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## SCHEDULES

### SCHEDULE 1

Section 7

#### APPOINTMENT AND ELECTION OF COMMISSIONERS

##### PART 1

##### APPOINTED COMMISSIONERS

###### *Appointment and terms of office of first appointed Commissioners*

- 1 (1) Each of the appointing bodies shall appoint the first person to be appointed by it as a Commissioner not more than 28 days after the appointed day or, if that is not practicable, as soon as practicable after that day; and the appointment shall take effect on the day on which the first elected Commissioners are elected under Part 2 of this Schedule or as soon as possible after that day.
- (2) The first Commissioners appointed under section 7(2)(a) to (g) (Establishment of Greenham and Crookham Common Commission) of this Act shall hold office until 31 May falling on or immediately after the anniversary of the date when their appointment takes effect.

###### *Term of office of subsequent appointed Commissioners*

- 2 An appointed Commissioner (other than a Commissioner appointed under paragraph 1 above) shall, unless appointed to fill a casual vacancy and subject to paragraph 3 below, hold office for the period ending on 31 May next following the anniversary of the date when the appointment takes effect.

###### *Vacation of office by appointed Commissioners*

- 3 An appointed Commissioner may resign that office at any time by notice in writing given to the secretary of the Commission or, if that Commissioner is the secretary, the chairman.

###### *Reappointment of Commissioners*

- 4 A vacating Commissioner (whether an appointed Commissioner or an elected Commissioner) shall be eligible for reappointment or appointment as a Commissioner.

###### *Casual vacancies*

- 5 (1) Subject to subparagraph (3) below, any casual vacancy occurring in the office of an appointed Commissioner shall be filled as soon as reasonably practicable by the

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appointment by the appointing body by whom that Commissioner was appointed of a person to fill the vacancy.

- (2) A person appointed to fill a casual vacancy shall (unless the person previously dies or resigns) hold office during the remainder of the term for which the vacating Commissioner was appointed.
- (3) An appointing body need not fill any vacancy occurring less than three months before the ordinary date of retirement from the office in which the vacancy occurs.

## PART 2

### ELECTED COMMISSIONERS

#### *Election of first elected Commissioners*

- 6        The returning officer shall arrange for the first commoners' election to be held in accordance with the election rules on a day fixed by the returning officer falling as soon as reasonably practicable after the appointed day.
- 7        (1) For the purpose of the first commoners' election, the returning officer, shall compile a list of those persons who appear to the returning officer, on the date on which the list is compiled, to be entitled to exercise any rights of common upon Greenham Common or Crookham Common or any part of either of them, being rights—
  - (a) for the time being registered (whether provisionally or finally) under the 1965 Act; or
  - (b) registered under the Land Registration Acts 1925 and 1936 (and not extinguished before that date).
- (2) The list compiled by the returning officer as required by subparagraph (1) above shall be available for public inspection at the offices of the returning officer for a period of not less than 28 days immediately preceding the day fixed by the returning officer for the delivery of nomination papers in accordance with paragraph 1 of the election rules.
- (3) Where two or more persons are commoners by virtue of a joint holding, they shall not each be entitled to appear on the list but may jointly nominate one of their number or a relative to appear on the list.
- (4) A commoner may nominate a relative to appear on the list in his place.
- (5) Any person whose name does not appear on that list and who claims to be entitled to be included in that list under subparagraph (1) above, may apply to the returning officer up to the day mentioned in subparagraph (2) above to be included in the list; and if, on such an application, it appears to the returning officer that the person should be included in the list the returning officer shall amend the list accordingly.
- (6) For the purposes of the first commoners' election, the determination of the returning officer as to whether or not any person shall be entitled to be included on the list shall be conclusive; and the validity of the election shall not be questioned in any legal proceedings on the grounds that any person should have been included or omitted from the list.
- 8        (1) The returning officer shall by advertisement in a local newspaper circulating in the area of the Common give notice of the holding of the first commoners' election not

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less than 28 days immediately preceding the day fixed by the returning officer for the delivery of nomination papers.

- (2) The notice referred to above shall—
- (a) state the date on which the election will be held;
  - (b) explain the purpose of the election;
  - (c) state that a list of commoners eligible for nomination and entitled to vote at the election has been compiled by the Council for the purpose of that election;
  - (d) state the place and times at which that list may be inspected by members of the public free of charge; and
  - (e) explain the effect of paragraph 7(3) and (4) above.
- 9 (1) Only a person whose name appears on the list compiled by the returning officer under paragraph 7 above, shall be eligible for nomination and entitled to vote at the first commoners' election.
- (2) No person whose name appears on the list shall be entitled to more than one vote.
- 10 A declaration in accordance with paragraph 19 of the election rules purporting to be signed by the returning officer of the election of a Commissioner shall be conclusive evidence of such election.
- 11 The first elected Commissioners shall, subject to paragraphs 16 and 17 below, hold office until 31 May falling on or immediately following the third anniversary of the election.

#### *Subsequent elections*

- 12 (1) This paragraph and paragraphs 13 to 15 below apply in relation to elections held after the first commoners' election.
- (2) The returning officer shall in 2006 and every third year thereafter arrange for a commoners' election to be held not more than 28 days before 1 June in that year.
- (3) Each commoners' election shall be held in accordance with the election rules.
- 13 (1) Only a person whose name appears on the register on the relevant day shall be eligible for nomination for election and entitled to vote at the commoners' election.
- (2) Where two or more persons are commoners by virtue of a joint holding, only the person (if any) recorded in the register on the relevant day as being entitled to vote shall be eligible for nomination for election or entitled to vote at the commoners' election.
- (3) Where a relative is recorded in the register on the relevant day as entitled to vote under section 26(7) or (8) of this Act, only the person so recorded shall be eligible for nomination for election or entitled to vote at the commoners' election.
- (4) No person shall be entitled to more than one vote.
- (5) In this paragraph “the relevant day” means the day on which the notice of an election is published under paragraph 3 of the election rules to this Act.
- 14 A declaration in accordance with paragraph 19 of the election rules purporting to be signed by the returning officer of the election of a Commissioner shall be conclusive evidence of such election.

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#### *Term of office of elected Commissioners*

- 15 Subject to paragraphs 16 and 17 below, an elected Commissioner (other than a Commissioner elected under paragraph 6 above) shall, unless appointed to fill a casual vacancy, hold office until 31 May next following the third anniversary of his or her election.

#### *Vacation of office by elected Commissioners*

- 16 An elected Commissioner may resign his or her office at any time by notice in writing given to the secretary of the Commissioners or, if that Commissioner is the secretary, the chairman.

#### *Disqualification of elected Commissioners*

- 17 (1) An elected Commissioner who is removed from the register (or, in the case of a Commissioner who is elected at the first commoners' election, who is not entered on the register within the period of 28 days beginning with the appointed day for the purpose of section 26 (Register to be maintained by Commission) of this Act)—
- (a) shall not be entitled to attend the meetings of the Commission or otherwise act as a Commissioner at any time when he or she is not on the register; and
  - (b) shall, unless he or she is restored to (or entered on) the register under section 27 (Appeals against refusal to register, etc.) of this Act, be disqualified from holding office as Commissioner.
- (2) Where under paragraph 7(3) or (4) or 13(2) or (3) above a person nominated by a commoner or commoners as eligible for nomination for election is elected to be a Commissioner, that person may continue to hold office for the term for which he or she has been elected notwithstanding any change in nomination made by the commoner or commoners.

#### *Re-election of Commissioners*

- 18 A vacating Commissioner (whether an elected Commissioner or an appointed Commissioner) shall, subject to paragraph 13 above, be eligible for re-election or election as a Commissioner.

#### *Casual vacancies*

- 19 (1) Subject to subparagraph (3) below, any casual vacancy occurring in the office of an elected Commissioner shall be filled as soon as reasonably practicable by the election of a person to fill the vacancy held by the returning officer in accordance with the election rules.
- (2) A person elected to fill a casual vacancy shall (unless the person previously dies, resigns or becomes disqualified) hold office during the remainder of the term for which the vacating Commissioner was elected.
- (3) No election shall be held to fill any casual vacancy occurring less than six months before the end of the term for which the vacating Commissioner was elected.

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### Costs of Elections

- 20 The costs of holding elections under this Part of this Schedule, including any expenses incurred by the returning officer, shall be borne by the Commission.

## SCHEDULE 2

Section 7

### RULES APPLICABLE TO ELECTION OF COMMISSIONERS

#### PART 1

##### PROVISIONS AS TO TIME

### Timetable

- 1 The proceedings at the election of commissioners shall be conducted in accordance with the following Table.

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the twelfth day before the day of election
Publication of statement as to persons nominated	Not later than noon on the tenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than noon on the ninth day before the day of election
Despatch of ballot papers	Not later than the eighth day before the day of election
Close of poll	Noon on the day of election

### Computation of time

- 2 (1) In computing any period of time for the purposes of the Timetable—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning,
- shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.
- (2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in England and Wales.

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## PART 2

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### NOTICE OF ELECTION

##### *Notice of election*

- 3 (1) The returning officer shall publish notice of the election stating—
- (a) the place and times at which nomination papers are to be delivered, and
  - (b) the date of the poll in the event of a contest,
- and the notice shall state that forms of nomination papers may be obtained at the place and those times.
- (2) The returning officer shall send a copy of the notice of election and a nomination form to every commoner whose name appears on the register or, in the case of the first commoners' election, the list compiled under paragraph 7 of Schedule 1 (Appointment and election of Commissioners) to this Act.

##### *Nomination of candidates*

- 4 (1) Each candidate shall nominate himself or herself on a separate nomination paper, in the form in the Appendix of Forms to this Schedule, delivered at the place fixed for the purpose by the returning officer.
- (2) The nomination paper shall state the candidate's—
- (a) full names, and
  - (b) home address in full,
- and the surname shall be placed first in the list of names.

##### *Decisions as to validity of nomination papers*

- 5 (1) Where a nomination paper is delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—
- (a) the returning officer decides that the nomination paper is invalid; or
  - (b) proof is given to the returning officer's satisfaction of the candidate's death;  
or
  - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper invalid only on the ground that the particulars of the candidate are not as required by law.
- (3) As soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.
- (4) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The returning officer shall send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

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- (6) The returning officer's decision that a nomination paper is valid or invalid shall be final and not be questioned in any proceeding whatsoever.

*Publication of statement of persons nominated*

- 6 (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names and addresses of the persons nominated as given in their nomination papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

*Withdrawal of candidates*

- 7 (1) A candidate may withdraw his or her candidature by notice of withdrawal—
- (a) signed by the candidate, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

*Method of election*

- 8 (1) If the number of persons remaining validly nominated after any withdrawals under these rules exceeds the number of commissioners to be elected, a poll shall be taken in accordance with Part 3 of these rules.
- (2) If the number of persons remaining validly nominated after any withdrawals under these rules does not exceed the number of commissioners to be elected, such person or persons shall be declared to be elected in accordance with Part 4 of these rules.

**PART 3**

CONTESTED ELECTIONS

**GENERAL PROVISIONS**

*Poll to be taken by postal ballot*

- 9 The votes at the poll shall be given by postal ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of commissioners to be elected, shall be declared to have been elected.

*The ballot papers*

- 10 (1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.

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- (2) Every ballot paper shall be in the form in the Appendix of Forms to this Schedule, and—
- (a) shall contain the names and addresses of the candidates as shown in the statement of persons nominated;
  - (b) shall be capable of being folded up; and
  - (c) shall have a number printed on the back.
- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

#### *Issue of ballot papers*

- 11 The returning officer shall send to every voter at the addresses shown in the list or register, a ballot paper and a declaration of identity in the form set out in the Appendix of Forms to this Schedule, or a form to the like effect, together with an envelope for their return.

#### *Spoilt ballot papers*

- 12 A voter who has inadvertently dealt with his or her ballot paper in such manner that it cannot conveniently be used as a ballot paper may, on delivering it to the returning officer and proving to the returning officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as "spoilt ballot paper") and the spoilt ballot paper shall be immediately cancelled.

### **COUNTING OF VOTES**

#### *Attendance at counting of votes*

- 13 The returning officer shall make arrangements for counting the votes in the presence of the candidates and such other persons as the returning officer may permit as soon as practicable after the close of the poll, and shall give to the candidates notice in writing of the time and place at which the counting of the votes will commence.

#### *The count*

- 14 (1) The returning officer shall count such of the ballot papers as have been duly returned and record the number counted.
- (2) A ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed.

#### *Recount*

- 15 (1) A candidate may, if present when the counting or any recount of the votes is complete, require the returning officer to have the votes recounted or again recounted but the returning officer may refuse to do so if in his or her opinion the request is unreasonable.



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- (2) No step shall be taken on the completion of the counting or any recount of votes until the candidates present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

### *Rejected ballot papers*

- 16 (1) Any ballot paper—
- (a) on which votes are given for more candidates than the voter is entitled to vote for, or
  - (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
  - (c) which is unmarked or void for uncertainty,
- shall, subject to subparagraphs (2) and (3) below, be void and not counted.
- (2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.
- (3) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place, or
  - (b) otherwise than by means of a cross, or
  - (c) by more than one mark,
- shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified by it.
- (4) The returning officer shall—
- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
  - (b) in the case of a ballot paper on which any vote is counted under subparagraph (2) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;
- and shall add to the endorsement the words “rejection objected to” if any objection is made by a candidate to that decision.
- (5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—
- (a) voting for more candidates than voter is entitled to;
  - (b) writing or mark by which voter could be identified;
  - (c) unmarked or void for uncertainty;
- and the statement shall record the number of ballot papers rejected in part.

### *Decisions on ballot papers*

- 17 The decision of the returning officer on any question arising in respect of a ballot paper shall be final.

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### *Equality of votes*

- 18       Where, after the counting of the votes (including any recount) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## **PART 4**

### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

#### *Declaration of result*

- 19       (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—
- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of commissioners to be elected;
  - (b) give notice of the name of each candidate to whom paragraph (a) above applies to the secretary of the Commission; and
  - (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (2) In an uncontested election, the returning officer shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—
- (a) declare to be elected the person or persons remaining validly nominated;
  - (b) give notice of the name of each person to whom paragraph (a) above applies to the secretary of the Commission; and
  - (c) give public notice of the name of each such person.

## **PART 5**

### DISPOSAL OF DOCUMENTS

#### *Sealing up of ballot papers*

- 20       On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

#### *Delivery of documents*

- 21       Immediately following the declaration of election the returning officer shall forward to the secretary of the Commission the following documents:—
- (a) the packets of ballot papers in the returning officer's possession;
  - (b) the ballot paper account and the statement of rejected ballot papers; and
  - (c) the nomination papers,

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endorsing on each packet a description of its contents and the date of the election to which they relate.

#### *Challenge to election*

- 22 (1) If within one calendar month of the declaration of election a person entitled to vote in the election makes representation in writing to the Chairman of the Council alleging improper behaviour in connection with the election or a breach of these rules the Chairman of the Council may appoint an independent person (“the investigator”) to investigate such allegation.
- (2) The investigator shall carry out such enquiries as the investigator considers appropriate and shall, if necessary for the purpose of the investigation, be entitled to open the sealed packets of documents relating to the election.
- (3) If, following completion of an investigation, the investigator is of the opinion that there has been a material irregularity in the conduct of the election which may have affected the result, the investigator may declare the election void and order the returning officer to conduct a fresh election.

#### *Retention of documents*

- 23 The secretary of the Commission shall retain all documents relating to the election for a period of two months following the election and then, unless required for the purposes of an investigation under paragraph 22 above, shall cause them to be destroyed.

## **PART 6**

### DEATH OF CANDIDATE

#### *Abandonment of election on death of candidate*

- 24 If at a contested election proof is given to the returning officer’s satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall abandon the election and give fresh notice of election.

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Appendix of Forms

Note: The forms contained in this Appendix may be adapted so far as circumstances require.

*Form of nomination paper*

ELECTION OF GREENHAM AND CROOKHAM COMMON COMMISSIONER

Day of election.....

I, the undersigned, being a person entitled to vote in the above election do hereby nominate myself as a candidate at the said election.

Candidate's surname	Other names in full	Home address in full

Candidate's signature .....

Date .....

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*Form of Ballot Paper*

**ELECTION OF GREENHAM AND CROOKHAM COMMON  
COMMISSIONER(S)**

Day of Election .....

<b>BROWN</b> JOHN EDWARD Brown 2 The Cottages, Barlington Grayshire
<b>BROWN</b> THOMAS WILLIAM Brown 15 Barchester Road, Barlington Grayshire  <b>JONES</b> WILLIAM DAVID Jones The Grange, Barlington Grayshire
<b>SMITH</b> MARY Smith School House, Barlington Grayshire
<b>WILLIAMS</b> ELIZABETH Williams 3 Ivy Lane, Barlington Grayshire

**VOTE FOR NO MORE THAN ..... CANDIDATES**

Mark a cross (X) in the box on the righthand side of the ballot paper  
opposite the name of the candidatet(s) you are voting for.

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*Form of declaration of identity*

**GREENHAM AND CROOKHAM COMMONS ACT 2002**

**DECLARATION OF IDENTITY**

Ballot Paper No.....

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature .....

Name .....

Address .....

.....

**INSTRUCTIONS TO THE VOTER**

- 1 You must sign this declaration of identity and return it with your ballot paper. Without this your vote will be invalid.
- 2 After you have marked your ballot paper, put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper must be received by the returning officer not later than noon on the day of the election.
- 3 If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

SCHEDULE 3

Section 7

INCIDENTAL PROVISIONS WITH RESPECT TO COMMISSION

*Corporate status of the Commission*

- 1 The Commission shall be a body corporate with perpetual succession and a common seal.

*Meetings of the Commission*

- 2 The first meeting of the Commission shall be held on such day and at such time and place as may be appointed by the returning officer; and the said officer shall make arrangements for notice of the meeting to be sent by post to each member of the Commission not less than 7 days before the day so appointed.

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- 3
- (1) The first meeting of the Commission shall be the annual meeting for the year then current and thereafter the first meeting held after 1 June in any year shall be the annual meeting.
  - (2) The Commission shall in every year after the first year hold an annual meeting and at least three other meetings for the transaction of general business and at intervals of not more than 14 weeks.
  - (3) The chairman of the Commission may call a meeting of the Commission at any time.
  - (4) If, after a requisition for that purpose signed by five Commissioners has been presented to the chairman—
    - (a) the chairman refuses to call a meeting of the Commission, or
    - (b) without so refusing, the chairman does not call a meeting within 7 days after such requisition has been presented,any five Commissioners, on that refusal or on the expiration of the said 7 days (as the case may be), may forthwith call a meeting of the Commission.
  - (5) Subject to subparagraph (6) below, the public may attend and, with the consent of the Commission, shall be entitled to speak, at any meeting of the Commission or of any committee or sub-committee of the Commission.
  - (6) The Commission or any committee or sub-committee of the Commission may, by resolution, exclude the public from a meeting of the Commission or the committee or sub-committee in question (during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest—
    - (a) by reason of the confidential nature of the business to be transacted; or
    - (b) for any other special reason stated in the resolution and arising from the nature of that business or of the proceedings;and where such a resolution is passed, the meeting shall not be required to be open to the public during proceedings to which the resolution applies.

#### *Appointment of chairman and vice-chairman*

- 4
- (1) The Commission shall at its annual meeting in each year elect one of the Commissioners to be chairman and, unless the chairman resigns that office or otherwise ceases to be a member of the Commission, the chairman shall continue in office until a successor is elected.
  - (2) The Commission shall at each annual meeting appoint one of the Commissioners to be vice-chairman and, unless the vice-chairman resigns that office or ceases to be a member of the Commission, the vice-chairman shall continue in office until immediately after the election of the chairman at the next annual meeting.
  - (3) On a casual vacancy occurring in the office of chairman or vice-chairman of the Commission—
    - (a) the vacancy shall be filled by the appointment by the Commission of one of their number at a meeting held as soon as practicable after the vacancy occurs and,
    - (b) where the office vacant is that of chairman, the meeting may be convened by the secretary or such other officer as shall be appointed for the purpose by the Commission.

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- (4) A person appointed under this paragraph to fill a vacancy shall hold office until the date of the next annual meeting.

*Chairman of meeting*

- 5 (1) At a meeting of the Commission the chairman of the Commission, if present, shall preside.
- (2) If the chairman of the Commission is absent from a meeting of the Commission, the vice-chairman of the Commission, if present, shall preside.
- (3) If both the chairman and vice-chairman of the Commission are absent from a meeting of the Commission, such Commissioner as the Commissioners present choose shall preside.

*Appointment of committees*

- 6 (1) The Commission may appoint—
- (a) a committee for the exercise of any of the functions of the Commission which in the opinion of the Commission can be better regulated and managed by means of a committee and may delegate to a committee so appointed the exercise of any such functions;
- (b) a committee to advise the Commission on any matter relating to the discharge of its functions.
- (2) Any committee appointed under subparagraph (1)(b) above may include persons who are not Commissioners.
- (3) The number of members of any such committee and their term of office shall be fixed by the Commission or, in the case of a sub-committee, by the appointing committee.
- 7 (1) A committee of the Commission—
- (a) may, subject to any restrictions imposed by the Commission, appoint such sub-committees as the committee may determine and
- (b) may authorise any such sub-committee to exercise any of the functions of the committee on its behalf;
- and any reference in any of the succeeding paragraphs of this Schedule to a “committee” shall be construed as including a reference to any such sub-committee.
- (2) Any sub-committee of a committee appointed under paragraph 6(1)(b) above may include or comprise persons who are not Commissioners.

*Proceedings of the Commission and committees*

- 8 The proceedings of the Commission, or of any committee appointed by it, shall not be invalidated by any vacancy in its number or by any defect in the appointment, or the qualification for appointment, of any person as a Commissioner, or as chairman or vice-chairman, of the Commission or committee.
- 9 The quorum required for a meeting of the Commission shall be five.
- 10 (1) Subject to subparagraph (2) below, if a Commissioner—
- (a) has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter; and



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- (b) is present at a meeting of the Commission or of any committee of the Commission at which the contract or other matter is the subject of consideration,
- the Commissioner shall as soon as practicable after the commencement of the meeting disclose that fact at the meeting and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) Nothing in subparagraph (1) above shall preclude a Commissioner from taking part in the consideration or discussion of, or voting on, any question connected with—
- (a) grazing agreements under section 22 (Grazing agreements) of this Act; or
- (b) a specific grazing agreement under that section,
- by reason only of the fact that the Commissioner has a pecuniary interest in such a grazing agreement (other than, in a case where paragraph (b) applies, the specific grazing agreement concerned).
- 11 (1) Any question to be decided by the Commission or any committee of the Commission shall, in the first instance, be decided by the majority of those present at the meeting and voting on the question, and the decision of the person presiding at the meeting as to the result of the voting shall be final.
- (2) In the case of an equality of votes, the person presiding at any such meeting shall have a casting vote, in addition to any other vote that person may have.
- 12 Subject to the provisions of this Schedule, the procedure and business of the Commission and of any committee of the Commission shall be regulated in such manner as the Commission may from time to time determine.

#### *Officers, services and advisors*

- 13 (1) The Commission shall appoint a secretary and may appoint a treasurer and such other officers as the Commission thinks necessary for the efficient discharge of its functions.
- (2) A Commissioner shall be eligible to be appointed an officer under subparagraph (1) above and any such officer shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the Commission thinks fit.
- (3) The Commission and the Council may enter into arrangements for the Council to provide (with or without charge) such administrative, professional or technical services as are required for the discharge of the functions of the Commission and as are specified under those arrangements.
- (4) The Council shall nominate an officer of the Council to advise the Commission on matters relating to the discharge of its functions; and that officer shall be entitled to attend and speak at the meetings of the Commission but not to vote.

#### *Authentication of the Commission's seal*

- 14 The application of the seal of the Commission shall be authenticated by the signatures of the chairman of the Commission or some other Commissioner authorised by the Commission to authenticate the application of the seal thereof and of such officer as shall be authorised by the Commission to act in that behalf.

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*Protection from personal liability*

- 15 Section 265 of the Public Health Act 1875 (c. 55) (which relates to the protection from personal liability of members and officers of certain authorities when acting under the direction of the authorities) shall have effect as if references to those authorities and that Act included respectively references to the Commission and this Act.