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SCHEDULES

SCHEDULE 1

Section 1(3).

ADDITIONAL PROVISIONS RELATING TO CONSTITUTION ETC OF CIVIL AVIATION AUTHORITY

Appointment and tenure of members

- 1 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member, that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member ; and
 - (b) to satisfy himself from time to time with respect to each member that the member has no such interest;
- and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish him with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or a deputy chairman in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or a deputy chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.
- 4 (1) If a member becomes or ceases to be the chairman or a deputy chairman the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office as a member.
- (2) If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.
- 5 (1) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Authority for a period longer than three consecutive months without the permission of the Authority ; or
 - (b) has become bankrupt or made an arrangement with his creditors ; or
 - (c) is incapacitated by physical or mental illness ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit; and thereupon the office shall become vacant.
- (2) In the application of the preceding sub-paragraph to Scotland for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

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Remuneration etc. of members

- 6 The Authority shall pay to each member such remuneration as the Secretary of State may determine with the consent of the Minister for the Civil Service.
- 7 (1) The Authority shall make such provision as may be determined by the Secretary of State with the consent of the said Minister for the payment of pensions, allowances or gratuities to or in respect of such members as may be so determined.
- (2) The Secretary of State shall as soon as possible after making a determination in pursuance of the preceding sub-paragraph lay before each House of Parliament a statement containing particulars of the determination.
- 8 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the said Minister direct the Authority to make to that person a payment of such amount as the Secretary of State may determine with the consent of the said Minister.

Proceedings

- 9 Subject to section 5 of this Act, the quorum of the Authority and the arrangements relating to meetings of the Authority shall be such as the Authority may determine.
- 10 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in any other matter whatsoever which falls to be considered by the Authority, shall disclose the nature of his interest at a meeting of the Authority and the disclosure shall be recorded in the minutes of the meeting ; and the member shall not—
- (a) in the case of a contract, take part in any deliberation or decision of the Authority with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Authority with respect to the matter if the Authority decides that the interest in question might affect prejudicially the member's consideration of the matter.
- (2) A notice given by a member at a meeting of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of the preceding sub-paragraph, be a sufficient disclosure of his interest in relation to any contract so made.
- (3) A member need not attend in person at a meeting of the Authority in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 11 The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of the preceding paragraph.

Staff

- 12 (1) The Authority may appoint such officers and servants as it may determine with the consent of the Secretary of State as to numbers and remuneration; and any reference

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in this Act to an employee of the Authority is a reference to a person appointed in pursuance of this sub-paragraph or employed by the Authority in pursuance of paragraph 14 of this Schedule.

- (2) If before such date as the Secretary of State may determine for the purposes of this sub-paragraph the Authority makes a contract with any person for his employment by the Authority, the contract shall be of no effect unless its terms have been approved by the Secretary of State; and before the Secretary of State approves in pursuance of this sub-paragraph the terms of a contract to be offered to a person employed in employment to which paragraph 1 of Schedule 9 to this Act applies it shall be the duty of the Secretary of State to satisfy himself that those terms, taken as a whole, are not less favourable to that person than the terms on which he is employed as aforesaid on the date when the offer is made.
 - (3) Different numbers, remuneration and dates may be determined in pursuance of this paragraph in relation to employees or proposed employees of different categories.
 - (4) The Secretary of State shall not give his consent in pursuance of sub-paragraph (1) of this paragraph except with the approval of the Minister for the Civil Service.
- 13
 - (1) The Authority shall, in the case of such of its employees as may be determined by the Secretary of State with the approval of the Minister for the Civil Service, pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined,
 - (2) If an employee of the Authority becomes a member and was by reference to his employment by the Authority a participant in a pension scheme maintained by the Authority for the benefit of any of its employees, the Authority may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the Authority ; and the benefits payable to or in respect of a person by virtue of the preceding provisions of this sub-paragraph shall be in addition to the benefits, if any, which are payable to or in respect of him by virtue of paragraph 7 of this Schedule.
- 14
 - (1) Notwithstanding anything in the last two preceding paragraphs, it shall be the duty of the Authority to make, to each person who at the passing of this Act and on such subsequent date as the Secretary of State may determine is employed by a relevant body, an offer of employment by the Authority on terms which, taken as a whole, are not less favourable to that person than the terms on which he is employed by the relevant body on the date when the offer is made ; and an offer made in pursuance of this paragraph shall not be revocable during the period of three months beginning with the date on which the offer is made.
 - (2) In the preceding sub-paragraph " relevant body " means a body which by virtue of section 27(1) of this Act is to cease or has ceased to have functions conferred on it in pursuance of section 7 of the Civil Aviation Act 1949.
- 15

It shall be the duty of the Authority, except so far as it is satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the Authority to be appropriate with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

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- (a) the settlement by negotiation of terms and conditions of employment of employees of the Authority, with provision for reference to arbitration in default of such a settlement in such cases as may be determined by or under the agreements ; and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of employees of the Authority and the discussion of other matters of mutual interest to the Authority and its employees, including efficiency in the performance of the Authority's functions.

Performance of functions

- 16 Subject to section 5(1) of this Act, the Authority may authorise any member or employee of the Authority and, except so far as regulations provide otherwise, any other person to perform on behalf of the Authority such of the Authority's functions (including the function conferred on the Authority by this paragraph) as are specified in the authorisation.

Instruments and contracts

- 17 The fixing of the common seal of the Authority shall be authenticated by the signature of the secretary of the Authority or some other person authorised by the Authority to act for that purpose.
- 18 A document purporting to be duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Interpretation

- 19 In this Schedule "the chairman", "a deputy chairman" and " a member " mean respectively the chairman, a deputy chairman and a member of the Authority, and " gratuities " includes a refund of contributions to a pension fund with or without interest on or any other addition to the contributions.