

SCHEDULES

SCHEDULE 4

Section 12.

CONSTITUTION AND PROCEEDINGS OF THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR SCOTLAND

- 1 (1) The Boundary Commission shall be a body corporate consisting of a chairman, a deputy chairman and not more than four other members.
- (2) The members of the Commission shall be appointed by the Secretary of State and, subject to sub-paragraph (3) below, shall hold and vacate office in accordance with the terms of their respective appointments.
- (3) The Secretary of State may remove a person from membership of the Commission if he is satisfied that that person—
 - (a) has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract;
 - (b) is incapacitated by physical or mental illness;
 - (c) has been absent from meetings of the Commission for a period longer than six consecutive months otherwise than for a reason approved by the Secretary of State ; or
 - (d) is otherwise unable or unfit to discharge the function of a member.
- (4) The common seal of the Commission shall be authenticated by the signature of a member of the Commission or of some other person authorised in that behalf by the Commission.
- 2 (1) There shall be paid to each member of the Boundary Commission such salary or fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.
- (2) The Commission may pay such pension, allowance or gratuity to or in respect of any member of the Commission on his retirement or death, or make such payments towards the provision of such pension, allowance or gratuity, as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.
- (3) If a person ceases to be a member of the Commission, and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the consent of the Minister for the Civil Service, require the Commission to pay to that person a sum of such amount as the Secretary of State may, with the consent aforesaid, determine.
- 3 Schedule 1 to the House of Commons Disqualification Act 1957 (offices disqualifying for membership) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom—
 - (a) as if in Part II, in the appropriate place in alphabetical order, there were inserted the entry—

“The Local Government Boundary Commission for Scotland”; and

(b) as if in Part III, in the appropriate place in alphabetical order, there were inserted the following entry—

“Assistant Commissioner appointed under Part II of the Local Government (Scotland) Act 1973”.

4 (1) The Secretary of State may appoint, to assist and advise the Boundary Commission in the exercise of the Commission’s functions, such persons as he thinks fit, being persons having expert knowledge likely to be of value to the Commission.

(2) There shall be paid to persons appointed under this paragraph such fees and allowances as may from time to time be determined by the Secretary of State with the consent of the Minister for the Civil Service.

5 At any meeting of the Boundary Commission three shall be the quorum.

6 All acts done at a meeting of the Boundary Commission shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member of the Commission, be as valid as if the defect had not existed.

7 Subject to the preceding provisions of this Schedule and to the provisions of, and of any directions given under, Part II of this Act, the procedure of the Boundary Commission at and in connection with their meetings shall be such as they may from time to time determine.

Officers and servants, remuneration and expenses

8 (1) The Secretary of State may appoint a secretary to the Boundary Commission and such other officers and servants of the Commission as he may, with the approval of the Minister for the Civil Service, determine.

(2) Before appointing a person to be secretary to the Commission, the Secretary of State shall consult with the Commission.

(3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Secretary of State with the approval of the Minister for the Civil Service.

(4) The Commission may, with the approval of the Secretary of State and of the Minister for the Civil Service, pay to its officers and servants such remuneration, allowances and expenses as may from time to time be determined.

(5) The Commission may, with the approval of the Secretary of State, pay such pensions, allowances or gratuities to or in respect of any of its officers or servants on their retirement or death, or make such payments towards the provision of such pensions, allowances or gratuities, as may be determined.

9 The expenses of the Boundary Commission including—

- (a) the salaries, fees and allowances of its members,
- (b) any payment of or towards the provision of a pension, allowance or gratuity to or in respect of a member on his retirement or death,
- (c) any payment of compensation to a person who ceases to be a member,
- (d) the remuneration and any expenses paid to an assistant commissioner, and
- (e) the remuneration and any expenses paid to the officers and servants of the Commission, and

(f) any payment of or towards the provision of a pension, allowance or gratuity to or in respect of any of the officers or servants of the Commission, together with the fees and allowances paid to persons appointed under paragraph 4 above, shall be defrayed out of moneys provided by Parliament.

Proof of documents

- 10 (1) Every document purporting to be an instrument made or issued by the Boundary Commission and to be duly sealed with the seal of the Commission or to be signed by the Secretary or any person authorised to act in that behalf shall be received in evidence and, unless the contrary is proved, shall be deemed to be an instrument made or issued by the Commission.
- (2) Sufficient evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified by or on behalf of the secretary of the Commission to be a true copy of the instrument.