
Status: Point in time view as at 06/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 12. (See end of Document for details)

SCHEDULE 12

Section 128(6).

STATUS, CONSTITUTION AND PROCEEDINGS OF THE SCOTTISH CHILDREN’S REPORTER ADMINISTRATION

Status

- 1 The Administration shall be a body corporate and shall have a common seal.
- 2 The Administration shall not—
- (a) be regarded as a servant or agent of the Crown;
 - (b) have any status, immunity or privilege of the Crown;
 - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever whether general or local,
- and its property shall not be regarded as property of, or held on behalf of, the Crown.

Membership

- 3 (1) The members of the Administration shall be not fewer than five, nor more than eight, persons one of whom shall be the Principal Reporter; the others shall be appointed by the Secretary of State under this paragraph.
- (2) The persons appointed under this paragraph to be members of the Administration shall be persons appearing to the Secretary of State to have knowledge or experience relevant to the general purpose of the Administration or to the functions of the Principal Reporter.
- (3) The Secretary of State may, by order, substitute another number for that specified in sub-paragraph (1) above as the maximum number of members of the Administration.
- (4) An order under sub-paragraph (3) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- 4 (1) The Secretary of State shall satisfy himself—
- (a) before he appoints a person to be a member of the Administration under paragraph 3 above that the person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
 - (b) from time to time that each person so appointed continues, and has continued, to have no such interest.
- (2) A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in sub-paragraph (1)(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of fulfilling that requirement.
- 5 Subject to paragraphs 6 and 7 below, each member of the Administration appointed under paragraph 3 above—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
 - (b) may, by notice in writing to the Secretary of State, resign his membership; and
 - (c) after ceasing to hold office shall be eligible for reappointment as a member.

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- 6 The Secretary of State may remove from office a member of the Administration appointed under paragraph 3 above if he is satisfied that the member—
- (a) has had his estate sequestrated, has made an arrangement with his creditors, has been adjudged bankrupt or has granted a trust deed for his creditors or a composition contract;
 - (b) is incapacitated by physical or mental illness;
 - (c) has been absent from meetings of the Administration for a period longer than three months without the permission of the Administration; or
 - (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

Chairman and deputy chairman

- 7 (1) The Secretary of State shall appoint one of the members of the Administration appointed under paragraph 3 above to be chairman and, after consulting the chairman, shall appoint another of those members to be deputy chairman.
- (2) The chairman and deputy chairman shall hold and vacate office in terms of their respective appointments.
- (3) A member of the Administration who is chairman or deputy chairman may resign his office by notice in writing to the Secretary of State; and if the chairman or deputy chairman ceases to be a member of the Administration (whether or not on giving notice under paragraph 5(b) above) he shall cease to be its chairman or, as the case may be, deputy chairman.
- (4) Where a member of the Administration becomes, or ceases to be, chairman or deputy chairman, the Secretary of State may vary the terms of his appointment as a member so as to alter the date on which his office as a member is to be vacated.

Remuneration and allowances

- 8 (1) The Administration shall—
- (a) pay to its members appointed under paragraph 3 above such allowances (if any) and remuneration; and
 - (b) as regards any such member or former such member determined for the purposes of this paragraph by the Secretary of State, 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 appointed under paragraph 3 above ceases to be a member of the Administration, 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 Administration to pay to that person a sum of such amount as the Secretary of State may, with the approval of the Treasury, determine.
- 9 (1) The Administration shall, in the case of such of its officers or former officers as it 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 officers;
 - (b) make such payments towards provision of such pensions, allowances or gratuities; or

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- (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities, as it may, with such approval given with such consent, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of officers of the Administration includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such officer who suffers loss of office.
- (3) If an officer of the Administration becomes a member and was by reference to his office a participant in a pension scheme established and administered by it for the benefit of its officers—
 - (a) the Administration may determine that his service as a member shall be treated for the purposes of the scheme as service as an officer whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but
 - (b) if the Administration determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on the Administration shall be exercised only with the approval of the Secretary of State given with the consent of the Treasury.

Proceedings

- 10 (1) The Administration may regulate its own procedure.
- (2) The power conferred by sub-paragraph (1) above extends to making provision in relation to the quorum for the meetings of the Administration and the meetings of any committee established by it.
- (3) The proceedings of the Administration and of any committee established by it shall not be invalidated by any vacancy amongst its members or the members of such committee or by any defect in the appointment of such member.

Committees

- 11 (1) The Administration may appoint persons who are not members of it to be members of any committee established by it.
- (2) No committee established by the Administration shall consist entirely of persons who are not members of the Administration.
- (3) The Administration shall pay to a person appointed to such a committee such remuneration and allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (4) The Administration may regulate the procedure of any committee established by it and any such committee shall comply with any directions given to it by the Administration.

Delegation of powers

- 12 (1) Anything authorised or required by or under any enactment to be done by the Administration may, subject to sub-paragraph (3) below, be done by any of its

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committees which, or by any of its members or officers who, is authorised (generally or specifically) for the purpose by the Administration.

- (2) Nothing in sub-paragraph (1) above shall prevent the Administration from doing anything that a committee, member or officer has been authorised to do.
- (3) Sub-paragraph (1) above does not extend to the duties of the Administration under section 136 of this Act.

Documents

- 13 (1) For any purpose other than those mentioned in sub-paragraph (2) below, a document is validly executed by the Administration if it is signed on its behalf by a member or by the Principal Reporter or by an officer authorised to sign the document on its behalf.
- (2) For the purposes of any enactment or rule of law relating to the authentication of documents, a document is validly executed by the Administration if it is subscribed on its behalf by being executed in accordance with the provisions of sub-paragraph (1) above.
- (3) A document which bears to have been executed by the Administration in accordance with sub-paragraph (2) above shall, in relation to such execution, be a probative document if—
 - (a) the subscription of the document bears to have been attested by at least one witness; or
 - (b) the document bears to be sealed with the seal of the Administration.

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