

*These notes relate to the Ethical Standards in Public Life etc. (Scotland)
Act 2000 (asp 7) which received Royal Assent on 24 July 2000*

ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000

EXPLANATORY NOTES

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The Act

Part 3

General and Miscellaneous Provisions Relating to **Parts 1 and 2**

Section 28 Definitions

62. Subsection (1) provides a list of definitions of terms used in Parts 1 to 3 of this Act.
63. Subsections (2) to (5) provide that Scottish Ministers may add bodies to or delete bodies from the list of devolved public bodies in schedule 3. This is done by order and such an order may contain such additional provisions as appear to Scottish Ministers to be necessary or expedient.

Section 29 Suspension and disqualification of councillors: supplementary and consequential provisions

64. Section 35 of the Local Government (Scotland) Act 1973 makes provision as to the vacation of office by councillors who fail to attend council meetings. This section amends section 35 so that absence from meetings during a period of suspension under sections 19 and 21(2) of this Act or under section 103F or 103G of the Local Government (Scotland) Act 1973 is left out of the account for the purposes of section 35(1) and does not result in the vacating of office. Section 36 of the 1973 Act, which deals with the date when casual vacancies in office occur, is amended to provide that, where a councillor is disqualified from office under section 19, a casual vacancy is deemed to arise on the date on which the office becomes vacant by operation of section 19(3).

Section 30 Modification of enactments etc

66. This section enables Ministers to make modifications to existing statutory provisions governing the conduct of a councillor, a member of a devolved public body, or the Water Industry Commissioner for Scotland. Modifications may also be made to any existing statutory provisions governing the tenure of office, suspension, removal from office, disqualification or discipline of any such person. These modifications may be made by order to ensure consistency of those provisions with this Act and the provisions of any code made under it.

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Section 31 Preservation of previous law and rules in relation to members of devolved public bodies

67. This section preserves any previously existing statutory provisions relating to the conduct of members of devolved public bodies, and their tenure of office, suspension, removal, disqualification and discipline except insofar as such provisions may be modified under section 30 and subject to any repeals made in section 36 and schedule 4 to this Act.