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STATUTORY INSTRUMENTS

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**2005 No. 448**

**The Gangmasters (Licensing Authority) Regulations 2005**

**Tenure of office and remuneration of the Board**

5.—(1) Subject to the provisions of this regulation, the chairman and each representative member of the Board shall hold and vacate office in accordance with the terms of their respective appointments.

(2) At the end of the period of appointment, the chairman and each representative member shall continue to hold office until the appointment of his successor takes effect.

(3) The chairman or a representative member may resign from office by notice in writing to the Secretary of State and, upon his resignation, shall send a copy of the notice to the secretary to the Board and (except where he was appointed pursuant to regulation 4(8)) the organization by whom he was nominated for appointment.

(4) The Secretary of State may remove the chairman or any representative member from office if—

- (a) he has without reasonable excuse failed adequately to carry out his functions as chairman or representative member (as the case may be), provided that –
  - (i) he has been given written notice warning him that, unless within a specified period his performance in a specified respect has improved to a specified extent, or to the satisfaction of the Secretary of State, he may be removed from office at the end of that period; and
  - (ii) at the expiry of the period specified in the notice, his performance in the respect specified has not improved to the extent required;
- (b) without reasonable excuse, he has been absent from three consecutive meetings of the Board;
- (c) he has been convicted (whether before or after his appointment or nomination) of a criminal offence and that conviction is not spent for the purposes of the Rehabilitation of Offenders Act 1974(1);
- (d) he is an undischarged bankrupt or his estate has been sequestrated and it has not been discharged, or he has made an arrangement with his creditors, or he is subject to a bankruptcy restriction order;
- (e) he is disqualified from acting as a company director;
- (f) he has failed to comply with the terms of his appointment or nomination; or
- (g) he is otherwise unable or unfit to carry out his functions as a representative member or (as the case may be) as chairman.

(5) The Secretary of State shall inform the appropriate nominating organization of her intention to remove a representative member pursuant to paragraph (4).

(6) The Secretary of State shall consult the Minister of Agriculture and Rural Development for Northern Ireland before removing the chairman pursuant to paragraph (4).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) The Authority shall pay to the members of the Board, and any persons invited to attend a meeting of the Board, such remuneration and allowances as the Secretary of State may determine.

(8) The Board shall appoint an employee of the Authority to be the secretary to the Board.