



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

37 Filling of casual vacancies.

- (1) On a casual vacancy occurring in the office of councillor, an election to fill the vacancy shall be held within three months from the date on which the vacancy is deemed to have occurred, and the [^{F1}day on which the poll is to be held at the] election to fill the vacancy shall be fixed by the returning officer.
- (2) Where a casual vacancy in any such office occurs within six months before the [^{F2}relevant] date ^{F3} . . . , an election shall not be held under subsection (1) above unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies), the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members; and where an election under subsection (1) above is not held, the vacancy shall be filled at the next ordinary election.

[^{F4}(2A) For the purposes of subsection (2) above, the “relevant date” is—

- (a) the first Thursday in May in the year in which the next ordinary election is to be held; or
 - (b) where, by virtue of subsection (1)(b) of section 43 of the Representation of the People Act 1983 (c.2), the poll at that election is to be held on another day, that other day.]
- (3) A person elected to fill a casual vacancy in the office of councillor shall hold office until the day of the next ordinary election.

Changes to legislation: Local Government (Scotland) Act 1973, Section 37 is up to date with all changes known to be in force on or before 22 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

Textual Amendments

- F1** Words in s. 37(1) substituted (retrospectively) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\), s. 4\(5\)\(6\)](#)
- F2** Word in s. 37(2) inserted (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\), s. 3\(2\)\(a\)](#)
- F3** Words in s. 37(2) repealed (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\), s. 3\(2\)\(b\)](#)
- F4** [S. 37\(2A\)](#) inserted (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\), s. 3\(3\)](#)

Modifications etc. (not altering text)

- C1** [S. 37\(1\)\(3\)](#) applied (temp. from 6.4.1995 to 1.4.1996) by S.I. 1994/3255, art. 3, [Sch. 1 para. 1](#)
- C2** [S. 37\(1\)](#) excluded (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\), s. 3\(1\)\(b\)](#)
- C3** [S. 37\(2\)](#) excluded (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\), s. 3\(1\)\(a\)](#)

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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](#)