



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

General

125 Interpretation of Part II.

In this Part of this Act—

“the Board” means the Central Scotland Water Development Board;

“charges scheme” has the meaning given by section 76(1);

“the Customers Council” means the Scottish Water and Sewerage Customers Council (provision for the establishment of which is made by section 67(1));

“financial year” has the meaning given by section 87(3);

“local authority” means, subject to section 123(3), a council constituted under section 2;

“the new water and sewerage authorities” has the meaning given by section 62(2);

“the 1968 Act” means the ^{M1}Sewerage (Scotland) Act 1968;

“the 1980 Act” means the ^{M2}Water (Scotland) Act 1980;

“successor” shall be construed in accordance with section 92(9);

“transfer date” has the meaning given by subsection (1) of section 91 and

“transfer scheme” the meaning given by subsection (2) of that section.

Marginal Citations

M1 1968 c. 47.

Status: Point in time view as at 04/01/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: General. (See end of Document for details)

M2 1980 c. 45.

[^{F1}125A Application of Part II to Crown.

- (1) Subject to the provisions of this section, this Part of this Act shall bind the Crown.
- (2) No contravention by the Crown of any provision made by or under this Part of this Act shall make the Crown criminally liable; but the Court of Session may, on the application of a new water and sewerage authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in subsection (2) above, any provision made by or under this Part of this Act shall apply to persons in the public service of the Crown as it applies to other persons.
- (4) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity.
- (5) Subject to subsection (4) above, the powers conferred by section 99 above shall be exercisable in relation to land in which there is a Crown interest only with the consent of the appropriate authority.
- (6) In this section—
 - “the appropriate authority” has the same meaning as it has in [^{F2}section 242(2) of the Town and Country Planning (Scotland) Act 1997];
 - “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
 - “Crown premises” means premises held by or on behalf of the Crown.
- (7) The provisions of [^{F2}subsection (3) of section 242 of the Town and Country Planning (Scotland) Act 1997] (questions relating to Crown application) as to the determination of questions shall apply for the purposes of this section.

Textual Amendments

- F1** S. 125A inserted (*prosp.*) by 1995 c. 25, ss. 116, 125(3), **Sch. 21 Pt. II para. 6** (with ss. 7(6), 115, 117)
- F2** Words in s. 125A(6)(7) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 58** (with s. 5, Sch. 3)

[^{F3}125A Application of Part II to Crown. **S**

- (1) Subject to the provisions of this section, this Part of this Act shall bind the Crown.
- (2) No contravention by the Crown of any provision made by or under this Part of this Act shall make the Crown criminally liable; but the Court of Session may, on the application of a new water and sewerage authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in subsection (2) above, any provision made by or under this Part of this Act shall apply to persons in the public service of the Crown as it applies to other persons.

Status: Point in time view as at 04/01/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: General. (See end of Document for details)

- (4) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity.
- (5) Subject to subsection (4) above, the powers conferred by section 99 above shall be exercisable in relation to land in which there is a Crown interest only with the consent of the appropriate authority.
- (6) In this section—
“the appropriate authority” has the same meaning as it has in section 253(7) of the ^{M3}Town and Country Planning (Scotland) Act 1972;
“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
“Crown premises” means premises held by or on behalf of the Crown.
- (7) The provisions of subsection (7) of section 253 of the ^{M4}Town and Country Planning (Scotland) Act 1972 (questions relating to Crown application) as to the determination of questions shall apply for the purposes of this section.]

Textual Amendments

F3 S. 125A inserted (*prosp.*) by 1995 c. 25, ss. 116, 125(3), **Sch. 21 Pt. II para. 6** (with ss. 7(6), 115, 117)

Marginal Citations

M3 1972 c. 52.

M4 1972 c. 52.

126 Orders under Part II.

Any power to make an order under this Part of this Act is exercisable by statutory instrument.

Status:

Point in time view as at 04/01/1995.

Changes to legislation:

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: General.