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

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## SCHEDULE 3

### RESIDUARY BODIES

#### *Membership*

- 3 (1) Subject to the provisions of this paragraph, every member of a residuary body shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A residuary body shall consist of not less than three and not more than seven members appointed by the Secretary of State; and the Secretary of State shall appoint one of those members to be chairman and may appoint another to be deputy chairman of that body.
- (3) The Secretary of State may by order alter either of the numbers specified in subparagraph (2) above.
- (4) Any member may resign by notice in writing to the Secretary of State, and the chairman or deputy chairman may by a like notice resign his office as such.
- (5) The Secretary of State may remove a member from office if satisfied that the member—
- (a) has had his estate sequestrated, has made any arrangement with his creditors, has been adjudged bankrupt or has granted a trust deed or a composition contract for his creditors;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the body for a period of three months otherwise than for a reason approved by the body; or
  - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- (6) If the chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman.
- (7) An order under this paragraph shall be made by statutory instrument subject to annulment by resolution of either House of Parliament.
- 4 The Secretary of State shall satisfy himself—
- (a) before he appoints a person under paragraph 3(2) above, that the person has no financial or other interest likely to affect prejudicially performance as a member of the residuary body in question;
  - (b) from time to time, that each person so appointed continues, and has continued, to have no such interest.
- 5 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 4(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of that requirement.

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