

SCHEDULES

SCHEDULE 1

Section 1(3).

CONSTITUTION ETC

Status

- 1 (1) The Commission is a body corporate.
- (2) The Commission is not the servant or agent of the Crown, it does not enjoy any status, immunity or privilege of the Crown and its property is not to be regarded as property of or as held on behalf of the Crown.

Membership

- 2 (1) The Commission shall consist of not less than 10 and not more than 15 commissioners appointed by the Secretary of State.
- (2) The Secretary of State may appoint as a commissioner a person who is not disabled and has not had a disability only if satisfied that after the appointment more than half of the commissioners will be disabled persons or persons who have had a disability.
- (3) Sub-paragraph (2) shall not apply in respect of the first three appointments under this paragraph.

Tenure of office of commissioners

- 3 (1) A commissioner shall hold and vacate office in accordance with the terms of his appointment.
- (2) A person shall not be appointed a commissioner for less than two or more than five years; but a person who has served as a commissioner may be reappointed.
- 4 A commissioner may resign by notice in writing to the Secretary of State.
- 5 The Secretary of State may terminate the appointment of a commissioner if satisfied that—
- (a) without the consent of the chairman he has failed to attend meetings of the Commission during a continuous period of six months beginning not earlier than nine months before the termination;
 - (b) he has become bankrupt, has had his estate sequestrated or has made a composition or arrangement with, or granted a trust deed for, his creditors; or
 - (c) he is otherwise unable or unfit to carry out his functions as a commissioner.

Tenure of office of chairman and deputy chairmen

- 6 (1) The Secretary of State shall appoint one commissioner as chairman of the Commission and either one or two other commissioners as deputy chairmen.

Status: This is the original version (as it was originally enacted).

- (2) The Secretary of State shall exercise his powers of appointment under this paragraph with a view to securing that at least one of the persons holding office as chairman or deputy chairman is a disabled person or a person who has had a disability.
- 7 A person appointed as chairman or deputy chairman—
- (a) shall hold and vacate that office in accordance with the terms of his appointment,
 - (b) may resign that office by notice in writing to the Secretary of State, and
 - (c) shall cease to hold that office if he ceases to be a commissioner.

Remuneration, pensions etc. of commissioners

- 8 The Commission may—
- (a) pay to any commissioner such remuneration or expenses; and
 - (b) pay, or make provision for the payment of, such sums by way of pensions, allowances or gratuities to or in respect of any commissioner,
- as the Secretary of State may determine.
- 9 If the Secretary of State determines that there are special circumstances which make it right that a person who has ceased to be a commissioner should receive compensation, the Secretary of State may direct the Commission to pay that person such sum by way of compensation as the Secretary of State may determine.

Staff

- 10 (1) The Commission shall have—
- (a) a chief executive appointed by the Commission, subject to the approval of the Secretary of State; and
 - (b) such other employees as the Commission may appoint, subject to the approval of the Secretary of State as to numbers and terms and conditions of service.
- (2) The first appointment of a chief executive shall be made by the Secretary of State.
- 11 (1) Employment with the Commission shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Royal Commissions and other Commissions there shall be inserted—
- “Disability Rights Commission.”
- (2) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

Proceedings etc.

- 12 (1) The Commission may regulate its own procedure (including quorum).
- (2) The quorum for meetings of the Commission shall in the first instance be determined by a meeting of the Commission attended by at least five commissioners.

- 13 The validity of any proceedings of the Commission is not affected by a vacancy among the commissioners or by a defect in the appointment of a commissioner.

Delegation

- 14 (1) The Commission may authorise any committee of the Commission or any commissioner to exercise such of its functions (other than functions relating to the conduct of a formal investigation) as it may determine.
- (2) This paragraph does not affect any power of the Commission to authorise its employees to do anything on its behalf.

Accounts

- 15 (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts,
 - (b) prepare a statement of accounts in respect of each accounting year, and
 - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General not later than the 31st August following the end of the accounting year to which it relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts and shall lay copies of the statement and of his report before each House of Parliament.
- (3) The Commission's accounting year is the twelve months ending with 31st March.
- (4) The Commission's first accounting year shall be the period of not more than 12 months beginning with the Commission's establishment and ending with 31st March.

Annual reports

- 16 (1) As soon as practicable after the end of each accounting year the Commission shall submit to the Secretary of State a report on its activities during that year.
- (2) The report shall include (among other things)—
- (a) a report on anything done by the Commission, in the performance of its functions under section 2(1)(a) to (c), jointly or otherwise in co-operation with any other organisation;
 - (b) a general survey of developments in matters within the scope of the Commission's functions; and
 - (c) proposals for the Commission's activities in the current year.
- (3) The Secretary of State shall lay a copy of the report before Parliament and arrange for such further publication of it as he considers appropriate.

List of consultees

- 17 (1) The Commission shall maintain a list of the organisations it has consulted generally for the purposes of any of its functions.
- (2) An organisation may be removed from the list if it has not been consulted generally in the 12 months preceding its removal.

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- (3) For the purposes of sub-paragraphs (1) and (2), consultation is general unless it relates only—
- (a) to an investigation to which paragraph 3 of Schedule 3 applies,
 - (b) to assistance under section 7, or
 - (c) otherwise to a particular individual or individuals.
- (4) The Commission shall make the list available to the public in whatever way it considers appropriate (subject to any charge it may impose).