

Status: Point in time view as at 01/02/1991.

Changes to legislation: Water (Scotland) Act 1980, SCHEDULE 8 is up to date with all changes known to be in force on or before 06 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)

SCHEDULES

SCHEDULE 8

Section 84.

PROVISIONS AS TO WATER DEVELOPMENT BOARDS

Corporate status of boards

- 1 A board shall be a body corporate with perpetual succession and a common seal.

Terms of office of members of boards

- 2 (1) The first members of a board shall come into office on the day on which the board comes into existence, or, in the case of such a member for any reason appointed after that day, on the day on which the appointment is made.
- (2) Any other member shall come into office on the day following that on which the member he replaces vacates office, or, in the case of such a member for any reason appointed after that day, on the day on which the appointment is made.
- (3) Subject to the following provisions of this Schedule, a member shall vacate office at the end of June in the year in which the election of members of regional councils next take place:
- Provided that the Central Board shall be reconstituted on 1st July 1982 and thereafter quadriennially.
- (4) Where the constitution of a board is varied by order any members who are required by or under the order to vacate their office shall do so notwithstanding the foregoing provisions of this paragraph.

Vacation of office by members of boards

- 3 A member of a board may resign his office at any time by notice in writing signed by him and delivered to the proper officer of the board and the resignation shall take effect on such date as may be stated in the notice, or, if no date is so stated, three weeks after the delivery of the notice.
- 4 A member of a board shall vacate his office if he—
- (a) ceases to be a member of the constituent water authority from which he was appointed in pursuance of section 84, or

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- (b) has, for a period of 12 consecutive months, been absent from meetings of the board, otherwise than by reason of illness or some other cause approved during that period by the board;

Provided that for the purposes of head (b) of this paragraph, the attendance of a member at a meeting of any committee of the board shall be treated as attendance at a meeting of the board.

Appointments to fill casual vacancies

- 5 Where, for any reason whatsoever, the place of a member of a board becomes vacant before the end of his term of office, the vacancy shall be filled by the appointment of a new member by the constituent water authority by whom the vacating member was appointed.

Disqualification for, and re-appointment to, membership of boards

- 6 (1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a board if he is a paid officer or servant of the board.
- (2) For the purposes of the foregoing sub-paragraph, a person shall not be regarded as a paid officer or servant of a board by reason only that expenses incurred by him in the performance of his duties are defrayed by the board.

- 7 Subject to the provisions of this Act, a vacating member of a board shall be eligible for re-appointment.

First meetings of boards

- 8 The first meeting of a board shall be held on such day, and at such time and place, and shall be convened by such person as may be determined by the Secretary of State.

Chairman

- 9 The chairman of a board shall be elected by the board from the members of the board.
- 10 The election of the chairman shall be the first business transacted at the first meeting of the board and, thereafter, at the first meeting of the board held after each reconstitution of the board, and at any such meeting until the chairman is elected the person by whom under paragraph 8 the meeting was convened, or the proper officer of the board, as the case may be, shall preside.

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Appointment of committees

- 11 (1) A board may appoint from their number such committees for any such purpose as the board consider necessary or desirable.
- (2) A board may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as they think fit, any of the functions of the board.

Members of committees

- 12 The number of members of a committee appointed under this Schedule, and the terms of office of the members thereof, shall be fixed by the board.

Proceedings of boards and committees

- 13 The proceedings of a board, or of any committee appointed under this Schedule, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chairman or vice-chairman, of the board or committee.

- 14 (1) A board may make standing orders with respect to—
- (a) the proceedings and conduct (including quorum, place of meeting and notices to be given of meetings) of the board or any committee appointed by the board under this Schedule; and
 - (b) subject to paragraphs 9 and 10, the appointment of a chairman and a vice-chairman of the board or any such committee.
- (2) Subject to standing orders made under this paragraph, the proceedings of any committee appointed under this Schedule shall be such as the committee may determine.

- 15 At any meeting of a board or of a committee appointed under this Schedule, each member shall have one vote:

Provided that in the event of an equality of votes—

- (a) as to the appointment of the chairman of a board, the matter shall be decided by lot, and
- (b) in regard to any other matter, the chairman or other member presiding at the meeting shall have a casting vote as well as a deliberative vote.

- 16 The provisions of sections 38 to 42 of the ^{M1}Local Government (Scotland) Act 1973 (restrictions on voting) shall apply in relation to members of a board, or of any committee appointed under this Schedule, as those provisions apply in relation to members of local authorities, as if, for the references therein to the local authority, there were substituted references to the board.

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Marginal Citations

M1 1973 c. 65.

- 17 (1) Subject to the next following sub-paragraph, the minutes of proceedings of meetings of a board shall be open to the inspection of any local government elector in any part of the board's area on payment of a fee not exceeding five pence, and any such local government elector may make a copy of, or extracts from, any such minutes.
- (2) The foregoing sub-paragraph does not apply to any part of such minutes which contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under this Act.

Authentication of documents

- 18 The provisions of section 194 of the ^{M2}Local Government (Scotland) Act 1973 (execution of deeds by local authority and use of seal) shall apply to a board as those provisions apply to a council as if for references therein to a council there were substituted references to the board.

Marginal Citations

M2 1973 c. 65.

- 19 (1) Any notice or other document which a board are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the board by the proper officer of the board or by any other officer authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document and may be withdrawn by notice similarly authenticated, and any document purporting to bear the signature of the proper officer of the board, or of a person expressed to be duly authorised by them to sign such a document, or that particular document, shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the board.
- (2) In this paragraph the expression "signature" includes a facsimile of a signature by whatever process reproduced.
- (3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing sub-paragraphs, that sub-paragraph shall not apply in relation to that document or class of documents.

Officers and servants

- 20 A board shall appoint such officers and servants as the board think fit and may pay the officer and servants appointed by them such reasonable remuneration as they may determine.

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- 21 The provisions of sections 66 (security to be taken in relation to officers), 67 (members of local authorities not to be appointed as officers) and 68 (disclosure by officers of interest in contracts) of the Local Government (Scotland) Act 1973 shall apply in relation to officers of a board and other persons as those provisions apply in relation to officers of a local authority and other persons, as if for any reference therein to the local authority there were substituted a reference to the board.

Expenses, subscriptions and contributions

- 22 A board may defray—
- (a) any expenses incurred in the reception and entertainment by way of official courtesy of—
 - (i) distinguished persons residing in the area of the board, or visiting that area or any works outside the area operated by the board, or
 - (ii) persons representative of, or connected with, other boards or similar services, whether inside or outside the United Kingdom, or in the supply of information to any such persons;
 - (b) any reasonable expenses incurred in connection with ceremonies connected with the performance by the board of any of their functions.
- 23 A board may pay reasonable subscriptions, whether annually or otherwise, or contributions to the funds—
- (a) of any association formed for the purpose of consultation as to the common interests of boards and the discussion of matters connected with the performance of functions of boards or similar services;
 - (b) of associations of officers of boards or similar services, being associations formed for the purpose mentioned in the foregoing sub-paragraph,
- and may make reasonable contributions for furthering research in matters with which boards and their officers are concerned.

General

- 24 The following provisions of the ^{M3}Local Government (Scotland) Act 1973 shall apply to a board for the purposes of this Act as those provisions apply to a local authority for the purposes of that Act—
- (a) section 81 (contracts of local authorities),
 - (b) section 189(2) (legal proceedings),
 - (c) section 190 (service of legal proceedings, notices, etc.),
 - (d) section 191 (claims in sequestrations and liquidations),
 - (e) section 192 (service of notices),
 - (f) section 196 (misnomers),
 - (g) section 208(1) (provisions as to Sundays, etc),
 - (h) paragraph 7(1) of Schedule 7 (minutes of proceedings receivable in evidence).

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- 25 In this Schedule “board” means a water development board, and “area” means the area of such a board; and “proper officer” in relation to any purpose and any board, means an officer appointed for that purpose by that board.

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