

*Status: Point in time view as at 01/04/1991.*

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## SCHEDULES

### SCHEDULE 1 U.K.

Section 19.

#### THE ADVISORY COMMITTEE

##### *Appointment of members*

- 1 (1) Every member of the Advisory Committee—
  - (a) shall be appointed for such term, not exceeding five years, as the Lord Chancellor may specify; and
  - (b) shall hold and vacate office in accordance with the terms of his appointment.
- (2) Any person who ceases to be a member of the Advisory Committee shall be eligible for re-appointment.
- (3) A member of the Advisory Committee may at any time resign his office by giving notice in writing to the Lord Chancellor.
- (4) The Lord Chancellor may remove a member of the Advisory Committee if satisfied—
  - (a) that he has been absent from meetings of the Advisory Committee for a period of more than six consecutive months without the permission of the Advisory Committee;
  - (b) that a bankruptcy order has been made against him or that his estate has been sequestrated or that he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
  - (c) that he is otherwise unable or unfit to discharge the functions of a member of the Advisory Committee.

#### Commencement Information

**I1** Sch. 1 para. 1 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

##### *Proceedings of the Advisory Committee*

- 2 The Advisory Committee may regulate its own procedure.

#### Commencement Information

**I2** Sch. 1 para. 2 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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### *Delegation of powers*

- 3 (1) Anything authorised or required by or under any enactment to be done by the Advisory Committee may be done—
- (a) by any member of the Advisory Committee, or of its staff, who has been authorised for the purpose, whether generally or specifically, by the Advisory Committee; or
  - (b) by any committee or sub-committee of the Advisory Committee which has been so authorised.
- (2) Any committee or sub-committee of the Advisory Committee—
- (a) may include, as non-voting members, persons who are not members of the Advisory Committee but who are co-opted by the Advisory Committee;
  - (b) shall be chaired by the Chairman of the Advisory Committee or by another member of the Advisory Committee nominated by him.
- (3) The Chairman of the Advisory Committee shall be a member of any committee or sub-committee for which he has nominated another member of the Advisory Committee to be its chairman.

#### **Commencement Information**

**I3** Sch. 1 para. 3 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

### *Vacancies and defective appointments*

- 4 The validity of any proceedings of the Advisory Committee shall not be affected by a vacancy amongst the members or by any defect in the appointment of a member.

#### **Commencement Information**

**I4** Sch. 1 para. 4 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

### *Application of seal and proof of instruments*

- 5 The application of the seal of the Advisory Committee shall be authenticated by the signature of—
- (a) the Chairman or any other member of the Advisory Committee; and
  - (b) a member of the Advisory Committee's staff who has been authorised by the Advisory Committee for the purpose, whether generally or specifically.

#### **Commencement Information**

**I5** Sch. 1 para. 5 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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*Documents served etc. by the Advisory Committee*

- 6 (1) Any document which the Advisory Committee is authorised or required by or under any enactment to serve, make or issue may be signed on behalf of the Advisory Committee by any person who has been authorised for the purpose, whether generally or specifically, by the Advisory Committee.
- (2) Every document purporting to be an instrument made or issued by or on behalf of the Advisory Committee and—
- (a) to be duly executed under the seal of the Advisory Committee; or
  - (b) to be signed or executed by a person authorised by the Advisory Committee for the purpose,
- shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is proved.

**Commencement Information**

**I6** Sch. 1 para. 6 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

*Remuneration and pensions etc.*

- 7 (1) The Advisory Committee shall pay—
- (a) to its members; and
  - (b) to other persons who are co-opted to serve as members of any of its committees or sub-committees,
- such remuneration, and such travelling and other allowances, as may be determined by the Lord Chancellor.
- (2) The Advisory Committee shall, if so required by the Lord Chancellor—
- (a) pay such pension, allowances or gratuities to or in respect of a person who has been, or is, a member of the Advisory Committee; or
  - (b) make such payments towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person,
- as may be determined by the Lord Chancellor.
- (3) If, when any member of the Advisory Committee ceases to hold office, the Lord Chancellor determines that there are special circumstances which make it right that that member should receive compensation, the Advisory Committee shall pay to him a sum by way of compensation of such amount as may be so determined.
- (4) The approval of the Treasury shall be required for the making of a determination under this paragraph.

**Commencement Information**

**I7** Sch. 1 para. 7 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

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### *Staff*

- 8 (1) The Advisory Committee may, with the approval of the Lord Chancellor as to terms and conditions of service, appoint such staff as it may determine.
- (2) The Advisory Committee, with the approval of the Lord Chancellor, may—
- (a) pay such pensions, allowances or gratuities to or in respect of any persons who have been or are members of its staff as it may determine;
  - (b) make such payments as it may so determine towards provision for the payment of pensions, allowances or gratuities to or in respect of any such persons;
  - (c) provide and maintain such schemes as it may so determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any such persons;
  - (d) make such other arrangements for the provision of pensions, allowances or gratuities to or in respect of any such persons as it may so determine.
- (3) Any reference in sub-paragraph (2) to pensions, allowances or gratuities to or in respect of any such persons as are mentioned in that sub-paragraph includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the Advisory Committee's staff who suffer loss of employment or loss or diminution of emoluments.
- (4) If any person—
- (a) on ceasing to be a member of the Advisory Committee's staff becomes a member of the Advisory Committee; and
  - (b) was by reference to his being a member of the Advisory Committee's staff a participant in any pension scheme maintained by or on behalf of the Advisory Committee for the benefit of any of its staff,
- the Advisory Committee may, with the approval of the Lord Chancellor, make provision for him to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Lord Chancellor determine, as if his service as a member were service as a member of the Advisory Committee's staff; and any such provision shall be without prejudice to paragraph 7.
- (5) The consent of the Treasury shall be required for the giving of any approval under this paragraph.

#### **Commencement Information**

**I8** [Sch. 1 para. 8](#) in force 1. 4. 1991 see [s. 124\(3\)](#) and [S.I. 1991/608, art. 2, Sch.](#)

### *Accounts and audit*

- 9 (1) The Advisory Committee shall keep accounts and shall prepare a statement of accounts (the "statement") in respect of each financial year.
- (2) The accounts shall be kept, and the statement shall be prepared, in such form as the Lord Chancellor may, with the approval of the Treasury, direct.

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- (3) The accounts shall be audited by persons to be appointed in respect of each financial year by the Lord Chancellor in accordance with a scheme of audit approved by him.
- (4) The auditors shall be furnished by the Advisory Committee with copies of the statement and shall prepare a report to the Lord Chancellor on the accounts and statement.
- (5) No person shall be qualified to be appointed as auditor under this paragraph unless he is—
  - (a) a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 389(1)(a) of the <sup>M1</sup>Companies Act 1985;
  - (b) authorised by the Secretary of State under section 389(1)(b) of that Act to be appointed an auditor of a company; or
  - (c) a member of the Chartered Institute of Public Finance and Accountancy.
- (6) A firm may be appointed as auditor under this paragraph if each of its members is qualified to be so appointed.
- (7) On completion of the audit of the accounts, the auditors shall send to the Lord Chancellor a copy of the statement and of their report.
- (8) The Lord Chancellor shall send a copy of the statement and of the report to the Comptroller and Auditor General.
- (9) The Lord Chancellor and the Comptroller and Auditor General may inspect the Advisory Committee's accounts and any records relating to them.
- (10) The Lord Chancellor shall lay before each House of Parliament a copy of every statement and report sent to him under this paragraph.
- (11) In this paragraph “financial year” means—
  - (a) the period beginning with the day on which the Advisory Committee is established and ending with the following 31st March; and
  - (b) each subsequent period of twelve months ending with 31st March.

**Commencement Information**

**I9** Sch. 1 para. 9 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

**Marginal Citations**

**M1** 1985 c. 6.

*Grants to the Advisory Committee*

- 10 (1) The Lord Chancellor may, with the approval of the Treasury, make to the Advisory Committee out of money provided by Parliament grants of such amounts as he thinks fit.
- (2) The payment by the Lord Chancellor of a grant under this paragraph shall be on such terms as he may, with the approval of the Treasury, provide.

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#### Commencement Information

**I10** Sch. 1 para. 10 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

#### *Annual report of Advisory Committee*

- 11 (1) The Advisory Committee shall submit to the Lord Chancellor an annual report on the discharge of its functions.
- (2) The Lord Chancellor shall lay the Advisory Committee’s annual report before each House of Parliament.

#### Commencement Information

**I11** Sch. 1 para. 11 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

#### *Immunity for advice and reports*

- 12 For the purposes of the law of defamation, the publication of any advice or report by the Advisory Committee in the exercise of any of its functions shall be absolutely privileged.

#### Commencement Information

**I12** Sch. 1 para. 12 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

#### *Parliamentary disqualification etc.*

- 13 (1) In Part II of Schedule 1 to the <sup>M2</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) the following entry shall be inserted at the appropriate place— “ The Lord Chancellor’s Advisory Committee on Legal Education and Conduct ”.
- (2) The same entry shall be inserted at the appropriate place in Part II of Schedule 1 to the <sup>M3</sup>Northern Ireland Assembly Disqualification Act 1975.

#### Commencement Information

**I13** Sch. 1 para. 13 in force 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

#### Marginal Citations

**M2** 1975 c. 24.

**M3** 1975 c. 25.

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