

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE NATIONAL RIVERS AUTHORITY

##### *Membership*

- 1
- (1) Subject to the following provisions of this paragraph, a member shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
  - (2) A member may at any time by notice to the appropriate Minister resign his office.
  - (3) The appropriate Minister may remove a member if he is satisfied—
    - (a) that that member has been absent from meetings of the Authority for a period of more than three consecutive months without the permission of the Authority;
    - (b) that that member has been adjudged bankrupt, that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
    - (c) that that member is unable or unfit to carry out the functions of a member.

##### *Remuneration, pensions etc.*

- 2
- (1) The Authority shall pay to its members such remuneration, and such travelling and other allowances, as may be determined by the appropriate Minister.
  - (2) The Authority shall, if so required by the appropriate Minister—
    - (a) pay such pension, allowances or gratuities to or in respect of a person who has been or is a member; or
    - (b) make such payments towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person,as may be determined by the appropriate Minister.
  - (3) If, when any member ceases to hold office, the appropriate Minister determines that there are special circumstances which make it right that that member should receive compensation, the Authority shall pay to him a sum by way of compensation of such amount as may be so determined.
  - (4) Without prejudice to the other provisions of this Schedule—
    - (a) the Authority may enter into a contract with any person under which, in consideration of payments made by the Authority by way of premium or otherwise, that person undertakes to pay to the Authority such sums as may be provided in the contract in the event of any member of the Authority or of any of its committees meeting with a personal accident, whether fatal or not, while he is engaged on the business of the Authority;

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(b) any sum received by the Authority under any such contract shall, after deduction of any expenses incurred in the recovery of that sum, be paid by the Authority to, or to the personal representatives of, the person in respect of whose accident the sum is received;

and the provisions of the Life Assurance Act 1774 shall not apply to any such contract.

(5) The approval of the Treasury shall be required for the making of a determination under this paragraph.

### *Staff*

3 (1) The Authority may, with the approval of the Secretary of State as to terms and conditions of service, appoint such officers and employees as it may determine.

(2) No member or other person shall be appointed by the Authority to act as chief executive of the Authority unless the Secretary of State has consented to the appointment of that person.

(3) The Authority may—

(a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are its officers or employees as it may, with the approval of the Secretary of State, determine;

(b) make such payments as it may so determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such persons;

(c) provide and maintain such schemes as it may so determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons.

(4) Any reference in sub-paragraph (3) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Authority's officers or employees who suffer loss of office or employment or loss or diminution of emoluments.

(5) If any person—

(a) on ceasing to be an officer or employee of the Authority, becomes a member; and

(b) was by reference to his office or employment with the Authority a participant in a pension scheme maintained by the Authority for the benefit of any of its officers or employees,

the Authority may, with the approval of the Secretary of State, make provision for him to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Secretary of State determine, as if his service as a member were service as an officer or employee of the Authority.

(6) Provision made by virtue of sub-paragraph (5) above shall be without prejudice to paragraph 2 above.

(7) The consent of the Treasury shall be required for the giving of an approval under this paragraph.

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*Proceedings of Authority*

- 4 Subject to the following provisions of this Schedule and to section 106 of this Act, the Authority may regulate its own procedure (including quorum).

*Delegation of powers*

- 5 Subject to section 106 of this Act, anything authorised or required by or under any enactment to be done by the Authority may be done—
- (a) by any member, officer or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority; or
  - (b) by any committee or sub-committee of the Authority which has been so authorised.

*Interests of members*

- 6 (1) A member who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of the Authority shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting; and
  - (b) the member shall not take any part in any deliberation or decision of the Authority, or of any of its committees or sub-committees, with respect to that matter.
- (2) For the purposes of sub-paragraph (1) above, a general notification given at a meeting of the Authority by a member to the effect that—
- (a) he is a member of a specified company or firm; and
  - (b) is to be regarded as interested in any matter involving that company or firm,
- shall be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (3) A member need not attend in person at a meeting of the Authority in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at the meeting.
- (4) The Secretary of State may, subject to such conditions as he considers appropriate, remove any disability imposed by virtue of this paragraph in any case where the number of members of the Authority disabled by virtue of this paragraph at any one time would be so great a proportion of the whole as to impede the transaction of business.
- (5) The power of the Secretary of State under sub-paragraph (4) above includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (6) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (4) above.

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- (7) In this paragraph references to a meeting of the Authority include references to a meeting of any of its committees or sub-committees.

*Vacancies and defective appointments*

- 7       The validity of any proceedings of the Authority shall not be affected by a vacancy amongst the members or by a defect in the appointment of a member.

*Minutes*

- 8       (1) Minutes shall be kept of proceedings of the Authority, of its committees and of its sub-committees.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by a person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in subparagraph (2) above, those proceedings shall, unless the contrary is shown, be deemed to have been regularly convened and constituted.

*Application of seal and proof of instruments*

- 9       (1) The application of the seal of the Authority shall be authenticated by the signature of any member, officer or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority.
- (2) In this paragraph the reference to the signature of a person includes a reference to a facsimile of a signature by whatever process reproduced; and, in paragraph 10 below, the word “signed” shall be construed accordingly.

*Documents served etc. by or on the Authority*

- 10      (1) Any document which the Authority is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Authority by any member, officer or employee of the Authority who has been authorised for the purpose, whether generally or specially, by the Authority.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the Authority and to be duly executed under the seal of the Authority, or to be signed or executed by a person authorised by the Authority for the purpose, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.
- (3) Any notice which is required or authorised, by or under any enactment not contained in this Act, to be given, served or issued by or to the Authority shall be in writing.

*Interpretation*

- 11      In this Schedule—
- “the appropriate Minister”, in relation to any person who is or has been a member, means the Minister or the Secretary of State, according to whether

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that person was appointed as a member by the Minister or the Secretary of State; and

“member” means any member of the Authority, including the chairman and the deputy chairman.