

SCHEDULES

SCHEDULE 2

Section 13

THE HUMAN TISSUE AUTHORITY

Membership

- 1 (1) The Authority shall consist of—
 - (a) a chairman appointed by the Secretary of State,
 - (b) such number of other members appointed by the Secretary of State as the Secretary of State thinks fit,
 - (c) a member appointed by the National Assembly for Wales, and
 - (d) a member appointed by the relevant Northern Ireland department.
- (2) The Secretary of State shall exercise his power to appoint members of the Authority to secure that at all times not less than half of the members are persons who do not have, and have not had, a professional interest in any of the kinds of activity within the remit of the Authority.

Disqualification

- 2 A person is disqualified for being appointed as chairman of the Authority if he has, or has had, a professional interest in any of the kinds of activity within the remit of the Authority.
- 3 (1) A person is disqualified for being appointed as chairman or other member of the Authority if—
 - (a) he is the subject of a bankruptcy restrictions order or interim order,
 - (b) a bankruptcy order has been made against him by a court in Northern Ireland, his estate has been sequestrated by a court in Scotland or, under the law of Northern Ireland or Scotland, he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (c) in the last five years he has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on him.
- (2) Where a person is disqualified under sub-paragraph (1)(b) because a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
 - (a) on his obtaining a discharge, or
 - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (3) Where a person is disqualified under sub-paragraph (1)(b) because of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease—

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- (a) at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled, or
 - (b) if, before then, he pays his debts in full, on the date on which the payment is completed.
- (4) For the purposes of sub-paragraph (1)(c), the date of conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- (5) In sub-paragraph (1)(c), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.

Tenure of office

- 4 Subject to the following provisions of this Schedule, the chairman and other members of the Authority shall hold and vacate office in accordance with the terms of their respective appointments.
- 5 (1) The terms of appointment of the chairman and other members of the Authority shall be such as the Secretary of State may determine, subject to sub-paragraph (2).
- (2) Appointment as chairman or other member shall be for a term not exceeding three years.
- 6 Previous service as chairman or other member of the Authority does not affect a person's eligibility for appointment to either office.
- 7 A person holding office as chairman or other member of the Authority may resign that office by giving notice in writing to the person who appointed him.
- 8 A person holding office as chairman or other member of the Authority shall cease to hold that office if he ceases to be qualified for appointment to it.
- 9 A person may be removed from office as chairman or other member of the Authority by the person who appointed him if that person is satisfied that he—
- (a) has been absent from meetings of the Authority for six consecutive months, or longer, without the permission of the Authority, or
 - (b) is unable or unfit to carry out his functions as chairman or other member.

Remuneration and pensions of members

- 10 (1) The Authority may pay to the chairman or any of the other members of the Authority such remuneration as the Secretary of State may determine.
- (2) The Authority may pay, or make provision for paying, to or in respect of the chairman or any of the other members of the Authority such pensions, allowances, fees, expenses or gratuities as the Secretary of State may determine.
- (3) The Authority may make a payment to a person who ceases to hold office as chairman or other member of the Authority otherwise than on the expiry of his term of office if it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation.

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- (4) A payment under sub-paragraph (3) shall be of such amount as the Secretary of State may determine.

Staff

- 11 The Authority may appoint such staff as it considers appropriate, on such terms and conditions as it may determine.

Proceedings

- 12 Subject to any provision of this Act, the Authority may regulate its own procedure (including quorum).
- 13 The validity of any proceedings of the Authority shall not be affected by—
- (a) any vacancy in the office of—
 - (i) chairman,
 - (ii) member appointed by the National Assembly for Wales, or
 - (iii) member appointed by the relevant Northern Ireland department,
 - (b) any defect in a person's appointment as chairman or other member, or
 - (c) the composition for the time being of the membership of the Authority.

Members' interests

- 14 (1) The Authority shall establish and maintain a system for the declaration and registration of private interests of its members.
- (2) The Authority shall publish entries recorded in the register of members' interests.

Finance

- 15 The Secretary of State may out of money provided by Parliament make payments to the Authority of such amounts, at such times and on such conditions (if any) as he considers appropriate.

Accounts and audit

- 16 (1) The Authority shall keep proper accounts and proper records in relation to its accounts.
- (2) The Authority shall prepare a statement of accounts in respect of each of its financial years.
- (3) Any such statement of accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the information to be contained in it,
 - (b) the manner in which that information is to be presented, and
 - (c) the methods and principles according to which the statement is to be prepared.
- (4) The Authority shall send a copy of each statement of accounts required by sub-paragraph (2) to—
- (a) the Secretary of State,

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- (b) the National Assembly for Wales,
 - (c) the relevant Northern Ireland department, and
 - (d) the Comptroller and Auditor General,
- before the end of such period after the end of the financial year to which the statement relates as the Secretary of State may specify by notice given to the Authority.
- (5) The relevant Northern Ireland department shall lay before the Northern Ireland Assembly each statement of accounts received by it under sub-paragraph (4).
- (6) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under sub-paragraph (4), and
 - (b) lay a copy of each such statement of accounts, and of his report on it, before each House of Parliament.
- (7) The power under sub-paragraph (3) to give directions includes power to vary or revoke directions given in previous exercise of the power.
- (8) In this paragraph, “financial year” means—
- (a) the period beginning with the date on which the Authority is established and ending with the next 31st March, and
 - (b) each successive period of 12 months ending with 31st March.

Instruments

- 17 The application of the seal of the Authority shall be authenticated by the signature of any member of the Authority or of any other person who has been authorised for the purpose by the Authority, whether generally or specially.
- 18 A document purporting—
- (a) to be duly executed under the seal of the Authority, or
 - (b) to be signed on its behalf,
- shall be received in evidence and be taken, without further proof, to be so executed or signed unless the contrary is shown.

Status

- 19 (1) The Authority is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown.
- (2) The property of the Authority is not to be regarded as property of, or property held on behalf of, the Crown.

Supplementary powers

- 20 The Authority may do anything which is calculated to facilitate, or is conducive or incidental to, the carrying-out of its functions, but may not borrow money.
- 21 The Authority may delegate any of its functions (to such extent as it may determine)
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- (a) to any member of the Authority,
 - (b) to any member of the staff of the Authority, or
 - (c) to a committee consisting of persons each of whom is—

- (i) a member of the Authority, or
- (ii) a member of the staff of the Authority.

Application of Statutory Instruments Act 1946

- 22 The Statutory Instruments Act 1946 (c. 36) shall apply to any power to make orders or regulations conferred by an Act on the Authority as if the Authority were a Minister of the Crown.

Public records

- 23 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records), in Part 2 of the Table at the end of paragraph 3 the following entry is inserted at the appropriate place—

“Human Tissue Authority.”

Investigation by Parliamentary Commissioner

- 24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments and authorities subject to investigation), the following entry is inserted at the appropriate place—

“Human Tissue Authority.”

House of Commons Disqualification

- 25 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—

“The Human Tissue Authority.”

Northern Ireland Assembly Disqualification

- 26 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), the following entry is inserted at the appropriate place—

“The Human Tissue Authority.”

Freedom of information

- 27 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), the following entry is inserted at the appropriate place—

“The Human Tissue Authority.”