

SCHEDULES

SCHEDULE 21

Section 198

MAYORAL DEVELOPMENT CORPORATIONS

Membership

- 1 (1) A Mayoral development corporation (“MDC”) is to consist of such number of members (being not less than six) as the Mayor of London (“the Mayor”) may from time to time appoint.
- (2) The Mayor must, subject to sub-paragraph (5), exercise the Mayor’s power under sub-paragraph (1) so as to secure that the members of an MDC include at least one elected member of each relevant London council.
- (3) For the purposes of this Schedule—
 - (a) “London council” means a London borough council or the Common Council of the City of London, and
 - (b) a London council is “relevant” in relation to an MDC if any part of the MDC’s area is within the council’s area.
- (4) The Mayor must appoint one of the members of an MDC to chair the MDC.
- (5) In appointing a person to be a member of an MDC, the Mayor—
 - (a) must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the carrying-out of the MDC’s functions, and
 - (b) must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person’s functions as member.
- (6) The Mayor may require any person whom the Mayor proposes to appoint as a member to provide such information as the Mayor considers necessary for the purposes of sub-paragraph (5)(b).

Terms of appointment of members

- 2 (1) Subject as follows, a member of an MDC holds and vacates office in accordance with the member’s terms of appointment.
- (2) A member may resign by serving notice on the Mayor.
- (3) A person appointed to chair an MDC—
 - (a) may resign that appointment, whether or not the person also resigns from membership of the MDC, by serving notice on the Mayor;
 - (b) ceases to hold that appointment if the person ceases to be a member of the MDC.
- (4) A person who—

Status: This is the original version (as it was originally enacted).

- (a) ceases to be a member of an MDC, or
 - (b) ceases to be the person appointed to chair an MDC,
- is eligible for reappointment.

- (5) The Mayor may remove a member of an MDC if—
- (a) the member has been absent from meetings of the MDC for more than 3 months without the permission of the MDC,
 - (b) the member has become bankrupt or has made an arrangement with the member's creditors,
 - (c) a debt relief order is made in respect of the member (see Part 7A of the Insolvency Act 1986) or the member is a person in respect of whom a debt relief restrictions order has effect (see Schedule 4ZB to that Act),
 - (d) the member has since being appointed ceased to be an elected member of a relevant London council and the Mayor wishes to appoint an elected member of that council to be a member of the MDC in the member's place, or
 - (e) in the opinion of the Mayor, the member has failed to comply with the member's terms of appointment or is otherwise unable, unfit or unsuitable to exercise the member's functions as a member of the MDC.

Staff

- 3
- (1) Before an MDC appoints staff it must obtain the Mayor's agreement to the terms and conditions on which the appointments are to be made.
 - (2) An MDC's power to appoint a chief executive may, in the case of the MDC's first chief executive, be exercised by the Mayor.
 - (3) An MDC's chief executive is a member of its staff.

Remuneration etc: members and staff

- 4
- (1) An MDC may pay to or in respect of its members—
 - (a) remuneration,
 - (b) travelling and other allowances, and
 - (c) sums by way of, or in respect of, pensions and gratuities.
 - (2) The Mayor is to determine rates and eligibility criteria for payments under sub-paragraph (1).
 - (3) If the Mayor thinks that there are special circumstances that make it right to compensate a person on ceasing to be a member of an MDC, the MDC may pay compensation determined by the Mayor.
 - (4) Payments under sub-paragraph (1) or (3), other than travelling and subsistence allowances, are not to be made to a member of an MDC who is also a member of the London Assembly, but this does not prevent payment of an allowance under sub-paragraph (1) to the person appointed to chair an MDC in respect of that office.
 - (5) An MDC may pay to or in respect of its staff—
 - (a) remuneration,
 - (b) travelling and other allowances, and
 - (c) sums by way of, or in respect of, pensions and gratuities.

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- (6) Rates and eligibility criteria for payments made by an MDC under sub-paragraph (5) are to be determined by the MDC with the agreement of the Mayor.
- (7) In this paragraph “member” includes former member and “staff” includes former staff.

Status

- 5 (1) An MDC (and any member of an MDC or of an MDC’s staff)—
 - (a) is not the servant or agent of the Crown, and
 - (b) does not share any immunity or privilege of the Crown.
- (2) An MDC’s property is not to be regarded as property of, or property held on behalf of, the Crown.

Committees

- 6 (1) An MDC may establish committees.
- (2) A committee may establish sub-committees.
- (3) A committee or sub-committee may, with the agreement of the Mayor, include persons who are not members of the MDC.

Delegation

- 7 (1) An MDC may delegate any of its functions to any of its members, committees or staff.
- (2) A committee of an MDC may delegate any function conferred on it to—
 - (a) any member of the MDC,
 - (b) any sub-committee of the committee, or
 - (c) any of the MDC’s staff.
- (3) A sub-committee of a committee of an MDC may delegate any function conferred on it to—
 - (a) any member of the MDC, or
 - (b) any of the MDC’s staff.

Proceedings and meetings

- 8 (1) An MDC may, subject to any directions given by the Mayor, decide—
 - (a) its own procedure,
 - (b) the procedure of any of its committees, and
 - (c) the procedure of any sub-committee of any of its committees.
- (2) Subject to sub-paragraph (1), a committee may decide the procedure of any of its sub-committees.
- (3) Subject to sub-paragraphs (1) and (2), a committee or sub-committee may decide its own procedure.
- (4) In this paragraph “procedure” includes quorum.

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- 9 The validity of any proceeding of an MDC is not affected by—
- (a) its having fewer than six members,
 - (b) there being no person appointed to chair it,
 - (c) its members not including at least one elected member of each relevant London council, or
 - (d) any defect in the appointment of any of its members or of the person appointed to chair it.

Annual report (and “financial year”)

- 10 (1) As soon as reasonably practicable after the end of each financial year, an MDC must—
- (a) prepare an annual report on how it has exercised its functions during the year,
 - (b) include in the report a copy of its audited statement of accounts for the year, and
 - (c) send a copy of the report to the Mayor and to the London Assembly.
- (2) “Financial year”, in relation to an MDC, means a period of 12 months ending with 31 March.

Seal etc

- 11 (1) The application of an MDC’s seal is to be authenticated by—
- (a) the person appointed to chair the MDC, or
 - (b) another member of the MDC, or some other person, authorised (generally or specially) for that purpose.
- (2) A document purporting to be duly executed under the seal of an MDC or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be treated as so executed or signed unless the contrary is shown.

House of Commons Disqualification Act 1975 (c. 24)

- 12 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies all of whose members are disqualified) at the appropriate place insert—
- “A Mayoral development corporation (see section 198 of the Localism Act 2011).”