

## SCHEDULE 2 COMMISSIONERS

### *Appointment*

- 1 A person appointed as a Commissioner for a section of the benefited land must be either—
- (a) a heritor who owns land within that section, or
  - (b) the heritor's representative of such heritor.
- 2 A heritor who owns land in more than one section of the benefited land, or the heritor's representative of that heritor, may only be a Commissioner for one section.
- 3 Except where this Act provides otherwise, the appointment of a Commissioner is to be made at a heritors' meeting held—
- (a) in the case of a vacancy other than a vacancy under paragraph 6, within three months of the vacancy occurring,
  - (b) in the case of a vacancy under paragraph 6 which is not filled by the Commission under paragraph 7, within 12 months of the vacancy arising, and
  - (c) in any other case not later than one month before the appointment is to take effect.
- 4 Subject to paragraphs 5 and 6, a Commissioner must be appointed by a majority vote of the heritors attending the meeting who own land within the section of the benefited land to which the appointment relates (“the relevant heritors”).
- 5 If only one relevant heritor attends the meeting, the heritor may appoint a Commissioner without a vote.
- 6 Where no Commissioner is appointed under paragraph 4 or 5, the position is to be treated as vacant.
- 7 The Commission may fill a vacancy under paragraph 6 by appointing a Commissioner for a period of up to 12 months.
- 8 A vacancy occurring less than three months before the end of a Commissioner's term is to be left unfilled until the end of that term.
- 9 Except where this Act provides otherwise, a Commissioner is appointed for a term of 10 years.
- 10 A person appointed to fill a vacancy to which paragraphs 3(a) or 3(b) apply holds office for the remainder of the term of appointment of the Commissioner in whose place the person has been appointed.
- 11 Subject to paragraph 12, a person who has served as a Commissioner may be reappointed on any number of occasions.
- 12 A person may not be reappointed as a Commissioner where the person's appointment as a Commissioner has been terminated under paragraph 13(2) unless the Commission is satisfied the grounds for the person's termination no longer apply.

**Changes to legislation:**

There are currently no known outstanding effects for the Pow of Inchaffray Drainage Commission (Scotland) Act 2019, Cross Heading: Appointment.