



# Local Government (Miscellaneous Provisions) (Scotland) Act 1981

## 1981 CHAPTER 23

### PART IV

#### MISCELLANEOUS

#### **26 Consent to local authority incurring liability to meet capital expenses etc.**

In section 94 of the 1973 Act (which requires a local authority to obtain the consent of the Secretary of State to their incurring liability to meet capital expenses)—

(a) after subsection (1A) there shall be inserted the following subsection—

“(1B) The Secretary of State may—

- (a) withdraw, or vary the terms of, a consent which he has, under subsection (1) above, given; or
- (b) withdraw or vary any condition to which the giving of such consent was subject,

where, or in so far as, the local authority have not, by binding contract, incurred the liability to which the consent relates.”; and

(b) after subsection (2) there shall be added the following subsections—

“(3) The Secretary of State may by order (either or both)—

- (a) amend the definition of " capital expenses " in subsection (2) above;
- (b) provide that subsection (1) above shall, in the same manner as it applies to capital expenses, apply to such other expenses, incurred in relation to a lease (or other contract, or arrangement, of a like nature), as may be specified in the order and, for the purposes of such application, prescribe a method for assigning a capital value to those other expenses.

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*Status: This is the original version (as it was originally enacted).*

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(4) An order made under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.”.