



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART I

LOCAL GOVERNMENT AREAS, AUTHORITIES AND ELECTIONS

New areas and councils

1 New local government areas in Scotland

- (1) For the administration of local government on and after 16th May 1975, Scotland shall have local government areas in accordance with the provisions of this section.
- (2) Scotland (other than Orkney, Shetland and the Western Isles) shall be divided into local government areas to be known as regions, and those regions shall be the regions named in Part I of Schedule 1 to this Act and shall comprise the areas respectively described in column 2 of the said Part I, being administrative areas existing immediately before the passing of this Act.
- (3) Orkney, Shetland and the Western Isles shall be local government areas to be known as islands areas, and shall comprise the areas respectively described in column 2 of Part II of the said Schedule, being administrative areas existing immediately before the passing of this Act.
- (4) In each region there shall be local government areas to be known as districts, and the districts shall be the districts named in column 2 of Part III of the said Schedule and shall comprise the areas respectively described in column 3 of the said Part III, being administrative areas existing immediately before the passing of this Act.
- (5) On 16th May 1975, all local government areas existing immediately before that date, that is to say, all counties, counties of cities, large burghs, small burghs and districts, shall cease to exist, and the council of every such area shall also cease to exist.
- (6) Part IV of the said Schedule shall have effect in relation to the boundaries of the new local government areas.

2 Constitution of councils of regions, islands areas and districts

- (1) For every region, islands area and district there shall be a council consisting of a chairman and councillors, and each such council shall have all such functions as are vested in them by this Act or otherwise.
- (2) Each such council shall be a body corporate by the name "The Regional Council", "The Islands Council" or "The District Council", as the case may be, with the addition of the name of the particular region, islands area or district, and shall have a common seal.

3 Chairman

- (1) The chairman of each such council as aforesaid shall be elected by the council from among the councillors, and in the case of an equality of votes the chairmanship shall be determined by lot as between those who received an equal number of votes.
- (2) The term of office of the chairman shall be four years from the date of his election as chairman, except in the case of the first and second ordinary elections of chairman of a district council when the term of office shall be three years or, in the case of the filling of a casual vacancy, when the council may decide that the person elected to fill the vacancy should serve as chairman for the remainder of the term of office of the council.
- (3) The election of the chairman shall be the first business transacted at the first meeting of the council held after the ordinary election of councillors, and at that meeting, until the chairman is elected, the returning officer, and failing him such councillor as may be selected by the meeting, shall preside.
- (4) A person holding the office of chairman shall be eligible for re-election as chairman but shall cease to hold that office upon ceasing to be a councillor.
- (5) On a casual vacancy occurring in the office of chairman, an election to fill the vacancy shall be held as soon as practicable by the council at a meeting of the council the notice of which specifies the filling of the vacancy as an item of business, and the meeting shall be conducted in the same manner as an ordinary election of chairman.
- (6) The title of "Lord Provost" shall attach to the chairman of each of the district councils of the cities of Aberdeen, Dundee, Edinburgh and Glasgow, the chairman of each other district council shall be known by such title as the district council, with the consent of the Secretary of State, may decide and the chairman of each regional or islands council shall be known as the convener of that council.
- (7) A council may pay the chairman, for the purpose of enabling him to meet the expenses of his office, such allowance as the council think reasonable.

Election of Councillors

4 Term of office and retirement of councillors

- (1) Councillors for a local government area shall be elected by the local government electors for that area in accordance with this Act and Part I of the Act of 1949.
- (2) The ordinary election of councillors for a regional or islands council shall take place in 1974 and every fourth year thereafter.

Status: This is the original version (as it was originally enacted).

- (3) Subject to the provisions of subsection (6) below and of section 37(3) of this Act, the term of office of regional or islands councillors shall be four years and they shall retire together at the end of such term on the day of the ordinary election of such councillors.
- (4) The first ordinary election of councillors for a district council shall take place in 1974, the second such election shall take place in 1977 and the third such election shall take place in 1980; thereafter such elections shall take place every fourth year.
- (5) Subject to the provisions of subsection (6) below and of section 37(3) of this Act, the term of office of district councillors shall be
 - (a) for those elected in 1974 and 1977, three years ;
 - (b) for those elected in 1980 and later, four years ;and they shall retire together at the end of such term on the day of the ordinary election of district councillors.
- (6) A person elected to the office of councillor at an election held under the provisions of section 9 or 10 of this Act shall hold office only until the day of the next ordinary election.

5 Electoral divisions and wards

- (1) For the purpose of the election of councillors—
 - (a) every region and every islands area shall be divided into electoral divisions; and
 - (b) every district shall be divided into wards ;and each such division or ward shall return one councillor.
- (2) There shall be a separate election for each electoral division or ward.

6 Returning officers

- (1) Every local authority shall appoint an officer of the authority to be the returning officer for each election of councillors for the authority, and if the person so appointed dies, resigns or is for any other reason unable to act, the authority may appoint another person to be returning officer at that election.
- (2) A returning officer appointed under this Act may by writing under his hand appoint one or more persons to discharge all or any of his functions.
- (3) A local government election shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

7 Conduct of local government elections

- (1) Elections of councillors for local government areas shall be conducted in accordance with rules made by the Secretary of State, and accordingly references in the Act of 1949 and in the Representation of the People Act 1969 to local elections rules shall, as respects Scotland, be construed as references to rules made under this section.

Status: This is the original version (as it was originally enacted).

- (2) Rules made under this section shall apply the parliamentary elections rules in Schedule 2 to the Act of 1949 subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.
- (3) Without prejudice to the generality of subsection (2) above, rules made under this section shall prescribe that the nomination paper of a candidate for election as a councillor for a local government area shall contain a statement declaring that the candidate—
 - (a) consents to be nominated as a candidate ;
 - (b) if elected, will accept office as a councillor and will faithfully perform the duties of the office ;
 - (c) has attained the age of 21 years and is a British subject or citizen of the Republic of Ireland and not subject to any legal incapacity; and
 - (d) is not subject to any of the disqualifications for office set out in section 31 of this Act.
- (4) The statement mentioned in subsection (3) above shall also contain particulars of the candidate's qualification for office under paragraphs (a) to (d) of section 29(1) of this Act, in such form as may be prescribed by rules made under this section.
- (5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor to a local authority shall be paid by the council of that authority, but only (in cases where there is a scale fixed for the purposes of this section by that council) in so far as it does not exceed that scale.
- (6) Before a poll is taken at an election for a local government area, the council for that area shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.
- (7) A statutory instrument containing rules made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

8 Day of ordinary election

In every year in which ordinary elections of councillors for local government areas are held, the day of election shall be the first Tuesday in May.

9 Election where poll abandoned or countermanded on death of candidate

- (1) If at an election of a councillor for a local authority the poll is, in accordance with the provisions of section 13 of the Representation of the People Act 1969, abandoned or countermanded by reason of the death of a candidate, the returning officer for the election which, by reason of such abandonment or countermanding, has not been duly held or has failed, shall order an election to be held as soon as practicable thereafter on a date to be fixed by him, and he shall remain the returning officer for that election.
- (2) At any such election, no fresh nomination shall be necessary in the case of a candidate who remained validly nominated for the election in respect of which the poll was abandoned or countermanded.

10 Provision in case of non-election of local authority, etc.

- (1) If for any reason a local authority or members of a local authority are not elected in accordance with the provisions of this Act or of Part I of the Act of 1949 and the case is not otherwise provided for, or if there is for any reason no legally constituted local authority for any area or the number of members of a local authority then in office is less than the quorum ascertained in accordance with the provisions of Schedule 7 to this Act, the Secretary of State may direct the holding of an election for filling such vacancies as exist, and the election shall be held as soon as practicable thereafter on a date to be fixed by the Secretary of State.
- (2) The Secretary of State may, in the said direction, make such provision as seems to him expedient for authorising any person to act in place of a local authority pending the election of members of the authority by an election under subsection (1) above, and any direction under this section may contain such incidental, consequential, transitional or supplementary provisions as may appear to the Secretary of State to be necessary or proper.

11 Establishment of new local authorities and supplementary provisions

- (1) Schedule 2 to this Act shall have effect with respect to the establishment of the new local authorities, the suspension of elections of existing local authorities and related matters, and this Part of this Act shall have effect, in relation to such establishment, subject to the provisions of that Schedule.
- (2) Until 16th May 1975 the registration officer for any part of a constituency shall be the person who would, by virtue of the Act of 1949, have held that office apart from the changes to local government areas and authorities effected by this Act.
- (3) Schedule 3 to this Act shall have effect for the purpose of amending and otherwise modifying the operation of the Representation of the People Acts and other enactments relating to parliamentary and local government elections, being amendments and modifications necessary or expedient in consequence of other provisions of this Act.
- (4) In this Part of this Act " the Act of 1949 " means the Representation of the People Act 1949, and " registration officer " has the same meaning as in that Act.