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STATUTORY INSTRUMENTS

1995 No. 2212 (S.157)

LOCAL GOVERNMENT, SCOTLAND

**The Angus and City of Dundee Tourist
Board Scheme Amendment Order 1995**

<i>Made</i>	- - - -	<i>23rd August 1995</i>
<i>Laid before Parliament</i>		<i>25th August 1995</i>
<i>Coming into force</i>	- -	<i>31st August 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 172(1) and 173(1) and (2)(e) of the Local Government etc. (Scotland) Act 1994⁽¹⁾ and of all other powers enabling him in that behalf and after consulting the Scottish Tourist Board, The Angus Council and The Dundee City Council⁽²⁾ in accordance with section 173(4)(a) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Angus and City of Dundee Tourist Board Scheme Amendment Order 1995 and shall come into force on 31st August 1995.

(2) In this Order—

“the principal Order” means the Angus and City of Dundee Tourist Board Scheme Order 1995⁽³⁾; and

“the scheme” means the Angus and City of Dundee Tourist Board Scheme 1995⁽⁴⁾.

(1) 1994 c. 39.

(2) On 29th June 1995 by resolution under section 23 of the Local Government (Scotland) Act 1973 (c. 65) The City of Dundee Council changed the name of the local government area of “City of Dundee” to “Dundee City” and therefore the name of the council became The Dundee City Council. Section 23(1) and (4) of the Local Government (Scotland) Act 1973 was substituted in part and repealed in part by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 2, paragraph 30 and applied by the Local Government (Application of Enactments) (Scotland) Order 1995 (S.I. 1995/789) to new local authorities within the meaning of that Order.

(3) S.I. 1995/1880.

(4) S.I. 1995/1880.

Amendment of the principal Order

2. In article 3(1) of the principal Order (the Scheme) for “City of Dundee” there shall be substituted “Dundee City”.

Amendment of the scheme

3. In paragraph 3(1) of the scheme for “City of Dundee” there shall be substituted “Dundee City”.

4. In paragraph 4 of the scheme (membership of the Board)—

(a) for sub-paragraph (3)(b) there shall be substituted—

“(b) (i) persons, not exceeding 5 in number, to be nominated by the council for the local government area of Angus to be persons representative of that council on the Board; and

(ii) persons, not exceeding 5 in number, to be nominated by the council for the local government area of Dundee City to be persons representative of that council on the Board;”;

(b) after sub-paragraph (3) there shall be inserted—

“(4) Each member of the Board shall have one vote.”.

5. In paragraph 5 of the scheme (membership of controlling body), after sub-paragraph (2) there shall be inserted—

“(3) Every member of the controlling body shall have one vote.

(4) The appointment of a member of the controlling body of the Board by the Secretary of State under sub-paragraph (1) shall terminate 28 days after the date of the first general meeting of the Board.”.

6. In paragraph 6 of the scheme (proceedings of the Board), after sub-paragraph (3) there shall be inserted—

“(4) The decision of the Board or of the controlling body of the Board on any matter shall be decided by a majority of members present and voting thereon.

(5) In the case of an equality of votes the member presiding at the meeting of the Board or as the case may be of the controlling body of the Board shall have a second or casting vote except where the matter which is the subject of the vote is one to which sub-paragraph (6) applies, in which case the decision shall be by lot.

(6) This sub-paragraph applies—

(a) to the appointment of a person to be a member of the Board;

(b) to the appointment of a member to be a member of the controlling body of the Board; and

(c) to the appointment of a member to any particular office or committee.”.

St Andrew’s House,
Edinburgh
23rd August 1995

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Angus and City of Dundee Tourist Board Scheme Order 1995 (S.I. 1995/1880) (“the principal Order”) and the Angus and City of Dundee Tourist Board Scheme 1995 (“the scheme”) set out in the Schedule to the principal Order.

This Order substitutes for references in the principal Order and the scheme to the local government area of City of Dundee references to the local government area of Dundee City to reflect the change of name of that area on 29th June 1995 by resolution of The City of Dundee Council (in consequence now The Dundee City Council) under section 23 of the Local Government (Scotland) Act 1973 (articles 2 and 3).

Paragraph 4(3)(b) of the scheme provides that there may be appointed to membership of the Board the council for any local government area lying within the area of the Board. This Order substitutes therefor in relation to each such council provision for the appointment of persons, not exceeding 5 in number, to be nominated by such council to be persons representative of the council on the Board (article 4(a)).

The Order also provides that—

- (a) each member of the Board and of the controlling body shall have one vote (articles 4(b) and 5);
- (b) the appointment of the first members of the controlling body of the Board by the Secretary of State shall terminate 28 days after the date of the first general meeting of the Board (article 5);
- (c) decisions of the Board and of the controlling body of the Board shall be by majority (article 6); and
- (d) in the case of equality of votes the member presiding shall have a second or casting vote (except where the matter relates to the appointment of a member of the Board or of the controlling body of the Board or a member to any office or committee which is to be resolved by lot) (article 6).