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## SCHEDULES

### SCHEDULE 1

Section 7

#### APPOINTMENT AND ELECTION OF COMMISSIONERS

##### PART 1

##### APPOINTED COMMISSIONERS

###### *Appointment and terms of office of first appointed Commissioners*

- 1 (1) Each of the appointing bodies shall appoint the first person to be appointed by it as a Commissioner not more than 28 days after the appointed day or, if that is not practicable, as soon as practicable after that day; and the appointment shall take effect on the day on which the first elected Commissioners are elected under Part 2 of this Schedule or as soon as possible after that day.
- (2) The first Commissioners appointed under section 7(2)(a) to (g) (Establishment of Greenham and Crookham Common Commission) of this Act shall hold office until 31 May falling on or immediately after the anniversary of the date when their appointment takes effect.

###### *Term of office of subsequent appointed Commissioners*

- 2 An appointed Commissioner (other than a Commissioner appointed under paragraph 1 above) shall, unless appointed to fill a casual vacancy and subject to paragraph 3 below, hold office for the period ending on 31 May next following the anniversary of the date when the appointment takes effect.

###### *Vacation of office by appointed Commissioners*

- 3 An appointed Commissioner may resign that office at any time by notice in writing given to the secretary of the Commission or, if that Commissioner is the secretary, the chairman.

###### *Reappointment of Commissioners*

- 4 A vacating Commissioner (whether an appointed Commissioner or an elected Commissioner) shall be eligible for reappointment or appointment as a Commissioner.

###### *Casual vacancies*

- 5 (1) Subject to subparagraph (3) below, any casual vacancy occurring in the office of an appointed Commissioner shall be filled as soon as reasonably practicable by the

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appointment by the appointing body by whom that Commissioner was appointed of a person to fill the vacancy.

- (2) A person appointed to fill a casual vacancy shall (unless the person previously dies or resigns) hold office during the remainder of the term for which the vacating Commissioner was appointed.
- (3) An appointing body need not fill any vacancy occurring less than three months before the ordinary date of retirement from the office in which the vacancy occurs.

## PART 2

### ELECTED COMMISSIONERS

#### *Election of first elected Commissioners*

- 6 The returning officer shall arrange for the first commoners' election to be held in accordance with the election rules on a day fixed by the returning officer falling as soon as reasonably practicable after the appointed day.
- 7 (1) For the purpose of the first commoners' election, the returning officer, shall compile a list of those persons who appear to the returning officer, on the date on which the list is compiled, to be entitled to exercise any rights of common upon Greenham Common or Crookham Common or any part of either of them, being rights—
  - (a) for the time being registered (whether provisionally or finally) under the 1965 Act; or
  - (b) registered under the Land Registration Acts 1925 and 1936 (and not extinguished before that date).
- (2) The list compiled by the returning officer as required by subparagraph (1) above shall be available for public inspection at the offices of the returning officer for a period of not less than 28 days immediately preceding the day fixed by the returning officer for the delivery of nomination papers in accordance with paragraph 1 of the election rules.
- (3) Where two or more persons are commoners by virtue of a joint holding, they shall not each be entitled to appear on the list but may jointly nominate one of their number or a relative to appear on the list.
- (4) A commoner may nominate a relative to appear on the list in his place.
- (5) Any person whose name does not appear on that list and who claims to be entitled to be included in that list under subparagraph (1) above, may apply to the returning officer up to the day mentioned in subparagraph (2) above to be included in the list; and if, on such an application, it appears to the returning officer that the person should be included in the list the returning officer shall amend the list accordingly.
- (6) For the purposes of the first commoners' election, the determination of the returning officer as to whether or not any person shall be entitled to be included on the list shall be conclusive; and the validity of the election shall not be questioned in any legal proceedings on the grounds that any person should have been included or omitted from the list.
- 8 (1) The returning officer shall by advertisement in a local newspaper circulating in the area of the Common give notice of the holding of the first commoners' election not

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less than 28 days immediately preceding the day fixed by the returning officer for the delivery of nomination papers.

- (2) The notice referred to above shall—
- (a) state the date on which the election will be held;
  - (b) explain the purpose of the election;
  - (c) state that a list of commoners eligible for nomination and entitled to vote at the election has been compiled by the Council for the purpose of that election;
  - (d) state the place and times at which that list may be inspected by members of the public free of charge; and
  - (e) explain the effect of paragraph 7(3) and (4) above.
- 9 (1) Only a person whose name appears on the list compiled by the returning officer under paragraph 7 above, shall be eligible for nomination and entitled to vote at the first commoners' election.
- (2) No person whose name appears on the list shall be entitled to more than one vote.
- 10 A declaration in accordance with paragraph 19 of the election rules purporting to be signed by the returning officer of the election of a Commissioner shall be conclusive evidence of such election.
- 11 The first elected Commissioners shall, subject to paragraphs 16 and 17 below, hold office until 31 May falling on or immediately following the third anniversary of the election.

#### *Subsequent elections*

- 12 (1) This paragraph and paragraphs 13 to 15 below apply in relation to elections held after the first commoners' election.
- (2) The returning officer shall in 2006 and every third year thereafter arrange for a commoners' election to be held not more than 28 days before 1 June in that year.
- (3) Each commoners' election shall be held in accordance with the election rules.
- 13 (1) Only a person whose name appears on the register on the relevant day shall be eligible for nomination for election and entitled to vote at the commoners' election.
- (2) Where two or more persons are commoners by virtue of a joint holding, only the person (if any) recorded in the register on the relevant day as being entitled to vote shall be eligible for nomination for election or entitled to vote at the commoners' election.
- (3) Where a relative is recorded in the register on the relevant day as entitled to vote under section 26(7) or (8) of this Act, only the person so recorded shall be eligible for nomination for election or entitled to vote at the commoners' election.
- (4) No person shall be entitled to more than one vote.
- (5) In this paragraph “the relevant day” means the day on which the notice of an election is published under paragraph 3 of the election rules to this Act.
- 14 A declaration in accordance with paragraph 19 of the election rules purporting to be signed by the returning officer of the election of a Commissioner shall be conclusive evidence of such election.

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#### *Term of office of elected Commissioners*

- 15 Subject to paragraphs 16 and 17 below, an elected Commissioner (other than a Commissioner elected under paragraph 6 above) shall, unless appointed to fill a casual vacancy, hold office until 31 May next following the third anniversary of his or her election.

#### *Vacation of office by elected Commissioners*

- 16 An elected Commissioner may resign his or her office at any time by notice in writing given to the secretary of the Commissioners or, if that Commissioner is the secretary, the chairman.

#### *Disqualification of elected Commissioners*

- 17 (1) An elected Commissioner who is removed from the register (or, in the case of a Commissioner who is elected at the first commoners' election, who is not entered on the register within the period of 28 days beginning with the appointed day for the purpose of section 26 (Register to be maintained by Commission) of this Act)—
- (a) shall not be entitled to attend the meetings of the Commission or otherwise act as a Commissioner at any time when he or she is not on the register; and
  - (b) shall, unless he or she is restored to (or entered on) the register under section 27 (Appeals against refusal to register, etc.) of this Act, be disqualified from holding office as Commissioner.
- (2) Where under paragraph 7(3) or (4) or 13(2) or (3) above a person nominated by a commoner or commoners as eligible for nomination for election is elected to be a Commissioner, that person may continue to hold office for the term for which he or she has been elected notwithstanding any change in nomination made by the commoner or commoners.

#### *Re-election of Commissioners*

- 18 A vacating Commissioner (whether an elected Commissioner or an appointed Commissioner) shall, subject to paragraph 13 above, be eligible for re-election or election as a Commissioner.

#### *Casual vacancies*

- 19 (1) Subject to subparagraph (3) below, any casual vacancy occurring in the office of an elected Commissioner shall be filled as soon as reasonably practicable by the election of a person to fill the vacancy held by the returning officer in accordance with the election rules.
- (2) A person elected to fill a casual vacancy shall (unless the person previously dies, resigns or becomes disqualified) hold office during the remainder of the term for which the vacating Commissioner was elected.
- (3) No election shall be held to fill any casual vacancy occurring less than six months before the end of the term for which the vacating Commissioner was elected.

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### *Costs of Elections*

- 20        The costs of holding elections under this Part of this Schedule, including any expenses incurred by the returning officer, shall be borne by the Commission.