

Qualifications of secretary of a PLC

1112. (1) The directors of a PLC shall have a duty to ensure that the person appointed as secretary has the skills or resources necessary to discharge his or her statutory and other duties and that the person complies with one, or more than one, of the following 3 conditions.

(2) Those conditions are—

(a) the person, for at least 3 years of the 5 years immediately preceding his or her appointment as secretary, held the office of secretary of a company;

(b) the person is a member of a body for the time being recognised for the purposes of this section by the Minister;

(c) the person is a person who, by virtue of his or her—

(i) holding or having held any other position; or

(ii) his or her being a member of any other body;

appears to the directors of the PLC to be capable of discharging the duties referred to in subsection (1).

(3) Section 226 shall apply, in relation to a PLC, as if, in subsection (2), “Without prejudice to the generality of section 1112 (1) and (2)” were substituted for “Without prejudice to the generality of section 129 (4)”.