

## SCHEDULES

### SCHEDULE 4

Section 57.

#### STANDARDS BOARD FOR ENGLAND

##### *Status*

- 1 (1) The Standards Board for England (referred to in this Schedule as the Standards Board) is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The members and employees of the Standards Board are not to be regarded as civil servants and the property of the Board is not to be regarded as property of, or held on behalf of, the Crown.

##### *General powers*

- 2 (1) The Standards Board may do such things and enter into such transactions as are calculated to facilitate, or are incidental or conducive to, the exercise of—
  - (a) the functions of the Board,
  - (b) the functions of its ethical standards officers, or
  - (c) the functions of the president, deputy president or any tribunal of the Adjudication Panel for England.
- (2) The power under sub-paragraph (1) includes power to acquire and dispose of land.
- (3) Nothing in sub-paragraph (2) affects the generality of the power under sub-paragraph (1).

##### *Disqualifications*

- 3 (1) A person is to be disqualified for being appointed as, or for being, a member of the Standards Board if he is disqualified for being, or becoming (whether by election or otherwise), a member of a local authority or a member of a relevant authority.
- (2) A person may not be employed as an ethical standards officer if—
  - (a) he is disqualified for being, or becoming (whether by election or otherwise), a member of a local authority or a member of a relevant authority,
  - (b) he is a member or an officer of a relevant authority, or
  - (c) he is a member of a committee, sub-committee, joint committee or joint sub-committee of a relevant authority.
- (3) An ethical standards officer is to be treated as being in breach of the terms of his employment if—
  - (a) he becomes disqualified for being, or becoming (whether by election or otherwise), a member of a local authority or a member of a relevant authority,
  - (b) he becomes a member or an officer of a relevant authority, or

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(c) he becomes a member of a committee, sub-committee, joint committee or joint sub-committee of a relevant authority.

(4) In this paragraph “local authority” has the meaning given by section 270(1) of the Local Government Act 1972.

#### *Chairman and deputy chairman*

4 The Secretary of State must appoint one of the members of the Standards Board to be chairman and another to be deputy chairman.

#### *Tenure of office*

5 (1) Subject to the provisions of this paragraph, a person is to hold and vacate office as chairman, deputy chairman or member of the Standards Board in accordance with the terms of his appointment.

(2) A chairman, deputy chairman or member of the Standards Board may at any time resign his office by notice in writing addressed to the Secretary of State.

(3) The Secretary of State may remove a chairman, deputy chairman or member of the Standards Board from office if the Secretary of State considers—

- (a) that that person is unable or unfit to discharge the functions of his office, or
- (b) that that person has not complied with the terms of his appointment.

(4) If a chairman or deputy chairman of the Standards Board ceases to be a member of the Board he is also to cease to be chairman or deputy chairman.

(5) A person who ceases, otherwise than by virtue of sub-paragraph (3), to be a chairman, deputy chairman or member of the Standards Board is to be eligible for re-appointment.

#### *Employees*

6 (1) Subject to sub-paragraph (2), the Standards Board may appoint a chief executive but any such appointment requires the consent of the Secretary of State.

(2) The first appointment to the position of chief executive may be made by the Secretary of State after consultation with the chairman (or chairman designate) of the Standards Board.

(3) The Standards Board may, in addition to appointing a chief executive and ethical standards officers, appoint such employees as it considers necessary for the purpose of enabling the Board and its ethical standards officers to exercise their functions.

(4) The Standards Board may also appoint such employees as it considers necessary for the purpose of enabling the president, deputy president and any tribunals of the Adjudication Panel for England to exercise their functions.

(5) No person employed by the Standards Board is to be employed for the purposes of both—

- (a) assisting any ethical standards officer in the conduct of an investigation under section 59, and
- (b) enabling the president, deputy president and any tribunals of the Adjudication Panel for England to exercise their functions.

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- (6) Subject to paragraph 7, employees of the Standards Board are to be appointed on such terms and conditions of service as the Board, with the approval of the Secretary of State, thinks fit.

*Remuneration etc.*

- 7 (1) The Standards Board may pay to—
- (a) any member of the Board such remuneration or allowances (if any) as the Secretary of State may determine,
  - (b) any employee of the Board such remuneration or allowances as the Secretary of State may determine.
- (2) The Standards Board may—
- (a) pay such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any persons who have been or are members or employees of the Board,
  - (b) make such payments as the Secretary of State may determine towards the provision of pensions, allowances or gratuities to or in respect of any such persons,
  - (c) provide and maintain such schemes (whether contributory or not) as the Secretary of State may determine for the payment of pensions, allowances or gratuities to or in respect of any such persons.
- (3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any persons who have been or are members or employees of the Standards Board includes pensions, allowances or gratuities by way of compensation to or in respect of any members or employees of the Board who cease to hold office or suffer loss of office or employment.

- 8 The Standards Board may pay to any member of the Adjudication Panel for England such remuneration, fees or allowances (if any) as the Secretary of State may determine.

*Proceedings*

- 9 (1) The Standards Board may regulate its own procedure (and in particular may specify a quorum for meetings).
- (2) The validity of any proceedings of the Standards Board is not to be affected—
- (a) by any vacancy among its members or in the office of chairman or deputy chairman,
  - (b) by any defect in the appointment of any person as chairman, deputy chairman or member, or
  - (c) by a contravention of paragraph 3 or 10.

*Members' interests*

- 10 (1) A member of the Standards Board who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Board—
- (a) must disclose the nature of his interest to the meeting, and
  - (b) must not take part in any deliberation or decision of the Board with respect to that matter.

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- (2) A member is taken to be interested under sub-paragraph (1), in particular, where the matter being considered is a failure to comply with the code of conduct of a relevant authority and he is, or has been—
- (a) a member or officer of that authority, or
  - (b) a member of a committee, sub-committee, joint committee or joint sub-committee of that authority.

*Law of defamation*

- 11 For the purposes of the law of defamation, any statement (whether written or oral) made by an ethical standards officer in connection with the exercise of his functions shall be absolutely privileged.

*Finance*

- 12 (1) The Secretary of State must pay to the Standards Board in respect of each financial year such amount as he determines to be the amount required—
- (a) for the performance during that year of the functions of the Board, and
  - (b) for the performance during that year of the functions of its ethical standards officers.
- (2) Any determination under sub-paragraph (1) requires the approval of the Treasury.
- (3) In this paragraph “financial year” means—
- (a) the period beginning with the date on which the Standards Board is established and ending with the next 31st March following that date, and
  - (b) each successive period of twelve months ending with 31st March.

*Accounts*

- 13 (1) The Standards Board must—
- (a) keep proper accounts and records in relation to the accounts, and
  - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (2) The accounts of the Standards Board must be audited by persons appointed for the purpose for each financial year by the Secretary of State.
- (3) A copy of any accounts of the Standards Board audited under sub-paragraph (2), and of the report made on those accounts by the persons appointed to audit them, must be sent to the Secretary of State as soon as reasonably practicable after the report is received by the Board.
- (4) The Secretary of State must lay before Parliament a copy of any accounts or report sent to him under sub-paragraph (3).
- (5) In this paragraph “financial year” has the meaning given by paragraph 12(3).

*Annual report*

- 14 (1) As soon as possible after the end of each financial year the Standards Board must publish a report on the discharge of its functions during that year.

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- (2) The Standards Board must send a copy of each annual report to the Secretary of State who must lay a copy of the report before each House of Parliament.
- (3) In this paragraph “financial year” has the meaning given by paragraph 12(3).

*Application of seal and evidence*

- 15 The application of the seal of the Standards Board is to be authenticated by the signature—
  - (a) of the chairman, or
  - (b) of some other member who has been authorised by the Board (whether generally or specially) for that purpose.
- 16 A document purporting to be duly executed under the seal of the Standards Board or to be signed on its behalf may be received in evidence and, unless the contrary is proved, is to be taken to be so executed or signed.

*Parliamentary Commissioner*

- 17 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) the following entry is inserted at the appropriate place—

“Standards Board for England.”

*Parliamentary disqualification*

- 18 (1) In the House of Commons Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified) the following entry is inserted at the appropriate place—

“The Standards Board for England.”
- (2) The same entry is inserted at the appropriate place in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.