

Changes to legislation: Local Government (Scotland) Act 1973, SCHEDULE 4 is up to date with all changes known to be in force on or before 18 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 12.

[^{F1}CONSTITUTION AND PROCEEDINGS OF BOUNDARIES SCOTLAND]

Textual Amendments

F1 Sch. 4 title substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(15\)](#); S.S.I. 2021/124, reg. 2, sch.

- 1
- (1) [^{F2}Boundaries Scotland] shall be a body corporate consisting of a chairman, a deputy chairman and not more than four other members.
 - (2) The members of [^{F3}Boundaries Scotland] shall be appointed by the Secretary of State and, subject to sub-paragraph (3) below, shall hold and vacate office in accordance with the terms of their respective appointments.
 - (3) The Secretary of State may remove a person from membership of [^{F4}Boundaries Scotland] if he is satisfied that that person—
 - (a) has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract;
 - (b) is incapacitated by physical or mental illness;
 - (c) has been absent from meetings of [^{F4}Boundaries Scotland] for a period longer than six consecutive months otherwise than for a reason approved by the Secretary of State; or
 - (d) is otherwise unable or unfit to discharge the function of a member.
 - (4) The common seal of [^{F5}Boundaries Scotland] shall be authenticated by the signature of a member of [^{F5}Boundaries Scotland] or of some other person authorised in that behalf by [^{F5}Boundaries Scotland].

Textual Amendments

F2 Words in Sch. 4 para. 1(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.

F3 Words in Sch. 4 para. 1(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(g\)\(i\)](#); S.S.I. 2021/124, reg. 2, sch.

F4 Words in Sch. 4 para. 1(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(g\)\(ii\)](#); S.S.I. 2021/124, reg. 2, sch.

F5 Words in Sch. 4 para. 1(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(g\)\(iii\)](#); S.S.I. 2021/124, reg. 2, sch.

- 2
- (1) There shall be paid to each member of [^{F6}Boundaries Scotland] such salary or fees and allowances as may from time to time be determined by the Secretary of State

^{F7}
...

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- (2) [^{F8}Boundaries Scotland] may pay such pension, allowance or gratuity to or in respect of any member of [^{F8}Boundaries Scotland] on his retirement or death, or make such payments towards the provision of such pension, allowance or gratuity, as the Secretary of State may, ^{F7} . . . determine.
- (3) If a person ceases to be a member of [^{F9}Boundaries Scotland], and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, ^{F7} . . . require [^{F9}Boundaries Scotland] to pay to that person a sum of such amount as the Secretary of State may ^{F7} . . . determine.

Textual Amendments

- F6** Words in Sch. 4 para. 2(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F7** Sch. 4 para. 2 words repealed (1.7.1999) by [S.I. 1999/1820](#) arts. 1(2), 4, Sch. 2 Pt. 1 para. 53(3), Pt. 4 ; [S.I. 1998/3178](#), [art. 3](#)
- F8** Words in Sch. 4 para. 2(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(h\)\(i\)](#); S.S.I. 2021/124, reg. 2, sch.
- F9** Words in Sch. 4 para. 2(3) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(h\)\(ii\)](#); S.S.I. 2021/124, reg. 2, sch.

^{F10}3

Textual Amendments

- F10** Sch. 4 para. 3 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#)

- 4 (1) The Secretary of State may appoint, to assist and advise [^{F11}Boundaries Scotland] in the exercise of [^{F12}its] functions, such persons as he thinks fit, being persons having expert knowledge likely to be of value to [^{F13}Boundaries Scotland].
- (2) There shall be paid to persons appointed under this paragraph such fees and allowances as may from time to time be determined by the Secretary of State with the consent of [^{F14}the Treasury].

Textual Amendments

- F11** Words in Sch. 4 para. 4(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F12** Word in Sch. 4 para. 4(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(10\)](#); S.S.I. 2021/124, reg. 2, sch.
- F13** Words in Sch. 4 para. 4(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(i\)](#); S.S.I. 2021/124, reg. 2, sch.
- F14** Words substituted by virtue of [S.I. 1981/1670](#), [arts. 2\(2\), 3\(5\)](#)

5 At any meeting of [^{F15}Boundaries Scotland] three shall be the quorum.

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Textual Amendments

- F15** Words in Sch. 4 para. 5 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.

- 6 All acts done at a meeting of [^{F16}Boundaries Scotland] shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member of [^{F17}Boundaries Scotland], be as valid as if the defect had not existed.

Textual Amendments

- F16** Words in Sch. 4 para. 6 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F17** Words in Sch. 4 para. 6 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(j\)](#); S.S.I. 2021/124, reg. 2, sch.

- 7 Subject to the preceding provisions of this Schedule and to the provisions of, and of any directions given under, Part II of this Act, the procedure of [^{F18}Boundaries Scotland] at and in connection with [^{F19}its] meetings shall be such as [^{F20}it] may from time to time determine.

Textual Amendments

- F18** Words in Sch. 4 para. 7 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F19** Word in Sch. 4 para. 7 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(7\)](#); S.S.I. 2021/124, reg. 2, sch.
- F20** Word in Sch. 4 para. 7 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(5\)\(c\)](#); S.S.I. 2021/124, reg. 2, sch.

Officers and servants, remuneration and expenses

- 8 (1) The Secretary of State may appoint a secretary to [^{F21}Boundaries Scotland] and such other officers and servants of [^{F22}Boundaries Scotland] as he may ^{F23} . . . determine.
- (2) Before appointing a person to be secretary to [^{F24}Boundaries Scotland], the Secretary of State shall consult with [^{F24}Boundaries Scotland].
- (3) The terms and conditions of appointment of any person appointed under this paragraph shall be determined by the Secretary of State ^{F23} . . .
- (4) [^{F25}Boundaries Scotland] may, with the approval of the Secretary of State ^{F23} . . . pay to its officers and servants such remuneration, allowances and expenses as may from time to time be determined.
- (5) [^{F26}Boundaries Scotland] may, with the approval of the Secretary of State, pay such pensions, allowances or gratuities to or in respect of any of its officers or servants on their retirement or death, or make such payments towards the provision of such pensions, allowances or gratuities, as may be determined.

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Textual Amendments

- F21** Words in Sch. 4 para. 8(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F22** Words in Sch. 4 para. 8(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(k\)\(i\)](#); S.S.I. 2021/124, reg. 2, sch.
- F23** Sch. 4 para. 8 words repealed (1.7.1999) by [S.I. 1999/1820](#) arts. 1(2), 4, Sch. 2 Pt. 1 para. 53(3), Pt. 4; [S.I. 1998/3178](#), [art. 3](#)
- F24** Words in Sch. 4 para. 8(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(k\)\(ii\)](#); S.S.I. 2021/124, reg. 2, sch.
- F25** Words in Sch. 4 para. 8(4) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(k\)\(iii\)](#); S.S.I. 2021/124, reg. 2, sch.
- F26** Words in Sch. 4 para. 8(5) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(k\)\(iv\)](#); S.S.I. 2021/124, reg. 2, sch.

- 9 The expenses of [^{F27}Boundaries Scotland] including—
- (a) the salaries, fees and allowances of its members,
 - (b) any payment of or towards the provision of a pension, allowance or gratuity to or in respect of a member on his retirement or death,
 - (c) any payment of compensation to a person who ceases to be a member,
 - (d) the remuneration and any expenses paid to an assistant commissioner, and
 - (e) the remuneration and any expenses paid to the officers and servants of [^{F28}Boundaries Scotland], and
 - (f) any payment of or towards the provision of a pension, allowance or gratuity to or in respect of any of the officers or servants of [^{F29}Boundaries Scotland],
- together with the fees and allowances paid to persons appointed under paragraph 4 above, shall be defrayed out of moneys provided by [^{F30}the Scottish Ministers.]

Textual Amendments

- F27** Words in Sch. 4 para. 9 substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F28** Words in Sch. 4 para. 9(e) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(l\)](#); S.S.I. 2021/124, reg. 2, sch.
- F29** Words in Sch. 4 para. 9(f) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), s. 35, [sch. para. 1\(3\)\(l\)](#); S.S.I. 2021/124, reg. 2, sch.
- F30** Words in Sch. 4 para. 9 substituted (1.7.1999) by [S.I. 1999/1820](#) art. 4 Sch. 2 Pt. 1 para. 53(3)

Proof of documents

- 10 (1) Every document purporting to be an instrument made or issued by [^{F31}Boundaries Scotland] and to be duly sealed with the seal of [^{F32}Boundaries Scotland] or to be signed by the Secretary or any person authorised to act in that behalf shall be received in evidence and, unless the contrary is proved, shall be deemed to be an instrument made or issued by [^{F32}Boundaries Scotland].

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- (2) Sufficient evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified by or on behalf of the secretary of [^{F33}Boundaries Scotland] to be a true copy of the instrument.

Textual Amendments

- F31** Words in Sch. 4 para. 10(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(2\)\(k\)](#); S.S.I. 2021/124, reg. 2, sch.
- F32** Words in Sch. 4 para. 10(1) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(3\)\(m\)\(i\)](#); S.S.I. 2021/124, reg. 2, sch.
- F33** Words in Sch. 4 para. 10(2) substituted (14.5.2021) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\), s. 35, sch. para. 1\(3\)\(m\)\(ii\)](#); S.S.I. 2021/124, reg. 2, sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)