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SCHEDULES

SCHEDULE 3

Section 7

INCIDENTAL PROVISIONS WITH RESPECT TO COMMISSION

Corporate status of the Commission

- 1 The Commission shall be a body corporate with perpetual succession and a common seal.

Meetings of the Commission

- 2 The first meeting of the Commission shall be held on such day and at such time and place as may be appointed by the returning officer; and the said officer shall make arrangements for notice of the meeting to be sent by post to each member of the Commission not less than 7 days before the day so appointed.
- 3 (1) The first meeting of the Commission shall be the annual meeting for the year then current and thereafter the first meeting held after 1 June in any year shall be the annual meeting.
- (2) The Commission shall in every year after the first year hold an annual meeting and at least three other meetings for the transaction of general business and at intervals of not more than 14 weeks.
- (3) The chairman of the Commission may call a meeting of the Commission at any time.
- (4) If, after a requisition for that purpose signed by five Commissioners has been presented to the chairman—
- (a) the chairman refuses to call a meeting of the Commission, or
 - (b) without so refusing, the chairman does not call a meeting within 7 days after such requisition has been presented,
- any five Commissioners, on that refusal or on the expiration of the said 7 days (as the case may be), may forthwith call a meeting of the Commission.
- (5) Subject to subparagraph (6) below, the public may attend and, with the consent of the Commission, shall be entitled to speak, at any meeting of the Commission or of any committee or sub-committee of the Commission.
- (6) The Commission or any committee or sub-committee of the Commission may, by resolution, exclude the public from a meeting of the Commission or the committee or sub-committee in question (during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest—
- (a) by reason of the confidential nature of the business to be transacted; or
 - (b) for any other special reason stated in the resolution and arising from the nature of that business or of the proceedings;
- and where such a resolution is passed, the meeting shall not be required to be open to the public during proceedings to which the resolution applies.

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Appointment of chairman and vice-chairman

- 4 (1) The Commission shall at its annual meeting in each year elect one of the Commissioners to be chairman and, unless the chairman resigns that office or otherwise ceases to be a member of the Commission, the chairman shall continue in office until a successor is elected.
- (2) The Commission shall at each annual meeting appoint one of the Commissioners to be vice-chairman and, unless the vice-chairman resigns that office or ceases to be a member of the Commission, the vice-chairman shall continue in office until immediately after the election of the chairman at the next annual meeting.
- (3) On a casual vacancy occurring in the office of chairman or vice-chairman of the Commission—
- (a) the vacancy shall be filled by the appointment by the Commission of one of their number at a meeting held as soon as practicable after the vacancy occurs and,
 - (b) where the office vacant is that of chairman, the meeting may be convened by the secretary or such other officer as shall be appointed for the purpose by the Commission.
- (4) A person appointed under this paragraph to fill a vacancy shall hold office until the date of the next annual meeting.

Chairman of meeting

- 5 (1) At a meeting of the Commission the chairman of the Commission, if present, shall preside.
- (2) If the chairman of the Commission is absent from a meeting of the Commission, the vice-chairman of the Commission, if present, shall preside.
- (3) If both the chairman and vice-chairman of the Commission are absent from a meeting of the Commission, such Commissioner as the Commissioners present choose shall preside.

Appointment of committees

- 6 (1) The Commission may appoint—
- (a) a committee for the exercise of any of the functions of the Commission which in the opinion of the Commission can be better regulated and managed by means of a committee and may delegate to a committee so appointed the exercise of any such functions;
 - (b) a committee to advise the Commission on any matter relating to the discharge of its functions.
- (2) Any committee appointed under subparagraph (1)(b) above may include persons who are not Commissioners.
- (3) The number of members of any such committee and their term of office shall be fixed by the Commission or, in the case of a sub-committee, by the appointing committee.
- 7 (1) A committee of the Commission—
- (a) may, subject to any restrictions imposed by the Commission, appoint such sub-committees as the committee may determine and

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- (b) may authorise any such sub-committee to exercise any of the functions of the committee on its behalf;
and any reference in any of the succeeding paragraphs of this Schedule to a “committee” shall be construed as including a reference to any such sub-committee.
- (2) Any sub-committee of a committee appointed under paragraph 6(1)(b) above may include or comprise persons who are not Commissioners.

Proceedings of the Commission and committees

- 8 The proceedings of the Commission, or of any committee appointed by it, shall not be invalidated by any vacancy in its number or by any defect in the appointment, or the qualification for appointment, of any person as a Commissioner, or as chairman or vice-chairman, of the Commission or committee.
- 9 The quorum required for a meeting of the Commission shall be five.
- 10 (1) Subject to subparagraph (2) below, if a Commissioner—
(a) has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter; and
(b) is present at a meeting of the Commission or of any committee of the Commission at which the contract or other matter is the subject of consideration,
the Commissioner shall as soon as practicable after the commencement of the meeting disclose that fact at the meeting and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) Nothing in subparagraph (1) above shall preclude a Commissioner from taking part in the consideration or discussion of, or voting on, any question connected with—
(a) grazing agreements under section 22 (Grazing agreements) of this Act; or
(b) a specific grazing agreement under that section,
by reason only of the fact that the Commissioner has a pecuniary interest in such a grazing agreement (other than, in a case where paragraph (b) applies, the specific grazing agreement concerned).
- 11 (1) Any question to be decided by the Commission or any committee of the Commission shall, in the first instance, be decided by the majority of those present at the meeting and voting on the question, and the decision of the person presiding at the meeting as to the result of the voting shall be final.
- (2) In the case of an equality of votes, the person presiding at any such meeting shall have a casting vote, in addition to any other vote that person may have.
- 12 Subject to the provisions of this Schedule, the procedure and business of the Commission and of any committee of the Commission shall be regulated in such manner as the Commission may from time to time determine.

Officers, services and advisors

- 13 (1) The Commission shall appoint a secretary and may appoint a treasurer and such other officers as the Commission thinks necessary for the efficient discharge of its functions.

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- (2) A Commissioner shall be eligible to be appointed an officer under subparagraph (1) above and any such officer shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the Commission thinks fit.
- (3) The Commission and the Council may enter into arrangements for the Council to provide (with or without charge) such administrative, professional or technical services as are required for the discharge of the functions of the Commission and as are specified under those arrangements.
- (4) The Council shall nominate an officer of the Council to advise the Commission on matters relating to the discharge of its functions; and that officer shall be entitled to attend and speak at the meetings of the Commission but not to vote.

Authentication of the Commission's seal

- 14 The application of the seal of the Commission shall be authenticated by the signatures of the chairman of the Commission or some other Commissioner authorised by the Commission to authenticate the application of the seal thereof and of such officer as shall be authorised by the Commission to act in that behalf.

Protection from personal liability

- 15 Section 265 of the Public Health Act 1875 (c. 55) (which relates to the protection from personal liability of members and officers of certain authorities when acting under the direction of the authorities) shall have effect as if references to those authorities and that Act included respectively references to the Commission and this Act.