

## SCHEDULE 3

Article 4(3)

### Further provision about the GTCS

#### **Status**

- 1.—(1) The GTCS—
  - (a) is not a servant or agent of the Crown; and
  - (b) does not enjoy any status, immunity or privilege of the Crown.
- (2) The property of the GTCS is not property of, or property held on behalf of, the Crown.

#### **Convener**

- 2.—(1) The GTCS must appoint one of its members to chair meetings of the GTCS (the “Convener”).
- (2) The Convener of the GTCS has a casting vote in the proceedings of the GTCS.
- (3) In the absence of the Convener, the GTCS must appoint one of its members to act as the Convener and that individual has a casting vote in the proceedings of the GTCS.

#### **Committees**

- 3.—(1) The GTCS may appoint such committees as it thinks fit.
- (2) Any committee so appointed may appoint such sub-committees as it thinks fit.
- (3) Such committees and sub-committees may consist—
  - (a) wholly of members of the GTCS;
  - (b) partly of members of the GTCS and partly of other persons appointed to that committee or sub-committee by the GTCS or, in the case of sub-committees, by the committee which appointed that sub-committee; or
  - (c) wholly of non-members of the GTCS appointed to that committee or sub-committee by the GTCS or, in the case of sub-committees, by the committee which appointed that sub-committee.
- (4) The GTCS must make a scheme (the “committee scheme”) relating to the structure, membership, role and operation of its committees and sub-committees.
- (5) The committee scheme may in particular make provision for or in connection with—
  - (a) the number of committees;
  - (b) the functions, duties and powers of committees;
  - (c) the procedure of committees;
  - (d) the regulation of the proceedings of, and the quorum at, committees;
  - (e) the composition of committees; and
  - (f) the membership arrangements for committees, including arrangements for the appointment to committees of persons who are not members of the GTCS.
- (6) In sub-paragraph (5)(a) to (f) “committees” includes “sub-committees”.
- (7) The GTCS may vary the committee scheme at any time.
- (8) The GTCS must publish the committee scheme, in such ways as it thinks fit.

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### **Validity of Proceedings and Actions**

4.—(1) The validity of proceedings or actions of the GTCS (including proceedings or actions of any of its committees) is not affected by—

- (a) any vacancy in the membership of the GTCS or any of its committees;
- (b) any defect in the election or appointment of a member of the GTCS or any of its committees; or
- (c) the disqualification of an individual as a member of the GTCS after appointment or election.

(2) In this paragraph “committees” includes “sub-committees”.

### **Reports**

5.—(1) The GTCS must, as soon as is reasonably practical after the end of each financial year, prepare and lay before the Scottish Parliament a report on the carrying out of its functions during the year.

(2) The GTCS may include in the report any other information that it considers appropriate.

(3) In this paragraph “financial year” means each period of a year ending on 31st March.

(4) The GTCS must periodically prepare and publish, in such ways as it thinks fit, a strategic plan.

(5) The GTCS must periodically prepare and publish, in such ways as it thinks fit, a diversity action plan.

### **Standing Orders**

6. The GTCS may make, and publish, standing orders for—

- (a) the regulation of its proceedings and the quorum at such proceedings;
- (b) the keeping of records;
- (c) the execution of documents; and
- (d) such other matters connected with or related to the conduct of the GTCS’s business as the GTCS thinks fit.

### **Accounts**

7.—(1) The GTCS must—

- (a) keep proper accounts and accounting records;
- (b) prepare for each financial year a statement of accounts;
- (c) publish each statement of accounts in such ways as it thinks fit; and
- (d) have its accounts independently audited each financial year by auditors appointed by the GTCS.

(2) In this paragraph, “financial year” means each period of a year ending on 31st March.

### **Remuneration, allowances etc.**

8.—(1) The GTCS may pay to its members—

- (a) such remuneration as it may determine;
- (b) such allowances in respect of expenses properly incurred by members in the performance of their functions as it may determine.

(2) The GTCS may pay to members' employers such allowances as it may determine, in respect of expenses incurred by the employer in consequence of members' performance of their functions.

(3) The GTCS may—

- (a) pay to or in respect of any individual who is or has been a member of the GTCS such pension, allowance or gratuity as it may determine; or
- (b) make such payments as it may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of such an individual.

(4) Where—

- (a) an individual ceases to be a member of the GTCS otherwise than on the expiry of the individual's term of office; and
- (b) it appears to the GTCS that there are circumstances which make it right for the individual to receive compensation,

then the GTCS may make a payment to the individual as it may determine.

(5) In sub-paragraphs (1) and (2) "members" includes individuals who are appointed to committees or sub-committees under paragraph 3(3)(b) and (c).

### **Staff**

**9.**—(1) The GTCS may employ any staff necessary to ensure the carrying out of the GTCS's functions.

(2) Staff are employed on terms and conditions determined by the GTCS.

(3) The GTCS may—

- (a) pay a pension, allowance or gratuity, including by way of compensation for loss of employment, to or in respect of an eligible individual;
- (b) make payments towards the provision of a pension, allowance or gratuity, including by way of compensation for loss of employment, to or in respect of an eligible individual;
- (c) provide and maintain schemes (whether contributory or not) for the payment of a pension, allowance or gratuity, including by way of compensation for loss of employment, to or in respect of an eligible individual.

(4) The GTCS may determine—

- (a) who, of the individuals who are or have ceased to be employees of the GTCS, are to be eligible individuals; and
- (b) the amount that may be paid or provided for.

### **Grants and loans**

**10.**—(1) The Scottish Ministers may make such grants to the GTCS as they determine.

(2) A grant is made subject to any conditions specified by the Scottish Ministers (including conditions about repayment).

(3) The Scottish Ministers may make such loans to the GTCS as they determine.

(4) A loan is made subject to any conditions specified by the Scottish Ministers (including conditions about repayment).

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### **Delegation of the GTCS's functions**

**11.—(1)** Any function of the GTCS (whether conferred by virtue of this Order or any other enactment), other than its functions of making rules or schemes by virtue of this Order, may be carried out on its behalf by—

- (a) a member of the GTCS;
- (b) a committee or sub-committee of the GTCS;
- (c) an individual employed by the GTCS.

(2) Nothing in sub-paragraph (1) prevents the GTCS from carrying out any function delegated under that sub-paragraph.