



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART III

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND PROCEEDINGS

Resignation and Vacation of Office

36 Casual vacancies.

For the purpose of filling a casual vacancy in any office for which an election is held under [^{F1}the Local Government etc. (Scotland) Act 1994], the date on which the vacancy is to be deemed to have occurred shall be—

- (a) in the case of death, on the date of death;
- (b) in the case of resignation, the date on which the notice of resignation takes effect;
- (c) in the case of the election of a person who is not qualified to be elected or who is disqualified for being elected a member of a local authority, or of a member of a local authority ceasing to be qualified to be a member or becoming disqualified for being a member, the date on which the office has been declared vacant by the sheriff principal [^{F2}or become vacant by operation of section 19(3)(a) (effect of disqualification) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7).] or the date of the determination of any appeal;
- (d) in the case of a full number of members of a local authority not being elected at an election, the [^{F3}day on which the poll was held at] the election;
- (e) in the case of an election being declared void on an election petition, the date of the decision of the election court;
- (f) in the case of a vacancy arising from any other cause, not being a vacancy arising in ordinary course, such date as the local authority may determine.

Status: Point in time view as at 01/05/2003.

Changes to legislation: Local Government (Scotland) Act 1973, Section 36 is up to date with all changes known to be in force on or before 18 January 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)

Textual Amendments

- F1** Words in s. 36 substituted (1.4.1996) by S.I. 1996/739, art. 7(1), **Sch. 1 Pt. I para. 3(2)**
- F2** Words in s. 36(c) inserted (1.5.2003) by 2000 asp 7, ss. 29(2), 37, (with s. 31); S.S.I. 2003/74, **art. 2(2)(c)**
- F3** Words in s. 36(d) substituted (retrospectively) by **Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(4)(6)**

Status:

Point in time view as at 01/05/2003.

Changes to legislation:

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