



# Local Government (Scotland) Act 1947

## 1947 CHAPTER 43

### PART IV

#### OFFICERS.

##### *Officers of Town Council.*

#### **93 Appointment of depute or interim officers.**

- (1) A town clerk, a town chamberlain, a burgh collector, a medical officer of health of a burgh, a sanitary inspector of a burgh, a burgh surveyor, an inspector of cleansing of a burgh, an inspector of lighting of a burgh, a clerk of police court, a burgh prosecutor or an assessor under the Valuation Acts appointed by a town council may, and if required by the town council shall, appoint one or more persons approved by the town 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 town 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 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) If the office of town clerk is vacant, or the town clerk is for any reason unable to act and no deputed other person to act temporarily in place of the town clerk has been

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appointed, or the depute or person so appointed is unable to act, any function of the town clerk relating to the issue of notices of meetings of the council or of committees thereof or the conduct of elections may be discharged by, and any intimations to the town clerk may be made to, the provost or acting chief magistrate. .

- (4) 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 town council otherwise determine.
- (5) 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 in place of a medical officer of health for a longer period than six months except with the sanction of the Secretary of State.
- (6) A person acting under this section as depute or in place of an officer shall be deemed to be an officer of the town council, and the council may pay to the person so acting such reasonable remuneration as they may determine.
- (7) 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 town 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 town council.