



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART V

INTERNAL ORGANISATION

Staff

64 Appointment etc. of staff.

- (1) Subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of their functions and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 65 of this Act.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Where an action has been brought against an officer of a local authority in respect of an act done by him in the execution or purported execution of any enactment and the circumstances are such that he is not legally entitled to require the authority to indemnify him, the authority may nevertheless indemnify him against the whole or a part of any damages or expenses which he may have been ordered to pay or may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under the enactment required or entitled him to do it.
- (4) Any enactment, except one mentioned in subsection (5) below, which requires or empowers local authorities or any class of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.
- (5) The following enactments are excepted from subsection (4) above—
 - (a) ^{F1}
 - ^{F2}(b)

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[^{F3}(bb) section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);]

^{F4}(c)

^{F5}(d)

(e) section 3 of the ^{M1}Social Work (Scotland) Act 1968 ([^{F6}chief social work officers]);

^{F4}(f)

(g) section 67(3)(b) of the ^{M2}Agriculture Act 1970 (agricultural analysts and deputies).

(6) Nothing in this section affects the operation of section 7 of the ^{M3}Registration of Births, Deaths and Marriages (Scotland) Act 1965 (registrars) or the operation of the ^{M4}Local Authorities (Goods and Services) Act 1970.

^{F7}(7)

Textual Amendments

F1 S. 64(5)(a) repealed (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\)](#), ss. 89(2), 90, **Sch. 4** (with s. 77); S.S.I. 2005/392, {art. 2(k)}

F2 S. 64(5)(b) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. XI**

F3 S. 64(5)(bb) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), ss. 331(1), 333(2)-(4), **Sch. 4 para. 2**; S.S.I. 2005/161, **art. 3** (as substituted by S.S.I. 2005/375)

F4 S. 64(5)(c)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(17)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F5 S. 64(5)(d) repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, **Sch. 13 Pt. I**

F6 Words in s. 64(5)(e) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(17)(b)**; S.I. 1996/323, **art. 4(1)(c)**

F7 S. 64(7) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

C1 S. 64(3) extended with modifications by [S.I. 1987/800](#), **reg. 20(2)**

Marginal Citations

M1 1968 c. 49.

M2 1970 c. 40.

M3 1965 c. 49.

M4 1970 c. 39.

65 Placing of staff of local authorities at disposal of other local authorities.

(1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.

(2) For superannuation purposes, service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer

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shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.

Modifications etc. (not altering text)

- C2** S. 65 extended (8.9.2000) by 2000 asp 10, s. 36, **Sch. 5 para. 3**; S.S.I. 2000/312, **art. 2**
- C3** S. 65 applied (9. 5. 1991) by Tay Road Bridge Order Confirmation Act 1991 (c. iv), s. 1, **Sch. Pt. VIII s.63**
- S. 65 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, **art. 2, Sch. para. 3**

66 Security to be taken in relation to officers.

- (1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may, in the case of any other officer employed by them, take such security for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.
- (2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.
- (3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

Modifications etc. (not altering text)

- C4** S. 66 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, **art. 2, Sch. para. 3**

[^{F8}67 Members of local authorities not to be appointed as officers etc.

- (1) A person who is a member of a local authority is disqualified from being appointed by the authority to any paid office or employment (other than the office of convener or depute convener) or other place of profit in the gift or disposal of the authority.
- (2) A person who has ceased to be a member of a local authority is disqualified—
 - (a) for a period of 3 months beginning with the day on which the person ceased to be a member of a local authority from being appointed by the authority to any such office, employment or place of profit which is not a politically restricted post;
 - (b) for a period of 12 months beginning with that day from being appointed by the authority to any such office, employment or place of profit which is a politically restricted post.
- (3) A person who—
 - (a) has ceased to be a member of a local authority; and
 - (b) at any time during the period of 12 months ending with the day on which the person so ceased, participated directly in the appointing of any person to a politically restricted post,

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is, for the period of 12 months beginning on that day, disqualified from being appointed by the authority to any paid office or employment or other place of profit in the gift or disposal of the authority.

- (4) A reference to a politically restricted post is—
- (a) in subsection (2) above, a reference to a post held by a person who is within any of paragraphs (a) to (g) of subsection (1) of section 2 (politically restricted posts the holders of which are disqualified from membership of the local authority) of the Local Government and Housing Act 1989 (c. 42);
 - (b) in subsection (3) above, a reference to a post held by a person who is within any of paragraphs (a) to (e) of that subsection.]

Textual Amendments

- F8** S. 67 substituted (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 10, 17(2)**; [S.S.I. 2007/25](#), **art. 2(2)**

68 Disclosure by officers of interest in contracts.

- (1) If it comes to the knowledge of an officer employed whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall, as soon as practicable, give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section, an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 39 of this Act had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [^{F9}level 4 on the standard scale].
- (4) References in this section to a local authority shall include references to a joint committee appointed under section 57 of this Act or any other enactment.

Textual Amendments

- F9** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F, 289G** (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)

Modifications etc. (not altering text)

- C5** S. 68 applied (9. 5. 1991) by [Tay Road Bridge Order Confirmation Act 1991 \(c. civ\)](#), s. 1 Sch. Pt. III s.9
- S. 68 applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), **art. 2, Sch. para. 3**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)