



# Local Government (Scotland) Act 1947

## 1947 CHAPTER 43

### PART III

#### MEETINGS, PROCEEDINGS AND OFFICES OF LOCAL AUTHORITIES.

##### *Meetings and Proceedings.*

#### **71 Meetings and proceedings of local authorities, and &c.**

Subject to the provisions of this Part of this Act and of any local Act, the provisions of Parts I to IV of the Third Schedule to this Act relating to the meetings and proceedings of local authorities and of committees and sub-committees thereof and the meetings and proceedings of the magistrates of a burgh shall have effect.

#### **72 Voting by county councillors.**

- (1) A county councillor representing a small burgh shall not be entitled to exercise a deliberative vote or to submit a motion or, except with leave of the meeting, to take part in a discussion in respect of any matter relating solely to the exercise of a function which the county council are not entitled to exercise within the burgh.
- (2) A county councillor representing a large burgh shall not be entitled to exercise a deliberative vote or to submit a motion or, except with leave of the meeting, to take part in a discussion except in respect of a matter relating solely or, in the opinion of the person presiding at the meeting, mainly to the exercise of a function which the county council are entitled to exercise within the burgh or to a service which the county council under this Act or any other enactment or any statutory order or by arrangement, provide within the burgh.
- (3) Notwithstanding anything in this section, a county councillor representing any burgh whether large or small shall be entitled to exercise a deliberative vote, submit a motion and take part in a discussion in respect of any matter relating to the change of name of the county.

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- (4) For removal of doubts it is hereby declared that a county councillor representing any burgh shall not be entitled to exercise a deliberative vote or to submit a motion or, except with leave of the meeting, to take part in a discussion in respect of any matter relating to the election of a county councillor for an electoral division in the county, or an extension of boundaries of a burgh, or the formation of a new burgh, or the dissolution of a small burgh.
- (5) Any reference in this Act or in any other enactment to the whole number of members of a county council or to every member of a county council or to the whole number of councillors or members of a county council or any such reference to the like effect or to a specified portion thereof shall as regards any matter be construed as a reference to the whole number of county councillors entitled to exercise deliberative votes in respect of that matter or to a specified portion thereof, as the case may be, so however that for the purpose of ascertaining the number entitled to exercise deliberative votes in the matter members who are disabled from voting by reason only of the immediately succeeding section shall not be excluded.

For the purpose of ascertaining the whole number of county councillors entitled to exercise deliberative votes in respect of any matter under this subsection where the question arises otherwise than at a meeting, county councillors representing a large burgh shall be deemed to be entitled to exercise deliberative votes in respect of any matter if the convener of the county is of the opinion that the matter relates mainly to the exercise of a function which the county council are entitled to exercise within the burgh or to a service which the county council provide within the burgh.

A decision by the convener under this subsection with respect to a matter in relation to a meeting shall be binding on the chairman of the meeting at which that matter is the subject of consideration, and a decision by the chairman of a meeting with respect to a matter under subsection (2) of this section shall be binding on the chairman of any adjourned meeting at which that matter is the subject of consideration.

- (6) Nothing in this section shall be construed as preventing the convener of the county or the vice-convener of a county or any other county councillor from presiding at a meeting of the county council or a committee or sub-committee thereof, while transacting any business whatsoever or while so presiding from taking part in a discussion in respect of any matter, notwithstanding that such convener, vice-convener or other councillor is a representative of a burgh whether large or small.

### **73 Disability of member of local authority for voting on account of interest in contract, and &c.**

- (1) If a member of a local authority has any pecuniary interest direct or indirect in any contract or proposed contract or other matter and is present at a meeting of the authority at which the contract or other matter is the subject of consideration, he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area or as an ordinary consumer of gas, electricity or water or to an interest in any matter relating to the terms on which the right to participate in any service provided by the authority, including the supply of goods, is offered to the public.

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- (2) For the purposes of this section, a person shall, subject as hereafter in this subsection provided, be treated as having indirectly a pecuniary interest in a contract or other matter
- (a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
  - (b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that a person shall not be treated as so interested—

- (i) by reason only of his being a member of or employed by any public body;
  - (ii) by reason only of his being a member of a company or other body, if he has no beneficial interest in any shares or stock of that company or other body.
- (3) For the purposes of this section, a member of a local authority who is or has at any time within three months been in receipt of or is an applicant for poor relief from the authority shall be treated as having indirectly a pecuniary interest in the matter of the amount of outdoor poor relief (other than relief in respect of medical needs) to be provided by the authority in the case of any other person.
- (4) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.
- (5) A general notice given in writing to the clerk of the local authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.
- (6) The clerk of the local authority shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (5) thereof, and the book shall be open at all reasonable hours to the inspection of any member of the authority.
- (7) If any person fails to comply with the provisions of subsection (1) of this section, he shall for every offence be liable on summary conviction to a fine not exceeding fifty pounds, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.
- (8) In any case in which the number of members of a local authority disabled by the provisions of this section at any one time would be so great a proportion of the whole as to impede the transaction of any particular item of business, the Secretary of State may, on the application of the authority or otherwise and subject to such conditions as he may think fit to impose, remove any disability imposed by this section as respects such business or, with the consent of the authority and after such inquiry as he may direct, himself transact the business on their behalf—any business so transacted being of full force and effect and binding upon the authority—and the Secretary of State may also, on any such application or otherwise and subject to such conditions as he

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may think fit to impose, remove any disability in any other case in which it appears to him that it is in the interests of the inhabitants of the area that he should do so:

Provided that notwithstanding anything in this section every member of the authority may take part in the consideration or discussion of and vote on the question whether any such application shall be made or any such consent granted.

- (9) A local authority may by standing orders provide for excluding a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.