
STATUTORY INSTRUMENTS

1995 No. 401

The Local Government Residuary Body (England) Order 1995

PART II

CONSTITUTION AND MEMBERSHIP

Establishment of the Residuary Body

3. There shall be established a body corporate to be known as the Local Government Residuary Body (England) (“the Residuary Body”).

Membership

4.—(1) The Residuary Body shall consist of not less than 3 and not more than 20 members appointed by the Secretary of State, and the Secretary of State shall appoint one of the members to be chairman and may appoint another member to be deputy chairman.

(2) Subject to the provisions of this article, a member shall hold and vacate office in accordance with the terms of his appointment.

(3) A person who ceases to be a member shall be eligible for reappointment as a member.

(4) A member may resign from office by notice in writing to the Secretary of State.

(5) The Secretary of State may remove a member from office if satisfied he—

- (a) is unable or unfit to carry out the functions of a member, or
- (b) has not complied with the terms of his appointment.

(5) A person shall cease to be chairman or deputy chairman if he—

- (a) resigns as such by notice in writing to the Secretary of State; or
- (b) ceases to be a member;

Remuneration, pensions etc.

5.—(1) The Residuary Body shall pay to its members such remuneration, and such allowances, as the Secretary of State may determine.

(2) The Residuary Body may—

- (a) pay such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any persons who have been or are its members; and
- (b) make such payments as the Secretary of State may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such persons.

(3) If, when a person ceases to be a member of the Residuary Body, the Secretary of State determines that there are special circumstances which make it appropriate that that member should receive compensation, the Residuary Body shall pay to him as compensation such amount as the Secretary of State may determine.

(4) The approval of the Treasury shall be required for any determination of the Secretary of State under this article.

Status

6. The Residuary Body shall not be regarded as acting on behalf of the Crown and neither it nor its members nor members of its staff shall be regarded as Crown servants.

Proceedings

7.—(1) Subject to the following provisions of this Part and any directions given by the Secretary of State, the Residuary Body may regulate its own procedure (including quorum).

- (2) Anything authorised or required to be done by the Residuary Body may be done by—
- (a) any member of the Residuary Body, or of its staff, who has been authorised for the purpose, whether generally or specially; or
 - (b) by any committee or sub-committee of the Residuary Body which has been so authorised.

(3) A member of the Residuary Body who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Residuary Body, or of a committee or sub-committee of which he is a member, shall disclose the nature of that interest to the meeting and shall not take part in any deliberation or decision of the Residuary Body, committee or sub-committee with respect to that matter.

(4) A member of the Residuary Body, or its staff, who is directly or indirectly interested in any matter connected with anything which he is authorised to do by virtue of paragraph 2(a) above shall disclose the nature of that interest to the Residuary Body and shall not do the thing which he is so authorised to do unless, after the disclosure, he is specially authorised to do so by the Residuary Body.

(5) The validity of any proceedings of the Residuary Body or of any committee or sub-committee shall not be affected—

- (a) by a vacancy amongst its members or a defect in the appointment of a member; or
- (b) by a contravention of paragraph (3) or of direction given in respect of the exercise of the power in paragraph (1) above to regulate procedure.

(6) The validity of anything done by a member of the Residuary Body, or of its staff, in pursuance of an authorisation given under paragraph 2(a) above, shall not be affected by a contravention of paragraph (4) above.

Application of seal and proof of instruments

8.—(1) The application of the seal of the Residuary Body shall be authenticated by the signature of any member of the Residuary Body, or of its staff, whom it has authorised, whether generally or specially, for the purpose.

(2) Every document purporting to be an instrument issued by the Residuary Body and to be duly sealed with its seal or to be signed on its behalf shall be received in evidence, and, unless the contrary is shown, shall be deemed to be an instrument so issued.

Supervision by Parliamentary Commissioner

9. The residuary Body shall be included among the authorities to which the Parliamentary Commissioner Act 1967(1) applies.

(1) 1967 c. 13.

House of Commons disqualification

10. Any member of the Residuary Body who is in receipt of remuneration shall, for the purposes of the House of Commons Disqualification Act 1975(2), be treated as holding an office described in Part III of Schedule 1 to that Act (other disqualifying offices).