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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 2

(introduced by section 10)

### AUDIT SCOTLAND: FURTHER PROVISIONS

#### *Membership*

- 1 The Auditor General and the Chairman of the Accounts Commission are not entitled to any remuneration in respect of their membership of Audit Scotland.
- 2 A person who is a member of the staff of Audit Scotland or a member of the Accounts Commission is eligible for appointment under section 10(2)(c) but, if so appointed, is not entitled to any remuneration in respect of the appointment.
- 3 A member of Audit Scotland appointed under section 10(2)(c)—
  - (a) is to be appointed on such terms and conditions as the Auditor General and the Chairman may determine,
  - (b) is to hold and vacate office in accordance with the terms of the appointment,
  - (c) may resign as a member by notice in writing given to the Auditor General and the Chairman.
- 4 The Auditor General and the Chairman, acting jointly, may remove from membership of Audit Scotland a member appointed under section 10(2)(c) if they consider that the member is for any reason unable or unfit to exercise the functions of a member.

#### *Staff*

- 5 (1) Audit Scotland may appoint staff.
  - (2) It is for Audit Scotland to determine the terms and conditions of appointment of the staff, including arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of staff.
  - (3) In particular, Audit Scotland may—
    - (a) make contributions or payments towards provision for such pensions, gratuities or allowances,
    - (b) establish and administer one or more pension schemes.

#### *Powers*

- 6 (1) Audit Scotland may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions.
  - (2) That includes, in particular—
    - (a) holding property,
    - (b) entering into contracts,
    - (c) charging for goods or services,
    - (d) borrowing sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.
  - (3) Sub-paragraph (2)(c) is without prejudice to section 11.
  - (4) Audit Scotland may borrow money only under sub-paragraph (2)(d).

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### *Proceedings*

- 7 (1) The validity of any act of Audit Scotland is not affected by any vacancy among its members, or any defect in the appointment, or qualification for membership, of any member.
- (2) Audit Scotland may—
- (a) determine its own procedure,
  - (b) appoint one of its members to preside at its meetings.

### *Transfers from Accounts Commission*

- 8 (1) With effect from 1st April 2000 each person who was, immediately before that date, employed as an officer of the Accounts Commission transfers to and becomes a member of the staff of Audit Scotland.
- (2) The terms and conditions of appointment of such a person are to be determined by Audit Scotland but, taken as a whole, must be not less favourable to the person transferred than the terms on which that person was employed immediately before the transfer.
- (3) Where a person becomes a member of the staff of Audit Scotland under sub-paragraph (1), then, for the purposes of the Employment Rights Act 1996 (c. 18), that person's period of employment by the Accounts Commission counts as a period of employment by Audit Scotland and the change of employment does not break the continuity of the period of employment.
- (4) Where a person ceases to be employed as an officer of the Accounts Commission by virtue of sub-paragraph (1) that person is not, on ceasing to be so employed, to be treated—
- (a) for the purposes of any scheme or regulations by virtue of the Superannuation Act 1972 (c. 11) as having been retired on redundancy,
  - (b) for the purposes of Part XI of the Employment Rights Act 1996 (c. 18) as having been dismissed by reason of redundancy.
- 9 On 1st April 2000 all property, rights and liabilities to which the Accounts Commission was entitled or subject immediately before that date transfer to and vest in Audit Scotland.