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STATUTORY INSTRUMENTS

1995 No. 2238 (S.166)

LOCAL GOVERNMENT, SCOTLAND

The Orkney Tourist Board Scheme Amendment Order 1995

Made - - - - 24th August 1995

Coming into force - - 31st August 1995

The Secretary of State, in exercise of the powers conferred on him by section 173(1) and (2)(e) of the Local Government etc. (Scotland) Act 1994(1) and of all other powers enabling him in that behalf and after consulting the Scottish Tourist Board and The Orkney Islands Council in accordance with section 173(4)(a) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Orkney Tourist Board Scheme Amendment Order 1995 and shall come into force on 31st August 1995.

(2) In this Order “the scheme” means the Orkney Tourist Board Scheme 1995(2).

Amendment of the scheme

2. In paragraph 4 of the scheme (membership of the Board)—

(a) for sub-paragraph (3)(b) there shall be substituted—

“(b) persons, not exceeding 5 in number, to be nominated by the council for the local government area of the Orkney Islands to be persons representative of that council on the Board;” and

(b) after sub-paragraph (3) there shall be inserted—

“(4) Each member of the Board shall have one vote.”.

3. In paragraph 5 of the scheme (membership of controlling body), after sub-paragraph (2) there shall be inserted—

“(3) Each member of the controlling body shall have one vote.

(1) 1994 c. 39.

(2) S.I. 1995/1888.

(4) The appointment of a member of the controlling body of the Board by the Secretary of State under sub-paragraph (1) shall terminate 28 days after the date of the first general meeting of the Board.”.

4. In paragraph 6 of the scheme (proceedings of the Board), after sub-paragraph (3) there shall be inserted—

“(4) The decision of the Board or of the controlling body of the Board on any matter shall be decided by a majority of members present and voting thereon.

(5) In the case of an equality of votes the member presiding at the meeting of the Board or as the case may be of the controlling body of the Board shall have a second or casting vote except where the matter which is the subject of the vote is one to which sub-paragraph (6) applies, in which case the decision shall be by lot.

(6) This sub-paragraph applies—

- (a) to the appointment of a person to be a member of the Board;
- (b) to the appointment of a member to be a member of the controlling body of the Board; and
- (c) to the appointment of a member to any particular office or committee.”.

St Andrew’s House,
Edinburgh
24th August 1995

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Orkney Tourist Board Scheme 1995 ([S.I. 1995/1888](#)) (“the scheme”).

Paragraph 4(3)(b) of the scheme provides that there may be appointed to membership of the Board the council for the local government area of the Orkney Islands. This Order substitutes therefor provision for the appointment of persons, not exceeding 5 in number, to be nominated by that council to be persons representative of the council on the Board (article 2(a)).

The Order also provides that—

- (a) each member of the Board and of the controlling body shall have one vote (articles 2(b) and 3);
- (b) the appointment of the first members of the controlling body of the Board by the Secretary of State shall terminate 28 days after the date of the first general meeting of the Board (article 3);
- (c) decisions of the Board and of the controlling body of the Board shall be by majority (article 4); and
- (d) in the case of equality of votes the member presiding shall have a second or casting vote (except where the matter relates to the appointment of a member of the Board or of the controlling body of the Board or a member to any office or committee which is to be resolved by lot) (article 4).