

SCHEDULE 2

Article 3

CONSTITUTION AND PROCEEDINGS OF BOARDS

Appointment of members

1.—(1) A board shall, subject to sub-paragraph (2) below, have the total number of members specified in column 2 of Schedule 1 to this Order opposite the name of that board (as shown in column 1 of that Schedule) and each constituent authority of a board shall, prior to 8th November 1995, appoint as first members of that board the number of persons specified in column 4 of that Schedule opposite the name of that authority (as shown in column 3 of that Schedule).

(2) All the constituent authorities of a board may, at any time after the first meeting of the board, agree that—

- (a) the total number of members of the board; or
- (b) the number of members to be appointed by any constituent authority,

shall be altered from that applicable immediately prior to the agreement taking effect.

(3) It shall be the duty of each constituent authority of a board—

- (a) at the first meeting of that authority taking place after each ordinary election, to appoint as members of the board the number of persons specified in column 4 of Schedule 1 to this Order opposite the name of that authority (as shown in column 3 of that Schedule) or such other number of persons as may have been agreed under sub-paragraph (2) above; and
- (b) on a vacancy occurring due to a person appointed by that authority ceasing to be a member of the board in the circumstances described in paragraph 2(2) to (4) below, to appoint another person in his place unless the authority, having regard to the length of time until the next ordinary election, consider it unnecessary to do so.

(4) A constituent authority may appoint persons as substitute members to attend meetings of a board, or of any of its sub-committees, in the absence of any members appointed to the board by that authority, and where any such substitute members are appointed—

- (a) only one substitute member may attend in place of a member who is absent; and
- (b) the substitute member shall have the same powers as the member who is absent.

(5) Any person appointed as a member, or substitute member, of a board must be a councillor for the area of the constituent authority making the appointment.

(6) A constituent authority shall intimate in writing to the clerk of the board—

- (a) as soon as possible after appointing any person as a member of the board, the name of that person; and
- (b) as soon as possible after a vacancy has occurred due to a person appointed by that authority ceasing to be a member of the board in the circumstances described in paragraph 2(2) or (4) below, the name of that person.

(7) The proceedings of a board shall not be invalidated by any vacancy or vacancies among its members or by any defects in the method of appointment of any of its members.

Duration and termination of membership

2.—(1) Subject to sub-paragraphs (2) to (4) below, any person appointed by a constituent authority as a member of a board shall hold office until the first meeting of that authority held after the next ordinary election following the date of his appointment.

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(2) If, prior to the next ordinary election following the date of his appointment, a member of a board ceases to be a councillor for the area of the constituent authority which appointed him, he shall immediately cease to be a member of the board.

(3) A member of a board may resign his membership at any time by written intimation to that effect to—

- (a) the clerk of the board; and
- (b) the constituent authority which appointed him.

(4) A constituent authority may at any time terminate the membership of any person appointed by them as a member of a board.

Conveners and depute conveners

3.—(1) Each board shall appoint from its membership a convener and depute convener, but the convener and depute convener shall not, at any time, be members of the same constituent authority.

(2) The convener and depute convener of a board shall each hold office until whichever is the earlier of—

- (a) the date of the ordinary election next following the date of his appointment; and
- (b) the date of his ceasing to be a member of the board.

(3) The convener, or in his absence the depute convener, shall preside at all meetings of a board, but where both the convener and the depute convener are absent from any meeting the members present shall appoint a convener for that meeting.

(4) In the event of an equality of votes at a meeting, the convener of that meeting shall, subject to sub-paragraph (5) below, have a casting vote as well as a deliberative vote.

(5) Where there is an equality of votes at a meeting and the matter which is the subject of the vote relates to the appointment of a member of the board to any particular office or sub-committee of the board, the decision shall be by lot.

Officers of boards

4.—(1) Each board shall appoint a clerk and a treasurer, but a board may appoint the same person to act as both clerk and treasurer.

(2) A board may appoint an officer of one of its constituent authorities to hold a post referred to in sub-paragraph (1) above.

(3) A board may appoint such other staff as may be required for the discharge of its functions.

(4) Where, under an agreement with a board, a constituent authority place any of their own staff at the disposal of the board, the board shall pay to that authority such amounts as may be agreed for such services.

Meetings

5.—(1) The first meeting of each board shall be held as soon as practicable after the board is established, and shall be convened by a person designated for that purpose by the appropriate authority.

(2) For the purposes of sub-paragraph (1) above, the appropriate authority is—

- (a) in the case of the Highland and Western Isles Valuation Joint Board, Highland Regional Council;
- (b) in the case of the Orkney and Shetland Valuation Joint Board, Orkney Islands Council; and

(c) in any other case, the regional council for the area of the constituent authorities of the board in question.

(3) Subject to sub-paragraph (1) above, each board shall hold such meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix.

(4) The clerk of a board shall send copies of the minutes of all its meetings to each of its constituent authorities for their information.

(5) A board shall have power to make or adopt standing orders regulating the procedures and business of—

- (a) the board;
- (b) any sub-committees appointed by it under paragraph 6 below.

(6) Paragraph 4 of Schedule 7 to the 1973 Act shall apply for determining the quorum of a board as it applies for determining the quorum of a council.

Sub-committees

6. A board may appoint from its membership such sub-committees as it may from time to time consider necessary or desirable and may refer to any such sub-committee such matters as the board may from time to time specify.

Powers of boards

7. A board shall have power to—

- (a) hold land;
- (b) borrow money.

Finance and accounts

8.—(1) The expenses incurred by a board shall be defrayed by its constituent authorities in such proportions as they may agree or, in case of disagreement, as may be determined by the Secretary of State.

(2) As soon as possible after the completion of the audit of the accounts of a board under Part VII of the 1973 Act, the board shall provide each of its constituent authorities with a copy of the audited accounts.

Settlement of differences

9. In the event of any difference arising between the constituent authorities of a board as to the true intent and meaning, or the due implement, of any provisions of this Order, such difference shall (if it cannot be resolved between the constituent authorities) be referred to the Secretary of State and his decision shall be final and binding upon those authorities.