

*Status: Point in time view as at 01/04/2000.*

*Changes to legislation: Local Government (Scotland) Act 1973, SCHEDULE 8 is up to date with all changes known to be in force on or before 03 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)*

## SCHEDULES

### SCHEDULE 8

Section 97.

#### PROVISIONS AS TO THE [F1ACCOUNTS COMMISSION FOR SCOTLAND]

##### Textual Amendments

**F1** Words substituted (1.12.1994) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 36(1), [Sch. 7 para. 13](#); S.I. 1994/2658, [art. 3\(e\)](#)

- 1 The [F2Accounts Commission for Scotland] (hereafter in this Schedule referred to as “the Commission”) shall be a body corporate and shall have a common seal.

##### Textual Amendments

**F2** Words substituted (1.12.1994) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 36(1), [Sch. 7 para. 13](#); S.I. 1994/2658, [art. 3\(e\)](#)

- 2 (1) Each member of the Commission shall, subject to sub-paragraph (4) below, hold and vacate office in accordance with the terms of his appointment.
- (2) A member of the Commission may at any time resign office as such by notice in writing given to the Secretary of State.
- (3) A person who has held office as a member of the Commission shall be eligible for reappointment.
- (4) The Secretary of State may remove a person from membership of the Commission 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 the Commission 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.
- 3 (1) The Secretary of State shall appoint one of the members of the Commission to be chairman, and another of the members of the Commission to be deputy chairman, of the Commission.
- (2) The chairman or deputy chairman of the Commission may at any time resign office as such by notice in writing given to the Secretary of State.
- (3) If the chairman or deputy chairman of the Commission ceases to be a member of the Commission he shall cease to be chairman or, as the case may be, deputy chairman of the Commission.

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[<sup>F3</sup>3A There may be paid to any member of the Commission <sup>F4</sup> . . . such salary or fees and allowances as may be approved by the Secretary of State][<sup>F5</sup>; and such salary, fees and allowances shall be paid by Audit Scotland].

**Textual Amendments**  
**F3** Para. 3A added by Local Government (Scotland) Act 1975 (c. 30), s. 17  
**F4** Words in Sch. 8 para. 3A repealed (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 para. 3(13)(a)(i); S.S.I. 2000/10, art. 2(3)  
**F5** Words in Sch. 8 para. 3A inserted (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 para. 3(13)(a)(ii); S.S.I. 2000/10, art. 2(3)

- 4 (1) At any meeting of the Commission [<sup>F6</sup>, including any hearing under section 103 of this Act,] the quorum shall be [<sup>F7</sup>four] or such larger number as the Commission may determine.
- (2) In the case of an equality of votes at any meeting of the Commission the person acting as chairman of the meeting shall have a second or casting vote.
- (3) The proceedings of the Commission shall not be invalidated by any vacancy in their membership or by any defect in the appointment of any person as a member, or as chairman or deputy chairman, of the Commission.
- (4) Subject to the foregoing provisions of this paragraph, the Commission shall have power to regulate their own procedure.

**Textual Amendments**  
**F6** Words in Sch. 8 para. 4(1) inserted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 92(70); S.I. 1996/323, art. 4(1)(b)(c)  
**F7** Word in Sch. 8 para. 4(1) substituted (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 3(13)(b); S.S.I. 2000/10, art. 2(3)

<sup>F8</sup>5 . . . . .

**Textual Amendments**  
**F8** Sch. 8 para. 5 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

<sup>F9</sup>6 . . . . .

**Textual Amendments**  
**F9** Sch. 8 para. 6 repealed (1.4.2000) by 2000 asp 1 s. 26 Sch. 4 para. 3(13)(c); S.S.I. 2000/10, art. 2(3)

7 The Commission shall have power generally to do such acts as may appear to them to be necessary or expedient for the proper discharge of their functions <sup>F10</sup> . . .

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**Textual Amendments**

**F10** Words in Sch. 8 para. 7 repealed (1.4.2000) by 2000 asp 1, s. 26, Sch. 4 para. 3(13)(d); S.S.I. 2000/10, art. 2(3)

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