

SCHEDULES

SCHEDULE 6

Section 128.

THE NATURE CONSERVANCY COUNCILS FOR ENGLAND AND SCOTLAND AND THE COUNTRYSIDE COUNCIL FOR WALES: CONSTITUTION.

Preliminary

- 1 In this Part of this Schedule any reference to the council is a reference to each of the Councils established by section 128 of this Act.

Constitution and membership

- 2 The council shall be a body corporate.
- 3 (1) The council shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; and the council's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (2) Sub-paragraph (1) above has effect subject to paragraph 18 below.
- 4 (1) The Secretary of State shall appoint one of the members of the council to be chairman of the council and may appoint a member to be deputy chairman.
- (2) The chairman, deputy chairman and other members of the council shall hold and vacate office in accordance with the terms of their appointment.
- (3) A member of the council may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman and deputy chairman of the council may by such a notice resign their office as such without resigning their membership.
- 5 A member of the council who ceases to be a member or ceases to be chairman or deputy chairman of the council shall be eligible for reappointment.
- 6 The Secretary of State may remove a member of the council from membership if he has—
- (a) become bankrupt or made an arrangement with his creditors or, in Scotland, had his estate sequestrated or made a trust deed for behoof of his creditors or a composition contract; or
 - (b) been absent from meetings of the council for a period longer than six consecutive months without the permission of the council;
- or if he is, in the opinion of the Secretary of State unable or unfit to discharge the functions of a member.

Remuneration and allowances for members of council

- 7 (1) The council shall—
- (a) pay to their members such remuneration and allowances (if any); and

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(b) as regards any member or former member in whose case the Secretary of State may so determine, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity,

as the Secretary of State may with the approval of the Treasury determine.

(2) If a person ceases to be a member of the council, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may require the council to pay to that person a sum of such amount as the Secretary of State may with the approval of the Treasury determine.

Staff

8 (1) There shall be a chief officer of the council.

(2) The first appointment of a chief officer shall be made by the Secretary of State after consultation with the chairman of the council (if there is a person holding that office when the appointment is made); and the council shall, with the approval of the Secretary of State, make the subsequent appointments.

9 The council may appoint such number of other employees as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

10 The council shall pay to the chief officer and their other employees such remuneration and allowances as the council may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

11 The council shall, in the case of such of their employees or former employees as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine—

- (a) pay such pensions, allowances or gratuities to or in respect of those employees,
- (b) make such payments towards provision of such pensions, allowances or gratuities, or
- (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,

as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

Proceedings

12 (1) The council may regulate their own procedure (including making provision in relation to quorum).

(2) The proceedings of the council and any committee of the council shall not be invalidated by any vacancy amongst their members or by any defect in the appointment of any such member.

Delegation of powers

13 (1) Anything authorised or required by or under any enactment to be done by the council may be done by any committee of theirs which, or by any member or employee of the council who, is authorised (generally or specially) for the purpose by the council.

- (2) Nothing in sub-paragraph (1) above shall prevent the council from doing anything that a committee, member or employee has been authorised to do.

Committees

- 14 (1) The council may appoint persons who are not members of the council to be members of any committee established by the council (in addition to any members of the council).
- (2) The council shall pay to a person so appointed such remuneration and allowances (if any) as the Secretary of State may with the approval of the Treasury determine.
- (3) The council may regulate the procedure of any committee of theirs.

Documents

- 15 (1) This paragraph applies in England and Wales only.
- (2) The application of the seal of the council shall be authenticated by the signature of any member or employee of the council who is authorised (generally or specially) for the purpose by the council.
- (3) Any document purporting to be an instrument made or issued by the council and to be duly executed under the seal of the council, or to be signed or executed by a person authorised for the purpose by the council, shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is shown.
- 16 (1) Sub-paragraphs (2) and (3) below apply in Scotland only; and they do not apply where an enactment (including an enactment contained in a statutory instrument) provides otherwise.
- (2) A document—
- (a) is signed by the council if it is signed on their behalf by a member or by the chief officer or by a person authorised to sign the document on behalf of the council; and
 - (b) is subscribed by the council if it is subscribed on their behalf by being signed in accordance with the provisions of paragraph (a) above at the end of the last page of the document.
- (3) A document shall be presumed, unless the contrary is shown, to have been subscribed in accordance with sub-paragraph (2) above if—
- (a) it bears to have been subscribed on behalf of the council by a member or by the chief officer or by a person bearing to have been authorised to subscribe the document on behalf of the council; and
 - (b) it bears to have been signed by a person as a witness of the subscription of the member, chief officer or other person subscribing on behalf of the council or (if the subscription is not so witnessed) to have been sealed with the common seal of the council.

Public Records

- 17 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 (organisations whose records are

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public records) there shall be inserted in the appropriate places entries relating to the Countryside Council for Wales and the Nature Conservancy Council for England.

Land

- 18 (1) For the purposes of the application of any enactment or rule of law to land an interest in which belongs to the council, and which is managed as a nature reserve, the council shall be deemed to be a Government department; and any other land occupied by them shall be deemed, for the purpose of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.
- (2) In sub-paragraph (1) above “interest” and “land” have the meanings assigned to them by section 114 of the National Parks and Access to the Countryside Act 1949.

Reports, accounts etc.

- 19 The council shall—
- (a) furnish the Secretary of State with such returns, accounts and other information with respect to their property and activities or proposed activities as he may from time to time require;
 - (b) afford to the Secretary of State facilities for the verification of information so furnished; and
 - (c) for the purpose of such verification, permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the council’s accounts, books, documents or papers and give that person such explanation of anything he is entitled to inspect as he may reasonably require.
- 20 (1) The council shall—
- (a) as soon as possible after the 31st March following the date appointed under section 131(3) of this Act make to the Secretary of State a report on the exercise and performance of their functions down to that date, and
 - (b) make a similar report to him as to each period of twelve months thereafter as soon as possible after its end;
- and a copy of each such report shall be laid before each House of Parliament by the Secretary of State.
- (2) Without prejudice to the generality of sub-paragraph (1) above, the report of the Countryside Council for Wales for any year shall include a statement of the action taken by the Council to promote the enjoyment of the countryside by members of the public who are disabled.
- 21 (1) The council shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (2) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statements of account of the council for the financial year last ended.
- (3) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under this paragraph, and lay copies of them together with his report thereon before each House of Parliament.

- (4) In this paragraph “financial year” means the period beginning with the day appointed under section 131(3) of this Act and ending with the 31st March following that date and each period of twelve months thereafter.

Superannuation Act 1965 (c. 74)

22 In paragraph 7 of section 39(1) of the Superannuation Act 1965 (public offices)—

- (a) there shall be inserted in the appropriate place the following entry—

“The Countryside Council for Wales.”;

- (b) for the entry relating to the Nature Conservancy Council there shall be substituted the following entries—

“The Nature Conservancy Council for England.

The Nature Conservancy Council for Scotland.”

Parliamentary Commissioner Act 1967 (c. 13)

23 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation)—

- (a) after the entry for the Countryside Commission for Scotland there shall be inserted the following entry—

“Countryside Council for Wales.”;

- (b) for the entry relating to the Nature Conservancy Council there shall be substituted the following entries—

“Nature Conservancy Council for England.

Nature Conservancy Council for Scotland.”

House of Commons Disqualification Act 1975 (c. 24)

24 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), for the entry relating to members of the Nature Conservancy Council in receipt of remuneration there shall be substituted—

“Any member of the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland or the Countryside Council for Wales in receipt of remuneration.”

Inheritance Tax Act 1984 (c. 51)

25 In Schedule 3 to the Inheritance Tax Act 1984 (gifts for national purposes), for the entry relating to the Nature Conservancy Council there shall be substituted the following entries—

“Nature Conservancy Council for England.

Nature Conservancy Council for Scotland.

Countryside Council for Wales.”