

THE HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

**STANDING ORDERS
RELATING TO THE CONDUCT OF MEETINGS**

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HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

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**STANDING ORDERS OF THE HIGHLAND AND WESTERN ISLES VALUATION
JOINT BOARD
RELATING TO THE CONDUCT OF MEETINGS**

**STANDING ORDERS MADE BY THE HIGHLAND AND WESTERN ISLES
VALUATION JOINT BOARD ON 1 FEBRUARY 2002**

A. PRELIMINARIES

1. Commencement

These Standing Orders will apply and have effect on and after 1 February 2002.

2. Application of Interpretation Act

The Interpretation Act 1978 will apply to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament

3. Definitions

In these Standing Orders the following words and expressions shall have the meanings shown below:-

"the 1973 Act" means the Local Government (Scotland) Act 1973.

"Board" means The Highland and Western Isles Valuation Joint Board constituted under the Valuation Joint Boards (Scotland) Order 1995.

4. Alteration

It shall not be competent to rescind or alter any of these Standing Orders unless the Board has passed a resolution to that effect following the procedure detailed in Standing Order 9.1, or where the Board has agreed at a previous meeting to consider such rescission or alteration. In either case, the terms of the proposed amendment will have been specified in the Notice of the Business for the meeting of the Board. (For the avoidance of doubt this Standing Order cannot be suspended under Standing Order 6 below).

5. Review

The Board will review these Standing Orders at the end of each year.

6. Suspension of Standing Orders

To suspend any of the Standing Orders, with the exception of Standing Orders 4, 11, 16, 19 and 39-42, which cannot be suspended, will require not less than two-thirds of the number of Members of the Board present at any meeting to vote to do so.

B. CALLING MEETINGS/ITEMS FOR FUTURE MEETINGS

7. Notice of Meetings

- 7.1 **Generally**, Notice of the place, date and time of a meeting of the Board will, subject to the provisions of Standing Order 8.3 below, be given to every Member of the Board by or on behalf of the Clerk not later than the seventh day before the meeting by being delivered, posted, faxed or delivered or transmitted by other electronic means to his or her usual place of residence (or any other address stated in writing by the Member to the Clerk).
- 7.2 A **Special Meeting** of the Board will be called by the Clerk (a) on being required to do so by the Convener of the Board or (b) on receipt of a requisition in writing for that purpose (i) stating the business proposed to be transacted at the meeting; and (ii) signed by at least 3 Members of the Board; and the meeting will be held within twenty-one days of receipt of the requisition by the Clerk.
- 7.3 In the case of a Special Meeting called at the request of the Convener of the Board, where it appears to the Convener that the item of business demands special urgency, the Clerk may call the meeting without giving the seven days notice specified in 7.1 above, provided every effort is made to contact Members to give them as much notice as possible before the meeting.
- 7.4 **Public Notice** of a meeting of the Board will be given by posting a Notice at the Highland Council Headquarters, Glenurquhart Road, Inverness, or at any other place where the meeting is to take place, at least four clear working days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is actually convened.

The Notice of Meeting will include:

- (a) the date, time and place of the meeting, and
- (b) information on the availability for inspection of the Agenda and accompanying reports.

The Agendas and accompanying reports will be available for public inspection during working hours at the main offices of the Board's Constituent Authorities and will be sent to the press at least three clear days before the meeting.

- 7.5 Want of service of a Notice of Meeting on any Member of the Board shall not affect the validity of the meeting.

8. Place of Meetings

Meetings of the Board, its Sub-Committees and other subsidiary bodies will be held at Highland Council Headquarters, Glenurquhart Road, Inverness on the days and times fixed by the Board or at such place and time as may be otherwise fixed by the Board or by the Convener in consultation with the Clerk. The powers of the Convener under this Standing Order include power to cancel

an ordinary meeting if it appears to him or her, after such consultation, that there is insufficient business to justify the holding of a meeting.

9. Notices of Motion etc for Submission to Future Meetings

- 9.1 **A Notice of Motion for submission to a future meeting** of the Board will be in writing, signed by the Member of the Board giving Notice, counter-signed by at least one other Substantive Member and sent to the Clerk.
- 9.2 Such a Notice of Motion must be received not later than ten days prior to the meeting of the Board concerned. In calculating the ten days notice, the day of the Board meeting will be excluded. If a Notice of Motion is late, it will be referred to the next available meeting of the Board, at the request of the Members involved.
- 9.3 **Notice of Referral.** The Clerk has the power to refer for further consideration by the Board by way of a Notice of Referral any decision taken which may be considered by the Monitoring Officer as giving rise or likely to give rise to a contravention of statute or any Code of Practice, or maladministration leading to injustice

C. ATTENDANCE AT MEETINGS - BASIC PROVISIONS

10. Convener

At a meeting of the Board, the Convener of the Board or, in the event of the Convener's absence, the Vice-Convener will preside. If the Convener and the Vice-Convener are both absent, the Clerk will preside until the Members of the Board choose one of their number to preside.

11. Quorum

- 11.1 No business will be transacted at a meeting of the Board unless at least 3 Members of the Board are present.
- 11.2 If within ten minutes after the time appointed for a meeting of the Board, a quorum is not present, the Convener will adjourn the meeting to a time he or she may then or afterwards fix and, in the event of the Convener being among those absent, the Clerk will record that, owing to the lack of the necessary quorum, no business could be transacted.
- 11.3 If during any meeting of the Board the attention of the Convener is drawn to the number of Members present he or she shall, unless it is apparent to him or her that a quorum is present, direct the roll to be called and, if it is found that there is not a quorum present, then the meeting shall end at that point.
- 11.4 Subject to the provisions of the 1973 Act, no item of business will be transacted at a meeting of the Board if, in consequence of the provisions of Section 38 of that Act (disability of Members from voting on account

of an interest in contracts etc.), less than a quorum of the Board is entitled to vote on that item.

12. Substitute Members

A Member of the Board shall, if he or she is unable to attend a meeting of the Board or of a Sub-Committee to which he or she has been called, make arrangements with a duly appointed Substitute Member of the Board to attend in his or her stead and shall advise the Clerk accordingly.

13. Members of Press/Public

Members of the Press and public will be entitled to attend meetings of the Board. However, in exceptional cases, the Board may resolve that Members of the Press and public be excluded from the meeting where confidential business, or business containing exempt information will be disclosed, all as defined in the 1973 Act.

D. CONDUCT OF BUSINESS/PROCEEDINGS AT MEETINGS

14. Convener - Powers and Duties

14.1 Deference shall at all times be paid to the authority of the Convener and on all points of order, competency and relevancy, his or her ruling shall be final and not open to discussion. This includes discretion to rule on all questions of procedure where no express provision is made under these Standing Orders. When the Convener rises to speak, any Member of the Board who is addressing the meeting must resume his or her seat. It is the duty of the Convener to preserve order and to ensure that Members obtain a fair hearing. In the event of disorder, the Convener has absolute discretion to adjourn the meeting, and his or her quitting the Chair will bring the meeting to an end.

14.2 All powers and duties of the Convener in terms of these Standing Orders shall, in the absence of the Convener or in the event of the Convener being unable to act for any reason, be exercised by the Vice-Convener, whom failing the Member chosen to preside in terms of Standing Order 10 above.

15. Sederunt

The Clerk, or a Member of the Board's staff acting as Clerk to the Meeting, will record the names of the Members present at each meeting of the Board, as well as those who have submitted apologies for absence.

16. Urgent Business

16.1 Except in the case of business brought before the meeting which is certified by the Convener as urgent in terms of the 1973 Act, no business will be transacted at a meeting of the Board other than that specified on the Agenda for the meeting.

16.2 It shall be in the sole discretion of the Convener to decide whether any business not specified on the Agenda for the meeting should, by reason of special circumstances, be considered at the meeting as a matter of urgency, and such special circumstances must be specified in the Minutes of the Meeting.

17. Order of Business/Adjournment

The business of a meeting of the Board shall be conducted in the order set out on the Agenda for the meeting, provided that any item of business may, with the consent of the meeting, be taken out of its place. The Convener may, with the consent of the meeting, also adjourn the meeting to any other day, time and place.

18. Order of Business at First Meeting of the Board after Elections

18.1 At the first meeting of the Board after a local authority election the order of business will be -

1. Intimation of appointment of Board Members by the Constituent Authorities.
2. Sederunt.
3. Election of Convener of the Board.
4. Election of Vice-Convener of the Board.
5. Consideration of the Board's Sub-Committee Structure.
6. Appointment, if appropriate, of Sub-Committees of the Board.
7. Appointment, if appropriate, of Chairmen of Sub-Committees.
8. Appointment of representatives of the Board to outside bodies.
9. Other competent business.

18.2 The election of a Member as Convener or Vice-Convener of the Board does not in any way debar him or her from being appointed Chairman or Vice-Chairman of any Sub-Committees of the Board.

19. Rescinding of Resolution or Decision

A resolution or decision of the Board and a resolution or decision of a Sub-Committee on a matter delegated or remitted with powers will continue to be operative and binding on the Board for at least six months after the date of the resolution or decision.

20. Declaration of Interest

20.1 Any Member who in terms of Section 38 of the 1973 Act has disclosed that he or she has a **pecuniary** interest, direct or indirect, in any contract or proposed contract or other matter as defined in that Act and is present at a meeting of the Board at which such a contract or other matter is the subject of consideration must declare that interest to the meeting and leave the room before the item is discussed and the declaration of interest will be noted in the Minutes of the Meeting.

20.2 It shall be for any Member who has disclosed a private or personal **non-pecuniary** interest in any contract, proposed contract or other matter and who is present at a meeting of the Board at which such contract or other matter is the subject of consideration to determine whether or not to leave the room, or to speak, or vote, or to speak and vote. (Cross reference is made to Standing Order 42 in relation to the National Code of Local Government Conduct.)

21. Obstructive or Offensive Conduct

In the event of any Member at a Board meeting disregarding the authority of the Convener or of being guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend such Member for the remainder of the sitting.

Such a motion will be put to the meeting without discussion and if supported by a majority of Members of the Board present and voting will be declared carried. The offending Member will then be required by the Convener to leave the meeting.

22. Order of Speeches

A Member wishing to speak will attract the Convener's attention by raising his or her hand, and when called upon will rise in his or her place to address the Chair. The Member will direct his or her speech strictly to the matter under discussion or to the Motion or Amendment to be proposed or seconded by himself or herself or to a question of order.

The Convener will decide between two or more Members wishing to speak by calling on the Member whom he or she first observed to raise his or her hand.

23. Number and Duration of Speeches

The number of speeches and the point at which Motions and Amendments are to be accepted is at the discretion of the Convener. A Member moving a Motion or Amendment will not speak for more than ten minutes, except with the consent of the Board; all other speakers taking part in any discussion on an item will not speak for more than five minutes and shall speak only once in the same discussion unless to call attention to a point of order or to make an explanation in terms of Standing Order 26.

24. Motions and Amendments - General

24.1 Every Motion and Amendment arising at a meeting will be moved and seconded and, if requested by a Member, will be written down and handed to the Clerk and will be read out before it is further discussed or put to the meeting. A Member cannot move or second both the Motion and an Amendment or more than one Amendment upon a Motion.

- 24.2 If a Motion which is specified on the agenda for the meeting (under Standing Order 9.1) is not moved by the Member who has given the notice and then seconded, it will, unless dealt with on the day or postponed by leave of the Board, be considered as dropped and cannot be moved again without fresh notice.
- 24.3 It will not be competent for a Member to move or second his or her own election or appointment as Convener or Vice-Convener of the Board or as an Office-Bearer of any Committee, Sub-Committee or other Group or as a representative of the Board on any similar or outside body. This does not prevent a Member when such election or appointment is under consideration from indicating his or her interest in being nominated for election or appointment.
- 24.4 Every Amendment will be relevant to the Motion on which it is moved. The Convener will decide as to relevancy and has the power, with the consent of the meeting, to conjoin Amendments which are not inconsistent with each other.
- 24.5 Should any Amendment raise a procedural issue, rather than affect the substantive issue, that procedural issue will be addressed and dealt with, without affecting the substantive Motion or Amendments.
- 24.6 All additions to, omissions from, or variations upon a Motion will be considered as Amendments to the Motion and will be disposed of accordingly.
- 24.7 Motions or Amendments which are not seconded will not be discussed.
- 24.8 A Motion or Amendment once moved and seconded will not be withdrawn without the consent of the mover and seconder, and then only with the sanction of the meeting.

25. Procedural Motions

- 25.1 A Member moving that the Board do now **proceed to the next business** or that the debate **be now adjourned** may speak for not more than five minutes and, if the Motion is seconded, it will be seconded without a speech. Such a Motion will then be put without discussion to the meeting and if supported by a majority of the Board present and voting will be declared carried.

A Motion that the Board do now proceed to the next business may only be put forward where formal Motions and Amendments are not already before the Board in relation to the item concerned.

- 25.2 Where Motions and Amendments are already before the Board, any Member who has not spoken in the debate can move that "**the question be now put**" and he or she may speak for not more than five minutes in support of that procedural Motion, which, if seconded, will be seconded without a speech and then put to the meeting.

If the procedural Motion is carried, the mover of the original Motion will have the right to reply in terms of Standing Order 27 and the question under discussion will then be put to the meeting.

26. Point of Order/Explanation

During the discussion, a Member may call attention to a point of order or, with the sanction of the Convener, may make an explanation. A Member who is addressing the meeting when a question of order is raised will resume his or her seat until the question of order has been decided by the Convener.

27. Right of Reply

The mover of an original Motion will have the right to speak for five minutes in reply and in the reply will confine his or her comments to answering previous speakers and will not introduce a new matter into the debate. The mover may, however, seek a point of clarification. After the mover has been called upon by the Convener to reply no other Member can speak to the question except on the point of clarification raised and, once the reply has been given, the Board will proceed directly to the vote.

28. Voting - Order of Motions and Amendments

When only one amendment is made upon a Motion, the vote will be taken between the Amendment and the Motion, the vote for the Amendment being taken first. Where there is more than one Amendment, generally the Amendment last proposed will be put against the immediately preceding one, and the Amendment which is carried will be put against the next preceding, and so on until only one Amendment remains and the vote will be taken between that Amendment and the original Motion. However, particularly in relation to composite Motions, the Convener may decide that Amendments be taken individually against the Motion. After the vote between an Amendment and the Motion, whichever is carried will be the decision of the Meeting.

29. Voting - Election, Selection or Appointment of Members to any Particular Office or Sub-Committee

29.1 In the case of an Election, Selection or Appointment of Members of the Board to any particular office, Sub-Committee or other subsidiary body or as a representative of the Board on an outside body, where the number of candidates nominated exceeds the number of vacancies, the Member(s) to be elected, selected or appointed as the case may be, shall be determined by vote. Members voting shall be entitled to cast as many votes as they wish up to the number of vacancies available.

29.2 Where only one vacancy requires to be filled, the vote will normally be by ballot but may be by a show of hands and any candidate having an absolute majority of the votes cast shall be declared duly elected, selected or appointed as the case may be. Where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, the vote shall be by ballot, the name of the candidate having least votes being struck out of the list of candidates. Such process of elimination by vote by ballot shall be

continued until, in a case where only one vacancy exists, any candidate has an absolute majority of the votes cast, or, in any other case, until the number of candidates remaining equals the number of vacancies, when the candidate or candidates remaining shall be declared duly elected, selected or appointed as the case may be.

29.3. If in any ballot among more than two candidates there is equality in votes among the candidates having least votes, the candidate whose name shall be eliminated shall be determined by an additional vote by ballot and, unless there again be equality in votes, the name of the candidate having least votes shall be struck out of the list.

29.4 Where in any vote between two candidates or in such additional vote by ballot there is equality in votes, the candidate to be selected or appointed or eliminated (as the case may be) shall be determined by lot.

30. Voting - Appointment of Staff

Where there is Member involvement in staff appointments, staff will be appointed in the same manner detailed in Standing Order 29 for the election, selection and appointment of Members to any particular post or office or Committee, except that, where applicants for appointment to any particular post or office are being interviewed by the Board or by a Sub-Committee acting as an Appointments Board, the Members of the appointing body will be entitled to participate in the voting for that appointment only if they have been present throughout all of the interviews. A further exception applies in relation to equality of votes, as is laid down in Standing Order 32.3 below.

31. Method of Voting

31.1 The vote of the Board will be taken normally by show of hands.

31.2 If any Member objects to the vote being taken by show of hands and a majority of the Members of the Board present and entitled to vote signify their support of the objection, the vote will be taken by calling the roll or by ballot.

31.3 With the exception referred to in 31.2 above, where Members rise in their places to signify their view, all votes on procedure will be taken by show of hands.

32. Casting Votes

32.1 Except as otherwise provided in the 1973 Act and this Standing Order, the Convener or the Member presiding in his or her absence in accordance with Standing Order 10 shall in the case of an equality of votes give the casting vote.

32.2 In the case of the election, selection or appointment of Members to any particular office or Committee in terms of Standing Order 29, in any case of equality of votes between candidates as described in Standing Order 29.4, the Convener or Member presiding in his or her absence will

not have a casting vote but the candidate to be elected, selected, appointed or eliminated as the case may be will be determined by lot.

32.2 For the avoidance of doubt, in the case of the appointment of a Member of staff to a post as described in Standing Order 30.2, where in any vote between candidates there is equality in voting, the Convener will exercise his or her casting vote in determining the candidate to be selected or (in the case of an additional vote) to be eliminated in terms of Standing Order 29.4.

33. Defect in Procedures

The proceedings of the Board shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any Member or by any Member voting or taking part in the consideration or discussion of any question when he or she is not entitled to do so.

34. Recording of Dissent from Decision

A Member of the Board may have his or her dissent recorded to a decision of the Board provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote, provided that such Member asks immediately after the item is disposed of that such dissent be recorded.

35. Minutes of Board Meetings

All Minutes of the proceedings of the Board, in which will be recorded the names of the Members who attended the meetings, will be drawn up by or on behalf of the Clerk and, so far as practicable, issued to Members of the Board not later than the seventh day before the next ensuing ordinary meeting, at which they will be submitted, held as read, corrected if need be and, where held to be a true record of the proceedings to which they relate, will be signed by the person who presided at the previous meeting or who presides at the meeting when the Minutes are approved. Without prejudice to any of the provisions of the 1973 Act, any Minutes purporting to be so signed will be received in evidence without further proof.

E. SUB-COMMITTEES

36. Application of Standing Orders to Sub-Committees etc.

The provisions of these Standing Orders, with the exception of Standing Orders 18 and 35, will apply to Sub-Committees of the Board and to other subsidiary bodies as they apply to the Board, with the substitution of references to the Sub-Committee, other subsidiary body or its Chairman, as the case may, for reference to the Board, Convener or Vice-Convener, as appropriate.

37. **Decisions of Sub-Committees**

Decisions of a Sub-Committee will not be carried into effect until these decisions have been reported to and approved by the Board, except that a Sub-Committee may carry into effect any decision on the following without the necessity of first having reported this to the Board: -

- (a) a matter included in the delegation to the Sub-Committee or remitted with powers to the Sub-Committee;
- (b) any matter which, in the opinion of the Sub-Committee, is one of urgency, on the understanding that, even though not included in the Annual Estimates of the Board, the decision does not involve major expenditure and has the approval of the Assessor and Electoral Registration Officer and of the Treasurer;
- (c) any routine matter not involving a change of policy.

38. **Submission of Minutes of Sub-Committees**

38.1 The report of each Sub-Committee of the Board, being the Minutes of Meetings of such Sub-Committee, will be circulated among the Members and will be held as read.

38.2 The Minutes of Meetings of Sub-Committees will be submitted for confirmation as correct records of the proceedings to the next ordinary meeting of the Board by the Chairman of each Sub-Committee (a) for information in respect of business delegated or remitted with powers and (b) for approval in respect of matters referred.

38.3 If any question arises at a meeting of the Board **as to the accuracy of a Minute** which has not already been confirmed, such question will be determined by the Members of the Sub-Committee who were present at the meeting to which the Minute relates and are present at the meeting of the Board at which the matter is raised.

38.4 In relation to **business delegated or remitted with powers** to Sub-Committees, no discussion or Motion will be allowed in the Board on the Minutes except as to their accuracy as a correct record .

38.5 In **matters referred to Sub-Committees**, a Member may move an amendment to the Motion before the Board referred to in Standing Order 38.6 for approval of the Sub-Committee Minutes and, provided that the Amendment is seconded, concerns the merits of the Sub-Committee decision and is successful when the vote is taken, that Amendment will become the decision of the Board. The Board having so decided, it will be incompetent for the matter to be re-considered by the Sub-Committee concerned except in terms of Standing Order 38.7 below.

38.6 The Motion by the Chairman for approval of the Minutes of the Sub-Committee of which he or she is Chairman and the seconding of the Motion will not inhibit the Chairman or seconder if either of them

wishes to support the rescission or amendment of any Sub-Committee decision. In moving the approval of the Minutes of the Sub-Committee, the Chairman, and in seconding the Motion the seconder, shall be regarded as carrying out a formal function which does not prevent either of them as an individual Member from disagreeing with the decision of the Sub-Committee.

If, however, the Chairman wishes to move an Amendment to the Minutes in respect of an item or items, then the Chairman, when moving approval of the Minute, will do so under exception of the item(s) concerned, leaving it to another Member to move approval of the Minute in relation to the excepted item(s). The same principle shall apply in relation to the seconder of the Motion for approval of the Sub-Committee Minutes.

For the avoidance of doubt, the mover of the Motion for approval of the excepted item(s) of the Minutes in such a case will have the right of reply in relation to the item(s), the Chairman having such right as regards the remainder of the Minutes.

- 38.7 In the event of a matter being referred back by the Board to a Sub-Committee for further consideration, the Sub-Committee will not require to suspend Standing Orders before such matter can be considered by the Sub-Committee or before the Sub-Committee can alter their decision on the matter.

F. MISCELLANEOUS

39. Failure to Attend Meetings

39.1 Subject to section 35 of the Act of 1973, if a Substantive Member of the Board fails throughout a period of twelve consecutive months to attend any meeting of the Board, then, unless the failure was due to some reason approved by the Board, the Clerk shall draw the matter to the attention of the relevant Constituent Authority, who may wish to reconsider that Member's appointment to the Board.

39.2 Attendance as a Member at a meeting of any Sub-Committee of the Board or other body by whom for the time being any of the functions of the Board are being discharged, and attendance as representative of the Board at a meeting of any body of persons, will be deemed to be attendance at a meeting of the Board.

40. Authentication of Notices etc.

Every notice, order, demand, requisition or such other document or withdrawal thereof by the Board required or authorised by any enactment, Statutory Order or bye-law will, except in so far as such enactment or Statutory Order specifically otherwise provides, be signed by the Clerk, the Head of Legal Services of The Highland Council or such other officer of the Board as the Board may authorise.

41. Execution of Deeds and Use of Seal

- 41.1 All deeds to which the Common Seal of the Board will require to be affixed will be sealed only if authorised by the Board or, where the necessity to execute a deed is in consequence of a decision taken by the Board or, in the case of the discharge of a duty or function delegated by the Board to a Sub-Committee of the Board, to the Clerk or to the Assessor and Electoral Registration Officer, by that Sub-Committee, the Clerk or the Assessor and Electoral Registration Officer respectively.
- 41.2 All deeds to which the Common Seal of the Board is required to be affixed will be signed by the Clerk, the Head of Legal Services of The Highland Council or such other officer of the Board as the Board may authorise.
- 41.3 A list of all deeds so executed will be reported to the next succeeding ordinary meeting of the Board for the information of Members.
- 41.4 The Common Seal of the Board will be kept by the Clerk, who will be responsible for its safe custody.

42. National Code of Local Government Conduct

All Members of the Board will be guided by the provisions of the National Code of Local Government Conduct.