



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART V

INTERNAL ORGANISATION

Staff

64 Appointment etc. of staff.

- (1) Subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of their functions and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 65 of this Act.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Where an action has been brought against an officer of a local authority in respect of an act done by him in the execution or purported execution of any enactment and the circumstances are such that he is not legally entitled to require the authority to indemnify him, the authority may nevertheless indemnify him against the whole or a part of any damages or expenses which he may have been ordered to pay or may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under the enactment required or entitled him to do it.
- (4) Any enactment, except one mentioned in subsection (5) below, which requires or empowers local authorities or any class of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.
- (5) The following enactments are excepted from subsection (4) above—
 - (a) ^{F1}
 - ^{F2}(b)

Changes to legislation: *Local Government (Scotland) Act 1973, Section 64 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F3}(bb) section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);]

^{F4}(c)

^{F5}(d)

(e) section 3 of the ^{M1}Social Work (Scotland) Act 1968 ([^{F6}chief social work officers]);

^{F4}(f)

(g) section 67(3)(b) of the ^{M2}Agriculture Act 1970 (agricultural analysts and deputies).

(6) Nothing in this section affects the operation of section 7 of the ^{M3}Registration of Births, Deaths and Marriages (Scotland) Act 1965 (registrars) or the operation of the ^{M4}Local Authorities (Goods and Services) Act 1970.

^{F7}(7)

Textual Amendments

F1 S. 64(5)(a) repealed (2.8.2005) by [Fire \(Scotland\) Act 2005 \(asp 5\)](#), ss. 89(2), 90, **Sch. 4** (with s. 77); S.S.I. 2005/392, {art. 2(k)}

F2 S. 64(5)(b) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. XI**

F3 S. 64(5)(bb) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), ss. 331(1), 333(2)-(4), **Sch. 4 para. 2**; S.S.I. 2005/161, **art. 3** (as substituted by S.S.I. 2005/375)

F4 S. 64(5)(c)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(17)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F5 S. 64(5)(d) repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, **Sch. 13 Pt. I**

F6 Words in s. 64(5)(e) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(17)(b)**; S.I. 1996/323, **art. 4(1)(c)**

F7 S. 64(7) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

C1 S. 64(3) extended with modifications by [S.I. 1987/800](#), **reg. 20(2)**

Marginal Citations

M1 1968 c. 49.

M2 1970 c. 40.

M3 1965 c. 49.

M4 1970 c. 39.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)