

SCHEDULE 2

CONSTITUTION AND MEMBERSHIP OF PARTNERSHIPS

Appointment of members

1.—(1) Each Partnership shall have the number of councillor members appointed by and from each constituent council of the Partnership specified in column 3 of Schedule 1 to this Order opposite the name of that council (as shown in column 2 of that Schedule).

(2) Each Partnership shall have such number of other members as they consider appropriate within the range specified in the corresponding entry in column 5 of Schedule 1 to this Order or where there is a number specified in column 5, that number, and each such member shall be appointed in accordance with sub paragraphs (3) and (4) below.

(3) During the period ending with the holding of the poll at ordinary elections for councillors in 2007, each such other member shall be appointed by the Scottish Ministers.

(4) After the period mentioned in sub paragraph (3), each such other member shall be appointed by the Partnership, subject to the consent of the Scottish Ministers.

(5) Each of the Partnerships and the Scottish Ministers may appoint such number of observers as they consider appropriate to the Partnership.

(6) Observers may participate in proceedings of a Partnership in the same manner as councillor members and other members but may not hold office in it or participate in its decisions.

(7) A person shall be disqualified from being appointed as a member or observer of a Partnership if that person is an employee of the Partnership.

(8) Subject to sub paragraph (9) below, each constituent council of a Partnership shall—

(a) at the first meeting of that council taking place after each ordinary election appoint as councillor members of the Partnership the number of persons specified in column 3 of Schedule 1 to this Order opposite the name of that council (as shown in column 2 of that Schedule); and

(b) on a vacancy occurring due to a person appointed by that council ceasing to be a member of the Partnership in the circumstances described in paragraph 2(2) to (6) below, appoint another person in that person's place unless the council, having regard to the length of time until the next ordinary election, consider it unnecessary to do so.

(9) The first appointment of councillor members of a Partnership established under this Order shall be made by each constituent council as soon as is practicable after the coming into force of this Order and at the latest by a month after the coming into force of this Order.

(10) As soon as possible after making the first appointment of councillor members each constituent council of a Partnership shall intimate in writing to the person specified for that Partnership in paragraph 6(2) below, the names of those persons appointed.

(11) Each constituent council may appoint persons as substitute councillor members to attend meetings of a Partnership, or of any of its committees or sub committees, in the absence of any councillor members appointed to the Partnership by that council, and where any such substitute councillor members are appointed—

(a) only one substitute councillor member may attend in place of a councillor member who is absent; and

(b) the substitute councillor member shall have the same powers as the councillor member who is absent.

(12) Any person appointed as a councillor member, or substitute councillor member, of a Partnership must be a councillor for the area of the constituent council making the appointment.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 No. 622

- (13) A constituent council shall intimate in writing to the secretary of the Partnership—
- (a) as soon as possible after appointing any person as a councillor member or substitute councillor member of the Partnership, the name of that person; and
 - (b) as soon as possible after a vacancy has occurred due to a person appointed by that council ceasing to be a councillor member or substitute councillor member of the Partnership in the circumstances described in paragraph 2(2) or (4) below, the name of that person.
- (14) The proceedings of a Partnership 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.