



Local Governance (Scotland) Act 2004

2004 asp 9

PART 2

MEMBERSHIP OF LOCAL AUTHORITIES ETC.

12 Severance payments for councillors

- (1) The Scottish Ministers may, by regulations, provide for the making by local authorities of payments (“severance payments”) to persons who—
 - (a) were, immediately prior to the date of an ordinary election, members of local authorities,
 - (b) were not candidates to be councillor at that election, and
 - (c) meet such other criteria as may be specified in the regulations.
- (2) Those regulations may include provision as to—
 - (a) the amounts of severance payments and the methods of calculating those amounts,
 - (b) the procedure for applying for severance payments and for dealing with such applications.
- (3) Where the Scottish Ministers have made a requirement under subsection (2) of section 13 in relation to a matter specified in subsection (3)(b) of that section they shall, before making regulations under subsection (1) of this section, consider any information, advice or recommendations given to them by the Scottish Local Authorities Remuneration Committee in response to the requirement.
- (4) In section 29 (qualifications for nomination, election and holding office as member of local authority) of the 1973 Act, after subsection (1) insert—

“(1A) A person who has received a severance payment (within the meaning of section 12 of the Local Governance (Scotland) Act 2004 (asp 9)) shall not be so qualified.”
- (5) In this section, “ordinary election” means an ordinary election of councillors for local government areas (within the meaning of section 6) in Scotland.