

## SCHEDULES

### SCHEDULE 1

Section 1

#### THE MARINE MANAGEMENT ORGANISATION

##### *Status of the MMO*

- 1 (1) The MMO is a body corporate.
- (2) The MMO is not to be regarded—
  - (a) as a servant or agent of the Crown,
  - (b) as enjoying any status, privilege or immunity of the Crown, or
  - (c) as exempt, by virtue of any connection with the Crown, from any tax, duty, rate, levy or other charge whatsoever, whether general or local,and the property of the MMO is not to be regarded as property of, or held on behalf of, the Crown.
- (3) Accordingly, employees of the MMO are not to be regarded as—
  - (a) servants or agents of the Crown, or
  - (b) enjoying any status, immunity or privilege of the Crown.

##### *The chair of the MMO*

- 2 A person (the “chair of the MMO”) is to be appointed by the Secretary of State to chair the MMO.

##### *Membership*

- 3 (1) The members of the MMO are to be—
  - (a) the person who is for the time being the chair of the MMO, and
  - (b) not fewer than 5, nor more than 8, other members (“ordinary members”) who are to be appointed by the Secretary of State.
- (2) The Secretary of State must consult the chair of the MMO before appointing any of the ordinary members.
- (3) If a person who is an ordinary member is to become the chair of the MMO, the appointment as ordinary member ceases immediately before the person becomes the chair of the MMO.

##### *The deputy chair of the MMO*

- 4 The Secretary of State may appoint one of the ordinary members to be the deputy chair of the MMO (“the deputy chair”).

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### *Considerations in making appointments*

- 5 In appointing any person to be the chair of the MMO or an ordinary member, the Secretary of State must have regard to the desirability—
- (a) of appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of the MMO’s functions, and
  - (b) of securing that a variety of skills and experience is available among the members.

### *Power to amend the numbers of members specified in paragraph 3(1)*

- 6 (1) The Secretary of State may by order amend paragraph 3(1) so as to substitute a different number for any of the numbers for the time being specified there.
- (2) An order under sub-paragraph (1) must not amend paragraph 3(1)(b) so that it provides that there may be fewer than 5 ordinary members.

### *Terms of appointment*

- 7 (1) A person appointed as—
- (a) the chair of the MMO, or
  - (b) an ordinary member,
- holds and vacates office in accordance with the terms of the appointment.
- (2) A person appointed as the deputy chair holds and vacates that office in accordance with any particular terms of appointment there may be in the case of that appointment in addition to the terms of the person’s appointment as an ordinary member.
- (3) Sub-paragraphs (1) and (2) are subject to paragraphs 3(3) and 8 to 10.
- (4) The terms of appointment to any office in any particular case are to be such as the Secretary of State may determine.
- (5) No appointment is to be for longer than 5 years.
- (6) No person may be a member for a total period of more than 10 years (whether or not continuous).

### *Resignation from office*

- 8 A person may, by giving notice to the Secretary of State, resign from office as—
- (a) the chair of the MMO,
  - (b) the deputy chair, or
  - (c) an ordinary member.

### *Suspension from, or termination of, office*

- 9 (1) The Secretary of State may suspend or terminate the appointment of any person as the chair of the MMO, the deputy chair, or an ordinary member, if—
- (a) the person has become bankrupt or made an arrangement with creditors,
  - (b) the person’s estate has been sequestrated in Scotland or the person has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or has, under Scots law, granted a trust deed for creditors,

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- (c) the person has been absent from meetings of the MMO for a period of more than 6 months without the permission of the MMO,
  - (d) the person is disqualified from acting as a company director,
  - (e) the person has been convicted (whether before or after appointment) of a criminal offence, the conviction not being spent for the purposes of the [Rehabilitation of Offenders Act 1974 \(c. 53\)](#),
- or if the person is, in the opinion of the Secretary of State, unable or unfit to discharge the functions of the appointment for any other reason.
- (2) A person whose appointment as the chair of the MMO is suspended is accordingly also suspended as a member.
  - (3) If a person's appointment as an ordinary member is suspended, any appointment of that person as the deputy chair is also suspended.

#### *Eligibility for re-appointment*

- 10 A person who ceases to hold any of the following offices—
- (a) chair of the MMO,
  - (b) deputy chair,
  - (c) ordinary member,
- is not by reason of that cessation prevented from subsequently being re-appointed to that office (or, in the case of paragraph (a) or (c), from subsequently becoming a member again).

#### *Members' remuneration and allowances*

- 11 The MMO may pay to its members such remuneration and allowances as the Secretary of State may determine.

#### *Pensions, allowances and gratuities*

- 12 If required to do so by the Secretary of State, the MMO must—
- (a) pay such pensions, allowances or gratuities as the Secretary of State may determine to or in respect of any person who is or has been a member;
  - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such person.

#### *Compensation for loss of office*

- 13 If—
- (a) a person ceases to be a member, and
  - (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation,
- the Secretary of State may require the MMO to make such payments to the person as the Secretary of State may determine.

#### *Chief executive*

- 14 (1) The MMO must appoint a person to be its chief executive.

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- (2) The person appointed must have been approved by the Secretary of State.
- (3) The chief executive is an employee of the MMO.
- (4) The Secretary of State may appoint the first chief executive.

#### *Chief scientific adviser*

- 15 (1) The MMO must appoint a person to be its chief scientific adviser.
- (2) The chief scientific adviser is an employee of the MMO.
- (3) The MMO may only make an appointment under sub-paragraph (1) with the approval of the Secretary of State as to any terms and conditions of employment not falling within paragraph 17 or 18.

#### *Other staff*

- 16 (1) The MMO may appoint other employees.
- (2) The MMO may only make an appointment under sub-paragraph (1) with the approval of the Secretary of State as to any terms and conditions of employment not falling within paragraph 17 or 18.

#### *Staff remuneration and allowances*

- 17 (1) The MMO may pay such remuneration and allowances as it may determine to any of its employees.
- (2) The MMO may only make a determination under sub-paragraph (1) with the approval of the Secretary of State.

#### *Staff pensions etc*

- 18 (1) The MMO may—
  - (a) pay such pensions, allowances or gratuities as it may determine to or in respect of any person who is or has been an employee of the MMO;
  - (b) pay such sums as it may determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such person.
- (2) The MMO may only make a determination under sub-paragraph (1) with the approval of the Secretary of State.

#### *Staff superannuation*

- 19 (1) Employment with the MMO is to be included among the kinds of employment to which a scheme under section 1 of the [Superannuation Act 1972 \(c. 11\)](#) can apply.
- (2) Accordingly, in Schedule 1 to that Act (kinds of employment to which the Act applies) insert at the appropriate place—

“Marine Management Organisation.”
- (3) The MMO must pay to the Minister for the Civil Service, at such times as that Minister may direct, such sums as that Minister may determine in respect of any

increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

#### *Procedure*

- 20 Subject to the following provisions of this Schedule, the MMO may regulate—
- (a) its own procedure (including quorum), and
  - (b) the procedure of any of its committees or sub-committees (including quorum).

#### *Delegation of functions*

- 21 (1) The MMO may authorise a committee, sub-committee, member or employee of the MMO to exercise any of the MMO's functions.
- (2) The MMO must keep a record of any authorisations under sub-paragraph (1).
- (3) Sub-paragraph (1) does not—
- (a) prevent the MMO from exercising the function itself, or
  - (b) affect the power of the MMO to authorise an employee of the MMO to carry out functions of the MMO.

#### *Membership of committees and sub-committees*

- 22 (1) A committee or sub-committee may include persons who are not members of the MMO.
- (2) The MMO may pay such remuneration and allowances as it may determine to any person who—
- (a) is a member of a committee or sub-committee, but
  - (b) is not a member of the MMO.
- (3) The MMO may only make a determination under sub-paragraph (2) with the approval of the Secretary of State.

#### *Validity of proceedings*

- 23 The validity of anything done by the MMO, or by any committee or sub-committee of the MMO, is not affected by any of the following—
- (a) any vacancy in the office of chair of the MMO or chair of the committee or sub-committee,
  - (b) any deficiency in the number of ordinary members or in the number of members of the committee or sub-committee,
  - (c) any defect in, or suspension of, any person's appointment as the chair or other member of the MMO or of the committee or sub-committee.

#### *Application of seal and proof of documents*

- 24 (1) The application of the MMO's seal must be authenticated by the signature of—
- (a) a member who is authorised (generally or specially) for that purpose, or
  - (b) an employee of the MMO who is so authorised.

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- (2) A document purporting to be duly executed under the seal of the MMO is to be received in evidence and taken to be so executed, unless the contrary is shown.

*Documents served etc by the MMO*

- 25 (1) Any document which the MMO is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the MMO by any member or employee of the MMO who has been authorised for the purpose, whether generally or specially, by the MMO.
- (2) Every document purporting—
- (a) to be an instrument made or issued by or on behalf of the MMO, and
  - (b) to be signed by a person authorised by the MMO for the purpose,
- is to be received in evidence and taken to be so made or issued, unless the contrary is shown.

*Annual report*

- 26 (1) For each financial year, the MMO must prepare an annual report on how it has discharged its functions during the year.
- (2) The MMO must send the report to the Secretary of State as soon as possible after the end of the year to which it relates.
- (3) The Secretary of State must lay a copy of the report before each House of Parliament.
- (4) In this paragraph “financial year” means—
- (a) the period that—
    - (i) begins with the day on which the MMO is established, and
    - (ii) ends with the next 31st March,
  - (b) each subsequent period of 12 months ending with 31st March.

*Accounts and records*

- 27 (1) The MMO must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, the MMO must prepare a statement of accounts in respect of that financial year.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) Within such period as the Secretary of State may direct, the MMO must send a copy of the statement to—
- (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General.
- (5) In this paragraph “financial year” has the same meaning as in paragraph 26.

*Audit*

- 28 (1) This paragraph applies where, in pursuance of paragraph 27, the MMO has sent a copy of a statement of accounts to the Comptroller and Auditor General.
- (2) The Comptroller and Auditor General must—

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- (a) examine, certify and report on the statement, and
  - (b) send a copy of the certified statement and of the report to the Secretary of State as soon as possible.
- (3) The Secretary of State must lay before each House of Parliament a copy of the certified statement and of the report.

*Duty to provide information to the Secretary of State*

- 29 (1) The MMO must provide the Secretary of State with—
- (a) copies of such returns or accounts, or
  - (b) such information,
- as the Secretary of State may require.
- (2) Sub-paragraph (1) applies only in relation to accounts, returns or information relating to—
- (a) the MMO's property, or
  - (b) the discharge, or proposed discharge, of the MMO's functions.
- (3) The MMO must also—
- (a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of the MMO, and
  - (b) provide such explanation of them as the Secretary of State or that person may require.