



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART II

CHANGES IN LOCAL GOVERNMENT AREAS

Supplementary Provisions

[^{F1}20 First review of electoral arrangements.

Schedule 5 to this Act shall have effect with respect to the first review of electoral arrangements for local government areas after 1st April 1996.]

Textual Amendments

F1 S. 20 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, ss. 19(3), 163(2)(3) (with s. 156(6))

Modifications etc. (not altering text)

C1 S. 20 power to transfer or modify functions conferred (30.11.2000) by 2000 c. 41, s. 19

21 Delegation of functions of Commission.

- (1) The Boundary Commission may appoint one or more members of the Commission—
 - (a) to hold any local inquiry or to carry out any consultation or investigation which the Commission are required or authorised to hold or carry out under this Act; and
 - (b) to report to the Commission accordingly.
- (2) At the request of the Boundary Commission the Secretary of State may appoint one or more persons as assistant commissioners for all or any of the purposes specified in subsection (1)(a) and (b) above.
- (3) The appointment of an assistant commissioner under subsection (2) above—

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- (a) shall be for such period or for such purpose or purposes as may be specified in the terms of his appointment; and
- (b) shall be on such terms and conditions as to remuneration and otherwise as may be determined by the Secretary of State with the approval of [^{F2}the Treasury].

Textual Amendments

F2 Words substituted by virtue of S.I. 1981/1670, arts. 2(2), 3(5)

Modifications etc. (not altering text)

C2 S. 21 power to transfer or modify functions conferred (30.11.2000 for certain purposes, otherwise prosp.) by 2000 c. 41, ss. 19(3), 163(2)(3) (with s. 156(6))

22 Restriction on promotion of private legislation for changing local government areas, etc.

No local authority shall have power to promote private legislation for forming or abolishing any local government area or for altering, or altering the status or electoral arrangements of, any local government area.

[^{F3}23 Change of name of local government area.

- (1) The council of a local government area may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the area.

[Where a council so change the name of their area into Gaelic, they may also, by ^{F4}(1A) a resolution passed in accordance with subsection (1) above and notwithstanding sections 2(3) and 3(1)(a) of the ^{M1}Local Government etc. (Scotland) Act 1994, decide that their name shall be “Comhairle” with the addition of the name of their area.

(1B) A council which have so changed their name into Gaelic may, by a resolution passed in accordance with subsection (1) above, change it back into English.]

- (2) Notice of any change of name made under this section—
- (a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General of Births, Deaths and Marriages for Scotland; and
 - (b) shall be published in such manner as the Secretary of State may direct.
- (3) A change of name made in pursuance of this section shall not affect any rights or obligations of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.]

Textual Amendments

F3 S. 23 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 92(5); S.I. 1996/323, art. 4(1)(c), Sch. 2

F4 S. 23(1A)(1B) inserted (27.4.1997) by 1997 c. 6, ss. 1, 2(2)

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Marginal Citations

M1 1994 c.39.

24 Consequential and transitional arrangements relating to Part II.

- (1) The Secretary of State may by regulations of general application make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for the purposes or in consequence of orders under this Part of this Act or for giving full effect thereto; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Regulations under this section may apply, with or without modifications, or extend, exclude or amend, or repeal or revoke, with or without savings, any provision of a local Act or any instrument made under an Act.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) An order under this Part of this Act may include the like provision in relation to the order as may be made by regulations of general application under this section by virtue of subsections (1) and (2) above; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (5) Any such order may also include provision with respect to—
 - (a) the name of any altered area;
 - (b) the constitution and election of public bodies in any area affected by the order;
 - (c) the retirement of existing councillors for electoral [^{F5}wards] which have been abolished or the assignment of such councillors and of other existing councillors to new or altered electoral [^{F5}wards], and the first election of councillors for any new or altered electoral [^{F5}wards];
 - (d) without prejudice to paragraph (c) above, the holding of a fresh election of councillors for all electoral [^{F5}wards] in the local government area in question in a case where substantial changes have been made to some of those [^{F5}wards];
 - (e) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of the area affected by the order;
 - (f) the register of electors to be used at any election of ^{F6}. . . councillors for any electoral [^{F7}ward] affected by the order.
- (6) In this section and in section 25 of this Act, “public body” means a local authority, joint board or joint committee.

Textual Amendments

- F5** Words in s. 24(5)(c)(d) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(6)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F6** Words in s. 24(5)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(6)(b)(i), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**
- F7** Word in s. 24(5)(f) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(6)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**

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25 Transitional agreements as to property and finance.

- (1) Subject to any regulations made under section 24 of this Act and to the provisions of any order made under this Part of this Act, any public bodies affected by the alteration, abolition or constitution of any area by an order under this Part of this Act may from time to time make agreements with respect to any property, income, rights, liabilities and expenses (so far as affected by the alteration, abolition or constitution) of, and any financial relations between, the parties to the agreement.
- (2) The agreement may provide—
 - (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
 - (b) for the making of payments by either party to the agreement in respect of property, rights and liabilities so transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person; and
 - (c) for the making of any such payment either by way of a capital sum or of a terminable annuity.
- (3) In default of agreement as to any matter, the matter shall be referred to the arbitration of a single arbiter agreed on by the parties, or in default of agreement appointed by the Secretary of State, and the award of the arbiter may provide for any matter for which an agreement under this section might have provided; but the provisions of section 3 of the ^{M2}Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session) shall not apply in relation to an arbitration under this section.
- (4) Any sum required to be paid by a public body in pursuance of an agreement or award under this section shall be defrayed in such manner as may be specified in the agreement or award and, failing the agreement or award so specifying, in such manner as the public body making the payment may determine.
- (5) Any capital sum received by a public body in pursuance of an agreement or award under this section shall be treated as capital and shall be applied with the sanction of the Secretary of State either in the repayment of capital debt or for any other purpose for which capital money may be applied.

Modifications etc. (not altering text)

C3 S. 25 extended (6.4.1995) by 1994 c. 39, s. 181(7); S.I. 1995/702, art. 4(1), Sch. 2 para. 32

Marginal Citations

M2 1972 c. 59.

26 Variation and revocation of orders under Part II.

- (1) The power conferred by section 233 of this Act to vary and revoke orders under this Act shall, in the case of orders under this Part of this Act, apply only in relation to any supplementary provision contained in any such order, and an order varying or revoking any such provision shall only be made after compliance with subsections (2) and (3) below.
- (2) When the Secretary of State proposes to make any such varying or revoking order he shall prepare a draft of the order, shall send copies of the draft to such local or public authorities and community councils as appear to him to be concerned, and shall give

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public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy of the draft is available for inspection at one or more places specified in the notice and that representations with respect to the draft may be made to him within two months of the publication of the notice.

- (3) The Secretary of State shall consider any representations duly made with respect to the draft and may, if he thinks fit, make an order either in the form of the draft or subject to modifications.
- (4) The Secretary of State may cause a local inquiry to be held with respect to a draft order under this section.
- (5) In this section “supplementary provision” means any such provision as could be made by an order under this part of this Act by virtue of section 24 or 215 of this Act.

27 Consultation with Boundary Commission on schemes for community councils.

In considering the framing or approval of a scheme or of an amendment to a scheme under Part IV of this Act, a local authority or the Secretary of State may consult the Boundary Commission on any matter relating to the boundaries of the area of a community council.

28 Supplementary.

- (1) In this Part of this Act—

“electoral arrangements” means, in relation to a local government area, the number of councillors of the council for that area, the number and boundaries of the electoral [^{F8}wards] into which that area is for the time being divided for the purpose of the election of the councillors, and the designation of any electoral [^{F8}ward];

[^{F9}“local government area” means the area of a local authority;]

“substantive change” has the meaning assigned to it by section 13(d) of this Act.

- (2) In considering the electoral arrangements for local government areas for the purposes of this Part of this Act, the Secretary of State and the Boundary Commission shall so far as is reasonably practicable comply with the rules set out in Schedule 6 to this Act, and the said arrangements shall be in accordance with the provisions of section 5 of [^{F10}the Local Government etc. (Scotland) Act 1994.].
- (3) Nothing in this Part of this Act shall affect, nor shall anything done thereunder affect, the area of the registration district for which a registrar is required to be appointed under the ^{M3}Registration of Births, Deaths and Marriages (Scotland) Act 1965 or the provisions of that Act relating to registration districts.

Textual Amendments

F8 Words in definition of “electoral arrangements” in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(7)(a)(i)**; S.I. 1996/323, **art. 4(1)(e)**

F9 Definition of “local government area” in s. 28(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(7)(a)(ii)**; S.I. 1996/323, **art. 4(1)(c)**

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F10 Words in s. 28(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(7)(b)**; S.I. 1996/323, **art. 4(1)(c)**

Marginal Citations

M3 1965 c. 49.

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