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## SCHEDULES

### SCHEDULE 1

Section 3

#### SUBSTITUTE PROVISIONS FOR CERTAIN PROVISIONS IN PART 2 OF THE 1959 ACT

1 For sections 6 to 14 of the 1959 Act there is substituted—

##### **“Constitution of Board**

- (1) The Board is to consist of six directors to be appointed as follows—
  - (a) one director by the East Riding of Yorkshire Council;
  - (b) one director by Kingston upon Hull City Council;
  - (c) one director by North Lincolnshire Council;
  - (d) one director by North East Lincolnshire Council; and
  - (e) two directors appointed by the directors of the Board for the time being appointed by the constituent authorities, the appointments being made from amongst persons nominated for this purpose by the Humber Local Enterprise Partnership or such body or bodies as the Secretary of State may from time to time by order made by statutory instrument substitute as the nominating body.
- (2) Each director appointed under subsection (1)(e) must be a person who appears to the directors appointing that director to have special knowledge or experience of the operation of commerce in the whole or some part of the area of the constituent authorities.

##### **Making of and term of Board appointments**

- (1) Any vacancy occurring amongst directors of the Board must be filled at a meeting of the constituent authority responsible for the appointment or, in the case of an appointment by directors of the Board, at a meeting of the Board.
- (2) Where a vacancy amongst the directors of the Board is due to occur by reason of the resignation of a director or the expiry of a director's term of office, the vacancy may be filled in advance so as to have effect when the vacancy occurs.
- (3) Where a vacancy amongst the directors of the Board occurs which has not been filled in advance in accordance with subsection (2), it must be filled as soon as possible after the vacancy occurs.
- (4) Subject to section 14 (removal of a director), a director of the Board is to hold office for such period not being more than 3 years as may be determined by the constituent authority or, as the case may be, the Board when making the appointment.
- (5) A director of the Board may be re-appointed for a further term.

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### **Continuation of appointments pending replacement**

A director of the Board whose term of office has expired and who is not otherwise disqualified from doing so is to continue in office until a replacement has been appointed.

### **Qualification for appointment**

- (1) A person may not be appointed to the Board by a constituent authority or be nominated as a deputy for such a director under section 24 (appointment of deputies) unless he is a member of the constituent authority by whom that person is appointed.
- (2) A person may not be appointed to the Board by the Board or as a deputy for such a director if that person is a member of a constituent authority.
- (3) In making an appointment the Board must have regard to any guidance issued by the Secretary of State in respect of the exercise of such functions.

### **Directors to hold one appointment only**

A person is not qualified to act as a director in respect of more than one appointment at a time and, if appointed by more than one constituent authority or by a constituent authority and by directors of the Board for any period, must choose which appointment to take within one month of the second appointment, at which point the other appointment is deemed void.

### **Disqualification of directors**

- (1) If a director of the Board appointed by a constituent authority ceases to be a member of the constituent authority by whom that director is appointed or becomes disqualified, the director also ceases to be a director of the Board except where the director ceases to be a member of such authority only by reason of the expiry of that member's term of office and is immediately re-elected a member of such authority.
- (2) Section 80 (disqualification) and subsection (1) of section 85 (vacation of office for failure to attend meetings) of the Local Government Act 1972 apply to the Board as if it were a local authority within the meaning of that Act.
- (3) The following provisions of or made under the Localism Act 2011 apply to the Board as if it were a relevant authority within the meaning of that Act:—
  - (a) subsection (3) of section 30 (disclosable pecuniary interests);
  - (b) subsections (1), (2) and (4) of section 31 (effect of disclosable pecuniary interests on participation in meetings);
  - (c) subsections (1) and (3) of section 32 (sensitive interests);
  - (d) section 33 (dispensations);
  - (e) section 34 (offences); and
  - (f) the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012 \(S.I. 2012/1464\)](#).

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### **Certificate of appointment of director**

- (1) The appointment of a director is not effective unless—
  - (a) in the case of an appointment by a constituent authority, this is certified to the Board by the chief executive of the constituent authority; and
  - (b) in the case of an appointment by directors of the Board, this is certified to the chief executive of each constituent authority by the clerk to the Board.
- (2) A copy of every certificate given under subsection (1)(a) must be copied to the chief executive of every other constituent authority.
- (3) Any such certificate is conclusive evidence of such appointment.

### **Resignation of directors**

Any director of the Board may at any time resign from that office by notice in writing addressed to the clerk.

### **Removal of director**

Any director of the Board may be removed at any time by resolution of the constituent authority or the directors of the Board for the time being responsible for the appointment of that director.”.

2 For section 24 of the 1959 Act there is substituted—

### **“Appointment of deputies**

- (1) A constituent authority and the directors of the Board responsible for the appointment of a director may each appoint a deputy to take the place of that director and to speak and vote at any meeting of the Board, or of a committee or sub-committee of the Board to which that director belongs, which that director is unable to attend.
- (2) Section 12 (certificate of appointment of director) applies to the appointment of deputies as it applies to the appointment of directors.”.