

## SCHEDULES

### SCHEDULE 3

Section 60

#### THE YOUNG PEOPLE’S LEARNING AGENCY FOR ENGLAND

##### *Status*

- 1 (1) The YPLA is not to be regarded—
  - (a) as a servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The YPLA’s property is not to be regarded—
  - (a) as property of the Crown, or
  - (b) as property held on behalf of the Crown.

##### *Membership*

- 2 (1) The YPLA is to consist of—
  - (a) between 10 and 16 members appointed by the Secretary of State (the “ordinary members”), and
  - (b) the chief executive of the YPLA.
- (2) The Secretary of State must appoint one of the ordinary members to chair the YPLA (“the chair”).
- (3) In appointing the ordinary members, the Secretary of State must have regard to the desirability of the ordinary members, taken together, having experience relevant to—
  - (a) the full range of the YPLA’s functions, and
  - (b) any functions that may be conferred or imposed on the YPLA under Academy arrangements.
- (4) “Academy arrangements” has the meaning given by section 77(2).

##### *Tenure*

- 3 (1) The chair and other ordinary members hold and vacate office in accordance with the terms of their appointments, subject to the following provisions of this Schedule.
- (2) The chair and other ordinary members may resign from office at any time by giving written notice to the Secretary of State.
- (3) The Secretary of State may remove an ordinary member from office on either of the following grounds—
  - (a) inability or unfitness to carry out the duties of the office;
  - (b) absence from the YPLA’s meetings for a continuous period of more than 6 months without the YPLA’s permission.

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- (4) The previous appointment of a person as the chair or another ordinary member does not affect the person’s eligibility for re-appointment.
- (5) If the chair ceases to be an ordinary member, the person also ceases to be the chair.

*Remuneration etc. of members*

- 4 (1) The YPLA may, and must if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to any of the ordinary members.
- (2) The YPLA may, and must if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a current or former ordinary member.
- (3) If a person ceases to be an ordinary member and the Secretary of State decides that the person should be compensated because of special circumstances, the YPLA must pay compensation to the person.
- (4) The amount of a payment under this paragraph is to be determined by the Secretary of State.

*Staff*

- 5 (1) The first chief executive is to be appointed by the Secretary of State, on conditions of service determined by the Secretary of State.
- (2) Later chief executives are to be appointed by the YPLA, on conditions of service determined by the YPLA.
- (3) The appointment and conditions of service of a later chief executive are subject to the approval of the Secretary of State.
- (4) The YPLA may appoint other members of staff.
- (5) The conditions of service of the other members of the YPLA’s staff are to be determined by the YPLA with the approval of the Secretary of State.
- 6 (1) Employment with the YPLA is to be included among the kinds of employment to which a scheme under section 1 of the [Superannuation Act 1972 \(c. 11\)](#) (superannuation schemes as respects civil servants, etc.) can apply.
- (2) The YPLA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of increases attributable to this paragraph in the sums payable under the [Superannuation Act 1972](#) out of money provided by Parliament.
- (3) Sub-paragraph (4) applies if a member of staff of the YPLA (“E”)—
  - (a) is, by reference to employment with the YPLA, a participant in a scheme under section 1 of the [Superannuation Act 1972](#), and
  - (b) is also a member of the YPLA.
- (4) The Secretary of State may determine that E’s service as a member of the YPLA is to be treated for the purposes of the scheme as service as a member of staff of the YPLA (whether or not any benefits are payable to or in respect of E by virtue of paragraph 4(2)).

### *Committees*

- 7 (1) The YPLA may establish committees, and any committee established by the YPLA may establish sub-committees.
- (2) The YPLA may—
- (a) dissolve a sub-committee established under sub-paragraph (1), or
  - (b) alter the purposes for which such a sub-committee is established.
- (3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as a “YPLA committee”.
- (4) A YPLA committee may consist of or include persons who are not members of the YPLA or the YPLA’s staff.
- (5) The YPLA may arrange for the payment of remuneration, allowances and expenses to any person who—
- (a) is a member of a YPLA committee, but
  - (b) is not a member of the YPLA or the YPLA’s staff.
- (6) The YPLA must keep under review—
- (a) the structure of YPLA committees, and
  - (b) the scope of each YPLA committee’s activities.
- 8 (1) The YPLA and any other person may establish a committee jointly.
- (2) In this Schedule a committee established under sub-paragraph (1) is referred to as a “joint committee”.
- (3) A joint committee may establish sub-committees.
- (4) In this Schedule a sub-committee established under sub-paragraph (3) is referred to as a “joint sub-committee”.
- (5) The YPLA may arrange for the payment of remuneration, allowances and expenses to any person who—
- (a) is a member of a joint committee or joint sub-committee, but
  - (b) is not a member of the YPLA or the YPLA’s staff.

### *Procedure etc.*

- 9 (1) The YPLA may regulate—
- (a) its own proceedings (including quorum), and
  - (b) the procedure (including quorum) of YPLA committees.
- (2) A joint committee may regulate—
- (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of any sub-committee established by it.
- (3) The validity of proceedings of the YPLA, or of a YPLA committee, joint committee or joint sub-committee, is not affected by—
- (a) a vacancy;
  - (b) a defective appointment.
- 10 (1) The following have the right to attend meetings of the YPLA, and of YPLA committees, joint committees and joint sub-committees—

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- (a) the Secretary of State;
  - (b) a representative of the Secretary of State.
- (2) A person attending a meeting of the YPLA, or of a YPLA committee, joint committee or joint sub-committee under sub-paragraph (1) may take part in its deliberations (but not its decisions).
- (3) If a person with a right to attend a meeting of the YPLA, or of a YPLA committee, joint committee or joint sub-committee requests it, the YPLA must provide the person with all information relating to the meeting that—
- (a) has been distributed to the members of the YPLA, or of the YPLA committee, joint committee or joint sub-committee, and
  - (b) is likely to be needed by the person in order to take part in the meeting.

### *Delegation*

- 11 (1) The YPLA may delegate any of its functions to—
- (a) the chair or the chief executive;
  - (b) a committee established by the YPLA;
  - (c) a joint committee.
- (2) If a function is delegated to the chair, the chair may delegate the function to any of the other ordinary members or the chief executive.
- (3) If a function is delegated to the chief executive, the chief executive may delegate the function to a member of the YPLA’s staff.
- (4) A function is delegated under this paragraph to the extent and on the terms that the person delegating it determines.
- 12 (1) A committee established by the YPLA or a joint committee may delegate any of its functions to a sub-committee established by it.
- (2) A function is delegated under this paragraph to the extent and on the terms that the committee determines.
- (3) The power of a committee established by the YPLA to delegate a function under this paragraph, and to determine the extent and terms of the delegation, are subject to the YPLA’s powers to direct what a committee established by it may and may not do.
- (4) The power of a joint committee to delegate a function under this paragraph, and to determine the extent and terms of the delegation, are subject to the power of the YPLA and any other person with whom the YPLA established the committee to direct (acting jointly) what the committee may and may not do.

### *Plans*

- 13 (1) The YPLA must make and publish a plan for each academic year.
- (2) The YPLA’s plan for an academic year must be published before the start of the academic year.
- (3) The YPLA’s plan for an academic year must include—

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- (a) the YPLA’s proposals as to how it intends to achieve in that year any objectives for the year set out in directions under section 75 or grant conditions;
  - (b) the YPLA’s proposals as to how it proposes to use its grant funding for the year.
- (4) In this paragraph—
- “academic year” means—
    - (a) the period beginning on the day on which section 60 comes into force and ending on the following 31 August;
    - (b) each successive period of 12 months;
  - “grant conditions” mean conditions to which a grant under paragraph 18 is subject;
  - “grant funding” means a grant under that paragraph.

### *Reports*

- 14
- (1) As soon as reasonably practicable after the end of each reporting period the YPLA must prepare an annual report for the period.
  - (2) The annual report must state how the YPLA has performed its functions in the reporting period.
  - (3) The YPLA must send a copy of each annual report to the Secretary of State.
  - (4) The Secretary of State must lay before Parliament a copy of each report received under sub-paragraph (3) and arrange for it to be published.
  - (5) In this paragraph “reporting period” means—
    - (a) the period specified by the Secretary of State in a direction given to the YPLA;
    - (b) each successive period of 12 months.

### *Accounts*

- 15
- (1) The YPLA must—
    - (a) keep proper accounts and proper records in relation to the accounts, and
    - (b) prepare annual accounts in respect of each financial year.
  - (2) The annual accounts must comply with any directions given by the Secretary of State as to—
    - (a) the information to be contained in them,
    - (b) the manner in which the information contained in them is to be presented, or
    - (c) the methods and principles according to which the annual accounts are to be prepared.
  - (3) Before the end of the month of August next following each financial year, the YPLA must send copies of the annual accounts for the year to—
    - (a) the Secretary of State, and
    - (b) the Comptroller and Auditor General.
  - (4) The Comptroller and Auditor General must—
    - (a) examine, certify and report on the annual accounts, and

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- (b) give a copy of the report to the Secretary of State.
- (5) The Secretary of State must lay before Parliament—
  - (a) a copy of any annual accounts received under sub-paragraph (3), and
  - (b) a copy of each report received under sub-paragraph (4).
- (6) In this paragraph “financial year” means—
  - (a) the period specified by the Secretary of State in a direction given to the YPLA;
  - (b) each successive period of 12 months.

#### *Documents*

- 16 The application of the YPLA’s seal is authenticated by the signatures of—
  - (a) the chair or another person authorised (generally or specifically) for that purpose by the YPLA, and
  - (b) one other member of the YPLA.
- 17 Any document purporting to be an instrument made or issued by or on behalf of the YPLA, and to be duly executed by a person authorised by the YPLA in that behalf—
  - (a) is to be received in evidence, and
  - (b) is to be taken to be made or issued in that way, unless the contrary is shown.

#### *Funding*

- 18 (1) The Secretary of State may make grants to the YPLA for the purposes of any of its functions.
- (2) Grants to the YPLA under this paragraph are to be made at such times and subject to such conditions (if any) as the Secretary of State thinks appropriate.
- (3) Conditions to which a grant is subject may (in particular)—
  - (a) set the YPLA’s budget for any financial year;
  - (b) require the YPLA to use the grant for specified purposes;
  - (c) require the YPLA to comply with specified requirements in respect of persons or persons of a specified description in securing the provision of specified financial resources to such persons;
  - (d) enable repayment (in whole or part) to be required of sums paid by the Secretary of State if any condition subject to which the grant was made is not complied with;
  - (e) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any condition remains unpaid.
- (4) Requirements which may be imposed under sub-paragraph (3)(c) include in particular requirements that, if the YPLA provides specified financial resources, it is to impose specified conditions.
- (5) The Secretary of State may not impose conditions which relate to the YPLA’s securing of the provision of financial resources to a particular person or persons.

### *Supplementary powers*

- 19 (1) The YPLA may do anything that it considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) The power in sub-paragraph (1) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The YPLA may not borrow money.
- (4) The YPLA may not do any of the following without the consent of the Secretary of State—
- (a) lend money;
  - (b) form, participate in forming or invest in a company;
  - (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the [Charities Act 1993 \(c. 10\)](#)).
- (5) In sub-paragraph (4)(b) the reference to investing in a company includes a reference to—
- (a) becoming a member of the company, and
  - (b) investing in it by the acquisition of any assets, securities or rights or otherwise.

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 20 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) at the appropriate place insert—
- “The Young People’s Learning Agency for England.”

### *House of Commons Disqualification Act 1975 (c. 24)*

- 21 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert—
- “Any member of the Young People’s Learning Agency for England in receipt of remuneration.”

### *Superannuation Act 1972 (c. 11)*

- 22 In Schedule 1 to the Superannuation Act 1972 (kinds of employment, etc, referred to in section 1 of that Act) under the heading “Other bodies” at the appropriate place insert—
- “The Young People’s Learning Agency for England”.