

SCHEDULES

SCHEDULE 5

Section 34(8).

THE AUTHORISED CONVEYANCING PRACTITIONERS BOARD

Appointment of members

- 1 (1) Every member of the Board—
- (a) shall be appointed for such term, not exceeding three 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 Board shall be eligible for re-appointment.
- (3) A member of the Board 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 Board if satisfied—
- (a) that he has failed to carry out his duties;
 - (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 Board.

Proceedings of the Board

- 2 The Board may regulate its own procedure.

Delegation of powers

- 3 Anything authorised or required by or under any enactment to be done by the Board, other than the making of rules, may be done—
- (a) by any member of the Board, or of the Board's staff, who has been authorised for the purpose, whether generally or specifically, by the Board; or
 - (b) by any committee or sub-committee of the Board which has been so authorised.

Vacancies and defective appointments

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

Status: This is the original version (as it was originally enacted).

Application of seal and proof of instruments

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

Documents served etc. by the Board

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

Remuneration

- 7 (1) The Board shall pay to its members such remuneration, and such travelling and other allowances, as it may determine.
- (2) If a member of the Board ceases to hold office and it appears to the Board that there are special circumstances which make it right that he should receive compensation, the Board may pay him such sum as it may determine.

Staff

- 8 (1) The Board may appoint such staff, and shall pay them such remuneration, as it may determine.
- (2) The Board may, as regards any of its staff—
- (a) pay to or in respect of them such pensions, allowances or gratuities, as it may determine; or
 - (b) provide and maintain for them such schemes (whether or not contributory) for the payment to or in respect of them of such pensions, allowances or gratuities, as it may determine.
- (3) The references in sub-paragraph (2) to pensions, allowances or gratuities include references to pensions, allowances or gratuities by way of compensation to or in respect of any of the Board's staff who suffer loss of employment or loss or diminution of emoluments.

Accounts

- 9 (1) The Board shall keep proper accounts of all sums received and paid by it and proper records in relation to those accounts.
- (2) The Board shall appoint auditors and cause its accounts to be audited annually by the auditors.

Status: This is the original version (as it was originally enacted).

- (3) As soon as is practicable after the accounts for any period have been audited, the Board shall cause them to be published and shall send a copy of them to the Lord Chancellor together with a copy of any report of the auditors on the accounts.
- (4) No person shall be qualified to be appointed as an 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 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.
- (5) A firm may be appointed as an auditor under this paragraph if each of its members is qualified to be so appointed.

Annual report of Board

- 10 (1) The Board shall submit to the Lord Chancellor an annual report on the discharge of its functions.
- (2) The Lord Chancellor shall lay the Board's annual report before Parliament.

Parliamentary disqualification etc.

- 11 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) the following entry shall be inserted at the appropriate place—

“The Authorised Conveyancing Practitioners Board”.
- (2) The same entry shall be inserted at the appropriate place in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.