

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1975, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 21.

THE COMMISSIONER

Disqualifications

- 1 (1) A person shall be disqualified for being appointed as, or for being, the Commissioner if—
- (a) he is disqualified for being elected, or being a member of any of the authorities mentioned in section 23 of this Act; or
 - (b) he is a member of any of those authorities or is a member (by co-option) of a committee of any of those authorities; or
 - (c) he has been a member of any of those authorities or has been a member (by co-option) of a committee of any of those authorities within 5 years before the date from which the appointment would take effect.
- (2) The acts and proceedings of a person appointed as the Commissioner and acting in that office shall, notwithstanding his disqualification under this paragraph, be as valid and effectual as if he had been qualified.
- 2 The Commissioner, during his term of office and for 3 years thereafter, shall be disqualified for being appointed to any paid office by any of the authorities mentioned in section 23 of this Act.

Remuneration, etc.

- [^{F1}3 (1) The designated body shall pay to, or in respect of—
- (a) the Commissioner, or any person holding an appointment under paragraph 4 of this Schedule, such amounts—
 - (i) by way of remuneration or allowances; or
 - (ii) towards the provision of pensions, allowances or gratuities;
 - (b) any person who has held the office of Commissioner, or an appointment under the said paragraph 4, such amounts by way of pensions, allowances or gratuities,
- as the Secretary of State may determine; but any such amount which the Secretary of State determines to be payable to, or in respect of, the Commissioner or any person who has held the office of Commissioner shall be subject to the approval of [^{F2}the Treasury].]
- (2) If a person ceases to be the Commissioner and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive

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compensation, the designated body shall pay to that person a sum of such amount as the Secretary of State may, with the consent of [^{F3}the Treasury], determine.

Textual Amendments

- F1** Sch. 3 para. 3(1) substituted by [Local Government \(Scotland\) Act 1978 \(c. 4, SIF 81:2\)](#), s. 4
F2 Words substituted by virtue of S.I. 1981/1670, [arts. 2\(2\)](#), 3(5)
F3 Words substituted by virtue of S.I. 1981/1670, [arts. 2\(1\)\(d\)](#), 3(5)

Staff and accommodation

- 4 (1) The Commissioner may appoint a secretary and such other officers as he may consider to be required for the discharge of his functions, but the amount of remuneration payable to the secretary and such officers and the number of such officers to be appointed shall be subject to the approval of the designated body.
- (2) The designated body shall, after consultation with the Commissioner, make such arrangements as they may consider to be required for the provision of offices and other accommodation in connection with the discharge of the Commissioner's functions.
- (3) Any function of the Commissioner . . . ^{F4} may be performed by any of his officers who is authorised for the purpose by the Commissioner.

Textual Amendments

- F4** Words repealed by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), ss. 29, 41, Sch. 3 para. 17, [Sch. 7 Pt. II](#)

Expenses of the Commissioner

- 5 [^{F5}Subject to section 29(2H) of this Act,] all reasonable expenses incurred by the Commissioner and his officers shall be defrayed by the designated body.

Textual Amendments

- F5** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 194(1), [Sch. 11 para. 46](#)

Disqualification for membership of the House of Commons and the Northern Ireland Assembly

- 6 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 and in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 there shall (at the appropriate place in alphabetical order) be inserted the following entry:—

“The Commissioner for Local Administration in Scotland;”

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Modifications etc. (not altering text)

- C1** The text of Sch. 4 para. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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