

SCHEDULES

SCHEDULE 1

Sections 6, 54 and 66.

THE COMMISSION AND THE COUNCILS

Introductory

- 1 (1) The authorities for the purposes of this Schedule are the Commission, the English Council and the Welsh Council.
- (2) In this Schedule, in relation to the Welsh Council—
- (a) references to the Secretary of State or to Parliament are to be read as references to the Assembly;
 - (b) references to the Comptroller and Auditor General are to be read as references to the Auditor General for Wales.

Status

- 2 An authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and an authority's property is to not to be regarded as property of, or property held on behalf of, the Crown.

General powers

- 3 (1) Subject to any directions given by the Secretary of State, an authority may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) co-operating with other public authorities in the United Kingdom;
 - (b) acquiring and disposing of land and other property; and
 - (c) entering into contracts.

General duty

- 4 It is the duty of an authority to carry out its functions effectively, efficiently and economically.

Membership

- 5 Each authority is to consist of a chairman and other members appointed by the Secretary of State.

Appointment, procedure etc.

- 6 The Secretary of State may by regulations make provision as to—

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- (a) the appointment of the chairman and other members of an authority (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment);
- (b) the tenure of office of the chairman and other members of an authority (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of an authority (including committees and sub-committees which consist of or include persons who are not members of the authority); and
- (d) the procedure of an authority and any committees or sub-committees of an authority (including the validation of proceedings in the event of vacancies or defects in appointment).

Remuneration and allowances

- 7 (1) An authority may pay to its chairman, to any other member of the authority and to any member of a committee or sub-committee who is not a member of the authority, such remuneration and allowances as the Secretary of State may determine.
- (2) If the Secretary of State so determines, an authority must pay or make provision for the payment of such pension, allowance or gratuities as the Secretary of State may determine to or in respect of a person who is or has been the chairman or any other member of an authority.
- (3) If the Secretary of State determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of an authority to receive compensation, the authority must pay to him or make provision for the payment to him of such compensation as the Secretary of State may determine.

Chief officer

- 8 (1) There is to be a chief officer of each authority who is to be a member of the staff of the authority and is to be responsible to the authority for the general exercise of its functions.
- (2) The first chief officer is to be appointed by the Secretary of State on such terms and conditions as the Secretary of State may determine.
- (3) Any subsequent chief officer is to be appointed by the authority.
- (4) An appointment under sub-paragraph (3) requires the approval of the Secretary of State.

Regional directors

- 9 (1) The Secretary of State may direct the Commission to appoint directors for regions specified in the direction.
- (2) Directors appointed under sub-paragraph (1) shall be members of the staff of the Commission and shall have such functions as may be prescribed.

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Children's rights director

- 10 (1) The Commission shall appoint a children's rights director who is to be a member of the staff of the Commission.
- (2) The children's rights director shall have such functions as may be prescribed.

Director of private and voluntary health care

- 11 (1) The Commission shall appoint a director of private and voluntary health care, who is to be a member of the staff of the Commission.
- (2) The director shall have such functions as may be prescribed.

Staff

- 12 (1) An authority may appoint such other staff as it considers appropriate.
- (2) Subject to sub-paragraph (4), staff appointed by an authority are to be appointed on such terms and conditions as the authority may determine.
- (3) Without prejudice to its powers apart from this paragraph, an authority may pay, or make provision for the payment of—
- (a) pensions, allowances or gratuities;
 - (b) compensation for loss of employment or for reduction of remuneration, to or in respect of staff appointed by them.
- (4) The Secretary of State may give directions as to—
- (a) the appointment of staff by an authority (including any conditions to be fulfilled for appointment);
 - (b) their terms and conditions; and
 - (c) any other provision that may be made by the authority under sub-paragraph (3).
- (5) Sub-paragraphs (3) and (4)(c) apply to the first chief officer as they apply to other staff.
- (6) Different directions may be given under sub-paragraph (4) in relation to different categories of staff.

Delegation of functions

- 13 (1) An authority may arrange for the discharge of any of its functions by a committee, sub-committee, member or member of staff of the authority.
- (2) An authority may make arrangements with persons under which they, or members of their staff, may perform functions of members of the staff of the authority.

Arrangements for the use of staff

- 14 The Secretary of State may by regulations provide for arrangements under which—
- (a) members of staff of an authority are placed at the disposal of a prescribed person for the purpose of discharging, or assisting in the discharge of, prescribed functions of that person; or

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- (b) members of staff of a prescribed person are placed at the disposal of an authority for the purpose of discharging, or assisting in the discharge of, any functions of the authority.

Training

- 15 The Commission may provide training for the purpose of assisting persons to attain standards set out in any statements published by the Secretary of State under section 23.

Payments to authorities

- 16 The Secretary of State may make payments to an authority of such amounts, at such times and on such conditions (if any) as he considers appropriate.

Fees

- 17 (1) Subject to the provisions of this Act, the Commission may not, except with the consent of the Secretary of State, charge a fee in connection with the exercise of any power conferred on it by or under this Act.
- (2) The Commission may charge a reasonable fee determined by it—
 - (a) for any advice, forms or documents provided for the assistance of a person who proposes to apply, or is considering whether to apply, for registration under Part II; and
 - (b) for any training provided by it under paragraph 15.
- (3) The consent of the Secretary of State for the purposes of sub-paragraph (1) may be given in relation to the exercise of a power either generally or in a particular case.

Accounts

- 18 (1) An authority must keep accounts in such form as the Secretary of State may determine.
- (2) An authority must prepare annual accounts in respect of each financial year in such form as the Secretary of State may determine.
- (3) An authority must send copies of the annual accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General must examine, certify and report on the annual accounts and must lay copies of the accounts and of his report before Parliament.
- (5) In this paragraph and paragraph 19 “financial year”, in relation to an authority, means—
 - (a) the period beginning with the date on which the authority is established and ending with the next 31st March following that date; and
 - (b) each successive period of twelve months ending with 31st March.

Reports and other information

- 19 (1) As soon as possible after the end of each financial year, an authority must make a report to the Secretary of State on the exercise of its functions during the year.
- (2) An authority must provide the Secretary of State with such reports and information relating to the exercise of its functions as he may from time to time require.
- (3) A report made under sub-paragraph (1) must be published in a manner which the authority considers appropriate.

Application of seal and evidence

- 20 The application of the seal of an authority must be authenticated by the signature—
- (a) of any member of the authority; or
 - (b) of any other person who has been authorised by the authority (whether generally or specifically) for that purpose.
- 21 A document purporting to be duly executed under the seal of an authority or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

General

- 22 In Schedule 1 to the Public Records Act 1958 (definition of public records), the following entries shall be inserted at the appropriate places in Part II of the Table at the end of paragraph 3—
- “Care Council for Wales.”
- “General Social Care Council.”
- “National Care Standards Commission.”
- 23 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (bc) of paragraph 1 there shall be inserted—
- “(bd) the Care Council for Wales;
 - (be) the General Social Care Council;
 - (bf) the National Care Standards Commission;”.
- 24 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments and authorities subject to investigation), the following entries shall be inserted at the appropriate places—
- “General Social Care Council.”
- “National Care Standards Commission.”
- 25 In the House of Commons Disqualification Act 1975, in Part II of Schedule 1 (bodies of which all members are disqualified), the following entries shall be inserted at the appropriate places—
- “The Care Council for Wales.”
- “The General Social Care Council.”

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“The National Care Standards Commission.”

26 In the Northern Ireland Assembly Disqualification Act 1975, the same entries as are set out in paragraph 25 are inserted at the appropriate places in Part II of Schedule 1.

27 In the Government of Wales Act 1998—

(a) in section 118(2) (meaning of “Welsh public records”), after “referred to in subsection (1)(e) are—” there shall be inserted—

“(aa) the Care Council for Wales;”

(b) in Schedule 4 (public bodies subject to reform by Assembly), after paragraph 3 there shall be inserted—

“3A The Care Council for Wales.”

(c) in paragraph 14(2) of Schedule 9 (bodies subject to investigation by the Welsh Administration Ombudsman), after paragraph (a) there shall be inserted—

“(ab) the Care Council for Wales;” and

(d) in paragraph 1 of Schedule 17 (audit of Welsh public bodies), at the end there shall be inserted “(other than the Care Council for Wales)”.