

*Status: Point in time view as at 01/04/2002.*

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## SCHEDULES

### SCHEDULE 2

Section 12.

#### THE LOCAL GOVERNMENT COMMISSION FOR ENGLAND

##### *Membership*

- 1
- (1) The Local Government Commission (“the Commission”) shall consist of not less than five and not more than fifteen members who shall be appointed by the Secretary of State; and the Secretary of State shall appoint one of the members to be chairman.
  - (2) Subject to the provisions of this paragraph, a member of the Commission shall hold and vacate office in accordance with the terms of his appointment.
  - (3) A person who ceases to be a member of the Commission shall be eligible for re-appointment.
  - (4) A member of the Commission may resign his office by notice in writing to the Secretary of State.
  - (5) The Secretary of State may remove a member of the Commission from office if he is satisfied that 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.
  - (6) A person shall cease to be chairman of the Commission—
    - (a) if he resigns as such by notice in writing to the Secretary of State; or
    - (b) if he ceases to be a member of the Commission.

##### *Remuneration, pensions etc.*

- 2
- (1) The Commission shall pay to its members such remuneration, and such allowances, as the Secretary of State may determine.
  - (2) The Commission may—
    - (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are its members as the Secretary of State may determine;
    - (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 any member of the Commission ceases to hold office, the Secretary of State determines that there are special circumstances which make it right that that member should receive compensation, the Commission shall pay to him a sum by way of compensation of such amount as the Secretary of State may determine.
  - (4) The approval of the Treasury is required for any determination of the Secretary of State under this paragraph.

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### *Staff*

- 3
- (1) The Commission shall appoint a person to act as chief executive of the Commission and may appoint such other staff as it may determine.
  - (2) No person shall be appointed by the Commission to act as chief executive unless the Secretary of State has consented to the appointment of that person.
  - (3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Commission with the consent of the Secretary of State.
  - (4) The Commission shall pay to members of its staff such remuneration, and such allowances, as the Secretary of State may determine.
  - (5) The Commission may—
    - (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of its staff as the Secretary of State may determine;
    - (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.
  - (6) Any reference in sub-paragraph (5) above to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes a reference to payments by way of compensation to or in respect of any members of the Commission's staff who suffer loss of office or employment or loss or diminution of emoluments.
  - (7) The approval of the Treasury shall be required for the giving of any consent under sub-paragraph (3) above or for the making of any determination under sub-paragraph (4) or (5) above.

### *Incidental powers*

- 4
- (1) Without prejudice to any powers exercisable apart from this paragraph, the Commission shall have power to do anything (whether or not involving the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the carrying out of any of its functions.
  - (2) The Commission shall not by virtue of this paragraph have power to borrow money or to cause any local inquiry to be held.
  - (3) Where the Commission requests a public body to supply the Commission with any information which the Commission reasonably requires in connection with any of its functions, it shall be the duty of that body to supply the Commission with that information.
  - (4) The Secretary of State may give directions as to the exercise by the Commission of any of its powers under this paragraph.

### *Proceedings*

- 5
- (1) Subject to the following provisions of this Schedule, the Commission may regulate its own procedure (including quorum).

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- (2) The validity of any proceedings of the Commission shall not be affected by a vacancy amongst its members or by a defect in the appointment of a member, or by a contravention of paragraph 7 below.
- (3) The Secretary of State may give directions as to the exercise by the Commission of its power under this paragraph to regulate its procedure.

#### *Delegation of powers*

- 6      Anything authorised or required by or under this Act to be done by the Commission may be done by any member of the Commission, or of its staff, who has been authorised for the purpose, whether generally or specially, by the Commission or may be done by any committee or sub-committee of the Commission which has been so authorised.

#### *Members' interests*

- 7      A member of the Commission who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Commission shall disclose the nature of his interest to the meeting; and where such a disclosure is made the member shall not take part in any deliberation or decision of the Commission with respect to that matter.

#### *Application of seal and proof of instruments*

- 8      (1) The application of the seal of the Commission shall be authenticated by the signature of any member of the Commission, or of its staff, who has been authorised by the Commission, whether generally or specially, for the purpose.
- (2) Every document purporting to be an instrument issued by the Commission and to be duly sealed with the seal of the Commission or to be signed on behalf of the Commission shall be received in evidence and, unless the contrary is shown, shall be deemed to be an instrument so issued.

#### *Finances of the Commission*

- 9      (1) The Secretary of State shall, in respect of each accounting year, pay to the Commission such amount as he may, with the approval of the Treasury, determine to be the amount required by the Commission for the carrying out during that year of its functions under this Act.
- (2) Any sums required by the Secretary of State for making a payment under subparagraph (1) above shall be paid out of money provided by Parliament.
- (3) In this paragraph and paragraph 10 below “accounting year” means the period beginning with the day on which the Commission is established and ending with the financial year current on that date, and each successive financial year.

#### *Accounts*

- 10     (1) The Commission shall—
- (a) keep proper accounts and records in relation to the accounts; and

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- (b) prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State, with the approval of the Treasury, may direct.
- (2) The accounts of the Commission shall be audited by persons appointed for the purpose for each accounting year by the Secretary of State.
- (3) A copy of any accounts of the Commission audited under sub-paragraph (2) above and of the report made on those accounts by the persons appointed to audit them shall be sent to the Secretary of State as soon as reasonably practicable after the report is received by the Commission; and the Secretary of State shall lay before Parliament a copy of any accounts or report sent to him under this sub-paragraph.

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

**C1** [Sch. 2 para. 10](#): certain functions transferred (1.4.2002) by [S.I. 2001/3962](#), [art. 4](#)

*The Parliamentary Commissioner*

- 11 In the <sup>M1</sup>Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), there shall be inserted, at the appropriate place, the following entry— “ Local Government Commission for England. ”

**Marginal Citations**

**M1** [1967 c. 13](#).

*House of Commons disqualification*

- 12 In Schedule 1 to the <sup>M2</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified for membership of the House of Commons), in Part II there shall be inserted, at the appropriate place, the following entry— “ The Local Government Commission for England ”; and the like insertion shall be made in Part II of Schedule 1 to the <sup>M3</sup>Northern Ireland Assembly Disqualification Act 1975.

**Marginal Citations**

**M2** [1975 c. 24](#).

**M3** [1975 c. 25](#).

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