

Status: Point in time view as at 01/01/2005.

Changes to legislation: Environment Act 1995, SCHEDULE 6 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 20.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

Status

- 1 SEPA shall be a body corporate with a common seal.
- 2 Subject to section 38 of this Act, SEPA shall not—
 - (a) be regarded as a servant or agent of the Crown;
 - (b) have any status, immunity or privilege of the Crown;
 - (c) by virtue of its connection with the Crown, be exempt from any tax, duty, rate, levy or other charge whatsoever whether general or local,and its property shall not be regarded as property of, or held on behalf of, the Crown.

Membership

- 3 SEPA shall consist of not less than eight, nor more than twelve, members appointed by the Secretary of State.
- 4 In making appointments under paragraph 3 above, the Secretary of State shall have regard to the desirability of appointing persons who have knowledge or experience in some matter relevant to the functions of SEPA.
- 5 Subject to paragraphs 7 and 8 below, each member—
 - (a) shall hold and vacate office in accordance with the terms of his appointment;
 - (b) may, by giving notice to the Secretary of State, resign his office; and
 - (c) after ceasing to hold office shall be eligible for reappointment as a member.
- 6 The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend paragraph 3 above so as to substitute for the numbers for the time being specified as, respectively, the minimum and maximum membership such other numbers as he thinks fit.
- 7 The Secretary of State may remove a member from office if he is satisfied that the member—
 - (a) has been absent from meetings of SEPA for a period longer than three months without the permission of SEPA; or
 - (b) has been adjudged bankrupt, has made an arrangement with his creditors, has had his estate sequestrated or has granted a trust deed for his creditors or a composition contract; or
 - (c) is unable or unfit to carry out the functions of a member.

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Chairman and deputy chairman

- 8 (1) The Secretary of State shall appoint one of the members of SEPA to be chairman and another of those members to be deputy chairman.
- (2) The chairman and deputy chairman shall hold and vacate office in terms of their appointments.
- (3) A member who is chairman or deputy chairman may resign his office by giving notice to the Secretary of State; but if the chairman or deputy chairman ceases to be a member (whether or not on giving notice under paragraph 5(b) above) he shall cease to be chairman or, as the case may be, deputy chairman.
- (4) A person who ceases to be chairman or deputy chairman shall be eligible for reappointment as such under sub-paragraph (1) above at any time when he is a member.

Remuneration, pensions, etc.

- 9 (1) SEPA shall—
- (a) pay to its members such remuneration and such travelling and other allowances (if any); and
 - (b) as regards any member or former member in whose case the Secretary of State may so determine—
 - (i) pay such pension, allowance or gratuity to or in respect of him;
 - (ii) make such payments towards the provision of such pension, allowance or gratuity; or
 - (iii) provide and maintain such schemes (whether contributory or not) for the payment of pensions, allowances or gratuities,
 as the Secretary of State may determine.
- (2) If a person ceases to be a member, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may require SEPA to pay to that person a sum of such amount as the Secretary of State may determine.

Staff

- 10 (1) There shall be a chief officer of SEPA.
- (2) The Secretary of State shall, after consultation with the chairman or person designated to be chairman (if there is a person holding or designated to hold that office), make the first appointment of chief officer on such terms and conditions as he may determine; and thereafter SEPA may, with the approval of the Secretary of State, make subsequent appointments to that office on such terms and conditions as it may with such approval determine.
- 11 SEPA may appoint such other employees as it thinks fit.
- 12 (1) SEPA shall, in the case of such of its employees or former employees as it may, with the approval of the Secretary of State, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those employees;
 - (b) make such payments towards provision of such pensions, allowances or gratuities; or

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(c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities, as it may, with the approval of the Secretary of State, determine.

(2) References in sub-paragraph (1) above to pensions, allowances or gratuities in respect of employees of SEPA include references to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.

Proceedings

13 (1) SEPA may regulate its own procedure and that of any committee established by it (including making provision in relation to the quorum for its meetings and the meetings of any such committee).

(2) The proceedings of SEPA and of any committee established by it shall not be invalidated by any vacancy amongst its members or the members of such committee or by any defect in the appointment of such member.

Committees

14 (1) SEPA may appoint persons who are not members of it to be members of any committee established by it, but at least one member of any such committee shall be a member of SEPA.

(2) SEPA shall pay to a person so appointed such remuneration and allowances (if any) as the Secretary of State may determine.

(3) Any committee established by SEPA shall comply with any directions given to them by it.

Delegation of powers

15 (1) Anything authorised or required by or under any enactment to be done by SEPA may be done by any of its committees which, or by any of its members or employees who, is authorised (generally or specifically) for the purpose by SEPA.

(2) Nothing in sub-paragraph (1) above shall prevent SEPA from doing anything that a committee, member or employee has been authorised or required to do.

Regional Boards

16 (1) Without prejudice to the generality of its power to establish committees, SEPA shall establish committees (to be known as “Regional Boards”) for the purposes of discharging in relation to such areas as it may, with the approval of the Secretary of State, determine, such of its functions as it may, with such approval, determine.

(2) A Regional Board shall have a chairman who shall be a member of SEPA and appointed to that office by SEPA.

(3) It shall be the duty of SEPA to comply with such guidance as the Secretary of State may from time to time give as to—

(a) the number of persons to be appointed to a Regional Board;

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- (b) the qualifications and experience which persons (other than members of SEPA) should have to be eligible for appointment to a Regional Board;
 - (c) the descriptions of bodies which, or persons who, have a significant interest in matters likely to be affected by the discharge by a Regional Board of its functions; and
 - (d) how the membership of a Regional Board is to reflect the different descriptions of bodies or persons referred to in paragraph (c) above.
- (4) Anything authorised or required to be done by a Regional Board by virtue of sub-paragraph (1) above may be done by any member of the Board, or by any employee of SEPA, who is authorised (generally or specifically) for the purpose by the Board.
- (5) Nothing in sub-paragraph (4) above shall prevent a Regional Board doing anything that a member or employee has been authorised or required to do.

Members' interests

- 17 (1) A member who is in any way directly or indirectly interested in any matter that is brought up for consideration at a meeting of SEPA shall disclose the nature of his interest to the meeting; and, where such a disclosure is made—
- (a) the disclosure shall be recorded in the minutes of the meeting; and
 - (b) the member shall not take any part in any deliberation or decision of SEPA or of any of its committees with respect to that matter.
- (2) For the purposes of sub-paragraph (1) above, a general notification given at a meeting of SEPA by a member to the effect that he—
- (a) is a member of a specified company or firm, and
 - (b) is to be regarded as interested in any matter involving that company or firm,
- shall be regarded as a sufficient disclosure of his interest in relation to any such matter.
- (3) A member need not attend in person at a meeting of SEPA 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 read and considered at the meeting.
- (4) The Secretary of State may, subject to such conditions as he considers appropriate, remove any disability imposed by virtue of this paragraph in any case where the number of members of SEPA disabled by virtue of this paragraph at any one time would be so great a proportion of the whole as to impede the transaction of business.
- (5) The power of the Secretary of State under sub-paragraph (4) above includes power to remove, either indefinitely or for any period, a disability which would otherwise attach to any member, or members of any description, by reason of such interests, and in respect of such matters, as may be specified or described by the Secretary of State.
- (6) Nothing in this paragraph precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Secretary of State for the exercise of the power conferred by sub-paragraph (4) above.
- (7) In this paragraph—
- (a) any reference to a meeting of SEPA includes a reference to a meeting of any of SEPA's committees; and

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- (b) any reference to a member includes a reference to a person who is not a member of SEPA but who is a member of any such committee.

Minutes

- 18 (1) Minutes shall be kept of proceedings of SEPA and of its committees.
- (2) Minutes of any such proceedings shall be evidence of those proceedings if they are signed by a person purporting to have acted as chairman of the proceedings to which the minutes relate or of any subsequent proceedings in the course of which the minutes were approved as a correct record.
- (3) Where minutes of any such proceedings have been signed as mentioned in subparagraph (2) above, those proceedings shall, unless the contrary is shown, be deemed to have been validly convened and constituted.

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