

*Status: Point in time view as at 01/02/1991.*

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## SCHEDULES

### SCHEDULE 1 U.K.

Section 1.

#### THE SCOTTISH DEVELOPMENT AGENCY.

##### *Incorporation*

- 1 The Agency shall be a body corporate and shall have a common seal.

##### *Appointment and tenure of members*

- 2 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member of the Agency, that he will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
  - (b) to satisfy himself from time to time with respect to each member that he has no such interest;

and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as he may specify with a view to carrying out his duty under this paragraph.

- 3 Subject to the following provisions of this Schedule, every member of the Agency shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, but any member of the Agency may resign his office by giving to the Secretary of State a signed notice in writing stating that he resigns his office, and a member of the Agency who ceases to hold office shall be eligible for re-appointment to the Agency.

- 4 Where a member becomes or ceases to be the chairman or a deputy chairman, the Secretary of State may vary the terms of the instrument appointing him a member so as to alter the date on which he is to vacate office as a member.

- 5 If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.

- 6 If the Secretary of State is satisfied that a member of the Agency—
- (a) has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract,

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- (b) is incapacitated by reason of physical or mental illness,
- (c) has been absent from meetings of the Agency for a period longer than three consecutive months without the permission of the Agency, or
- (d) is otherwise unable or unfit to discharge the functions of a member of the Agency, or is unsuitable to continue as a member.

the Secretary of State shall have power to remove him from office as a member of the Agency.

*Remuneration etc.*

- 7 The Agency shall pay to each member such remuneration as the Secretary of State may determine, with the approval of the Minister for the Civil Service.

**Modifications etc. (not altering text)**

- C1** By virtue of [S.I. 1981/1670](#), [arts. 2, 3\(5\)](#) this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

- 8 The Agency shall make such provision as may be determined by the Secretary of State, with the approval of the said Minister, for the payment of pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) to or in respect of such members or past members of the Agency as may be so determined.

**Modifications etc. (not altering text)**

- C2** By virtue of [S.I. 1981/1670](#), [arts. 2, 3\(5\)](#) this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

- 9 Where a person ceases to be a member otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State, with the approval of the said Minister, may direct the Agency to make to that person a payment of such amount as the Secretary of State may determine, with the approval of the said Minister.

**Modifications etc. (not altering text)**

- C3** By virtue of [S.I. 1981/1670](#), [arts. 2, 3\(5\)](#) this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

- 10 (1) Without prejudice to section 2(3) of this Act, the Agency may, subject to any limit of numbers which may be determined by the Secretary of State, with the approval of the said Minister, employ such officers and servants as appear to the Agency necessary for the exercise of their functions.

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- (2) The Agency may pay such remuneration, in the case of such of the persons employed by them as may be determined by the Agency, with the approval of the Secretary of State and of the said Minister, pay such pensions, allowances or gratuities to or in respect of them as may be so determined, with the like approval, make such payments towards the provision of such pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) as may be so determined, with the like approval, or provide or maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined, with the like approval.
- (3) Where a person employed by the Agency and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Agency, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Agency, whether or not provision for or in respect of him is made under paragraph 8 above.
- (4) Except so far as the Agency are satisfied that adequate machinery exists for the purpose, it shall be the duty of the Agency to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Agency and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Agency, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.

**Modifications etc. (not altering text)**

- C4 By virtue of S.I. 1981/1670, arts. 2, 3(5) this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

*Disqualification of members of the Agency for House of Commons*

- 11 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted at the appropriate place in alphabetical order:—  
“The Scottish Development Agency”.

**Modifications etc. (not altering text)**

- C5 The text of Sch. 1 para. 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Proceedings*

- 12 The quorum of the Agency and the arrangements relating to meetings of the Agency shall be such as the Agency may determine.

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- 13 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Agency, or in any other matter whatsoever which falls to be considered by the Agency, shall disclose the nature of his interest at a meeting of the Agency, and the disclosure shall be recorded in the minutes of the meeting.
- (2) Such a member shall not—
- (a) in the case of any such contract, take part in any deliberation or decision of the Agency with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Agency with respect to the matter if the Agency decide that the interest in question might prejudicially affect the member's consideration of the matter.
- (3) For the purposes of this paragraph, a notice given by a member at a meeting of the Agency to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the company or firm after the date of the notice, and in any other matter whatsoever concerning the company or firm which falls to be considered by the Agency after that date, shall be a sufficient disclosure of his interest.
- (4) 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 taken into consideration and read at such a meeting.
- 14 The validity of any proceedings of the Agency shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 13 above.

#### *Committees*

- 15 (1) In connection with the exercise of their functions, the Agency may establish such committees as appear to them to be appropriate, and the composition and remit of such a committee and the terms on which their members hold office shall be determined by the Agency.
- (2) The Agency shall pay to members of any committee established under subparagraph (1) above, who are not members of the Agency, travelling and other allowances, including compensation for loss of remunerative time, in accordance with arrangements to be determined by the Secretary of State with the approval of the Minister for the Civil Service.

**Modifications etc. (not altering text)**

- C6** By virtue of [S.I. 1981/1670](#), [arts. 2, 3\(5\)](#) this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

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### *Instruments executed or issued by the Agency*

- 16 The application of the seal of the Agency to any document shall be attested by at least one member of the Agency and by one officer of the Agency duly authorised in that behalf.
- 17 Every document purporting to be an instrument issued by the Agency and to be sealed and attested as aforesaid or to be duly signed on behalf of the Agency shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.

### *Stamp Duty*

- 18 (1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Agency as having been made or executed for the purpose of the transfer to the Agency of securities or other property held—
- (a) by or on behalf of the Crown; or
  - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.
- (2) No such instrument as is mentioned in sub-paragraph (1) above shall be deemed to be duly stamped unless it is stamped with the duty for which it would, but for this paragraph, be liable, or it has, in accordance with the provisions of section 12 of the <sup>M1</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

#### **Marginal Citations**

**M1** 1891 c. 39.

19 ..... **F1**

#### **Textual Amendments**

**F1** Sch. 1 para. 19 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), **Sch. 17 Pt. I**

### *Circulars*

- [<sup>F2</sup>20 Section 57 of the [Financial Services Act 1986](#) (restrictions on advertising) shall not apply to any investment advertisement within the meaning of that section which the Agency issue or cause to be issued in the discharge of their functions.]

#### **Textual Amendments**

**F2** Sch. 1 para. 20 substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), **Sch. 16 para. 11**

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