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*Changes to legislation:* There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 2. (See end of Document for details)

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## SCHEDULE 2

Section 7(1).

### ESTABLISHMENT OF NEW LOCAL AUTHORITIES

#### *First elections of councillors*

- 1 (1) For the purpose of any election of councillors held before the relevant year of election, every local government area shall be divided into such electoral wards as may be specified in a direction made by the Secretary of State after carrying out, either before or after the passing of this Act, such consultation as he considers appropriate.
- (2) In this paragraph “relevant year of election” means, in relation to a local government area, the first year of ordinary election of councillors for that area occurring after the making of an order constituting the new electoral wards of that local government area in consequence of a review under Schedule 5 to the 1973 Act.
- (3) A direction under this paragraph may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State may consider to be appropriate.
- 2 (1) Notwithstanding the provisions of section 41(1) (returning officer to be an officer of the council) of the <sup>M1</sup>Representation of the People Act 1983 (“the 1983 Act”), at the elections of councillors to be held on 6th April 1995, the returning officer shall be an officer appointed by such regional or district council as the Secretary of State may direct.
- (2) Section 42(5) (expenses of election) of the 1983 Act shall not apply to any such election, but all expenditure properly incurred by a returning officer or other officer shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions as may be agreed between them or, failing such agreement, by such of them, and in such proportions, as may be determined by the Secretary of State.
- (3) In this paragraph “existing authorities” means the authorities all or part of whose area is included in the area of the new authority whose council is being elected.

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#### **Marginal Citations**

**M1** 1983 c. 2.

#### *Qualification for membership*

- 3 For the purposes of section 29 of the 1973 Act, in its application to a candidate for membership of a new local authority, the new local authority areas shall be treated as having been established not less than twelve months before the day of his nomination as such a candidate.

#### *First meetings of new councils*

- 4 (1) The first meeting of each new council shall be held within twenty-one days immediately following the day of election.

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- (2) The first meeting shall be convened by a person designated for that purpose by the Secretary of State, and shall be held at such place as that person may appoint.
  - (3) The notice of the meeting required by paragraph 2(1) of Schedule 7 to the 1973 Act shall, in the case of the first meeting, be published at the place where the meeting is to be held, and the summons to attend the meeting required by that paragraph shall be signed by the person designated as mentioned in sub-paragraph (2) above.
- 5
- (1) Until the completion of the election of a convener at the first meeting of a new council, the returning officer appointed as mentioned in paragraph 2 above, or failing him any such councillor as may be selected by the councillors meeting together, shall exercise any functions falling to be exercised by the convener of the council, but the person so acting as convener shall not be entitled to vote unless he is a councillor for the new area.
  - (2) At the first meeting of a new council the person designated as mentioned in paragraph 4(2) above shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
  - (3) The standing orders for the regulation of the proceedings and business of an existing authority, designated by the Secretary of State, shall apply at the first meeting of a new council.

*Suspension of elections*

- 6
- No election of councillors of an existing local authority shall be held on or after 16th November 1994, except an election to fill a casual vacancy where the date of the election has been fixed in accordance with section 37(1) of the 1973 Act before 16th November 1994; and on and after that date any such casual vacancy shall be filled by the authority themselves electing a person to fill that vacancy.

*Election of convener and depute convener after 1st April 1996*

- 7
- (1) The term of office of the convener and any depute convener elected to a council following the ordinary election on 6th April 1995 shall terminate on the day of the first meeting of the council held on or after 1st April 1996.
  - (2) At that meeting the election of a convener shall be the first business.
  - (3) The retiring convener shall be eligible for re-election, but shall in any event preside until a convener has been elected.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 2.