



# Local Government in Scotland Act 2003

2003 asp 1

## PART 2

### COMMUNITY PLANNING

#### **19 Establishment of corporate bodies to co-ordinate and further community planning etc.**

(1) The Scottish Ministers may—

- (a) on the application of the local authority together with one or more of the bodies, office-holders and other persons participating in community planning in the area of the local authority; and
- (b) after considering a report on the matters specified in subsection (2) below made to them by one or more of all the persons mentioned in paragraph (a) above,

by order establish a body corporate having the constitution and functions specified in the order.

(2) The matters referred to in subsection (1)(b) above are—

- (a) what consultations were conducted on the question whether to apply for an order under that subsection;
- (b) what were the views on that question of the persons participating in community planning in the area of the local authority;
- (c) what were the views of persons (other than those referred to in paragraph (b) above) consulted on that question;
- (d) what functions should be specified in the order made under that subsection; and
- (e) such other matters as may by regulations be prescribed by the Scottish Ministers.

(3) An order made under subsection (1) above may include provision about—

- (a) the membership of the body established under it;
- (b) the proceedings of the body;
- (c) the transfer of property, rights and liabilities to and from the body;
- (d) the appointment and employment by the body of staff;

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*Status: This is the original version (as it was originally enacted).*

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- (e) the supply by other authorities, bodies, office-holders and persons of services for the body;
  - (f) the audit of the accounts of the body;
  - (g) the dissolution of the body; and
  - (h) such other matters as the Scottish Ministers think fit.
- (4) A function may be specified under subsection (1) above and accordingly fall to be discharged by the body in relation to which it is specified notwithstanding that under any enactment the function falls to be discharged also by an authority, body, office-holder or person other than that body.
- (5) Subsection (4) above has effect notwithstanding—
- (a) the absence of any enactment or rule of law providing for the discharge of that function otherwise than by the authority, body, office-holder or other person having that function; or
  - (b) any enactment or rule of law preventing the discharge of that function in that way.
- (6) In subsection (5) above, the references to an enactment are references to an enactment other than this section.
- (7) Subsection (5) above does not prejudice the generality of section 57 below.
- (8) A body established under subsection (1) above shall have a common seal.
- (9) An order under subsection (1) above shall be made by statutory instrument; but no such order shall be made unless a draft of the instrument containing it has been approved by resolution of the Scottish Parliament.
- (10) Regulations under subsection (2)(e) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.