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SCHEDULES

SCHEDULE 1

Section 1.

THE ENVIRONMENT AGENCY

Modifications etc. (not altering text)

- C1** Sch. 1: transfer of functions (with effect in accordance with art. 1(3) of the amending S.I.) by [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **5** (with art. 24)

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 resign his office by giving notice to the appropriate Minister.
- (3) The appropriate Minister may remove a member from that office if he is satisfied—
- (a) that the member has been absent from meetings of the Agency for a period of more than three months without the permission of the Agency;
 - (b) that the member has been [^{F1}made] bankrupt, [^{F2}that a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of him,] 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 the member is unable or unfit to carry out the functions of a member.

Textual Amendments

- F1** Word in Sch. 1 para. 1(3)(b) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 1 para. 18**
- F2** Words in Sch. 1 para. 1(3)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 33(2)** (with art. 5)

Chairman and deputy chairman

- 2 The chairman or deputy chairman of the Agency shall hold office as such unless and until—
- (a) he resigns that office by giving notice to the Secretary of State, or
 - (b) he ceases to be a member,

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and shall, on ceasing to be the chairman or deputy chairman, be eligible for further designation as such in accordance with section 1(3) of this Act at any time when he is a member.

Remuneration, pensions, etc.

- 3
- (1) The Agency shall pay to its members such remuneration, and such travelling and other allowances, as may be determined by the appropriate Minister.
 - (2) The Agency shall, if so required by the appropriate Minister,—
 - (a) pay such pension, allowances or gratuities as may be determined by that Minister to or in respect of a person who is or has been a member;
 - (b) make such payments as may be determined by that Minister towards provision for the payment of a pension, allowances or gratuities to or in respect of a person who is or has been a member; or
 - (c) provide and maintain such schemes (whether contributory or not) as may be determined by that Minister for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been members.
 - (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 Agency shall pay to him a sum by way of compensation of such amount as may be so determined.

Staff

- 4
- (1) The Agency may appoint such officers and employees as it may determine.
 - (2) No member or other person shall be appointed by the Agency to act as chief executive of the Agency unless the Secretary of State has consented to the appointment of that person.
 - (3) The Agency may—
 - (a) pay such pensions, allowances or gratuities to or in respect of any persons who are or have been 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 Agency's officers or employees who suffer loss of office or employment or loss or diminution of emoluments.

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Proceedings of the Agency

- 5 Subject to the following provisions of this Schedule and to section 106 of the 1991 Act (obligation to carry out flood defence functions through committees), the Agency may regulate its own procedure (including quorum).

Delegation of powers

- 6 Subject to section 106 of the 1991 Act, anything authorised or required by or under any enactment to be done by the Agency may be done—
- (a) by any member, officer or employee of the Agency who has been authorised for the purpose, whether generally or specially, by the Agency; or
 - (b) by any committee or sub-committee of the Agency which has been so authorised.

Members' interests

- 7 (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 Agency 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 Agency, 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 Agency by a member to the effect that he—
- (a) 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 Agency 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 read and considered 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 Agency 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) Any reference in this paragraph to a meeting of the Agency includes a reference to a meeting of any committee or sub-committee of the Agency.

Vacancies and defective appointments

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

Minutes

- 9 (1) Minutes shall be kept of proceedings of the Agency, 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 validly convened and constituted.

Application of seal and proof of instruments

- 10 (1) The application of the seal of the Agency shall be authenticated by the signature of any member, officer or employee of the Agency who has been authorised for the purpose, whether generally or specially, by the Agency.
- (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 11 below, the word “signed” shall be construed accordingly.

Documents served etc. by or on the Agency

- 11 (1) Any document which the Agency is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Agency by any member, officer or employee of the Agency who has been authorised for the purpose, whether generally or specially, by the Agency.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the Agency and to be duly executed under the seal of the Agency, or to be signed or executed by a person authorised by the Agency 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 provision of any other Act, to be given, served or issued by, to or on the Agency shall be in writing.

Interpretation

- 12 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 by the Secretary of State; and

“member”, except where the context otherwise requires, means any member of the Agency (including the chairman and deputy chairman).

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