



# Local Governance (Scotland) Act 2004

## 2004 asp 9

### PART 2

#### MEMBERSHIP OF LOCAL AUTHORITIES ETC.

#### 7 Disqualification

- (1) In section 31 of the 1973 Act, subsection (1)(a) (disqualification of officers, employees etc. and their partners from nomination, election and holding office as members of local authorities) is repealed.
- (2) After that section insert—

**“31A Disqualification of officers, employees etc. from remaining members of local authority**

- (1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.
- (2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.
- (3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.
- (4) In this section the “relevant day” is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 (c. 80) or a day appointed for public thanksgiving or mourning in Scotland).
- (5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9).

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*Status: This is the original version (as it was originally enacted).*

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- (6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989 (c. 42).”