

Changes to legislation: There are currently no known outstanding effects for the Theatres Trust Act 1976, SCHEDULE. (See end of Document for details)

SCHEDULE **E+W+S**

APPOINTMENT, CONSTITUTION AND FUNCTIONS OF THE TRUSTEES

Modifications etc. (not altering text)

- C1** Schedule: functions of the Secretary of State transferred by S.I. 1979/907, 1981/207, 1983/879, 1984/1814, 1986/600 and 1992/1311 and as from 26.4.1986 to 2.7.1992 exercisable by the Lord President of the Council by virtue of S.I. 1986/600, art. 2(1), Sch. 1 Pt. I and as from 3.7.1992 again exercisable by the Secretary of State by virtue of S.I. 1992/1311, art. 3(1), Sch. 1, Pt. I and references to the Secretary of State from 26.4.1986 to 2.7.1992 and from 3.7.1992 are to be construed accordingly by virtue of S.I. 1986/600, art. 7(1) and S.I. 1992/1311, art. 12(4).

- 1 Subject as hereinafer provided, there shall be fifteen trustees of the Trust appointed by the Secretary of State and the Secretary of State shall appoint one of them to be chairman and one to be deputy chairman of the trustees.
- [^{F1}1A Without prejudice to the application of paragraph 2 below, one of the trustees shall be a person who appears to the Secretary of State to have special knowledge of Scotland; but before appointing any person to be a trustee pursuant to this paragraph, the Secretary of State shall consult the Scottish Ministers.]

Textual Amendments

- F1** Sch. para. 1A inserted (20.4.2000) by S.I. 2000/1102, art. 3 (with art. 6(1))

- 2 In appointing the trustees the Secretary of State shall have regard to the desirability of securing the services of persons with knowledge and experience of—
- (a) the ownership of theatres;
 - (b) the production of plays;
 - (c) employment in, or in connection with, plays;
 - (d) organisations established for the encouragement of the arts;
 - (e) local government;
 - (f) planning;
 - (g) commercial or financial matters; or
 - (h) safeguarding the interests of the environment.
- 3 The Secretary of State shall satisfy himself that any person whom he proposes to appoint to be a trustee will have or has, as the case may be, no such financial or other interest as is likely to affect him in the discharge of his functions as a trustee; and any such person shall, whenever requested by the Secretary of State to do so, give the Secretary of State such information as he considers necessary for the performance of his duty under this paragraph.
- 4 Before appointing a person to be a trustee the Secretary of State shall consult such bodies, if any, as appear to him to be representative of [^{F2}such of the interests mentioned in paragraph 2 above as may be]concerned.

Textual Amendments

- F2** Words in Sch. para. 4 substituted (20.4.2000) by S.I. 2000/1102, art. 3 (with art. 6(1))

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- 5 The term of office of the trustees shall be three years.
- 6 If a trustee fails throughout a period of two years to attend any meeting of the trustees he shall, unless the failure was due to some reason approved by the trustees, cease to be a trustee:
 Provided that attendance at a meeting of the executive committee or any other committee of the trustees to which any functions of the trustees have been delegated shall be deemed for the purposes of this paragraph to be attendance at a meeting of the trustees.
- 7 A trustee may at any time, by notice in writing addressed to the Secretary of State, resign his office.
- 8 A person ceasing to be a trustee shall be eligible for reappointment.
- 9 A person appointed by the Secretary of State to fill a casual vacancy shall hold office until the date upon which the trustee whose vacancy he has filled would have regularly retired.
- 10 The trustees shall in every year hold an annual meeting and at least one other meeting.
- 11 (1) The trustees shall appoint each year at the annual meeting an executive committee and may appoint such other committees composed of the trustees for any such general or special purpose as in the opinion of the trustees would be better regulated and managed by means of a committee and may delegate to the executive committee or such other committee so appointed with or without restrictions as they think fit any functions of the trustees.
- (2) The executive committee shall consist of not more than eight trustees and any other committee of the trustees of such number of trustees as the trustees may determine.
- 12 The powers of the trustees and any committee of the trustees may be exercised notwithstanding any vacancy, and no proceedings of the trustees or of any committee of the trustees shall be invalidated by any defect in the appointment of a trustee.
- 13 The trustees shall have power from time to time to make, alter and revoke regulations with respect to the management and administration of the trust property, the holding of meetings of the trustees, the executive committee and any other committee of the trustees, the conduct of proceedings at those meetings (including quorum), and for all other purposes necessary for the execution of the Trust.
- 14 The trustees shall keep proper accounts of all sums received or paid by them and proper records in relation to those accounts, and the accounts for each financial year of the Trust shall be audited by an auditor or auditors appointed by the trustees.
 [^{F3}No person shall be appointed under this paragraph unless he is eligible for appointment as a [^{F4}statutory auditor under Part 42 of the Companies Act 2006].]

Textual Amendments

- F3** Sch. para. 14: 2nd paragraph substituted (1.10.1991) by [S.I. 1991/1997, reg. 2, Sch. para.28](#) (with [reg. 4](#)).
- F4** Words in [Sch. para. 14](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), [art. 2\(2\)](#), [Sch. 1 para. 1\(p\)](#) (with [arts. 6, 11, 12](#))

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