

SCHEDULE 1

INCORPORATION OF WALES AUDIT OFFICE

PART 4

EMPLOYEE MEMBERS

Appointment

- 14 The employee members are to comprise—
- (a) a person appointed in accordance with paragraph 15 (“the appointed member”), and
 - (b) 2 persons appointed in accordance with paragraph 16 (“the elected members”).

The appointed member

- 15 (1) The Auditor General must recommend a person to the non-executive members for appointment under this paragraph.
- (2) The non-executive members must—
- (a) appoint that person, or
 - (b) require the Auditor General to recommend another person (in which event this sub-paragraph applies again and so on until someone is appointed).

The elected members

- 16 (1) The WAO must conduct a ballot of its staff for the purpose of appointing a person or, as the case may be, persons under this paragraph.
- (2) The elected members are to be appointed by the non-executive members in accordance with the result of the ballot.
- (3) An appointment made under this paragraph is to be treated as an appointment on merit for the purposes of paragraph 2(2) (appointment of WAO members to be on merit).

Terms of appointment

- 17 (1) The terms of the employee members’ appointment are to be determined by the non-executive members.
- (2) The terms may include remuneration arrangements which—
- (a) may provide for allowances, gratuities, and other benefits to cover expenses properly and necessarily incurred by the person in the capacity of member of the WAO, and
 - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
- (3) The remuneration arrangements may not provide for payment of a salary or, subject to sub-paragraph (5), a pension.

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- (4) Amounts payable by virtue of sub-paragraph (2) are to be paid by the WAO.
- (5) If an employee member (“E”) is a participant in a pension scheme under the terms of E’s employment with the WAO, the remuneration arrangements must (without affecting the continuity of that employment) provide for E’s service as an employee member to be treated for the purposes of the scheme as service as an employee of the WAO.

Other terms of appointment

- 18 (1) The non-executive members may determine other terms for an appointment of an employee member.
- (2) Those terms may include restrictions on—
 - (a) the offices or positions (including offices and positions to which persons may be appointed, or recommended or nominated for appointment, by or on behalf of the Crown, the National Assembly, or the National Assembly Commission) that the employee member may hold while, or after ceasing to be, a member;
 - (b) the agreements or other arrangements (including agreements and arrangements with the Crown, the National Assembly or the National Assembly Commission or bodies or other persons acting on behalf of the Crown, the National Assembly or the National Assembly Commission) to which the employee member may be a party while, or after ceasing to be, a member.
- (3) But restrictions may only be imposed while a person is an employee member and for a maximum of 2 years afterwards, starting with the day on which the person ceases to be an employee member.

Termination of appointments

- 19 The appointment of an employee member terminates—
 - (a) if the terms of appointment provide for it to expire at the end of a period, at the end of that period, and
 - (b) in any event, when the member ceases to be an employee of the WAO.
- 20 (1) An employee member may resign by giving written notice to the non-executive members.
- (2) The appointment is terminated upon acceptance of the resignation by the non-executive members.
- 21 The non-executive members may terminate the appointment of an employee member by giving the member written notice if—
 - (a) the member has been absent from meetings of the WAO without the WAO’s permission for a period or periods totalling 3 months or more in any 12 month period,
 - (b) the member has become bankrupt or has made an arrangement with creditors,
 - (c) the member’s estate has been sequestrated in Scotland or the member has entered into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 as the debtor or has,

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under Scots law, made a composition or arrangement with, or granted a trust deed for, the member's creditors,

- (d) the member is unfit to continue the appointment because of misconduct,
- (e) the member has failed to comply with the terms of the appointment, or
- (f) the member is otherwise unable, unfit or unwilling to carry out the member's functions.