



# Local Government in Scotland Act 2003

## 2003 asp 1

### PART 8

#### MISCELLANEOUS

#### 42 Paid time off for councillors not to be political donation

(1) In paragraph 4 (matters that are not donations) of Schedule 7 to the Political Parties, Elections and Referendums Act 2000 (c. 41)—

(a) after sub-paragraph (1)(a) there is inserted—

“(aa) remuneration allowed to an employee by his employer if the employee is a member of a local authority and the remuneration is in respect of time the employer permits the employee to take off during the employee’s working hours for qualifying business—

(i) of the authority,

(ii) of any other body to which the employee is appointed by, or is appointed following nomination by, the authority or a group of bodies that includes the authority, or

(iii) of any other body if it is a public body;”;

(b) after sub-paragraph (3) there is inserted—

“(4) In sub-paragraph (1)(aa)—

“employee” and “employer” have the same meaning as in the Employment Rights Act 1996 (c. 18);

“local authority” means a local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council;

“working hours” of an employee has the same meaning as in section 50 of the Employment Rights Act 1996; and

“qualifying business”, in relation to a body, means—

(a) the doing of anything for the discharge of the functions of the body or of any of its committees or sub-committees, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) where the body is a local authority operating executive arrangements within the meaning of Part 2 of the Local Government Act 2000 (c. 22) and arrangements exist for functions of any other body to be discharged by the authority's executive or any committee or member of the executive, the doing of any other thing for the purpose of the discharge of the functions.”.
- (2) Subsection (1) above shall be deemed to have come into force on 16th February 2001.
- (3) The Electoral Commission shall remove from the register kept by it under section 69 (register of recordable donations) of that Act of 2000 any entry that they would not have been required to make had subsection (1) above actually been in force throughout the period beginning with 16th February 2001 and ending on the day immediately before the day on which this subsection comes into force.