

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 21.

#### SCOTTISH PARLIAMENTARY CORPORATE BODY

##### *Membership*

- 1 A person appointed under section 21(2)(b) shall hold office until another member of the Parliament is appointed in his place unless he previously resigns, ceases to be a member of the Parliament otherwise than by virtue of a dissolution or is removed from office by resolution of the Parliament.

##### *Property*

- 2 (1) The corporation may hold property.
- (2) Subordinate legislation may provide—
- (a) for the transfer to the corporation of any property belonging to a Minister of the Crown or government department, or
  - (b) for the corporation to have such rights or interests in relation to any property belonging to a Minister of the Crown or government department as the person making the legislation considers appropriate (whether in connection with a transfer or otherwise).
- (3) Subordinate legislation under sub-paragraph (2) in relation to any property may provide for the transfer to the corporation of any liabilities relating to the property to which a Minister of the Crown or government department is subject and which subsist immediately before the subordinate legislation comes into force.
- (4) Subordinate legislation under sub-paragraph (2) may only be made if the person making the legislation considers it appropriate to do so to enable the corporation to exercise its functions or to facilitate their exercise or in connection with their exercise or proposed exercise.

##### **Commencement Information**

- II** [Sch. 1 para. 2\(2\)-\(4\)\(7\)](#) in force for certain purposes at 25.1.1999; and [Sch. 1 para. 2](#) in force at 6.5.1999 so far as not already in force by [S.I. 1998/3178](#), [art. 2\(2\)](#)

##### *Staff*

- 3 (1) The corporation shall appoint Assistant Clerks and may appoint other staff.
- (2) The Clerk and other persons appointed by the corporation are referred to in this Act as the staff of the Parliament.

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- (3) It is for the corporation to determine the terms and conditions of appointment of the staff of the Parliament, including arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of the staff of the Parliament.
- (4) In particular, the corporation may—
  - (a) make contributions or payments towards provision for such pensions, gratuities or allowances,
  - (b) establish and administer one or more pension schemes.

#### *Powers*

- 4 (1) Subject to sub-paragraph (4), the corporation may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions.
- (2) That includes, in particular—
  - (a) entering into contracts,
  - (b) charging for goods or services,
  - (c) investing sums not immediately required in relation to the discharge of its functions, and
  - (d) accepting gifts.
- (3) The corporation may sell goods or provide services, and may make arrangements for the sale of goods or provision of services, to the public.
- (4) The corporation may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.
- (5) The corporation may borrow money only under sub-paragraph (4) and may borrow under that sub-paragraph only in accordance with the special or general approval of the Parliament.

#### *Delegation*

- 5 The corporation may delegate any of its functions to the Presiding Officer or the Clerk.

#### *Proceedings and business*

- 6 (1) The validity of any act of the corporation shall not be affected by any vacancy among the members, or by any defect in the appointment, or qualification for membership, of any member.
- (2) The corporation may determine its own procedure.
- (3) The Presiding Officer shall preside at meetings of the corporation, but the corporation may appoint another of its members to preside if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.

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*Crown status*

- 7 (1) Her Majesty may by Order in Council provide for the corporation to be treated to any extent as a Crown body for the purposes of any enactment.
- (2) In particular, the Order may for the purposes of any enactment provide—
- (a) for employment under the corporation to be treated as employment under the corporation as a Crown body,
  - (b) for land held, used or managed by the corporation, or operations carried out by or on behalf of the corporation, to be treated (as the case may be) as land held, used or managed, or operations carried out by or on behalf of, the corporation as a Crown body.
- (3) For the purposes of this paragraph, “Crown body” means a body which is the servant or agent of the Crown, and includes a government department.

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**Commencement Information**

**I2** [Sch. 2 para. 7](#) in force for certain purposes at 25.1.1999 and at 6.5.1999 for all remaining purposes by [S.I. 1998/3178, art. 2\(2\)](#)

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