

DESIGNATION OF PROPER OFFICER

STATUTORY PROVISIONS APPLICABLE TO FALKIRK COUNCIL

| <u>Statutory Provision</u>           | <u>Purpose</u>                                                                                                                                        | <u>Proper Officer</u>                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Local Government (Scotland) Act 1973 |                                                                                                                                                       |                                             |
| Section 33A                          | Proper Officer for purposes in connection with Declarations of Acceptance of Office by Councillors.                                                   | Chief Executive                             |
| Section 34                           | Proper Officer for receipt of Councillors' resignations.                                                                                              | Chief Executive                             |
| Sections 43 and Schedule 7           | Proper Officer for purposes in connection with meetings and proceedings of the Council, Committees and Sub Committees.                                | Director of Law and Administration Services |
| Section 50B - F                      | Proper Officer for various purposes in connection with access to agenda, reports and background papers of the Council, Committees and Sub Committees. | Director of Law and Administration Services |
| Section 95                           | Proper Officer for the administration of the Council's financial affairs (Chief Finance Officer).                                                     | Director of Finance Services                |

|                                                |                                                                                                                                        |                                                                 |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Section 190                                    | Proper Officer for various purposes in connection with legal proceedings and service of legal proceedings, notices etc on the Council. | Director of Law and Administration Services                     |
| Section 191                                    | Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations.                                       | Director of Finance Services                                    |
| Section 193                                    | Proper Officer in respect of authentication of Documents.                                                                              | Director of Law and Administration Services                     |
| Section 194                                    | Proper Officer in respect of execution of deeds and use of the Council seal.                                                           | Chief Executive and Director of Law and Administration Services |
| Sections 202-204                               | Proper Officer for various purposes in connection with byelaws.                                                                        | Director of Law and Administration Services                     |
| <b>Representation of the People Act 1983</b>   |                                                                                                                                        |                                                                 |
| Section 41                                     | Returning Officer                                                                                                                      | Chief Executive                                                 |
| <b>Local Government &amp; Housing Act 1989</b> |                                                                                                                                        |                                                                 |
| Section 2                                      | Proper Officer in respect of list of politically restricted postholders.                                                               | Director of Law and Administration Services                     |

|                                                                                                   |                                                                             |                                             |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------|
| Section 4                                                                                         | Head of Paid Service                                                        | Chief Executive                             |
| Section 5                                                                                         | Monitoring Officer                                                          | Director of Law and Administration Services |
| Civic Government (Scotland) Act 1982                                                              |                                                                             |                                             |
| Section 112-113                                                                                   | Proper Officer in respect of management rules.                              | Director of Law and Administration Services |
| Local Government (Scotland) Act 1975                                                              |                                                                             |                                             |
| Section 28                                                                                        | Proper Officer in respect of reports from the Ombudsman.                    | Director of Law and Administration Services |
| The Ethical Standards in Public Life etc. (Scotland) Act (Register of Interests) Regulations 2003 | Proper Officer in respect of maintaining the register of members interests. | Director of Law and Administration Services |