, including terms and conditions as to remuneration, as the Commission may determine.

(5) The appointment of any member of staff of the Commission terminates—

(a) if that person is the chief executive of the Commission, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (e) of paragraph 1(6), and

(b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 1(6).

(6) For the purposes of determinations under sub-paragraph (4), the Commission must have regard to the desirability of keeping the remuneration and other terms or conditions of employment of its employees broadly in line with those applying to persons in the civil service of the State.

(7) Service as an employee of the Commission is included in the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply; and accordingly, in Schedule 1 to that Act, "Local Government Boundary Commission for England" is to be inserted at the appropriate place in the list of "Other bodies".

(8) The Commission must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (7) in the sums payable out of money provided by Parliament under the Superannuation Act 1972 (c. 11).

Commencement Information

I7 Sch. 1 para. 7 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

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Superannuation: supplementary

8 (1) Section 1(2) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by the Minister for the Civil Service to another office of the Crown etc) has effect as if the reference to an officer of the Crown other than a Minister included the chief executive of the Commission.

(2) An administration function conferred on the chief executive under section 1(2) of that Act by virtue of sub-paragraph (1) may be exercised by (or by employees of) such person as may be authorised in that behalf by the chief executive.

(3) For the purposes of this paragraph an "administration function" is a function of administering schemes—

(a) made under section 1 of the Superannuation Act 1972, and

(b) for the time being in force.

(4) An authorisation given by virtue of sub-paragraph (2) may authorise the exercise of an administration function—

(a) wholly or to such extent as may be specified in the authorisation;

(b) generally or in such cases as may be so specified;

(c) unconditionally or subject to such conditions as may be so specified.

(5) An authorisation given by virtue of sub-paragraph (2)—

(a) is to be treated for all purposes as if it were given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders);

(b) may be revoked at any time by the Commission (as well as by the chief executive).

Commencement Information

I8 Sch. 1 para. 8 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Delegations

9 (1) The Commission may delegate any of its functions to any of its members, employees, committees or sub-committees.

(2) Sub-paragraph (1) does not apply to any function of making an order by statutory instrument.

(3) The chief executive of the Commission may delegate any of the chief executive's functions to any other employee of the Commission.

(4) A committee of the Commission may delegate any of its functions to any of its sub-committees.

(5) A committee or sub-committee of the Commission may delegate any of its functions to any employee of the Commission.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Financial year

10 (1) The financial year of the Commission is the period of twelve months ending on 31 March.

(2) But the first financial year of the Commission is the period—

(a) starting on the day on which section 55 comes into force, and

(b) ending on the following 31 March.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Funding

11 (1) The expenditure of the Commission is to be met, in accordance with this paragraph, out of money provided by Parliament.

(2) For each financial year of the Commission (other than the first) the Commission must prepare, and submit to the Speaker's Committee, an estimate of its income and expenditure.

(3) The Speaker's Committee must—

(a) examine each such estimate,

(b) decide whether they are satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of its functions, and

(c) if they are not so satisfied, must make such modifications to the estimate as they consider appropriate for the purpose of achieving such consistency.

(4) Before deciding whether they are so satisfied or making any such modification the Speaker's Committee must—

(a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 13 and to any recommendations contained in that report, and

(b) consult the Treasury and have regard to any advice which the Treasury may give.

(5) The Speaker's Committee must, after concluding their examination and making their modifications (if any) to the estimate, lay the estimate before the House of Commons.

(6) If the Speaker's Committee, in the discharge of their functions under this paragraph—

(a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,

(b) do not follow any advice given to them by the Treasury, or

(c) make any modification to the estimate,

they must include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 of the 2000 Act a statement of their reasons for so doing.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Status: *Point in time view as at 01/01/2016.*
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Five-year plan

12 (1) An estimate under paragraph 11 **[**[F2]in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election**]** is to be accompanied by a plan prepared by the Commission setting out its—

(a) aims and objectives for the period of five years beginning with the financial year to which the estimate relates, and

(b) estimated requirements for resources during that five-year period.

[[F3](1A) The Speaker's Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submits such an estimate as is mentioned in paragraph 11 in respect of a financial year other than one mentioned in that sub-paragraph.**]**

(2) The Speaker's Committee must—

(a) examine each such plan,

(b) decide whether they are satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of its functions, and

(c) if they are not so satisfied, make such modifications to the plan as they consider appropriate for the purpose of achieving such consistency.

(3) Before deciding whether they are so satisfied or making any such modification the Speaker's Committee must—

(a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 13 and to any recommendations contained in that report, and

(b) consult the Treasury and have regard to any advice which the Treasury may give.

(4) The Speaker's Committee must, after concluding their examination and making their modifications (if any) to the plan, lay the plan before the House of Commons.

(5) If the Speaker's Committee, in the discharge of their functions under this paragraph—

(a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,

(b) do not follow any advice given to them by the Treasury, or

(c) make any modification to the plan,

they must include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 of the 2000 Act a statement of their reasons for so doing.

Textual Amendments

F2 Words in Sch. 1 para. 12(1) inserted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(4)**, 115(7); S.I. 2015/1732, art. 3(c)

F3 Sch. 1 para. 12(1A) inserted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(5)**, 115(7); S.I. 2015/1732, art. 3(c)

Commencement Information

I12 Sch. 1 para. 12 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

[F4 Examination] by Comptroller and Auditor General

Textual Amendments

F4 Word in Sch. 1 para. 13 cross-heading substituted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(7)**, 115(7); S.I. 2015/1732, art. 3(c)

13 (1) **[**F5For the purpose of assisting the Speaker's Committee to discharge their functions under paragraphs 11 and 12 in respect of any year when both an estimate under paragraph 11 and a five-year plan under paragraph 12 are submitted to them,**]** the Comptroller and Auditor General must **[**F6before the Committee consider the estimate and plan**]** —

(a) carry out an examination into the economy, efficiency or effectiveness (or any combination thereof) with which the Commission has used its resources in discharging its functions (or, if the Comptroller and Auditor General so determines, any particular function),

(b) report to the Speaker's Committee the results of the examination, and

(c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.

(2) Section 8 of the National Audit Act 1983 (c. 44) (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

Textual Amendments

F5 Words in Sch. 1 para. 13(1) substituted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(6)(a)**, 115(7); S.I. 2015/1732, art. 3(c)

F6 Words in Sch. 1 para. 13(1) substituted (1.1.2016) by Deregulation Act 2015 (c. 20), **ss. 95(6)(b)**, 115(7); S.I. 2015/1732, art. 3(c)

Commencement Information

I13 Sch. 1 para. 13 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Accounts

14 (1) The Commission must keep accounting records.

(2) The Commission must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.

(3) Those directions may include directions as to—

(a) the information to be contained in the accounts,

(b) the manner in which the information is to be presented,

(c) the methods and principles according to which the accounts are to be prepared, and

(d) the additional information (if any) that is to accompany the accounts.

Status: *Point in time view as at 01/01/2016.*
Changes to legislation: *There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Schedule 1. (See end of Document for details)*

Commencement Information
I14 Sch. 1 para. 14 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Audit

15 (1) The Commission must send copies of its accounts to—
(a) the Comptroller and Auditor General, and
(b) the Speaker's Committee,
as soon after the end of the financial year as may be practicable.

(2) The Comptroller and Auditor General must—
(a) examine and certify accounts received under sub-paragraph (1),
(b) report on the accounts, and
(c) lay the certified accounts and report before Parliament.

Commencement Information
I15 Sch. 1 para. 15 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Accounting officer

16 (1) The Speaker's Committee must designate an employee of the Commission as the Commission's accounting officer.

(2) The accounting officer is to have, in relation to the Commission's accounts and finance, the responsibilities that are from time to time specified by the Speaker's Committee.

(3) In this paragraph references to responsibilities include in particular—
(a) responsibilities in relation to the signing of accounts;
(b) responsibilities for the propriety and regularity of the Commission's finances;
(c) responsibilities for the economy, efficiency and effectiveness with which the Commission's resources are used.

(4) The responsibilities which may be specified under this paragraph include responsibilities owed to the Commission, the Speaker's Committee or the House of Commons or its Committee of Public Accounts.

(5) In this paragraph any reference to the Public Accounts Committee of the House of Commons is, if—
(a) the name of that Committee is changed, or
(b) its functions at the passing of this Act (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons,
to be taken to be references to the Committee by its new name or (as the case may be) to the committee by whom the functions are for the time being exercisable.

Commencement Information
I16 Sch. 1 para. 16 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Annual report

17 (1) The Commission must, as soon after the end of each financial year as may be practicable, prepare and lay before Parliament a report about the performance of the Commission's functions during that financial year.

(2) The Commission must, on so laying such a report, publish it in such manner as it may determine.

Commencement Information
I17 Sch. 1 para. 17 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Instruments and authentication

18 (1) The fixing of the seal of the Commission is to be authenticated by the signature of the chair or of another person authorised by the Commission to act for that purpose.

(2) A document purporting to be duly executed under the seal of the Commission, or to be signed on its behalf, is to be received in evidence and, unless the contrary is proved, is to be treated as having been so executed or signed.

Commencement Information
I18 Sch. 1 para. 18 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Records

19 In the Public Records Act 1958 (c. 51), in Schedule 1 (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert—

"Local Government Boundary Commission for England."

Commencement Information
I19 Sch. 1 para. 19 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Investigation

20 In the Parliamentary Commissioner Act 1967 (c. 13), in Schedule 2 (departments etc subject to investigation), at the appropriate place insert—

"Local Government Boundary Commission for England"

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Changes to legislation: *There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Schedule 1. (See end of Document for details)*

Commencement Information
I20 Sch. 1 para. 20 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Freedom of information

21 In the Freedom of Information Act 2000 (c. 36), in Schedule 1, in Part 6 (other public bodies and offices: general), at the appropriate place insert—

""The Local Government Boundary Commission for England.""

Commencement Information
I21 Sch. 1 para. 21 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

House of Commons disqualification

22 In the House of Commons Disqualification Act 1975 (c. 24), in Part 2 of Schedule 1 (bodies of which all members are disqualified), at the appropriate place insert—

"The Local Government Boundary Commission for England."

Commencement Information
I22 Sch. 1 para. 22 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Transitional

23 (1) The Electoral Commissioner who immediately before the day on which section 55 comes into force is the chair of the Electoral Commission's Boundary Committee is to be treated—

(a) as having been appointed as the chair of the Commission under paragraph 2(1), and

(b) as having been so appointed on the day on which, and for the term for which, that person was appointed as the chair of the Electoral Commission's Boundary Committee.

(2) A Deputy Electoral Commissioner who immediately before the day on which section 55 comes into force is a member of the Electoral Commission's Boundary Committee is to be treated—

(a) as having been appointed as an ordinary member of the Commission under paragraph 1(2), and

(b) as having been so appointed on the day on which, and for the term for which, that person was appointed as a member of the Electoral Commission's Boundary Committee.

Commencement Information
I23 Sch. 1 para. 23 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Interpretation

24 In this Schedule—

"the 2000 Act" means the Political Parties, Elections and Referendums Act 2000 (c. 41);

"accounting unit" and "registered party" have the same meanings as in the 2000 Act (see section 160 of that Act);

"the Commission" means the Local Government Boundary Commission for England;

"ordinary member" is to be construed in accordance with paragraph 1(1)(b).

Commencement Information

I24 Sch. 1 para. 24 in force at 1.4.2010 by S.I. 2009/3318, **art. 4(dd)**

Status:
Point in time view as at 01/01/2016.

Changes to legislation:
There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Schedule 1.