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## SCHEDULES

### SCHEDULE 18

Section 247.

#### LONDON TRANSPORT USERS’ COMMITTEE

##### *Chairman <sup>F1</sup>and other members*

###### Textual Amendments

**F1** Sch. 18: words in cross-heading preceding para. 1 inserted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(2); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

1 If the Assembly so determines, there shall be paid to the chairman <sup>F2</sup>and other members] of the Committee such remuneration as the Assembly may determine.

###### Textual Amendments

**F2** Words in Sch. 18 para. 1 inserted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(2); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

2 If the Assembly so determines in the case of a person who has been remunerated under paragraph 1 <sup>F3</sup>above as chairman] a pension shall be paid to or in respect of that person, or payments towards the provision of a pension to or in respect of that person shall be made, in accordance with the determination.

###### Textual Amendments

**F3** Words in Sch. 18 para. 2 substituted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(3); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

3 If a person in receipt of remuneration under paragraph 1 above as chairman <sup>F4</sup>or another member] ceases to hold that office, and it appears to the Assembly that there are special circumstances which make it right that that person should receive compensation, he shall be paid by way of compensation a sum of such amount as the Assembly may determine.

###### Textual Amendments

**F4** Words in Sch. 18 para. 3 inserted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(4); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

4 The Assembly shall provide the Committee with funds with which to make payments in accordance with any determination made by the Assembly under paragraphs 1 to 3 above.

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### *Officers*

- 5 (1) The Committee may appoint such officers as appear to the Committee to be requisite for the performance of their functions.
- (2) Appointments made under sub-paragraph (1) are—
- (a) to be made in accordance with any rules of appointment made by the Authority, and
  - (b) subject to the approval of the Assembly.

### *Remuneration*

- 6 (1) The Assembly shall provide the Committee with funds with which to pay—
- (a) to their members, such travelling and other allowances as the Assembly may determine, and
  - (b) to their officers, such remuneration and such travelling and other allowances as the Committee may with the approval of the Assembly determine.
- (2) The Assembly shall provide the Committee with funds with which to defray such other expenses in connection with the Committee's functions as the Assembly may determine to be appropriate.
- (3) The Committee shall prepare and send to the Assembly not less than two months, or such other period as the Assembly may specify, before the beginning of each financial year a statement of the expenses which they expect to incur in respect of that year for the purposes of, or in connection with, the carrying on of their functions.
- (4) The Assembly shall consider any statement sent to it under sub-paragraph (3) above and shall either approve the statement or approve it with such modifications as it considers appropriate.

### *Pensions*

- 7 (1) There shall be paid such pensions, or arrangements shall be made for the payment of such pensions, as the Assembly may determine to or in respect of such persons who are or have been officers of the Committee as the Assembly may determine.
- (2) The Assembly shall provide the Committee with funds with which to pay any such pension or to finance any such arrangements.

### *Accounts*

- 8 (1) The Committee shall keep accounting records which—
- (a) set out and explain the Committee's financial transactions,
  - (b) disclose with reasonable accuracy the financial status of the Committee at any time, and
  - (c) enable the Committee to comply with the requirements of this Act in preparing any statement of accounts.
- (2) The Committee shall prepare in respect of each financial year a statement of accounts giving a true and fair view of—
- (a) the Committee's financial status at the end of that year, and
  - (b) the Committee's income and expenditure for that year.

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- (3) If the Assembly issues guidance to the Committee as to the preparation of a statement of accounts, the Committee shall prepare the statement of accounts in compliance with the direction.
- (4) A statement of accounts shall be audited by a person appointed by the Assembly as auditor to do so.
- (5) A person shall not be qualified to be appointed as auditor unless—
  - (a) he is eligible for appointment as a company auditor under Part II of the <sup>M1</sup>Companies Act 1989 (eligibility for appointment as company auditor), and
  - (b) if the Committee were a company to which section 384 of the <sup>M2</sup>Companies Act 1985 applies (duty to appoint auditors), he would not be ineligible for appointment as company auditor of the Committee by virtue of section 27 of the <sup>M3</sup>Companies Act 1989 (ineligibility on ground of lack of independence).
- (6) As soon as reasonably practicable after a statement of accounts has been audited, the auditor shall send a copy to the Assembly.
- (7) The Committee’s financial year shall be such period as may be determined by the Assembly and notified to the Committee.

#### Marginal Citations

- M1** 1989 c. 40.  
**M2** 1985 c. 6.  
**M3** 1989 c. 40.

#### Accommodation

- 9 The Assembly may after consultation with the [<sup>F5</sup>Strategic Rail Authority] make arrangements for the Committee to be provided with office accommodation.

#### Textual Amendments

- F5** Words in Sch. 18 para. 9 substituted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(1)(5); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

#### Constitution and procedure

- 10 (1) The persons appointed to be members of the Committee shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to be members of the Committee, be eligible for reappointment.
- (2) Any person so appointed may at any time by notice in writing to the Assembly resign his office.
- 11 (1) The Committee shall meet—
  - (a) at least twice a year; and
  - (b) whenever convened by the chairman.

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- (2) Without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call a meeting when required to do so by any three members of the Committee.
- (3) Minutes shall be kept of the proceedings of every meeting of the Committee; and copies of those minutes shall be sent to the Assembly, the [<sup>F6</sup>Strategic Rail Authority] and the [<sup>F7</sup>Rail Passengers’ Council].
- (4) Subject to the provisions of this Schedule the Committee shall determine their own procedure (including the quorum at meetings of the Committee).

#### Textual Amendments

- F6** Words in Sch. 18 para. 11(3) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 62(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)
- F7** Words in Sch. 18 para. 11(3) substituted (1.2.2001) by 2000 c. 38, s. 227, **Sch. 22 para. 24**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions and savings in Sch. 2 Pt. II)

- 12 The Committee may delegate the exercise and performance of any of their functions to such sub-committees of the Committee as they think fit.
- 13 (1) A sub-committee of the Committee may with the consent of the Assembly include persons who are not members of the Committee.
- (2) Where a person who is not a member of the Committee is a member of such a sub-committee, the Committee may pay to that person such travelling and other allowances in respect of that person’s membership of the sub-committee as the Committee may determine.
- 14 The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members or by any defects in the appointment of a member.

#### *Admission of public to meetings.*

- 15 (1) Subject to sub-paragraph (2) below, meetings of the Committee shall be open to the public.
- (2) The public shall be excluded during any item of business where—
  - (a) it is likely, were members of the public to be present during that item, that information furnished in confidence to the Committee by the Rail Regulator or the [<sup>F8</sup>Strategic Rail Authority] would be disclosed in breach of the obligation of confidence;
  - (b) the Committee have resolved that, by reason of the confidential nature of the item or for other special reasons stated in the resolution, it is desirable in the public interest that the public be excluded; or
  - (c) it is likely, were members of the public to be present during that item, that there would be disclosed to them—
    - (i) any matter which relates to the affairs of an individual, or
    - (ii) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate,
 where public disclosure of that matter would or might, in the opinion of the committee, seriously and prejudicially affect the interests of that individual or body.

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- (3) The Committee shall give such notice—
- (a) of any meeting of the Committee which is open to the public, and
  - (b) of the business to be taken at that meeting (other than items during which the public is to be excluded),
- as they consider appropriate for the purpose of bringing the meeting to the attention of interested members of the public.

**Textual Amendments**

**F8** Words in Sch. 18 para. 15(2)(a) substituted (1.2.2001) by 2000 c. 38, s. 252, Sch. 27 para. 62(6); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

*Investigation of complaints*

- 16 (1) Section 25 of the <sup>M4</sup>Local Government Act 1974 (authorities subject to investigation by the Commission for Local Administration) shall be amended as follows.
- (2) In subsection (1)—
- (a) the word “and” preceding paragraph (d) shall cease to have effect; and
  - (b) at the end of paragraph (d) there shall be inserted “; and
  - (c) the London Transport Users’ Committee.”
- (3) After subsection (4A) (which is inserted by section 74(3) above) there shall be inserted—
- “(4B) Any reference to an authority to which this Part of this Act applies also includes, in the case of the London Transport Users’ Committee, a reference to a sub-committee of that Committee.”

**Marginal Citations**

**M4** 1974 c. 7.

*Interpretation*

<sup>F9</sup>17 . . . . .

**Textual Amendments**

**F9** Sch. 18 para. 17 repealed (1.2.2001) by 2000 c. 38, ss. 252, 274, Sch. 27 para. 62(7), Sch. 31 Pt. IV; S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to transitional provisions and savings in Sch. 2 Pt. II)

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