

# **LOCAL GOVERNMENT IN SCOTLAND ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 8 – Miscellaneous**

#### ***Section 42 – Paid time off for councillors not to be a political donation***

106. Where any salary is paid to an employee by an employer in respect of time off taken in order to undertake duties as a local councillor, this section ensures that the value of the salary is not classified as a political donation under Schedule 7 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).
107. The time off for which pay will not count as a political donation is time off for a widely defined range of duties, including the doing of anything for carrying out the functions of the council to which a councillor has been elected and the doing of anything for carrying out any functions of another council where that other council has delegated the discharge of those functions to the councillor's council.
108. The section will apply retrospectively, so that any pay for time off which may have been granted to councillors since 16<sup>th</sup> February 2001, when the requirements of Schedule 7 to the 2000 Act came into force, will no longer be considered a political donation.
109. The Electoral Commission is required by this section to remove from the register of recordable donations any entry they would not have had to make had this section been in force on 16 February 2001.