

59560 Lauriston Castle Trust and Section 16(2) of the Local Government etc. (Scotland) Act 1994

Please identify the exact statutory provision(s) — including the Act, section, and subsection — that the Council relies upon when asserting that it “did not have to appoint a sufficient number of councillors as trustees” under section 16(2) of the Local Government etc. (Scotland) Act 1994.

The Council has not made this assertion. The Council’s position remains the same as stated in responses ‘32440’, ‘36387’ and ‘49047’ on our [Disclosure Log](#). Namely there are no individual Councillors who have been appointed trustees of the Trust.

If the Council relies on any subsection within section 16 to disapply or override the duty in section 16(2), please specify:

- the precise subsection(s), and
- the Council’s interpretation of how that subsection removes or modifies the obligation in section 16(2).

The Council does not consider that this provision has been disapplied or overridden.

If the Council relies on any Act other than the 1994 Act, please identify:

- the name of the Act,
- the relevant section(s), and
- how those provisions override or disapply section 16(2) in relation to the Lauriston Castle Trust.

The Council considers this request to be seeking legal advice rather than specific recorded information. There is no such recorded legal advice held.

If the Council holds legal advice (internal or external) that supports the position that councillor appointment under section 16(2) was not required, please confirm:

- the date of the advice,
- whether it was internal or external, and
- whether the Council asserts legal privilege over the content.

[Information not held.](#)

If no such statutory authority exists, please confirm explicitly that:

- the Council has no legal basis for exempting itself from the duty in section 16(2), and
- the Council did not appoint “a sufficient number of councillors” despite the statutory requirement.

This request concerns only the legal basis for the Council’s stated position. It does not seek operational correspondence or general background information.

[The Council considers this request to be seeking legal advice rather than specific recorded information. There is no such recorded legal advice held.](#)