



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART V

ADMINISTRATIVE SCHEMES, COMMITTEES AND JOINT COMMITTEES.

Provisions common to Committees, Joint Committees and Joint Boards.

124 Prohibition of delegation to committee, and &c. of power to rate or borrow.

- (1) Notwithstanding anything in this Act or any other enactment or any statutory order, a local authority shall not delegate to any committee, nor shall any committee of a local authority have, the power of raising money by rate or loan, and any function the delegation of which is expressly prohibited by any enactment or statutory order shall not be delegated by a local authority to a committee.
- (2) The preceding subsection shall apply in the case of a joint committee or a joint board constituted for the purposes of a combination under this Act or any enactment repealed by this Act, and also in the case of delegation of functions by a county council to the town council of a small burgh or a district council or a joint committee of such councils in like manner as it applies in the case of a committee of a local authority.

125 Disqualification for membership of committees, joint committees and joint boards.

A person who is disqualified under Part II of this Act for being elected or being a member of a local authority shall be disqualified for being—

- (a) a member of a committee or sub-committee of that authority, including any committee to which section fifty-two of this Act applies (as respects the members thereof other than any ex officio members), so however that, as respects a sub-committee appointed by an education committee for the management of educational establishments, the disqualification in paragraph (a) of subsection (1) of section fifty-two of this Act shall not apply to preclude—

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- (i) a teacher or other member of the educational staff employed by the authority being a representative on that sub-committee of such teachers or educational staff, or
 - (ii) any other person employed by the authority being a member of that committee if the duties of that other person do not relate to any of the functions of the sub-committee; and
- (b) a representative of that authority on a joint committee or joint board, whether the committee, subcommittee, joint committee or joint board are appointed under this Act or any other enactment or any statutory order, and the provisions of section fifty-three of this Act shall apply as respects any such person subject to the following and other necessary modifications:—
- (i) in the case of any committee which exercise functions not vested in the authority appointing the committee, either the committee or the authority, and in the case of a joint committee or joint board, either the joint committee or joint board or the authority appointing the person to be a member of the joint committee or joint board, may pass a resolution under the said section fifty-three, and in either of the said cases proceedings may be instituted under the said section fifty-three either by the committee or joint committee or joint board, as the case may be, or by the authority or by any four or more local government electors for the area of the authority; and
 - (ii) in the case of a joint committee or joint board, the sheriff shall be the sheriff of the county in which the area of the authority which appointed the person to be a member of the committee or board is situated.

126 Disability of member for voting on account of interest in contract, and &c.

Section seventy-three of this Act shall apply in the case of members of a committee or sub-committee of a local authority (including any committee or sub-committee to which section fifty-two of this Act applies), whether appointed under this Act or any other enactment or any statutory order, or of members of any joint committee or joint board in like manner as that section applies in the case of members of local authorities, subject to the following modifications:—

- (a) as respects members of a committee or sub-committee, references to meetings of the committee or subcommittee shall be substituted for references to meetings of the local authority, and the right of persons who are members of the committee or sub-committee but not members of the authority to inspect the book to be kept under subsection (6) of the said section seventy-three shall be limited to the inspection of the entries in the book relating to members of the committee or sub-committee;
- (b) as respects members of any joint committee or joint board, references to meetings of the joint committee or joint board shall be substituted for references to meetings of the local authority and references to the clerk to the joint committee or joint board for references to the clerk, of the authority;
- (c) in subsection (8) of the said section seventy-three references to the local authority shall be construed, in the case of a committee or sub-committee exercising functions vested in the authority, as references to the authority, and in any other case as references to the committee, sub-committee, joint committee or joint board.