
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Employment Act 1988, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 19.

COMMISSIONER FOR THE RIGHTS OF TRADE UNION MEMBERS

Terms of appointment

- 1 (1) The appointment of a person to hold office as the Commissioner shall be for a term not exceeding five years; but previous appointment to that office shall not affect eligibility for re-appointment.
- (2) The Secretary of State may remove any person from the office of Commissioner if he is satisfied—
 - (a) that that person has been adjudged bankrupt, that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (b) that that person is incapacitated by physical or mental illness; or
 - (c) that that person is otherwise unable or unfit to discharge his functions as the Commissioner.
- (3) Subject to sub-paragraphs (1) and (2) above, the Commissioner shall hold and vacate office as such in accordance with the terms of his appointment.

Remuneration, pensions etc.

- 2 (1) There shall be paid to the Commissioner such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) In the case of any such holder of the office of the Commissioner as may be determined by the Secretary of State, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity, as may be so determined.
- (3) If, when any person ceases to hold office as the Commissioner, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.
- (4) The consent of the Treasury shall be required for the making of a determination under this paragraph.
- (5) Payments required to be made under this paragraph shall be made by the Secretary of State out of money provided by Parliament.

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Staff

- 3 (1) The Commissioner may, with the approval of the Secretary of State as to numbers and terms and conditions of service, appoint such staff as the Commissioner may determine.
- (2) The consent of the Treasury shall be required for the giving of an approval under sub-paragraph (1) above.
- 4 (1) Anything authorised or required by or under this Act to be done by the Commissioner may be done by any member of the staff of the Commissioner who is authorised for the purpose, whether generally or specially, by the Commissioner.
- (2) An authorisation given for the purposes of this paragraph shall continue to have effect during any vacancy in the office of Commissioner.
- 5 (1) Employment as a member of the staff of the Commissioner shall be included among the kinds of employment to which a superannuation scheme under section 1 of the ^{M1}Superannuation Act 1972 may apply.
- (2) Where a person who is employed by the Commissioner and is by reference to that employment a participant in a scheme under section 1 of the ^{M2}Superannuation Act 1972 becomes the Commissioner, the Treasury may determine that his service as the Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commissioner; and his rights under the scheme shall not be affected by any of the preceding provisions of this Schedule.

Marginal Citations

M1 1972 c. 11.

M2 1972 c. 11.

- 6 The ^{M3}Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commissioner.

Marginal Citations

M3 1969 c. 57.

Payment of travelling expenses etc. to applicants

- 7 (1) The Commissioner may, with the approval of the Secretary of State, make such provision as the Commissioner considers appropriate for the payment by him to persons who apply for assistance under section 20 of this Act of sums in respect of travelling and other expenses incurred by them in connection with their applications.

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- (2) The consent of the Treasury shall be required for the giving of an approval under sub-paragraph (1) above.

Financial provisions

- 8 (1) The Secretary of State shall, out of money provided by Parliament, pay to the Commissioner such sums as the Secretary of State may determine are required by the Commissioner for the purpose of carrying out his functions.
- (2) The consent of the Treasury shall be required for the making of a determination under sub-paragraph (1) above.
- 9 (1) It shall be the duty of the Commissioner—
- (a) to keep proper accounts and proper records in relation to the accounts;
 - (b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may with the approval of the Treasury direct; and
 - (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than the 30th November following the end of the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Commissioner and shall lay a copy of every such statement and of his report before each House of Parliament.

Annual report

- 10 (1) As soon as reasonably practicable after the end of each financial year the Commissioner shall prepare a report on his activities during that year and shall send a copy of that report to the Secretary of State.
- (2) The Secretary of State shall lay a copy of every such report before each House of Parliament.

Miscellaneous

- 11 The Commissioner shall have an official seal for the authentication of documents required for the purposes of his functions.
- 12 In the ^{M4}Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), there shall be inserted (at the appropriate place) the following entry—

“Office of the Commissioner for the Rights of Trade Union Members.”

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Changes to legislation: There are currently no known outstanding effects for the Employment Act 1988, SCHEDULE 1. (See end of Document for details)

Marginal Citations

M4 1967 c. 13.

- 13 In the ^{M5}House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices), there shall be inserted (at the appropriate place) the following entry—

“Commissioner for the Rights of Trade Union Members.”;

and the like insertion shall be made in Part III of Schedule 1 to the ^{M6}Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M5 1975 c. 24.

M6 1975 c. 25.

Interpretation

- 14 In this Schedule “financial year” means the twelve months ending with 31st March.

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