

SCHEDULES

SCHEDULE 1

THE COMMISSION: CONSTITUTION, &c.

PART 1

CONSTITUTION

Membership

- 1 (1) The Secretary of State shall appoint not less than 10 or more than 15 individuals as members of the Commission (to be known as Commissioners).
- (2) The chief executive of the Commission (appointed under paragraph 7 below) shall be a Commissioner *ex officio*.
- 2 (1) In appointing Commissioners the Secretary of State shall—
 - (a) appoint an individual only if the Secretary of State thinks that the individual—
 - (i) has experience or knowledge relating to a relevant matter, or
 - (ii) is suitable for appointment for some other special reason, and
 - (b) have regard to the desirability of the Commissioners together having experience and knowledge relating to the relevant matters.
- (2) For the purposes of sub-paragraph (1) the relevant matters are those matters in respect of which the Commission has functions including, in particular—
 - (a) discrimination (whether on grounds of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation or otherwise), and
 - (b) human rights.
- (3) The Secretary of State shall ensure that the Commission includes—
 - (a) a Commissioner appointed under paragraph 1(1) who is (or has been) a disabled person,
 - (b) a Commissioner appointed under paragraph 1(1), with the consent of the Scottish Ministers, who knows about conditions in Scotland, and
 - (c) a Commissioner appointed under paragraph 1(1), with the consent of the National Assembly for Wales, who knows about conditions in Wales.
- (4) A person may not be appointed for the purpose of satisfying more than one paragraph of sub-paragraph (3).

Tenure

- 3 (1) A Commissioner shall hold and vacate office in accordance with the terms of his appointment (subject to this Schedule).

Status: This is the original version (as it was originally enacted).

- (2) The appointment of a Commissioner must be expressed to be for a specified period of not less than two years or more than five years.
- (3) A Commissioner whose period of membership has expired may be re-appointed.
- (4) A Commissioner may resign by notice in writing to the Secretary of State.
- (5) The Secretary of State may dismiss a Commissioner who is, in the opinion of the Secretary of State, unable, unfit or unwilling to perform his functions.
- (6) This paragraph does not apply to the chief executive.

Chairman

- 4 (1) The Secretary of State shall appoint—
 - (a) a Commissioner as Chairman, and
 - (b) one or more Commissioners as deputy Chairman.
- (2) The Chairman shall—
 - (a) preside over meetings of the Commission,
 - (b) perform such functions as may be specified in the terms of his appointment, and
 - (c) perform such other functions as may be assigned to him by the Commission.
- (3) A deputy Chairman—
 - (a) may act for the Chairman when he is unavailable, and
 - (b) shall perform—
 - (i) such functions as may be specified in the terms of his appointment, and
 - (ii) such other functions as the Chairman may delegate or assign to him.
- (4) The Chairman or a deputy Chairman—
 - (a) shall vacate office if he ceases to be a Commissioner,
 - (b) may resign by notice in writing to the Secretary of State, and
 - (c) otherwise, shall hold and vacate office in accordance with the terms of his appointment (and may be reappointed).
- (5) If the Chairman resigns he shall cease to be a Commissioner (but he may be reappointed as a Commissioner).
- (6) The chief executive may not be appointed Chairman or deputy Chairman.