



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART V

#### INTERNAL ORGANISATION

##### Modifications etc. (not altering text)

- C1** Pt. V (ss. 56-68): Power to apply conferred (6.4.1995) by 1994 c. 39, s. 27(9); S.I. 1995/702, art. 4(1), Sch. 2 para. 9 (with s. 7(2))

#### *Discharge of functions*

#### **56 Arrangements for discharge of functions by local authorities.**

- (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions by a committee of the authority, a sub-committee, an officer of the authority or by any other local authority in Scotland.
- [<sup>F1</sup>(2) Where by virtue of this section any function of a local authority may be discharged by any committee or sub-committee of theirs, then, unless the local authority otherwise direct—
- (a) the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority; and
  - (b) the sub-committee, whether assigned the discharge of functions by the authority or by a committee, may arrange for the discharge of any such functions by an officer of the authority.]
- (3) Where by virtue of this section any functions of a local authority may be discharged by another local authority, subsections (1) and (2) above shall apply in relation to those functions as they apply in relation to the functions of that other authority, except that—
- (a) the foregoing provision shall have effect subject to the terms of the arrangement relating to the functions; and

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- (b) that other authority shall not, by virtue of this subsection, arrange for the discharge of those functions by some other local authority.
- (4) Any arrangement made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangement is made from exercising those functions.
- (5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—
  - (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them, and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
  - (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- <sup>F2</sup>(6) A local authority's functions with respect to—
  - <sup>F3</sup>(a) .....
  - (b) setting an amount of council tax in accordance with section 93(1) of the Local Government Finance Act 1992, or setting a reduced amount of council tax under section 94 of that Act or paragraph 3 of Schedule 7 to that Act;
  - <sup>F3</sup>(c) .....
  - (d) borrowing money,
 shall be discharged only by the authority.]
- <sup>F4</sup>(6A) A local authority's function of determining an application for planning permission for a development of a class mentioned in section 38A(1) of the Town and Country Planning (Scotland) Act 1997 (c. 8) shall be discharged only by the authority.]
- (7) A local authority shall not make arrangements under this section for the discharge of any of their functions under [<sup>F5</sup>the <sup>M1</sup>Animal Health Act 1981] by any other local authority.
- (8) Any enactment, except one mentioned in subsection (9) below, which contains any provision—
  - (a) which empowers or requires local authorities or any class of local authorities to establish committees (including joint committees) for any purpose or enables a Minister to make an instrument establishing committees of local authorities for any purpose, or empowering or requiring a local authority or any class of local authorities to establish committees for any purpose; or
  - (b) which empowers or requires local authorities or any class of local authorities to arrange or to join with other authorities in arranging for the exercise by committees so established or by officers of theirs of any of their functions or provides that any specified functions of theirs shall be discharged by such committees or officers, or enables any Minister to make an instrument conferring such a power, imposing such a requirement or containing such a provision;

shall, to the extent that it makes any such provision, cease to have effect.

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- (9) The following enactments are exempted from subsection (8) above—
- (a) <sup>F6</sup> .....
  - (b) sections 19, 20, [<sup>F7</sup> and 21] of the <sup>M2</sup>Police (Scotland) Act 1967 (amalgamation schemes);
  - <sup>F8</sup>(c) .....
  - [<sup>F9</sup>(d) paragraphs 3 and 8 of Schedule 1 to the Children (Scotland) Act 1995 (Children’s Panel Advisory Committees and joint advisory committees);]
  - (e) section 7 of the <sup>M3</sup>Superannuation Act 1972 (superannuation of persons employed in local government service, etc.);
  - (f) section 9 of the said Act of 1972 (superannuation of teachers).
- (10) This section shall not authorise a local authority to arrange for the discharge by any committee, sub-committee or local authority of any functions which, by any enactment mention in subsection (9) above, are required or authorised to be discharged by a specified committee, but the foregoing provision shall not prevent a local authority who are required by or under any such enactment to establish, or delegate functions to, a committee established by or under any such enactment from arranging under this section for the discharge of their functions by an officer of the local authority or committee, as the case may be.
- <sup>F10</sup>(11) .....
- (14) References in this section and section 57 below to the discharge of any of the functions of a local authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- (15) Nothing in this section affects the operation of the <sup>M4</sup>Local Authorities (Goods and Services) Act 1970.

#### Textual Amendments

- F1** S. 56(2) substituted by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 32
- F2** S. 41(6) substituted (1.10.1992) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 36**; S.I. 1992/2183, **art. 2(c)** (with art. 3).
- F3** S. 56(6)(a)(c) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(14)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F4** S. 56(6A) inserted (12.12.2008 for certain purposes, otherwise 3.8.2009) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 14(2)**, 59; S.S.I. 2008/411, arts. 2(2)(3)(a); S.S.I. 2009/219, **art. 2**, Sch.
- F5** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a)
- F6** S. 56(9)(a) repealed (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), ss. 89(2), 90, **Sch. 4** (with s. 77); S.S.I. 2005/392, **art. 2(k)**
- F7** Words in s. 56(9)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(14)(b)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F8** S. 56(9)(c) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(14)(b)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F9** S. 56(9)(d) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 22(2)** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**
- F10** S. 56(11)–(13) repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. VII**

#### Modifications etc. (not altering text)

- C2** S. 56 excluded by Lotteries and Amusements Act 1976 (c. 32), s. 6(3).
- C3** S. 56 excluded by Local Government and Housing Act (c. 42, SIF: 81:1, 2), ss. 4(5), 5(5)

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- C4** S. 56 restricted (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4** and 1.8.1990 to the extent mentioned in S.I. 1990/1552, **art. 3** and otherwise prosp.) by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **ss. 9(8)(b)(10)**, 195(2)
- C5** S. 56 modified (1.4.1996) by 1967 c. 77, **s. 9** (as inserted (1.4.1996) by 1994 c. 29, **s. 49**; S.I. 1995/492, **art. 3**, **Sch. 2**)
- C6** S. 56(1) extended by Local Government (Scotland) Act 1975 (c. 30), **s. 23(1)**; excluded by Civic Government (Scotland) Act 1982 (c. 45), **s. 117(6)**
- C7** S. 56(5): Power to direct conferred (1.2.1996) by 1995 c. 25, **s. 90**, **Sch. 11 para. 3(1)** (with **ss. 7(6)**, 115, 117); S.I. 1996/186, **art. 2**  
S. 56(5): Power to restrict conferred (1.2.1996) by 1995 c. 25, **s. 90**, **Sch. 11 para. 3(2)** (with **ss. 7(6)**, 115, 117); S.I. 1996/186, **art. 2**

#### Marginal Citations

- M1** 1981 c. 22.  
**M2** 1967 c. 77.  
**M3** 1972 c. 11.  
**M4** 1970 c. 39.

## 57 Appointment of committees.

- (1) For the purpose of discharging any functions of a local authority in pursuance of arrangements made under section 56 of this Act—
- the authority may appoint a committee of the authority; or
  - two or more local authorities may appoint a joint committee of those authorities; or
  - any such committee may appoint one or more sub-committees.
- (2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority, shall be fixed by the appointing authority or authorities or, in the case of a sub-committee, by the appointing committee.
- (3) A committee appointed under subsection (1) above, other than a committee for regulating and controlling the finance of the local authority or of their area may, subject to section 59 below, include persons who are not members of the appointing authority or authorities or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee, [F11but at least two-thirds of the members appointed to any such committee (other than a sub-committee) shall be members of that authority or those authorities, as the case may be.]
- (4) A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to advise the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee—
- may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
  - may appoint one or more sub-committees to advise the committee with respect to any such matter.
- (5) Every member of a committee appointed under this section who at the time of his appointment was a member of the appointing authority or one of the appointing authorities shall, upon ceasing to be a member of that authority, also cease to be a

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member of the committee; but for the purposes of this section a member of a local authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

**Textual Amendments**

**F11** Words repealed (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4** and otherwise prosp. (with saving)) by [Local Government and Housing Act 1989](#) (c. 42, SIF 81:1), ss. 14(6)(8)(a), 194(4), 195(2), **Sch. 12 Pt. II**

**Modifications etc. (not altering text)**

**C8** [S. 57](#) excluded by [Water \(Scotland\) Act 1980](#) (c. 45), **s. 3(4)**  
**C9** [S. 57](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, **art. 2, Sch. para. 3**

**58 Expenses of joint committees.**

The expenses incurred by a joint committee appointed under this Part of this Act or any other enactment shall be defrayed by the appointing local authorities in such proportions as they may agree or, in the case of disagreement, as may be determined by the Secretary of State.

**Modifications etc. (not altering text)**

**C10** [S. 58](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, **art. 2, Sch. para. 3**

**59 Disqualification for membership of committees and joint committees.**

- (1) Subject to section 126 of this Act, a person who is disqualified under Part III of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee of the authority and another local authority, whether the committee or joint committee are appointed under this Act or under any other enactment.
- (2) Section 32 of this Act shall, so far as applicable, apply with respect to membership of or a claim to be entitled to act as a member of a committee or sub-committee of a local authority or of a joint committee appointed by local authorities as it applies to membership of or claims to be entitled to act as a member of a local authority.

**Modifications etc. (not altering text)**

**C11** [S. 59\(1\)](#) applied (with modifications) (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, **art. 2, Sch. para. 3**

**60 Disability for voting on account of interests in contracts, etc.**

**F12** .....

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#### Textual Amendments

**F12** S. 60 repealed (1.5.2003) by 2000 asp 7, ss. 36(1), 37, Sch. 4 (with s. 31); S.S.I. 2003/74, art. 2(2)(e)

### 61 Membership of bodies to cease on ceasing to be member of authority.

Where a local authority by virtue of any enactment or otherwise appoint a member of the authority to be a member of any court or body, then, unless otherwise specifically provided in the enactment or instrument regulating the constitution of the court or body, the person so appointed shall cease to be a member of the court or body on ceasing to be a member of the authority.

#### Modifications etc. (not altering text)

**C12** S. 61 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

### 62 Standing orders, etc.

A local authority appointing a committee, and local authorities appointing a joint committee, either under this Act or under any other enactment, may make, vary or revoke standing orders respecting the quorum, proceedings and place of meeting of the committee, joint committee or any sub-committee of any such committee, but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

#### Modifications etc. (not altering text)

**C13** S. 62 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

### [<sup>F13</sup>62A Incorporation of joint committees.

(1) Where—

- (a) arrangements are made (whether under this Act or any other enactment) for two or more local authorities (in this Part of this Act referred to as “the relevant authorities”) to discharge any of their functions, or any functions in any area, jointly;
- (b) the relevant authorities have—
  - (i) appointed, or propose to appoint, a joint committee to discharge those functions; and
  - (ii) advertised their proposals in accordance with subsection (2) below; and
- (c) application is made, in writing, to the Secretary of State by the relevant authorities for the incorporation of that joint committee (or proposed joint committee) as a joint board to carry out those functions,

the Secretary of State may by order establish a joint board in accordance with this section to discharge those functions.

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- (2) Before applying to the Secretary of State under subsection (1)(c) above, the relevant authorities shall place in at least one daily newspaper circulating in their areas an advertisement—
  - (a) giving brief details of what they propose to do;
  - (b) giving an address to which representations about the proposal may be sent; and
  - (c) fixing a date, being not less than 8 weeks after the date on which the advertisement appears, within which representations may be made,and they shall include with their application evidence that an advertisement has been placed.
- (3) Where any representations are timeously made in response to an advertisement placed in accordance with subsection (2) above, the relevant authorities shall consider them and shall include with their application a statement that they have done so.
- (4) An order under subsection (1) above shall delegate to the joint board such of the functions of the relevant authorities as may be specified in the order and may include provision with respect to—
  - (a) the constitution and proceedings of the joint board;
  - (b) matters relating to the membership of the joint board;
  - (c) the transfer to the joint board of any property, rights and liabilities of the relevant authorities;
  - (d) the transfer to the joint board of any staff of the relevant authorities;
  - (e) the supply of services or facilities by the relevant authorities to the joint board,and may, without prejudice to the generality of paragraphs (a) to (e) above, apply (with or without modifications) any of the provisions of Part V of this Act to a joint board as those provisions apply to a joint committee.
- (5) A joint board established under this section shall be a body corporate and shall have a common seal.
- (6) An order under subsection (1) above shall be in terms agreed by the relevant authorities.
- (7) An instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F13** Ss. 62A–62C inserted (1.4.1996) by 1994 c. 39, s. 20; S.I. 1995/702, art. 6

#### <sup>F14</sup>**62B Power of Secretary of State to establish joint boards.**

- (1) Where the Secretary of State considers—
  - (a) that any functions, or any functions in any area, of the relevant authorities should be discharged jointly by those authorities; and
  - (b) that arrangements, or satisfactory arrangements, for the joint discharge of those functions—
    - (i) have not been made by the relevant authorities; or
    - (ii) have ceased to be in operation,



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he may, after consulting the relevant authorities, by order establish a joint board in accordance with this section.

- (2) Subsections (4) and (5) of section 62A of this Act shall apply to a joint board established under this section as they apply to a joint board established under that section with the substitution of a reference to subsection (1) of this section for the reference to subsection (1) of that section.
- (3) No order shall be made under subsection (1) above unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.

#### Textual Amendments

**F14** Ss. 62A-62C inserted (1.4.1996) by 1994 c. 39, s. 20; S.I. 1995/702, art. 6

#### <sup>F15</sup> 62C Further provisions relating to joint boards.

- (1) Where a joint board has been established by order under section 62A or 62B of this Act, the Secretary of State may by order provide—
  - (a) for excluding any functions, or any functions in any area, from those specified in the order establishing that joint board; and
  - (b) for the dissolution of the joint board.
- (2) An order shall not be made under subsection (1) above unless the Secretary of State has consulted the relevant authorities.
- (3) An instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The power to make an order under this section or section 62A or 62B of this Act shall include power to make such transitional, incidental, supplemental or consequential provision as the Secretary of State thinks necessary or expedient.
- (5) An order under this section or section 62A or 62B of this Act may, for the purpose of making such provision as is mentioned in subsection (4) above—
  - (a) apply with or without modifications;
  - (b) extend, exclude or amend; or
  - (c) repeal or revoke with or without savings,
 any enactment or any instrument made under any enactment.

#### Textual Amendments

**F15** Ss. 62A-62C inserted (1.4.1996) by 1994 c. 39, s. 20; S.I. 1995/702, art. 6

#### 63 Application of foregoing provisions of Part V to police authorities and joint police committees.

- (1) Subsections (2) to (4) below shall have effect for the purposes of the application of the foregoing provisions of this Part of this Act to a local authority in relation to their functions as a police authority



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- (2) A police authority may not arrange under section 56(1) of this Act for the discharge of any of their functions by another police authority<sup>F16</sup>. . . .
- [<sup>F17</sup>(2A) The officers who may discharge functions of a police authority in pursuance of arrangements under section 56(1) or (2) of this Act shall include the chief constable of the police force.
- (2B) Where, pursuant to arrangements made by virtue of subsection (2A) above, a chief constable may discharge functions of a police authority, he may himself arrange for the discharge of any of the functions in question by a constable of the police force or by a person who is employed by the authority but is not under their direction and control.]
- (3) The following provisions of this Part of this Act shall not apply to a police authority—
- (a) in section 56, subsections (3), (5) and (10),
  - (b) section 57(1)(b).
  - [<sup>F18</sup>(c) sections 62A to 62C.]
- (4) Section 62 of this Act shall not apply in a case where a [<sup>F19</sup>joint police board] are constituted by or under an amalgamation scheme made under Part I of the<sup>M5</sup>Police (Scotland) Act 1967.
- (5) Subsections (1) and (2) of section 56 of this Act shall apply to a [<sup>F19</sup>joint police board] as they apply to a local authority except that—
- (a) they may not arrange for the discharge of any of their functions by another [<sup>F19</sup>joint police board] or a police authority<sup>F20</sup>. . . ., or
  - (b) if the function relates to part only of the combined area in respect of which the [<sup>F21</sup>board] are exercising functions, they may not arrange for the discharge of that function by any other person.

#### Textual Amendments

- F16** Words in s. 63(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(15)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F17** S. 63(2A)(2B) inserted (1.4.1996) by 1994 c. 29, s. 64; S.I. 1995/492, art. 3, **Sch. 2**
- F18** S. 63(3)(c) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(15)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F19** Words in s. 63(4)(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(15)(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F20** Words in s. 63(5)(a) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(15)(d), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F21** Words in s. 63(5)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(15)(e)**; S.I. 1996/323, **art. 4(1)(c)**

#### Modifications etc. (not altering text)

- C14** S. 63 modified (1.4.1996) by 1967 c. 77, s. 9 (as inserted (1.4.1996) by 1994 c. 29, s. 49; S.I. 1995/492, art. 3, **Sch. 2**)

#### Marginal Citations

- M5** 1967 c. 77.

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**[<sup>F22</sup>63A Sections 62A to 62C not to apply to fire authority.**

Sections 62A to 62C of this Act shall not apply to a local authority in relation to their functions as a fire [<sup>F23</sup>and rescue] authority.]

**Textual Amendments**

**F22** S. 63A inserted (1.4.1996) by 1994 c. 39, s. 180(1). Sch. 13 para. 92(16); S.I. 1996/323, art. 4(1)(c)

**F23** Words in s. 63A inserted (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), ss. 89(1), 90, Sch. 3 para. 5 (with s. 77); S.S.I. 2005/392, art. 2(k)

*Staff*

**64 Appointment etc. of staff.**

- (1) Subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of their functions and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 65 of this Act.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Where an action has been brought against an officer of a local authority in respect of an act done by him in the execution or purported execution of any enactment and the circumstances are such that he is not legally entitled to require the authority to indemnify him, the authority may nevertheless indemnify him against the whole or a part of any damages or expenses which he may have been ordered to pay or may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under the enactment required or entitled him to do it.
- (4) Any enactment, except one mentioned in subsection (5) below, which requires or empowers local authorities or any class of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.
- (5) The following enactments are excepted from subsection (4) above—
  - (a) <sup>F24</sup> .....
  - <sup>F25</sup>(b) .....
  - <sup>F26</sup>(bb) section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);]
  - <sup>F27</sup>(c) .....
  - <sup>F28</sup>(d) .....
  - (e) section 3 of the <sup>M6</sup>Social Work (Scotland) Act 1968 ([<sup>F29</sup>chief social work officers]);
  - <sup>F27</sup>(f) .....
  - (g) section 67(3)(b) of the <sup>M7</sup>Agriculture Act 1970 (agricultural analysts and deputies).

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- (6) Nothing in this section affects the operation of section 7 of the <sup>M8</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965 (registrars) or the operation of the <sup>M9</sup>Local Authorities (Goods and Services) Act 1970.
- (7) Nothing in subsections (1) and (2) above affects the operation of section 9 of the <sup>M10</sup>Police (Scotland) Act 1967 (employees other than constables).

#### Textual Amendments

- F24** S. 64(5)(a) repealed (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), ss. 89(2), 90, **Sch. 4** (with s. 77); S.S.I. 2005/392, {art. 2(k)}
- F25** S. 64(5)(b) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**
- F26** S. 64(5)(bb) substituted (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), ss. 331(1), 333(2)-(4), **Sch. 4 para. 2**; S.S.I. 2005/161, **art. 3** (as substituted by S.S.I. 2005/375)
- F27** S. 64(5)(c)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(17)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F28** S. 64(5)(d) repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, **Sch. 13 Pt. I**
- F29** Words in s. 64(5)(e) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(17)(b)**; S.I. 1996/323, **art. 4(1)(c)**

#### Modifications etc. (not altering text)

- C15** S. 64(3) extended with modifications by S.I. 1987/800, **reg. 20(2)**

#### Marginal Citations

- M6** 1968 c. 49.  
**M7** 1970 c. 40.  
**M8** 1965 c. 49.  
**M9** 1970 c. 39.  
**M10** 1967 c. 77.

## 65 Placing of staff of local authorities at disposal of other local authorities.

- (1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.
- (2) For superannuation purposes, service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.

#### Modifications etc. (not altering text)

- C16** S. 65 extended (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 3**; S.S.I. 2000/312, **art. 2**
- C17** S. 65 applied (9. 5. 1991) by Tay Road Bridge Order Confirmation Act 1991 (c. iv), s. 1, **Sch. Pt. VIII s.63**
- S. 65 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 3**

*Status: Point in time view as at 01/10/2009.*

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## 66 Security to be taken in relation to officers.

- (1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may, in the case of any other officer employed by them, take such security for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.
- (2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.
- (3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

### Modifications etc. (not altering text)

C18 S. 66 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

## [<sup>F30</sup>67 Members of local authorities not to be appointed as officers etc.

- (1) A person who is a member of a local authority is disqualified from being appointed by the authority to any paid office or employment (other than the office of convener or deputy convener) or other place of profit in the gift or disposal of the authority.
- (2) A person who has ceased to be a member of a local authority is disqualified—
  - (a) for a period of 3 months beginning with the day on which the person ceased to be a member of a local authority from being appointed by the authority to any such office, employment or place of profit which is not a politically restricted post;
  - (b) for a period of 12 months beginning with that day from being appointed by the authority to any such office, employment or place of profit which is a politically restricted post.
- (3) A person who—
  - (a) has ceased to be a member of a local authority; and
  - (b) at any time during the period of 12 months ending with the day on which the person so ceased, participated directly in the appointing of any person to a politically restricted post,
 is, for the period of 12 months beginning on that day, disqualified from being appointed by the authority to any paid office or employment or other place of profit in the gift or disposal of the authority.
- (4) A reference to a politically restricted post is—
  - (a) in subsection (2) above, a reference to a post held by a person who is within any of paragraphs (a) to (g) of subsection (1) of section 2 (politically restricted posts the holders of which are disqualified from membership of the local authority) of the Local Government and Housing Act 1989 (c. 42);
  - (b) in subsection (3) above, a reference to a post held by a person who is within any of paragraphs (a) to (e) of that subsection.]

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#### Textual Amendments

**F30** S. 67 substituted (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 10**, 17(2); [S.S.I. 2007/25](#), **art. 2(2)**

### 68 Disclosure by officers of interest in contracts.

- (1) If it comes to the knowledge of an officer employed whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall, as soon as practicable, give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section, an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 39 of this Act had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [<sup>F31</sup>level 4 on the standard scale].
- (4) References in this section to a local authority shall include references to a joint committee appointed under section 57 of this Act or any other enactment.

#### Textual Amendments

**F31** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)

#### Modifications etc. (not altering text)

**C19** S. 68 applied (9. 5. 1991) by [Tay Road Bridge Order Confirmation Act 1991 \(c. civ\)](#), s. 1 Sch. Pt. III s.9  
S. 68 applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), **art. 2**, **Sch. para. 3**

**Status:**

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**Changes to legislation:**

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