

SCHEDULES

SCHEDULE 1

Section 43.

THE COMMISSION FOR RACIAL EQUALITY

Incorporation and status

- 1 On the appointment by the Secretary of State of the first Commissioners, the Commission shall come into existence as a body corporate.
- 2 (1) The Commission is not an emanation of the Crown, and shall not act or be treated as the servant or agent of the Crown.
- (2) Accordingly—
- (a) neither the Commission nor a Commissioner or member of its staff as such is entitled to any status, immunity, privilege or exemption enjoyed by the Crown ;
 - (b) the Commissioners and members of the staff of the Commission as such are not civil servants ; and
 - (c) the Commission's property is not property of, or held on behalf of, the Crown.

Tenure of office of Commissioners

- 3 (1) A Commissioner shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A person shall not be appointed a Commissioner for more than five years.
- (3) With the consent of the Commissioner concerned, the Secretary of State may alter the terms of an appointment so as to make a full-time Commissioner into a part-time Commissioner or vice versa, or for any other purpose.
- (4) A Commissioner may resign by notice to the Secretary of State.
- (5) The Secretary of State may terminate the appointment of a Commissioner if satisfied that—
- (a) without the consent of the Commission, he failed to attend the meetings of the Commission during a continuous period of six months beginning not earlier than nine months before the termination; or
 - (b) he is an undischarged bankrupt, or has made an arrangement with his creditors, or is insolvent within the meaning of paragraph 9(2) of Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970 ; or
 - (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties.
- (6) Past service as a Commissioner is no bar to re-appointment.

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Tenure of office of chairman and deputy chairmen

- 4 (1) The chairman and each deputy chairman shall hold and vacate his office in accordance with the terms of his appointment, and may resign by notice to the Secretary of State.
- (2) The office of the chairman or a deputy chairman is vacated if he ceases to be a Commissioner.
- (3) Past service as chairman or a deputy chairman is no bar to re-appointment.

Remuneration of Commissioners

- 5 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of the Commissioners or any of them as, with the consent of the Minister for the Civil Service, he may determine.
- 6 Where a person ceases to be a Commissioner 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 Minister for the Civil Service, direct the Commission to make to that person a payment of such amount as, with the consent of that Minister, the Secretary of State may determine.

Additional Commissioners

- 7 (1) Paragraphs 2(2), 3(1) and (6), and 6 shall apply to additional Commissioners appointed under section 48(2) as they apply to Commissioners.
- (2) The Commission may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of an additional Commissioner as the Secretary of State, with the consent of the Minister for the Civil Service, may determine.
- (3) With the approval of the Secretary of State and the consent of the additional Commissioner concerned, the Commission may alter the terms of an appointment of an additional Commissioner so as to make a full-time additional Commissioner into a part-time additional Commissioner or vice versa, or for any other purpose.
- (4) An additional Commissioner may resign by notice to the Commission.
- (5) The Secretary of State, or the Commission acting with the approval of the Secretary of State, may terminate the appointment of an additional Commissioner if satisfied that—
- (a) without reasonable excuse he failed to carry out the duties for which he was appointed during a continuous period of three months beginning not earlier than six months before the termination ; or
 - (b) he is a person such as is mentioned in paragraph 3(5)(b) ; or
 - (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties.
- (6) The appointment of an additional Commissioner shall terminate at the conclusion of the investigation for which he was appointed, if not sooner.

Staff

- 8 The Commission may, after consultation with the Secretary of State, appoint such officers and servants as they think fit, subject to the approval of the Minister for the Civil Service as to numbers and as to remuneration and other terms and conditions of service.
- 9 (1) Employment with the Commission shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words " Commission for Racial Equality" shall be inserted after the words " Commission on Industrial Relations. "
- (2) Where a person who is employed by the Commission and is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 becomes a Commissioner or an additional Commissioner, the Minister for the Civil Service may determine that his service as a Commissioner or additional Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commission.
- 10 (1) In this paragraph—
- " the new Commission " means the Commission for Racial Equality;
- " present Commission employee " means a person who immediately before the repeal date is employed by the Community Relations Commission ;
- " private pension scheme " means a scheme for the payment of pensions, allowances or gratuities other than one made under section 1 of the Superannuation Act 1972;
- " the repeal date " means the date on which the repeal of the Race Relations Act 1968 by this Act takes effect.
- (2) If a present Commission employee enters the employment of the new Commission on the repeal date and on so doing elects to be covered for his service in that employment by a private pension scheme in which he was a participant in respect of his service in the employment of the Community Relations Commission, the new Commission may make such payments towards the provision of benefits to or in respect of him under that scheme (or any other private pension scheme replacing it) as may be determined by the new Commission with the consent of the Secretary of State given with the approval of the Minister for the Civil Service; and it shall be the duty of the new Commission and those Ministers in the exercise of their functions under this subparagraph to ensure that his rights under the scheme do not become less advantageous than they were when he entered the employment of the new Commission.
- (3) Where a person who is employed by the new Commission and is in respect of that employment a participant in a private pension scheme becomes a Commissioner or an additional Commissioner, his service as a Commissioner or additional Commissioner may be treated for the purposes of the scheme as service as an employee of the new Commission.
- 11 The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commission.

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Advisory committees

- 12 The Commission may, with the approval of the Secretary of State, appoint advisory committees for the purpose of such of their functions as they think fit.

Proceedings and business

- 13 (1) Subject to the provisions of this Act—
- (a) the Commission shall discharge their functions in accordance with arrangements made by the Commission and approved by the Secretary of State ; and
 - (b) arrangements so made and approved may provide for the discharge under the general direction of the Commission of any of the Commission's functions by a committee of the Commission, or by two or more Commissioners.
- (2) Anything done by or in relation to a committee of the Commission or Commissioners in the discharge of the Commission's functions shall have the same effect as if done by or in relation to the Commission.
- 14 The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any Commissioner or additional Commissioner.
- 15 The quorum for meetings of the Commission shall in the first instance be determined by a meeting of the Commission attended by not less than five Commissioners.

Finance

- 16 The Secretary of State shall pay to the Commission expenses incurred or to be incurred by them under paragraph 6, 7, 8 or 10 of this Schedule or paragraph 7 of Schedule 2, and, with the consent of the Minister for the Civil Service and the Treasury, shall pay to the Commission such sums as the Secretary of State thinks fit for enabling the Commission to meet other expenses.
- 17 (1) The accounting year of the Commission shall be the twelve months ending on 31st March.
- (2) It shall be the duty of the Commission—
- (a) to keep proper accounts and proper records in relation to the accounts ;
 - (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
 - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this Schedule and shall lay copies of each statement and of his report before each House of Parliament.

Disqualification Acts

- 18 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975

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(bodies of which all members are disqualified under those Acts), there shall (at the appropriate place in alphabetical order) be inserted the following entry: —

“The Commission for Racial Equality”.

- (2) In Part III of Schedule 1 to each of those Acts of 1975 (other disqualifying offices) there shall (at the appropriate place in alphabetical order) be inserted the following entry:—

“Additional Commissioner of the Commission for Racial Equality”.