

Additional Item

Lothian Valuation Joint Board

10.00am, Monday 1st February 2021 (reconvened on Monday 15 February 2021)

Virtual Meeting - via Microsoft Teams

Additional Item

Review of Procedural Standing Orders – Report by the Chief Executive and Clerk

Note: this item requires to be ruled urgent by the Convener to be considered at the meeting.

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Review of Procedural Standing Orders

1 February 2021 (reconvened on 15 February 2021)

1 Introduction

- 1.1 This report sets out proposed amendments to the Lothian Valuation Joint Board's Procedural Standing Orders.

2 Background

- 2.1 The Board's Standing Orders were last reviewed in February 2016 as part of a wider review of the Operational Governance Framework.

3 Main Report

- 3.1 Following a query regarding whether the quorum of the Board could be amended, the Chief Executive and Clerk reviewed the Standing Orders. It was concluded that in his opinion there is an error in Standing Order 5.1 in that it incorrectly states that the quorum of the Board is one third of the number of members and that members present must not be appointed by the same constituent authority. The Local Government (Scotland) Act 1973 applies for the quorum.
- 3.2 It is proposed that a change is made to Standing Order 5.1 to correct this. This amendment would reduce the quorum to one quarter of the number of members and remove the requirement for members present to be appointed by at least two constituent authorities, as per the quorum stipulated in the Act of 1973.
- 3.3 The proposed revised wording of Standing Order 5.1 is below:
- "Subject to law the quorum of the Board will be one quarter of the number of voting members. Therefore, the quorum of the Board is four."
- 3.4 The number of members required to be present will be reduced by one and meetings will be able to proceed if all members present are appointed by the same authority. The proposed amendments aim to help ensure that meetings are able to proceed and that business can be dealt with efficiently.

- 3.5 There are no further changes proposed to the Standing Orders which otherwise remain fit for purpose. The Procedural Standing Orders incorporating the proposed amendments are appended to the report.
- 3.6 It was agreed in 2016 that the next review of the Operational Governance Framework would take place in five years' time. Work is about to begin on this review and a report will be brought to the Board at its next meeting in April.

4. Recommendations

It is recommended that the Board:

- 4.1 Repeals the existing Lothian Valuation Joint Board Procedural Standing Orders, as set out in Appendix 1, such repeal and approval to take effect from 16 February 2021.
- 4.2 Delegates authority to the Chief Executive and Clerk to take such actions and make such minor adjustments to the documents set out in Appendix 1 as may be necessary to implement the decision of the Board in relation to this report.

**Andrew Kerr,
Chief Executive & Clerk**

Appendices: Appendix 1 - Lothian Valuation Joint Board Standing Orders

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Background Papers:

[The Valuation Joint Boards \(Scotland\) Order 1995](#)

[Local Government \(Scotland\) Act 1973](#)

STANDING ORDERS

OF THE

LOTHIAN VALUATION JOINT BOARD

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Standing Orders

These standing orders ("**Standing Orders**") apply from 9 February 2016 and regulate the conduct of business at meetings of the Lothian Valuation Joint Board ("the Board") and sub-committees of the Board.

A glossary of terms can be found in the appendix.

1 First meeting of the Board after an election

- 1.1 In a Local Government election year, the Board will hold a meeting as soon as practicable after each Constituent Authority has appointed its members and substitute members.
- 1.2 At this meeting or at any adjournment of it, the Board will:
 - (a) appoint the Convener;
 - (b) appoint the Vice Convener;
 - (c) approve/consider/amend the Standing Orders; and
 - (d) deal with any urgent competent business

2 Convener and Vice Convener - Term of Office

- 2.1 The Board may at any time agree to remove the Convener and Vice Convener from office, with immediate effect, provided that not less than three quarters of the members of the Board present and voting so decide.

3 Meetings

- 3.1 The dates, times and places for ordinary meetings of the Board will be decided by the Board. The Board will normally meet in Edinburgh and will normally meet not less than four times a year.

4. Notice of Meetings

- 4.1 At least 3 clear days before a meeting of the Board:
 - (a) the Clerk will publish a notice of the time and place of the intended meeting. If the meeting is called by members of the Board, the signed request specifying the business to be transacted and signed by at least one quarter of the members of the Board will accompany the notice; and
 - (b) a summons to attend the meeting containing the agenda of business will be sent to every Board member by email or to an alternative address nominated by them. The validity of a meeting is not affected by a summons not being sent to a member of the Board.

- 4.2 The Clerk will call a special meeting to be held within eight days of receiving a written request specifying the business to be transacted and signed by at least one quarter of the members of the Board.
- 4.3 Any summons issued under Standing Order 4.1 must give a note of the agenda of business and the proposed order for dealing with business at the meeting.
- 4.4 No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Board as a matter of urgency. The Convener must rule that it is a matter of urgency and give the reasons for the ruling to be noted in the minutes. The item must be made known at the start of the meeting when the order of business is decided. If the Convener rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Board, unless dealt with earlier.

5 Quorum

- 5.1 Subject to law the quorum of the Board will be one third-quarter of the number of voting members. Therefore, the quorum of the Board is ~~fivefour, provided that the members shall not be members appointed by the same constituent authority.~~
- 5.2 No business may be transacted at any meeting unless a quorum is present. If less than a quorum is present after the appointed time for the start of the meeting, the meeting will be adjourned until such date and time as the Convener decides.
- 5.3 After a meeting has started, if the number of members present falls below the quorum, the meeting will be adjourned immediately until such date and time as the Convener decides.
- 5.4 A member who has declared an interest in an item of business and has left the meeting may not be counted in the quorum for that item of business. Therefore, should the membership fall below the quorum due to a member withdrawing from the meeting due to a related declaration of interest that item(s) cannot be dealt with at the meeting.

6 Convener

- 6.1 The Convener will chair any meeting of the Board when he or she is present.
- 6.2 When the Convener is absent from a Board meeting the Vice-Convener, if appointed, will chair the meeting. When the Convener and Vice-Convener are absent, another member chosen by the members present will chair the meeting.

7 Convener Duties

- 7.1 The duties of the Convener of the meeting, in accordance with these Standing Orders, will include:
- (a) Deciding on all matters of protocol, decorum, order, competency and relevancy;
 - (b) Determining all matters of procedure for which no provision is made within these Standing Orders. In reaching this determination he/she may be advised by the Clerk;
 - (c) Deciding priority between two or more members wishing to speak;
 - (d) Ensuring that a fair opportunity is given to all members to express their views on any item of business;
 - (e) Preserving order within the meeting;
 - (f) Ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or any other behaviour which impedes or is, in the Convener's opinion, impeding the business of the meeting;
 - (g) In the event of disorder arising, adjourning the meeting to a time and date the Convener will fix then or later. In leaving the meeting, the Convener in such circumstances, will without further procedure have formally adjourned the meeting; and
 - (h) Signing the minutes of the previous meeting;
- 7.2 The decision of the Convener in relation to all questions regarding Standing Orders is final, but in reaching these decisions advice may be sought from the Clerk.

8 Responsibility of the Solicitor

- 8.1 The Solicitor shall have the power to affix the Common Seal to deeds or other documents where such deeds or other documents give effect to decisions of the Board.

9 Appointing members to office

- 9.1 When nominating or appointing a member to any office where the number of candidates is more than the number of vacancies, the person to be selected will be decided by ballot. In each case, members can vote for as many candidates as there are vacancies. But in any ballot, they may only vote once for any one candidate.

- 9.2 If only one vacancy has to be filled and one candidate has an absolute majority of the votes cast, that candidate shall be declared elected, selected or appointed as the case may be. If this is not the case, the name of the candidate with the fewest votes will be taken off the list of candidates. This process of elimination will continue until the number of remaining candidates equals the number of vacancies (or one candidate has a majority and there is only one vacancy). That candidate or those candidates will be declared nominated or appointed as the case may be.
- 9.3 If there is a ballot of more than two candidates and there is an equal number of votes for the candidates with fewest votes, there will be an extra vote by ballot of those candidates. The name of the candidate with fewest votes will be taken off the list. If there is an equal number of votes in one of these extra votes by ballot or in any vote between two candidates, which candidate will be taken off the list will be decided by lot.

10 Order of Business

- 10.1 The business of the Lothian Valuation Joint Board will take place in the following order:
- (a) Order of Business
 - (b) Declaration of Interests
 - (c) Deputations
 - (d) Minutes
 - (e) Decisions
 - (h) Motions

11 Power to vary order of business

- 11.1 The Board may at any meeting vary the order of business to give precedence to any item on the agenda:
- (a) at the discretion of the Convener; or
 - (b) on a motion duly moved and seconded and voted on by a show of hands.

12 Urgent Matters

- 12.1 If a decision which would normally be made by the Board requires to be made urgently between meetings, the Assessor, in consultation with the Convener or Vice-Convener, may take action, subject to the matter being reported to the next meeting of the Board.

13 Matters decided in Private

- 13.1 The Board, under Section 50A(4) of the Local Government (Scotland) Act

1973, may exclude the public from the meeting for items of business on the grounds that it involves the disclosure of exempt information as defined in [Part 1 of Schedule 7A of the Act](#).

14 Declaration of Interests

- 14.1 Where a Board member declares an interest in accordance with the Councillors' Code of Conduct and leaves the meeting, the fact will be recorded in the minutes of the meeting.

15 Deputations

- 15.1 The Board can hear deputations on any matter that is included in its power, duties or delegation.
- 15.2 Every application for a deputation must be from an office bearer of an organisation or group. It must be submitted by email or in writing, setting out the subject of the deputation and be delivered to the Clerk no later than 5pm on the day before the meeting concerned. The Convener has the discretion to waive these requirements.
- 15.3 The Clerk will submit the application to the Board.
- 15.4 When the Board considers whether to hear a deputation, it must not discuss the merits of the case itself. If necessary a vote will be taken without discussion on whether to hear the deputation.
- 15.5 Each deputation will not usually exceed four persons and will have ten minutes to present its case. If the meeting decides to hear more than one deputation on the same subject, they will be heard together. The Convener will decide how much time to allow.
- 15.6 Unless the Convener decides otherwise, the total maximum time allowed for deputations to present their cases at a meeting, excluding questions, will be limited to 60 minutes.
- 15.7 Any member can put a question to the deputation that is relevant to the subject.
- 15.8 The total time allowed for such questions will not be more than ten minutes for each deputation. The merits of the case must not be discussed by members until the deputation has withdrawn.

16 Minutes

- 16.1 The Clerk will minute all Board meetings. The minutes will record the names of the members who attended the meeting. They will be circulated among members of the Board at least three clear working days before its next meeting for approval. If they are approved as a correct record of proceedings of the meeting, the Convener of the meeting will sign them.

17. Notices of Motion

- 17.1 Every formal notice of motion will be in writing and signed by the member giving the notice. The notice must be delivered to the Clerk by noon on the seventh working day before the meeting. Those not received within this timescale, will not be included in the summons calling the meeting.
- 17.2 Late formal notices of motion must be submitted to the Board at the appropriate time in the meeting, if they:
- (a) Have been delivered to the Clerk before the start of the meeting;
 - (b) Are considered by the Convener to be competent, relevant and urgent; and
 - (c) Have been circulated to members before the meeting commences or read by the Clerk to the meeting at the appropriate time in the meeting.
- 17.3 Late motions which are not accepted as urgent by the Convener, will be considered at the next ordinary meeting.
- 17.4 Every formal motion submitted, in terms of Standing Orders 17.1 and 17.2 will require to be moved and seconded formally. If such a motion is not moved and seconded formally it will fall and this will be recorded in the minutes.

18 Order of Debates

- 18.1 A member who wishes to speak, when called on, will address the Convener. The member will speak directly on the motion or amendment that is being proposed, seconded or discussed, or on a question of order. No member can speak more than once on any subject that is being discussed, except for a point of order or, with the permission of the Convener, to give an explanation. The person proposing the motion has a right of reply.

19 Length of Speeches

- 19.1 Except with the Convener's permission the proposer and seconder of a motion or an amendment must not speak for more than five minutes and all other speakers for not more than three minutes. The proposer of the original motion may speak for up to five minutes in reply, and the reply must not introduce any new matter into the debate. After that, the discussion will finish and the Convener will direct that a vote be taken.

20 Motion for Adjournment

- 20.1 A motion to adjourn the meeting may be put at any time, except if a member is speaking, and will have precedence over all other motions. It

must be moved and seconded without discussion and must at once be put by the Convener in the form of 'adjourn' or 'not adjourn.'

- 20.2 A second or subsequent motion to adjourn may not be made within half an hour unless it is moved by the Convener when it will be dealt with as in Standing Order 20.1.

21 Debate

- 21.1 A member wishing to speak will address the Convener. He/she will speak only on the matter under consideration or on a question of order.
- 21.2 A member proposing to submit a motion or amendment on any subject under discussion will before addressing the meeting state the terms of the motion or amendment. If he/she fails to do so the Convener will ask him/her to state the terms. Every motion or amendment must be moved and seconded and will, when required by the Convener, be put in writing and handed to the Clerk.
- 21.3 The mover and seconder of any motion or amendment may speak in support of the motion or amendment for not more than five minutes. No other speaker may speak for more than three minutes or more than once in the same discussion except to call attention to a point of order.
- 21.4 The mover of the original motion will have the right to speak for a further five minutes in reply to the debate after which the discussion will be closed. The mover of the motion must, in his/her reply, strictly confine himself/herself to answering previous speakers and not introducing any new matter. The motion and amendment(s) will then be voted on by members.
- 21.5 The limits of time specified in Standing Orders 21.3 and 21.4 may be exceeded with the consent of the majority of members present and the Convener may determine, without taking a vote, whether such consent has been obtained.
- 21.6 When a motion and two or more amendments are before the meeting, the Convener will decide the order and manner for putting the motion and amendments to the meeting. The Convener (or nominee) will have the right to move a minute or report, as the original motion, with all alternative proposals considered as amendments.
- 21.7 The mover of the motion or amendment may agree to add all or part of an amendment moved and seconded by other members, provided that:
- (a) His/her seconder consents;
 - (b) The mover and seconder of the other amendment consents; and
 - (c) The agreement takes place before the mover of the motion has

replied.

- 21.8 The mover of an amendment which is not seconded may have his/her dissent to the decision of the Board minuted.

22 Closure of Debate

- 22.1 Any member who has not spoken on the question before the meeting may propose 'that the matter now be decided'. If this is seconded and the Convener thinks the question has been discussed enough, he or she will order that a vote on the motion be taken without discussion. If the motion that the matter now be decided is carried, the proposer of the original motion will have a right to reply, and the question itself will then be put to the meeting. If the motion that the matter be now decided is not carried, a similar motion may be made after every two further members have spoken.

23 Voting

- 23.1 A vote may be taken by either calling the roll or by a show of hands. When it is proposed to taken by a show of hands any member may object and if two members of the Board object, the vote must be taken by calling the roll. All votes on procedure, however, will be taken by a show of hands.
- 23.2 When a motion and amendment are before the Board the proposal receiving the support of a majority of members present and voting will be declared to be a decision of the Board.
- 23.3 When a motion and two or more amendments are before the Board and the adoption of one or more of the proposals would result in either the continuation of a decision or no action, a vote will firstly be taken on the proposal(s) involving continuation or no action as soon as the discussion is completed. This vote will be taken 'for or against' either continuation or no action. Any vote necessary on the remaining proposals will be taken in terms of Standing Order 23.1.
- 23.4 When a motion and two or more amendments, none of which involves continuation or no action, are before the Board, the vote will be taken on all proposals, each member having one vote.
- 23.5 If a proposal receives the support of a majority of members voting it will be declared to be the decision of the Board. If none of the proposals receives the support of a majority of those voting, the one which has received the fewest votes will be dropped and a fresh vote taken on the remaining proposals. If there are an equal number of votes between the proposals with the fewest votes the Convener will have a casting vote to determine which proposal should be dropped. If the Convener does not exercise

his/her casting vote, the decision will be by lot. This process of elimination will continue until one proposal has received majority support from those voting which will be declared the decision by the Board.

- 23.6 If there are equal numbers of votes, the Convener will have a casting vote except where the vote relates to appointing a member of the Board. In this case, the decision will be by lot.
- 23.7 If a vote has been taken and a member immediately challenges the accuracy of the count, the Convener will decide whether to have a recount. If there is a recount, the Convener will decide how this should be taken.

24 Point of Order

- 24.1 Any member may raise a point of order at any time during a meeting. Any member who is addressing the meeting when a question of order is raised will resume his/her seat until the question has been decided by the Convener. The member raising the point of order will advise which Standing Order he/she considers is being infringed and thereafter, without debate, await the Convener's decision. No other member may speak to the point of order unless with the permission of the Convener. The decision of the Convener will be final and cannot be discussed.

25 Suspension of Standing Orders

- 25.1 The Board may on a motion duly moved and seconded, and with the consent of two thirds of members voting, suspend any Standing Order specified in the motion. Any such motion may be submitted, without previous notice, and will be voted on by a show of hands without discussion.
- 25.2 Standing Orders (2, 7, 24, 25, 27 and 32) will not be capable of suspension.

26 Validating the Proceedings

- 26.1 The proceedings will be validated by confirming the minutes of the meeting at the next meeting.

27. Obstructive or offensive conduct by members

- 27.1 If any member at any meeting disregards the authority of the Convener, or behaves obstructively or offensively, a motion may then be proposed and seconded to suspend the member for the rest or any part of the meeting. The motion will be put without discussion. If it is carried, the Clerk will act on any orders received from the Convener to carry out the decision.

28 Failing to Attend Meetings

- 28.1 Subject to the terms of Section 35 of the Act of 1973, (read as if “the Board” is substituted for “a local authority” or “the authority”), if a member does not attend any meetings for 6 months of the Board or any Sub-Committee, the Clerk must tell the Board (unless the member has been granted leave of absence by the Board).
- 28.2 The Board will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the member will cease to be a member of the Board.

29. Changing a Board decision

- 29.1 Subject to law, a decision of the Board cannot be changed by the Board within six months unless notice has been given of the proposed item in the summons for the meeting and:
- (a) the Convener rules there has been a material change of circumstances; or
 - (b) the Board agrees the decision was based on erroneous, incorrect or incomplete information.

30 Admission of media and members of the public

- 30.1 Subject to law and in particular to the provisions of the Local Government (Access to Information) Act 1985, meetings will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at the meeting.
- 30.2 Any video or sound recordings or broadcasting of meetings or the taking of any photographs will be at the Convener’s discretion.

31 Variation and Revocation of Standing Orders

- 31.1 Any motion to vary or revoke these Standing Orders will, when voted on, be approved by a majority of members of the Board present and voting. Any such motion must be by formal notice as provided in Standing Order 17.

32 Review of Standing Orders

- 32.1 These Standing Orders will be reviewed every 5 years, at the request of the Board or if the Chief Executive and Clerk determines so and reports to the Board.

33 Delegating to Sub-committees and Officers

- 33.1 (a) The Board may appoint a Sub-Committee(s) it considers necessary.

- (b) The Board will appoint the convener of any sub-committee. If the Convener is absent, the members present will appoint someone from amongst themselves to chair the meeting.
- (c) The officers of the Board are authorised to use the delegated powers set out in the Scheme of Delegation attached to these Standing Orders.

34 Quorum – Sub-committee

- 34.1 One third of the membership of a Sub-Committee with a minimum of 2 being present will be a quorum.

35 Attendance of Board Members at Sub-committees

- 35.1 When a motion is referred to a Sub-committee, the proposer of the motion may not contribute to the consideration of the motion nor any other items that directly relate to the motion.
- 35.2 A Board member cannot be present at a meeting of a Sub-Committee which he or she is not a member of when
 - (a) The meeting is considering a matter where the decision may affect the interests of any person as an individual; and
 - (b) the decision is made after a hearing by the Sub-Committee where the person has a right to be heard (in person or through a representative).

36 Minutes of Sub-committee Meetings

- 36.1 The minutes of a meeting of a Sub-Committee will be:
 - (a) Submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee.
 - (b) Circulated to the next meeting of the Board for approval of any recommendations.

37 Right of a Minority to Have Decisions Referred to the Board

- 37.1 As soon as a decision is taken by a Sub-Committee not less than a quarter of the members present may ask for it to be passed to the Board as a recommendation (if it is a decision that would not normally go to the Board). This paragraph depends on the terms of any law and paragraph (37.2) below.
- 37.2 Under this Standing Order the following decisions cannot be sent to the Board:
 - (a) by a Sub-Committee acting with delegated powers on a matter where the decision may affect the interests or rights of any person as an

individual; and

- (b) which is reached after a hearing by the Sub-Committee where the person has a right to be heard either in person or through a representative. However, this sub-paragraph does not apply to a deputation under Standing Order 15.

Appendix

Definitions

In these Standing Orders the following words and expressions have the following meanings:

“Act of 1973” means the Local Government (Scotland) Act 1973 as amended;

"Act of 1985" means the Local Government (Access to Information) Act 1985;

"Order" means The Valuation Joint Boards (Scotland) Order 1995, made under Section 27(7) to (9) of the Local Government Etc (Scotland) Act 1994. A copy of the Order is attached to these Standing Orders.

“Board” means the Lothian Valuation Joint Board established under the Order;

“Constituent Authority” means any of the Councils of East Lothian, The City of Edinburgh, Midlothian and West Lothian;

"Sub-Committee" means the appointment of Sub-Committees in terms of Paragraph 6 of Schedule 2 of the Order;

“Convener” means the Convener of the Board appointed under Paragraph 3 of Schedule 2 of the Order;

“Electoral Registration Officer” is an official who has the statutory duty to compile and maintain the electoral roll. The four constituent councils of Lothian VJB who jointly appointed the ERO have a duty to meet any expenses incurred by the ERO in the performance of his/her functions.

“Vice-Convener” means the Vice-Convener of the Board appointed under Paragraph 3 of Schedule 2 of the Order;

“Member” means a person appointed by any of the Constituent Authorities from their own number to be a member of the Board in terms of Paragraph 1 of Schedule 2 of the Order and, except where the context otherwise requires, includes a Substitute Member as defined below;

“Substitute Member” means a person appointed by any of the Constituent Authorities from their own number to be a substitute member of the Board in terms of Paragraph 1 of Schedule 2 of the Order;

"Local Member" means a member elected to serve as a Councillor for an electoral ward of a Constituent Authority;

“Convener” means a person appointed by the Board to chair a Sub-Committee, or the person chairing a meeting of the Board in the absence of the Convener and Vice-Convener;

“Chief Executive” means the Chief Executive and Clerk of the Board appointed in terms of Paragraph 4 of Schedule 2 of the Order;

“Clerk” means the Chief Executive and Clerk of the Board appointed in terms of Paragraph 4 of Schedule 2 of the Order;

"Assessor" means the official appointed in terms of Section 27(2) of the Local Government Etc (Scotland) Act 1994;

“Solicitor” means a person appointed by the Board to be Solicitor to the Board in terms of Paragraph 4 of Schedule 2 of the Order;

“Treasurer” means a person appointed by the Board to be Treasurer to the Board in terms of Paragraph 4 of Schedule 2 of the Order;

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