

Status: Point in time view as at 01/02/1991.

Changes to legislation: Local Government (Scotland) Act 1973, SCHEDULE 8 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Section 97.

PROVISIONS AS TO THE [F1COMMISSION FOR LOCAL AUTHORITY ACCOUNTS IN SCOTLAND][F1ACCOUNTS COMMISSION FOR SCOTLAND]

Textual Amendments

- F1** Words commencing “Accounts Commission” substituted (*prosp.*) for words commencing “Commission for Local Authority” by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 36(1), 67(2), [Sch. 7 para. 13](#)

- 1 The [F2Commission for Local Authority Accounts in Scotland][F2Accounts Commission for Scotland] (hereafter in this Schedule referred to as “the Commission”) shall be a body corporate and shall have a common seal.

Textual Amendments

- F2** Words commencing “Accounts Commission” substituted (*prosp.*) for words commencing “Commission for Local Authority” by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 36(1), 67(2), [Sch. 7 para. 13](#)

- 2 (1) Each member of the Commission shall, subject to sub-paragraph (4) below, hold and vacate office in accordance with the terms of his appointment.
- (2) A member of the Commission may at any time resign office as such by notice in writing given to the Secretary of State.
- (3) A person who has held office as a member of the Commission shall be eligible for reappointment.
- (4) The Secretary of State may remove a person from membership of the Commission if he is satisfied that that person—
- has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract;
 - is incapacitated by physical or mental illness;
 - 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
 - is otherwise unable or unfit to discharge the function of a member.
- 3 (1) The Secretary of State shall appoint one of the members of the Commission to be chairman, and another of the members of the Commission to be deputy chairman, of the Commission.

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- (2) The chairman or deputy chairman of the Commission may at any time resign office as such by notice in writing given to the Secretary of State.
- (3) If the chairman or deputy chairman of the Commission ceases to be a member of the Commission he shall cease to be chairman or, as the case may be, deputy chairman of the Commission.
- [^{F3}3A There may be paid to any member of the Commission out of their funds such salary or fees and allowances as may be approved by the Secretary of State.]

Textual Amendments

F3 Para. 3A added by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 17](#)

- 4 (1) At any meeting of the Commission the quorum shall be five or such larger number as the Commission may determine.
- (2) In the case of an equality of votes at any meeting of the Commission the person acting as chairman of the meeting shall have a second or casting vote.
- (3) The proceedings of the Commission shall not be invalidated by any vacancy in their membership or by any defect in the appointment of any person as a member, or as chairman or deputy chairman, of the Commission.
- (4) Subject to the foregoing provisions of this paragraph, the Commission shall have power to regulate their own procedure.
- 5 (1) The application of the seal of the Commission to any document shall be authenticated by the signatures of at least one member of the Commission and of an officer of the Commission authorised by them in that behalf.
- (2) Any document purporting to be a document issued by the Commission and to be duly sealed as provided in sub-paragraph (1) above or to be signed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so issued.
- 6 (1) Officers and agents appointed by the Commission shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the Commission think fit.
- (2) The Commission may pay such pensions, allowances or gratuities to or in respect of any of their officers on their retirement or death, or make such payments towards the provision of such pensions, allowances or gratuities, as the Commission think fit.
- 7 The Commission shall have power generally to do such acts as may appear to them to be necessary or expedient for the proper discharge of their functions and, without prejudice to the generality of the foregoing provision, the Commission may—

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- (a) borrow, on the security of any property belonging to them, any money necessary for the purpose of meeting any expenses incurred by them in or in connection with the discharge of their functions;
- (b) acquire such property (whether heritable or moveable) as may, in the opinion of the Commission, be necessary or desirable for the discharge of any of their functions, and dispose as they think fit of any property so acquired.

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