



Ethical Standards in Public Life etc. (Scotland) Act 2000

2000 asp 7

PART 3

GENERAL AND MISCELLANEOUS PROVISIONS RELATING TO PARTS 1 TO 3

28 Definitions

(1) In Parts 1 and 2 and this Part of this Act—

“Chief Investigating Officer” means the Chief Investigating Officer appointed under section 9 above;

“the Commission” means the Standards Commission for Scotland set up by section 8 above;

“council” means a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);

“councillor” shall be construed accordingly;

“councillors' code” means the code of conduct for councillors for which provision is made in section 1 above;

“devolved public body” means a body listed in schedule 3 to this Act;

“joint board” and “joint committee” have the meanings respectively given by section 235 of the Local Government (Scotland) Act 1973 (c. 65);

“members' code” means a code of conduct for members of a devolved public body for which code provision is made in section 3 above;

“members' model code” means the model code for members of devolved public bodies issued under section 2(1) above;

“Ministers” means the Scottish Ministers.

(2) Ministers may by order modify schedule 3 to this Act by—

(a) adding to the bodies listed there any Scottish public authority with mixed functions or no reserved functions;

(b) deleting the entry relating to any body listed there.

(3) An order under subsection (2) above may contain such provisions as appear to Ministers to be necessary or expedient in connection with the addition or deletion

effected by the order, including provisions modifying the application of this Act or any other enactment to the body to which the order relates.

- (4) An order under subsection (2) above shall be made by statutory instrument.
- (5) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

29 Suspension and disqualification of councillors: supplementary and consequential provisions

- (1) In section 35 (vacation of office by failure to attend meetings) of the Local Government (Scotland) Act 1973 (c. 65)—
 - (a) in subsection (1) for “(2) and (3)” there is substituted “(2) to (4)”; and
 - (b) at the end there is added—
 - “(4) The absence of a member of a local authority from a meeting of the authority during a period of suspension imposed on the member under section 103F or 103G of this Act or section 19 or 21(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) is not, for the purposes of this section, a failure to attend the meeting.”.
- (2) In section 36 (casual vacancies) of that Act, in paragraph (c), after the word “principal” there is inserted “or become vacant by operation of section 19(3)(a) (effect of disqualification) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7).”.

30 Modification of enactments etc

- (1) Ministers may, by order, make such modification as they consider necessary or expedient of any enactment or instrument governing the conduct of a councillor or a member of a devolved public body or the Water Industry Commissioner for Scotland or the tenure of office, suspension, removal from office, disqualification or discipline of any such person in order to make that enactment or instrument consistent with this Act and with the provisions of any code under it applicable to that person.
- (2) An order under subsection (1) above shall be made by statutory instrument.
- (3) No such order shall be made unless a draft of the statutory instrument has been laid before, and approved by a resolution of, the Scottish Parliament.

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

Subject to sections 30 above and 36 below, nothing in this Act or in any code under it affects the continued operation in relation to a member of a devolved public body of any enactment or other provision governing the conduct of that member or that member’s tenure of office or the suspension, removal from membership, disqualification or discipline of that member.