

*Status: Point in time view as at 05/07/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 14. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 14 **E+W**

Section 40(4).

#### THE STAFF COMMISSION FOR WALES: COMISIWN STAFF CYMRU

##### *Membership*

- 1 (1) The Commission shall consist of not less than 4 and not more than 7 members, at least one of whom shall be Welsh-speaking.
- (2) The members shall be appointed by the Secretary of State.
- (3) The Secretary of State shall appoint one of the members to be chairman.
- (4) Subject to the provisions of this paragraph, each member shall hold and vacate office in accordance with the terms of his appointment.
- (5) A person who ceases to be a member shall be eligible for re-appointment.
- (6) A member may resign his office by notice in writing to the Secretary of State.
- (7) The Secretary of State may remove a member from office if he is satisfied that the member—
  - (a) is unable or unfit to carry out the functions of a member; or
  - (b) has not complied with the terms of his appointment.
- (8) A person shall cease to be chairman of the Commission—
  - (a) if he resigns 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 allowances (if any) as the Secretary of State may determine.
- (2) The Commission shall—
  - (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 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 by way of compensation such sum as the Secretary of State may determine.

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- (4) The consent of the Treasury is required for any determination of the Secretary of State under this paragraph.

### *Staff*

- 3
- (1) The Commission shall appoint a person to act as its secretary and may appoint such other staff as it may determine.
- (2) The consent of the Secretary of State is required for the appointment of any person as secretary to the Commission.
- (3) The terms and conditions of appointment of any person under this paragraph shall be determined by the Commission with the consent of the Secretary of State.
- (4) The Commission shall pay to 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) to pensions, allowances or gratuities to or in respect of any persons 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 consent of the Treasury is required for the giving of any consent under sub-paragraph (3) or for the making of any determination under sub-paragraph (4) or (5).

### *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—
- (a) is calculated to facilitate the carrying out of any of its functions; or
  - (b) is conducive or incidental to the carrying out 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 asks a public body to supply it with any information which it 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 its powers under this paragraph.

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### *Proceedings*

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

### *Delegation of powers*

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

### *Members' interests*

- 7 (1) A member 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.
- (2) 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) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is shown, be deemed to have been so executed.

### *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 consent of the Treasury, determine to be the amount required by the Commission for the discharge of its functions during that year.
- (2) In this paragraph and paragraph 10 “accounting year” means the period beginning with the day on which the Commission is established and ending with the financial year current on that day, and each successive financial year.

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### *Accounts*

- 10 (1) The Commission shall—
- (a) keep proper accounts and records in relation to the accounts; and
  - (b) prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may, with the consent of the Treasury, direct.
- (2) The accounts shall be audited by persons appointed for the purpose for each accounting year by the Secretary of State.
- (3) A copy of any accounts audited under sub-paragraph (2) 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 is reasonably practicable after the report is received by the Commission.
- (4) The Secretary of State shall lay before each House of Parliament a copy of any accounts or report sent to him under this paragraph.

### *The Parliamentary Commissioner*

- 11 In the <sup>M1</sup>Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), insert at the appropriate place— “ The Staff Commission for Wales (Comisiwn Staff Cymru) ”.

**Marginal Citations**

**M1** 1967 c. 13.

### *House of Commons and Northern Ireland Assembly disqualification*

- 12 In Part II of 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) and in Part II of Schedule 1 to the <sup>M3</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified for membership of the Northern Ireland Assembly), insert at the appropriate place— “ The Staff Commission for Wales (Comisiwn Staff Cymru) ”.

**Marginal Citations**

**M2** 1975 c. 24.

**M3** 1975 c. 25.

### *Winding up*

- 13 (1) The Commission shall use its best endeavours to secure that its work is completed as soon as practicable and in any event by the end of the transitional period.

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- (2) In this paragraph “the transitional period” means the period of three years beginning with the commencement of section 40.
- (3) Subject to sub-paragraph (4), the Commission shall be wound up at the end of the transitional period.
- (4) The Secretary of State may by order provide for sub-paragraph (3) to have effect with the substitution for the transitional period of such longer period as may be specified in the order.

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