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STATUTORY INSTRUMENTS

1995 No. 2214 (S.159)

LOCAL GOVERNMENT, SCOTLAND

**The Scottish Borders 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 and The Scottish Borders 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 Scottish Borders Tourist Board Scheme Amendment Order 1995 and shall come into force on 31st August 1995.

(2) In this Order—

“the principal Order” means the Scottish Borders Tourist Board Scheme Order 1995⁽³⁾; and

“the scheme” means the Scottish Borders Tourist Board Scheme 1995⁽⁴⁾.

Amendment of the principal Order

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

(1) 1994 c. 39.

(2) On 25th April 1995 by resolution under section 23 of the Local Government (Scotland) Act 1973 (c. 65) The Borders Council changed the name of the local government area of “The Borders” to “Scottish Borders” and therefore the name of the council became The Scottish Borders 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 Section 23(1) and (4) of the Local Government (Scotland) Act 1973 was substituted in part and repealed in part by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 2 paragraph 30 and applied by the Local Government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. 1995/1890.

(4) S.I. 1995/1890.

Amendment of the scheme

3. In paragraph 3(1) of the scheme for “The Borders” there shall be substituted “Scottish Borders”.

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

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

“(b) persons, not exceeding 7 in number, to be nominated by the council for the local government area of Scottish Borders to be persons representative of that council on the Board;” and

(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) Each 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 Scottish Borders Tourist Board Scheme Order 1995 (S.I. [1995/1890](#)) (“the principal Order”) and the Scottish Borders 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 The Borders references to the local government area of Scottish Borders to reflect the change of name of that area on 25th April 1995 by resolution of The Borders Council (in consequence now The Scottish Borders 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 the area of Scottish Borders. This Order substitutes therefor provision for the appointment of persons, not exceeding 7 in number, nominated by that 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).