



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART IV

OFFICERS.

Officers of County Council.

76 County clerk.

- (1) Every county council shall appoint a county clerk who shall be clerk of the council and may pay to him such reasonable salary as they may determine.
- (2) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the salary paid to the county clerk shall, unless otherwise agreed between the county council and the county clerk, be deemed to be the remuneration for all business which he may by reason of his office as county clerk be called upon to perform, including any legal, parliamentary or other business which he may transact on behalf of the council.
- (3) The county clerk shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county clerk as an item of business.
- (4) References in any enactment to the clerk of supply or the county road clerk shall be construed as references to the county clerk, and references to the clerk of the peace in any enactment relating to functions vested in the county council by this Act or otherwise and previously vested in the justices of the peace shall be construed as references to the county clerk.

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77 County treasurer.

- (1) Every county council shall appoint a county treasurer who shall be the chief financial officer of the council and may pay to him such reasonable salary as they may determine.
- (2) Regulations may be made by the Secretary of State prescribing the qualifications which shall be required to be possessed by any person appointed to the office of county treasurer by a county council, and after the date of the regulations or after such later date as may be therein prescribed a person shall not be appointed to that office unless he possesses such qualifications.
- (3) The county treasurer shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members of the council present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county treasurer as an item of business.

78 County collector.

- (1) Every county council shall appoint a county collector who shall be the collector of rates levied by the council and may pay to him such reasonable salary as they may determine.
- (2) The county collector shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members of the council present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county collector as an item of business.

79 County medical officer of health and county sanitary inspector.

- (1) Every county council shall appoint a medical officer who shall be called the medical officer of health of the county and an officer who shall be called the sanitary inspector of the county, and shall, subject to the approval of the Secretary of State, regulate the duties of the medical officer and sanitary inspector and their relations to each other, and may pay such officers such reasonable salaries as the council may determine.
- (2) A person shall not be appointed medical officer of health of a county unless he is a registered medical practitioner, and is registered on the medical register as the holder of a diploma in sanitary science, public health or state medicine.
- (3) Except with the sanction of the Secretary of State, no person shall be appointed sanitary inspector of a county unless he possesses such qualifications as may be prescribed by the Secretary of State.
- (4) The names and addresses of the medical officer of health and the sanitary inspector appointed under this section shall be reported by the county council to the Secretary of State immediately on any such appointment being made.
- (5) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the offices of medical officer of health of a county and sanitary inspector of a county shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

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- (6) Subject to the provisions of subsection (7) of section eighty-seven of this Act, the medical officer of health of a county or the sanitary inspector of a county shall not hold any other appointment or engage in private practice or employment without the written consent of the county council.
- (7) Neither the medical officer of health nor the sanitary inspector of a county shall be removable from office except by or with the sanction of the Secretary of State.
- (8) The sanitary inspector of a county shall be the inspector of common lodging-houses within the meaning of the Public Health Acts.
- (9) The medical officer of health of a county and the sanitary inspector of a county shall make to the Secretary of State such annual and other reports and returns as he may require, and such reports and returns shall be in such form as he may direct.
- (10) A county council may appoint for the purpose of this section two or more medical officers of health or two or more sanitary inspectors:

Provided that—

- (a) there shall be only one person holding the statutory office of medical officer of health for any particular part of the county; and
- (b) there shall, save as hereinafter provided, be only one person holding the statutory office of sanitary inspector for any particular part of the county, so however that the council may, if they consider it necessary, appoint two or more sanitary inspectors for the county or any particular part of the county so long as there is assigned to each of the sanitary inspectors so appointed a separate specified part of the duties pertaining to the office of sanitary inspector ;

and where any appointments are made under this subsection the other provisions of this section shall apply subject to the necessary modifications.

80 County surveyor.

- (1) Every county council shall appoint a county surveyor who shall be the county road surveyor for the purposes of the Roads and Bridges Acts, and may pay to him such reasonable salary as they may determine.
- (2) References to a district surveyor and to a district in section forty-nine of the Roads and Bridges (Scotland) Act, 1878 (which provides for reports on the condition of highways and estimates of the costs of maintenance) shall be construed as references to the county surveyor and to the county respectively.
- (3) The county surveyor shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county surveyor as an item of business.

81 County valuation assessor.

- (1) An assessor under the Valuation Acts appointed by a county council shall hold office during the pleasure of the council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members

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present at a meeting of the council the notice of which specifies the consideration of the removal from office of the assessor as an item of business.

- (2) It shall not be lawful for a county council to appoint an officer of Inland Revenue to be assessor under the Valuation Acts or for such an officer to continue to act as assessor without the consent of the Treasury, and where an officer of Inland Revenue is appointed assessor, with the consent of the Treasury, the amount of the salary payable to him shall be subject to the approval of the Treasury, and any regulations made with respect to his duties as assessor shall likewise be subject to the approval of the Treasury.

82 Appointment of other staff.

- (1) Every county council shall appoint such other officers as the council think necessary for the efficient discharge of the functions of the council.
- (2) A county council may pay to every officer appointed by the council under this section such reasonable salary as they may determine, and every such officer shall hold office during the pleasure of the council.
- (3) Nothing in the foregoing provisions of this section shall be deemed to affect the provisions of any enactment or statutory order requiring the appointment of any officer for the purposes of that enactment or order.
- (4) Save as otherwise provided in this Part of this Act or in any other enactment or any statutory order relating to the appointment of an officer, a county council may if they think fit appoint two or more persons jointly to fill one office or one person to fill two or more offices under the council, and where two or more persons are appointed jointly to fill an office, then on the death of any of them, unless otherwise provided in the terms of the appointment, the survivors or survivor shall be deemed to be the holders or holder of the office.

83 Appointment of depute or interim officers.

- (1) A county clerk, a county treasurer, a county collector, a medical officer of health of a county, a sanitary inspector of a county, a county surveyor or an assessor under the Valuation Acts appointed by a county council may, and if required by the county council shall, appoint one or more persons approved by the council to act as his depute or deputies, and all things required or authorised by law to be done by or to the officer appointing the depute or deputies may be done by or to any depute so appointed by him, and any reference in this Act or any other enactment or any statutory order to the officer appointing the depute shall, where the depute is acting for the officer, include a reference to the depute.
- (2) If the office of any of the officers mentioned in the preceding subsection is vacant or the holder of the office is for any reason unable to act and no depute has been appointed under the provisions of the preceding subsection or the depute so appointed is unable to act, the county council may, notwithstanding any law or practice to the contrary, appoint a person to act temporarily in that office for a period not exceeding six months with power to the council to renew the appointment for a further period not exceeding six months, and all things required or authorised by law to be done by or to any such officer may be done by or to the person appointed to act temporarily in the office of that officer, and any reference in this Act or any other enactment or any

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statutory order to such officer shall, where a person is acting temporarily in his office under this section, include a reference to the person so acting.

- (3) Any depute appointed by an officer under subsection (1) of this section may, notwithstanding that the officer appointing the depute has by reason of death, resignation or other cause ceased to hold office, exercise and discharge the powers and duties of the office until the county council otherwise determine.
- (4) A person shall not be appointed a depute medical officer of health or to act in place of a medical officer of health under this section unless he is a registered medical practitioner, nor shall a person be appointed to act temporarily in place of a medical officer of health for a longer period than six months except with the sanction of the Secretary of State.
- (5) A person acting under this section as depute or in place of an officer shall be deemed to be an officer of the county council, and the council may pay to the person so acting such reasonable remuneration as they may determine.
- (6) A person appointed as a depute under this section shall cease to hold office as depute if either the officer appointing the depute or the county council so determine, but if at the time of his appointment as depute he was an officer of the council or if his duties when acting as depute involve whole-time service with the council he shall not, except where the council so determine, cease to be an officer of the council, and a person appointed to act in place of an officer under this section shall hold office during the pleasure of the county council.