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## SCHEDULES

### SCHEDULE 7

#### THE RESEARCH TRUST

1 <sup>F1</sup> .....

##### Textual Amendments

**F1** Sch. 7 para. 1 repealed (1.11.2005) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(a), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

2 The Research Trust shall be a body corporate.

#### <sup>F2</sup>Members

##### Textual Amendments

**F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

3 Subject to paragraph 3A, the Research Trust shall consist of such number of members appointed by the Trust as the Trust may determine.

##### Textual Amendments

**F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

3A (1) The persons who are the members of the Research Trust immediately before the day on which section 38 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) comes into force shall, on that day, continue to be members (the “continuing members”).

(2) The terms and conditions of appointment of the continuing members shall, on the 90th day after whichever of the following occurs first—

(a) the day on which that section comes into force; or

(b) the day on which the Research Trust first make standing orders under paragraph 3F,

be the terms and conditions of appointment the Research Trust determine for the members appointed by them under paragraph 3B(1).

(3) The provisions of paragraphs 3B(2) and (3) to 3D and 3F shall apply to the continuing members as they apply to members appointed under paragraph 3; and in the application of paragraph 3C any period of appointment of a continuing

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member as a member (before he became a continuing member by virtue of sub-paragraph (1)) shall count for the purposes of determining eligibility for re-appointment in accordance with paragraph 3C.

#### Textual Amendments

- F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 38(3)(b)**, 43(3); S.S.I. 2005/492, **art. 3(b)**, Sch. 2

#### Terms of office etc

- 3B (1) Subject to the provisions of this Schedule, the appointment of a member under paragraph 3 shall be on such terms and conditions as the Research Trust may determine, but shall not be for a period exceeding 4 years.
- (2) A person holds and vacates office as member in accordance with the person's terms of appointment.
- (3) A person may resign office as member at any time by notice in writing to the Research Trust.

#### Textual Amendments

- F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 38(3)(b)**, 43(3); S.S.I. 2005/492, **art. 3(b)**, Sch. 2

#### Eligibility for re-appointment

- 3C A person who ceases to be a member of the Research Trust shall be eligible for re-appointment, but only once.

#### Textual Amendments

- F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 38(3)(b)**, 43(3); S.S.I. 2005/492, **art. 3(b)**, Sch. 2

#### Payments to members

- 3D The Research Trust may make payments from their funds to their members in respect of any loss of earnings the members would otherwise have made or any additional expenses to which they would not otherwise have been subject, being loss of expenses necessarily suffered or incurred for the purpose of enabling the members to discharge their duties as members of the Trust.

#### Textual Amendments

- F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 38(3)(b)**, 43(3); S.S.I. 2005/492, **art. 3(b)**, Sch. 2

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### *Staff*

- 3E (1) The Research Trust may appoint such staff, on such terms and conditions (including as to remuneration and allowances), as they consider appropriate.
- (2) The Research Trust may—
- (a) pay, or make arrangements for the payment of;
  - (b) make payments towards the provision of; and
  - (c) provide and maintain schemes (whether contributory or not) for the payment of,
- such pensions, allowances and gratuities to or in respect of such of their employees, or former employees, as they may determine.
- (3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes a reference to pensions, allowances and gratuities by way of compensation for loss of employment or reduction in remuneration.

#### **Textual Amendments**

**F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 38(3)(b)**, 43(3); S.S.I. 2005/492, **art. 3(b)**, Sch. 2

### *Standing orders*

- 3F (1) The Research Trust—
- (a) shall make and maintain standing orders regulating—
    - (i) the appointment by them of members;
    - (ii) the appointment of a member as convener;
    - (iii) the terms and conditions of office of members and convener;
    - (iv) their procedure;
    - (v) such other matters as the Research Trust consider appropriate;
  - (b) may, subject to sub-sub-paragraph (a), amend such standing orders from time to time.
- (2) The first set of standing orders under this paragraph shall be made before the expiry of the period of 90 days beginning with the day on which section 38 of the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#) comes into force.
- (3) Subject to the provisions of this Schedule, the Research Trust may regulate their own procedure.
- (4) The validity of any proceedings of the Research Trust shall not be affected by any vacancy in membership nor by any defect in the appointment of a member.

#### **Textual Amendments**

**F2** Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 38(3)(b)**, 43(3); S.S.I. 2005/492, **art. 3(b)**, Sch. 2

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*Powers etc.*

3G The Research Trust may do anything which appears to them to be necessary or expedient for the purpose of, or in connection with, the exercise of their functions.

**Textual Amendments**  
F2 Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

4 F3 .....

**Textual Amendments**  
F2 Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2  
F3 Sch. 7 para. 4 repealed (1.1.2006) by Charities and Trustee Investment (Scotland) Act 2005 (asp 10), ss. 95, 107(2), Sch. 3 para. 5; S.S.I. 2005/644, art. 2(1), Sch.

5 The Research Trust shall have, in relation to their funds, the like powers as trustees have in relation to their trust estate under subsection (1) of section 4 of the <sup>M1</sup>Trusts (Scotland) Act 1921.

**Textual Amendments**  
F2 Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2  
**Marginal Citations**  
M1 1921 c. 58.

6 Where the Research Trust borrow money or draw upon capital to meet expenditure of a capital nature, they shall set aside annually a sum sufficient to repay such loan or draft within a period which <sup>F4</sup> . . . shall not exceed 30 years; but this paragraph shall not apply in the case of a draft on capital to the extent only of surplus income added to capital.

**Textual Amendments**  
F2 Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2  
F4 Words in Sch. 7 para. 6 repealed (1.11.2005) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(c), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

7 F5 .....

**Textual Amendments**  
F2 Sch. 7 paras. 3-3G and cross-headings substituted (1.11.2005) for Sch. 7 para. 3 by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(b), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

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- F5** Sch. 7 para. 7 repealed (1.11.2005) by Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), ss. 38(3)(d), 43(3); S.S.I. 2005/492, art. 3(b), Sch. 2

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