

*Status: Point in time view as at 31/03/1995.*

*Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Cross Heading: Constitution is up to date with all changes known to be in force on or before 30 August 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 1

### SCOTTISH CONVEYANCING AND EXECUTRY SERVICES BOARD

#### PART I

#### CONSTITUTION, DUTIES, POWERS AND STATUS

##### *Constitution*

1 The Scottish Conveyancing and Executory Services Board shall be a body corporate.

##### **Commencement Information**

**II** Sch. 1 Pt. I para. 1 wholly in force at 1.4.1991 see s. 75(2) and S.I. 1991/822, art. 3, Schedule

2 The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.

##### **Commencement Information**

**I2** Sch. 1 Pt. I para. 2 wholly in force at 1.4.1991 see s. 75(2) and S.I. 1991/822, art. 3, Schedule

3 The Board shall consist of—  
(a) a chairman; and  
(b) not less than 6 nor more than 9 other members,  
appointed by the Secretary of State.

##### **Commencement Information**

**I3** Sch. 1 Pt. I para. 3 wholly in force at 1.4.1991 see s. 75(2) and S.I. 1991/822, art. 3, Schedule

4 In making appointments under paragraph 3 above the Secretary of State shall have regard to the desirability of securing—  
(a) that members of the Board have expertise or knowledge of—  
(i) the provision of conveyancing and executry services;  
(ii) the financial arrangements connected with the purchase and sale of heritable property;  
(iii) consumer affairs; and  
(iv) commercial affairs; and

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- (b) that, so far as is reasonably practicable, the composition of the Board is such as to provide a proper balance between the interests of, on the one hand, qualified conveyancers and executry practitioners and, on the other hand, those who make use of their services.

#### Commencement Information

**I4** Sch. 1 Pt. I para. 4 wholly in force at 1.4.1991 see s. 75(2) and S.I. 1991/822, art. 3, Schedule.

- <sup>F15</sup> (1) Subject to paragraph 6 below, a member of the Board shall hold and vacate office in accordance with his terms of appointment, but a person shall not be appointed a member of the Board for a period of more than 5 years.
- (2) A person who ceases to be a member of the Board shall be eligible for reappointment.

#### Textual Amendments

**F1** Sch. 1 Pt. I para. 5 wholly in force at 1.4.1991 see s. 75(2) and S.I. 1991/822, art. 3, Schedule

- 6 (1) The chairman or any other member of the Board may resign office by giving notice in writing to the Secretary of State.
- (2) The Secretary of State may terminate the appointment of a member of the Board if satisfied that—
- (a) his estate has been sequestrated or he has made an arrangement with or granted a trust deed for his creditors;
  - (b) he is unable to carry out his duties as a Board member by reason of physical or mental illness;
  - (c) he is failing to carry out the duties of his appointment;
  - (d) he has been convicted of a criminal offence rendering him unsuitable to continue as a member; or
  - (e) he is otherwise unable or unfit to discharge the functions of a member of the Board.

#### Commencement Information

**I5** Sch. 1 Pt. I para. 6 wholly in force at 1.4.1991 see s. 75(2) and S.I. 1991/822, art. 3, Schedule.

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