

SCHEDULES

SCHEDULE 1

Section 1

LBRO: SUPPLEMENTARY

Status

- 1 (1) LBRO is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The property of LBRO is not to be regarded as the property of, or property held on behalf of, the Crown.

Membership

- 2 LBRO is to consist of ordinary and ex officio members.
- 3 (1) There are to be at least five and no more than ten ordinary members.
- (2) One of the ordinary members is to be the chair of LBRO.
- (3) The chair and other ordinary members are to be appointed by the Secretary of State after consulting the Welsh Ministers.
- (4) The Secretary of State must consult the chair before appointing the other ordinary members.
- (5) LBRO is to pay to or in respect of the ordinary members such sums as the Secretary of State may determine by way of or in respect of remuneration, allowances, expenses, pensions or gratuities.
- (6) If the Secretary of State thinks that there are special circumstances that make it right for a person ceasing to be an ordinary member of LBRO to receive compensation, LBRO must pay to that person such compensation as the Secretary of State may determine.
- 4 (1) The ex officio members are to be—
 - (a) the Chief Executive of LBRO (see paragraph 7), and
 - (b) such other employees of LBRO as may for the time being be appointed by the chair after consulting the Chief Executive.
- (2) The number of ex officio members appointed under sub-paragraph (1)(b) may not at any time exceed—
 - (a) such number as may for the time being be specified by the Secretary of State, or
 - (b) half the number of ordinary members.
- 5 Service as a member of LBRO is not service in the civil service of the State.

Tenure

- 6
- (1) Subject to the other provisions of this Schedule, a person holds and vacates office as a member of LBRO in accordance with the terms and conditions of his or her appointment.
 - (2) A person may not be appointed as an ordinary member of LBRO for a term of more than five years.
 - (3) A person may at any time resign as an ordinary member of LBRO by giving notice in writing to the Secretary of State.
 - (4) The Secretary of State may remove a person as an ordinary member of LBRO at any time if —
 - (a) the ordinary member has, at any time, been convicted of a criminal offence, or
 - (b) in the opinion of the Secretary of State—
 - (i) the ordinary member has failed to comply with the terms of his or her appointment, or
 - (ii) the ordinary member is otherwise unable, unfit or unwilling to perform his or her functions.
 - (5) A person who has ceased to be an ordinary member is eligible for reappointment for a further term or terms but the total period of appointment of an ordinary member (whether or not in consecutive terms) may not exceed ten years.

Employees

- 7
- (1) LBRO is to have a Chief Executive.
 - (2) The Chief Executive is to be an employee of LBRO.
 - (3) The first Chief Executive is to be appointed by the Secretary of State.
 - (4) A Chief Executive after the first is to be appointed by LBRO with the approval of the Secretary of State.
 - (5) LBRO may appoint other employees, subject to the approval of the Secretary of State as to numbers and terms and conditions of employment.
 - (6) Service as an employee of LBRO is not service in the civil service of the State.
 - (7) LBRO may pay to or in respect of an employee sums by way of or in respect of remuneration, allowances, expenses, pensions, gratuities or compensation for loss of employment, subject to any conditions imposed by the Secretary of State under subparagraph (5).
 - (8) The Chief Executive may not take part in the determination of the amount of any remuneration, allowance, pension, gratuity or compensation payable to him or her.

Committees

- 8
- (1) LBRO may establish one or more committees.
 - (2) A committee established under this paragraph may include persons who are neither members nor employees of LBRO.

- (3) A committee established under this paragraph may establish one or more sub-committees.
- (4) LBRO may pay sums by way of or in respect of expenses to or in respect of a person who is a member of a committee or a sub-committee established under this paragraph but who is not a member or employee of LBRO.

Proceedings

- 9 (1) Subject to this Schedule, LBRO may regulate—
 - (a) its own proceedings (including quorum), and
 - (b) the proceedings (including quorum) of any of its committees.
- (2) A committee of LBRO may regulate the proceedings (including quorum) of any of its sub-committees.
- (3) The validity of proceedings of LBRO, or of any of its committees or sub-committees, is not affected by—
 - (a) a vacancy, or
 - (b) a defective appointment.

Delegation

- 10 LBRO may delegate any of its functions to any of its members, employees, committees or sub-committees.

Funding

- 11 (1) The Secretary of State may make grants to LBRO of such amounts as the Secretary of State thinks fit.
- (2) A grant under sub-paragraph (1) may be subject to such conditions as the Secretary of State thinks fit.
- (3) The Welsh Ministers may make grants to LBRO of such amounts as they think fit.
- (4) A grant under sub-paragraph (3) may be subject to such conditions as the Welsh Ministers think fit.

Annual report

- 12 (1) LBRO must, as soon as practicable after the end of each financial year, produce a report on the discharge of its functions during that year.
- (2) LBRO must send a copy of the report to—
 - (a) the Secretary of State, and
 - (b) the Welsh Ministers.
- (3) The report must be sent under sub-paragraph (2)(a) within such period beginning with the end of the financial year to which the report relates as the Secretary of State may direct.

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- (4) The report must be sent under sub-paragraph (2)(b) within such period beginning with the end of the financial year to which the report relates as the Welsh Ministers may direct.
- (5) The Secretary of State must lay before Parliament a copy of each report received under sub-paragraph (2)(a).
- (6) The Welsh Ministers must lay before the National Assembly for Wales a copy of each report received under sub-paragraph (2)(b).

Accounts

- 13 (1) LBRO must keep proper accounts and proper records in relation to the accounts.
- (2) LBRO must prepare a statement of accounts for each financial year.
- (3) The statement of accounts must comply with any directions given by the Secretary of State with the consent of the Treasury as to—
 - (a) the information to be contained in the statement;
 - (b) the form which the statement is to take;
 - (c) the manner in which the information is to be presented;
 - (d) the methods and principles according to which the statement is to be prepared.
- (4) LBRO must send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State directs.
- (5) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement of accounts received under sub-paragraph (4), and
 - (b) send a copy of the certified statement and report to the Secretary of State as soon as possible.
- (6) The Secretary of State must lay before Parliament a copy of each certified statement and report received under sub-paragraph (5)(b).
- (7) LBRO must send a copy of the statement of accounts to the Auditor General for Wales within such period as the Welsh Ministers direct.

Financial year

- 14 (1) The financial year of LBRO is the period of twelve months ending on 31 March.
- (2) But the first financial year of LBRO is the period—
 - (a) starting on the day on which section 1 comes into force, and
 - (b) ending on the following 31 March.

Instruments and authentication

- 15 (1) The fixing of the seal of LBRO shall be authenticated by the signature of the chair or of another person authorised by LBRO to act for that purpose.

- (2) A document purporting to be duly executed under the seal of LBRO, or to be signed on LBRO's behalf, shall be received in evidence and, unless the contrary is proved, shall be treated as having been so executed or signed.

Records

- 16 In the Public Records Act 1958 (c. 51), in Schedule 1 (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert—
“Local Better Regulation Office.”

Parliamentary disqualification

- 17 In the House of Commons Disqualification Act 1975 (c. 24), in Schedule 1, in Part 2 (bodies of which all members are disqualified), at the appropriate place insert—
“The Local Better Regulation Office.”

Investigation

- 18 In the Parliamentary Commissioner Act 1967 (c. 13), in Schedule 2 (departments etc. subject to investigation), at the appropriate place insert—
“Local Better Regulation Office.”

Freedom of information

- 19 In the Freedom of Information Act 2000 (c. 36), in Schedule 1, in Part 6 (other public bodies and offices: general), at the appropriate place insert—
“The Local Better Regulation Office.”

Transitional provisions

- 20 (1) A person who immediately before the day on which section 1 comes into force is the chair of the LBRO company is to be treated—
(a) as having been appointed as the chair of LBRO under paragraph 3(3), and
(b) as having been so appointed on the day on which, and for the term for which, that person was appointed as the chair of the LBRO company.
- (2) A person who immediately before the day on which section 1 comes into force is a director of the LBRO company is to be treated—
(a) as having been appointed as an ordinary member of LBRO under paragraph 3(3), and
(b) as having been so appointed on the day on which, and for the term for which, that person was appointed as a director of the LBRO company.
- (3) A person who is the Chief Executive of the LBRO company immediately before the day on which section 1 comes into force is to be treated as appointed as the first Chief Executive of LBRO under paragraph 7(3).
- (4) A committee or sub-committee of the LBRO company which was in existence immediately before the day on which section 1 comes into force is to be treated as

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having been established as a committee or sub-committee of LBRO under paragraph 8(1) or (3).