

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Miscellaneous Financial Provisions Act 1983, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE DEVELOPMENT COMMISSION

##### *Status*

- 1 (1) The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and, subject to sub-paragraph (2) below, the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (2) Any land occupied by the Commission shall, for the purpose of any rate on property, be treated as if it were property occupied by or on behalf of the Crown for public purposes.

##### *Membership*

- 2 (1) The Commission shall consist of not more than [<sup>F1</sup>twelve]members appointed by Her Majesty by warrant under the sign manual, and one of those members shall be appointed as chairman.
- (2) Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or as chairman of the Commission in accordance with the terms of his appointment.
- (3) A person shall not hold office as a member of the Commission for more than five years under any one appointment, but a person who ceases or has ceased to be a member shall be eligible for reappointment.
- (4) A person may at any time resign his office as a member or as chairman of the Commission.
- (5) Sub-paragraph (1) above has effect subject to section 1(2) of this Act; and
  - (a) notwithstanding the provisions of that sub-paragraph, a member of the Commission who is immediately before the commencement of this Schedule the chairman of the Commissioners appointed under section 3 of the <sup>M1</sup>Development and Road Improvement Funds Act 1909 shall be the first chairman of the Commission; and
  - (b) a person who is a member by virtue of section 1(2) of this Act may, notwithstanding the restriction imposed by sub-paragraph (3) above, continue to hold office for the unexpired term of his appointment under the said section 3.

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#### Textual Amendments

**F1** Word substituted by [Farm Land and Rural Development Act 1988 \(c. 16, SIF 2:1\)](#), **s. 3**

#### Marginal Citations

**M1** [1909 c. 47.](#)

- 3
- (1) The Commission shall pay to its members such remuneration and allowances as the Secretary of State may, with the approval of the Treasury, determine.
  - (2) In the case of any such member or past member of the Commission as the Secretary of State may with the approval of the Treasury determine, the Commission shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance and gratuity as the Secretary of State may so determine.
  - (3) Where a person ceases to be a member of the Commission, 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 may with the approval of the Treasury direct the Commission to make to that person a payment of such amount as the Secretary of State may with that approval determine.

#### *Staff*

- 4
- (1) There shall be a chief officer of the Commission who shall be appointed by the Commission with the approval of the Secretary of State.
  - (2) The number of the Commission's employees, and the terms and conditions of their employment, shall be such as the Commission may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
  - (3) The Commission may in the case of such of its employees as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
    - (a) pay such pensions, allowances or gratuities to or in respect of them as may be so determined;
    - (b) make such payments towards the provision of pensions, allowances or gratuities to or in respect of any of them as may be so determined; or
    - (c) provide and maintain such schemes (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of them as may be so determined;
 and any scheme under this paragraph shall be so framed as to correspond, so far as is appropriate, with the principal civil service pension scheme within the meaning of section 2 of the <sup>M2</sup>Superannuation Act 1972 and for the time being in force.

#### Marginal Citations

**M2** [1972 c. 11.](#)

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### *Proceedings and instruments*

- 5 (1) The Commission shall make rules of procedure requiring its members to disclose any interests that they may have in transactions effected or proposed by the Commission.
- (2) The quorum of the Commission and, subject to sub-paragraph (1) above, its procedure shall be such as the Commission may determine.
- 6 The validity of any proceedings of the Commission shall not be affected by any defect in the appointment of a member or by a vacancy in the office of chairman.
- 7 A document purporting to be duly executed under the seal of the Commission or to be signed on behalf of the Commission shall, until the contrary is proved, be deemed to be a document so executed or issued.

### *Committees*

- 8 If the Commission appoints committees for the purpose of advising it on the discharge of its functions, any payments made by the Commission in respect of expenses or allowances to members of the committees who are not members of the Commission shall be such as the Commission may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

### *Accounts and information*

- 9 (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts;
  - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (2) The statement of accounts prepared by the Commission for each financial year shall be submitted to the Secretary of State at such time as he shall with the approval of the Treasury direct.
- (3) The Secretary of State shall, on or before 30th November in any year, send to the Comptroller and Auditor General the statement of accounts prepared by the Commission under sub-paragraph (1) above for the financial year last ended.
- (4) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts sent to him under sub-paragraph (3) above and shall lay copies of the statement and of his report before each House of Parliament.
- (5) In this paragraph “financial year” means the period beginning with the day on which this Schedule comes into force and ending with 31st March following that day and each successive period of twelve months.

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- 10 The Commission shall provide the Secretary of State with such information relating to its activities or proposed activities as he may from time to time require, and shall permit any person authorised by the Secretary of State to inspect and make copies of its accounts, books, documents or papers.
- 11 (1) As soon as possible after the end of each financial year (within the meaning of paragraph 9 above) the Commission shall make to the Secretary of State a report on the exercise of its functions during that year.
- (2) The report for any financial year shall set out any direction given to the Commission by the Secretary of State under section 1(8) of this Act during that year.
- (3) The Secretary of State shall lay before each House of Parliament a copy of every report made by the Commission under this paragraph.

*House of Commons disqualification*

- 12 In Part II of Schedule 1 to the <sup>M3</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified under that Act), in the entry relating to the Development Commission, the words “established under the Development and Road Improvement Funds Act 1909” shall cease to have effect.

**Marginal Citations**

**M3** 1975 c. 24.

*Transfer of property etc.*

- 13 (1) On the day on which this Schedule comes into force all the property, rights and liabilities to which the Development Commissioners appointed under the <sup>M4</sup>Development and Road Improvement Funds Act 1909 (“the unincorporated Commission”) were entitled or subject immediately before that day shall by virtue of this paragraph become property, rights and liabilities of the Commission.
- (2) This paragraph shall have effect to transfer to the Commission any rights and liabilities of the unincorporated Commission under contracts of employment.
- (3) For the purpose of determining the length of service as an employee of the Commission of any person who becomes its employee by virtue of this paragraph, any service with the unincorporated Commission shall be treated as service with the Commission.

**Marginal Citations**

**M4** 1909 c. 47.

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- 14 Every document referring to the unincorporated Commission shall be construed as if for that reference there were substituted, in relation to anything falling to be done or occurring on or after the day on which this Schedule comes into force, a reference to the Commission.
- 15 Anything done by or in relation to the unincorporated Commission and having effect immediately before the day on which this Schedule comes into force shall so far as is required for continuing its effect thereafter be treated as if it had been done by or in relation to the Commission; and in particular any legal proceedings then pending to which the unincorporated Commission is a party may be continued by or in relation to the Commission.
- 16 The Commission shall as soon as possible after the day on which this Schedule comes into force make to the Secretary of State a report on the proceedings of the unincorporated Commission since the end of the period for which the last report under section 4(6) of the Development and Road Improvement Funds Act 1909 was made; and the Secretary of State shall lay a copy of the report before each House of Parliament.

#### *The development fund*

- 17 (1) The assets and liabilities, immediately before the day on which this Schedule comes into force, of the development fund established under section 2 of the Development and Road Improvement Funds Act 1909 shall on that day become assets and liabilities of the Commission.
- (2) The reference in sub-paragraph (1) above to the assets of the development fund includes a reference to any right of the Secretary of State under the terms of an advance made under Part I of the <sup>M5</sup>Development and Road Improvement Funds Act 1909; and accordingly, so far as may be necessary for giving effect to this paragraph, any reference in those terms to the Secretary of State shall be construed as a reference to the Commission.
- (3) The reference in sub-paragraph (1) above to the liabilities of the development fund is a reference to liabilities falling to be discharged by payments out of the development fund.
- (4) The Secretary of State may with the approval of the Treasury give the Commission directions as to the application of any sums received by the Commission by virtue of this paragraph, and the Commission shall comply with any such directions.

#### **Marginal Citations**

**M5** 1909 c. 47.

- 18 (1) The Secretary of State shall, not later than eight months after the day on which this Schedule comes into force, prepare and send to the Comptroller and Auditor General an account showing the receipts into and payments out of the development

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fund in the period between the end of the financial year for which the last account under section 2(4) of the Development and Road Improvement Funds Act 1909 was prepared and the day on which this Schedule comes into force.

- (2) The Comptroller and Auditor General shall examine, certify and report on the account sent to him under sub-paragraph (1) above and shall lay copies of the statement and of his report before each House of Parliament.

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