

*Status: Point in time view as at 01/11/1997.*

*Changes to legislation: Education Act 1997, SCHEDULE 4 is up to date with all changes known to be in force on or before 14 July 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 4 E+W+N.I.

Section 21.

#### THE QUALIFICATIONS AND CURRICULUM AUTHORITY

##### *Status*

- 1 The Authority shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Authority's property shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 2 (1) The Authority may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.
- (2) In particular, the Authority may—
- (a) acquire or dispose of land or other property,
  - (b) enter into contracts,
  - (c) form bodies corporate or associated or other bodies which are not bodies corporate,
  - (d) enter into joint ventures with other persons,
  - (e) subscribe for shares or stock,
  - (f) invest any sums not immediately required for the purpose of carrying out their functions,
  - (g) accept gifts of money, land or other property, and
  - (h) borrow money.
- (3) The Authority may authorise the Qualifications, Curriculum and Assessment Authority for Wales to act as agent for the Authority in connection with the exercise of any of the Authority's functions in relation to Wales.
- (4) The consent of the Secretary of State is required for the exercise of any power conferred by sub-paragraph (2)(c) or (d) or sub-paragraph (3).
- 3 (1) The Authority may give to any person or body (whether or not in the United Kingdom) such assistance as they may determine.
- (2) Assistance may be provided on such terms and subject to such conditions (if any) as the Authority may determine.
- (3) In particular, assistance may be provided free of charge or on such terms as to payment as the Authority may determine.
- (4) The power conferred by this paragraph does not extend to the giving of financial assistance; and the consent of the Secretary of State is required for any exercise of that power.

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### *Chief officer*

- 4 (1) The Authority shall have a chief officer.
- (2) The first chief officer shall be appointed by the Secretary of State on such terms and conditions as the Secretary of State may determine.
- (3) Each subsequent chief officer shall be appointed by the Authority with the approval of the Secretary of State on such terms and conditions as the Authority may with the approval of the Secretary of State determine.
- (4) The chief officer shall be an ex officio member of the Authority.

### *Chairman and chief officer: division of functions*

- 5 (1) The Secretary of State may, on appointing a person to be the chairman of the Authority, confer on him such additional functions in relation to the Authority as may be specified in the appointment.
- (2) The functions for the time being conferred by virtue of appointment as chief officer of the Authority shall not include any function for the time being conferred under sub-paragraph (1) on the chairman of the Authority.

### *Tenure of office*

- 6 (1) A person shall hold and vacate office as a member or as chairman or deputy chairman of the Authority in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) A person may at any time by notice in writing to the Secretary of State resign his office as a member or as chairman or deputy chairman of the Authority.
- 7 The Secretary of State may, if satisfied that a member of the Authority—
- (a) has been absent from meetings of the Authority for a continuous period of more than six months without the permission of the Authority, or
- (b) is unable or unfit to discharge the functions of a member,
- remove him from office by giving him notice in writing and thereupon the office shall become vacant.
- 8 If the chairman or deputy chairman of the Authority ceases to be a member of the Authority, he shall also cease to be chairman or deputy chairman.

### *Payments to members*

- 9 (1) The Authority shall pay to their members such salaries or fees, and such travelling, subsistence or other allowances, as the Secretary of State may determine.
- (2) The Authority shall, as regards any member in whose case the Secretary of State may so determine, pay, or make provision for the payment of, such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.
- (3) If a person ceases to be a member of the Authority 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 direct the Authority to make to that person a payment of such amount as the Secretary of State may determine.

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### *Staff*

- 10 Subject to the approval of the Secretary of State, the Authority—
- (a) may appoint such number of employees, on such terms and conditions, as they may determine; and
  - (b) shall pay to their employees such remuneration and allowances as they may determine.
- 11 (1) Employment with the Authority shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply.
- (2) The Authority shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.
- (3) Where an employee of the Authority is (by reference to that employment) a participant in a scheme under section 1 of that Act and is also a member of the Authority, the Secretary of State may determine that his service as such a member shall be treated for the purposes of the scheme as service as an employee of the Authority (whether or not any benefits are payable to or in respect of him by virtue of paragraph 9).

#### **Marginal Citations**

**M1** 1972 c. 11.

### *Finance*

- 12 (1) The Secretary of State may make grants to the Authority of such amount as he thinks fit in respect of expenses incurred or to be incurred by the Authority in carrying out their functions.
- (2) The payment of grant under this paragraph shall be subject to the fulfilment of such conditions as the Secretary of State may determine.
- (3) The Secretary of State may also impose such requirements as he thinks fit in connection with the payment of grant under this paragraph.

### *Committees*

- 13 (1) The Authority—
- (a) may establish a committee for any purpose; and
  - (b) if so directed by the Secretary of State, shall establish a committee for such purpose as is specified in the direction.
- (2) The Authority shall determine the number of members which a committee established under this paragraph shall have, and the terms on which they are to hold and vacate office.
- (3) Subject to such conditions as the Secretary of State may determine, a committee may include persons who are not members of the Authority.

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- (4) The Authority shall keep under review the structure of committees established under this paragraph and the scope of each committee's activities.

*Delegation of functions*

- 14 (1) The Authority may authorise the chairman, the deputy chairman, the chief officer or any committee established under paragraph 13 to carry out such of the Authority's functions as the Authority may determine.
- (2) The Secretary of State may authorise any committee established under paragraph 13(1)(b) to carry out such of the Authority's functions as are specified in the direction given under that provision.
- (3) Sub-paragraph (1) has effect without prejudice to any power to authorise an employee of the Authority to carry out any of the Authority's activities on behalf of the Authority.

*Proceedings*

- 15 (1) The following persons, namely—
- (a) a representative of the Secretary of State,
  - (b) the chairman of the Qualifications, Curriculum and Assessment Authority for Wales, or a representative of his,
  - (c) a representative of such other body as the Secretary of State may designate, and
  - (d) Her Majesty's Chief Inspector of Schools in England, or a representative of his,
- shall be entitled to attend and take part in deliberations (but not in decisions) at meetings of the Authority or of any committee of the Authority.
- (2) The Authority shall provide the Secretary of State, the chairman of the Qualifications, Curriculum and Assessment Authority for Wales, any person falling within sub-paragraph (1)(c) and Her Majesty's Chief Inspector of Schools in England with such copies of any documents distributed to members of the Authority or of any such committee as each of those persons may require.
- 16 The validity of the Authority's proceedings shall not be affected by a vacancy among the members or any defect in the appointment of a member.
- 17 Subject to the preceding provisions of this Schedule, the Authority may regulate their own procedure and that of any of their committees.

*Accounts*

- 18 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts;
  - (b) prepare a statement of accounts in respect of each financial year of the Authority; and
  - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

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- (2) The statement of accounts shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it;
  - (b) the manner in which the information contained in it is to be presented; or
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

#### *Documents*

- 19 The application of the seal of the Authority shall be authenticated by the signature—
- (a) of the chairman or some other person authorised either generally or specially by the Authority to act for that purpose, and
  - (b) of one other member.
- 20 Any document purporting to be an instrument made or issued by or on behalf of the Authority, and to be duly executed by a person authorised by the Authority in that behalf, shall be received in evidence and be treated, without further proof, as being so made or issued unless the contrary is shown.

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