

SCHEDULES

SCHEDULE 4

Section 81

THE CHIEF EXECUTIVE OF SKILLS FUNDING

Status

- 1 (1) The Chief Executive is to perform the functions of the office on behalf of the Crown.
- (2) The person for the time being holding the office of Chief Executive is by the name of that office to be a corporation sole.

Tenure of office and terms of appointment

- 2 (1) The Secretary of State may remove the Chief Executive from office on the grounds of inability or unfitness to carry out the functions of the office.
- (2) The Chief Executive may resign at any time by giving written notice to the Secretary of State.
- (3) Otherwise, the Chief Executive holds and vacates office in accordance with the terms of appointment to that office (which may include provision for dismissal).
- (4) Service as Chief Executive is to be employment in the civil service of the State.

Staff

- 3 (1) The Chief Executive may appoint staff.
- (2) Service as a member of the Chief Executive's staff is to be service in the civil service of the State.
- (3) Subject to sub-paragraph (2), the conditions of service of the staff appointed by the Chief Executive are to be determined by the Chief Executive.

Delegation

- 4 (1) The Chief Executive may delegate any of the functions of the office—
 - (a) to a member of the Chief Executive's staff appointed under paragraph 3, or
 - (b) to a member of staff provided to the Chief Executive by the Secretary of State under arrangements under paragraph 5.
- (2) Any delegation under sub-paragraph (1) is to be to the extent, and on terms, that the Chief Executive determines.
- (3) This paragraph is subject to section 82.

Status: This is the original version (as it was originally enacted).

Arrangements with Secretary of State

- 5 The Secretary of State and the Chief Executive may enter into arrangements with each other for the provision to the Chief Executive by the Secretary of State, on such terms as may be agreed, of staff, accommodation or services.

Funding

- 6 (1) The Secretary of State may make grants to the Chief Executive.
- (2) Grants to the Chief Executive are to be made at such times and subject to such conditions (if any) as the Secretary of State thinks appropriate.
- (3) Conditions to which a grant is subject may—
- (a) set the Chief Executive's budget for any financial year;
 - (b) require the Chief Executive to use the grant for specified purposes;
 - (c) require the Chief Executive to comply with specified requirements in respect of persons or persons of a specified description in securing the provision of specified financial resources to such persons;
 - (d) enable repayment (in whole or part) to be required of sums paid by the Secretary of State if any condition subject to which the grant was made is not complied with;
 - (e) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any condition remains unpaid.
- (4) Requirements which may be imposed under sub-paragraph (3)(c) include in particular requirements that, if the Chief Executive provides specified financial resources, the Chief Executive is to impose specified conditions.

Reports

- 7 (1) As soon as reasonably practicable after the end of each financial year the Chief Executive must prepare an annual report for the financial year.
- (2) The annual report must state how the Chief Executive has performed the functions of the office in the financial year.
- (3) The Chief Executive must send a copy of each report prepared under sub-paragraph (1) to the Secretary of State.
- (4) The Secretary of State must lay before Parliament a copy of each report received under sub-paragraph (3) and arrange for it to be published.
- (5) The Chief Executive may—
- (a) prepare other reports on matters relating to the functions of the office, and
 - (b) must send a copy of each report prepared under paragraph (a) to the Secretary of State.

Accounts

- 8 (1) The Chief Executive must—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare annual accounts in respect of each financial year.

- (2) The annual 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 them,
 - (b) the manner in which the information contained in them is to be presented, or
 - (c) the methods and principles according to which the annual accounts are to be prepared.
- (3) Before the end of the month of August next following each financial year, the Chief Executive must send copies of the annual accounts for the year to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the annual accounts, and
 - (b) give a copy of the report to the Secretary of State.
- (5) The Secretary of State must lay before Parliament—
 - (a) a copy of any annual accounts received under sub-paragraph (3), and
 - (b) a copy of each report received under sub-paragraph (4).

Supplementary powers

- 9 (1) The Chief Executive may do anything that the Chief Executive considers necessary or appropriate for the purposes of, or in connection with, the functions of the office.
- (2) The power in sub-paragraph (1) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The Chief Executive may not borrow money.
- (4) The Chief Executive may not do any of the following without the consent of the Secretary of State—
 - (a) lend money;
 - (b) form, participate in forming or invest in a company;
 - (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the [Charities Act 1993 \(c. 10\)](#)).
- (5) In sub-paragraph (4)(b) the reference to investing in a company includes a reference to—
 - (a) becoming a member of the company, and
 - (b) investing in it by the acquisition of any assets, securities or rights or otherwise.

Directions about management

- 10 The Secretary of State may give directions to the Chief Executive about the financial and other management of and administrative arrangements relating to the office comprising the Chief Executive and the staff of the Chief Executive.

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

Financial year

- 11 In this Schedule “financial year” means—
- (a) the period beginning on the day on which section 81 comes into force and ending on the following 31 March;
 - (b) each successive period of 12 months.