



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART III

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND PROCEEDINGS

Resignation and Vacation of Office

35 Vacation of office by failure to attend meetings.

- (1) Subject to subsections [^{F1}(2) to (4)] below, if a member of a local authority fails throughout a period of six consecutive months to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority, cease to be a member of the authority.
- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.
- (3) A member of any branch of Her Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority if the failure is due to that employment.
- [^{F2}(4) The absence of a member of a local authority from a meeting of the authority during a period of suspension imposed on the member under section 103F or 103G of this Act or section 19 or 21(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) is not, for the purposes of this section, a failure to attend the meeting.]

Status: Point in time view as at 01/10/2009.

Changes to legislation: *Local Government (Scotland) Act 1973, Section 35 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 35(1) substituted (1.5.2003) by 2000 asp 7, ss. 29(1)(a), 37 (with s. 31); S.S.I. 2003/74, **art. 2(2)(c)**
- F2** S. 35(4) inserted (1.5.2003) by 2000 asp 7, ss. 29(1)(b), 37 (with s. 31); S.S.I. 2003/74, **art. 2(2)(c)**

Modifications etc. (not altering text)

- C1** S. 35 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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