



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VII

FINANCE

Accounts and audit

97 Establishment of Commission for Local Authority Accounts in Scotland.

- (1) There shall be established a body, to be known as the Commission for Local Authority Accounts (hereafter in this Part of this Act referred to as “the Commission”), which shall consist of such number of members, not being more than twelve or less than nine, as the Secretary of State may determine, and the members shall be appointed by the Secretary of State after consultation with such associations of local authorities [^{F1}and such organisations connected with the health service] as appear to him to be concerned and with such other organisations or persons as he may think appropriate.
- (2) The Commission shall have the following functions, that is to say—
 - (a) securing the audit of all accounts of local authorities in accordance with the provisions of this Part of this Act;
 - (b) considering all reports made in accordance with the said provisions and investigating all matters raised by any such report;
 - (c) making recommendations to the Secretary of State and to local authorities in accordance with the said provisions; . . . ^{F2}
 - (d) advising the Secretary of State on any matter relating to the accounting of local authorities which he may refer to them for advice [^{F3}and
 - (e) functions conferred by sections 97A and 97B of this Act.]
- (3) The Secretary of State may, after consultation with the Commission, with such associations of local authorities as appear to him to be concerned and with such other organisations or persons as he may think appropriate, give to the Commission directions of a general character as to the discharge of their functions, and the Commission shall give effect to any direction so given.

Status: Point in time view as at 24/10/1994. This version of this provision has been superseded.

Changes to legislation: Local Government (Scotland) Act 1973, Section 97 is up to date with all changes known to be in force on or before 27 December 2023. 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)

- (4) There shall be a Controller of Audit who shall be appointed by the Commission after consultation with, and subject to the approval of, the Secretary of State, and the Commission may appoint such other officers, and may appoint such agents, as they may determine.
- [^{F4}(4A) It shall be the duty of the Commission to make, by such date as the Secretary of State may determine, an offer of employment by the Commission to each person employed in the civil service of the State in connection with the audit of the accounts of any health service body whose name is notified to the Commission by the Secretary of State for the purposes of this subsection; and the terms of the offer must be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (4B) An offer made in pursuance of subsection (4A) above shall not be revocable during the period of three months beginning with the date on which it is made.
- (4C) Where a person becomes an officer of the Commission in consequence of subsection (4A) above, then, for the purposes of the Employment Protection (Consolidation) Act 1978, his period of employment in the civil service of the State shall count as a period of employment by the Commission and the change of employment shall not break the continuity of the period of employment.
- (4D) Where a person ceases to be employed as mentioned in subsection (4A) above—
- (a) on becoming an officer of the Commission in consequence of an offer made in pursuance of that subsection; or
 - (b) having unreasonably refused such an offer,
- he shall not, on ceasing to be so employed, be treated for the purposes of any scheme under section 1 of the Superannuation Act 1972 as having been retired on redundancy.]
- (5) The provisions of Schedule 8 to this Act shall have effect in relation to the Commission.
- (6) In this Part of this Act “auditor” includes [^{F5}(a)] the Controller of Audit, [^{F5}(b)] officers of the Commission, being professional accountants, and [^{F5}(c)] . . . auditors appointed by the Commission for the purpose of conducting audits or, as the case may be, a particular audit, under this Part of this Act, ^{F6}
- [^{F7}(7) A person shall not be appointed as auditor by the Commission under subsection (6) above unless—
- (a) he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989; or
 - (b) he is a member of the Chartered Institute of Public Finance and Accountancy or of any other body of accounts established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this subsection.]

Textual Amendments

- F1** Words in s. 97(1) inserted (24.10.1994) by [National Health Service and Community Care Act 1990](#) (c. 19, SIF 113:2), s. 36(1), [Sch. 7 para. 3\(2\)\(d\)](#); S.I. 1994/2658, [art. 2\(c\)](#)
- F2** Word repealed by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), [s. 35\(2\)](#)
- F3** Word “and” and s. 97(2)(e) added by [Local Government Act 1988](#) (c. 9, SIF 81:1, 2), [s. 35\(2\)](#)

Status: Point in time view as at 24/10/1994. This version of this provision has been superseded.

Changes to legislation: *Local Government (Scotland) Act 1973, Section 97 is up to date with all changes known to be in force on or before 27 December 2023. 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)*

- F4** S. 97(4A)–(4D) inserted (24.10.1994) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 36(1), **Sch. 7 para. 3(6)**; S.I. 1994/2658, **art. 2(c)**
- F5** Word inserted by Local Government (Scotland) Act 1975 (c. 30), **Sch. 6 Pt. II para. 48**
- F6** Words in s. 97(6) omitted (1.10.1991) by virtue of S.I. 1991/1997, reg. 2, **Sch. para. 23(a)** (with reg. 4).
- F7** S. 97(7) substituted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 23(b)** (with reg. 4).

Modifications etc. (not altering text)

- C1** S. 97(3) applied by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), **s. 77(4)**

Status:

Point in time view as at 24/10/1994. This version of this provision has been superseded.

Changes to legislation:

Local Government (Scotland) Act 1973, Section 97 is up to date with all changes known to be in force on or before 27 December 2023. 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.