

Changes to legislation: There are currently no known outstanding effects for the Advanced Research and Invention Agency Act 2022, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

THE ADVANCED RESEARCH AND INVENTION AGENCY

Status

- 1 (1) ARIA is not to be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) ARIA's property is not to be regarded—
 - (a) as the property of the Crown, or
 - (b) as property held on behalf of the Crown.

Commencement Information

- I1** Sch. 1 para. 1 not in force at Royal Assent, see **s. 13(1)**
- I2** Sch. 1 para. 1 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**

Membership

- 2 (1) ARIA is to consist of—
 - (a) executive members, and
 - (b) non-executive members.
- (2) The executive members are—
 - (a) the Chief Executive Officer,
 - (b) the Chief Finance Officer, and
 - (c) at least two and not more than five other members.
- (3) The non-executive members are—
 - (a) a chair appointed by the Secretary of State,
 - (b) the Government Chief Scientific Adviser, and
 - (c) such other members as the Secretary of State may appoint.
- (4) The Secretary of State must exercise the power in sub-paragraph (3)(c) so as to secure that the majority of members are non-executive members.

Commencement Information

- I3** Sch. 1 para. 2 not in force at Royal Assent, see **s. 13(1)**
- I4** Sch. 1 para. 2 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**

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Executive members: appointment and status

- 3 (1) The first Chief Executive Officer is to be appointed by the Secretary of State.
- (2) Subject to sub-paragraph (1), the executive members are to be appointed by the chair after consulting the other non-executive members.
- (3) But the chair may not appoint an executive member without the consent of the Secretary of State.
- (4) The Secretary of State may refuse consent under sub-paragraph (3) only where the Secretary of State considers it necessary or expedient in the interests of national security.
- (5) The executive members are to be members of ARIA's staff.

Commencement Information

- I5** Sch. 1 para. 3 not in force at Royal Assent, see **s. 13(1)**
- I6** Sch. 1 para. 3 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**

Executive members: term

- 4 (1) Any appointment of a Chief Executive Officer must be for a fixed term of not more than five years.
- (2) A person cannot be appointed as the Chief Executive Officer more than twice.

Commencement Information

- I7** Sch. 1 para. 4 not in force at Royal Assent, see **s. 13(1)**
- I8** Sch. 1 para. 4 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**

- 5 (1) An executive member—
- (a) ceases to be a member of ARIA upon ceasing to be a member of ARIA's staff, and
- (b) may resign from office by notifying the chair.
- (2) The Secretary of State may remove a person from office as an executive member if the Secretary of State considers it necessary or expedient in the interests of national security.

Commencement Information

- I9** Sch. 1 para. 5 not in force at Royal Assent, see **s. 13(1)**
- I10** Sch. 1 para. 5 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**

Commencement Information

- I7** Sch. 1 para. 4 not in force at Royal Assent, see **s. 13(1)**
- I8** Sch. 1 para. 4 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**
- I9** Sch. 1 para. 5 not in force at Royal Assent, see **s. 13(1)**

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I10 Sch. 1 para. 5 in force at 25.1.2023 by S.I. 2023/58, reg. 2

Non-executive members: tenure

- 6
- (1) Subject to the provisions of this Schedule, a person holds and vacates office as a non-executive member of ARIA in accordance with that person's terms of appointment.
 - (2) A person may resign from office as a non-executive member by notifying the Secretary of State.
 - (3) The Secretary of State may remove a person from office as a non-executive member on any of the following grounds—
 - (a) absence from ARIA's meetings for a continuous period of more than six months without ARIA's permission,
 - (b) inability or unfitness to carry out the functions of the office, or
 - (c) such other grounds as the Secretary of State considers appropriate.
 - (4) A person ceases to be a non-executive member of ARIA upon becoming a member of ARIA's staff.
 - (5) Nothing in this paragraph applies to the Government Chief Scientific Adviser.

Commencement Information

- I11** Sch. 1 para. 6 not in force at Royal Assent, see s. 13(1)
I12 Sch. 1 para. 6 in force at 25.1.2023 by S.I. 2023/58, reg. 2

Payment of non-executive members

- 7
- (1) ARIA must pay its non-executive members such remuneration as the Secretary of State may determine.
 - (2) ARIA must pay, or make provision for paying, to or in respect of a person who is or has been a non-executive member of ARIA, such sums as the Secretary of State may determine in respect of allowances or expenses.
 - (3) Where a person ceases to be a non-executive member of ARIA, ARIA must pay the person compensation of such amount as the Secretary of State may determine if the Secretary of State determines that the person should be compensated because of special circumstances.
 - (4) Sub-paragraph (1) does not apply to the Government Chief Scientific Adviser.

Commencement Information

- I13** Sch. 1 para. 7 not in force at Royal Assent, see s. 13(1)
I14 Sch. 1 para. 7 in force at 25.1.2023 by S.I. 2023/58, reg. 2

Staffing

- 8
- (1) Subject to paragraph 3, ARIA may—
 - (a) appoint employees, and

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- (b) make such other arrangements for the staffing of ARIA as it considers appropriate, including arrangements for persons to be seconded to ARIA.
- (2) The terms on which executive members are, by virtue of paragraph 3, to become, or continue to be—
 - (a) employees of ARIA, or
 - (b) persons seconded to ARIA under sub-paragraph (1)(b),
 are to be determined in accordance with this paragraph.
- (3) The terms of employment of other employees are to be determined in accordance with this paragraph.
- (4) ARIA must pay its employees such remuneration as may be determined in accordance with this paragraph.
- (5) ARIA must pay, or make provision for paying,—
 - (a) to or in respect of an executive member of ARIA, such sums in respect of pensions or gratuities relating to service as an executive member as may be determined in accordance with this paragraph, and
 - (b) to or in respect of a person who is a member of ARIA’s staff, such sums in respect of allowances or expenses as may be determined in accordance with this paragraph.
- (6) ARIA may pay, or make provision for paying,—
 - (a) to or in respect of an employee of ARIA, such sums in respect of pensions or gratuities, other than those mentioned in sub-paragraph (5)(a), as may be determined in accordance with this paragraph, and
 - (b) to or in respect of a person who has been an employee of ARIA, such sums in respect of allowances or expenses as may be determined in accordance with this paragraph.
- (7) A matter is determined in accordance with this paragraph if—
 - (a) in the case of a matter which relates to the first Chief Executive Officer, it is determined by the Secretary of State;
 - (b) in the case of a matter which relates to any other executive member, it is determined by the chair with the consent of the Secretary of State, after consulting the other non-executive members;
 - (c) in the case of a matter which relates to any other member of ARIA’s staff, it is determined by ARIA with the consent of the Secretary of State.

Commencement Information

I15 Sch. 1 para. 8 not in force at Royal Assent, see **s. 13(1)**

I16 Sch. 1 para. 8 in force at 25.1.2023 by **S.I. 2023/58, reg. 2**

Committees and sub-committees

- 9
- (1) ARIA may establish committees.
 - (2) A committee established by ARIA may establish sub-committees.
 - (3) A committee or sub-committee may consist of or include persons who are neither members of ARIA nor members of ARIA’s staff.

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- (4) ARIA may pay such allowances and expenses as ARIA may determine with the consent of the Secretary of State to any person who—
- (a) is a member of a committee or sub-committee, but
 - (b) is not a member of ARIA or a member of ARIA's staff.

Commencement Information

I17 Sch. 1 para. 9 not in force at Royal Assent, see [s. 13\(1\)](#)

I18 [Sch. 1 para. 9](#) in force at 25.1.2023 by [S.I. 2023/58](#), [reg. 2](#)

Procedure

- 10 (1) ARIA may determine its own procedure and the procedure of any committee or sub-committee.
- (2) The quorum for a meeting of ARIA is half the number of its members.

Commencement Information

I19 Sch. 1 para. 10 not in force at Royal Assent, see [s. 13\(1\)](#)

I20 [Sch. 1 para. 10](#) in force at 25.1.2023 by [S.I. 2023/58](#), [reg. 2](#)

- 11 The Secretary of State may by regulations make provision about the procedures to be adopted for dealing with conflicts of interest of members of ARIA or members of a committee or sub-committee.

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I21 Sch. 1 para. 11 in force at Royal Assent, see [s. 13\(2\)\(a\)](#)

- 12 The validity of proceedings of ARIA, or a committee or sub-committee of ARIA, is not affected by a vacancy or defective appointment.

Commencement Information

I22 Sch. 1 para. 12 not in force at Royal Assent, see [s. 13\(1\)](#)

I23 [Sch. 1 para. 12](#) in force at 25.1.2023 by [S.I. 2023/58](#), [reg. 2](#)

Delegation of functions by ARIA

- 13 (1) ARIA may delegate any of its functions to—
- (a) a member of ARIA,
 - (b) a member of ARIA's staff authorised for that purpose, or
 - (c) a committee or sub-committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that ARIA determines.

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- I24** Sch. 1 para. 13 not in force at Royal Assent, see [s. 13\(1\)](#)
I25 [Sch. 1 para. 13](#) in force at 25.1.2023 by [S.I. 2023/58, reg. 2](#)

Accounts and audit

- 14 (1) ARIA must—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) its content and form;
 - (b) the methods and principles to be applied in preparing it.
- (3) ARIA must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as practicable after the end of the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
 - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament a copy of each such report and certified statement.

Commencement Information

- I26** Sch. 1 para. 14 not in force at Royal Assent, see [s. 13\(1\)](#)
I27 [Sch. 1 para. 14](#) in force at 25.1.2023 by [S.I. 2023/58, reg. 2](#)

Annual report

- 15 (1) ARIA must prepare a report on the exercise of its functions during each financial year.
- (2) The report relating to a financial year must be prepared as soon as practicable after the end of the financial year.
- (3) ARIA must send the report to the Secretary of State.
- (4) The Secretary of State must lay the report before Parliament.

Commencement Information

- I28** Sch. 1 para. 15 not in force at Royal Assent, see [s. 13\(1\)](#)
I29 [Sch. 1 para. 15](#) in force at 25.1.2023 by [S.I. 2023/58, reg. 2](#)

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Seal and evidence

- 16 (1) The application of ARIA’s seal must be authenticated by the signature of—
- (a) a member of ARIA, or
 - (b) another person authorised for that purpose by ARIA.
- (2) A document purporting to be duly executed under ARIA’s seal or signed on its behalf—
- (a) is to be received in evidence, and
 - (b) is to be taken to be executed or signed in that way, unless the contrary is shown.
- (3) But this paragraph does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.

Commencement Information

I30 Sch. 1 para. 16 not in force at Royal Assent, see [s. 13\(1\)](#)

I31 [Sch. 1 para. 16](#) in force at 25.1.2023 by [S.I. 2023/58, reg. 2](#)

Supplementary powers

- 17 (1) ARIA 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) In particular, ARIA may—
- (a) borrow money,
 - (b) acquire and dispose of land,
 - (c) accept gifts,
 - (d) form and participate in partnerships and joint ventures, and
 - (e) form companies.

Commencement Information

I32 Sch. 1 para. 17 not in force at Royal Assent, see [s. 13\(1\)](#)

I33 [Sch. 1 para. 17](#) in force at 25.1.2023 by [S.I. 2023/58, reg. 2](#)

Interpretation

- 18 (1) In this Schedule—
- (a) references to the Government Chief Scientific Adviser include a person for the time being acting as such;
 - (b) references to members of ARIA’s staff are to persons who—
 - (i) are employees of ARIA, or
 - (ii) have been seconded to it under paragraph [8\(1\)\(b\)](#).
- (2) The Secretary of State may by regulations provide that references in this Schedule to the Government Chief Scientific Adviser are references to the person for the time being appointed to, or acting in, another office that is specified in the regulations.

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- (3) The Secretary of State may by regulations make such amendments of this Schedule (including of sub-paragraph (2)) as appear to the Secretary of State to be appropriate in consequence of the exercise of the power under sub-paragraph (2).
- (4) In this Schedule, “financial year” means—
- (a) the period beginning with the date on which ARIA is established and ending with the second 31 March following that date, and
 - (b) each successive period of 12 months.

Commencement Information

I34 Sch. 1 para. 18 not in force at Royal Assent, see [s. 13\(1\)](#)

I35 [Sch. 1 para. 18](#) in force at 25.1.2023 by [S.I. 2023/58, reg. 2](#)

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