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*Status: Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

An Act to make provision with respect to local government and the functions of local authorities; to make amendments in relation to local government finance, local authority accounts and the records of local authorities; to establish a Strathclyde Passenger Transport Authority for the purposes of the Transport Act 1968; to provide for the establishment of new water and sewerage authorities; to provide for the establishment of a council to represent the interests of customers and potential customers of those new authorities; to provide for the vesting in those new authorities of the property, rights and liabilities of the Central Scotland Water Development Board and of such property, rights and liabilities of regional and islands councils as those councils have as water authorities, as providers of sewerage and in relation to dealing with the contents of sewers; to provide for the dissolution of that Board; to cancel certain obligations to contribute towards expenses which have been incurred by local authorities in making provision for sewerage or disposal of sewage in rural localities; to create an office of Principal Reporter and transfer to him the functions of reporters to children's hearings; to establish a body to facilitate the performance by the Principal Reporter of his functions; to amend the Social Work (Scotland) Act 1968 in relation to children's hearings; to amend the procedure for making byelaws under section 121 of the Civic Government (Scotland) Act 1982; to transfer to local authorities responsibility for fixing and reviewing polling districts and polling places in Parliamentary elections; to amend section 21 of the Self-Governing Schools etc. (Scotland) Act 1989; to amend the law relating to roads and the placing of traffic signs on roads; to make amendments in relation to valuation and rating; to abolish the Scottish Valuation Advisory Council; to empower the Strathclyde Passenger Transport Authority to guarantee certain obligations; to empower local authorities to make grants to ethnic minorities; to confer on local authorities the function of promoting economic development; to provide for the establishment of area tourist boards; to make amendments in relation to lieutenancies; all as respects Scotland; and for connected purposes. [3rd November 1994]

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Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

- C1** Act excluded (27.5.1997) by 1997 c. 8, **ss. 24(5)(a), 278(2)**  
 Act applied (1.4.1999) by 1998 c. 37, **s. 19(8)**; S.I. 1998/3263, **art. 5(c)**

**PART I**

LOCAL GOVERNMENT REORGANISATION

**Modifications etc. (not altering text)**

- C2** Pt. I (ss. 1-61) applied (1.4.1996) by 1990 c. 35, **s. 21(5)** (as inserted (1.4.1996) by 1996 c. 39, s. 180(1), **Sch. 13 para. 164(2)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**)

**CHAPTER 1**

LOCAL GOVERNMENT AREAS, AUTHORITIES AND ELECTIONS

**1 Local government areas in Scotland.**

- (1) Scotland shall, in accordance with the provisions of this Part of this Act, have local government areas for the administration of local government on and after 1st April 1996.
- (2) Scotland shall be divided into the local government areas named in column 1 of Part I of Schedule 1 to this Act, and those areas shall comprise the areas described in column 2 of Part I.
- (3) On 1st April 1996—
  - (a) all local government areas existing immediately before that date which are regions or districts; and
  - (b) all regional and district councils, shall cease to exist.
- (4) Part II of Schedule 1 (provisions as to boundaries) shall have effect.

**2 Constitution of councils.**

- (1) For every local government area there shall be a council consisting of a convener and councillors.
- (2) Subject to any provision of this Act <sup>F1</sup> and of the <sup>M1</sup>Environment Act 1995], the council for each local government area shall on and after 1st April 1996 have all the functions

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exercised immediately before that date in relation to their area by any existing regional, islands or district council.

- (3) The council for each local government area shall be a body corporate by the name “The Council” with the addition of the name of the particular area, and shall have a common seal.

#### Textual Amendments

**F1** Words in s. 2(2) inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 232(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

#### Modifications etc. (not altering text)

**C3** S. 2(3) excluded (27.4.1997) by 1973 c. 65, **s. 23(1A)** (as inserted (27.4.1997) by 1997 c. 6, **ss. 1, 2(2)**)

#### Marginal Citations

**M1** 1995 c. 25

### 3 Orkney, Shetland and Western Isles.

- (1) The islands councils of Orkney, Shetland and the Western Isles shall continue to exist as bodies corporate but, on and after 1st April 1996—
- (a) they shall be known as “Orkney Islands Council”, “Shetland Islands Council” and “Western Isles Council”; and
  - (b) their areas shall be known as “Orkney Islands”, “Shetland Islands” and “Western Isles”,
- respectively.
- (2) The islands councils consisting of the councillors elected for the islands areas of Orkney, Shetland and the Western Isles at the ordinary election held in 1994 shall continue as councils until the second ordinary election of councillors for the new councils held under section 5 of this Act.

#### Modifications etc. (not altering text)

**C4** S. 3(1)(a) excluded (27.4.1997) by 1973 c. 65, **s. 23(1A)** (as inserted (27.4.1997) by 1997 c. 6, **ss. 1, 2(2)**)

### 4 Convener and deputy convener.

- (1) The council of each local government area shall elect a convener from among the councillors.
- (2) A council may elect a member of the council to be deputy convener.
- (3) Subject to the provisions of this section and of Schedule 2 to this Act, the standing orders of a council may make provision for—
- (a) the duration of the term of office (which may not extend beyond the next ordinary election of the council); and
  - (b) the procedure for early removal from office, of the convener and deputy convener.

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- (4) The election of the convener shall be the first business transacted at the first meeting of the council held after an ordinary election of councillors and at that meeting, until the convener is elected, the returning officer or, failing him, such councillor as may be selected by the meeting shall preside.
- (5) A person holding the office of convener or depute convener shall be eligible for re-election but shall cease to hold office upon ceasing to be a councillor.
- (6) On a casual vacancy occurring in the office of convener, an election to fill the vacancy shall be held as soon as practicable by the council at a meeting of the council the notice of which specifies the filling of the vacancy as an item of business, and the depute convener or, failing him, a councillor selected by the meeting shall preside.
- (7) The convener of each of the councils of the cities of Aberdeen, Dundee, Edinburgh and Glasgow shall, with effect from 1st April 1996, be known by the title of “Lord Provost”, and the convener of each other council shall be known by such title as that council may decide:  
  
 Provided that no such other council may, without the consent of the Secretary of State, decide that their convener shall be known by the title of “Lord Provost”.
- (8) A council may pay the convener and depute convener, for the purpose of enabling each of them to meet the expenses of his office, such allowance as the council think reasonable.

## 5 Elections and term of office of councillors.

- (1) Councillors for each local government area shall be elected by the local government electors for that area in accordance with this Part of this Act and the Representation of the <sup>M2</sup>People Act 1983.
- (2) Notwithstanding the provisions of section 43 of that Act of 1983 (day of ordinary local elections in Scotland), the first ordinary election of councillors for each council other than the councils of Orkney Islands, Shetland Islands and Western Isles shall take place on 6th April 1995.
- (3) The second ordinary election of councillors shall take place in 1999, and ordinary elections shall take place every third year thereafter.
- (4) Councillors shall retire on the day of the ordinary election next following the date on which they were elected.
- (5) Each local government area shall be divided into electoral wards, and each such ward shall return one councillor.
- (6) There shall be a separate election for each electoral ward.

### Modifications etc. (not altering text)

- C5** S. 5 applied (1.4.1996) by 1973 c. 65, s. 235(1) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 92(66)(b); S.I. 1996/323, art. 4(1)(b)(c))  
 S. 5 applied (1.4.1996) by 1988 c. 47, s. 22(2) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 158(3)(b); S.I. 1996/323, art. 4(1)(b)(c))

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### Marginal Citations

M2 1983 c. 2.

## 6 Date of elections.

For subsection (1) of section 43 of the Representation of the <sup>M3</sup>People Act 1983 (day of ordinary local elections in Scotland) substitute—

“(1) In every year in which ordinary elections of councillors for local government areas in Scotland are held, the day of election is—

- (a) the first Thursday in May; or
- (b) such other day as may be fixed by the Secretary of State by order made by statutory instrument not later than 1st February in the year preceding the year or, in the case of an order affecting more than one year, the first year in which the order is to take effect.

(1A) An order made under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

### Marginal Citations

M3 1983 c. 2.

## 7 Establishment of new local authorities and supplementary provisions.

- (1) Schedule 2 to this Act shall have effect with respect to the establishment of the new local authorities, the suspension of elections of existing authorities and related matters.
- (2) This Part of this Act shall have effect, in relation to such establishment, subject to the provisions of that Schedule.
- (3) Schedule 2 shall not apply in relation to the councils of Orkney Islands, Shetland Islands and Western Isles.

## CHAPTER 2

### STAFF

## 8 Transfer of employees.

- (1) Subject to the provisions of this section, the Secretary of State may by order make provision with respect to—
  - (a) the transfer of employees from an existing local authority to a new authority with effect from 1st April 1996; and
  - (b) any matters arising out of or related to such transfer.
- (2) An order under this section may, without prejudice to the generality of subsection (1)
  - (a) above—
    - (a) make provision as to the new authority to which groups of employees, or particular employees, are to be transferred;

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- (b) prescribe a general rule or rules by which the transfer of employees, or of specified groups of employees, can be determined.
- (3) Each regional and district council shall, in accordance with the provisions of an order made under this section, prepare a scheme in relation to the transfer under or by virtue of this Act of their employees.
- (4) No scheme under subsection (3) above shall be made without the consent of the new authority or authorities, or of the new water and sewerage authority or authorities (within the meaning of Part II of this Act), to whom the employees concerned are to be transferred or, failing such consent, without the consent of the Secretary of State.
- (5) The Secretary of State shall by order under this section provide for the transfer of all fire and police personnel employed by an existing local authority for the purposes of a fire brigade or police force to the new authority which will, after 1st April 1996, have responsibility as respects that brigade or force.
- (6) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority;
- “fire personnel” means any persons employed by an existing local authority for the sole purpose of assisting a fire brigade maintained by that authority;
- “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles), a residuary body and a joint board; and
- “police personnel” means any persons employed by virtue of section 9 of the <sup>M4</sup>Police (Scotland) Act 1967 (employees other than constables).

#### Marginal Citations

M4 1967 c. 77.

## 9 Effect of section 8 on contracts of employment.

- (1) This section applies to any person transferred from an existing local authority to a new authority under or by virtue of an order under section 8 of this Act.
- (2) The contract of employment between such a person (the “employee”) and his present employer shall not be terminated by the abolition of that employer but shall have effect from 1st April 1996 (the “transfer date”) as if originally made between the employee and such new authority (his “new employer”) as may be specified in relation to him in an order made under section 8 of this Act.
- (3) Without prejudice to subsection (2) above—
- (a) all the present employer’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the transfer date to the new employer; and

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- (b) anything done before the transfer date by or in relation to the present employer in respect of that contract or the employee shall be deemed after that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his terms and conditions of employment, but no such right shall arise by reason only of the change of employer effected by section 8 of this Act.
- (5) In this section—
- “existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority; and
- “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles), a residuary body and a joint board.

## 10 Continuity of employment.

- (1) This section applies to a person who at any time after the passing of this Act ceases to be employed by an existing local authority (his “former employer”) if—
- the termination of his employment is attributable, directly or indirectly, to any provision made by or under this Act;
  - he is subsequently employed by another person (his “new employer”); and
  - by virtue of [F<sup>2</sup>section 138 of the M<sup>5</sup>Employment Rights Act 1996] (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under [F<sup>3</sup>Part XI] of that Act.
- (2) Where this section applies to a person, [F<sup>4</sup>Chapter I of Part XIV of the Employment Rights Act 1996] (computation of a period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—
- the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
  - the change of employer shall not break the continuity of the period of employment.
- (3) Where this section applies to a person, the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.
- (4) In this section “existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority.

### Textual Amendments

- F2** Words in s. 10(1)(c) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 66(2)(a)(i)
- F3** Words in s. 10(1)(c) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 66(2)(a)(ii)
- F4** Words in s. 10(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 66(2)(b)

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### Marginal Citations

M5 1996 c. 18

## 11 Remuneration of employees of local authorities.

- (1) For the purposes of this section the Secretary of State may, after consulting such associations of local authorities as appear to him to be appropriate—
  - (a) designate such existing body as he considers appropriate; or
  - (b) by order made by statutory instrument establish a new body, (in this section referred to, in either case, as “the advisory body”) to consider any increase made or proposed to be made by an authority in the remuneration of any of their employees.
- (2) An order under subsection (1)(b) above—
  - (a) may make provision as to the constitution and membership of the body established; (b) may include provision as to the employment of staff and the remuneration and superannuation of the members and staff of the body; and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) For the purpose of enabling them to carry out their functions under this section, the advisory body shall consult and seek information from authorities and, if requested to do so by the advisory body, the Secretary of State may give a direction to any such authority requiring them to furnish to the advisory body such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of the authority as may be so specified.
- (4) If it appears to the advisory body that an authority have fixed or propose to fix for any employee or class of employee of theirs a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body consider appropriate for that employee or class of employees, they shall notify the authority concerned and recommend to them the rate of remuneration which should be paid to the employee or class of employees concerned.
- (5) If it appears to the advisory body that an authority to whom they have made a recommendation under subsection (4) above are not complying with that recommendation, then, after giving notice in writing to the authority concerned of their intention to do so, they may refer the matter to the Secretary of State; and on such a reference the Secretary of State, after consultation with such associations of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned, may give a direction to that authority requiring them, with effect from such date as may be specified in the direction (not being earlier than the date on which notice was given to them by the advisory body), to pay such employee or class of employees of theirs as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (4) above and specified in the direction.
- (6) An authority to whom a direction is given under subsection (3) or subsection (5) above shall comply with the direction.



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- (7) If at any time in the period of three months beginning on 1st April 1996 it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of an existing local authority was such that, if that authority had not ceased to exist, the advisory body would have made a recommendation to the authority under subsection (4) above or, having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (5) above, they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employee or class of employees concerned immediately before 1st April 1996 or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the local authority concerned.
- (8) On receiving a report under subsection (7) above the Secretary of State may, after such consultation as is specified in subsection (5) above, by order made by statutory instrument provide that, for the purposes of the provisions of this Act, or of any regulations made under section 24 of the <sup>M6</sup>Superannuation Act 1972 (compensation for loss of office etc.), relating to transfer of officers and compensation for loss of office, the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving, immediately before 1st April 1996 or such earlier date as may be specified in the report, remuneration at the rate stated in the report and specified in the order.
- (9) An order made under subsection (8) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
- “authority” means an existing local authority and a new authority;
- “existing local authority” includes a joint committee and a joint board but does not include an islands authority; and
- “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands and Western Isles) and a joint board.
- (11) The Secretary of State may not give a direction under subsection (5) above nor make an order under subsection (8) above after 31st March 1997.

#### Marginal Citations

M6 1972 c. 11.

## 12 Staff commission.

- (1) The Secretary of State shall, after such consultation, whether before or after the passing of this Act, as he thinks fit, by order establish a staff commission for the purpose of carrying out such functions in relation to the staff and staffing of authorities as he may consider appropriate.
- (2) Without prejudice to the generality of subsection (1) above, an order under this section may confer on the staff commission the functions of—
- (a) considering and keeping under review the arrangements for the recruitment of staff by new authorities and for the transfer in consequence of this Act or of

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- any instrument made under it of staff employed by existing local authorities which cease to exist by virtue of Chapter 1 of this Part of this Act;
- (b) considering such staffing problems arising out of, in consequence of or in connection with any provision of or instrument made under this Act as may be referred to them by the Secretary of State or by any authority;
  - (c) advising the Secretary of State as to the steps necessary to safeguard the interests of such staff; and
  - (d) advising authorities, either by the commission or by persons nominated by them.
- (3) An order under this section may make provision as to the constitution and membership of the commission, the appointment and removal from office by the Secretary of State of the chairman and members of the commission, the employment of staff and the remuneration and superannuation of the members and staff of the commission.
- (4) The Secretary of State may give directions—
- (a) to the staff commission as to—
    - (i) the carrying out by them of their functions; and
    - (ii) their procedure;
  - (b) to any authority with respect to the furnishing by them of information requested by the commission; and
  - (c) to any authority with respect to—
    - (i) the implementation by them of any advice given by, or by persons nominated by, the commission; and
    - (ii) the payment by them of any expenses incurred by the commission in doing anything requested by them.
- (5) Any expenses incurred by the staff commission and not recovered by them from an authority shall be paid by the Secretary of State out of money provided by Parliament.
- (6) The Secretary of State may by order provide for the winding up of the commission and the disposal of their assets.
- (7) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
- “authority” means an existing local authority and a new authority;
  - “existing local authority” includes a joint committee and a joint board but does not, except as may be provided by any other provision of this Act, include an islands authority; and
  - “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles), a residuary body and a joint board.

### 13 Compensation for loss of office or diminution of emoluments.

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
- (a) an existing local authority;
  - (b) a new authority; or
  - (c) a residuary body,

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and who suffers loss of employment or diminution of emoluments which is attributable to any provision made by, under or by virtue of this Act.

- (2) Where the Secretary of State makes provision by regulations under section 24 of the <sup>M7</sup>Superannuation Act 1972 (compensation for loss of office etc.) in relation to compensation in respect of any such loss or diminution as is referred to in subsection (1) above, such compensation shall be paid only in accordance with those regulations; and accordingly none of the bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract, or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him on or before 9th December 1993.
- (4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination (without prejudice to the provision of compensation where the said loss or diminution is attributable otherwise than to such termination) on or before 1st April 1996 of a contract made after 9th December 1993 which provides for the employment of that person for a fixed term extending beyond 1st April 1996.
- (5) For the purpose of determining under [<sup>F5</sup>section 138 or 141 of the <sup>M8</sup>Employment Rights Act 1996 (renewal of contract or re-engagement)] —
- (a) whether the provisions of a new contract offered to a person employed by any such body as is mentioned in subsection (1) above differ from the corresponding provisions of his previous contract; and
  - (b) whether employment under the new contract is suitable in relation to that person,
- there shall be treated as forming part of the remuneration payable under the new contract any compensation to which that person is or, if he accepted the offer, would be entitled in accordance with this section.
- (6) Except as provided in subsection (5) above nothing in this section shall be construed as affecting any entitlement to a redundancy payment under [<sup>F6</sup>Part XI of the Employment Rights Act 1996] or to any payment by virtue of any provision of the <sup>M9</sup>Superannuation Act 1972 other than the said section 24.
- (7) In this section—
- “existing local authority” includes a joint committee and a joint board but does not, except as may be provided by any other provision of this Act, include an islands authority; and
- “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles) and a joint board.

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#### Textual Amendments

**F5** Words in s. 13(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, [Sch. 1 para. 66\(3\)\(a\)](#)

**F6** Words in s. 13(6) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, [Sch. 1 para. 66\(3\)\(b\)](#)

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#### Marginal Citations

- M7** 1972 c. 11.  
**M8** 1996 c. 18  
**M9** 1972 c. 11.

## 14 Employment by new authorities.

(1) If a new authority enter into a contract of employment with a person who has received or is entitled to receive a redundancy payment under [<sup>F7</sup>Part XI of the <sup>M10</sup>Employment Rights Act 1996]—

- (a) by reason of his dismissal at any time—
- (i) after the passing of this Act by a regional or district council; or
  - (ii) after the passing of this Act and before 1st April 1996 by a joint committee or a joint board; or
- (b) by reason of his having been employed, immediately before 1st April 1996, by such a council, committee or board under a contract of employment which would have continued but for the abolition of such councils, committees or boards on that date and who is not transferred to a new authority by virtue of an order under section 8 of this Act,

the authority shall, if the Secretary of State so directs, pay to him, or to such person as he may direct, an amount equal to the redundancy payment.

(2) The Secretary of State shall not give a direction under subsection (1) above in respect of the employment of any person by a new authority if the authority satisfy him—

- (a) that they could not reasonably have made that person an offer of employment on the terms and conditions of the contract first mentioned in that subsection which, if accepted by him, would have precluded his entitlement to the redundancy payment; or
- (b) that the authority made such an offer but that the person concerned acted reasonably in refusing it; or
- (c) that he could reasonably have refused such an offer if it had been made by the authority.

(3) In any case in which an amount is payable by a new authority under subsection (1) above there shall also be payable by them to the Secretary of State or to such person as he may direct an amount equal to any compensation under the regulations referred to in section 13(2) of this Act which has been paid or is payable to the person concerned before the time when he enters into the contract.

(4) In this section “new authority” means any of the authorities constituted under section 2 of this Act and a joint board.

#### Textual Amendments

- F7** Words in s. 14(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 66(4)

#### Marginal Citations

- M10** 1996 c. 18

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## CHAPTER 3

### PROPERTY

#### 15 Transfer of property.

- (1) Subject to subsection (5) below, the Secretary of State may by order provide that any property vested in one or more existing local authorities immediately before 1st April 1996 shall on that date be transferred to and vest in such new authority or authorities as may be specified in or determined under the order.
- (2) An order under this section may include provision for the transfer of all rights, liabilities and obligations of an existing local authority on 1st April 1996 to such new authority or authorities as may be specified in or determined under the order.
- (3) An order under this section may make different provision in relation to—
  - (a) different items or categories of property;
  - (b) different, or different categories of, rights, liabilities or obligations; and
  - (c) different authorities.
- (4) The power to transfer property conferred by this section includes power to transfer property which is held by an existing local authority as part of the common good, but such property may not be transferred to a residuary body and, in administering such property, any authority to which it is transferred shall—
  - (a) except in the case of the councils for Aberdeen, Dundee, Edinburgh and Glasgow, have regard to the interests of the inhabitants of the area to which the common good related prior to 16th May 1975; and
  - (b) in the case of the councils for Aberdeen, Dundee, Edinburgh and Glasgow, have regard to the interests of all the inhabitants of their areas.
- (5) This section does not apply to any property which is transferred under or by virtue of section 16, 17 or 91 of this Act.
- (6) Orders under this section shall be made by statutory instrument, and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purposes of this section—

“existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority;

“new authority” means any of the authorities constituted under section 2 of this Act, and includes a joint board and a residuary body; and

“property” includes any records held by, or in the custody of, an existing local authority.

#### 16 Property held on trust.

- (1) All property held on trust immediately before 1st April 1996 by—
  - (a) an existing local authority; or
  - (b) a councillor and the proper officer or a specified officer of such an authority,shall on that day be transferred to and vest (subject to the same trust) in the appropriate new authority.

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- (2) The authority in whom property is vested by virtue of subsection (1) above shall nominate a sufficient number of their councillors to act as trustees of that property and in so doing shall have regard to the terms of the trust deed; and where the property is held immediately before 1st April 1996 by the persons mentioned in subsection (1)(b) above, the authority shall nominate the proper officer as one of the trustees.
- (3) All property held on trust immediately before 1st April 1996 by a specified officer of an existing local authority shall on that date be transferred to and vest (subject to the same trust) in the proper officer of the appropriate new authority.
- (4) Where, immediately before 1st April 1996, property is held on trust by the holder of an office, whether as a councillor, the proper officer or a specified officer, connected with an existing local authority or authorities and any other person, the appropriate new authority or authorities shall, on the application of the trustees, nominate a sufficient number of their councillors to act in place of such holder and in so doing shall have regard to the terms of the trust deed and, where the terms of the trust deed so require, the said authority or authorities shall nominate their proper officer or the proper officer of one of them as one of the trustees.
- (5) Where the area of the existing local authority in which, or in any councillor or officer of which, any trust property is vested falls entirely within the area of a new authority, that new authority is the appropriate new authority for the purposes of this section.
- (6) Where the area of the existing local authority in which, or in any councillor or officer of which, any trust property is vested falls within the area of two or more new authorities, those authorities may agree in writing as to which of them is or are the appropriate new authority or authorities for the purposes of this section; and such agreement shall be conclusive as to the vesting of the property in one or more of those new authorities.
- (7) Where the authorities mentioned in subsection (6) above cannot reach agreement as to the vesting of any trust property any of them may refer the matter to the Secretary of State, who may give a direction as to which is the appropriate authority or, as the case may be, which are the appropriate authorities; and a direction by the Secretary of State under this subsection shall be conclusive as to the vesting of the trust property in the new authority or authorities concerned.
- (8) An agreement under subsection (6) above and a direction under subsection (7) above may relate to trust property generally, or to particular items, types or classes of such property, or to trust property situated in a particular part of an authority's area.
- (9) In this section—
  - “existing local authority” includes a joint committee and a joint board but does not include an islands authority; and
  - “new authority” includes any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles) and a joint board.
- (10) This section shall not apply to property which is subject to section 17 of this Act.

## 17 Educational endowments.

- (1) Where, immediately before 1st April 1996, educational endowments are to any extent vested in an existing local authority, the Secretary of State may by order make schemes providing for such endowments, on that date, to be transferred to and vest to the same

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extent in such new authority or authorities as may be specified in or determined under the scheme.

- (2) A scheme made under this section may provide for educational endowments, to the extent that they are vested by virtue of his office in the holder of an office connected with an existing local authority or in a person nominated by such an authority, to be transferred to and vest in a person holding an office in, or nominated by, such new authority or authorities as may be specified in or determined under the scheme.
- (3) A scheme under this section may provide for powers with respect to an educational endowment which are vested in an existing local authority or, by virtue of his office, in the holder of an office connected with such an authority or in a person nominated by such an authority, to be transferred to and vest in such new authority or authorities or, as the case may be, in a person holding office connected with, or nominated by, such an authority, as may be specified in or determined under the scheme.
- (4) A scheme under this section may provide for any rights to be paid money out of an educational endowment which are vested in an existing local authority to be transferred to and vest in such new authority or authorities as may be specified in or determined under the scheme.
- (5) The Secretary of State may require any existing local authority to provide him, in such form as he may specify, with their proposals for the transfer, in accordance with the provisions of this section, of any such educational endowments, powers or rights as are mentioned in subsections (1), (2), (3) or (4) above.
- (6) Subject to subsection (7) below, a scheme under this section may make such provision in relation to an educational endowment as the Secretary of State considers appropriate and, without prejudice to the generality of the foregoing, may include provision for—
  - (a) amending or revoking the governing instrument of an endowment;
  - (b) grouping, amalgamating, combining or dividing any endowments;
  - (c) the purposes to which, and the conditions under which, any such endowments may be applied;
  - (d) incorporating or establishing new governing bodies, or dissolving, combining or uniting any governing bodies;
  - (e) the powers of the governing body of any endowment.
- (7) In exercising his powers under subsection (6) above, the Secretary of State shall make no more changes with respect to any endowment than appear to him to be necessary or expedient in consequence of the alteration of local government areas effected by this Part of this Act.
- (8) Schemes under this section may make different provision in relation to different endowments or categories of endowment, different provision in respect of different items or categories of property, rights, liabilities and obligations, and different provision in respect of different authorities.
- (9) Subject to the provisions of the governing instrument of an educational endowment (including such an instrument made or amended by a scheme under this section), where, as the result of the election of a new authority occurring after 1st April 1996, it is necessary for a person to be nominated by the authority or by a committee thereof to be vested (to any extent) with the endowment, in terms of subsection (2) above, or to be vested with any power, in terms of subsection (3) above, that person shall be so nominated at the first meeting of the authority or committee held after it has been elected or appointed; and in such a case the person who (to the said extent) was last

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vested with the endowment or, as the case may be, who was last vested with the power, before the meeting shall continue therein until the date of the meeting.

- (10) Section 19 of this Act applies in relation to educational endowments as it applies in relation to the property referred to in that section.
- (11) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Expressions used in this section and in Part VI of the <sup>M11</sup>Education (Scotland) Act 1980 have the same meaning in this section as in that Part.
- (13) Nothing in this section shall affect any other power to reorganise any educational endowment or otherwise to alter the provisions of any trust.
- (14) In this section—
- “authority” includes an existing local authority and a new authority;
  - “existing local authority” includes a joint committee and a joint board but does not include an islands authority; and
  - “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles) and a joint board.

#### Marginal Citations

M11 1980 c. 44.

## 18 Residuary bodies.

- (1) The Secretary of State may by order establish one or more bodies, to be known as “residuary bodies”, for the purpose of—
- (a) taking over and exercising such functions with respect to such property, rights and liabilities as may be transferred under section 15 of this Act; and
  - (b) exercising such other functions, including, without prejudice to the generality of the foregoing, any functions which may be conferred on a property commission under section 19 of this Act,
- as he may so prescribe.
- (2) An order under this section may apply to a residuary body, with such modifications as may be specified, any enactment which applies to a local authority in Scotland.
- (3) The Secretary of State may give directions to a residuary body as to—
- (a) the carrying out by them of any of their functions; and
  - (b) the exercise by them of any of the powers conferred on them by or under this section.
- (4) The Secretary of State may require a residuary body to make payments of such amounts, and at such times, as he may specify to a local authority or a joint board.
- (5) The Secretary of State may require any local authority in the area in which a residuary body operates to meet such proportion of their expenses as he may determine.
- (6) Any expenses incurred by a residuary body shall, in so far as they are not otherwise met, be paid by the Secretary of State out of money provided by Parliament.



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- (7) The Secretary of State may direct a residuary body to prepare, within such time as he may specify in the direction, a scheme for their winding up and for the disposal of their property, rights and liabilities.
- (8) Subject to subsection (9) below, where a residuary body have prepared a scheme such as is mentioned in subsection (7) above, the Secretary of State may by order give effect to that scheme, subject to any modifications he considers appropriate, and any such order may—
  - (a) include provision for the disposal, whether by transfer or otherwise, of the body's property; and
  - (b) contain such supplementary and transitional provision as the Secretary of State thinks necessary or expedient.
- (9) Where a residuary body is wound up in accordance with an order under subsection (8) above sections 8, 9, 10 and 13 of this Act shall apply, with any necessary modifications, to the staff of the residuary body as they apply to the staff of an existing local authority.
- (10) Schedule 3 to this Act has effect in relation to residuary bodies.
- (11) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

## 19 Property commission.

- (1) Subject to subsection (2) below and after such consultation, whether before or after the passing of this Act, as he considers appropriate, the Secretary of State may by order establish a property commission for the purpose of—
  - (a) advising authorities on matters relating to property to be transferred from existing local authorities to new authorities;
  - (b) advising the Secretary of State on the general principles on which such property should be transferred; and
  - (c) carrying out such other functions in relation to the transfer of property as may be specified in the order,and for the purposes of this section “property” includes property held on trust to which section 16 of this Act applies.
- (2) An order under this section may make provision as to the constitution and membership of the commission, the appointment and removal from office by the Secretary of State of the chairman and members of the commission, the employment of staff and the remuneration and superannuation of the members and staff of the commission.
- (3) The Secretary of State may give directions—
  - (a) to the commission as to the carrying out by them of their functions;
  - (b) as to the area or areas in which the commission are to carry out their functions;
  - (c) as to the procedure to be followed by the commission;
  - (d) for the supplying of information to the commission by any authority; and
  - (e) to any authority—
    - (i) as to the implementation of advice given to them by the commission; and
    - (ii) as to the payment by them of any expenses incurred by the commission in doing anything requested of them by that authority.

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- (4) The Secretary of State may by order provide for the winding up of the commission and the disposal of their assets.
- (5) Any expenses incurred by the property commission and not recovered by them from an authority shall be paid by the Secretary of State out of money provided by Parliament.
- (6) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
  - “authority” includes an existing local authority and a new authority;
  - “existing local authority” includes a joint committee and a joint board but does not include an islands authority; and
  - “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands and Western Isles) and a joint board.

## CHAPTER 4

### GENERAL

#### 20 Joint committees and joint boards.

After section 62 of the 1973 Act (standing orders, etc.) there shall be inserted—

##### “62A Incorporation of joint committees.

- (1) Where—
  - (a) arrangements are made (whether under this Act or any other enactment) for two or more local authorities (in this Part of this Act referred to as “the relevant authorities”) to discharge any of their functions, or any functions in any area, jointly;
  - (b) the relevant authorities have—
    - (i) appointed, or propose to appoint, a joint committee to discharge those functions; and
    - (ii) advertised their proposals in accordance with subsection (2) below; and
  - (c) application is made, in writing, to the Secretary of State by the relevant authorities for the incorporation of that joint committee (or proposed joint committee) as a joint board to carry out those functions,

the Secretary of State may by order establish a joint board in accordance with this section to discharge those functions.
- (2) Before applying to the Secretary of State under subsection (1)(c) above, the relevant authorities shall place in at least one daily newspaper circulating in their areas an advertisement—
  - (a) giving brief details of what they propose to do;
  - (b) giving an address to which representations about the proposal may be sent; and

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- (c) fixing a date, being not less than 8 weeks after the date on which the advertisement appears, within which representations may be made, and they shall include with their application evidence that an advertisement has been placed.
- (3) Where any representations are timeously made in response to an advertisement placed in accordance with subsection (2) above, the relevant authorities shall consider them and shall include with their application a statement that they have done so.
- (4) An order under subsection (1) above shall delegate to the joint board such of the functions of the relevant authorities as may be specified in the order and may include provision with respect to—
  - (a) the constitution and proceedings of the joint board;
  - (b) matters relating to the membership of the joint board;
  - (c) the transfer to the joint board of any property, rights and liabilities of the relevant authorities;
  - (d) the transfer to the joint board of any staff of the relevant authorities;
  - (e) the supply of services or facilities by the relevant authorities to the joint board,and may, without prejudice to the generality of paragraphs (a) to (e) above, apply (with or without modifications) any of the provisions of Part V of this Act to a joint board as those provisions apply to a joint committee.
- (5) A joint board established under this section shall be a body corporate and shall have a common seal.
- (6) An order under subsection (1) above shall be in terms agreed by the relevant authorities.
- (7) An instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **62B Power of Secretary of State to establish joint boards.**

- (1) Where the Secretary of State considers—
  - (a) that any functions, or any functions in any area, of the relevant authorities should be discharged jointly by those authorities; and
  - (b) that arrangements, or satisfactory arrangements, for the joint discharge of those functions—
    - (i) have not been made by the relevant authorities; or
    - (ii) have ceased to be in operation,he may, after consulting the relevant authorities, by order establish a joint board in accordance with this section.
- (2) Subsections (4) and (5) of section 62A of this Act shall apply to a joint board established under this section as they apply to a joint board established under that section with the substitution of a reference to subsection (1) of this section for the reference to subsection (1) of that section.
- (3) No order shall be made under subsection (1) above unless a draft of the instrument containing the order has been laid before, and approved by resolution of, each House of Parliament.

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### **62C Further provisions relating to joint boards.**

- (1) Where a joint board has been established by order under section 62A or 62B of this Act, the Secretary of State may by order provide—
  - (a) for excluding any functions, or any functions in any area, from those specified in the order establishing that joint board; and
  - (b) for the dissolution of the joint board.
- (2) An order shall not be made under subsection (1) above unless the Secretary of State has consulted the relevant authorities.
- (3) An instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The power to make an order under this section or section 62A or 62B of this Act shall include power to make such transitional, incidental, supplemental or consequential provision as the Secretary of State thinks necessary or expedient.
- (5) An order under this section or section 62A or 62B of this Act may, for the purpose of making such provision as is mentioned in subsection (4) above—
  - (a) apply with or without modifications;
  - (b) extend, exclude or amend; or
  - (c) repeal or revoke with or without savings,
 any enactment or any instrument made under any enactment.”.

### **21 Application of section 211 of the 1973 Act to joint boards.**

In section 211 of the 1973 Act (provisions for default of local authority), after subsection (4) insert—

“(5) The provisions of this section shall apply to a joint board as they apply to a local authority.”.

### **22 Community councils.**

- (1) Subject to subsection (2) below, schemes for the establishment of community councils made and approved under section 52 of the 1973 Act, including any such schemes as amended by virtue of section 53 of that Act, which are effective immediately before 1st April 1996 shall continue to have effect in respect of the area, or part of an area, to which they apply on and after that date.
- (2) Without prejudice to their duty under section 53 of the 1973 Act, on and after 1st April 1996, a local authority may revoke a scheme (or an amended scheme) such as is mentioned in subsection (1) above in so far as it relates to their area and make a new scheme in accordance with this section.
- (3) Where a local authority propose to make a new scheme such as is mentioned in subsection (2) above—
  - (a) they shall give public notice of their intention to revoke the existing scheme and make a new scheme for the establishment of community councils, and any such notice shall invite the public, within a period of not less than eight

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weeks from the date of the notice, to make suggestions as to the areas and composition of the community councils;

- (b) after considering suggestions made under paragraph (a) above, the local authority shall prepare and give public notice of a draft scheme which shall contain—
  - (i) a map showing the boundaries of the proposed areas of community councils and their populations, and the boundaries of any area for which the local authority consider a community council to be unnecessary;
  - (ii) where a local authority consider that a community council is unnecessary for any area, a statement of their reasons for arriving at that conclusion;
  - (iii) provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils;
  - (iv) provisions concerning the procedures to be adopted by which the community councils on the one hand and the local and public authorities with responsibilities in the areas of the community councils on the other will keep each other informed on matters of mutual interest; and
  - (v) such other information as, in the opinion of the local authority, will help the public to make a reasonable appraisal of the scheme;
- (c) the notice mentioned in paragraph (b) above shall invite the public, within a period of not less than eight weeks from the date of the notice, to make representations to the local authority as respects the draft scheme;
- (d) after considering any representations made under paragraph (c) above, the local authority may, after giving public notice of the amendments to the proposals and a further invitation to make representations, amend the draft scheme to take account of those representations and adopt it;
- (e) the local authority shall give public notice of the scheme in its adopted form together with public notice of such a scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned to apply in writing to the authority for the establishment of a community council in accordance with the scheme.

## **23 Duty to prepare decentralisation schemes.**

- (1) Every council shall have a duty to prepare a draft decentralisation scheme for their area in accordance with this section.
- (2) A draft decentralisation scheme shall contain a council's proposals for the administration of their functions within the whole area of the council and shall specify the date or dates by which such a draft scheme shall be implemented and, without prejudice to the generality of the foregoing, may include provision as to—
  - (a) arrangements for the holding of meetings of the council (or any committee or sub-committee of the council) at particular places within the area of the council;
  - (b) the establishment of committees for particular areas and the delegation to those committees (under section 56 of the 1973 Act) of specified functions of the council;

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- (c) the location of offices of the council within the council's area, the staffing of such offices and the delegation to members of staff (under the said section 56) of specified functions;
  - (d) the provision of facilities at particular places within the area of the council where advice may be obtained on services provided by the council.
- (3) Every council shall, before 1st April 1997, give public notice of the fact that they have prepared a draft decentralisation scheme and of the places within their area where copies of the draft scheme may be inspected, and any such notice shall invite the public, within a period of not less than eight weeks from the date of the notice, to make to the council representations as regards the draft scheme.
- (4) Every council shall, during the period mentioned in subsection (3) above, consult the community councils within their area about the draft scheme.
- (5) After considering any representations made under subsection (3) or (4) above, the council may amend the draft scheme (whether to take account of those representations or otherwise) and shall adopt the scheme.
- (6) After the scheme has been adopted, the council shall—
- (a) send a copy of the scheme in its adopted form to the Secretary of State; and
  - (b) give public notice of such scheme.
- (7) Where a scheme has been adopted, it shall be the duty of the council concerned to implement the scheme by the date or dates specified in the scheme.
- (8) A council may amend a scheme adopted under this section or revoke and replace such a scheme but the amended scheme or, as the case may be, new scheme shall be adopted in accordance with the provisions of this section, subject to such modifications as are necessary.
- (9) The Secretary of State may, after consulting such associations of local authorities and such other persons as appear to him to be appropriate, issue guidance with respect to the form and content of decentralisation schemes.
- (10) A council shall take account of any guidance issued under subsection (9) above.

## CHAPTER 5

### FINANCE

#### *Transitional provisions*

#### 24 **Transitional provisions: finance.**

After section 94 of the 1992 Act insert—

##### **“94A Transitional provisions.**

- (1) The Secretary of State may, after consulting such associations of local authorities as appear to him to be appropriate, specify in a report, as regards the financial year 1996-97 and any local authority, the amount which in his opinion

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should be used as the basis of comparison for the purposes of paragraph 1(1) of Schedule 7 to this Act.

- (2) A report under this section—
  - (a) shall contain such explanation as the Secretary of State considers desirable of the calculation by him of the amount mentioned in subsection (1) above; and
  - (b) shall be laid before the House of Commons.
- (3) A report under this section may relate to two or more authorities and may be amended by a subsequent report under this section.
- (4) If a report under this section is approved by resolution of the House of Commons, paragraph 1(1) of Schedule 7 to this Act shall have effect, as regards the financial year 1996-97 and any authority to which the report relates, as if the amount mentioned in subsection (1) above were the basis of comparison there referred to.
- (5) This section shall not apply in relation to Orkney Islands, Shetland Islands and Western Isles.”.

## **25 Financing of new authorities prior to 1st April 1996.**

- (1) The Secretary of State may with the consent of the Treasury make grants of such amounts, and subject to such conditions, to local authorities as he considers appropriate.
- (2) A local authority may with the consent of the Secretary of State (who shall in turn seek the consent of the Treasury) borrow by way of temporary loan or overdraft from a bank or otherwise any sums which they may temporarily require for the purpose of defraying expenses (including the payment of sums due by them to meet the expenses of other authorities) pending the receipt of revenues receivable by them after 1st April 1996.
- (3) Grants made under this section shall be made out of money provided by Parliament.
- (4) In this section “local authority” means any of the local authorities the members of which are to be elected, in accordance with section 5 of this Act, on 6th April 1995.

### *Valuation and rating*

## **26 Valuation lists.**

- (1) Subject to the provisions of this section, the local assessor for each new local authority area shall compile for the council for that area, from the existing valuation lists, a valuation list as at 1st April 1996.
- (2) The provisions of section 84 of the 1992 Act (compilation and maintenance of valuation lists) shall apply, with any necessary modifications, to a valuation list compiled under subsection (1) above as they apply to a valuation list compiled under that section.
- (3) As soon as reasonably practicable after compiling a valuation list under subsection (1) above, the local assessor shall send a copy of the list to the council for whose area the

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list was compiled; and the council shall, as soon as reasonably practicable, deposit it at their principal office.

(4) Subsection (1) above does not apply to the local assessors for the councils of the Borders, Dumfries and Galloway, Fife, Highland, Orkney Islands, Shetland Islands or Western Isles.

(5) In this section—

“existing valuation lists” means the lists maintained under the said section 84 of the 1992 Act on the day on which this section comes into force in relation to the area of any regional council whose area includes any part of the area of the new authority; and

“valuation list” has the same meaning as in the 1992 Act.

(6) A local assessor shall compile a list under this section by extrapolating from the existing valuation lists and, accordingly, except to the extent that valuation may be required to be carried out under any provision of the 1992 Act, shall not carry out any valuation of property for the purposes of a list compiled under this section.

## 27 Valuation areas and authorities and appointment of assessors etc.

(1) Each local authority area shall be a valuation area, and the council of each area shall be the valuation authority for that area; and on and after 1st April 1996 the valuation authorities constituted under this section shall have and exercise in relation to valuation the powers exercisable by valuation authorities immediately prior to that date.

(2) Every valuation authority shall, in accordance with the provisions of this section, appoint an assessor and such number of depute assessors as the authority may consider necessary for the purposes of the Valuation Acts; and any assessor or depute assessor appointed under the 1973 Act by a regional or islands council and holding office immediately before 1st April 1996 shall cease to hold office on that date.

(3) The Secretary of State shall by order prescribe the qualifications required to be possessed by any person appointed to the office of assessor or depute assessor and, except as otherwise provided in such an order, a person shall not be appointed as assessor or depute assessor unless he possesses the qualifications so prescribed.

(4) A depute assessor appointed under this section shall have and may exercise all the functions of an assessor so appointed.

(5) An assessor or depute assessor appointed under this section shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.

(6) An assessor or depute assessor appointed under this section shall hold office during the pleasure of the valuation authority but shall not be removed from office (or required to resign as an alternative thereto) except—

(a) by a resolution of the authority passed by not less than two-thirds of the members present at a meeting of the authority the notice of which specifies as an item of business the consideration of the removal from office of the assessor or his being required to resign; and

(b) with the consent of the Secretary of State,



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and before deciding whether or not to give such consent the Secretary of State shall give the authority and the assessor an opportunity of being heard by a person appointed by the Secretary of State.

- (7) If it appears to the Secretary of State that any functions, or any functions in any area, of two or more valuation authorities should be discharged jointly by those authorities, he may by order establish a joint board in accordance with this section.
- (8) An order under this section shall delegate to the joint board such of the functions of the valuation authorities concerned under the Valuation Acts as may be specified in the order and may include such incidental, consequential and supplemental provision as the Secretary of State considers necessary or expedient for bringing the order into operation and for giving full effect thereto.
- (9) Without prejudice to the generality of subsection (8) above, an order under this section may include provision with respect to—
- (a) the constitution and proceedings of the joint board;
  - (b) matters relating to the membership of the joint board;
  - (c) the transfer to the joint board of any property, rights and liabilities of the authorities concerned;
  - (d) the transfer to the joint board of any staff of the authorities concerned;
  - (e) the supply of services or facilities by the authorities concerned to the joint board; and
  - (f) the dissolution of the joint board,
- and may, without prejudice to the generality of paragraphs (a) to (f) above, apply (with or without modifications) any of the provisions of Part V of the 1973 Act to a joint board established under this section as those provisions apply to a joint committee.
- (10) A joint board established under this section shall be a body corporate and shall have a common seal.
- (11) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Any reference in any enactment to a valuation authority shall, where any function to which that enactment relates is for the time being exercised by a joint board established under this section, include any such joint board.

## 28 Valuation rolls.

- (1) Subject to the provisions of this section, the assessor for each valuation area shall make up for the valuation authority for that area, from the existing valuation rolls, a valuation roll as at 1st April 1996.
- (2) Subsection (1) above does not apply to the assessors for the councils of the Borders, Dumfries and Galloway, Fife, Highland, Orkney Islands, Shetland Islands or Western Isles.
- (3) In this section “existing valuation rolls” means the rolls made up under subsection (1) of section 1 of the 1975 Act (valuation roll and revaluation) and in force by virtue of subsection (2) of that section on the day on which this section comes into force in relation to the area of any existing valuation authority whose area includes any part of the area of the new valuation authority.

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- (4) Valuation rolls made up under this section shall be made up in the form prescribed for the purposes of section 1 of the 1975 Act; and subsections (4) and (5) of that section shall apply to such rolls as they apply to valuation rolls made up under subsection (1) of that section.
- (5) An assessor shall make up a valuation roll under this section by extrapolating from the existing valuation rolls, and accordingly, except to the extent that alteration of the valuation roll may be required to be carried out under section 2 of the 1975 Act (alteration to valuation roll in force), shall not make any alteration of the entries in the roll for the purposes of a roll made up under this section.

## 29 Valuation appeal panels and committees.

- (1) With effect from 1st April 1996—
  - (a) valuation appeal panels and valuation appeal committees shall be constituted for each valuation area, in accordance with the provisions of this section and with regulations made by the Secretary of State, for the purpose of hearing and determining appeals and complaints—
    - (i) under the Valuation Acts; and
    - (ii) under sections 81(1) and 87(6) of the 1992 Act (council tax appeals);
 and
  - (b) every local valuation panel and valuation appeal committee constituted under section 4 of the 1975 Act shall cease to exist, and that section shall cease to have effect.
- (2) A valuation appeal committee shall consist of members of a valuation appeal panel, and members of such a panel shall be appointed by the sheriff principal after such consultation as he thinks fit.
- (3) Regulations under this section may make provision—
  - (a) for one valuation appeal panel to be appointed to serve two or more valuation areas;
  - (b) as to—
    - (i) the qualifications of members of a valuation appeal panel, and of any secretary or assistant secretary to be appointed to such a panel;
    - (ii) the maximum and minimum number of members of any such panel; and
    - (iii) the termination of the appointment of such members;
  - (c) with respect to the appointment of—
    - (i) one of those members as chairman of the panel;
    - (ii) such number of deputy chairmen as the sheriff principal considers appropriate; and
    - (iii) a secretary and, if the sheriff principal considers it necessary, an assistant secretary or assistant secretaries of the panel;
  - (d) as to—
    - (i) the number of valuation appeal committees to be formed from a valuation appeal panel;
    - (ii) the maximum and minimum number of members of such a committee; and

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- (iii) the manner in which members of a valuation appeal committee are to be selected from a valuation appeal panel;
- (e) as to the terms and conditions of employment (including remuneration and allowances) of any secretary or assistant secretary of a valuation appeal panel;
- (f) as to the payment to members of a valuation appeal panel and a valuation appeal committee of such allowances as the Secretary of State may determine;
- (g) as to the defraying of any expenses incurred by a valuation appeal panel or committee; and
- (h) for any other matter which appears to the Secretary of State to be necessary, expedient or appropriate for the purpose of the administration of valuation appeal panels and committees,
- and regulations under this section may make different provision in respect of different valuation appeal areas or different valuation panels.
- (4) All members of a valuation appeal panel shall reside or be engaged in business or be employed in the valuation area or areas for which the panel is responsible; and no person appointed as the secretary or an assistant secretary of a panel shall be an officer of a local authority or shall by himself or by any partner or assistant appear before a valuation appeal committee for that area.
- (5) A valuation authority may pay reasonable subscriptions, whether annually or otherwise, to the funds of any association of members or officers of valuation appeal panels or valuation appeal committees formed for the purpose of consultation as to the common interests of those panels or committees and the discussion of matters relating to valuation.
- (6) The provisions of the Valuation Acts with regard to appeals and complaints shall, with any necessary modifications, apply to a committee constituted under this section in like manner as they applied before 1st April 1996 to a committee constituted under the 1975 Act.
- (7) Where the area served by a valuation appeal panel is situated in more than one sheriffdom, its members shall be appointed by the sheriff principal for such one of those sheriffdoms as the Secretary of State may direct.
- (8) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 30 Rating authorities.

The rating authority for any local government area shall be the local authority for that area and, in this Act and in any other enactment (whether passed or made before or after the passing of this Act), the expression “rating authority” shall be construed in accordance with this section.

#### Modifications etc. (not altering text)

- C6 S. 30 applied (1.4.1996) by 1973 c. 65, s. 235(1) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 92(66)(d); S.I. 1996/323, art. 4(1)(b)(c))
- S. 30 applied (1.4.1996) by 1992 c. 5, s. 191 (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 175(5)(c); S.I. 1996/323, art. 4(1)(b)(c))

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## CHAPTER 6

### FUNCTIONS

#### *Education*

### 31 Education.

For section 124 of the 1973 Act (education committees) there shall be substituted—

**“124 Membership of committees appointed by education authorities.**

- (1) Where an education authority appoint a committee whose purposes include—
  - (a) advising the authority on any matter relating to the discharge of their functions as education authority; or
  - (b) discharging any of those functions of the authority on their behalf,
 the members of such committee shall, notwithstanding the provisions of section 57(3) and (4)(a) of this Act, be appointed in accordance with this section.
- (2) Subject to the provisions of section 59 of this Act, an education authority who appoint a committee such as is mentioned in subsection (1) above shall secure that—
  - (a) at least half of the persons appointed by them to be members of such committee are members of the authority; and
  - (b) the persons appointed by them to be members of such committee shall include the three persons mentioned in subsection (4) below.
- (3) Subject to the provisions of subsection (2) above, an education authority may appoint persons who are not members of the authority to be members of a committee such as is mentioned in subsection (1) above.
- (4) The three persons mentioned in subsection (2)(b) above (who shall not be members of the education authority appointing such committee) are—
  - (a) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;
  - (b) in the case of the education authority for each area other than Orkney Islands, Shetland Islands and Western Isles, one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and
  - (c) one person or, in the case of the education authorities for Orkney Islands, Shetland Islands and Western Isles, two persons, in the selection of whom the authority shall have regard (taking account of the representation of churches under paragraphs (a) and (b) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.
- (5) Where two or more authorities appoint a joint committee whose purposes include discharging any of the functions of those authorities as education authorities on their behalf, section 57(3) of this Act shall apply to such a joint

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committee as if for the words “two-thirds” there were substituted the words “one-half”.

### 32 Co-operation between education authorities.

(1) Section 23 of the <sup>M12</sup>Education (Scotland) Act 1980 (provision by education authority for education of pupils belonging to areas of other authorities) shall be amended in accordance with this section.

(2) After subsection (1) there shall be inserted—

“(1A) Without prejudice to any other provision of this Act, for the purposes of their duty under section 1 of this Act an education authority shall have power to make arrangements with another education authority (in this subsection referred to as a “provider authority”) for the provision of school education or further education for any pupils belonging to the area of the authority in a school or educational establishment under the management of the provider authority.

(1B) Arrangements made under this Act by an education authority for the placing of children in schools may include provision to give effect to any arrangements made under subsection (1A) above.

(1C) Where the arrangements for the placing of children in schools subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 lead, as a consequence of such establishment, to school education for pupils belonging to the area of one education authority being provided at schools or educational establishments under the management of another education authority, nothing in this Act shall prevent such arrangements from continuing until they are changed by an education authority in accordance with this Act.”.

(3) After subsection (3) there shall be inserted—

“(3A) Where an education authority’s arrangements for the placing of children in schools under their management give any priority to siblings of pupils attending such schools, those arrangements shall not discriminate between siblings belonging to the area of that education authority and siblings belonging to the area of another education authority.”.

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#### Marginal Citations

M12 1980 c. 44.

### Planning

### 33 Structure plans.

(1) After section 4 of the 1972 Act insert—

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#### “4A Structure plans.

- (1) The Secretary of State may by order designate areas (“structure plan areas”) in respect of which planning authorities are to prepare structure plans.
  - (2) The district of every planning authority in Scotland shall be included in a structure plan area.
  - (3) A structure plan area may extend to the district of more than one planning authority, and may extend to only part of the district of a planning authority.
  - (4) Where a structure plan area extends to the district of more than one planning authority, the planning authorities concerned shall jointly carry out the functions conferred upon them under sections 4, 5, 6, 6A and 8 of this Act in accordance with such arrangements as they may agree for that purpose under sections 56 (discharge of functions by local authorities), 57 (appointment of committees) and 58 (expenses of joint committees) of the <sup>M13</sup>Local Government (Scotland) Act 1973.
  - (5) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Schedule 4 to this Act, which makes further amendments to the 1972 Act, shall have effect.

#### Marginal Citations

M13 1973 c. 65.

### Police

#### 34 Reorganisation of police areas.

After section 21 of the <sup>M14</sup>Police (Scotland) Act 1967 there shall be inserted the following section—

#### “21B Reorganisation of police areas.

- (1) Subject to the provisions of this section, the police forces established and maintained for existing police areas in Scotland under this Act immediately prior to 1st April 1996 shall continue in existence on and after that date in accordance with the provisions of this section.
- (2) The police forces for the existing police areas of Fife and Dumfries and Galloway shall be the police forces for the new police areas of the same names.
- (3) The Secretary of State shall, before 1st April 1996, by order make amalgamation schemes amalgamating the police areas mentioned in the second column of the table below into the combined police areas mentioned in the first column of that table, and the police forces for the existing police areas shown in brackets in the first column shall be the police forces for the new combined police areas.

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TABLE

<i>Combined area</i>	<i>Police areas comprised</i>
Northern (Northern).	Highland, Western Isles, Orkney Islands, Shetland Islands.
Grampian (Grampian).	Aberdeenshire, Moray, City of Aberdeen.
Tayside (Tayside).	Perthshire and Kinross, Angus, City of Dundee.
Central Scotland (Central Scotland).	Stirling, Clackmannan, Falkirk.
Lothian and Borders (Lothian and Borders).	City of Edinburgh, East Lothian, Midlothian, West Lothian, the Borders.
Strathclyde (Strathclyde).	Argyll and Bute, Dumbarton and Clydebank, City of Glasgow, East Dunbartonshire, Inverclyde, North Lanarkshire, South Lanarkshire, Renfrewshire, East Renfrewshire, East Ayrshire, North Ayrshire, South Ayrshire.

- (4) Subject to section 19A of this Act, an amalgamation scheme made under this section may contain such provision as the Secretary of State considers necessary or appropriate for the purposes of the scheme including, without prejudice to the generality of the foregoing, any provision which is required to be made, or which may be made, in an amalgamation scheme made by virtue of section 19 of this Act.
- (5) Before making an amalgamation scheme under this section the Secretary of State shall—
- (a) consult such police authorities as appear to him to be affected by the scheme; and
  - (b) where any such authority submit objections to the scheme, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (6) The schemes made by an order under this section shall not take effect before 1st April 1996, except in relation to—
- (a) the constitution of joint police boards; and
  - (b) the carrying out by those boards of any functions necessary to bring the schemes into operation on that date.
- (7) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

#### Marginal Citations

M14 1967 c. 77.

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### 35 Amalgamation schemes.

For section 20 of the <sup>M15</sup>Police (Scotland) Act 1967 there shall be substituted the following section—

#### “20 Power of Secretary of State to make amalgamation schemes.

- (1) If it appears to the Secretary of State that it is expedient in the interests of efficiency to make an amalgamation scheme for any police areas, he may, in accordance with the provisions of this section, make such amalgamation schemes, containing such provisions, as he considers appropriate.
- (2) Without prejudice to the generality of subsection (1) above, but subject to section 19A of this Act, an amalgamation scheme under this section may provide—
  - (a) for the amalgamation of any two or more police areas into a combined area;
  - (b) for the alteration of an existing combined area by the addition to or deletion from it of any police area;
  - (c) for the establishment or re-establishment and maintenance of police forces for any police area or combined area resulting from the scheme;
  - (d) for the dissolution and winding up of any joint police board constituted under a pre-existing amalgamation scheme, or for the reconstitution of any such board;
  - (e) for the transfer or retransfer to such police forces as may be determined by the scheme of constables affected by the scheme;
  - (f) for the transfer or retransfer to such authorities as may be determined by the scheme of any officers, property, rights or liabilities affected by the scheme;
  - (g) for the doing of anything which is required to be done, or which may be done, in an amalgamation scheme made under section 19 of this Act; and
  - (h) for any other matters incidental to or consequential on the provisions of the scheme.
- (3) Before making a scheme under this section which contains provision such as is mentioned in subsection (2)(a) or (b) above the Secretary of State shall—
  - (a) consult such police authorities as appear to him to be affected by the scheme; and
  - (b) where any such authority submit objections to the scheme, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (4) A scheme under this section shall be contained in an order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

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#### Marginal Citations

M15 1967 c. 77.



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### *Fire services*

## 36 Fire services.

For section 147 of the 1973 Act (fire services) there shall be substituted—

### “147 Fire services.

- (1) Subject to the provisions of this section, the fire brigades maintained in Scotland for the purposes of the Fire Services Acts 1947 to 1959 by fire authorities or, where administration schemes have been made, joint committees for combined areas immediately before 1st April 1996 shall continue in existence on and after that date.
- (2) Subject to the provisions of the <sup>M16</sup>Fire Services Act 1947, the fire authority for the purposes of the Fire Services Acts 1947 to 1959 shall, until 31st March 1996, continue to be a regional or islands council and thereafter shall be a local authority.
- (3) The fire brigades for the existing fire authorities of Fife and Dumfries and Galloway shall be the fire brigades for the new fire authorities of the same names.
- (4) The Secretary of State shall, before 1st April 1996, by order make schemes (hereafter referred to as “administration schemes”) for the local government areas comprised in each of the combined areas set out in the Table at the end of this subsection for the provision in the combined area of the services required by section 1 of the Fire Services Act 1947; and the fire brigades for the existing areas shown in brackets in the first column shall be the fire brigades for the new combined areas.

*TABLE*

<i>Combined area</i>	<i>Local government areas comprised</i>
Central (Central Region).	Clackmannan, Falkirk, Stirling.
North Eastern (Grampian Region).	Aberdeenshire, City of Aberdeen, Moray.
Northern (Northern).	Highland, Orkney Islands, Shetland Islands, Western Isles.
South Eastern (South Eastern).	East Lothian, Midlothian, West Lothian, the Borders, City of Edinburgh.
Mid and South Western (Strathclyde Region).	Argyll and Bute, City of Glasgow, Dumbarton and Clydebank, East Dunbartonshire, Inverclyde, East Renfrewshire, East Ayrshire, North Ayrshire, South Ayrshire, North Lanarkshire, South Lanarkshire, Renfrewshire.
Mid Eastern (Tayside Region).	Angus, City of Dundee, Perthshire and Kinross.

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- (5) Subject to subsection (6) below, an administration scheme made under this section may contain such provision as the Secretary of State considers necessary or appropriate for the purposes of the scheme including, without prejudice to the generality of the foregoing, any provision which is required to be made, or which may be made, in an administration scheme under section 36 of the Fire Services Act 1947.
- (6) An administration scheme made under this section shall provide for the incorporation of the joint board with a common seal and shall confer on such a board power to hold land and to borrow money.
- (7) Before making an administration scheme under this section the Secretary of State shall—
  - (a) consult such fire authorities as appear to him to be affected by the scheme; and
  - (b) where any such authority submit objections to the scheme, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (8) An administration scheme made under this section shall not take effect before 1st April 1996, except so far as it relates to—
  - (a) the constitution of the joint board for fire services; and
  - (b) the performance by that board of functions necessary for bringing the scheme into full operation on that date.
- (9) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

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**Marginal Citations**  
**M16** 1947 c. 41.

*Rivers*

**F8**<sup>37</sup> .....

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**Textual Amendments**  
**F8** S. 37 repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

*Roads*

**38 Roads.**

- (1) The <sup>M17</sup>Roads (Scotland) Act 1984 shall be amended in accordance with this section.
- (2) After section 12 there shall be inserted the following sections—

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### *“ Transitory provisions*

#### **12A Transitional power of Secretary of State as respects existing roads.**

- (1) Without prejudice to section 5 of this Act, where the Secretary of State considers that it is necessary or expedient as a result of, or in connection with, the establishment of new local government areas on 1st April 1996—
  - (a) that any existing road should become a trunk road; or
  - (b) that any trunk road should cease to be a trunk road,
 he may by order direct that the road shall become a trunk road or, as the case may be, shall cease to be a trunk road, as from such date as may be specified in that regard in the order.
- (2) Where an order under this section directs that a road shall cease to be a trunk road, it may also direct that—
  - (a) as from the date specified in that regard in the order, the local roads authority for the area shall become the roads authority for the road; and
  - (b) the authority shall enter the road in their list of public roads.
- (3) An order under this section may relate to one or more roads.

#### **12B Transitional power of Secretary of State as respects proposed roads.**

- (1) Without prejudice to section 5 of this Act, where the Secretary of State considers that it is necessary or expedient as a result of, or in connection with, the establishment of new local government areas on 1st April 1996—
  - (a) that any proposed road—
    - (i) to be constructed by the local roads authority; and
    - (ii) in respect of which all necessary planning permission has been granted or is deemed to have been granted,
 should become a trunk road; or
  - (b) that any proposed road—
    - (i) to be constructed by the Secretary of State as a trunk road; and
    - (ii) in relation to which an order has been made under section 5 of this Act,
 should not become a trunk road,
 he may by order direct that the proposed road shall or, as the case may be, shall not become a trunk road.
- (2) Where an order is made in respect of a proposed road as mentioned in subsection (1)(a) above—
  - (a) subject to subsection (6) below, the Secretary of State may, for the purposes of the construction of that road, do any thing which he would have been entitled to do if an order under section 12 of this Act (in this section referred to as a “section 12 order”) had been made in relation to that road; and

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- (b) where an environmental statement has been published in respect of the project, the Secretary of State shall not be required to publish a further environmental statement,
- but otherwise the Secretary of State shall in all respects be in the same position in relation to that proposed road as the local roads authority would have been if such order had not been made.
- (3) Where an order is made in respect of a proposed road as mentioned in subsection (1)(b) above—
- (a) the local roads authority may proceed with construction of the said road as if all necessary planning permission had been granted;
- (b) the section 12 order made in relation to that road shall apply as if—
- (i) the local roads authority were the roads authority referred to in such order; and
- (ii) all necessary planning permission has been granted; and
- (c) where an environmental statement has been published in respect of the project, the local roads authority shall not be required to publish a further environmental statement.
- (4) Where an order under this section directs that a proposed road shall not become a trunk road, it may also direct that—
- (a) as from the date specified in that regard in the order, the local roads authority for the area shall become the roads authority for the proposed road; and
- (b) on such date as may be specified in that regard in the order, the authority shall enter the road in their list of public roads.
- (5) An order under this section may relate to one or more proposed roads.
- (6) The Secretary of State shall not by virtue of this section be empowered—
- (a) to stop up a road as mentioned in section 12(1)(a)(i) of this Act; or
- (b) to do anything mentioned in paragraphs (a) and (b) of section 70 of this Act except where the local roads authority have been so authorised under a section 12 order; and where such an order has been made, the Secretary of State may do anything he would have been authorised to do if the order had been made by him.
- (7) In this section and in section 12C of this Act “planning permission” means permission under Part III of the <sup>M18</sup>Town and Country Planning (Scotland) Act 1972.

### **12C Transitional power of Secretary of State as respects special road schemes.**

- (1) Where the Secretary of State considers that it is necessary or expedient as a result of, or in connection with, the establishment of new local government areas on 1st April 1996 that—
- (a) a special road which the Secretary of State is authorised to provide by virtue of a scheme under section 7 of this Act (a “section 7 scheme”) should be provided by a local roads authority; or

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- (b) a special road which a local roads authority is authorised to provide by virtue of a section 7 scheme which has been confirmed by the Secretary of State should be provided by the Secretary of State,

he may by order direct that the local roads authority or, as the case may be, the Secretary of State shall be authorised to provide such special road; and the section 7 schemes relating to those special roads shall (notwithstanding their terms) be deemed to authorise the provision of such special roads by the local roads authority and the Secretary of State respectively.

- (2) Where an order is made in respect of a special road as mentioned in subsection (1)(a) above—
  - (a) where the Secretary of State has made an order under section 9 of this Act (a “section 9 order”) in relation to that special road, the local roads authority may treat that order as if it were an order made by them and confirmed by the Secretary of State;
  - (b) any necessary planning permission (whether relating to the special road or the doing of anything authorised by virtue of the section 9 order) shall be deemed to have been granted to the local roads authority; and
  - (c) where an environmental statement has been published in respect of the project, the local roads authority shall not be required to publish a further environmental statement.
- (3) Where an order is made in respect of a special road as mentioned in subsection (1)(b) above—
  - (a) if the local roads authority have made a section 9 order which has been confirmed by the Secretary of State, the Secretary of State may treat that section 9 order as if it were an order made by him; and
  - (b) where an environmental statement has been published in respect of the project, the Secretary of State shall not be required to publish a further environmental statement,
 but otherwise the Secretary of State shall in all respects be in the same position in relation to that special road as the local roads authority would have been if such order had not been made.

#### **12D Application of section 112 to orders under sections 12A, 12B, 12C and 12E.**

The provisions of section 112 of this Act shall apply, subject to such modifications as the Secretary of State may by order specify, to roads, proposed roads and special roads such as may be mentioned in orders made under sections 12A, 12B, 12C and 12E of this Act as they apply to roads mentioned in the said section 112.

#### **12E Further power of Secretary of State as respects proposed roads and special road schemes.**

- (1) Where the Secretary of State considers that it is necessary or expedient as a result of, or in connection with, the establishment of new local government areas on 1st April 1996 that any proposed road to be constructed by a local roads authority should become a trunk road, but the condition mentioned in subsection (1)(a)(ii) of section 12B of this Act is not satisfied in relation to

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such proposed road, he may, notwithstanding the provisions of that subsection, by order direct that the proposed road shall become a trunk road.

- (2) The provisions of paragraphs (a) and (b) of section 12B(2) of this Act shall apply where an order is made under subsection (1) above as they apply where an order is made under subsection (1)(a) of that section.
- (3) Where the Secretary of State considers that it is necessary or expedient as a result of, or in connection with, the establishment of new local government areas on 1st April 1996 that a special road in respect of which a section 7 scheme has been made by a local roads authority but not confirmed by the Secretary of State should be provided by him, he may, notwithstanding the provisions of subsection (1)(b) of section 12C of this Act, by order, direct that he shall be authorised to provide such special road by virtue of such scheme.
- (4) The provisions of paragraphs (a) and (b) of section 12C(3) of this Act shall apply where an order is made under subsection (3) above as they apply where an order is made under subsection (1)(b) of that section.
- (5) An order under subsection (1) or (3) above may include provision specifying the extent to which compliance before the making of that order with any statutory requirement in relation to the proposed road or, as the case may be, special road shall be deemed to satisfy for all purposes any statutory requirement which the Secretary of State would, apart from such provision, have been required to comply with in relation to that proposed road or special road.
- (6) As from the date of an order under subsection (1) or (3) above, the proposed road or, as the case may be, special road shall be deemed always to have been a proposed road to be constructed by the Secretary of State or a special road which the Secretary of State is authorised to provide.

#### **12F Further provisions as to orders.**

An order under section 12A, 12B, 12C, 12D or 12E of this Act may not be made so as to take effect more than 3 years after 1st April 1996.”.

- (3) In section 112 (transfer of property and liabilities on road becoming or ceasing to be a trunk road)—
  - (a) in subsection (1), after paragraph (c) there shall be inserted the following paragraph—
    - “(d) any property such as is mentioned in subsection (1A) below”;
  - (b) after subsection (1) there shall be inserted the following subsections—
    - “(1A) The property mentioned in paragraph (d) of subsection (1) above is property which—
      - (a) was, immediately before the operative date, vested in the former roads authority for the purposes of their functions in relation to more than one road (including the road mentioned in that subsection); and
      - (b) is specified in an order made by the Secretary of State.
- (1B) Where any property is transferred to and vests in the Secretary of State as mentioned in subsection (1)(d) above, he shall make arrangements

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with the former roads authority as respects the use of that property; and any dispute between the Secretary of State and the former roads authority as to any arrangements made under this subsection shall be determined in like manner as any dispute such as is mentioned in subsection (7) below.”; and

- (c) in subsection (2), for the words “subsection (1)” there shall be substituted the words “ subsections (1) and (1A) ”.

- (4) In section 143(2)(a)(ii) (orders subject to negative resolution), after “section 8” there shall be inserted “ , 12A, 12B, 12C, 12D, 12E ”.

#### Marginal Citations

**M17** 1984 c. 54.

**M18** 1972 c. 52.

### 39 Roads authority for boundary bridges.

After section 81 of the <sup>M19</sup>Roads (Scotland) Act 1984 there shall be inserted—

#### “81A Roads authority for boundary bridges.

- (1) This section applies where a public road is carried by a bridge over a waterway and the bridge lies partly in the areas of two local roads authorities.
- (2) Where this section applies, the authorities concerned may make arrangements as to—
- which of them shall be the roads authority in relation to that bridge;
  - the performance by such roads authority in relation to the bridge of any of the roads functions of the other authority; and
  - the making of contributions by that other authority to the roads authority in respect of expenditure incurred in the performance of those functions.
- (3) Where arrangements are not made as mentioned in subsection (2) above, the Secretary of State may, on the application of one of the roads authorities concerned, make a determination in respect of the matters mentioned in paragraphs (a) to (c) of that subsection.
- (4) A determination of the Secretary of State under subsection (3) above shall be binding.”.

#### Marginal Citations

**M19** 1984 c. 54.

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### Public transport

#### 40 Establishment etc. of Strathclyde Passenger Transport Authority.

- (1) With effect from 1st April 1996 there shall be a Passenger Transport Authority to be known as the Strathclyde Passenger Transport Authority (in this section referred to as “the Authority”) for the Strathclyde Passenger Transport Area for the purposes of Part II of the <sup>M20</sup>Transport Act 1968.
- (2) On 1st April 1996 all of the functions, staff, property, rights, liabilities and obligations of Strathclyde Regional Council as Passenger Transport Authority shall be transferred to and vest in the Authority.
- (3) Section 9 of this Act shall apply to any person transferred to the Authority under this section as if any reference in that section to a new authority included a reference to the Authority.
- (4) The Secretary of State may by order—
  - (a) designate the passenger transport area of the Authority; and
  - (b) make provision for the constitution and membership of the Authority in accordance with the provisions of Schedule 5 to this Act.
- (5) Without prejudice to the provisions of the said Schedule 5, an order under subsection (4) above shall include—
  - (a) such provision with respect to any of the matters referred to in that Schedule; and
  - (b) such supplementary, incidental and consequential provision, as the Secretary of State considers necessary or expedient.
- (6) Before making an order under subsection (4) above the Secretary of State shall consult such persons or bodies as he thinks fit.
- (7) The following provisions of the 1973 Act shall apply, subject to any necessary modifications, with respect to the Authority as they apply with respect to a local authority or, in the case of section 106(2), a body, that is to say—
  - (a) section 95 (financial administration);
  - (b) section 96 (accounts and audit);
  - (c) section 97 (Commission for Local Authority Accounts in Scotland);
  - (d) section 97A (studies for improving economy etc. in services);
  - (e) section 97B (furnishing of information and documents to Commission);
  - (f) section 98 (expenses and accounts of Commission);
  - (g) section 99 (general duties of auditors);
  - (h) section 100 (auditor’s right of access to documents);
  - (i) section 101 (right of interested person to inspect and object to accounts: completion of audit);
  - (j) section 102 (reports to Commission by Controller of Audit);
  - (k) section 103 (action by Commission on reports by Controller of Audit);
  - (l) section 104 (action by Secretary of State on recommendation by Commission under section 103(3));
  - (m) section 105 (regulations as to accounts); and
  - (n) section 106(2) (accounts of officer to be audited in certain circumstances).



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- (8) The Secretary of State may by order vary the passenger transport area of the Authority.
- (9) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) Schedule 5 to this Act (which makes provision for the constitution, proceedings etc. of the Authority) shall have effect.

#### Marginal Citations

M20 1968 c. 73.

### 41 Amendment of section 13 of Transport Act 1968.

For section 13 of the Transport Act 1968 (grants to the Executive) there shall be substituted—

#### “13 Grants and payments.

- (1) Any expenditure of the Strathclyde Passenger Transport Authority shall, in so far as not otherwise met, be met by the local authorities whose areas lie wholly or partly within the area of the Authority in such proportions as the <sup>M21</sup>authorities may agree.
- (2) Where—
  - (a) the authorities mentioned in subsection (1) above cannot reach agreement as to the proportions in which the expenditure of the Authority shall be met by them and the Authority make an application to the Secretary of State for resolution of the matter; or
  - (b) it appears to the Secretary of State that those authorities are unable to reach such agreement,
 the Secretary of State shall determine the proportions in which such expenditure shall be met by those authorities.
- (3) The Authority shall have power to make grants to the Executive for any purpose.”.

#### Marginal Citations

M21 1968 c. 73.

### Traffic

### 42 Power to secure management of traffic control system.

- (1) Where the Secretary of State considers that—
  - (a) for the purposes of securing the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), a system of traffic control should extend across the roads of two or more traffic authorities; and

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- (b) the authorities for those roads have not made satisfactory joint arrangements for the exercise of such of their functions under the <sup>M22</sup>Road Traffic Regulation Act 1984 as are necessary to secure the provision and management of such a system of traffic control,
- he may make an order under this section.
- (2) An order under this section may transfer to the Secretary of State such functions of those authorities under that Act as he considers necessary to enable him to secure the provision and management of such a system.
- (3) The Secretary of State may enter into arrangements with such an authority for the carrying out by that authority on his behalf of the functions mentioned in subsection (2) above.
- (4) Any expenses reasonably incurred by the Secretary of State in exercising the functions transferred by an order under this section may be recovered by him from the traffic authorities from which the functions were transferred in such proportions—
- (a) as may be agreed between the authorities; or
  - (b) where there is no agreement, as may be determined by him.
- (5) In this section—
- “road” has the same meaning as in the <sup>M23</sup>Roads (Scotland) Act 1984; and
- “traffic authority” has the meaning given by section 121A of the Road Traffic Regulation Act 1984.

#### Marginal Citations

**M22** 1984 c. 27.

**M23** 1984 c. 54.

### 43 Guidance as to exercise of traffic powers.

- (1) For the purpose of ensuring that the exercise by an authority of any of the powers mentioned in subsections (2) and (3) below does not have an adverse effect on the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)—
- (a) on the roads of any other authority; or
  - (b) on the national system of routes for through traffic in Scotland,
- the Secretary of State may issue guidance to an authority as to the exercise of those powers.
- (2) The powers referred to in subsection (1) above are the powers of an authority to make, vary or revoke orders under or by virtue of any of the following sections of the Road Traffic Regulation Act 1984, that is to say—
- (a) section 1 (traffic regulation orders);
  - (b) section 9 (experimental traffic orders);
  - (c) section 19 (orders concerning public service vehicles);
  - (d) section 32 (provision of parking places by authorities);
  - (e) section 35 (orders as to use of parking places);
  - (f) section 37 (orders relating to general scheme of traffic control);
  - (g) section 38 (orders as to use of parking places as bus or coach stations);

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- (h) section 45 (orders designating paying parking places);
  - (i) section 46 (further orders regulating paying parking places);
  - (j) section 49 (designation orders and designated parking places);
  - (k) section 53 (designation orders);
  - (l) section 82(2) (directions concerning restricted roads); and
  - (m) section 84 (speed limits on certain roads).
- (3) The powers referred to in subsection (1) above are the powers of an authority under sections 36 (construction of road humps) and 39A (construction of traffic calming works) of the <sup>M24</sup>Roads (Scotland) Act 1984.
- (4) Before issuing guidance under this section the Secretary of State shall consult the Common Services Agency for the Scottish Health Service in respect of the provision by them of an ambulance service by virtue of the National Health Service (Functions of the <sup>M25</sup>Common Services Agency) (Scotland) Order 1974 and—
- (a) the chief constables of the police forces maintained;
  - (b) the fire authorities (within the meaning of the <sup>M26</sup>Fire Services Act 1947); and
  - (c) the authorities,
- for the areas to which the guidance relates.
- (5) Without prejudice to his power to make regulations under paragraph 21 of Schedule 9 to the <sup>M27</sup>Road Traffic Regulation Act 1984 or, as the case may be, section 39B(1) of the Roads (Scotland) Act 1984, the Secretary of State may by regulations make provision as to the procedures to be followed by authorities in relation to the guidance.
- (6) An authority shall, before exercising any power mentioned in subsections (2) and (3) above, and subject to any regulations made under subsection (5) above—
- (a) have regard to any guidance issued to them under this section;
  - (b) consider whether the proposed exercise of such power would be likely to have an effect on the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)—
    - (i) on a road in the area of any other authority; or
    - (ii) on a road in the national system of routes for through traffic in Scotland; and
  - (c) if the proposed exercise would, in their opinion, have such an effect, consult—
    - (i) in the case of a road such as is mentioned in paragraph (b)(i) of this subsection, the other authority; or
    - (ii) in the case of a road such as is mentioned in paragraph (b)(ii) of this subsection, the Secretary of State.
- (7) Where an authority take any action which, in the opinion of the Secretary of State—
- (a) is contrary to any guidance issued to the authority under this section; and
  - (b) has or is likely to have an adverse effect on either of the matters referred to in paragraphs (a) and (b) of subsection (1) above,
- the Secretary of State may, after consulting the authority, direct the authority to take such steps within a period specified by him as may be necessary to conform with that guidance.
- (8) If, in the opinion of the Secretary of State, an authority have failed to comply with a direction under subsection (7) above, he may exercise any of their powers for the

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purpose of giving effect to the direction; and any expenses reasonably incurred by him in doing so shall be recoverable by him from that authority.

(9) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section—

“authority” means—

- (a) in relation to the exercise of the powers mentioned in subsection (2) above, a traffic authority (within the meaning of the <sup>M28</sup>Road Traffic Regulation Act 1984); and
- (b) in relation to the exercise of the powers mentioned in subsection (3) above, a roads authority (within the meaning of the <sup>M29</sup>Roads (Scotland) Act 1984); and

“road” has the same meaning as in the Roads (Scotland) Act 1984.

#### Marginal Citations

**M24** 1984 c. 54.

**M25** S.I. 1974/467.

**M26** 1947 c. 41.

**M27** 1984 c. 27.

**M28** 1984 c. 27.

**M29** 1984 c. 54.

#### 44 Restriction on order-making powers of existing authorities.

(1) Where a regional council propose to make an order such as is mentioned in subsection (2) below and the order—

- (a) will come into effect after such date as the Secretary of State may by order made by statutory instrument prescribe; and
- (b) will continue in effect after 31st March 1996,

they shall, before making the order, seek the consent of the successor authority.

(2) The orders referred to in subsection (1) above are any orders made under the following provisions of the <sup>M30</sup>Road Traffic Regulation Act 1984—

- (a) section 1 (traffic regulation orders);
- (b) section 9 (experimental traffic orders);
- (c) section 14 (temporary traffic orders);
- (d) section 32 (provision of parking places by authorities);
- (e) section 35 (orders relating to use of parking places);
- (f) section 37 (orders as to general scheme of traffic control);
- (g) section 45 (orders designating paying parking places);
- (h) section 46 (further orders regulating paying parking places); and
- (i) section 84 (speed limits on certain roads).

(3) Where a successor authority refuse their consent to a proposed order to which this section applies the regional council shall not make the order without having obtained the consent of the Secretary of State.

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(4) Where—

- (a) a regional council have sought the consent of a successor authority to the making of a proposed order to which this section applies; and
- (b) the successor authority have failed, within 6 weeks of such consent being sought, to consent,

the successor authority shall be deemed to have given such consent.

- (5) In this section “successor authority” means any council constituted under section 2 of this Act (other than the councils for Orkney Islands, Shetland Islands and Western Isles) in whose area the proposed order will have effect.

**Marginal Citations**

**M30** 1984 c. 27.

*Social work*

**45 Chief social work officer.**

—For section 3 of the <sup>M31</sup>Social Work (Scotland) Act 1968 (director of social work), there shall be substituted the following section—

**“3 Chief social work officer.**

- (1) For the purposes of their functions under this Act and the enactments mentioned in section 5(1B) of this Act, a local authority shall appoint an officer to be known as the chief social work officer.
- (2) The qualifications of the chief social work officer shall be such as may be prescribed by the Secretary of State.”.

**Marginal Citations**

**M31** 1968 c. 49.

**CHAPTER 7**

MISCELLANEOUS

**46 Licensing boards.**

- (1) A council may determine whether their area shall be divided into licensing divisions for the purposes of the <sup>M32</sup>Licensing (Scotland) Act 1976.
- (2) Where a determination is made under this section, the council shall forthwith notify the Secretary of State of such determination and cause notice thereof to be published in two successive weeks in one or more newspapers circulating in the area.

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- (3) Every council shall, by no later than 31st March 1996, elect the members of the licensing board for—
- (a) their area; or
  - (b) where a determination has been made under this section, each licensing division of their area.
- (4) Any thing done by any licensing board for any area before 1st April 1996 shall, to the extent that it has effect before that date, have effect after that date as if it had been done by the licensing board for that area (or, as the case may be, the licensing board whose area falls wholly or partly within that area) on that date.
- (5) In this section “council” means a council constituted under section 2 of this Act.

#### Marginal Citations

M32 1976 c. 66.

#### 47 Proceedings in district courts: transitional provisions.

Where proceedings were instituted before 1st April 1996 in any district court and those proceedings have not been completed by that date, then, for the purpose of enabling those proceedings to be continued on and after that date, and for preserving in other respects the continuity of the administration of justice—

- (a) the district court having jurisdiction on and after that date in the area where the proceedings were instituted shall be treated as succeeding to, and being the same court as, the district court in which the proceedings were instituted, and any verdict, sentence, order, complaint, notice, citation, warrant, or other proceedings or document shall have effect accordingly; and
- (b) the clerk of the district court in which the proceedings were instituted shall transfer all records, productions and documents relating to those proceedings to the clerk of the district court treated as succeeding to that court.

#### 48 Amendment of District Courts (Scotland) Act 1975.

In section 2 of the <sup>M33</sup>District Courts (Scotland) Act 1975 (district of, and exercise of jurisdiction by, district court), after subsection (1) there shall be inserted the following subsection—

“(1A) In determining where and when a district court should sit, a local authority shall have regard to the desirability of minimising the expense and inconvenience occasioned to those directly involved, whether as parties or witnesses, in the proceedings before the court.”.

#### Marginal Citations

M33 1975 c. 20.

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#### 49 Justices of the peace.

- (1) Any person holding office as justice of the peace for any commission area by virtue of the provisions of section 9(2) or 10(3) of the <sup>M34</sup>District Courts (Scotland) Act 1975 immediately before 1st April 1996 shall, on and after that date, hold office as justice of the peace for the commission area in which he resides on that date.
- (2) Any person holding office as justice of the peace for any commission area on and after 1st April 1996 by virtue of the provisions of subsection (1) above shall hold that office as if appointed in accordance with the said section 9(2).
- (3) Where the Secretary of State is satisfied in all the circumstances that it is expedient that any such person as is mentioned in subsection (1) above should hold that office for another commission area, he may so direct; and any such direction shall have effect, and shall be treated for the purposes of the said Act of 1975, as an instrument appointing that person in accordance with the said section 9(2) to hold office for such commission area as is mentioned in the direction.

#### Marginal Citations

M34 1975 c. 20.

#### 50 Stipendiary magistrates.

- (1) Any person who holds office as stipendiary magistrate for any area immediately before 1st April 1996 shall, on that date, become a stipendiary magistrate in the district court having jurisdiction in that area and shall be deemed in all respects to have been appointed by virtue of section 5(1) of the District Courts (Scotland) Act 1975.
- (2) The provisions of sections 8, 9 and 10 of this Act shall apply, subject to any necessary modifications, to the transfer of stipendiary magistrates on 1st April 1996.

#### 51 Registration of births, deaths and marriages.

- (1) The <sup>M35</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965 shall be amended in accordance with the provisions of this section.
- (2) For section 5(3) (registration districts and registration authorities) there shall be substituted the following subsection—
  - “(3) For each registration district there shall be a local registration authority which shall be the local authority in whose area the registration office or the principal premises of that office are, immediately before the commencement of section 51 of the Local Government etc. (Scotland) Act 1994, situated.”.
- (3) In section 8 (registration offices)—
  - (a) in subsection (1), after the words “registration office” there shall be inserted the words “ which may comprise principal premises and such subordinate premises as they may, with the approval of the Registrar General, consider appropriate ”; and
  - (b) at the end there shall be inserted the following subsection—
    - “(6) References in this Act to the registration office shall, unless the context otherwise requires, be construed as including all the premises

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provided and maintained by a local registration authority as parts of the registration office.”.

- (4) In section 15 (information concerning finding of infant children)—
- (a) in subsections (1) and (3), for the words “director of social work” there shall be substituted “ chief social work officer ”; and
  - (b) subsection (4) shall cease to have effect.

- (5) In section 56(1) (interpretation), after the definition of “function” there shall be inserted the following definition—

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

#### Commencement Information

- II** S. 51 wholly in force at 1.4.1996; s. 51 not in force at Royal Assent see s. 184(2); s. 51(3) in force at 4.1.1995 by S.I. 1994/2850, art. 3(a), **Sch. 2**; s. 51(1)(2)(4)(5) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), **Sch. 1**

#### Marginal Citations

- M35** 1965 c. 49.

## 52 Tweed Fisheries Commissioners.

- (1) On 1st April 1996 each person holding office as representative commissioner appointed by any of the district councils of Berwickshire, Roxburgh, Ettrick and Lauderdale or Tweeddale under the <sup>M36</sup>Tweed Fisheries Act 1969 shall go out of office.
- (2) The function of appointing representatives formerly appointed by the councils mentioned in subsection (1) above shall be transferred to the new council for the Borders.
- (3) In Schedule 1 to the said Act of 1969, for the entries relating to the district councils of Berwickshire, Roxburgh, Ettrick and Lauderdale and Tweeddale there shall be substituted the entry relating to the Borders Council set out in Schedule 6 to this Act.

#### Marginal Citations

- M36** 1969 c. xxiv.

## 53 Records held by local authorities.

- (1) A local authority shall, in accordance with the provisions of this section, make proper arrangements for the preservation and management of any records which have been—
  - (a) transferred to and vested in them by virtue of an order under section 15 of this Act;
  - (b) created or acquired by them in the exercise of any of their functions; or
  - (c) otherwise placed in their custody,



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and shall, before putting any such arrangements into effect, or making any material change to such arrangements, consult the Keeper of the Records of Scotland, and have regard to any comments which he may make on the proposed arrangements or changes.

- (2) A local authority may dispose of any records which they do not consider to be worthy of preservation.
- (3) Before entering into any arrangements to which section 58 of this Act or section 56 of the 1973 Act (arrangements for discharge of functions by local authorities) applies with regard to the preservation and management of any records, a local authority shall consult the Keeper.
- (4) Where a local authority hold records relating to the property or functions of any other local authority, that other authority shall, subject to any arrangements made under section 58 of this Act or section 56 of the 1973 Act by the two authorities—
  - (a) be entitled to free access to, and copies of, any such records; and
  - (b) pay to the local authority holding the records such proportion of the costs incurred by that authority in preserving and managing the records—
    - (i) as the authorities may agree; or
    - (ii) as may, failing such agreement, be determined by the Secretary of State.
- (5) The Keeper shall be entitled to free access to any records held by a local authority.
- (6) For the purposes of this section and section 54 of this Act “records” includes charters, deeds, minutes, accounts and other documents, and any other records, of whatever form and in whatever medium, which convey information, but does not include records which are the property of the Registrar General of Births, Deaths and Marriages for Scotland.

#### **54 Use, acquisition and disposal of records.**

- (1) A local authority may do anything which appears to them to be appropriate for the purpose of enabling proper use to be made of their records and, without prejudice to the generality of the foregoing, may—
  - (a) make provision for enabling persons, with or without charge and subject to such conditions as the authority may determine, to inspect the records and to make or obtain copies thereof;
  - (b) prepare, or procure or assist in the preparation of, indices and guides to and calendars and summaries of the records;
  - (c) publish, or procure or assist in the publication of, the records or any index or guide to or calendar or summary of the records;
  - (d) hold exhibitions of the records and arrange for the delivery of explanatory lectures, with or without charging for admission to such exhibitions or lectures;
  - (e) direct that the records be temporarily entrusted to other persons for exhibition or study.
- (2) Nothing in subsection (1) above shall be taken as authorising the doing of any act which infringes copyright or contravenes conditions subject to which records are under the control of an authority.
- (3) A local authority may—

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- (a) acquire by way of purchase records which, or (in the case of a collection) the majority of which, appear to the authority to be of general or local interest;
  - (b) accept the gift of records which or, in the case of a collection, the majority of which appear to the authority to be of general or local interest.
- (4) A local authority may accept the deposit of records—
- (a) authorised to be deposited with it by any enactment; and
  - (b) which appear to the authority to be of general or local interest.

<sup>F9</sup>(5) .....

#### Textual Amendments

**F9** S. 54(5) repealed (1.2.1996) by 1995 c. 25, s.120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

#### Commencement Information

**I2** S. 54 partly in force; s. 54 not in force at Royal Assent see s. 184(2); s. 54(1)-(4) in force at 1.4.1996 by S.I. 1996/323, **art. 4(1)(a)**, **Sch. 1**

## 55 Restriction on disposal of assets and entering into contracts by existing authorities.

- (1) On and after the relevant date, an existing authority shall not, without the consent of the relevant successor authority or, in a case to which subsection (9) below applies, the Secretary of State—
- (a) without prejudice to section 74 of the 1973 Act (disposal of land), dispose of any land for a consideration exceeding £250,000; or
  - (b) enter into any of the contracts mentioned in subsection (2) below.
- (2) The contracts referred to in subsection (1)(b) above are—
- (a) contracts—
    - (i) in terms of which the authority incurs a liability to meet capital expenses within the meaning of section 94 of the 1973 Act (capital expenses); and
    - (ii) where the consideration exceeds £2,500,000; and
  - (b) contracts, other than contracts such as are mentioned in sub-paragraph (a)(i) above—
    - (i) the period of which purports to extend beyond 31st March 1996 or is capable of being so extended; and
    - (ii) where the consideration exceeds £250,000.
- (3) The relevant date for the purposes of this section is such date as the Secretary of State may by order made by statutory instrument determine; and different such dates may be so determined in respect of any of the successor authorities mentioned in subsections (4) to (8) below or, in a case to which subsection (9) below applies, the Secretary of State.
- (4) Subject to subsections (5) to (8) below, the relevant successor authority in relation to any proposed disposal or contract by a regional or district council is—

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- (a) in relation to any disposal of land, the new local authority within whose area the land will be situated; and
  - (b) in relation to any other contracts, any new local authority whose area will include the whole or any part of the area of the existing local authority.
- (5) The relevant successor authority in relation to any proposed disposal of relevant property (within the meaning assigned by paragraph (b) of section 91(1) of this Act) or proposed contract in so far as it relates to functions mentioned in that paragraph is, in the case of—
- (a) Lothian, Borders, Fife or Central Region, the East of Scotland Water Authority;
  - (b) Strathclyde or Dumfries and Galloway Region, the West of Scotland Water Authority; and
  - (c) Tayside, Highland or Grampian Region or an Islands Area, the North of Scotland Water Authority.
- (6) The relevant successor authority in relation to any proposed disposal or contract by the Central Scotland Water Development Board is the East of Scotland Water Authority.
- (7) The relevant successor authority in relation to any proposed disposal or contract by a police authority or, where an amalgamation scheme has been made, a joint committee for any existing police area is—
- (a) in the case of each of Fife and Dumfries and Galloway, the police authority for the new police area of the same name; and
  - (b) in the case of each of the police authorities or, as the case may be, joint committees for the areas or combined areas shown in brackets in the first column of the Table in section 21B(3) of the <sup>M37</sup>Police (Scotland) Act 1967 (reorganisation of police areas), the joint board for the corresponding combined area shown in that column.
- (8) The relevant successor authority in relation to any proposed disposal or contract by a fire authority or, where an administration scheme has been made, a joint committee, is—
- (a) in the case of each of Fife and Dumfries and Galloway, the fire authority for the new area of the same name; and
  - (b) in the case of each of the fire authorities or, as the case may be, joint committees for the areas or combined areas shown in brackets in the first column of the Table in section 147(4) of the 1973 Act (fire services), the joint board for the corresponding combined area shown in that column.
- (9) Where—
- (a) a disposal of land such as is mentioned in subsection (1)(a) above is of land held or acquired by the authority for the construction or improvement of any road; or
  - (b) a contract such as is mentioned in subsection (2) above is for works for the construction or improvement of any road; and
  - (c) where, in either case, the Secretary of State has given notice to the authority concerned of his intention to make an order under section 12A(1)(a), 12B(1)(a), 12C(1)(b), 12E(1) or 12E(3) of the <sup>M38</sup>Roads (Scotland) Act 1984 directing that a road or proposed road should become a trunk road or that he should be authorised to provide a special road,
- the consent required shall, in either case, be that of the Secretary of State.

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- (10) The requirement to seek consent imposed by this section shall not apply to—
- (a) any disposal of land in respect of which the consent of the Secretary of State is required under section 12(7) of the <sup>M39</sup>Housing (Scotland) Act 1987; and
  - (b) any contract entered into by an existing authority in or in connection with the exercise of the power conferred on them by section 24 of the <sup>M40</sup>Local Government Act 1988 (power to provide financial assistance for privately let housing accommodation).
- (11) This section applies to any granting of an option to require an existing authority to make a disposal of land or enter into a contract which would require the consent of a successor authority or the Secretary of State as it applies to such a disposal or contract.
- (12) In this section “existing authority” means a regional or district council, the Central Scotland Water Development Board, any police authority or joint committee for a police force established under the <sup>M41</sup>Police (Scotland) Act 1967, any fire authority or joint committee for a fire brigade established in Scotland under the <sup>M42</sup>Fire Services Act 1947 and, for the purposes of the matters mentioned in subsection (5) above, includes an islands council.

#### Marginal Citations

**M37** 1967 c. 77.

**M38** 1984 c. 54.

**M39** 1987 c. 26.

**M40** 1988 c. 9.

**M41** 1967 c. 77.

**M42** 1947 c. 41.

## 56 Duty of existing authorities and assessors to provide information to new authorities.

- (1) Subject to the provisions of this section, existing local authorities and assessors shall provide new authorities with such information as the latter may reasonably require for the purpose of carrying out, whether before or after 1st April 1996, any of their functions.
- (2) A new authority may not require information to be provided from any existing authority or assessor whose area does not correspond, at least in part, with the area of the new authority.
- (3) An assessor shall not be required under subsection (1) above to provide any information to a new authority which he is not required to provide to an existing authority.
- (4) In this section—
  - “assessor” means an assessor appointed under section 116 of the 1973 Act (appointment of assessors);
  - “existing local authority” includes a joint committee and a joint board; and
  - “new authority” means any of the authorities constituted under section 2 of this Act, and includes a joint board.

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## **57 Power and duty of existing local authorities to assist new authorities.**

- (1) An existing local authority may do anything which in their opinion is appropriate for the purpose of—
  - (a) facilitating the transfer of their functions, staff and assets to a new authority; or
  - (b) facilitating the carrying out by a new authority of their functions on and after 1st April 1996.
- (2) Without prejudice to the generality of subsection (1) above, existing local authorities having functions in relation to any part of the area of a new authority may establish, or the Secretary of State may require them to establish, a committee in the area of that new authority to consider any matter which it is expedient they should consider in order to ensure the effective operation of that authority on and after 1st April 1996.
- (3) Existing local authorities may establish, or the Secretary of State may direct them to establish, a committee in relation to the areas of any group of new authorities to consider any matter which it is expedient they should consider in order to ensure the effective operation of those authorities on and after 1st April 1996.
- (4) A committee established under subsection (2) or (3) above shall consist of such number of representatives of the authorities by whom it is established as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.
- (5) The Secretary of State may direct an existing local authority to do anything which in his opinion is appropriate for the purpose of putting a new authority in a position to carry out their functions with effect from 1st April 1996.
- (6) A direction under subsection (5) above—
  - (a) may be made subject to such conditions (for example, as to payment by the new authority) as may be specified in it; and
  - (b) shall be complied with by the authority to which it is made.
- (7) Any expenses incurred by a committee established under subsection (2) or (3) above shall be defrayed by the authorities by whom the committee was established in such proportions respectively as may be agreed amongst or between them or, in default of agreement, as may be determined by the Secretary of State.
- (8) In this section—

“existing local authority” includes a joint committee and a joint board; and

“new authority” means any of the authorities constituted under section 2 of this Act, and includes a joint board.

## **58 Further provision as to discharge of functions by authorities.**

- (1) Subject to the provisions of this section, a local authority (a “contracting authority”) may agree with any other local authority (a “supplying authority”) that the supplying authority shall carry out for the contracting authority any activity or service which the contracting authority are required to, or may legitimately, carry out.
- (2) An agreement under this section—
  - (a) may provide for activities or services to be carried out by two or more authorities jointly; and

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- (b) may include such terms as to payment as the authorities concerned consider appropriate.
- (3) Anything requiring to be done by a supplying authority under an agreement under this section shall be treated as one of their statutory functions.
- (4) The Secretary of State may by regulations make such provision as he thinks fit in relation to the exercise by local authorities of the power conferred by this section and, without prejudice to the generality of the foregoing, such regulations may include provision—
  - (a) prohibiting or restricting to such extent as may be prescribed the use of the power in relation to such activities or services, or such class or classes of activities or services, as may be so prescribed;
  - (b) specifying, either generally or in relation to such activities or services, or such classes of activities or services, as may be so prescribed, which authorities may enter into agreements under this section.
- (5) This section is without prejudice to any other power under or by virtue of which a local authority may arrange for the carrying out of any of their activities or services by another authority.
- (6) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purposes of this section “local authority” includes a residuary body and a joint board.

#### Commencement Information

- I3** S. 58 wholly in force at 1.4.1996; s. 58 not in force at Royal Assent see s. 184(2); s. 58 in force for certain purposes at 1.8.1995 by S.I. 1995/702, art. 5; s. 58 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(a), Sch. 1

## 59 Local Acts and instruments.

- (1) Subject to subsection (2) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Part of this Act shall—
  - (a) notwithstanding the changes of administrative areas and local authorities effected by or under this Part of this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 1st April 1996 to, but only to, the area, things or persons to which or to whom it applies before that date;
  - (b) have effect subject to any necessary modifications and to the modifications made by subsection (3) below;
 but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.
- (2) Subsection (1) above shall have effect subject to the provisions of—
  - (a) subsection (6) below;
  - (b) this Part of this Act;

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- (c) any Act passed after this Act and before 1st April 1996; and
  - (d) any order made under—
    - (i) section 181 of this Act; or
    - (ii) the following provisions of this section.
- (3) Any local statutory provision to which this section applies and which relates to functions exercisable by an existing local authority of any description by virtue of any public general enactment shall have effect as if for any reference to the authority by whom the functions are exercised immediately before 1st April 1996 there were substituted a reference to the authority by whom those functions are exercisable on and after that date.
- (4) Subsection (3) above shall not come into force until 1st April 1996 and shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Part of this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this section applies and exclude the operation of that subsection where it would otherwise conflict with any provision of the order.
- (5) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 181 of this Act, the Secretary of State may by that order, or in the case of a provision continued as aforesaid, by an order under this subsection—
- (a) extend the provision throughout the new local government area in which it is continued in force;
  - (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;
  - (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area;
  - (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
  - (e) transfer to any local authority appearing to the Secretary of State to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provisions of this Act except section 181 of this Act and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act;
  - (f) without prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State to be expedient.
- (6) All local statutory provisions to which this subsection applies shall cease to have effect on 31st December 1999, but the Secretary of State may—
- (a) by order exempt any such provision from the foregoing provision of this subsection;

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- (b) from time to time by order postpone the date on which any local statutory provision applying to the whole or part of any local government area is to cease to have effect under this subsection.
- (7) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section applies to any local statutory provision in force immediately before 1st April 1996 and not expressly repealed or revoked by this Act, and subsection (6) above applies to the following local statutory provisions—
- (a) a provision of a local Act, the Bill for which was promoted by a local authority;
  - (b) a provision of an Act confirming a provisional order made on the application of a local authority;
  - (c) a provision of an order made on such an application which was subject to special parliamentary procedure;
  - (d) any byelaw; and
  - (e) any management rule made under section 112 of the <sup>M43</sup>Civic Government (Scotland) Act 1982 (management rules),
- not being a provision relating to a statutory undertaking.

(9) In this section—

“existing local authority” means a regional or district council;

“local authority” means an existing local authority, a joint committee, an authority constituted under section 2 of this Act, a joint board and a residuary body; and, for the purposes of subsection (6) above, includes any local authority in existence prior to 16th May 1975;

“local statutory provision” includes—

- (a) a provision of a public general Act passed with respect only to the whole or part of an existing local government area;
- (b) a provision of an instrument made under such a public general Act;
- (c) an instrument in the nature of a local statutory provision made under any other public general Act;
- (d) a provision of a local Act or a provision of an instrument made under any such Act;
- (e) a provision of an Act confirming a provisional order;
- (f) a provision of an order which was subject to special parliamentary procedure;
- (g) any byelaw; and
- (h) any management rule made under section 112 of the <sup>M44</sup>Civic Government (Scotland) Act 1982 (management rules),

but does not include any enactment or instrument in so far as that enactment or instrument relates to functions mentioned in section 91(1)(b) of this Act nor any order under section 6 of the 1975 Act; and

“statutory undertaking” means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power or district heating.



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### Marginal Citations

**M43** 1982 c. 45.

**M44** 1982 c. 45.

## 60 Applications to sheriff in cases of difficulty.

Sections 231 (applications to sheriff in cases of difficulty) and 232 (applications to court) of the 1973 Act shall apply in relation to a difficulty arising in the carrying out of this Part of this Act as they apply in relation to a difficulty arising in the carrying out of that Act.

## 61 Interpretation of Part I.

In this Part of this Act, unless the context otherwise requires—

“existing local authority” means a regional, islands or district council;

“records” shall be construed in accordance with section 53 of this Act;

“the 1972 Act” means the <sup>M45</sup>Town and Country Planning (Scotland) Act 1972;

“the 1992 Act” means the <sup>M46</sup>Local Government Finance Act 1992,

and expressions used in this Part of this Act and in the 1973 Act shall have the same meanings in this Part as in that Act.

### Marginal Citations

**M45** 1972 c. 52.

**M46** 1992 c. 14.

## PART II

### WATER AND SEWERAGE REORGANISATION

#### *New water and sewerage authorities*

## 62 New water and sewerage authorities.

(1) There shall be established—

- (a) a body, to be known as the East of Scotland Water Authority, which, as from 1st April 1996, shall be—
  - (i) the water authority for the eastern water area; and
  - (ii) the sewerage authority for the eastern sewerage area;
- (b) a body, to be known as the West of Scotland Water Authority, which, as from that date, shall be—
  - (i) the water authority for the western water area; and
  - (ii) the sewerage authority for the western sewerage area; and
- (c) a body, to be known as the North of Scotland Water Authority, which, as from that date, shall be—

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- (i) the water authority for the northern water area; and  
(ii) the sewerage authority for the northern sewerage area;
- but any reference in any enactment, including this Act, to water authorities generally, shall not be taken to include a reference to any of the above bodies as sewerage authority.
- (2) Schedule 7 to this Act shall have effect with respect to the constitution and proceedings of, and other matters relating to, each of the bodies established by subsection (1) above (those bodies being, in this Act, collectively referred to as the “new water and sewerage authorities”).
- (3) The water areas and sewerage areas mentioned in subsection (1) above and in column 1 of Schedule 8 to this Act comprise the areas for the time being respectively described in column 2 of that Schedule.

#### Modifications etc. (not altering text)

- C7** S. 62 applied (1.4.1996) by 1951 c. 66, s. 35(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 38(8)(b)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1961 c. 41, s. 15(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 56(5)(a)(b)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1967 c. 86, s. 78(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 72(9)(b)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1968 c. 47, s. 59(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 75(28)(a)(f)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1974 c. 40, s. 56 (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 95(5)(a)(b)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1980 c. 45, s. 109(1) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(53)(a)(ii)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1980 c. 45, 109(1) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(53)(a)(iii)(v)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1982 c. 43, s. 14(3) (as added (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(3)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1984 c. 12, s. 98(9) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 133(3)(b)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1984 c. 54, s. 151(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 135(10)(a)(iv)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1984 c. 58, s. 115(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 137(6)(b)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1987 c. 26, s. 338(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 152(7)(b)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1987 c. 26, s. 338(1) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 152(7)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1991 c. 22, s. 164(1) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 168(6)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 195 c. 63, s. 5 (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 140(5)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1990 c. 43, s. 53(5A) (as inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 167(8)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**
- S. 62 applied (1.4.1996) by 1984 c. 12, s. 98(9) (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 133(3)(c)**); S.I. 1996/323, **art. 4(1)(b)(c)**

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### **63 Alteration of water areas and sewerage areas.**

- (1) Subject to subsection (4) below, the Secretary of State may from time to time by order amend column 2 of Schedule 8 to this Act so as to alter water areas or sewerage areas of the new water and sewerage authorities.
- (2) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under this section may include such incidental, supplementary and consequential provisions as the Secretary of State may consider necessary or expedient for the purposes of the order.
- (4) Before making an order under this section the Secretary of State shall prepare a draft of the order, shall consult with every new water and sewerage authority whose area would be altered by the order and with the Customers Council and shall publish in the Edinburgh Gazette, and in one or more local newspapers circulating in the geographical area affected by the order, a notice—
  - (a) stating the general effect of the order;
  - (b) specifying the places where copies of the draft order, and of any maps relating to it, may be inspected, free of charge and at all reasonable times, during a period of not less than twenty-eight days which begins with the date on which the notice is so published; and
  - (c) stating that any person affected by the order may within that period, by intimation in writing to the Secretary of State, object to the proposed making of the order.
- (5) The Secretary of State shall serve a copy of a notice published under subsection (4) above on every body which he has, in accordance with that subsection, consulted.
- (6) The Secretary of State shall have regard to any objection made by virtue of subsection (4)(c) above and timeously received; and he may then proceed to make the order, either in the form of the draft order or as amended by him.
- (7) For the purposes of subsection (6) above, an objection is timeously received if received by the end of the specified period of not less than twenty-eight days which begins with the latest date on which is published an issue of the Edinburgh Gazette, or of a local newspaper, in which the notice mentioned in subsection (4) above appears by virtue of that subsection.

### **64 Maps of areas.**

- (1) The Secretary of State shall, as soon as is practicable after—
  - (a) the coming into force of section 62(3) of, and Schedule 8 to, this Act, send to each of the new water and sewerage authorities a map of their water area and of their sewerage area, both as described in column 2 of that Schedule;
  - (b) making an order under section 63 of this Act altering water areas or sewerage areas, send to each of the new water and sewerage authorities of the areas altered a map of their water area, or as the case may be their sewerage area, as so altered.
- (2) Any map which is sent to an authority under subsection (1) above shall, until superseded by a map subsequently sent under that subsection, be kept at the principal office of the authority; and the authority shall provide reasonable facilities for

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inspection of the map by any person and shall permit a copy of it, or of an extract of it, to be taken by a person on his paying such reasonable amount as the authority may determine.

## 65 General duties of Secretary of State and of new authorities.

- (1) For section 1 of the 1980 Act (which imposes on the Secretary of State certain duties as respects water conservation and supply) there shall be substituted—

### “1 General duties of Secretary of State and of water authorities.

It shall be the duty of the Secretary of State and of the water authorities when exercising their respective functions or powers under or by virtue of this Act—

- (a) to promote the conservation and effective use of the water resources of, and the provision of adequate water supplies throughout, Scotland; and
  - (b) to secure the collection, preparation, publication and dissemination of information and statistics relating to such resources and supplies.”.
- (2) It shall be the duty of the Secretary of State and of the new water and sewerage authorities when exercising their respective functions or powers under or by virtue of this Act, the 1968 Act or the 1980 Act—
- (a) to have regard to the interests of every person who is a customer or potential customer of any such authority and especially of such of those persons as—
    - (i) are likely, by reason of some persistent medical condition or of family circumstances, to require to have a much greater supply of water, or to make much greater use of facilities for the disposal of sewage, than might ordinarily have been expected; or
    - (ii) are ordinarily resident in some rural part of Scotland;
  - (b) to further, so far as may be consistent with the purposes of any enactment relating to their respective functions (whether or not functions under or by virtue of this Act, the 1968 Act or the 1980 Act)—
    - (i) the conservation and enhancement of natural beauty and the conservation of flora and fauna; and
    - (ii) the conservation of geological or physiographical features of special interest;
  - (c) to have regard to the desirability of preserving for the public any freedom of access (including access for recreational purposes) to areas of forest, woodland, mountains, moor, bog, cliff, foreshore, loch or reservoir and to other places of natural beauty; and
  - (d) to have regard to the desirability of protecting and conserving—
    - (i) buildings;
    - (ii) sites; and
    - (iii) objects,
 of archaeological, architectural or historic interest and of maintaining the availability to the public of any facility for visiting or inspecting any such building, site or object.

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#### Commencement Information

- I4** S. 65 wholly in force at 1.4.1996; s. 65 not in force at Royal Assent see s. 184(2); s. 65(2) in force at 17.7.1995 by S.I. 1995/1898, art. 2(a), Sch.; s. 65(1) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch.

### 66 Codes of practice for new water and sewerage authorities.

- (1) A new water and sewerage authority shall draft a code of practice which shall make provision—
- as to their standards of performance in providing services to their customers;
  - for procedures for dealing with complaints by their customers or their potential or former customers;
  - as respects the circumstances in which they will pay compensation if or in so far as those standards are not attained; and
  - as respects such matters as are incidental to the provision made under paragraphs (a) to (c) above;
- and the code may include such supplemental provisions as appear to the authority to be appropriate.
- (2) A code drafted by an authority under subsection (1) above shall be sent by them to the Customers Council no later than the date on which they first, under subsection (4)(a) of section 76 of this Act, send a draft charges scheme to the Council; and subsections (4) to (6) of the said section 76 shall apply as respects any such draft code of practice as they apply to any such draft charges scheme.
- (3) The authority shall endeavour to comply with their code of practice as for the time being approved by virtue of this section; but contravention of that code shall not of itself give rise to any criminal or civil liability.
- (4) Subject to subsection (1) above, the authority may from time to time—
- vary; or
  - revoke and replace,
- their code of practice as so approved; and the varied or new code shall be sent forthwith by them in draft to the Customers Council.
- (5) Subsections (4) to (6) of section 76 of this Act shall apply as respects a draft sent under subsection (4) above as they apply, by virtue of subsection (2) above, to a draft sent under the said subsection (2).
- (6) The authority shall take such steps as appear to them appropriate to inform customers and potential or former customers of the contents for the time being of their code approved by virtue of this section.

*Protection of customers' interests etc.*

### 67 Scottish Water and Sewerage Customers Council.

- (1) There shall be established a body to be known as the Scottish Water and Sewerage Customers Council (in this Part of this Act referred to as “the Customers Council”)

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for the purpose of representing the interests of customers and potential or former customers of the new water and sewerage authorities.

- (2) Schedule 9 to this Act shall have effect with respect to the constitution and proceedings of, and other matters relating to, the Customers Council.

*[<sup>F10</sup> The Water Industry Commissioner for Scotland]*

#### Textual Amendments

**F10** S. 67A and crossheading inserted (1.11.1999) by 1999 c. 9, s. 12(1); S.S.I. 1999/133, art. 2(a)

VALID FROM 01/11/1999

#### **[<sup>F11</sup>67A Water Industry Commissioner for Scotland and Consultative Committees.**

- (1) There shall be a Water Industry Commissioner for Scotland (in this Part of this Act referred to as “the Commissioner”), who shall have the general function of promoting the interests of customers of the new water and sewerage authorities.
- (2) In respect of each new water and sewerage authority there shall be a Water Industry Consultative Committee, which shall have the general function of advising the Commissioner on the promotion of the interests of customers of that authority.
- (3) In exercising his functions in relation to an authority the Commissioner shall have regard to any advice given to him by the Consultative Committee in respect of that authority.
- (4) The Secretary of State may, after consulting the Commissioner, give him directions of a general or specific character as to the exercise of his functions; and the Commissioner shall comply with those directions.
- (5) Schedule 9A to this Act (which makes further provision about the Commissioner and Water Industry Consultative Committees) shall have effect.]

#### Textual Amendments

**F11** S. 67A inserted (1.11.1999) by 1999 c. 9, s. 12(1); S.S.I. 1999/133, art. 2(a)

### **68 Functions of Customers Council.**

- (1) For the purpose mentioned in section 67(1) of this Act, the Customers Council shall—
- (a) keep under review all matters appearing to it to affect the interests of customers or potential or former customers of the new water and sewerage authorities;
  - (b) consult each authority about such of those matters as appear to affect the interests of the customers or potential or former customers of that authority; and
  - (c) make such representations as it considers appropriate to those authorities, or as the case may be to that authority, about any such matter.

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- (2) The Customers Council shall investigate any complaint made to it by a customer or potential or former customer of a new water and sewerage authority, as respects a function of that authority (whether as water authority or as sewerage authority), unless it appears to the Council that the complaint is vexatious or frivolous.
- (3) Without prejudice to subsection (1)(c) above, where the Customers Council considers it appropriate to do so in connection with a complaint investigated by it under subsection (2) above, it shall make representations on behalf of the complainer to the authority in question about any matter—
  - (a) to which the complaint relates; or
  - (b) which appears to the Council to be relevant to the subject matter of the complaint.
- (4) The Customers Council shall advise the Secretary of State on any matter which appears to the Council, or to him, to relate to—
  - (a) the standard of service provided by a new water and sewerage authority to their customers; or
  - (b) the manner in which any such authority conduct their relations with their customers or potential or former customers.
- (5) The Customers Council shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions under this Act; and without prejudice to that generality, or to section 70(2) of this Act, may make such arrangements as it thinks fit to inform customers and potential or former customers of the new water and sewerage authorities about matters affecting, or likely to affect, their interests.

#### Commencement Information

- I5** S. 68 wholly in force at 1.4.1996; s. 68 not in force at Royal Assent see s. 184(2); s. 68(1)(4)(5) in force at 30.10.1995 by S.I. 1995/2866, art. 2(b); s. 68(2)(3) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch. 1

#### 69 Power of Customers Council to require information.

A new water and sewerage authority shall, on being requested to do so by the Customers Council, supply the Council with such information held by them as it may reasonably seek in the exercise of its functions under this Act; but where the authority and the Council cannot agree as to whether the information is sought reasonably, either of them may refer the matter to the Secretary of State, whose determination in that regard shall be final.

#### 70 Annual reports by, and information from, Customers Council.

- (1) Without prejudice to subsection (3) below, the Customers Council shall, as soon as practicable after the end of each financial year, make to the Secretary of State a report on its activities during that financial year; but no such report shall be required in respect of any financial year ending before 31st March 1997.
- (2) The Customers Council shall arrange for the report to be published in such manner as it considers appropriate.

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- (3) The Customers Council shall furnish the Secretary of State with such information regarding the exercise, or proposed exercise, of its functions under this Act as he may from time to time require.

## 71 Funding of Customers Council.

- (1) The Secretary of State may, to such extent as may be approved by the Treasury, defray or contribute towards the expenses of the Customers Council.
- (2) Any sums required by the Secretary of State for the purposes of subsection (1) above shall be paid out of money provided by Parliament.
- (3) A new water and sewerage authority shall contribute towards the expenses of the Customers Council by making payments of such amounts, and at such times, to the Council as the Secretary of State may direct.

## 72 References to Monopolies and Mergers Commission.

In section 11(3) of the <sup>M47</sup>Competition Act 1980 (entities as respects which references may be made to the Monopolies and Mergers Commission), after paragraph (c) there shall be inserted the following paragraph—

“(cc) the new water and sewerage authorities, within the meaning of the Local Government etc. (Scotland) Act 1994;”.

### Marginal Citations

M47 1980 c. 21.

## *Environmental protection*

## 73 Duty of new authorities as respects Natural Heritage Area or area of special interest.

- (1) Where an area of land (“the relevant land”)—
- has been designated under section 6(2) of the <sup>M48</sup>Natural Heritage (Scotland) Act 1991 (“the 1991 Act”) as a Natural Heritage Area; or
  - is, in the opinion of Scottish Natural Heritage (“the environmental authority”), of special interest by reason of its flora, fauna or geological or physiographical features,
- and the environmental authority consider that it may at any time be affected by schemes, works, operations or activities of a new water and sewerage authority (“the relevant authority”), the environmental authority shall by written notice advise the relevant authority that they so consider; but they shall forthwith notify the relevant authority of any cancellation or variation, under section 6(7) of the 1991 Act, of the designation or if they cease to be of the opinion mentioned in paragraph (b) above.
- (2) Where the relevant authority intend to carry out any scheme, work, operation or activity which appears to them likely to, as the case may be—
- prejudice significantly the value of the relevant land, or any part of it, as a Natural Heritage Area (the designation mentioned in subsection (1)(a) above



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not having been cancelled or so varied as no longer to apply to the part in question); or

- (b) destroy or damage any of the flora, fauna or features, by reference to which the environmental authority formulated their opinion under subsection (1)(b) above as respects the special interest of the relevant land (notification of their ceasing to be of that opinion not having been given),

the relevant authority shall consult with the environmental authority before commencing the scheme, work, operation or activity.

- (3) Subsection (2) above shall not apply in relation to anything done by the relevant authority in an emergency if particulars of what is done and of the emergency are notified by them to the environmental authority as soon as is practicable after the thing is done.
- (4) Any expression not defined in this Act but used both in this section and in the 1991 Act, shall be construed in accordance with that Act.

#### Marginal Citations

M48 1991 c. 28.

### Charges

#### 74 Charges for services provided.

- (1) Subject to the provisions of this Part of this Act and of sections 9A and 47 of the 1980 Act (no charge for water in certain cases), the powers of a new water and sewerage authority shall include power—
  - (a) to fix charges for any services provided in the course of carrying out their functions; and
  - (b) to demand and recover charges fixed under this section from any person to whom they provide services.
- (2) The powers conferred by subsection (1) above shall be exercisable—
  - (a) by or in accordance with a charges scheme under section 76 of this Act; or
  - (b) by or in accordance with an agreement with the person to be charged.
- (3) Subject to the provisions of this Part of this Act, a new water and sewerage authority may fix charges under this section by reference to such matters, and may adopt such methods and principles for the calculation and imposition of the charges, as appear to them to be appropriate.
- (4) Nothing in this Part of this Act shall entitle a new water and sewerage authority to fix, demand or recover a charge for—
  - (a) under subsection (2) of section 6 of the 1980 Act (duty to provide water supply), taking pipes; or
  - (b) under subsection (2)(a) of section 1 of the 1968 Act (duty to provide sewerage), taking public sewers,to the point or points mentioned in the subsection in question.
- (5) A new water and sewerage authority exercising their powers under subsection (1) above by entering into such agreements as are mentioned in subsection (2)(b) above

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shall endeavour to ensure that no undue preference is shown, and that there is no undue discrimination, in determining the conditions of those agreements.

- (6) Nothing in subsections (1) to (3) above or in any charges scheme under section 76 of this Act shall affect any power of a new water and sewerage authority to fix charges under any power conferred otherwise than under or by virtue of this Part of this Act.

## **75 Maximum charges for services provided with help of new authority.**

- (1) The Secretary of State may from time to time by order fix maximum charges which a person who is not a new water and sewerage authority may recover from another such person in respect of the supply of water to, the provision of sewerage to, or the disposal of sewage for that other person with the help of services provided by any such authority.
- (2) For the purposes of this section, water is supplied to, sewerage provided to, or sewage disposed of for a person with the help of services provided by an authority if—
- (a) a facility for that person to have access to a supply of water provided by the authority, as water authority, in pipes, or to make use of sewerage which is, or facilities for the disposal of sewage which are, provided by the authority as sewerage authority, is made available to that person otherwise than by the authority;
  - (b) that person is provided with a supply of water in pipes by a person to whom the water is supplied, directly or indirectly, by the authority as water authority; or
  - (c) that person is provided with sewerage, or with facilities for the disposal of sewage, by a person who, for the purposes of providing the sewerage or facilities, makes use of sewerage or of such facilities provided, directly or indirectly, by the authority as sewerage authority.
- (3) An order under this section may make different provision in relation to different persons, circumstances or localities and may fix a maximum charge either by specifying the maximum amount of the charge or by specifying a method of calculating that amount.
- (4) Where a person pays a charge in respect of anything to which an order under this section relates and the amount paid exceeds the maximum charge fixed by the order, the amount of the excess shall be recoverable by that person from the person to whom he paid the charge.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 01/11/1999

### **[<sup>F12</sup>75A Commissioner's advice on charges.**

- (1) The Commissioner shall, when required by the Secretary of State, advise him on the matters to be taken into, or left out of, account by the new water and sewerage authorities in fixing charges in charges schemes (within the meaning of section 76(1) of this Act).
- (2) The advice—

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- (a) shall, as the Secretary of State requires, relate to authorities generally or to a particular authority,
  - (b) shall apply in relation to charges schemes made during such period as the Secretary of State may specify (in this section referred to as “the period of the advice”).
- (3) In preparing his advice the Commissioner shall have regard to—
- (a) the economy, efficiency and effectiveness with which authorities are using their resources in exercising their functions,
  - (b) the likely cost to each authority, for the period of the advice, of exercising the functions mentioned in subsection (4) below,
  - (c) the likely borrowing capacity of each authority for the period of the advice,
  - (d) any guidance issued to authorities by the Secretary of State, and
  - (e) any directions issued under section 116 or 117 of this Act.
- (4) The functions referred to in subsection (3)(b) above are—
- (a) complying with any duty to which an authority are subject by virtue of any enactment,
  - (b) complying with any such duty to which they will, or are likely to, become subject during the period of the advice, and
  - (c) providing services to their customers at the same standard, and protection of the environment at the same level, as those at the time when the advice is given, or at such other standard or level as the Secretary of State may specify.
- (5) The Secretary of State shall, within three months of receiving from the Commissioner advice under subsection (1) above—
- (a) accept the advice, with or without modifications, or
  - (b) reject the advice and substitute his own advice for it.
- (6) Where the Secretary of State accepts the Commissioner’s advice with modifications or rejects it, he shall give reasons for doing so.
- (7) The Commissioner shall arrange for the publication, in such manner as he considers appropriate, of advice as accepted, modified or substituted under subsection (5) above, together with any reasons given under subsection (6) above.]

#### Textual Amendments

**F12** S. 75A inserted (1.11.1999) by 1999 c. 9, s. 13; S.S.I. 1999/133, art. 2(a)

## 76 Charges schemes.

- (1) A new water and sewerage authority may, in accordance with this section, make a scheme (in this Part of this Act referred to as a “charges scheme”) which (either or both)—
- (a) fixes the charges to be paid for any relevant services provided by them;
  - (b) makes provision with respect to the times and methods of payment of the charges fixed by the scheme.
- (2) Services are relevant for the purposes of subsection (1)(a) above if they are provided by the authority in the course of carrying out their functions and are not services as

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respects which conditions as to payment may be imposed under section 29(3)(j) of the 1968 Act (conditions relating to the reception, treatment and disposal of trade effluent).

- (3) A charges scheme may—
- (a) make different provision for different cases, or classes of case, including different provision in relation to different circumstances or localities;
  - (b) contain supplemental, consequential and transitional provisions for the purposes of the scheme;
  - (c) revoke or amend a previous charges scheme.
- (4) A charges scheme shall not come into force before—
- (a) it has been sent in draft to, and approved by, the Customers Council, such approval being to the scheme having effect either—
    - (i) without modifications; or
    - (ii) with such modifications as, after consulting with and obtaining the agreement of the authority, the Council thinks fit to make; or
  - (b) where the Council is not prepared to give approval under paragraph (a) above, or cannot obtain the agreement of the authority to some or all of the modifications which it would make under sub-paragraph (ii) of that paragraph, the draft (with any modifications to it which may have been agreed between the Council and the authority) has been sent by the Council to, and approved by, the Secretary of State, such approval being to the scheme having effect either—
    - (i) without modifications (or further modifications); or
    - (ii) with such modifications as, after consulting with the Council and the authority, he thinks fit to make,
 and the scheme shall have effect accordingly.
- (5) Where three months have elapsed since the Customers Council has received a charges scheme in draft by virtue of paragraph (a) of subsection (4) above and the Council has neither given approval under that paragraph nor sent the draft to the Secretary of State under paragraph (b) of that subsection, the new water and sewerage authority which made the scheme may require the Council so to send it to him.
- (6) Where, under—
- (a) paragraph (a) of subsection (4) above, the Customers Council gives approval to a charges scheme it shall send a copy of the scheme as so approved to the Secretary of State;
  - (b) paragraph (b) of that subsection, the Secretary of State gives approval to such a scheme he shall send a copy of the scheme as so approved to the Council.
- (7) A new water and sewerage authority in making a charges scheme, and the Customers Council and the Secretary of State in considering whether to give approval to such a scheme, shall endeavour to ensure that no undue preference is shown, and that there is no undue discrimination, in the fixing of charges.
- (8) Nothing in any charges scheme shall affect any power of a new water and sewerage authority to enter into such an agreement with any person in any particular case as determines the charges to be made for the services provided to that person by them.

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## 77 Publication of summary of charges scheme.

A new water and sewerage authority shall, on a charges scheme made by them being approved under section 76(4) of this Act—

- (a) provide, at such offices of the authority, and at such other places, as the authority think fit, reasonable facilities—
  - (i) for inspection of the scheme by any person; and
  - (ii) for any person to take a copy of the scheme, or of an extract of it, on his paying such reasonable amount as the authority may determine; and
- (b) advertise those facilities, and publish such summary of the scheme as appears to them to be appropriate, in at least one newspaper circulating in their water and sewerage areas.

## 78 Liability of occupiers etc. for charges.

(1) Subject to the following provisions of this section and except in so far as provision to the contrary is made by any agreement to which a new water and sewerage authority are a party—

- (a) supplies of water provided by them shall be treated for the purposes of this Part of this Act as services provided to the occupier for the time being of any premises supplied; and
- (b) the provision of sewerage, and the disposal of sewage, provided by them shall be treated for such purposes as provision to, or as disposal for, the occupier for the time being of any premises which—
  - (i) are drained by a sewer or drain connecting, either directly or through an intermediate sewer or drain, with such a public sewer of the authority as is provided for foul water or surface water or both; or
  - (ii) are premises the occupier of which has, in respect of the premises, the benefit of facilities which drain to a sewer or drain so connecting;

and such supply of water, provision of sewerage or disposal of sewage are referred to in subsection (2) below as “relevant services”.

(2) Subject to subsection (3) below, charges which, under the preceding provisions of this Part of this Act, are fixed in relation to any premises by reference to volume may be imposed so that a person remains liable, in relation to those premises, to pay charges for relevant services provided by a new water and sewerage authority after the person has ceased to be occupier of the premises.

(3) A person shall not be liable by virtue of subsection (2) above for any charges fixed in relation to any premises by a new water and sewerage authority except where—

- (a) he fails to inform the authority of the ending of his occupation of the premises at least two working days before he ceases to occupy them; and
- (b) the charges are in respect of a period ending no later than with the first relevant day.

(4) In paragraph (b) of subsection (3) above, “the first relevant day” means whichever of the following first occurs after the person ceases to occupy the premises—

- (a) where the person informs the authority of the ending of his occupation (but not timeously), the twenty-eighth day after informing the authority;
- (b) any day on which any meter would normally have been read in order for the amount of the charges to be determined;

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- (c) any day on which any other person informs the authority that he has become the new occupier of the premises.
- (5) In subsection (3)(a) above, reference to two working days is to a period of forty-eight hours calculated after disregarding any time falling on—
- (a) a Saturday or Sunday;
  - (b) Christmas Day or Good Friday; or
  - (c) a day which is a bank holiday in Scotland under the <sup>M49</sup>Banking and Financial Dealings Act 1971.
- (6) In the application of this section to services which are the subject of a determination under section 79(1)(a) of this Act, references in subsection (1) above to the occupier of premises shall be construed as references to the person liable under or by virtue of sections 75 to 77 of the <sup>M50</sup>Local Government Finance Act 1992 to pay council tax in respect of the premises (“council tax” being construed in accordance with section 70(1) of that Act).

#### Marginal Citations

**M49** 1971 c. 80.

**M50** 1992 c. 14.

## 79 Collection of charges by local authority.

- (1) The Secretary of State may by order determine—
- (a) that as respects services provided, within a financial year specified in the order, by a new water and sewerage authority (in this section referred to as the “providing authority”) to dwellings within the area of a local authority (in this section and in Schedule 10 to this Act referred to as the “collecting authority”), or within such part of that area as may be so specified, the collecting authority and not the providing authority shall demand and recover charges (other than charges in respect of a supply of water taken by meter) payable for those services under a charges scheme ; and
  - (b) that the collecting authority shall, at such intervals as may be so specified, make such payments to the providing authority (to whom no other amount shall be payable under the charges scheme for the services provided) as may be so specified or as may be determined in accordance with the provisions of the order.
- (2) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under subsection (1) above may include provision as to—
- (a) forms and procedures which the collecting authority shall adopt in demanding payment;
  - (b) circumstances in which a customer of the providing authority who is aggrieved by a decision or calculation of the collecting authority may appeal—
    - (i) except in a case specified by virtue of sub-paragraph (ii) below, to a valuation appeal committee (constituted under section 29 of this Act);
    - or

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- (ii) in a case which the order may specify, to a body constituted under the order (or under a previous such order) to consider appeals as respects any such case;
  - (c) procedures to be followed in any appeal by virtue of paragraph (b) above;
  - (d) the provision, for the purposes of this section, of information by the providing authority to the collecting authority; or
  - (e) the keeping by the collecting authority of accounts and records as respects their functions by virtue of this section and the exhibition of, or of copies of, such accounts and records to the providing authority.
- (4) Schedule 10 to this Act shall apply as respects the recovery by diligence of charges payable to a collecting authority by virtue of the foregoing provisions of this section.
- (5) In subsection (1)(a) above, “dwelling” has the same meaning as in Part II of the <sup>M51</sup>Local Government Finance Act 1992.

#### Commencement Information

**I6** S. 79 wholly in force at 1.4.1996; s. 79 not in force at Royal Assent see s. 184(2); s. 79(1)–(3)(5) in force at 17.7.1995 by S.I. 1995/1898, art. 2(a), Sch.; s. 79(4) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch. 1

#### Marginal Citations

**M51** 1992 c. 14.

## **80 Power to demand and recover charges not to affect duty to maintain domestic water supply etc.**

Subsections (1)(b) of section 74 and (1), (3) and (4) of section 79 of this Act are without prejudice to the duties of a new water and sewerage authority under section 6 of the 1980 Act (which include the duty to maintain a supply of wholesome water provided to meet a requirement for domestic purposes) or to the entitlements of any person under section 12 or 13 of the 1968 Act (which include the entitlement of an occupier of premises to drain into public sewers to which the drains or private sewers of the owner of the premises are connected).

## **81 Reduced charges.**

- (1) The Secretary of State may make regulations as regards any case where—
- (a) a person is, under a charges scheme, liable to pay an amount to a new water and sewerage authority or to a local authority; and
  - (b) conditions prescribed in the regulations are fulfilled.
- (2) The regulations may provide that the amount the person is liable to pay shall be an amount which—
- (a) is less than the amount it would be but for the regulations; and
  - (b) is determined in accordance with rules prescribed in the regulations.
- (3) The conditions mentioned in subsection (1)(b) above, and the rules referred to in subsection (2)(b) above, may be prescribed by reference to such factors as the Secretary of State thinks fit.

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- (4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **82 Arrears of charges: restrictions on voting.**

- (1) This section applies at any time to a member of a local authority, or a member of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), if at that time a charge payable by virtue of section 79(1) of this Act has become payable by him and has remained unpaid for at least two months.
- (2) Subject to subsection (4) below, if a member to whom this section applies is present at a meeting of the authority or committee at which any matter concerning how the authority are to exercise such functions as they have by virtue of section 79 of this Act is a subject of consideration, he shall, at the meeting and as soon as practicable after its commencement, disclose the fact that this section applies to him and shall not vote on any question with respect to the matter.
- (3) If a person fails to comply with subsection (2) above, he shall be guilty of an offence, and shall for each such offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale, unless he proves that he did not know—
- (a) that this section applied to him at the time of the meeting; or
  - (b) that the matter in question was a subject of consideration at the meeting.
- (4) Subsections (1) to (3) of section 41 of the 1973 Act (removal or exclusion of disability) shall apply in relation to, and to any disability imposed by, this section as they apply in relation to, and to any disability imposed by, section 38 of that Act (provisions as to disability of members of authorities from voting).
- (5) In subsection (1) above “joint committee” has the meaning given by section 235(1) of the 1973 Act.

### *Finances of new authorities*

## **83 Duties and powers relating to finance.**

- (1) It shall be the duty of a new water and sewerage authority so to discharge their functions as to secure that, taking one year with another, their revenue is not less than sufficient to meet their total outgoings.
- (2) The Secretary of State may, with the approval of the Treasury, by order direct that a new water and sewerage authority shall discharge their functions, during any period specified in the direction, with a view to securing that they achieve in respect of that period a rate of return on the value of their net assets (as for the time being defined for the purposes of this section by the Secretary of State) which is not less than such rate as the Secretary of State specifies in the direction as the rate of return which he considers it is reasonable for the authority in question to achieve; but a statutory instrument containing any order made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) After consultation with a new water and sewerage authority, the Secretary of State may, with the approval of the Treasury, determine that the authority shall (in addition to



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or in place of a duty imposed by virtue of subsection (2) above but without prejudice to the duty imposed by subsection (1) above) be subject to a specified duty of a financial nature; and different determinations may be so made in relation to different authorities and to different functions and activities of an authority.

- (4) Where a duty specified in a determination under subsection (3) above is in place of a duty imposed by virtue of subsection (2) above, the determination shall be by order.
- (5) A determination under subsection (3) above may—
  - (a) relate to a period beginning before the date on which it is made;
  - (b) contain incidental or supplemental provisions;
  - (c) be varied (by order where the determination was by order) by a subsequent determination under that subsection.
- (6) An order made by virtue of subsection (4) above shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.
- (7) It shall be the duty of a new water and sewerage authority to secure that their charges make a proper contribution to their duties, as respect financial matters, under this Part of this Act, taking into account—
  - (a) the authority's present circumstances and future prospects; and
  - (b) any duty imposed on them by virtue of subsection (2) or (3) above.

## **84 Financing and borrowing.**

- (1) The Secretary of State may—
  - (a) out of money provided by Parliament and subject to such conditions as he thinks fit to impose, make payment under this paragraph (except for the purpose mentioned in paragraph (b) below), by way of grant to a new water and sewerage authority—
    - (i) in respect of the exercise of their functions; and
    - (ii) in respect of their administrative expenses;
  - (b) out of money so provided, make payment under this paragraph by way of grant to such an authority for the purpose of meeting, or alleviating, any loss they may sustain—
    - (i) by reason of their complying with a direction given under section 117 of this Act; or
    - (ii) by virtue of regulations made under section 81 of this Act,of such sums as he may, with the consent of the Treasury, determine.
- (2) Subject to subsection (7) below, for the purpose of the exercise of any of their functions, a new water and sewerage authority—
  - (a) may, subject to such conditions as, with the consent of the Treasury, the Secretary of State thinks fit to impose, borrow from him, and he may lend to them, sums of such amounts as he may, with such consent, determine; and
  - (b) may, with the consent of the Secretary of State given with the approval of the Treasury, borrow money, whether in sterling or otherwise, from any other person or body, whether in the United Kingdom or elsewhere.
- (3) Where a body (whether the Board or a local authority) whose property, rights and liabilities are to be transferred to a new water and sewerage authority under a transfer scheme, is liable to repay an amount borrowed, sums lent to the new water and

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sewerage authority under paragraph (a) of subsection (2) above may, without prejudice to the generality of that paragraph, include sums to be paid by them to the body for the purpose of enabling the body, before the transfer date, to make such repayment; and a body who receive an amount from a new water and sewerage authority by virtue of this subsection shall, in accordance with any direction to them under this subsection by the Secretary of State, use the amount for that purpose.

- (4) Any loans made in pursuance of subsection (2)(a) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may from time to time, with the consent of the Treasury, direct.
- (5) The Treasury may issue, out of the National Loans Fund, to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of subsection (2)(a) above; and any sums received by him in pursuance of subsection (4) above shall be paid into that fund.
- (6) It shall be the duty of the Secretary of State, as respects each financial year—
  - (a) to prepare, in such form and manner as the Treasury may direct, an account of sums issued to the Secretary of State in pursuance of subsection (5) above, of any sums required to be paid into the National Loans Fund in pursuance of that subsection and of the disposal by him of the respective sums; and
  - (b) to send a copy of the account to the Comptroller and Auditor General not later than the end of the month of November next following that financial year;
 and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it, and of his report on it, before each House of Parliament.
- (7) The aggregate amount outstanding, otherwise than by way of interest, in respect of—
  - (a) all lending to the new water and sewerage authorities under subsection (2) above; and
  - (b) all amounts borrowed which those authorities are liable to repay by virtue of section 91(1) of this Act,
 shall not exceed £3,000 million, or such greater sum not exceeding £4,500 million as the Secretary of State may, with the consent of the Treasury, by order specify.
- (8) An order made under subsection (7) above shall not be made unless a draft of the order has been laid before, and approved by resolution of, the Commons House of Parliament.

## 85 Guarantees.

- (1) The Secretary of State may, with the consent of the Treasury, guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, any sums which a new water and sewerage authority borrow from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this section, the Secretary of State shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, he shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in

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which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.

- (3) Any sums required by the Secretary of State for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued by the Secretary of State in fulfilment of a guarantee given by him under this section the authority in question shall make to him, at such times and in such manner as, with the consent of the Treasury, he may from time to time direct, payments of such amounts as, with such consent, he may so direct in or towards repayment of the sums so issued and payments of interest, at such rate as, with such consent, he may so direct, on the amount outstanding for the time being in respect of sums so issued.

## 86 Directions as to payment and investment.

The Secretary of State may from time to time, after consultation with a new water and sewerage authority, direct them—

- (a) to pay to him, on a date specified in the direction, such sum as may be so specified, being a sum not required; or
- (b) to invest, in such manner as may be so specified, such sum as may be so specified, being a sum not immediately required,

for the exercise of their functions nor apart from this section payable under or by virtue of any provision of this Act.

## 87 Accounts.

- (1) It shall be the duty of a new water and sewerage authority—
  - (a) to keep proper accounts and proper records in relation to the accounts; and
  - (b) to prepare in respect of each financial year a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the authority in question.
- (2) Every statement of accounts prepared by an authority in accordance with this section shall comply with any requirement which the Secretary of State has, with the consent of the Treasury, notified in writing to the authority and which relates to—
  - (a) the information to be contained in the statement;
  - (b) the manner in which that information is to be presented; or
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) In this Part of this Act “financial year” means any period of twelve months ending with, and including, the last day of March.

## 88 Audit of accounts.

- (1) The accounts of a new water and sewerage authority shall be audited by auditors appointed for each financial year by the Secretary of State.
- (2) A person shall not be eligible for appointment for the purposes of subsection (1) above unless he is eligible for appointment as a company auditor under section 25 of the <sup>M52</sup>Companies Act 1989.

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- (3) A copy of any accounts of an authority which are audited under subsection (1) above and of the report made on those accounts by the auditors shall be sent to the Secretary of State as soon as reasonably practicable after the report is received by the authority; and the Secretary of State shall lay a copy of any accounts or report sent to him under this subsection before Parliament.
- (4) In this section “accounts”, in relation to an authority, includes any statement under section 87 of this Act.

#### Marginal Citations

M52 1989 c. 40.

### *Subsidiary powers of new authorities*

#### **89 Subsidiary powers of new authorities.**

- (1) A new water and sewerage authority may—
- (a) commission or support (whether by financial means or otherwise) research which in their opinion is relevant to, or directly related to, any of their functions; or
  - (b) themselves initiate and carry out research which in their opinion is directly related to any of their functions.
- (2) With the consent of the Secretary of State, a new water and sewerage authority—
- (a) may form or promote, or join with any other person in forming or promoting, a company (within the meaning of the <sup>M53</sup>Companies Act 1985);
  - (b) may (whether in Scotland or elsewhere) provide advice and assistance to any person as respects any matter in which they have skill and experience.
- (3) Without prejudice to any powers exercisable apart from this subsection but subject to the provisions of this Act and of the 1968 and 1980 Acts, a new water and sewerage authority shall have power to do anything (whether in Scotland or elsewhere) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

#### Marginal Citations

M53 1985 c. 6.

### *Dissolution of Central Scotland Water Development Board*

#### **90 Dissolution of Central Scotland Water Development Board.**

- (1) The Central Scotland Water Development Board shall be dissolved on 1st April 1996.
- (2) Notwithstanding the repeal by this Act of paragraph (c) of section 106(1) of the 1973 Act (application of certain provisions of that Act to bodies other than local authorities etc.), the provisions applied by virtue of that paragraph to the Board shall, as respects the financial year ending on 31st March 1996, continue to apply after that date in

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relation to the Board; but anything which shall or may be done or enjoyed, or any access, inspection or copying which shall or may be allowed, under or by virtue of any of those provisions or of section 118 of that Act (financial returns) by, or by an officer of, the Board shall, or as the case may be may, after that date, be done, enjoyed or allowed by, or by an officer of, the East of Scotland Water Authority in place of the Board or of an officer of the Board.

*Transfer of property, rights and liabilities to new authorities*

**91 Transfer of property, rights and liabilities to new authorities.**

- (1) Subject to subsections (8) and (9) below, and to section 95 of this Act, on 1st April 1996 (in this Part of this Act referred to as “the transfer date”) all property, rights and liabilities to which—
- (a) the Central Scotland Water Development Board (in this Part of this Act referred to as “the Board”) are entitled or subject immediately before that date; and
  - (b) the regional and islands councils, in the exercise of their functions under any enactment in relation to water supply, to the provision of sewerage and to their dealing with the contents of sewers, are so entitled or subject (in this section referred to as their “relevant” property, rights and liabilities),
- shall, by virtue of this subsection, transfer to and vest in the new water and sewerage authorities and be allocated as between those authorities in accordance with such schemes as are mentioned in subsection (2) below.
- (2) Subject to subsections (5) and (7) below, on or before such date as the Secretary of State may direct (in this section referred to as the “scheme submission date”), the Board and each of the regional and islands councils shall make and submit to him a scheme for the transfer under subsection (1) above of—
- (a) the Board’s; or
  - (b) as the case may be, the council’s relevant,
- property, rights and liabilities (any such scheme so made, or made by the Secretary of State under subsection (8) below, being in the following provisions of this Part of this Act referred to as a “transfer scheme”).
- (3) The transfer scheme submitted by the Board shall, subject to section 95 of this Act, provide for all their property, rights and liabilities to be transferred to, and apportioned between, the new water and sewerage authorities in accordance with such guidance as may be given to the Board by the Secretary of State under this subsection.
- (4) The transfer scheme submitted by a regional or islands council shall, subject to subsection (5) below and to section 95 of this Act, provide in the case of—
- (a) Lothian, Borders, Fife or Central Region, for all their relevant property, rights and liabilities to be transferred to the East of Scotland Water Authority;
  - (b) Strathclyde or Dumfries and Galloway Region, for all their relevant property, rights and liabilities to be transferred to the West of Scotland Water Authority;
  - (c) Highland or Grampian Region or an Islands Area, for all their relevant property, rights and liabilities to be transferred to the North of Scotland Water Authority; and
  - (d) Tayside Region—

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- (i) for all their relevant property, rights and liabilities except such as they are entitled or subject to in the exercise of functions in relation to the provision of sewerage, or dealing with the contents of sewers, in the first added area (within the meaning of Schedule 8 to this Act), to be transferred to the North of Scotland Water Authority; and
  - (ii) for the property, rights and liabilities excepted by sub-paragraph (i) above to be transferred to the East of Scotland Water Authority.
- (5) In preparing a transfer scheme for the purposes of subsection (1) above a council shall take into account any advice given by the Secretary of State as to the provisions he regards as appropriate for inclusion in the scheme (and in particular, but without prejudice to that generality, as to the description of relevant property, rights and liabilities it is in his view appropriate to transfer to the new water and sewerage authority or authorities in question).
- (6) The Secretary of State, after such consultation with the Board or, as the case may be, with the council which prepared the transfer scheme, as he thinks fit, may—
  - (a) approve the scheme, either with or without modifications; or
  - (b) refuse to approve it,
 and a transfer scheme approved under this subsection shall come into force on the transfer date.
- (7) Before the scheme submission date the Secretary of State may give notice to the Board, or as the case may be to a council, that on the basis of such information as has (or has not) been submitted to him by the body in question, he considers it unlikely that the body will be in a position, by that date, to submit a transfer scheme to him in conformity with subsections (2) to (4), or as the case may be (5), above; and a body to which such notice is given need not comply (and shall take no further steps to comply) with subsection (2) above.
- (8) If—
  - (a) the Secretary of State has given notice to the Board or to a council under subsection (7) above;
  - (b) the Board or council do not submit a transfer scheme under subsection (2) above; or
  - (c) the Board or council submit a transfer scheme which (either or both)—
    - (i) has not been prepared in accordance with the provisions of this Part of this Act; or
    - (ii) could not reasonably be approved by the Secretary of State even after the exercise by him, as extensively as he considers appropriate, of his powers of modification under subsection (6)(a) above,
 he may, in respect of the property, rights and liabilities of the Board or as the case may be of the relevant property, rights and liabilities of the council in question, himself make a transfer scheme to take effect on the transfer date.
- (9) There shall not transfer or vest by virtue of subsection (1) above—
  - (a) any right as respects—
    - (i) a charge or rate mentioned in sub-paragraphs (a) to (c) of paragraph 1 of Schedule 11 to the <sup>M54</sup>Local Government Finance Act 1992 (charges or rate out of which expenditure incurred by local authority in meeting requisition under Part IV or VIII of the 1980 Act, or in the exercise of functions in relation to water supply, to be met);

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- (ii) a community charge or community water charge (within the meaning of the <sup>M55</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987) or council tax (within the meaning of Part II of the said Act of 1992); or
  - (iii) a non-domestic sewerage rate (whether levied under paragraph 19 of Schedule 5 to the said Act of 1987 or under paragraph 20 of the said Schedule 11); or
  - (b) any right or liability arising under a contract of employment.
- (10) Where the Secretary of State makes a transfer scheme under subsection (8) above, he may recover his reasonable expenses in so doing, or such proportion of those expenses as he thinks fit—
- (a) before the transfer date, from the Board or as the case may be from the council in question; or
  - (b) on or after the transfer date, from the authority to which property, rights and liabilities of the council have transferred by virtue of paragraph (a), (b), (c) or as the case may be (d)(i) of subsection (4) above or, in the case of the Board, from the authority mentioned in the said paragraph (a),
- by such means as appear to him to be appropriate; and without prejudice to the generality of this subsection those means may include, as respects a council, setting off the expenses payable by them against revenue support grant or non-domestic rate income payable by him to them under paragraph 3 of Schedule 12 to the <sup>M56</sup>Local Government Finance Act 1992.

#### Marginal Citations

**M54** 1992 c. 14.

**M55** 1987 c. 47.

**M56** 1992 c. 14.

## 92 Transfer schemes: general.

- (1) A transfer scheme may—
- (a) define the property, rights and liabilities to be transferred to the transferee—
    - (i) by specifying the property, rights and liabilities in question;
    - (ii) by specifying all the property, rights and liabilities referable to a particular part of the transferor’s functions; or
    - (iii) partly in the one way and partly in the other;
  - (b) provide that any rights or liabilities specified, or described, in the scheme shall be enforceable by or against either the transferor’s successor or the transferee or by or against both the successor and the transferee;
  - (c) impose on the successor or the transferee an obligation to enter into such written agreements with, or execute such other instruments in favour of, as the case may be, the transferee or the successor or such other person as may be specified in the scheme;
  - (d) make appropriate supplemental, incidental, consequential or transitional provision.
- (2) An obligation imposed by a provision included in a transfer scheme by virtue of paragraph (c) of subsection (1) above shall be enforceable by civil proceedings by

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the successor or the transferee or the other person for an interdict or for any other appropriate remedy.

(3) A transaction of any description which is effected in pursuance of any such provision as is mentioned in subsection (2) above—

- (a) shall have effect subject to any enactment which provides for transactions of that description to be registered in a statutory register; and
- (b) subject to paragraph (a) above, shall be binding on all other persons notwithstanding the transaction would, apart from this subsection, have required the consent or concurrence of any other person.

(4) A right of pre-emption, right of irritancy or similar right affecting land (including, without prejudice to the generality of the expression “similar right”, any right under a clause providing for return or reversion in specified circumstances) shall not operate or become exercisable as a result of any transfer of land—

- (a) by virtue of a transfer scheme;
- (b) by or under an agreement or instrument made or executed pursuant to any provision of Schedule 11 to this Act or pursuant to any directions given, or requirement imposed, under that Schedule; or
- (c) pursuant to an obligation imposed by a provision included in a transfer scheme by virtue of paragraph (c) of subsection (1) above;

and, without prejudice to paragraph 8 of that Schedule, any such right shall accordingly have effect in the case of any such transfer as if the transferee in relation to that transfer were the same person in law as the transferor and as if no transfer of the land had taken place.

(5) Subsection (4) above shall have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, land; or
- (b) the doing of any other thing in relation to land,

as it has effect in relation to a transfer of land; and any reference in that subsection or in the following provisions of this section to the transferor or the transferee shall be construed accordingly.

(6) In any case where any such right as is mentioned in subsection (4) above would, apart from that subsection, have operated in favour of, or become exercisable by, a person, but the circumstances are such that, in consequence of the operation of that subsection, the right cannot subsequently operate in favour of that person or, as the case may be, become exercisable by him, such compensation as may be just shall be paid to him by the transferor, the transferor’s successor or the transferee (or, in so far as the particular application of these provisions admits, by any two or by all of them) in respect of the extinguishment of the right.

(7) Any dispute as to whether any, and (if so) how much, compensation is payable under subsection (6) above, or as to the person to whom or authority by whom it shall be paid, shall be referred to and determined by an arbiter appointed by the Lord President of the Court of Session.

(8) Subject to subsection (10) below, if it appears to the regional council, or as the case may be to the islands council or the Board, that a person is, or may be, entitled to compensation under subsection (6) above—

- (a) they shall by written notice inform the person that he is, or may be, so entitled and shall invite him to make such representations as he wishes to them within fourteen days after the date of issue of the notice; or



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- (b) where they do not know (either or both)—
  - (i) the name of the person concerned;
  - (ii) his address,they shall publish, in such manner as they consider appropriate, a notice containing information about the interest affected and inviting any person who thinks that he is, or may be, entitled to compensation in respect of the interest to make such representations as he wishes to them by a date which they shall specify in the notice, being a date not less than twenty-eight days after the date of publication.
- (9) Any reference in this Part of this Act to a transferor's successor is inapplicable where the transferor is the Board and is otherwise to be construed as a reference to the council for any local government area named in column 1 of Schedule 1 to this Act which is wholly or partly conterminous with the area of the transferor.
- (10) Where the last of the fourteen days after the date of issue of a notice under paragraph (a) of subsection (8) above falls on or after the transfer date, or the date specified in a notice published under paragraph (b) of that subsection so falls, and the representations are invited by—
  - (a) a transferor other than the Board, the notice shall direct that any such representations be made to the transferor or, on or after that date, to the transferor's successor;
  - (b) the Board, the notice shall direct that any such representations be made to the Board or, on or after that date, to a specified transferee of the Board (the transferee in question being that which appears to the Board to be the most appropriate in the circumstances).

### **93 Preparations for transfer of functions etc. to new authorities.**

- (1) Subject to the provisions of this Act, a regional or islands council or the Board may do anything which is calculated to facilitate, or is conducive or incidental to, the prospective transfer—
  - (a) of their property, rights and liabilities which is provided for in section 91(1) of this Act; or
  - (b) of their rights and liabilities under contracts of employment which is provided for by virtue of section 97 of this Act.
- (2) All the regional or islands councils whose areas fall, wholly or partly, within either or both of the areas mentioned in—
  - (a) paragraph (a) of subsection (1) of section 62 of this Act may jointly establish, or be required by the Secretary of State jointly to establish, a committee to consider any matter which it is expedient should be considered before 1st April 1996 in order to ensure the effective operation of the East of Scotland Water Authority thereafter;
  - (b) paragraph (b), or as the case may be paragraph (c), of that subsection, may so establish or be required by the Secretary of State so to establish, a committee to consider as respects, respectively, the West of Scotland Water Authority or the North of Scotland Water Authority any such matter as a committee established under paragraph (a) above is to consider as respects the East of Scotland Water Authority

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- (3) A committee established under subsection (2) above shall consist of such number (and respective numbers) of representatives of the councils by whom it is established as may be agreed between the councils or, in default of agreement, as may be determined by the Secretary of State.
- (4) Any expenses incurred by a committee established under subsection (2) above shall be defrayed by the councils by whom the committee was established in such proportions respectively as may be agreed between them or, in default of agreement, as may be determined by the Secretary of State.

**94 Power to require provision of information and assistance as respects transfer schemes.**

- (1) The Secretary of State may direct the Board or any regional or islands council to furnish him, within such period as he may specify (being a period of not less than twenty-one days from the giving of the direction), with such information and assistance as he may require for the purposes of, or in connection with, his functions under section 91 of this Act.
- (2) Without prejudice to the generality of subsection (1) above, the assistance mentioned in that subsection includes allowing a person who is authorised for the purposes of this section by the Secretary of State (and who need not be an officer of the Secretary of State) access to land or premises of the Board, or as the case may be of the council, at such reasonable times as that person may request.
- (3) For the purposes of subsection (2) above—
  - (a) the period of not less than twenty-one days mentioned in subsection (1) above shall be the period by the end of which access must be allowed if requested in accordance with subsection (2); and
  - (b) a consecutive following period shall be specified in the direction under subsection (1) above, during which requests by the person for access (which may include access at the reasonable times for the whole or any part of so much of that period as for the time being remains) shall continue to be allowed.

**95 Supplementary provision as to transfer schemes.**

Schedule 11 to this Act shall apply to transfers under this Part of this Act.

**96 Transfer schemes: exemption from stamp duty and stamp duty reserve tax.**

- (1) Stamp duty shall not be chargeable on a transfer scheme or, subject to subsection (2) below, on any instrument which is certified to the Commissioners of Inland Revenue by the Secretary of State as having been made in pursuance of such a scheme.
- (2) No instrument which is certified as mentioned in subsection (1) above shall be taken to be duly stamped unless—
  - (a) it is stamped with the duty to which it would but for that subsection be liable; or
  - (b) it has, in accordance with section 12 of the <sup>M57</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped.

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- (3) Stamp duty shall not be chargeable on any instrument which is made for the purposes of Schedule 11 to this Act.
- (4) No agreement made for the purposes of, or for purposes connected with, a transfer scheme shall give rise to a charge to stamp duty reserve tax; and no agreement which is made in pursuance of the said Schedule 11 shall give rise to such a charge.

#### Marginal Citations

M57 1891 c. 39.

### *Transfer etc. of staff*

#### **97 Staff: application of Chapter 2 of Part I etc.**

- (1) In consequence of, or in connection with, the transfer and vesting effected by virtue of section 91(1) of this Act, the Secretary of State may by order under section 8(1) of this Act make provision in relation to the transfer of staff from the Board and from the regional and islands councils to the new water and sewerage authorities; and, subject to subsection (2) below, sections 8 and 9 of this Act shall apply as respects any such transfer as those sections apply to the transfer of staff from an existing local authority (however defined in those sections) to a new authority (however so defined).
- (2) Subsections (3) and (4) of section 8 of this Act shall apply as respects such employees of the Board or of an islands council as are transferred to a new water and sewerage authority as those subsections apply as respects employees of a regional council who are so transferred (subsection (6) of that section applying to an order made by virtue of this subsection as that subsection applies to an order made by virtue of subsection (1) above).
- (3) Section 10 of this Act shall apply as respects persons ceasing to be employed by the Board or by an islands council and being employed by a new water and sewerage authority as that section applies as respects persons ceasing to be employed by an existing local authority (as defined in that section) and being employed by another person (whether or not a new water and sewerage authority).
- (4) The advisory body designated, or as the case may be established, under section 11 of this Act shall carry out such functions in relation to the employees of the Board and, in so far as wholly or mainly employed in the exercise of such functions as are mentioned in section 91(1)(b) of this Act, of the islands authorities as the advisory body have, under section 11, in relation to employees of existing local authorities (as defined in subsection (10) of section 11); and, subject to subsection (5) below, subsections (3) to (8) and (11) of section 11 shall apply accordingly.
- (5) As applied by subsection (4) above—
  - (a) subsections (3) to (6) of section 11 of this Act shall be construed as if references to an authority (unqualified by the word “local”) were references to the Board or to an islands council; and
  - (b) subsection (7) of that section shall be construed as if—
    - (i) the reference to an authority not having ceased to exist were a reference to the Board not having ceased to exist or to an islands

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- authority not having ceased to have such functions as are mentioned in section 91(1)(b) of this Act; and
- (ii) the references to “an existing authority”, “the authority” and “the local authority concerned” shall be construed as references to the Board or to an islands council.
- (6) The staff commission established under section 12 of this Act shall carry out such functions in relation to the employees of the Board and, in so far as wholly or mainly employed in the exercise of such functions as are mentioned in section 91(1)(b) of this Act, of the islands authorities as the commission have, under or by virtue of section 12, in relation to staff transferred from an existing local authority (as defined in subsection (8) of section 12) to a new authority (as so defined).
- (7) This subsection applies to any person who, at any time after the passing of this Act, is in the service—
- (a) of the Board or, in so far as wholly or mainly employed in the exercise of such functions as are mentioned in section 91(1)(b) of this Act, of an islands council; or
- (b) of a new water and sewerage authority,
- and who suffers loss of employment or diminution of emoluments which is attributable to any provision made by, under or by virtue of this Part, or Part V, of this Act.
- (8) Subsections (2) to (6) of section 13 of this Act shall apply as respects a person to whom subsection (7) above applies as they apply as respects a person to whom that section applies.

#### Commencement Information

- I7** S. 97 wholly in force at 4.1.1995; s. 97 not in force at Royal Assent see s. 184(2); s. 97(6) in force at 8.11.1994 and in force at 4.1.1995 insofar as not already in force by S.I. 1994/2850, arts. 2, 3(a), Schs. 1, 2

### *Land transactions*

#### **98 Acquisition of land by agreement.**

- (1) A new water and sewerage authority may under this subsection, for the purposes of any of their functions under this or any other enactment or for the purpose of there being provided, by some person other than themselves—
- (a) a supply of water to the public; or
- (b) a system, to which the public shall have access, of drains, sewers or sewage treatment works,
- acquire by agreement any land (other than water rights) whether situated inside or outside their water area or sewerage area.
- (2) In relation to any acquisition of land under subsection (1) above, the Lands Clauses Acts (except in so far as they relate to acquisition other than by agreement and to access to the special Act and except sections 120 to 125 of the <sup>M58</sup>Lands Clauses Consolidation (Scotland) Act 1845), and—
- (a) in a case where the acquisition is in relation to the authority’s functions as sewerage authority or for the purpose of the provision of a system such as is

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mentioned in paragraph (b) of that subsection, sections 6 and 70 to 78 of the <sup>M59</sup>Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the <sup>M60</sup>Mines (Working Facilities and Support) Act 1923); and

(b) in any other case, the said section 6 and Part IV of Schedule 4 to the 1980 Act, are hereby incorporated with this section; and, in construing those Acts for the purposes of that subsection, this section shall be deemed to be the special Act and the authority shall be deemed to be the promoters of the undertaking or company as the case may require.

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**Marginal Citations**

**M58** 1845 c. 19.

**M59** 1845 c. 33.

**M60** 1923 c. 20.

## 99 Compulsory acquisition of land.

- (1) Without prejudice to the provisions of any order under section 17 of the 1980 Act (acquisition of water rights) and subject to section 18 of that Act (authorisation of compulsory acquisition of land necessary for purposes of order under section 17), a new water and sewerage authority may, for any of the purposes mentioned in subsection (1) of section 98 of this Act, be authorised by the Secretary of State to purchase compulsorily under this subsection such land as may, under that subsection, be acquired by them by agreement.
- (2) A new water and sewerage authority are a statutory undertaker for the purposes of subsection (1)(b) of section 120 of the <sup>M61</sup>Local Government, Planning and Land Act 1980 (persons to whose compulsory acquisition of an interest in land the <sup>M62</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 in certain circumstances applies) not only (by virtue of the definition of “statutory undertaker” in subsection (3)(a) of that section) in respect of their functions as water authority but also in respect of their functions as sewerage authority.
- (3) A new water and sewerage authority may be authorised by the Secretary of State to purchase compulsorily, or may acquire by agreement, land for giving in exchange for such land as is mentioned in section 1(2)(b) of the said Act of 1947.

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**Marginal Citations**

**M61** 1980 c. 65.

**M62** 1947 c. 42.

## 100 Disposal of land.

- (1) Subject to subsection (2) below, a new water and sewerage authority may dispose of land held by them in any manner, to whomsoever and for whatever purpose they wish.
- (2) Except with the consent of the Secretary of State, a new water and sewerage authority shall not dispose of land under subsection (1) above for a consideration less than the best that could reasonably be expected to be obtained on the open market.

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### *Amendment of Sewerage (Scotland) Act 1968*

#### **101 Authorisation of construction of certain private sewers etc.**

The following section shall be inserted after section 3 of the 1968 Act—

##### **“3A Authorisation of construction of certain private sewers etc.**

- (1) Without prejudice to their powers under section 3 of this Act (including any power to authorise the construction, on their behalf, of a public sewer), a sewerage authority may authorise a person to construct, within their area but whether or not connecting with their sewers or sewage treatment works, a sewer—

- (a) in, under or over any road, or under any cellar or vault below any road; or
- (b) in, on or over any land which does not form part of a road and is not land as respects which he is owner, lessee or occupier,

but where authorisation is so given, subsection (2) of section 3 of this Act shall apply in respect of the person and the construction proposed as that subsection applies in respect of a sewerage authority and works proposed by them under subsection (1) of that section.

- (2) The sewerage authority—

- (a) in giving authorisation to a person under subsection (1) above; or
- (b) as respects any sewer (not being a sewer constructed by or on behalf of the authority) whose construction by a person does not require such authorisation,

may, in a case where the proposed sewer will connect with their sewers or sewage treatment works, determine (and by written notice advise the person) that all, or a part which they shall specify in the notice, of the sewer constructed shall not vest in them through the operation of section 16(1)(c) of this Act and shall instead vest in him; but notwithstanding the determination the sewerage authority may, on such terms and conditions as they think fit, then or at some later time enter into an agreement under which the sewer, or as the case may be the part, shall vest in them.”.

#### **102 Emptying of septic tanks.**

For section 10 of the 1968 Act (whereby local authorities are under a duty to empty septic tanks only where they have passed a resolution electing to do so) there shall be substituted—

##### **“10 Emptying of septic tanks.**

- (1) It shall be the duty of a sewerage authority to empty a septic tank serving premises in their area on their being requested to do so by the owner or occupier of the premises; but that duty is subject to subsection (2) below and as respects any particular septic tank—

- (a) to its being reasonably practicable to empty the tank; and
- (b) to all proper charges for their doing so being timeously paid.

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- (2) The duty does not extend to septic tanks which receive trade effluent; but the authority may, at the request of an owner or occupier of premises served by any such septic tank, agree to empty it on such conditions as to payment or otherwise as they think fit.
- (3) If any question arises under this section as to whether emptying is reasonably practicable or as to whether a septic tank receives trade effluent, it shall be determined summarily by the sheriff, whose decision in the matter shall be final.
- (4) For the purposes of subsection (1) above, a charge is proper if fixed in accordance with, and timeously paid if paid in accordance with, a charges scheme (within the meaning of Part II of the Local Government etc. (Scotland) Act 1994).”.

VALID FROM 30/06/1999

### 103 Register as respects trade effluents.

The following sections shall be inserted after section 37 of the 1968 Act—

#### “37A Register for purposes of Part II.

- (1) A sewerage authority shall maintain a register for the purposes of this Part of this Act.
- (2) The authority shall enter in the register—
  - (a) such particulars as may be prescribed—
    - (i) of any consent, affecting their area and for the time being extant, given (whether before or after the coming into force of this section) under this Part of this Act; and
    - (ii) of any agreement, affecting their area and for the time being extant, entered into (whether before or after the coming into force of this section) under section 37 of this Act; and
  - (b) such particulars of other matters relative to their functions under this Part of this Act as may be prescribed.
- (3) It shall be the duty of a sewerage authority—
  - (a) to secure that the register maintained by them in pursuance of subsection (1) above is, after such date as may be prescribed, open to inspection by the public free of charge at all reasonable hours; and
  - (b) to afford members of the public reasonable facilities for obtaining from them, on payment of reasonable charges, copies of entries in the register.
- (4) In subsections (2) and (3) above, “prescribed” means prescribed by the Secretary of State by regulations made under this subsection by statutory instrument.
- (5) An instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### **37B Exclusion from register of information affecting national security.**

- (1) No information shall be included in a register maintained under section 37A of this Act if and so long as, in the opinion of the Secretary of State, the inclusion in the register of that information, or of information of that description, would be contrary to the interests of national security.
- (2) The Secretary of State may, for the purposes of subsection (1) above, give to a sewerage authority directions—
  - (a) specifying information, or descriptions of information, to be excluded from the register; or
  - (b) specifying descriptions of information to be referred to him for his determination;
 and no information referred to him in pursuance of paragraph (b) above shall be included in the register until he determines that it should be so included.
- (3) The sewerage authority shall notify the Secretary of State of any information they exclude from the register in pursuance of directions under subsection (2) above.
- (4) A person may, as respects any information which (but for this section) might be included in the register but which he believes may be information whose inclusion would be contrary to the interests of national security, by notice so inform the Secretary of State, specifying the information and indicating its apparent nature; and if the person does so—
  - (a) he shall advise the sewerage authority that he has given such notice; and
  - (b) no information in respect of which such advice has been given shall be included in the register until the Secretary of State has determined that it should be so included.”.

### **104 Disapplication of restrictions on disclosure of information.**

In section 50 of the 1968 Act (which imposes restrictions on the disclosure of information obtained under or by virtue of that Act)—

- (a) in subsection (2), after paragraph (a) there shall be inserted—
  - “(aa) in prescribed circumstances or for prescribed purposes; or”;
 and
- (b) after subsection (3) there shall be added—
  - “(4) In paragraph (aa) of subsection (2) above, “prescribed” means prescribed by the Secretary of State by regulations made under this subsection by statutory instrument.
  - (5) An instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (6) Subsections (1) and (2) above are subject to regulation 3(7) of the Environmental Information Regulations 1992 (which disappplies restrictions on disclosure if in pursuance of the <sup>M63</sup>regulations).”.



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**Marginal Citations**

M63 S.I. 1992/3240.

*Further amendment of Water (Scotland) Act 1980*

**105 Restriction on references to Secretary of State of questions regarding water supply.**

In section 9(4) of the 1980 Act (which provides that questions as to the terms and conditions on which water is supplied etc. are to be referred to the Secretary of State in the absence of agreement), after the word “supplied” there shall be inserted “ (not being a question as respects charges for the water which is to be supplied) ”.

**106 Removal of restriction on supply of water to premises outwith water authority’s limits of supply.**

For section 12 of the 1980 Act (which provides for a water authority giving a supply of water to premises situated outwith their limits of supply if the water authority within whose limits the premises are situated consents) there shall be substituted—

**“12 Supply of water to premises outwith limits of supply.**

Where premises are situated outwith the limits of supply of a water authority, the authority may, after informing the water authority within whose limits of supply the premises are situated, give a supply of water to the premises.”.

**107 Supply of water for use outwith Scotland.**

The following section shall be inserted after section 13 of the 1980 Act—

**“13A Supply of water for use outwith Scotland.**

- (1) A water authority may, if for the time being they are satisfied that such supplies of water as are available to them are likely to be more than sufficient to enable them to fulfil their duties as respects the supply of water to premises in Scotland, enter into an agreement with any other person to give him, on such terms and conditions as they think fit and whether or not in bulk, a supply of water for use outwith Scotland.
- (2) For the purposes of laying any pipes or installing any apparatus connected therewith, being pipes or apparatus required for giving a supply of water in pursuance of an agreement entered into under subsection (1) above, a water authority may exercise, either within or outwith their limits of supply, the like powers with respect to laying mains or breaking open roads as are exercisable by them under this Act for the purposes of laying mains, but subject to the like conditions and obligations.”.

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## **108 Further provision as regards removal of restrictions on supply of water outwith limits of supply.**

For section 21 of the 1980 Act (which provides powers for the purposes of a water authority providing the whole or part of their limits of supply with a supply of water) there shall be substituted—

### **“21 Power to carry out works.**

Without prejudice to any other powers which they may have, a water authority may, for the purposes of providing a supply of water under this Act and subject to its provisions—

- (a) construct, alter, acquire by purchase, lease or otherwise, or renew or maintain, waterworks;
- (b) so acquire any undertaking belonging to persons, other than a water authority, who are supplying or are authorised to supply water;
- (c) so acquire premises to be used for the purposes of the authority and maintain such premises;
- (d) contract with any person for a supply by him of water in bulk or otherwise; or
- (e) erect and maintain a house for the use of a person employed by them for the purposes of their undertaking.”.

## **109 Right of objection to proposed laying of mains.**

In section 23 of the 1980 Act (power to lay mains), after subsection (1) there shall be inserted—

“(1A) If within two months after the service of a notice under subsection (1)(b) above the owner or occupier objects to the water authority about the proposed works (and that objection is not withdrawn), the authority shall not proceed to lay the main but shall refer the matter by summary application to the sheriff, who may—

- (a) grant consent to the proposed works, either unconditionally or subject to such terms and conditions as he thinks just; or
- (b) withhold his consent;

and the decision of the sheriff on the matter shall be final.”.

## **110 Vesting of certain supply pipes.**

In section 24 of the 1980 Act (which makes provision as regards communication and supply pipes)—

- (a) in subsection (4)—
  - (i) after the word “road” there shall be inserted “ and is not, by virtue of any of subsections (5) to (8) below, vested in them ”; and
  - (ii) at the end there shall be added “ and to the terms and conditions of any such agreement as is mentioned in subsection (8) below ”; and
- (b) after subsection (4) there shall be added—

“(5) Where the laying of a supply pipe is completed after such day as the Secretary of State may under this subsection by order appoint,

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so much of that pipe as may lie between a communication pipe with which it connects and the curtilage of the premises supplied shall, on such completion, vest in the water authority in whom is vested the communication pipe as shall any apparatus used wholly or mainly in connection with that supply pipe; and a supply pipe in so far as so lying is, together with any apparatus so used in connection with it, referred to in the following provisions of this section as a “relevant supply pipe”.

- (6) Subject to subsection (7) below, on such day as the Secretary of State may by order appoint, a relevant supply pipe which is not then vested in any water authority (and whose laying is complete) shall vest in the water authority in whom the communication pipe is vested.
- (7) Subsection (6) above shall have no effect in relation to any relevant supply pipe in respect of which notice is both given and not withdrawn, within the period of three months before the day appointed under that subsection—
- (a) to the water authority in question by the person (or as the case may be any one of the persons) in whom the pipe is, or will immediately before that day be, vested stating that he does not wish the pipe to vest in the water authority under that subsection; or
  - (b) to such person (or as the case may be persons) by the water authority stating that the pipe is inappropriate for the purpose of supplying water to the premises, whether by reason of its state of repair or otherwise,
- but at any time after the appointed day the person, or as the case may be persons, in whom the pipe is vested may by notice specify a day on which he desires (or they desire) that the pipe shall vest in the authority and if the pipe is on that specified day appropriate for the purpose of supplying water to the premises it shall vest accordingly.
- (8) If a relevant supply pipe does not vest in a water authority by virtue of subsection (6) or (7) above, the pipe may nevertheless vest by agreement in the authority—
- (a) on such terms and conditions; and
  - (b) as from such day after the appointed day,
- as the person (or persons) and the water authority consider appropriate.
- (9) The water authority shall, at their own expense, carry out any necessary work of maintenance, repair or renewal of relevant supply pipes vested in them by virtue of any of subsections (5) to (7) above; but this subsection is without prejudice to the terms and conditions of any such agreement as is mentioned in subsection (8) above.
- (10) Any dispute arising under subsection (7) above as to whether—
- (a) a notice under paragraph (b) of that subsection should be withdrawn as unjustified;
  - (b) apparatus is used wholly or mainly in connection with a supply pipe; or

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- (c) on a specified day a relevant supply pipe is appropriate for the purpose of supplying water to the premises,  
shall be referred by the person or persons in whom the pipe is vested to the Secretary of State, who may determine the dispute himself or, if he thinks fit, refer it for determination by arbitration.”.

## 111 Duty of water authority to keep map showing water mains etc.

The following section shall be inserted after section 24 of the 1980 Act—

### “24A Keeping of map showing water mains, etc.

- (1) A water authority shall keep deposited at their principal office a map showing and distinguishing so far as is reasonably practicable all water mains, communication pipes and supply pipes which are vested in them by virtue of this Act or of Part II of the Local Government etc. (Scotland) Act 1994; and the authority shall provide reasonable facilities at that office for inspection of the map by any person and shall permit a copy of the map, or of an extract of it, to be taken by a person on his paying such reasonable amount as the authority may determine.
- (2) A water authority shall keep deposited at such of their offices, other than their principal office, as they consider appropriate, a copy relevant to the office in question of part of the map mentioned in subsection (1) above; and the authority shall provide the like facilities and permission in relation to the copy part, at the office at which that copy is deposited, as, under subsection (1) above, they do in relation to the map mentioned in that subsection at their principal office.
- (3) For the purposes of subsection (2) above, a copy is relevant to an office if it is of such part of the map mentioned in subsection (1) above as appears to the water authority to be appropriate having regard to the geographical location of that office.”.

## 112 Simplification of provisions as respects opting for water supply by meter.

For section 41A of the 1980 Act (which makes provision as respects the supply of water by meter) there shall be substituted—

### “41A Supply of water by meter.

The occupier of premises to which water is supplied shall have the option, provided that he has (if he is not himself the owner of the premises) the consent of the owner, of taking the supply by meter; but the exercise of that option shall be conditional upon—

- (a) the payment by the occupier of any reasonable charges made by the authority under section 35 of this Act; and
- (b) the acceptance by him of such reasonable terms and conditions as may be published by the water authority under section 55(1) of this Act,

and any question as to whether any such charges or terms and conditions are reasonable shall, in default of agreement, be referred to the Secretary of State who may determine it himself or, if he thinks fit, refer it to arbitration.”.

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### 113 Actings of Secretary of State on default of water authority.

In section 76E(4) of the 1980 Act (which provides for enforcement, by default order, of requirements as to quality of water unless the Secretary of State is satisfied that failures complained of were of a trivial nature or that certain undertakings given are being complied with), in paragraph (a)—

- (a) the words after “of”, where it first occurs, shall be sub-paragraph (i) of the paragraph; and
- (b) after that sub-paragraph there shall be added—

“; or

(ii) are not continuing and are unlikely to recur;”.

### 114 Publication and provision of information as respects quality of private supplies of water.

In section 76F of the 1980 Act (general functions of local authorities in relation to water quality), after subsection (6) there shall be added—

“(7) The Secretary of State may by regulations require a local authority—

- (a) to publish information about the quality of private supplies of water for domestic or food production purposes to any premises in their area; and
- (b) to provide information to prescribed persons about the quality of water so supplied.

(8) Regulations under subsection (7) above—

- (a) shall prescribe both the information which is to be published or provided in pursuance of the regulations and the manner and circumstances in which it is to be published or provided;
- (b) may require the provision of information by a local authority to any person to be free of charge or may authorise it to be subject to the payment by that person to the authority of a prescribed charge; and
- (c) may impose such other conditions on the provision of information by a local authority to any person as may be prescribed.”.

### 115 Regulations as to certain procedures.

In section 101 of the 1980 Act (provisions as to regulations), after subsection (1A) there shall be added—

“(1B) The Secretary of State may by regulations make provision as to—

- (a) the manner in which and the time within which a question or dispute may be referred (other than by him for determination by arbitration), or a request may be made, in pursuance of section 6(3), 9(4) or 24(10) of this Act and as to the procedure for dealing with any such reference or request; and
- (b) the manner in which, subject to sections 76G and 76H of this Act, written representation or objection may be made, submitted or withdrawn under subsection (2) of the said section 76H.”.

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*Miscellaneous provisions as respects new authorities*

**116 Power of Secretary of State to give directions to new authorities.**

- (1) Subject to subsection (2) below, the Secretary of State may under this subsection give a new water and sewerage authority directions of a general or specific character (but not such directions as may be given under section 117 of this Act) as to the exercise of the authority's functions; and it shall be the duty of the authority to comply with those directions.
- (2) Before giving an authority directions under subsection (1) above, the Secretary of State shall consult the authority.

**117 Directions in the interests of national security.**

- (1) The Secretary of State may, after consultation with a new water and sewerage authority, give the authority such directions of a general character as appear to him requisite or expedient—
  - (a) in the interests of national security; or
  - (b) for the purpose of mitigating the effects of any civil emergency which may occur.
- (2) If it appears to the Secretary of State to be requisite or expedient to do so in the national interest or for the purpose of mitigating the effects of any civil emergency which has occurred or may occur, he may, after consultation with a new water and sewerage authority, give the authority a direction requiring that they do, or as the case may be do not do, a particular thing specified in the direction.
- (3) A new water and sewerage authority, notwithstanding any other duty imposed on them by, under or by virtue of this or any other Act, shall comply with any direction given to them under this section by the Secretary of State.
- (4) The Secretary of State shall lay before each House of Parliament a copy of a direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security.
- (5) A person shall not disclose, or be required on any basis whatsoever to disclose, anything done by virtue of this section if the Secretary of State is of the opinion that disclosure of the thing would be against the interests of national security and has notified him of that opinion.
- (6) A person who, in contravention of subsection (5) above, discloses anything shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) In subsections (1) and (2) above, “civil emergency” means a natural disaster or other emergency which in the opinion of the Secretary of State is, or may be, likely—
  - (a) so to disrupt water supplies, the provision of sewerage or disposal of sewage in; or
  - (b) to involve such destruction of, or damage to, life or property in, any area as seriously and adversely to affect all the inhabitants of the area, or a substantial number of them, whether by depriving them of any of the essentials of life or otherwise.

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## 118 Provision of information, etc.

- (1) A new water and sewerage authority shall provide the Secretary of State with such information relating to the exercise (and proposed exercise) of their functions as he may from time to time require, and for that purpose shall—
  - (a) permit any person authorised to do so by the Secretary of State to inspect and make copies of their accounts, books, documents or papers; and
  - (b) provide that person with such explanations in relation to the things inspected as the person may reasonably require.
- (2) As respects, and as soon as possible after the end of, each financial year, a new water and sewerage authority shall make to the Secretary of State a report on the exercise of their powers, and the performance of their functions.
- (3) The Secretary of State shall lay before each House of Parliament a copy of each report received by him under subsection (2) above.

### Commencement Information

- I8** S. 118 wholly in force at 1.4.1996; s. 118 not in force at Royal Assent see s. 184(2); s. 118(1) in force at 17.7.1995 by S.I. 1995/1898, art. 2(a), Sch.; s. 118(2)(3) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch. 1

## 119 Records held by new authorities.

- (1) Subject to subsection (3) below—
  - (a) this section applies to all records (in whatever form or medium)—
    - (i) transferred to and vested in a new water and sewerage authority by virtue of section 91(1) of this Act;
    - (ii) created or acquired by them in the exercise of any of their functions; or
    - (iii) otherwise in their keeping;
  - (b) the authority shall ensure that the records, other than such as are mentioned in paragraph (c) below, are preserved and managed in accordance with such arrangements as the authority, after consulting the Keeper of the Records of Scotland, shall put into effect;
  - (c) records which, in the opinion of the authority, are not worthy of preservation may be disposed of by them;
  - (d) the authority may from time to time revise the arrangements mentioned in paragraph (b) above but before making any material change to those arrangements shall consult the Keeper; and
  - (e) the authority—
    - (i) shall secure that the Keeper has at all reasonable hours, unrestricted access to the records preserved by them;
    - (ii) may afford members of the public, free of charge or on payment of reasonable charges, facilities for inspecting, and for obtaining copies or extracts from, those records.
- (2) Nothing in subsection (1)(e)(ii) above permits infringement of copyright or contravention of conditions subject to which records are in the keeping of the authority.

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- (3) In so far as any provision of, or inserted or amended by, this Part of this Act, being a provision which relates to records of a specific kind, is (but for this subsection) inconsistent with subsection (1) above, that subsection is subject to the provision in question.

## 120 Duty of new authorities to collaborate.

- (1) The new water and sewerage authorities shall, in matters of common interest which relate to the performance of their functions, consult together and collaborate with each other.
- (2) Where a new water and sewerage authority propose to investigate a potential new source of water supply they shall, as soon as is practicable, give to any other such authority likely to be interested, notice of the proposal so that such consultation as is required in relation to the proposal by subsection (1) above may then begin.

### Commencement Information

- I9** S. 120 wholly in force at 1.4.1996; s. 120 not in force at Royal Assent see s. 184(2); s. 120(1) in force at 17.7.1995 by S.I. 1995/1898, art. 2(a), Sch.; s. 120(2) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch. 1

## 121 Power of new authorities to promote or oppose private legislation.

- (1) A new water and sewerage authority may, where they are satisfied that it is expedient to do so—
- with the consent of the Secretary of State, petition for the issue of a provisional order under the <sup>M64</sup>Private Legislation Procedure (Scotland) Act 1936; or
  - oppose any private legislation in Parliament.
- (2) The consent mentioned in paragraph (a) of subsection (1) above shall be withheld if the Secretary of State considers that the powers sought by the order petitioned for could be obtained by means of an order under the 1980 Act or, as the case may be, under the 1968 Act.
- (3) An application for the consent so mentioned shall be accompanied by a concise summary of the purposes of the order petitioned for.
- (4) In paragraph (b) of subsection (1) above, “private legislation in Parliament” includes—
- a provisional order and a Confirmation Bill relating to such an order; and
  - any local or personal Bill.

### Marginal Citations

- M64** 1936 c. 52.

## 122 Supply of goods and services to new authorities by local authorities.

The powers conferred by section 1 of the <sup>M65</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) shall



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be exercisable by a local authority as if the new water and sewerage authorities were public bodies within the meaning of that section.

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**Marginal Citations**

**M65** 1970 c. 39.

**123 Power to require local authorities and assessors to supply information to new authorities.**

- (1) The Secretary of State may, by regulations made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, require a local authority or an assessor to furnish relevant information (whether in documentary form or in such other form as he may specify) to a new water and sewerage authority.
- (2) For the purposes of subsection (1) above, information is relevant if, being information held—
  - (a) by the local authority in connection with their—
    - (i) setting, levying or collecting council tax or council water charges (within the meaning of Part II of the <sup>M66</sup>Local Government Finance Act 1992) or the non-domestic water rate or non-domestic sewerage rate (as defined in paragraphs (c) and (d) of section 99(2) of that Act before the repeal of those paragraphs by this Act); or
    - (ii) levying or collecting the non-domestic rate (as for the time being defined in section 37(1) of the 1975 Act); or
  - (b) as the case may be, by the assessor in connection with his functions under any enactment,  
its possession by the new water and sewerage authority would, in the opinion of the Secretary of State, be likely to assist that authority to make a charges scheme or to collect, or arrange to have collected, such charges as may be fixed by a charges scheme made by them.
- (3) In the application of subsections (1) and (2) above to any requirement to furnish information imposed—
  - (a) before 1st April 1996, “local authority” means a regional or islands council and “assessor” an assessor appointed under section 116(2) or (5) of the 1973 Act; and
  - (b) on or after that date—
    - (i) “local authority” means a council constituted under section 2 of this Act or a residuary body; and
    - (ii) “assessor” shall be construed in accordance with section 27 of this Act.
- (4) Without prejudice to the generality of subsections (1) and (2) above, in those subsections “information” includes a copy of the whole, or of any part of, a valuation roll or valuation list.

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**Marginal Citations**

**M66** 1992 c. 14.

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### Other miscellaneous provisions

#### 124 Cancellation of obligation to contribute towards certain expenses incurred as respects sewerage, or disposal of sewage, in rural localities.

Any contribution which the Secretary of State undertook, before 1st April 1986, to make towards such expenses as are mentioned in section 1(1)(b) of the <sup>M67</sup>Rural Water Supplies and Sewerage Act 1944 (expenses incurred by a local authority in making adequate provision for the sewerage, or the disposal of the sewage, of a rural locality), and which, though payable on or after that date has not been paid, shall cease to be exigible.

#### Marginal Citations

M67 1944 c. 26.

### 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 <sup>M68</sup>Sewerage (Scotland) Act 1968;
- “the 1980 Act” means the <sup>M69</sup>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

M68 1968 c. 47.

M69 1980 c. 45.

#### [<sup>F13</sup>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.

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 <sup>[F14]</sup>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 <sup>[F14]</sup>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

- F13** S. 125A inserted (*prosp.*) by 1995 c. 25, ss. 116, 125(3), **Sch. 21 Pt. II para. 6** (with ss. 7(6), 115, 117)
- F14** 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)

#### <sup>[F38]</sup>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.
- (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 <sup>M175</sup>Town and Country Planning (Scotland) Act 1972;

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** *Local Government etc. (Scotland) Act 1994* is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“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 <sup>M174</sup>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

**F38** 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

**M173** 1972 c. 52.

**M174** 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.

## PART III

### THE PRINCIPAL REPORTER AND THE SCOTTISH CHILDREN’S REPORTER ADMINISTRATION

#### *The Principal Reporter*

## 127 The Principal Reporter.

- (1) There shall be an officer, to be known as the “Principal Reporter”, to whom there are hereby transferred the functions under the <sup>M70</sup>Social Work (Scotland) Act 1968 (hereafter referred to in this Part of this Act as “the 1968 Act”) and the [<sup>F15</sup>Criminal Procedure (Scotland) Act 1995] of reporters appointed under subsection (1) of section 36 of the 1968 Act, which subsection shall cease to have effect.
- (2) The first appointment to the office of Principal Reporter shall be made by the Secretary of State on such terms and conditions as he may, with the approval of the Treasury, determine.

#### Textual Amendments

**F15** Words in s. 127(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 95(2)**

#### Commencement Information

**I10** S. 127 wholly in force at 1.4.1996; s. 127 not in force at Royal Assent see s. 184(2); s. 127 in force for certain purposes at 6.4.1995 by S.I. 1995/702, art. 4(1), **Sch. 2**; s. 127 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(a), **Sch. 1**

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Marginal Citations

M70 1968 c. 49.

## The Scottish Children’s Reporter Administration

### 128 The Scottish Children’s Reporter Administration.

- (1) There shall be a body, to be known as the “Scottish Children’s Reporter Administration” (hereinafter in this Act referred to as the “Administration”).
- (2) The Principal Reporter shall be the chief officer of the Administration.
- (3) The general purpose of the Administration shall be to facilitate the performance by the Principal Reporter of his functions under the 1968 Act and the <sup>F16</sup>Criminal Procedure (Scotland) Act 1995].
- (4) Appointments to the office of Principal Reporter subsequent to the first such appointment shall be made by the Administration with the consent of the Secretary of State on such terms and conditions as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (5) The Administration shall have such other officers as are necessary in order to assist the Principal Reporter; they shall, subject to section 137 of this Act, be appointed by the Administration on such terms as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (6) Schedule 12 to this Act (which provides as to the status, constitution and proceedings of the Administration and other matters relating to it) shall have effect.
- (7) The Administration shall be responsible for the management of its officers, including their discipline and removal from office and their deployment throughout Scotland for the purposes of performing their duties.
- (8) Nothing in this section or any other provision of this Act shall be taken as authorising the Administration to direct or guide the Principal Reporter in the performance of his functions under the 1968 Act and the <sup>F16</sup>Criminal Procedure (Scotland) Act 1995].

### Textual Amendments

**F16** Words in s. 128(3)(8) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 95(3)

### Commencement Information

**I11** S. 128 partly in force; s. 128 not in force at Royal Assent see s. 184(2); s. 128 in force for certain purposes at 6.4.1995 by S.I. 1995/702, art. 4(1), Sch. 2

### 129 Appeal against dismissal of Principal Reporter and other officers.

- (1) If dismissed by the Administration, the Principal Reporter or any prescribed officer of the Administration may appeal to the Secretary of State against the dismissal.
- (2) An officer may be prescribed for the purposes of this section by reference to a class thereof so prescribed.

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** *Local Government etc. (Scotland) Act 1994* is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In an appeal under this section the Administration shall be the respondent.
- (4) The—
- (a) procedure in relation to an appeal under this section;
  - (b) effect of the making of such an appeal;
  - (c) powers of the Secretary of State to dispose of such an appeal (including powers to make directions as to liability for expenses); and
  - (d) effect of the exercise of such powers
- shall be as prescribed.
- (5) In this section, “prescribed” means prescribed by regulations made by the Secretary of State.
- (6) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I12** S. 129 partly in force; s. 129 not in force at Royal Assent see s. 184(2); s. 129 in force for certain purposes at 6.4.1995 by [S.I. 1995/702](#), art. 4(1), [Sch. 2](#)

### *Additional functions of the Principal Reporter*

#### **130 Annual report of Principal Reporter.**

- (1) The Principal Reporter shall—
- (a) as soon as possible after the 31st March following upon the coming into force of this section make a report to the Administration on the exercise and performance to that date of—
    - (i) his functions under the 1968 Act and the [<sup>F17</sup>Criminal Procedure (Scotland) Act 1995]; and
    - (ii) such functions as it has delegated to him under this Act; and
  - (b) make similar reports as to each subsequent period of twelve months ending on 31st March as soon as possible after the end of that period.
- (2) If the date on which this section comes into force falls on a day after 30th September and before 31st March, the first report by the Principal Reporter under this section shall be for the period ending with the next succeeding 31st March.

#### Textual Amendments

**F17** Words in s. 130(1)(a)(i) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), [Sch. 4 para. 95\(4\)](#)

#### Commencement Information

**I13** S. 130 partly in force; s. 130 not in force at Royal Assent see s. 184(2); s. 130 in force for certain purposes at 6.4.1995 by [S.I. 1995/702](#), art. 4(1), [Sch. 2](#)

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**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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### **131 Delegation of Principal Reporter’s functions.**

- (1) The Principal Reporter may delegate functions (other than that of making reports under section 130 of this Act) to other officers of the Administration.
- (2) In performing any function delegated to him under subsection (1) above, an officer shall comply with any instructions or guidance given by the Principal Reporter.
- (3) Any delegation made under subsection (1) above or instruction or guidance given for the purposes of subsection (2) above may be—
  - (a) to all officers, or to a class or classes of officer specified in the delegation, instruction or, as the case may be, guidance or to an individual officer so specified;
  - (b) of a general or specific character,and may be varied or revoked by a subsequent delegation so made or a subsequent instruction or, as the case may be, subsequent guidance so given.

#### **Commencement Information**

**I14** S. 131 partly in force; s. 131 not in force at Royal Assent see s. 184(2); s. 131 in force for certain purposes at 6.4.1995 by [S.I. 1995/702](#), art. 4(1), [Sch. 2](#)

### *Functions of the Administration*

### **132 Duty of Administration to provide accommodation etc. for children’s hearings.**

- (1) The Administration shall provide suitable accommodation and facilities for children’s hearings under section 34 of the 1968 Act.
- (2) Accommodation and facilities provided under subsection (1) above shall be provided for each local government area (but may be sited in another) and shall be dissociated from criminal courts and police stations.

### **133 Ancillary powers of Administration.**

The Administration shall have power to do all such things as are incidental or conducive to the achievement of its general purpose and the performance of its functions, including power to acquire, hold and dispose of land or any interest in or right over land.

### **134 Directions by the Secretary of State.**

- (1) The Secretary of State may give the Administration directions of a general or specific character with regard to the achievement of its general purpose and discharge of its functions, and the Administration shall comply with any such directions.
- (2) A direction given under this section may be varied or revoked by a subsequent direction so given.

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**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

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### *Finance of the Administration*

#### **135 Government grants to the Administration.**

- (1) The Secretary of State may, with the approval of the Treasury, make to the Administration grants of such amounts as he thinks fit.
- (2) A grant under this section may be made subject to such conditions as the Secretary of State may, with the approval of the Treasury, determine.

### *Reports, accounts etc. of the Administration*

#### **136 Reports, accounts etc. of the Administration.**

- (1) The Administration shall—
  - (a) furnish the Secretary of State with such returns, accounts and other information with respect to its property and activities or proposed activities as he may, from time to time, require;
  - (b) afford him facilities for the verification of information so furnished; and
  - (c) for the purpose of such verification, permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the accounts, books, documents or papers of the Administration and to give that person such explanation of anything he is entitled to inspect as he may reasonably require.
- (2) The Administration shall—
  - (a) as soon as possible after the 31st March following upon the coming into force of section 128 of this Act make a report to the Secretary of State on the exercise and performance of its functions to that date incorporating in that report a copy of so much of the report made to it by the Principal Reporter as to that period as was made under section 130(1)(a)(i) of this Act; and
  - (b) make a similar report to him as to each subsequent period of twelve months ending on 31st March as soon as possible after the end of such period,
 and a copy of every such report shall be laid before each House of Parliament by the Secretary of State:

Provided that if the date upon which the said section 128 comes into force falls on a day after 30th September and before 31st March, the first report of the Administration under this section shall be for the period ending with the next succeeding 31st March.

- (3) The Administration shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and shall submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (4) The Secretary of State shall, on or before the 30th November in any year, transmit to the Comptroller and Auditor General the statement of account of the Administration for the financial year last ended.
- (5) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under subsection (4) above, and shall lay copies of them together with his report thereon before each House of Parliament.



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**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.  
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- (6) In this section “financial year” means the period beginning with the date upon which section 128 of this Act comes into force and ending with the 31st March following that date and each period of twelve months thereafter:

Provided that if the date upon which the said section 128 comes into force falls on a day after 30th September and before 31st March, the first financial year of the Administration shall end with the next succeeding 31st March.

*General and supplemental*

**137 Staff: application of Chapter 2 of Part I.**

- (1) Sections 8 (except subsections (3) and (4)), 9 and 12 of this Act shall apply also in relation to the transfer to the Administration of officers appointed under subsection (1) of section 36 of the 1968 Act and staff provided in pursuance of subsection (6) of that section with the following modifications—
- (a) references to an existing local authority shall include references to an islands council and references to a new authority shall be construed as references to the Administration; and
  - (b) the reference in section 12(2)(a) to authorities which cease to exist by virtue of Chapter 1 of Part I of this Act shall include a reference to authorities which cease to have functions under section 36(1) and (6) of the 1968 Act.
- (2) Section 10 of this Act shall, with the modification specified in subsection (3) below, apply in relation to persons ceasing to be officers appointed or staff provided as mentioned in subsection (1) above and being subsequently employed by the Administration as it applies in relation to persons ceasing to be employed by an existing local authority and being subsequently employed by another person.
- (3) The modification referred to in subsection (2) above is that references in section 10 of this Act to an existing local authority shall include references to an islands council.
- (4) Section 11 of this Act shall apply also in relation to the remuneration of officers appointed and staff provided as mentioned in subsection (1) above with the following modifications—
- (a) references to an authority shall be construed as references only to an existing local authority and references to an existing local authority shall include references to an islands council;
  - (b) the reference in subsection (5) to the Secretary of State consulting associations of local authorities and employees of local authorities shall include a reference to the Secretary of State consulting the Administration; and
  - (c) the reference in subsection (7) to an authority not having ceased to exist shall include a reference to an authority not having ceased to have functions under section 36(1) and (6) of the 1968 Act.
- (5) Section 13 of this Act shall apply in relation to officers appointed or staff provided as mentioned in subsection (1) above with the modification that references in that section to an existing local authority shall include references to an islands council.

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

- I15** S. 137 wholly in force at 4.1.1995; s. 137 not in force at Royal Assent see s. 184(2); s. 137(1) in force for specified purposes at 8.11.1994 and in force at 4.1.1995 insofar as already not in force by [S.I. 1994/2850, arts. 2, 3\(a\), Schs. 1, 2](#)

### 138 Property etc.: application of Chapter 3 of Part I.

- (1) Chapter 3 of Part I of this Act shall, with the modifications specified in subsection (2) below, apply in relation to the transfer to the Principal Reporter or the Administration of the property, rights, liabilities and obligations of reporters appointed under section 36(1) of the 1968 Act and such property, rights, liabilities and obligations as a local authority for the purpose of that Act has for the purposes of—
- their functions under section 34(3) of that Act (duty to provide suitable accommodation and facilities for children’s hearings); or
  - providing accommodation and facilities for, or otherwise facilitating or supporting the performance of the functions of, reporters appointed under subsection (1) of section 36 of the 1968 Act or staff provided in pursuance of subsection (6) of that section.
- (2) The modifications referred to in subsection (1) above are as follows—
- references in Chapter 3 of Part I of this Act to existing local authorities shall include references to reporters appointed under section 36(1) of the 1968 Act and to islands councils; and
  - references in that Chapter to new local authorities shall include references to the Principal Reporter and to the Administration.

## PART IV

### MISCELLANEOUS

#### *Social work*

### 139 Report by local authority for purpose of investigation preliminary to children’s hearing.

- (1) In section 38 of the <sup>M71</sup>Social Work (Scotland) Act 1968 (initial investigation of cases by the reporter), after subsection (1), there shall be inserted—
- “(1A) For the purposes of making any initial investigation under subsection (1) above, the Principal Reporter may request from the local authority a report on the child and his social background and it shall be the duty of the authority to supply the report which may contain information from any such person as the Principal Reporter or the local authority may think fit.
- (1B) A report requested under subsection (1A) above may contain information additional to that given by the local authority under section 37(1A)(b) of this Act.”.

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) In section 39 of that Act (action on initial investigation), after subsection (4), there shall be inserted the following subsection—

“(4A) A report requested under subsection (4) above may contain information additional to that given in a report under section 38(1A) of this Act.”.

#### Marginal Citations

M71 1968 c. 49.

### *Voluntary organisations*

#### 140 Power of local authorities to provide assistance to voluntary organisations.

In section 88 of the 1973 Act (provision of information etc. on matters relating to functions of local authority), after subsection (2) there shall be inserted—

“(3) A local authority may assist voluntary organisations to provide for individuals—

- (a) information and advice concerning those individuals’ rights and obligations; and
- (b) assistance, either by the making or receiving of communications or by providing representation to or before any person or body, in asserting those rights or fulfilling those obligations.”.

### *Byelaws*

#### 141 Byelaws under section 121 of Civic Government (Scotland) Act 1982.

In section 121 of the <sup>M72</sup>Civic Government (Scotland) Act 1982 (control of the seashore, adjacent waters and inland waters)—

- (a) in subsection (5), for paragraph (b) there shall be substituted—
  - “(b) the local authority have given notice in writing of their proposal to make byelaws to each person having a proprietorial interest such as is mentioned, in relation to the byelaws, in paragraph (a) above whose identity has been ascertained as mentioned in the said paragraph (a);”;
- (b) in subsection (6) the words from “and of” to “that proposal” shall cease to have effect; and
- (c) in subsection (7)—
  - (i) the words from “but the” to “his consent”; and
  - (ii) the word “nevertheless”,
 shall cease to have effect.

#### Marginal Citations

M72 1982 c. 45.

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Polling districts*

#### **142 Organisation of polling districts.**

(1) Section 18 of the <sup>M73</sup>Representation of the People Act 1983 (polling districts and places at parliamentary elections) shall be amended in accordance with this section.

(2) In subsection (3)—

(a) for the words from “returning officer’s” to “places”, where it first occurs, there shall be substituted the words “ duty of every local authority to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in their area and to designate the polling places for those polling districts ”;

(b) in paragraph (a)—

(i) for the words “returning officer” there shall be substituted the words “ local authority ”;

(ii) for the words “the constituency” there shall be substituted the words “ so much of the constituency as falls within their area ”; and

(iii) for the word “he” there shall be substituted the words “ the local authority ”;

and

(c) in paragraph (b), for the words from the beginning to “constituency”, where it last occurs, there shall be substituted the words “ each electoral ward, within the meaning of section 5 of the Local Government etc. (Scotland) Act 1994, which is wholly or partly within so much of any constituency as falls within their area ”.

(3) In subsection (5)—

(a) the words “any interested authority or” and “(or in Scotland, the returning officer)” shall cease to have effect;

(b) the words “or returning officer”, in both places where they occur, shall cease to have effect; and

(c) in the definition of “interested authority”, sub-paragraph (iii) shall cease to have effect.

(4) In subsection (6), the words “or returning officer” shall cease to have effect.

#### **Marginal Citations**

**M73** 1983 c. 2.

### *Education*

#### **143 Self-governing schools: certain proposals under Education (Scotland) Act 1980.**

For subsection (1) of section 21 of the <sup>M74</sup>Self-Governing Schools etc. (Scotland) Act 1989 (effect of pending procedure for acquisition of self-governing status on certain proposals for that school) there shall be substituted—

“(1) Subject to section 14(2) of this Act, where a proposal to do any thing to a school, being a proposal to which this section applies—

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) is published under section 22A of the 1980 Act (consultation on certain changes in educational matters), but before a decision is reached on the proposal the education authority receive written notice such as is mentioned in subsection (6) of section 13 of this Act, either of a first resolution or of a request, as regards that school, they shall not decide on the proposal;
- (b) is submitted under section 22B, 22C or 22D of the 1980 Act (consent for certain changes in educational matters or for certain changes affecting denominational schools), but before the Secretary of State consents to the proposal the education authority receive such notice as is mentioned in paragraph (a) above as regards that school, the consent cannot validly be given,

unless and until one of the conditions specified in section 24(2) of this Act is satisfied as regards that school.

(1A) This section applies to a proposal—

- (a) to discontinue the school; or
- (b) to do any one of such other things to the school as the Secretary of State may by order prescribe.”.

#### Marginal Citations

M74 1989 c. 39.

### 144 Denominational schools: proposals under section 22D of Education (Scotland) Act 1980.

In section 22D of the <sup>M75</sup>Education (Scotland) Act 1980 (further provisions relating to denominational schools)—

- (a) in subsection (2)(a), for the word “the” there shall be substituted “ an ”;
- (b) in subsection (2)(c)—
  - (i) for the words “the education authority”, where they first occur, there shall be substituted “ any education authority affected by it ”;
  - (ii) in sub-paragraph (i), for the words “the result” there shall be substituted “ any of the results ”; and
  - (iii) in sub-paragraph (ii), after the word “authority”, there shall be inserted “ submitting the proposal under subsection (1) above ”; and
- (c) for subsections (3) and (4) there shall be substituted the following subsection—

“(3) The results referred to in subsection (2)(c)(i) above are—

- (a) a significant deterioration for pupils belonging to the area of the education authority submitting the proposal under subsection (1) above; or
- (b) a significant deterioration for pupils belonging to the area of any other education authority; or
- (c) where neither paragraph (a) nor paragraph (b) above applies, such a deterioration for pupils as mentioned in the said paragraph (a) and pupils belonging to the area of

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another education authority as, taken together, amounts to a significant deterioration,  
in the provision, distribution or availability of school education in schools of the kind referred to in subsection (2)(a) above compared with such provision, distribution or availability in other public schools.”.

#### Marginal Citations

M75 1980 c. 44.

### 145 Provision of school transport and other facilities.

- (1) The <sup>M76</sup>Education (Scotland) Act 1980 shall be amended in accordance with this section.
- (2) In section 50(3) (power of education authority to provide transport and other facilities in exceptional circumstances)—
- (a) in paragraph (a)—
    - (i) after the word “with”, where it first occurs, there shall be inserted “—  
(i)”;  
and
    - (ii) after the word “Act” there shall be inserted “—  
(ii) any arrangements made by them under section 23(1A) of this Act; or  
(iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act”; and
  - (b) in paragraph (b), after the word “them” there shall be inserted “ or another education authority ”.
- (3) In section 51 (provision of transport and other facilities)—
- (a) in subsection (2A)—
    - (i) in paragraph (a)—
      - (A) after the word “with” there shall be inserted “—  
(i)”;  
and
      - (B) after the word “Act” there shall be inserted—  
“(ii) any arrangements made by them under section 23(1A) of this Act; or  
(iii) the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act”; and
    - (ii) in paragraph (b), after the word “them” there shall be inserted “ or another education authority ”; and

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(b) after subsection (2AC) there shall be inserted the following subsection—

“(2AD) Without prejudice to the generality of subsection (1) above, the duty imposed by that subsection applies in cases where a pupil attends a school or educational establishment under the management of another education authority—

- (a) in accordance with any arrangements made by them under section 23(1A) of this Act;
- (b) in accordance with the arrangements subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 and continuing by virtue of section 23(1C) of this Act; or
- (c) if at the time when the pupil was placed in that school or educational establishment it was under the management of the education authority for the area to which the pupil belonged, and is under the management of another education authority as a consequence of the establishment of such new local government areas.”.

#### Marginal Citations

M76 1980 c. 44.

### Roads

#### 146 Definition of “road”.

In section 151 of the <sup>M77</sup>Roads (Scotland) Act 1984 (interpretation), after subsection (1) there shall be inserted the following subsection—

“(1A) A way to which the public has access (by whatever means and whether subject to a toll or not) which passes over a bridge constructed in pursuance of powers conferred by, or by an order made under or confirmed by, a private Act shall, for the purposes of the definition of “road” in subsection (1) above, be treated as if there were a public right of passage over it.”.

#### Marginal Citations

M77 1984 c. 54.

#### 147 Provisions consequential on making of special road order.

After section 113 of the <sup>M78</sup>Roads (Scotland) Act 1984 there shall be inserted the following section—

**“113A Dissolution of certain bodies in consequence of order under section 9.**

(1) Where—

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- (a) an order under section 9 of this Act transfers to a special road authority a road for the management and maintenance of which a body other than a roads authority was, prior to the coming into force of the order, responsible under any enactment; and
  - (b) the functions of that body relate solely to that road,
- the Secretary of State may by order (in this section referred to as a “dissolution order”) dissolve the body.
- (2) A dissolution order may transfer or provide for the transfer to—
    - (a) the special road authority referred to in subsection (1)(a) above; or
    - (b) such other person as the Secretary of State considers appropriate,
 of such of the property, rights and liabilities of the body dissolved by the order as the Secretary of State considers appropriate.
  - (3) A dissolution order may make provision in connection with the transfer of staff employed by or for the purposes of the body.
  - (4) Without prejudice to the generality of subsection (2) above, a dissolution order may make provision regarding liability for the payment of any pensions, allowances or gratuities which would otherwise have been the responsibility of the body.
  - (5) A dissolution order may make incidental provision as to the interests, rights and liabilities of third parties with respect to property, rights and liabilities transferred by the order.
  - (6) In subsection (5) above the reference to third parties is a reference to persons other than the body and the persons referred to in subsection (2)(a) and (b) above.
  - (7) A dissolution order may repeal or amend—
    - (a) any enactment in a private Act; and
    - (b) any provision of an order made under or confirmed by a private Act, which, in consequence of the making of the order, is no longer required or, as the case may be, requires to be amended.”.

#### Marginal Citations

M78 1984 c. 54.

### 148 Toll orders.

- (1) In paragraph 14D(1) of Schedule 1 to the <sup>M79</sup>Roads (Scotland) Act 1984 (procedure for making and confirming toll orders), at the end of paragraph (a) (and before the word “and” immediately following it) there shall be inserted the following paragraph—
  - “(aa) that existing road is free of toll,”.
- (2) In section 27 of the <sup>M80</sup>New Roads and Street Works Act 1991 (toll orders), after subsection (9) there shall be inserted the following subsection—
  - “(9A) On the date when a toll order comes into force any provision of any enactment (other than an enactment contained in this Act) which confers a power or



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imposes a duty to charge tolls for the use of all or part of any road to which the toll order relates shall cease to have effect.”.

#### Marginal Citations

**M79** 1984 c. 54.

**M80** 1991 c. 22.

### 149 Road works register.

In section 112 of the New Roads and Street Works Act 1991 (road works register)—

(a) in subsection (4), for the words from “of road” to “section” there shall be substituted the words “ under this section of such road works authorities as he may specify ”;

(b) after subsection (4) there shall be inserted the following subsection—

“(4A) Before making any arrangements under subsection (4) the Secretary of State shall consult—

(a) any road works authority having duties under this section which he intends not to specify for the purposes of the arrangements; and

(b) any undertaker (other than a person having permission under section 109 to execute road works) having apparatus in a road for which such road works authority is responsible.”; and

(c) in subsection (5), after the word—

(i) “require” there shall be inserted the word “ the ”; and

(ii) “authorities” there shall be inserted the words “ so specified ”.

### 150 Traffic signs.

(1) Notwithstanding the provisions of section 67 of the <sup>M81</sup>Road Traffic Regulation Act 1984 (persons empowered to place traffic signs on road in emergency etc.), the Secretary of State may, with the consent of the chief officer of police for the area concerned as respects a road or any structure on a road, place on that road, or on any structure on that road, traffic signs (of any size, colour and type prescribed or authorised under section 64 of the said Act of 1984), indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this subsection shall include power to maintain a sign for a period of 7 days or less from the time when it was placed, but no longer.

(2) Section 36 of the <sup>M82</sup>Road Traffic Act 1988 (drivers to comply with traffic signs) shall apply to signs placed in the exercise of the power conferred by subsection (1) above.

(3) In this section—

“road” has the meaning given by section 151(1) of the <sup>M83</sup>Roads (Scotland) Act 1984; and

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984.

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#### Modifications etc. (not altering text)

- C8** S. 150: power to contract out functions of the Secretary of State conferred (16.3.1996) by S.I. 1996/878, art. 2, Sch. para. 7

#### Marginal Citations

**M81** 1984 c. 27.

**M82** 1988 c. 52.

**M83** 1984 c. 54.

### Valuation and rating

#### 151 Exclusion from valuation roll of shootings, deer forests, fishings and fish counters.

- (1) On and after 1st April 1995 no shootings, deer forests, fishings or fish counters shall be entered in the valuation roll.
- (2) Nothing in subsection (1) above shall affect any right of a district salmon fishery board (within the meaning of section 40(1) of the <sup>M84</sup>Salmon Act 1986) to require the assessor to value and enter any rights of salmon fishing in the valuation roll for the purposes of fishery assessments only.
- (3) For the purposes of this section—
  - “fish counter” means any weir or other structure in inland waters primarily used for the purpose of counting fish; and
  - “inland waters” has the same meaning as in section 24(1) of the <sup>M85</sup>Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951.

#### Marginal Citations

**M84** 1986 c. 62.

**M85** 1937 c. 28.

#### 152 Amendment of definition of “lands and heritages”.

- (1) The <sup>M86</sup>Lands Valuation (Scotland) Act 1854 shall be amended as follows.
- (2) In section 42 (interpretation), in the definition of “lands and heritages”, for the words from “all machinery fixed” to the end of the first proviso substitute the words “ such class or classes of plant or machinery in or on any lands and heritages as may be prescribed by the Secretary of State by regulations ”.
- (3) After section 42 add—

##### “43 Regulations.

- (1) Regulations under section 42 of this Act may, if made so as to take effect other than at the beginning of a year of revaluation (within the meaning of the <sup>M87</sup>Local Government (Scotland) Act 1975), provide for the revaluation of any lands and heritages affected by the regulations.

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- (2) The power to make regulations under the said section 42 shall be exercisable by statutory instrument.
- (3) Any statutory instrument containing regulations made under the said section 42 shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

#### Marginal Citations

**M86** 1854 c. 91.

**M87** 1975 c. 30.

### 153 Power of Secretary of State to prescribe amount of non-domestic rate.

- (1) For any financial year, the Secretary of State may by regulations prescribe that the amount payable as non-domestic rate in respect of any lands and heritages shall be such amount as may be determined in accordance with prescribed rules.
- (2) Rules prescribed under this section may be framed by reference to such factors as the Secretary of State thinks fit and such factors may, without prejudice to that generality, include the circumstances of persons by whom rates are payable.
- (3) Regulations under this section may make different provision in relation to different areas and different classes of lands and heritages and, without prejudice to that generality, may make different provision in relation to lands and heritages whose rateable value exceeds, and those whose rateable value does not exceed, a prescribed figure.
- (4) Where regulations under this section apply in relation to any lands and heritages or class of lands and heritages, the non-domestic rate for the financial year to which the regulations relate shall be levied in respect of such lands and heritages, or class of lands and heritages, in accordance with the regulations.
- (5) The power to make regulations under this section shall be exercisable by statutory instrument.
- (6) Any instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### 154 Rating of unoccupied lands and heritages.

For section 24 of the <sup>M88</sup>Local Government (Scotland) Act 1966 (liability to be rated in respect of certain unoccupied property) substitute—

#### “24 Unoccupied lands and heritages.

- (1) Subject to subsection (2) below, no rates shall be payable in respect of lands and heritages which are unoccupied.
- (2) The Secretary of State may by regulations prescribe a class or classes of lands and heritages such as are mentioned in subsection (1) above for which the rates payable shall be the rates mentioned in subsection (3) below.

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- (3) A person entitled to possession of lands and heritages which fall within a class prescribed by regulations under this section shall be liable to pay a rate equal to one half of the amount of the non-domestic rate which would have been payable if such lands and heritages had been occupied; and the enactments relating to rating shall apply with any necessary modifications as if the lands and heritages were occupied by that person.
- (4) Where any lands and heritages fall within a class prescribed by regulations under subsection (2) above, such lands and heritages shall be treated for the purposes of section 4 of the <sup>M89</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962 as if they are being used for the purpose for which they were used when they were last occupied.
- (5) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

#### Marginal Citations

**M88** 1966 c. 51.

**M89** 1962 c. 9.

## 155 Rating of lands and heritages partly unoccupied for a short time.

After section 24 of the <sup>M90</sup>Local Government (Scotland) Act 1966 insert—

### “24A Lands and heritages partly unoccupied for a short time.

- (1) If it appears to the rating authority that part of any lands and heritages included in the valuation roll is unoccupied but will remain so for a short time only, the authority may request the assessor to apportion the rateable value between the occupied and unoccupied parts and on being thus requested the assessor shall apportion the rateable value accordingly.
- (2) As from whichever is the later of the following—
  - (a) the date on which lands and heritages the rateable value of which has been apportioned under subsection (1) above became partly occupied;
  - (b) the commencement of the financial year in which the request under that subsection relating to those lands and heritages was made,
 until whichever of the events specified in subsection (3) below first occurs, the value apportioned to the occupied part of the lands and heritages shall, subject to subsection (4) below, be treated for rating purposes as if it were the rateable value ascribed to the lands and heritages in the valuation roll.
- (3) The events mentioned in subsection (2) above are—
  - (a) the reoccupation of any of the unoccupied part;
  - (b) the end of the financial year in which the request was made;
  - (c) a further apportionment of the value of the lands and heritages taking effect under subsection (1) above;
  - (d) the lands and heritages to which the apportionment relates becoming completely unoccupied.

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- (4) Where any lands and heritages fall within such class or classes of lands and heritages as may be prescribed by the Secretary of State by regulations, the value to be treated for rating purposes as if it were the rateable value ascribed to the lands and heritages in the valuation roll shall be the sum of—
- (a) the value apportioned to the occupied part of the lands and heritages; and
  - (b) one half of the value apportioned to the unoccupied part of the lands and heritages.
- (5) Notwithstanding paragraph (b) of subsection (3) above, if it appears to the rating authority that the part of the lands and heritages which was unoccupied at the date of an apportionment of the rateable value thereof under subsection (1) above has continued after the end of the financial year referred to in that paragraph to be unoccupied but will remain so for a short time only, the authority may direct that the apportionment shall continue to have effect for the next financial year; and subsections (2), (3)(a), (c) and (d) and (4) above shall have effect in relation to that year accordingly.
- (6) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “financial year” has the meaning assigned to it by section 96(5) of the <sup>M91</sup>Local Government (Scotland) Act 1973.

#### **24B Certain lands and heritages to be treated as unoccupied.**

- (1) For the purposes of section 24 of this Act, lands and heritages shall be treated as unoccupied if, apart from this section, they would fall to be treated as occupied by reason only of there being kept on the lands and heritages plant, machinery or equipment—
- (a) which was last used on the lands and heritages when they were last in use; or
  - (b) which is intended for use on the lands and heritages.
- (2) Subsection (1) above applies to the unoccupied part of lands and heritages for the purposes of section 24A of this Act as it applies to unoccupied lands and heritages for the purposes of the said section 24.”

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#### **Marginal Citations**

**M90** 1966 c. 51.

**M91** 1973 c. 65.

#### **156 Remission of rates on account of hardship.**

After section 25 of the <sup>M92</sup>Local Government (Scotland) Act 1966 insert—

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*“Exemption from payment of rates*

**25A Remission of rates on account of hardship.**

Every rating authority may, on the application of any person liable to pay any rate levied by the authority, remit payment (in whole or in part) of the rate if the authority are satisfied that—

- (a) the person would sustain hardship if the authority did not do so; and
- (b) it is reasonable for the authority to do so, having regard to the interests of persons liable to pay council tax set by them.”.

**Marginal Citations**

**M92** 1966 c. 51.

**157 Certain orders relating to valuation not to be treated as hybrid.**

In section 6 of the 1975 Act (valuation by formula of certain lands and heritages), after subsection (7) add—

- “(8) An order under this section shall, if apart from the provisions of this subsection it would be treated for the purposes of the standing orders of the Lords House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.”.

**158 Grants in respect of certain rate rebates.**

In section 69 of the <sup>M93</sup>Local Government, Planning and Land Act 1980 (grants in respect of rebates under the <sup>M94</sup>Rating (Disabled Persons) Act 1978)—

- (a) after subsection (1) insert—

“(1A) Subject to subsection (1B) below, no grant shall be paid to any authority in respect of any rebates granted by that authority on or after 1st April 1995.

(1B) A grant shall be payable to any authority granting rebates under the said Act of 1978 in respect of non-domestic water and sewerage rates for the year beginning with 1st April 1995.”; and

- (b) after subsection (2) insert—

“(2A) Subsections (1A) and (1B) above extend to Scotland only.”.

**Marginal Citations**

**M93** 1980 c. 65.

**M94** 1978 c. 40.

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## 159 Rating of enterprise zone.

- (1) Schedule 32 to the Local Government, Planning and Land Act 1980 shall be amended in accordance with this section.
- (2) In paragraph 33(2) (meaning of exempt lands and heritages for purpose of paragraph 33)—
  - (a) paragraph (a) shall cease to have effect; and
  - (b) for paragraph (b) substitute—
    - “(b) the rateable values of the lands and heritages are prescribed under or determined by virtue of an order under section 6 of the <sup>M95</sup>Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages),”.
- (3) In paragraph 34 (grants to compensate rating authorities for loss of revenue)—
  - (a) in sub-paragraph (1)—
    - (i) at the beginning insert the words “ For the financial year 1995-96, ”; and
    - (ii) after “revenue” insert the words “ in respect of the non-domestic sewerage rate ”.

### Marginal Citations

M95 1975 c. 30.

## 160 Further provision as to valuation by formula.

In section 6 of the 1975 Act (valuation by formula of certain lands and heritages), after subsection (5) there shall be inserted the following subsection—

“(5A) An order under this section may provide that the assessor for any specified valuation area shall carry out such functions in relation to the operation of a formula as may be specified in the order, notwithstanding that such functions may include the valuation of lands and heritages in another valuation area.”.

## 161 Power of Secretary of State to combine and divide lands and heritages.

After section 6 of the <sup>M96</sup>Valuation and Rating (Scotland) Act 1956 there shall be inserted the following section—

### “6A Power of Secretary of State to combine and divide lands and heritages.

- (1) The Secretary of State may by order provide that, for all purposes of the Valuation Acts—
  - (a) lands and heritages specified in the order which would, apart from the order, be treated as justifying separate entries in the valuation roll shall be treated as justifying only one such entry; and
  - (b) lands and heritages so specified which would, apart from the order, be treated as justifying only one entry in the valuation roll shall be treated as justifying separate entries,

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and an order under paragraph (b) above shall specify which parts of the lands and heritages concerned are to be treated as justifying separate entries.

(2) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

#### Marginal Citations

**M96** 1956 c. 60.

### 162 Abolition of Scottish Valuation Advisory Council.

(1) The Scottish Valuation Advisory Council constituted under section 3 of the Valuation and Rating (Scotland) Act 1956 (“the 1956 Act”) shall cease to exist immediately before 1st April 1996.

(2) In the 1956 Act—

(a) section 3; and

(b) in section 43(1) (interpretation), the definition of “Advisory Council”, shall cease to have effect.

#### Commencement Information

**I16** S. 162 wholly in force at 1.4.1996; s. 162 not in force at Royal Assent see s. 184(2); s. 162(1) in force at 1.4.1995 by S.I. 1994/3150, art. 4(a), **Sch. 1**; s. 162(2) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), **Sch. 1**

### *Amendment of Transport Act 1968*

### 163 Guarantees by Strathclyde Passenger Transport Authority.

After section 13 of the <sup>M97</sup>Transport Act 1968 there shall be inserted the following section—

#### “13A Guarantees by Authority.

The Authority may guarantee any obligation entered into by the Executive with the approval of the Authority.”.

#### Marginal Citations

**M97** 1968 c. 73.



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## Finance

### 164 Calculation of limits on spending.

(1) Section 83 of the 1973 Act (power of local authorities to incur expenditure not otherwise authorised) shall be amended in accordance with this section.

(2) In subsection (1)—

- (a) after the words “in the interests of” there shall be inserted the words “ and will bring direct benefit to ”;
- (b) after the words “incur any expenditure” there shall be inserted “ (a) ”; and
- (c) at the end there shall be added the words—

“nor

- (b) unless the direct benefit accruing to their area or any part of it or to all or some of the inhabitants of their area will be commensurate with the expenditure to be incurred.”.

(3) Subsection (3A) shall cease to have effect.

(4) For subsection (4) substitute—

“(4) The expenditure of a local authority under this section in any financial year shall not exceed the amount produced by multiplying—

- (a) £3.80, or such other sum as may from time to time be specified in an order made by the Secretary of State; by
- (b) the relevant population of the authority’s area.

(4AA) For the purposes of subsection (4)(b) above the relevant population of a local authority’s area shall be determined in accordance with regulations made by the Secretary of State.”.

(5) For subsections (5) and (6) substitute—

“(5) A statutory instrument containing an order or regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

#### Commencement Information

**I17** S. 164 wholly in force at 1.4.1996; s. 164 not in force at Royal Assent see s. 184(2); s. 164(1)(2) in force at 1.4.1995 by S.I. 1995/702, art. 3(a); s. 164(3)-(5) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch. 1

### 165 Powers of authorities to borrow and lend money.

(1) The Secretary of State may by regulations made with the consent of the Treasury make provision with respect to the powers of authorities—

- (a) to borrow and lend money; and
- (b) to establish and operate loans funds.

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- (2) Regulations under this section may make different provision in respect of different authorities and may include such incidental, supplemental and consequential provision as the Secretary of State considers appropriate.
- (3) Without prejudice to the generality of the powers conferred by subsections (1) and (2) above, regulations under this section may—
- (a) specify the purposes for which an authority may borrow money;
  - (b) place limits on amounts which an authority may borrow;
  - (c) specify the means by which an authority may borrow;
  - (d) make provision for—
    - (i) the means by which money borrowed by an authority may be secured; and
    - (ii) the protection of persons borrowing from an authority;
  - (e) specify from whom an authority may borrow or to whom they may lend;
  - (f) specify the terms on which an authority may lend;
  - (g) make provision as to what assets and liabilities may be paid or transferred into or out of a loans fund and on what terms;
  - (h) provide for investigations to be carried out at the instance of the Secretary of State into the administration of a loans fund;
  - (i) place requirements on an authority to obtain such consent as may be prescribed before taking prescribed actions; and
  - (j) where an authority have failed to comply with the regulations, provide for the Secretary of State to apply to the Court of Session for an order ordaining compliance, and for the court to grant such an application if they think fit.
- (4) Where it appears to the Secretary of State to be necessary or expedient, in the light of any regulations made under this section, to amend any reference in any enactment, whether passed before or after the coming into force of this section—
- (a) to a loans fund; or
  - (b) to any provision in Schedule 3 to the 1975 Act,
- he may by regulations make such amendment.
- (5) Regulations under this section shall be made by statutory instrument, but shall not be made unless a draft of any such statutory instrument has been laid before and approved by resolution of each House of Parliament.
- (6) For the purposes of this section “authority” means a local authority, a joint board,<sup>F18</sup> . . . or the Strathclyde Passenger Transport Authority.

#### Textual Amendments

**F18** Words in s. 165(6) repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xxxvi)

## 166 Grants in relation to ethnic minorities.

For section 11 of the <sup>M98</sup>Local Government (Scotland) Act 1966 substitute—

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### “11 Grants for certain expenditure in relation to ethnic minorities.

- (1) Subject to the provisions of this section, the Secretary of State may pay to local authorities which in his opinion are required to make special provision in the exercise of any of their functions in consequence of the presence within their area of persons belonging to ethnic minorities whose language or customs differ from those of the rest of the community, grants of such amounts as he may, with the consent of the Treasury, determine on account of expenditure in respect of the employment of staff.
- (2) No grant shall be paid under this section in respect of expenditure incurred before 1st April 1993.”.

#### Marginal Citations

M98 1966 c. 51.

### 167 Special grants.

After section 108 of the <sup>M99</sup>Local Government Finance Act 1992 insert—

#### “108A Special grants.

- (1) The Secretary of State may, with the consent of the Treasury, pay a grant (in this section referred to as a “special grant”) in accordance with this section to a local authority.
- (2) Where the Secretary of State proposes to make a special grant to one authority he shall, before making the grant, make a determination stating—
  - (a) the authority to which the grant is to be paid;
  - (b) the purpose for which the grant is to be paid; and
  - (c) the amount of the grant which is to be paid or the manner in which that amount is to be calculated.
- (3) Where the Secretary of State proposes to make special grants to more than one authority he shall, before making the grants, make a determination stating—
  - (a) to which authorities they are to be paid;
  - (b) the purpose for which they are to be paid; and
  - (c) either—
    - (i) the amount which he proposes to pay to each authority or the manner in which the amount is to be calculated; or
    - (ii) the total amount which he proposes to distribute among the authorities and the basis upon which he proposes to distribute that amount.
- (4) A determination under subsection (2) or (3) above shall be made with the consent of the Treasury and shall be specified in a report (to be called a special grant report) which shall contain such explanation of the main features of the determination as the Secretary of State considers to be desirable.

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- (5) A special grant report shall be laid before the House of Commons and, as soon as is reasonably practicable thereafter, the Secretary of State shall send a copy of it to any authority to which he proposes to make a special grant in accordance with the determination.
- (6) No special grant shall be paid unless the special grant report containing the determination relating to the grant has been approved by a resolution of the House of Commons.
- (7) A special grant report may specify conditions which the Secretary of State may with the consent of the Treasury impose on the payment of, or of any instalment of, any special grant to which the report relates; and the conditions may—
  - (a) require the provision of returns or other information before a payment is made to the authority concerned; or
  - (b) relate to the use of the amount paid, or to the repayment in specified circumstances of all or part of the amount paid.
- (8) Without prejudice to compliance with any conditions imposed as mentioned in subsection (7) above, a special grant shall be paid at such time or in instalments of such amounts and at such times as the Secretary of State may, with the consent of the Treasury, determine.”.

#### Marginal Citations

M99 1992 c. 14.

### 168 Direct Labour Organisation/ Direct Services Organisation Accounts.

- (1) After section 15 of the 1975 Act there shall be inserted the following section—

#### “15A Direct Labour Organisation/ Direct Services Organisation Accounts.

- (1) A local authority may establish, in accordance with the provisions of this section, Direct Labour Organisation/Direct Services Organisation Funds (to be known as “DLO/DSO funds”) for the purpose of dealing with surpluses and deficits which may occur in respect of—
  - (a) any revenue account kept by the authority under section 10(1) (accounts relating to construction or maintenance work) of the <sup>M100</sup>Local Government, Planning and Land Act 1980; or
  - (b) any account kept by the authority under section 9(2) (accounts) of the <sup>M101</sup>Local Government Act 1988.
- (2) Any interest earned on money transferred to a reserve fund established under subsection (1) above may be credited to that fund.
- (3) Any surplus credited to a fund established under subsection (1) above and which is, in the opinion of the authority, not required for the purpose of dealing with deficits in any such fund, may be transferred by them to the general fund maintained by them under section 93 of the Act of 1973 (general fund).

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(4) This section is without prejudice to any specific limitation imposed by or under any enactment as to the manner in which money may be paid into or out of any specific account.”.

(2) Paragraphs 22(1)(c) and 24A of Schedule 3 to the 1975 Act shall cease to have effect.

#### Marginal Citations

**M100** 1980 c. 65.

**M101** 1988 c. 9.

## 169 Statements of support services costs.

(1) The Secretary of State may by regulations require any authority defined for the purposes of section 1(1) of the Local Government Act 1988 (“the 1988 Act”) to publish a statement, to be known as a statement of support services costs (hereinafter referred to as a “statement”), of the cost to the authority of each of the activities to which this section applies.

(2) This section applies to—

- (a) any activity which is a defined activity within the meaning of section 2(2) of the 1988 Act;
- (b) any other prescribed activity.

(3) A statement shall—

- (a) show the cost to the authority of the activity to which it applies, whether or not that activity, or any part of it, is carried out by employees of the authority; and
- (b) show how that cost is allocated amongst the public services provided by the authority.

(4) A statement shall—

- (a) be in such form;
- (b) be published on or by reference to such date;
- (c) contain such information;
- (d) be made available for inspection by the public in such manner; and
- (e) be supplied to the public on such terms as to payment,

as may be prescribed, and different provision may be made in relation to the matters mentioned above in relation to different authorities.

(5) Such of the information contained in the statement as may be prescribed shall be included within the annual abstract of accounts (or any equivalent to such an abstract) produced by an authority.

(6) For the purposes of this section the cost of any activity shall be calculated in such manner and by reference to such factors as may be prescribed.

(7) In this section—

“activity”, where it is an activity such as is mentioned in—

- (a) subsection (2)(a) above, has the meaning given to it by or under the 1988 Act; and
- (b) subsection (2)(b) above, has such meaning as may be prescribed;

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“prescribed” means prescribed in regulations under this section; and  
“public services” means such services provided by the authority as may be prescribed.

- (8) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### *Resources*

#### **170 Effective use of resources.**

After section 122 of the 1973 Act there shall be inserted the following section—

##### **“122A Duty of local authority to use resources efficiently.**

It shall be duty of each local authority to make proper arrangements for securing economy, efficiency and effectiveness in their use of resources.”.

### *Economic development*

#### **171 Functions to include promotion of economic development.**

After section 171 of the 1973 Act there shall be inserted—

### **“PART XVIII**

#### **ECONOMIC DEVELOPMENT**

##### **171A Functions to include promotion of economic development.**

- (1) Subject to section 171B of this Act, the functions of a local authority shall include the taking of such steps as they may from time to time consider appropriate for promoting the economic development of their area.
- (2) Subject to the said section 171B, and without prejudice to any other provision made by or under this Act, those steps may include participation in and the encouragement of, and provision of financial and other assistance for—
  - (a) the setting up or expansion of any commercial, industrial or public undertaking—
    - (i) which is to be or is situated in the authority’s area; or
    - (ii) the setting up or expansion of which appears likely to increase the opportunities for employment of persons living in that area; and
  - (b) the creation or protection of opportunities for employment with any such undertaking or with any commercial, industrial or public undertaking, opportunities for employment with which have been or appear likely to be made available to persons living in that area.

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- (3) For the purposes of this section, the cases in which a local authority shall be treated as providing financial assistance to any person shall include the cases where they do or agree to do any of the following, that is to say—
- (a) make a grant to that person;
  - (b) make a loan to that person or provide him with any further form of credit;
  - (c) guarantee the performance of any of that person’s obligations;
  - (d) indemnify that person in respect of any liability, loss or damage;
  - (e) invest in that person’s undertaking, in the case of a body corporate, by acquiring share or loan capital in that body or otherwise;
  - (f) provide that person with any property, services or other financial benefit (including the remission in whole or in part of any liability or obligation) for no consideration or for a consideration which is less than the best that could reasonably be obtained;
  - (g) join with any other person in doing anything falling within paragraphs (a) to (f) above.
- (4) The power conferred on a local authority under subsection (1) above includes power for such authority to engage in activities outside their area for the purpose of promoting the economic development of their area.
- (5) Where, in any financial year, a local authority propose to engage in activities such as are mentioned in subsection (4) above outside the United Kingdom, they shall, before the beginning of that financial year—
- (a) prepare a document setting out their proposals for engagement in such activities; and
  - (b) submit that document to the Secretary of State for approval.
- (6) Where the Secretary of State approves the proposals set out in any document submitted under subsection (5) above, he may make his approval subject to such conditions as he considers necessary or expedient.
- (7) At any time during the financial year to which a document such as is mentioned in subsection (5) above relates—
- (a) a local authority may submit to the Secretary of State amendments of the proposals contained in that document; and
  - (b) subsection (6) above shall apply in relation to those amendments as it applies in relation to proposals submitted in pursuance of subsection (5) above.
- (8) The exercise by a local authority of any of their powers under this section shall be subject to the provisions of section 90 of this Act.

### **171B Restrictions on promotion of economic development.**

- (1) The powers of a local authority by virtue of section 171A above, and their powers by virtue of any of the other provisions of this or any other enactment, shall not include power, for the promotion of the economic development of their area, to take any such steps as may be specified or described for the purposes of this section in regulations made by the Secretary of State.

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- (2) Without prejudice to the generality of subsection (1) above, the Secretary of State may by regulations impose such conditions (including conditions requiring consultation by the local authority of such persons as may be prescribed), and such other restrictions, as may be specified in or determined under the regulations on the exercise, for the purpose of promoting the economic development of their area, of any power of a local authority by virtue of the said section 171A or any other enactment.
- (3) The Secretary of State may by order impose such a financial limit as may be specified in or determined under the order on expenditure which—
  - (a) is, or is of a description, so specified or determined; and
  - (b) is, by virtue of section 171A above or a provision of this or any other enactment, incurred in any financial year for the purpose of promoting the economic development of their area by a local authority so specified or determined.
- (4) A statutory instrument containing regulations under subsection (1) or (2) above or an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Regulations under subsection (1) or (2) above may contain such incidental provision and such supplemental, consequential and transitional provision in connection with their other provisions as the Secretary of State considers appropriate.

#### **171C Exercise of certain powers to be subject to provisions of sections 171A and 171B.**

The exercise by a local authority of any power which they have—

- (a) under section 7 of the <sup>M102</sup>Local Government (Development and Finance) (Scotland) Act 1964 (power to make advances for erection of buildings);
- (b) under section 102 (power to acquire compulsorily certain land) or 109 (power to acquire certain land by agreement) of the <sup>M103</sup>Town and Country Planning (Scotland) Act 1972; or
- (c) under section 70, 74 or 78 of this Act,

is subject to the provisions of sections 171A and 171B of this Act.”.

#### **Commencement Information**

**I18** S. 171 wholly in force at 1.4.1996; s. 171 not in force at Royal Assent see s. 184(2); s. 171 in force for certain purposes at 30.10.1995 and in force at 1.4.1996 insofar as not already in force by S.I. 1995/2866, arts. 2(f), 3(a)

#### **Marginal Citations**

**M102** 1964 c. 67.

**M103** 1972 c. 52.



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## Tourism

### 172 Duty of Secretary of State to establish area tourist boards.

- (1) The Secretary of State shall, in accordance with the provisions of this section and not later than 1st April 1996, by order make schemes for the establishment for such areas as may be specified in the order of area tourist boards (hereafter referred to as “boards”).
- (2) The principal function of a board shall be to carry on activities relating to tourism.
- (3) A scheme under this section shall—
  - (a) make provision for the constitution of a board;
  - (b) specify the area for which the board is established;
  - (c) provide that the board shall be a body corporate with a common seal;
  - (d) provide that the Secretary of State shall appoint the first members of the board and, from among those members, the first members of the controlling body of the board; and thereafter the members of such controlling body shall be appointed by the board;
  - (e) contain provision stating that it shall not, without the express or general consent given in writing of the Secretary of State (or such body as he may direct the board to consult), carry on activities relating to the promotion of tourism outside the United Kingdom; and
  - (f) make, where applicable and to such extent as the Secretary of State considers appropriate, transitional provision such as is mentioned in subsection (5) below.
- (4) A scheme under this section may—
  - (a) for the purposes of enabling a board to carry on its principal function, confer additional functions and powers on a board, including power to hold property and to employ staff;
  - (b) subject to the provisions of this section, provide who may be appointed to be members of the board;
  - (c) make provision for the payment of remuneration, allowances, pensions and gratuities to members of the board;
  - (d) subject to the provisions of this section and such conditions as may be specified in the scheme, enable a board to form or acquire a company;
  - (e) make provision for the board to regulate its own procedure;
  - (f) make provision for the board to appoint committees (including committees composed of persons who are not members of the board) and for the payment to persons appointed to such committees of such remuneration and allowances as the board may determine;
  - (g) make provision enabling the board to delegate any of its duties to any of its members who or committees which are authorised (generally or specifically) for the purpose;
  - <sup>F19</sup>(h) .....
  - (i) make provision for such other matters as the Secretary of State thinks fit.
- (5) The transitional provision mentioned in paragraph (f) of subsection (3) above is provision for—

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- (a) the revocation of any scheme made under section 90A of the 1973 Act (schemes for formation of area tourist organisations etc.) by an islands or district council whose area lies wholly or partly within the area of the proposed board;
  - (b) the winding up and dissolution of any area tourist organisation (whether a body corporate or not) formed by or for the purposes of any scheme made under the said section 90A;
  - (c) the transfer of any staff of any such area tourist organisation to such board established under this section as may be specified in the order; and
  - (d) the transfer to and, with effect from the date on which the scheme under this section takes effect, vesting in such board or boards established under this section as may be specified in the order of such property, rights and liabilities of any such tourist organisation as may be so specified.
- (6) The number of persons representative of a local authority appointed as members of the controlling body of a board (in this section referred to as “local authority members”) shall not exceed the number of subscribing members appointed as members of such a controlling body; and where local authority members are appointed the total number of voting rights accorded to them shall not exceed the total number of voting rights accorded to subscribing members.
- (7) For the purposes of subsection (6) above, a subscribing member is a member of a board who—
- (a) is such member of the board by reason of his—
    - (i) being resident, or carrying on business, in the area of the board; and
    - (ii) carrying on, or having an interest in, activities relating to tourism in the area of the board; and
  - (b) pays a membership subscription to the board,
- and includes, where the subscribing member is a body corporate, a person representative of that body corporate.
- (8) A board shall not—
- (a) be regarded as a servant or agent of the Crown;
  - (b) have any status, immunity or privilege of the Crown; or
  - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local,
- and its property shall not be regarded as property of, or held on behalf of, the Crown.
- (9) A board shall not—
- (a) form or promote, or join with any other person in forming or promoting, any body corporate (including a company (within the meaning of the <sup>M104</sup>Companies Act 1985)); or
  - (b) acquire the majority of the voting rights in such a body corporate,
- unless the constitution of any such body corporate contains a provision stating that it shall not, without the express or general consent given in writing of the Secretary of State (or such body as he may direct the board to consult), carry on activities relating to the promotion of tourism outside the United Kingdom.
- (10) Before making a scheme under this section the Secretary of State shall consult—
- (a) the Scottish Tourist Board; and
  - (b) any—

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- (i) district or islands council; and
  - (ii) new local authority,
- whose area lies wholly or partly within the area of the proposed board.
- (11) A scheme made by an order under this section shall not take effect before 1st April 1996 except in relation to—
- (a) the constitution of a board;
  - (b) the carrying out by that board of any functions necessary to bring the scheme into operation on that date; and
  - (c) the winding up of an existing board.
- (12) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) In this section and in sections 173 and 174 of this Act “new local authority” means a council constituted under section 2 of this Act.

#### Textual Amendments

**F19** S. 174(2)(h) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

#### Marginal Citations

**M104** 1985 c. 6.

### 173 Power of Secretary of State to amend and revoke schemes.

- (1) The Secretary of State may by order amend or revoke a scheme made under section 172 of this Act and the provisions of the said section 172 shall, so far as applicable, have effect in relation to any such amending or revoking scheme, subject to any necessary modifications and to the provisions of this section.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, provision may be made in an amending or revoking scheme—
- (a) for altering the area for which a board (hereafter referred to as the “original board”) is constituted under the scheme, whether or not that board is dissolved by virtue of the subsequent scheme;
  - (b) for the dissolution and winding up of an original board;
  - (c) for the transfer to such board as may be specified in the subsequent scheme of staff employed by the original board;
  - (d) for the transfer to and, with effect from the date on which the subsequent scheme takes effect, vesting in such board or boards as may be specified in that scheme of such property, rights and liabilities of the original board as may be so specified;
  - (e) for any other matters incidental to or consequential on the provisions of such scheme.
- (3) The power conferred on the Secretary of State by subsection (1) above may be exercised in relation to an amending or revoking scheme made or, as the case may be, approved by order under this section or section 174 of this Act.
- (4) Before making a scheme under this section the Secretary of State shall consult—
- (a) the bodies mentioned in section 172(10)(a) and (b)(ii) of this Act; and

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- (b) where the subsequent scheme alters the area of the original board, any new local authority whose area lies wholly or partly within such altered area.
- (5) An order under this section shall be made by statutory instrument; and such instrument shall, where it contains provision such as is mentioned in subsection (2)(a) above, be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **174 Power of local authority to submit amending schemes to Secretary of State.**

- (1) A new local authority whose area lies wholly or partly within the area of a board established by virtue of a scheme made under section 172 or 173 of this Act may, together with any other such authority whose area lies wholly or partly within the area of that board, submit to the Secretary of State for his approval a scheme for the amendment or revocation of such a scheme.
- (2) The provisions of sections 172 and 173 of this Act shall, so far as applicable, have effect in relation to an amending or revoking scheme made under this section subject to any necessary modifications and to the provisions of this section.
- (3) Before making an amending or revoking scheme under this section, the authority or authorities concerned shall consult the Scottish Tourist Board.
- (4) The power conferred on new local authorities by subsection (1) above may be exercised in relation to an amending or revoking scheme approved by order under this section.
- (5) The Secretary of State may by order approve any scheme submitted to him under this section.
- (6) An order under this section shall be made by statutory instrument; and such instrument shall, where it contains provision such as is mentioned in section 173(2)(a) of this Act, be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **175 Provision of assistance to boards by old authorities.**

District, islands and regional councils may provide financial and other assistance to any area tourist board established by a scheme made under section 172 of this Act whose area lies wholly or partly within the areas of such councils in respect of anything done in pursuance of subsection (11) of that section before 1st April 1996.

#### **176 Powers to carry on tourism-related activities.**

For section 90 of the 1973 Act there shall be substituted the following section—

##### **“90 Powers of local authority to carry on tourism-related activities.**

- (1) A local authority may—
  - (a) provide, or encourage any other person to provide, facilities for leisure, conferences, trade fairs and exhibitions or improve, or encourage any other person to improve, any existing facilities for those purposes;
  - (b) promote, by advertisement or otherwise, facilities provided by that local authority (whether such facilities are owned by the authority or otherwise);

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- (c) organise, or assist others in the organisation of, and promote, by advertisement or otherwise, conferences, trade fairs and exhibitions;
  - (d) participate in the area tourist board whose area includes the area of that authority.
- (2) Subject to subsection (3) below, a local authority shall not have power to—
- (a) encourage persons, by advertisement or otherwise (and whether inside or outside the United Kingdom)—
    - (i) to visit their area for purposes relating to leisure; or
    - (ii) to hold conferences, trade fairs or exhibitions within their area;
  - (b) provide information about accommodation and facilities and services relating to leisure in their area or provide a booking service for such accommodation, to persons visiting their area;
  - (c) carry on such other activities relating to those mentioned in paragraphs (a) and (b) above as the Secretary of State may by regulations specify.
- (3) A local authority shall have power to do any of the things mentioned in paragraphs (a) to (c) of subsection (2) above—
- (a) in so far as it is necessary to do any of those things for the purposes of carrying on the activities mentioned in paragraphs (a) and (b) of subsection (1) above; or
  - (b) where the Secretary of State has given his prior consent (subject to such conditions as he considers necessary or expedient) in writing.
- (4) A local authority shall not, for the purposes of carrying on activities relating to tourism other than—
- (a) those such as are mentioned in paragraphs (a) to (d) of subsection (1) above; or
  - (b) by virtue of subsection (3) above, those such as are mentioned in subsection (2) above,
- form, acquire or join with any person or body corporate.
- (5) Without prejudice to subsection (1) above, a local authority may contribute towards expenses incurred by any person—
- (a) doing anything mentioned in paragraph (a) of that subsection; or
  - (b) organising and holding a conference, trade fair or exhibition.
- (6) A local authority may appoint officers for the purposes of enabling the authority to carry out any of their powers under this section; and section 65 of this Act shall apply in relation to any officers appointed under this subsection subject to the following modifications—
- (a) references to “another local authority” shall be construed as if they were references to an area tourist board; and
  - (b) in subsection (2), the words from “but” to the end shall be omitted.
- (7) A statutory instrument containing regulations under subsection (2)(c) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—

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**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (a) “area tourist board” means a board established by virtue of an order made or, as the case may be, approved under section 172, 173 or 174 of the Local Government etc. (Scotland) Act 1994;
- (b) “participate” means participation in any one or more of the following ways—
  - (i) a local authority or any person representative of a local authority being a member of the area tourist board whose area includes the area of that authority;
  - (ii) provision by a local authority to such a board of financial assistance for the purposes of the board’s carrying out activities relating to tourism;
  - (iii) provision by a local authority to such a board of staff; and
- (c) section 171A(3) of this Act shall apply to this section with the substitution for any references to a person of references to an area tourist board.”.

## PART V

### GENERAL AND SUPPLEMENTARY

#### *General*

#### **177 Parliamentary disqualification.**

(1) Schedule 1 to the <sup>M105</sup>House of Commons Disqualification Act 1975 shall be amended as mentioned in subsections (2) and (3) below.

(2) In Part II (bodies of which all members are disqualified for membership of the House of Commons), there shall be inserted at the appropriate places the following entries—

“The East of Scotland Water Authority.

;”

“The North of Scotland Water Authority.

;”

“The Scottish Children’s Reporter Administration.

;”

“The Scottish Water and Sewerage Customers Council or any committee established by that council under paragraph 10(1) of Schedule 9 to the Local Government etc. (Scotland) Act 1994.

; and”

“The West of Scotland Water Authority.

.”

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(3) In Part III (other disqualifying offices) there shall be inserted at the appropriate places the following entries—

“Any member of the staff commission established by virtue of section 12 of the Local Government etc. (Scotland) Act 1994.

;

“Any member of a residuary body established by virtue of section 18 of the Local Government etc. (Scotland) Act 1994 who is in receipt of remuneration.

; and”

“Any member of the property commission established by virtue of section 19 of the Local Government etc. (Scotland) Act 1994.

.”

#### Commencement Information

**I19** S. 177 wholly in force at 30.10.1995; s. 177 not in force at Royal Assent see s. 184(2); s. 177(1)(3) in force for specified purposes at 8.11.1994 by S.I. 1994/2850, art. 2, Sch. 1; s. 177(1)(2) in force for further specified purposes at 6.4.1995 by S.I. 1995/702, art. 4(1), Sch. 2; s. 177(1)(2) in force for further specified purposes at 17.7.1995 by S.I. 1995/1898, art. 2(b); s. 177 in force at 30.10.1995 insofar as not already in force by S.I. 1995/2866, art. 2(g)

#### Marginal Citations

M105 1975 c. 24.

### 178 Financial provisions.

(1) There shall be paid out of money provided by Parliament—

- (a) any expenses of the Secretary of State incurred in consequence of the provisions (other than section 84(5)) of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) There shall be paid out of the National Loans Fund any sums issued to the Secretary of State under section 84(5) of this Act.

(3) There shall be paid into—

- (a) the National Loans Fund any sums paid to the Secretary of State under section 84(5) of this Act; and
- (b) the Consolidated Fund any sums paid to the Secretary of State in consequence of any other provision of this Act.

### 179 Savings.

(1) The repeal by this Act of—

- (a) sections 65, 66 and 67;
- (b) the words from “; and section 65” to the end in section 76H(8); and

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- (c) the words “, save in sections 64 to 67,” in the definition of “owner” in section 109(1), of the 1980 Act, shall not affect the operation of the said sections 65, 66 and 67 as respects—
- (i) any charging order made before 1st April 1996 under subsection (1) or (3) of section 65 (including any charging order so made by virtue of the said section 76H(8));
  - (ii) any order made before that date under subsection (2) of section 66; or
  - (iii) any right conferred by those sections to recover expenditure provided that the expenditure was incurred before that date.
- (2) The repeal by this Act of the said section 65 shall not affect that section’s application, under subsection (4) of section 75 of the Agricultural Holdings (Scotland) Act 1991, to such charging orders as are mentioned in subsection (2) or (3) of the said section 75.
- (3) The repeal by this Act—
- (a) of section 47 of the 1968 Act shall not affect the operation of that section as respects—
    - (i) any charging order made before 1st April 1996 under subsection (1) of that section; or
    - (ii) any right conferred by that section to recover expenditure provided that the expenditure was incurred before that date;
  - (b) of the said sections 65, 66 and 67 shall not affect those sections’ application, under subsection (2) or (3) of the said section 47, to such charging orders as are mentioned in sub-paragraph (i) of paragraph (a) above or, as the case may be, for the purpose of the right of recovery mentioned in sub-paragraph (ii) of that paragraph.
- (4) Without prejudice to subsection (4) of section 72 of the 1980 Act (certain byelaws to cease to have effect at expiration of a specific period unless extended), or to that subsection as it applies by virtue of section 63(10) of the <sup>M106</sup>Countryside (Scotland) Act 1967 (byelaws as respects recreational use of waterway or land), a byelaw made by the Board or by any other transferor as water authority, or having effect, immediately before the transfer date, as if so made by virtue of section 73(3) of the 1980 Act (power of Secretary of State to require making of byelaws), shall on and after that date have effect, though only within the area in which it had effect immediately before that date, as if made by the transferee as water authority, with any reference in the byelaws to the transferor being construed, in so far as the context admits, as a reference to the transferee.
- (5) In subsection (4) above, “transferor” and “transferee” mean the transferor and transferee in a transfer scheme; and for the purposes of that subsection the transferee where the transferor is the Board shall be taken to be the East of Scotland Water Authority only.
- (6) Section 125 of this Act applies for the interpretation of subsections (1) to (5) above as that section applies for the interpretation of Part II of this Act.

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**Marginal Citations**

**M106** 1967 c. 86.



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## Supplementary

### 180 Minor and consequential amendments and repeals

- (1) Schedule 13 to this Act, which contains minor amendments and amendments consequential upon the provisions of this act, shall have effect.
- (2) The enactments mentioned in Schedule 14 to this Act (which include spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

**I20** S. 180 partly in force; s. 180 not in force at Royal Assent see s. 184(2); s. 180 in force for specified purposes at 4.1.1995 by S.I. 1994/2850, art. 3(b)-(d); s. 180 and s. 180(2) in force for further specified purposes at 31.12.1994, 4.1.1995, 1.4.1995 by S.I. 1994/3150, arts. 2(b), 3(d), 4(b) respectively; s. 180 in force for further specified purposes at 1.4.1995 by S.I. 1995/702, art. 3(c); s. 180 in force for further specified purposes at 6.4.1995 by S.I. 1995/702, art. 4(1), Sch. 2; s. 180 in force for further specified purposes at 17.7.1995 by S.I. 1995/1898, art. 2(c), Sch.; s. 180(1) in force for further specified purposes at 22.12.1995 and 1.4.1996 by S.I. 1995/3326, arts. 2(a), 3(a), Sch.; s. 180 in force for further specified purposes at 19.2.1996, 31.3.1996 and 1.4.1996 by S.I. 1996/323, arts. 2(1)(b), 3(a), 4(1)(b) respectively

### 181 Consequential and supplementary provisions

- (1) The Secretary of State may at any time, whether before or after 1st April 1996 by order make such incidental, consequential, transitional or supplementary provisions as may appear to him to be necessary or expedient—
  - (a) for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
  - (b) in consequence of such of the provisions of this Act or of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act,and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) An order under this section may—
  - (a) make provision in the case of any body, person, funds or matter affected by this Act, for the transition from the provisions of any enactment to the provisions of this Act, but nothing in such an order shall be inconsistent with any provision of this Act;
  - (b) in relation to the period prior to 1st April 1996, and subject to such modifications as the Secretary of State thinks necessary or expedient, apply to the new authorities any enactment relating to a local authority in Scotland;
  - (c) apply, with or without modifications or amend, repeal or revoke (with or without savings) any provision of an Act passed before this Act or in the same Session, or an instrument made under such an Act before 1st April 1996; or
  - (d) make savings, or additional savings, from the effect of any repeal made by this Act.
- (3) Subject to subsection (6) below, anything done or treated by virtue of any enactment as having been done by or to or in relation to an existing local authority in connection

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with the discharge of any of their functions shall, as from 1st April 1996, be treated as having been done by , to or in relation to the new authority by whom those functions become exercisable on and after that date by virtue of this Act; and any such thing shall as from that date have effect as if any reference therein to a specified existing local authority by whom those functions were exercisable before that date were a reference to the new authority by whom those functions become exercisable.

(4) Without prejudice to the generality of subsection (3) above, the things to which it refers include—

- (a) any agreement, instrument, decision, designation, determination, declaration or order made or treated as having been made by an existing local authority;
- (b) any notice or direction given or treated as given by or to such an authority;
- (c) any licence, certificate, permission, consent, approval, refusal, exemption, dispensation or relaxation granted or treated as granted by or to such an authority;
- (d) any application, request, proposal or objection made or treated as made by or to such an authority;
- (e) any fee paid to or by such an authority;
- (f) any condition or requirement imposed or treated as imposed by or on such an authority;
- (g) any proceedings instituted by or against any such authority; or
- (h) any appeal allowed by or in favour of or against such an authority.

(5) If there is any doubt as to the identity of the new authority to whom any particular functions are so transferred, that authority shall be taken to be such as may be specified in a direction given by the Secretary of State.

(6) Subsection (3) above is without prejudice to any express provision made by, or by any instrument or transfer scheme made under, this Act but has effect subject to any provision to the contrary so made and in particular may be excluded from applying, either wholly or to any specified extent, in any particular case by an order made by the Secretary of State.

(7) Section 25 of the 1973 Act (transitional agreements as to property and finance) shall apply for the purposes of Parts I and V of this Act as if any reference to an order under Part II of that Act included a reference to any provision of Part I of this Act or to any provision of any instrument made under Part of this Act, but any agreement made by virtue of this subsection may only be made by new authorities and after 31st March 1996.

(8) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament

(9) In this section—

“existing local authority” includes a joint committee and a joint board and a reporter appointed under section 36(1) of the <sup>M107</sup> Social Work (Scotland) Act 1968;

“joint committee” and “joint board” have the meanings given by section 235(1) of the 1973 Act; and

“new authority” means—

- (a) any of the authorities constituted under section 2 of this Act;
- (b) a joint committee and a joint board;

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- (c) a residuary body;
- (d) the Strathclyde Passenger Transport Authority;
- (e) a new water and sewerage authority within the meaning of Part II of this Act;
- (f) the Principal Reporter; and
- (g) the Scottish Children’s Reporter Administrations

#### Commencement Information

**I21** S. 181 wholly in force at 6.4.1995; s. 181 not in force at Royal Assent see s. 184(2); s. 181(1)(2)(8)(9) in force at 8.11.1994 by S.I. 1994/2850, art. 2, Sch. 1; s. 181 in force at 6.4.1995 insofar as not already in force by S.I. 1995/702, art. 4(1), Sch. 2

#### Marginal Citations

**M107** 1968 c. 49

### 182 Further transitional provisions.

(1) Until 1st April 1996—

- (a) section 70 of the 1973 Act (acquisition of land by agreement) shall have effect as if, in subsection (1), after paragraph (b) there were inserted “; or
- (c) there being provided by some person other than themselves a system, to which the public shall have access, of drains, sewers or sewage treatment works.”;
- (b) section 71 of the 1973 Act (acquisition of land compulsorily) shall have effect as if, in subsection (1), after “enactment” there were inserted “or of there being provided by some person other than themselves a system, to which the public shall have access, of drains, sewers or sewage treatment works”; and
- (c) section 15 of the <sup>M108</sup> Water (Scotland) Act 1980 (power to acquire land) shall have effect as if, at the end of each of subsections (1) and (3), there were added “or for the purpose of there being provided by some person other than themselves a supply of water to the public”.

(2) If the Secretary of State provides, by order under section 184(2) of this Act, that any provision of Part II of (or of Schedule 13 to) this Act which—

- (a) amends section 1, 16, 21(1), 22, 23, or 48 of the <sup>M109</sup> Sewerage (Scotland) Act 1968 or section 32 of the <sup>M110</sup> Control of Pollution Act 1974; or
- (b) adds to the said Act of 1968 a new section 3A or 16A or to section 20 of that Act a new subsection (5),

shall come into force before 1st April 1996, he may provide in the order that the section amended, or as the case may be the section or subsection added, shall until that date apply as if modified in such manner as he shall specify in the order; the modifications being such as appear to him to be requisite having regard of the fact that some other provision of that Part (or that Schedule) is not for the time being in effect.

#### Subordinate Legislation Made

**P1** S. 182(2) power exercised (7.11.1994): different dates appointed for specified provisions by S.I. 1994/2850

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Marginal Citations

**M108** 1980 c. 45

**M109** 1968 c. 47

**M110** 1974 c. 40

## 183 Interpretation and amendment of statutory references

(1) In this Act, unless the context other wise requires—

“residuary body” shall be construed in accordance with section 18 of this Act;

“the Valuation Acts” means the <sup>M111</sup> Lands Valuation (Scotland) Act 1854, the Acts amending that Act and any other enactment relating to valuation;

“the 1973 Act” means the <sup>M112</sup> Local Government (Scotland) Act 1973; and

“the 1975 Act” means the <sup>M113</sup> Local Government (Scotland) Act 1975.

(2) Subject to section 59 of this Act and to any particular amendment of any enactment made by or under this Act—

(a) any reference in any enactment to a local authority within the meaning of the 1973 Act (whether expressed as a reference to such an authority, or to a regional, islands or district council, or otherwise); or

(b) any reference in any enactment to a local authority within the meaning of the <sup>M114</sup> Local Government (Scotland) Act 1947 (“the 1947 Act”) which, by virtue of paragraph 1(2) of Schedule 27 to the 1973 Act, falls to be construed as a reference to a local authority within the meaning of the 1973 Act,

shall be construed as a reference to a council constituted under section 2 of this Act.

(3) For the purpose of translating any reference, however expressed, in any enactment to a local authority within the meaning of either the 1973 Act or the 1947 Act to a reference to a council constituted under section 2 of this Act, the Secretary of State may by order made by statutory instrument make such amendments to any such enactment as he considers necessary or expedient

(4) Subject to any particular amendment of any enactment made by this Act, any reference in any enactment to—

(a) the director of education shall in relation to any purpose be construed as a reference to the officer appointed by a local authority for that purpose;

(b) the director of social work shall be construed as a reference to the chief social work officer.

(5) Any reference in any enactment, other than the <sup>M115</sup> Social Work (Scotland) Act 1968 or the <sup>M116</sup> Criminal Procedure (Scotland) Act 1975 (in respect of which Acts particular provision is made in Schedule 13 to this Act), to a reporter appointed under section 36(1) of the former Act shall be construed as a reference to the Principal Reporter

(6) In this section “enactment” means any enactment or instrument made under an enactment, whether passed or made before or after the coming into force of this section; but does not include this Act or any instrument made under this Act.

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### Commencement Information

**I22** S. 183 wholly in force at 1.4.1996; s. 183 not in force at Royal Assent see s. 184(2); s. 183(1) in force at 8.11.1994 by S.I. 1994/2850, art. 2, **Sch. 1**; s. 183(3)(6) in force at 6.4.1995 by S.I. 1995/702, art. 4(1), **Sch. 2**; s. 183(2)(4)(5) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), **Sch. 1**

### Marginal Citations

**M111** 1854 c. 91

**M112** 1973 c. 65

**M113** 1975 c. 30

**M114** 1947 c. 43

**M115** 1968 c. 49

**M116** 1975 c. 21

## 184 Short title, commencement and extent

- (1) This Act may be cited as the Local Government etc. (Scotland) Act 1994
- (2) This Act, except section 163, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (3) An order under subsection (2) above may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient in connection with the provisions brought into force.
- (4) This Act shall extend to Scotland only.

### Subordinate Legislation Made

- P2** S. 184 power partly exercised (7.12.1994): different dates appointed for specified provisions by S.I. 1994/3150  
S. 184 power partly exercised (8.3.1995): different dates appointed for specified provisions by S.I. 1995/702
- P3** S. 184(2) power partly exercised (7.11.1994): different dates appointed for specified provisions by S.I. 1994/2850  
S. 184(2) power partly exercised (14.7.1995): 17.7.1995 appointed by S.I. 1995/1898  
S. 184(2) power partly exercised (25.10.1995): different dates appointed for specified provisions by S.I. 1995/2866  
S. 184(2) power partly exercised (6.10.1998): 30.6.1999 appointed by S.I. 1998/2532
- P4** S. 184(2)(3) power partly exercised (15.12.1995): different dates appointed for specified provisions by S.I. 1995/3326  
S. 184(2)(3) power partly exercised (9.2.1996): different dates appointed for specified provisions by S.I. 1996/323

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## SCHEDULE 1

Section 1(2) and (4).

## NEW LOCAL GOVERNMENT AREAS

## PART I

*New areas*

<i>New local government areas</i>	<i>Comprising area of</i>
City of Aberdeen.	Aberdeen District Council.
Aberdeenshire.	Banff and Buchan District Council; Gordon District Council; Kincardine and Deeside District Council.
Angus.	Angus District Council; Tayside electoral divisions 30 (Monifieth) and 31 (Sidlaw) (except first, polling district PDB; secondly, that part of polling district PDC lying to the east and south of a line commencing at the junction of unnamed roads at grid reference NO 3297 3106; then running northwest to the crossroads at Mains of Fowlis at grid reference NO 3247 3239; then running northeastward along the unnamed road between Mains of Fowlis and Liff to the western curtilage of the property known as Cater-Milly at grid reference NO 3300 3276; then running southward and eastward along the western and southern curtilages of the said property to the field boundary at grid reference NO 3308 3259; then continuing southeastward along the said field boundary and across the Liff Burn to the eastern perimeter of the woodland known as Gray Den at grid reference NO 3332 3239; then running north and east along the path running along the said eastern perimeter of Gray Den to its junction with the unnamed track between Liff and Mains of Gray at grid reference NO 3336 3273; then running north to the junction of the said track and the southern curtilage of the property known as Gray Cottage; then running northeastward along the southern curtilages of Gray Cottage, Learsmonth House, Woodend Cottages and No. 31 Church Road to the southern edge of Church Road where it runs between Liff and the Royal Dundee Liff Hospital then running eastward along the continuation of the said road past the northern perimeter of the

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said Hospital to the road junction at grid reference NO 3537 3276; thirdly, that part of polling district ADA lying to the east and south of a line commencing at a point on the A923 road at grid reference NO 3560 3378; then running north along the eastern curtilage of No 100 Coupar Angus Road and northwestwards along the northern curtilages of Nos 100 to 122 Coupar Angus Road to the eastern perimeter of Blairfield Road; then northwards along the said eastern perimeter to the field boundary at grid reference NO 3533 3436; then northeastwards along the said field boundary to its junction with Templeton Road at grid reference NO 3577 3455; fourthly, that part of polling district ADC lying to the east and south of a line commencing at grid reference NO 3660 3474 then running northward to the northwest corner of Baldragon Wood at grid reference NO 3658 3496; then running eastward along the northern perimeter of the said wood and continuing along the field boundary to grid reference NO 3725 3491; fifthly, those parts of polling districts ADE and ADF lying to the east and south of a line commencing on the southern boundary of polling district ADE on the A90 road at grid reference NO 4166 3458; then running northwards along the said A90 road to its intersection with Emmock Road at grid reference NO 4180 3508 then running southeastwards along the said Emmock Road to its junction with the unnamed road leading to South Powrie and Barns of Wedderburn then eastwards along the said unnamed road as far as the northwestern curtilage of Barns of Wedderburn at grid reference NO 4347 3469; then running southwestwards and southeastwards along the northwestern and southwestern perimeter of the said property to the point where it meets the unnamed road leading to Fintry at grid reference NO 4347 3458; then running southwestwards along the said unnamed road to the road junction at grid reference NO 4345 3452; and sixthly, those parts of polling districts EDN, EDQ, PDA, WED, WEE, WEF and WEG lying within its boundary).

Argyll and Bute.

Argyll and Bute District Council; Strathclyde electoral division 7 (Helensburgh) and, in Strathclyde electoral division 8 (Vale of

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	Leven), polling district DB77 and that part of polling district DB78 lying north of a line commencing at grid reference NS 3464 8256; then running northeastwards to the field corner at grid reference NS 3469 8264; then southeastwards to the field junction at grid reference NS 3608 8198; then northeastwards to the field junction at grid reference NS 3658 8242; then northwestwards to the junction of the field boundary and an unnamed burn at grid reference NS 3613 8269; then generally northeastwards along the course of the said burn to where it meets Loch Lomond at grid reference NS 3743 8336; then due northeastwards from that point to the eastern boundary of the said polling district in Loch Lomond.
East Ayrshire.	Kilmarnock and Loudoun District Council and Cumnock and Doon Valley District Council.
North Ayrshire.	Cunninghame District Council.
South Ayrshire.	Kyle and Carrick District Council.
The Borders.	Borders Regional Council.
Clackmannan.	Clackmannan District Council.
Dumbarton and Clydebank.	Clydebank District Council; Strathclyde electoral divisions 6 (Dumbarton) and 8 (Vale of Leven) (except the areas of the said electoral division 8 included in Argyll and Bute).
Dumfries and Galloway.	Dumfries and Galloway Regional Council.
East Dunbartonshire.	Bearsden and Milngavie District Council; Strathclyde electoral divisions 43 (Kirkintilloch), 44 (Strathkelvin North), 45 (Bishopbriggs) and the South Lenzie/Waterside district ward in Strathclyde electoral division 46 (Chryston).
City of Dundee.	City of Dundee District Council (except Tayside electoral division 30 (Monifieth) and those parts of 31 (Sidlaw) which are in Angus or Perthshire and Kinross).
City of Edinburgh.	City of Edinburgh District Council.
Falkirk.	Falkirk District Council.
Fife.	Fife Regional Council.
City of Glasgow.	City of Glasgow District Council except Strathclyde electoral divisions 37 (Rutherglen/Fernhill), 38 (Cambuslang/



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	Halfway) and, in 35 (King’s Park\Toryglen), polling districts RU03, RU04, RU09 and RU18.
Highland.	Highland Regional Council.
Inverclyde.	Inverclyde District Council.
North Lanarkshire.	Cumbernauld and Kilsyth, Motherwell and Monklands District Councils; Strathclyde electoral division 46 (Chryston) (except South Lenzie/Waterside district ward).
South Lanarkshire.	Clydesdale, Hamilton and East Kilbride District Councils; Strathclyde electoral divisions 37 (Rutherglen/Fernhill), 38 (Cambuslang/Halfway) and, in 35 (King’s Park/Toryglen), polling districts RU03, RU04, RU09 and RU18.
East Lothian.	East Lothian District Council.
Midlothian.	Midlothian District Council.
West Lothian.	West Lothian District Council.
Moray.	Moray District Council.
Orkney Islands.	Orkney Islands Council.
Perthshire and Kinross.	Perth and Kinross District Council and, in Tayside electoral division 31 (Sidlaw), polling district PDB and that part of polling district PDA lying to the south of a line commencing at a point adjacent to Starr Inn Farm at grid reference NO 3309 3051 on the A90 road; then running eastward along the said road to the junction at grid reference NO 3462 3079.
East Renfrewshire.	Eastwood District Council; Strathclyde electoral division 79 (Barrhead).
Renfrewshire.	Renfrew District Council (except Strathclyde electoral division 79 (Barrhead)).
Shetland Islands.	Shetland Islands Council.
Stirling.	Stirling District Council.
Western Isles.	Western Isles Islands Council.

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## PART II

### *Provisions as to boundaries*

- 1 The boundaries of the new local government areas shall be mered by Ordnance Survey.
- 2 In this Schedule—

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“electoral division” means an electoral division for regional council elections as at 5th May 1994;

“polling district” means a polling district for regional council elections as at 1st December 1993; and

“ward” means a ward for district council elections as at 7th May 1992.

## SCHEDULE 2

Section 7(1).

### ESTABLISHMENT OF NEW LOCAL AUTHORITIES

#### *First elections of councillors*

- 1 (1) For the purpose of any election of councillors held before the relevant year of election, every local government area shall be divided into such electoral wards as may be specified in a direction made by the Secretary of State after carrying out, either before or after the passing of this Act, such consultation as he considers appropriate.
- (2) In this paragraph “relevant year of election” means, in relation to a local government area, the first year of ordinary election of councillors for that area occurring after the making of an order constituting the new electoral wards of that local government area in consequence of a review under Schedule 5 to the 1973 Act.
- (3) A direction under this paragraph may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State may consider to be appropriate.
- 2 (1) Notwithstanding the provisions of section 41(1) (returning officer to be an officer of the council) of the <sup>M117</sup>Representation of the People Act 1983 (“the 1983 Act”), at the elections of councillors to be held on 6th April 1995, the returning officer shall be an officer appointed by such regional or district council as the Secretary of State may direct.
- (2) Section 42(5) (expenses of election) of the 1983 Act shall not apply to any such election, but all expenditure properly incurred by a returning officer or other officer shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions as may be agreed between them or, failing such agreement, by such of them, and in such proportions, as may be determined by the Secretary of State.
- (3) In this paragraph “existing authorities” means the authorities all or part of whose area is included in the area of the new authority whose council is being elected.

#### **Marginal Citations**

**M117** 1983 c. 2.

#### *Qualification for membership*

- 3 For the purposes of section 29 of the 1973 Act, in its application to a candidate for membership of a new local authority, the new local authority areas shall be

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treated as having been established not less than twelve months before the day of his nomination as such a candidate.

#### *First meetings of new councils*

- 4 (1) The first meeting of each new council shall be held within twenty-one days immediately following the day of election.
- (2) The first meeting shall be convened by a person designated for that purpose by the Secretary of State, and shall be held at such place as that person may appoint.
- (3) The notice of the meeting required by paragraph 2(1) of Schedule 7 to the 1973 Act shall, in the case of the first meeting, be published at the place where the meeting is to be held, and the summons to attend the meeting required by that paragraph shall be signed by the person designated as mentioned in sub-paragraph (2) above.
- 5 (1) Until the completion of the election of a convener at the first meeting of a new council, the returning officer appointed as mentioned in paragraph 2 above, or failing him any such councillor as may be selected by the councillors meeting together, shall exercise any functions falling to be exercised by the convener of the council, but the person so acting as convener shall not be entitled to vote unless he is a councillor for the new area.
- (2) At the first meeting of a new council the person designated as mentioned in paragraph 4(2) above shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
- (3) The standing orders for the regulation of the proceedings and business of an existing authority, designated by the Secretary of State, shall apply at the first meeting of a new council.

#### *Suspension of elections*

- 6 No election of councillors of an existing local authority shall be held on or after 16th November 1994, except an election to fill a casual vacancy where the date of the election has been fixed in accordance with section 37(1) of the 1973 Act before 16th November 1994; and on and after that date any such casual vacancy shall be filled by the authority themselves electing a person to fill that vacancy.

#### *Election of convener and depute convener after 1st April 1996*

- 7 (1) The term of office of the convener and any depute convener elected to a council following the ordinary election on 6th April 1995 shall terminate on the day of the first meeting of the council held on or after 1st April 1996.
- (2) At that meeting the election of a convener shall be the first business.
- (3) The retiring convener shall be eligible for re-election, but shall in any event preside until a convener has been elected.

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## SCHEDULE 3

Section 18(10).

### RESIDUARY BODIES

#### *Incorporation*

- 1 A residuary body shall—
- (a) be a body corporate; and
  - (b) have a common seal.

#### *Status*

- 2 A residuary body shall not be regarded as acting on behalf of the Crown and neither that body nor its members, officers or servants shall be regarded as Crown servants.

#### *Membership*

- 3 (1) Subject to the provisions of this paragraph, every member of a residuary body shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A residuary body shall consist of not less than three and not more than seven members appointed by the Secretary of State; and the Secretary of State shall appoint one of those members to be chairman and may appoint another to be deputy chairman of that body.
- (3) The Secretary of State may by order alter either of the numbers specified in subparagraph (2) above.
- (4) Any member may resign by notice in writing to the Secretary of State, and the chairman or deputy chairman may by a like notice resign his office as such.
- (5) The Secretary of State may remove a member from office if satisfied that the member—
- (a) has had his estate sequestrated, has made any arrangement with his creditors, has been adjudged bankrupt or has granted a trust deed or a composition contract for his creditors;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the body for a period of three months otherwise than for a reason approved by the body; or
  - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- (6) If the chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman.
- (7) An order under this paragraph shall be made by statutory instrument subject to annulment by resolution of either House of Parliament.
- 4 The Secretary of State shall satisfy himself—
- (a) before he appoints a person under paragraph 3(2) above, that the person has no financial or other interest likely to affect prejudicially performance as a member of the residuary body in question;
  - (b) from time to time, that each person so appointed continues, and has continued, to have no such interest.

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- 5 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 4(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of that requirement.

#### *Remuneration etc. of members*

- 6 (1) A residuary body shall pay to each member such remuneration and allowances (if any) as the Secretary of State may with the consent of the Treasury determine.
- (2) As regards any member of a residuary body in whose case the Secretary of State may so determine, the body shall pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may with the consent of the Treasury determine.
- (3) Where a person ceases to be a member of a residuary body otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the body shall pay as compensation to that person such amount as the Secretary of State may with the consent of the Treasury determine.
- (4) Where an employee of a residuary body becomes a member of that body and immediately before becoming a member was by reference to his employment by that body participating in a superannuation scheme, the body may make provision for him to continue to participate in that scheme, on terms and conditions determined by the body with the consent of the Secretary of State, as if his service as a member were service as an employee; and such scheme shall have effect subject to any provision made under this sub-paragraph.

#### *Staff*

- 7 A residuary body may appoint, on such terms and conditions as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine such employees as they think fit.
- 8 (1) A residuary body shall, in the case of such of their employees or former employees as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those employees;
  - (b) make such payments towards provision of such pensions, allowances or gratuities; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions allowances or gratuities,
- as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of employees of a residuary body includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.

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*Proceedings*

- 9 (1) A member of a residuary body who is directly or indirectly interested in—
  - (a) a contract made or proposed to be made by them; or
  - (b) any other matter whatsoever which falls to be considered by them,
 shall as soon as is practicable disclose the nature of his interest at a meeting of the body; and the disclosure shall be recorded in the minutes of the meeting.
- (2) In the case mentioned in—
  - (a) head (a) of sub-paragraph (1) above, the member shall not take part in any deliberation or decision of the body with respect to the contract;
  - (b) head (b) of that sub-paragraph, the member shall not take part in any deliberation or decision of the body with respect to the matter if the body decide that the interest in question might affect prejudicially his consideration of the matter.
- (3) For the purposes of this paragraph, a notice to the effect that a person is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered after that date, shall if given at a meeting of the residuary body be a sufficient disclosure of the person’s interest to the body.
- (4) For the purposes of this paragraph, disclosure at a meeting may be made without the attendance in person of the member in question provided that he takes reasonable steps to ensure that the matter disclosed is raised and taken into consideration at the meeting.
- 10 (1) A residuary body shall regulate its own proceedings.
- (2) The validity of any proceedings of a residuary body shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members, or by any failure to comply with any requirement of paragraph 9 above.

F20<sup>11</sup> .....

**Textual Amendments**  
F20 Sch. 3 para. 11 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

*Delegation*

- 12 (1) Anything authorised or required by or under any enactment to be done by a residuary body may be done by any committee formed by them which, or by any of its members or officers who, is authorised (generally or specifically) for the purpose by the body.
- (2) Nothing in sub-paragraph (1) above shall prevent a residuary body from doing anything that a committee, member or officer has been authorised to do.

*Acquisition and disposal of land*

- 13 (1) A residuary body may with the consent of the Secretary of State acquire by agreement any land required by it for carrying out its functions.

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- (2) A residuary body may dispose of any land held by it in such manner as it wishes and shall dispose of any land held by it which is not required by it for carrying out its functions.

#### *Borrowing and lending*

- 14 A residuary body may, subject to any directions by the Secretary of State, borrow and lend money for the purpose of carrying out any of their functions.

#### *Provision of services*

- 15 (1) A residuary body may by agreement with any relevant new authority, and on such terms as to payment or otherwise as the parties consider appropriate, provide that authority with professional or technical services.

- (2) In this paragraph “relevant new authority”, in relation to a residuary body, means a new authority exercising functions in the area for which that body is established.

#### *Provision of information by councils*

- 16 A local authority shall, on request, supply a residuary body with such information as the body may reasonably require from that authority for the purpose of carrying out their functions.

#### *Reports and information*

- 17 (1) A residuary body shall publish an annual report on the discharge of its functions.
- (2) A residuary body shall send to the Secretary of State a copy of any report made by it under sub-paragraph (1) above and the Secretary of State shall lay copies of it before each House of Parliament.
- (3) A residuary body shall furnish the Secretary of State with such information relating to the discharge of its functions as he may require, and for that purpose shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the body and shall afford such explanation of them as that person or the Secretary of State may require.

#### *Supervision by Commissioner for Local Administration in Scotland*

- 18 A residuary body established under this Act shall be included among the authorities to which Part II of the 1975 Act applies.

### SCHEDULE 4

Section 33(2).

#### AMENDMENTS OF THE 1972 ACT

- 1 The 1972 Act shall be amended in accordance with this Schedule.

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- 2 In section 4 (survey of planning districts)—
- (a) for subsection (1) substitute—
- “(1) It shall be the duty of the planning authority to keep under review the matters which may be expected to affect the development of their district or the planning of its development.”;
- (b) for subsection (2) substitute—
- “(2) A planning authority may, if they think fit, institute a fresh survey, examining the matters referred to in subsection (1) above, of the whole or any part of their district, and references in subsection (3) of this section to the district of a planning authority shall be construed as including any part of that district which is the subject of a survey under this subsection.”.
- 3 In section 5 (preparation of structure plans), for subsection (1) substitute—
- “(1) Where, as a result of the making of an order under section 4A of this Act, the area in respect of which a planning authority are obliged (whether acting alone or jointly with another authority or authorities) to prepare a structure plan is different from the area in respect of which a structure plan is for the time being in force, they shall prepare and submit to the Secretary of State for his approval a structure plan for their district complying with the provisions of subsection (3) below, together with a copy of the report of any survey which they have carried out under section 4(2) of this Act.
- (1A) The Secretary of State may direct a planning authority to carry out their duty under subsection (1) above within a specified period from the direction, and any planning authority to whom such a direction is made shall comply with it.
- (1B) Where a structure plan area extends to the district of more than one planning authority, and the authorities concerned are unable to agree on a joint structure plan for that area, then, without prejudice to the Secretary of State’s powers under section 15 of this Act and section 62B (power of Secretary of State to establish joint boards) of the <sup>M118</sup>Local Government (Scotland) Act 1973 each authority concerned may include in the plan submitted to the Secretary of State alternative proposals in respect of particular matters.
- (1C) Where authorities submit alternative proposals under subsection (1B) above, such proposals shall be accompanied by a statement of the reasoning behind the proposals.
- (1D) The provisions of section 8(2) of this Act shall apply in relation to structure plans submitted to the Secretary of State under this section as they apply in relation to the submission of alterations to structure plans submitted to him under that section.”.

#### Marginal Citations

M118 1973 c. 65.



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- 4 In section 6 (publicity in connection with preparation of structure plans), after subsection (1) insert—
- “(1A) Where authorities submit alternative proposals in relation to particular matters to the Secretary of State under section 5(1B) of this Act, their duty under subsection (1) above is to secure that adequate publicity is given in each of their districts to all the matters which either or any of them propose to include in the plan.”.
- 5 After section 6 insert—
- “6A Consultation with other planning authorities.**
- Before submitting a structure plan or proposals for alteration thereof to the Secretary of State, a planning authority shall consult every other planning authority who are likely to be affected by the plan or proposals.”.
- 6 In section 7 (approval or rejection of structure plan by Secretary of State), in subsection (1), after “structure plan” insert “ (including any alternative proposals included in the plan by virtue of section 5(1B) of this Act) ”.
- 7 In section 9 (preparation of local plans), before subsection (3) insert—
- “(1A) Every planning authority shall prepare local plans for all parts of their district, and two or more planning authorities may make a joint local plan extending to parts of each of their districts.”.
- 8 In section 15 (default powers of the Secretary of State)—
- (a) in subsection (1)—
- (i) in paragraph (a) the words “, after holding a local inquiry or other hearing,” shall cease to have effect; and
- (ii) for the words “carry out the survey” substitute “ carry out a survey in accordance with the provisions of section 4 of this Act ”; and
- (b) after subsection (2) insert—
- “(2A) Where under subsection (1) of this section the Secretary of State has power to do anything which should have been done by a planning authority acting jointly with another planning authority or authorities, he may, if he thinks fit, authorise one of those authorities to do that thing on behalf of both or all of them.”.
- 9 In section 17 (meaning of “development plan”), at the end insert—
- “(5) For the avoidance of doubt it is provided that, notwithstanding—
- (a) any changes made to local government areas by the Local Government etc. (Scotland) Act 1994; and
- (b) any alterations to structure plan areas made by orders under section 4A of this Act,

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the structure plans and local plans made prior to the coming into force of the provisions mentioned in paragraphs (a) and (b) above shall remain in force until replaced by new plans made under or by virtue of those provisions.”.

- 10 For subsection (3) of section 102 (compulsory acquisition of land) substitute—
- “(3) Before giving an authorisation under subsection (2) of this section, the Secretary of State shall consult the local authority within whose area the land is situated.”.
- 11 For subsection (9) of section 201 (orders extinguishing right to use vehicles on highway) substitute—
- “(9) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not make an order under subsection (2) or (8) of this section, if they are not the roads authority, without obtaining the consent of that authority.”.
- 12 For subsection (5) of section 202 (provision of amenity for highway reserved to pedestrians) substitute—
- “(5) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not exercise any powers conferred by this section, if they are not the roads authority, without obtaining the consent of that authority.”.
- 13 In section 242(1) (contributions by local authorities and statutory undertakers)—
- (a) for the words from “any”, where it first occurs, to “may” substitute “ any local authority may ”; and
- (b) for the words from “of the”, where they thirdly occur, to the end substitute “ of the area of the local authority ”.
- 14 In section 243 (acquisition of property in certain circumstances), for the words “regional, islands or district council” substitute “ local authority ”.
- 15 In section 275(1) (interpretation), for the definition of “local authority” substitute—
- ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

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## SCHEDULE 5

Section 40(10).

### STRATHCLYDE PASSENGER TRANSPORT AUTHORITY

#### PART I

##### *The Authority*

- 1 In this Schedule “council” means a council constituted under section 2 of this Act.
- 2 The Authority shall consist of such number of members appointed respectively by such of the councils of constituent local authority areas, or by such two or more of the councils acting jointly, from among their own members as may be specified in an order made under section 40 of this Act.
- 3 The chairman of the Authority shall be such one of their number as the members of the Authority may appoint.
- 4 A person may be appointed as a member of the Authority under paragraph 2 above only if he is a member of the council or one of the councils by whom he is so appointed; and no person who is for the time being a member, officer or employee of the Strathclyde Passenger Transport Executive or who is for the time being an employee of a subsidiary of that Executive shall be appointed as a member of the Authority, and any person appointed to be a member of the Authority who subsequently becomes a member, officer or employee of that Executive or such a subsidiary shall forthwith vacate his membership of the Authority.
- 5 A person who at the date of his appointment as a member of the Authority was a member of the council or one of the councils by whom he was so appointed but who subsequently ceases to be a member of that council shall upon so ceasing also vacate office as a member of the Authority.
- 6 If at any time not less than three months after the coming into force of the order under section 40 of this Act providing for the constitution of the Authority, or after a vacancy has arisen among the members of the Authority which falls to be filled by an appointment made under paragraph 2 above, the initial appointment of any member of the Authority falling to be made under that order or, as the case may be, an appointment to fill that vacancy, has not been made, the Secretary of State, after consultation with the council or councils by whom the appointment falls to be made, may make the appointment on their behalf.

#### PART II

##### *Matters which may be dealt with by order under section 40*

- 1 The incorporation of the Authority.
- 2 The appointment in accordance with Part I of this Schedule of members of the Authority.
- 3 The terms on which and period for which the members of the Authority are to hold office, and the vacation of office by those members.
- 4 The payment of allowances to, or to any class of, members of the Authority, and the payment of remuneration to the chairman of the Authority.

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- 5 The proceedings of the Authority.
- 6 The establishment by the Authority of committees and the composition of those committees, including the establishment of advisory committees consisting wholly or partly of persons who are not members of the Authority.
- 7 The delegation of functions by the Authority to a committee or to the chairman of the Authority.

F21g .....

**Textual Amendments**  
**F21** Sch. 5 Pt. II para. 8 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

- 9 The appointment by the Authority of officers and staff and the payment of remuneration and allowances to any officers and staff appointed by the Authority.
- 10 Provision as to the superannuation of officers and staff of the Authority.
- 11 The provision of accommodation for the Authority by the Authority or by the Strathclyde Passenger Transport Executive.
- 12 Provision applying, with or without modifications, to the Authority or to persons who are or have been members or officers of the Authority any enactment or instrument made under an enactment relating, as the case may be, to, or to persons who are or have been members of, or officers of local authorities or local authorities of a particular description.
- 13 The making of reports and the furnishing of information by the Authority to the Secretary of State.
- 14 Any particular matters to be dealt with in the annual report of the Authority under section 16 of the <sup>M119</sup>Transport Act 1968.

**Marginal Citations**  
**M119** 1968 c. 73.

- 15 Provision for the council or councils by whom a member of the Authority is appointed to appoint also a deputy to act in that member’s place at any meeting of the Authority from which that member is absent, and for applying in relation to any such deputy, with or without modifications, any provision with respect to members of the Authority made by the said Act of 1968 or by the order.
- 16 Provision, as respects any period before the Authority appoint or are provided with their own officers, for the discharge of functions of officers of the Authority (including the convening of the first meeting of the Authority) by such officers of such of the councils of constituent areas as may be determined in accordance with the order.

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## SCHEDULE 6

Section 52(3).

ENTRY RELATING TO NEW SCOTTISH LOCAL AUTHORITY TO BE  
INSERTED IN SCHEDULE 1 TO THE <sup>M120</sup>TWEED FISHERIES ACT 1969

**Marginal Citations**

M120 1969 c. xxiv.

<i>Local authority</i>	<i>Number of representatives</i>	<i>Part of local authority area represented</i>	<i>Number of representatives for each Part</i>	<i>Number of representatives of associations and clubs</i>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
“The Borders Council.	34	Former Burgh of Coldstream.	2	1
		Former Burgh of Duns.	2	1
		Former Burgh of Eyemouth.	2	1
		Remainder of the area of the former District of Berwickshire.	3	2
		Former Burgh of Jedburgh.	2	1
		Former Burgh of Kelso.	2	1
		Former Burgh of Hawick.	2	1
		Remainder of the area of the former District of Roxburgh.	3	2
		Former Burgh of Selkirk.	2	1
		Former Burgh of Lauder.	2	1
Former Burgh of Galashiels.	2	1		
Former Burgh of Melrose.	2	1		
Remainder of the area of the former District	3	2		

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of Ettrick and  
Lauderdale.

Former Burgh of 2 1  
Peebles.

Former Burgh of 2 1  
Innerleithen.

Remainder of the 1  
former District  
of Tweeddale.”

## SCHEDULE 7

Section 62(2).

### CONSTITUTION AND PROCEEDINGS ETC. OF A NEW WATER AND SEWERAGE AUTHORITY

#### *Incorporation*

- 1 A new water and sewerage authority (in this Schedule referred to as an “authority”) shall—
- (a) be a body corporate; and
  - (b) have a common seal.

#### *Status*

- 2 An authority shall not—
- (a) be regarded as a servant or agent of the Crown;
  - (b) have any status, immunity or privilege of the Crown;
  - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local,
- and the property of an authority shall not be regarded as property of, or held on behalf of, the Crown.

#### *Membership*

- 3 The members of an authority shall be—
- (a) not fewer than seven, nor more than eleven, persons appointed under this sub-paragraph by the Secretary of State from persons who appear to him to have knowledge or experience relevant to the discharge of the functions of the authority; and
  - (b) the person who is for the time being the chief executive of the authority.

- 4 The Secretary of State shall satisfy himself—

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- (a) before he appoints a person under paragraph 3(a) above, that the person has no financial or other interest likely to affect prejudicially performance as a member of the authority in question;
  - (b) from time to time, that each person so appointed continues, and has continued, to have no such interest.
  
- 5 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 4(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of that requirement.
  
- 6 Subject to paragraphs 7 and 8 below, each member of an authority other than their chief executive—
  - (a) shall hold and vacate office in accordance with the terms of the instrument under which he is appointed a member;
  - (b) may, by written notice to the Secretary of State, resign membership; and
  - (c) after ceasing to hold office shall be eligible for reappointment to the authority.
  
- 7 The Secretary of State may remove a member, other than the chief executive, of an authority from office if satisfied that the member—
  - (a) has had his estate sequestrated, has been adjudged bankrupt, has made an arrangement with his creditors, or has granted a trust deed for his creditors or a composition contract;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the authority in question for a period longer than three consecutive months without the permission of the authority; or
  - (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

#### *Chairmen and deputy chairmen*

- 8 (1) The Secretary of State shall appoint one of the members of an authority, other than their chief executive, to be their chairman and, after consulting the chairman, may appoint any one of the members to be deputy chairman; and a chairman, or as the case may be deputy chairman, shall hold and vacate the office in question in accordance with the terms of the instrument under which he is appointed to that office.
- (2) A member of the authority may resign as chairman or deputy chairman by written notice to the Secretary of State; but a chairman or deputy chairman who ceases to be a member of the authority (whether or not on giving notice under paragraph 6(b) above) ceases to be their chairman or deputy chairman.
- (3) Where a member of an authority becomes, or ceases to be, the chairman or deputy chairman of the authority, the Secretary of State may vary the terms of the instrument

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under which he is appointed a member so as to alter the date on which office as a member is to be vacated.

### *Remuneration, allowances and pensions*

- 9 (1) An authority shall pay to their chairman, deputy chairman and members, other than the chief executive—
- (a) such remuneration as the Secretary of State may, with the approval of the Treasury, determine; and
  - (b) such reasonable allowances as may be so determined in respect of expenses properly incurred in the performance (as chairman, deputy chairman or as the case may be members) of duties.
- (2) Where a person (other than a chief executive) ceases to be a member of an authority otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which might make it right for the person to receive compensation, the Secretary of State may, with the approval of the Treasury, direct the authority to pay to the person such amount as the Secretary of State may, with such approval, determine.
- 10 The Secretary of State may, with the consent of the Treasury, determine that in respect of any office held by a person as chairman, deputy chairman or member (other than the chief executive) of an authority, the authority in question shall pay—
- (a) such pension, allowance or gratuity to, or in respect of, that person on his retirement or death;
  - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as may be so determined.

### *Staff*

- 11 The Secretary of State shall, after consultation with an authority's chairman or chairman designate (if there is a person holding, or as the case may be designated to hold, that office) make the first appointment of their chief executive on such terms and conditions as the Secretary of State may, with the consent of the Treasury, determine; and the authority may, with the approval of the Secretary of State, make subsequent appointments to the office of chief executive on such terms and conditions as they may with the approval of the Secretary of State, given with the consent of the Treasury, determine.
- 12 (1) Subject to any provision made by virtue of Chapter 2 of Part I of this Act, an authority may appoint on such terms and conditions as they may with the approval of the Secretary of State, given with the consent of the Treasury, determine, such other employees as they consider appropriate.
- (2) An authority shall, as regards such of their employees as they may with the approval of the Secretary of State, given with the consent of the Treasury, determine, make such arrangements as they consider appropriate for providing, to or in respect of those



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employees, pensions, allowances or gratuities; and such arrangements may include the establishment and administration, by the authority or otherwise, of one or more pension schemes.

- (3) The reference in sub-paragraph (2) above to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.
- (4) If a person employed by an authority becomes a member of the authority and was by virtue of that employment a participant in a pension scheme administered by the authority for the benefit of their employees, the authority may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 10 above; but if the authority do so determine, then any discretion as to the benefits payable to or in respect of the person which the scheme confers on them shall be exercisable only with the consent of the Secretary of State given with the approval of the Treasury.

#### *Committees*

- 13 The authority may establish committees for or in connection with the discharge of such of their functions, or the exercise of such of their powers, as the authority may determine.

#### *Proceedings*

- 14 The quorum of an authority, and the arrangements for their meetings, shall be such as the authority in question may determine.
- 15 (1) A member of an authority who is directly or indirectly interested in—
  - (a) a contract made or proposed to be made by them; or
  - (b) any other matter whatsoever which falls to be considered by them,shall as soon as is practicable disclose the nature of his interest at a meeting of the authority; and the disclosure shall be recorded in the minutes of the meeting.
- (2) In the case mentioned in—
  - (a) head (a) of sub-paragraph (1) above, the member shall not take part in any deliberation or decision of the authority with respect to the contract;
  - (b) head (b) of that sub-paragraph, the member shall not take part in any deliberation or decision of the authority with respect to the matter if the authority decide that the interest in question might affect prejudicially his consideration of the matter.
- (3) For the purposes of this paragraph, a notice to the effect that a person is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered after that date, shall if given at a meeting of the authority be a sufficient disclosure of the person's interest to the authority.

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- (4) For the purposes of this paragraph, disclosure at a meeting may be made without the attendance in person of the member in question provided that he takes reasonable steps to ensure that the matter disclosed is raised and taken into consideration at the meeting.
- 16 The validity of any proceedings of an authority shall not be affected by any vacancy among the members of the authority, or by any defect in the appointment of a member, or by any failure to comply with any requirement of paragraph 15 above.

F22<sup>17</sup>

**Textual Amendments**  
 F22 Sch. 7 para. 17 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

*Delegation of powers*

- 18 (1) Anything authorised or required by or under any enactment to be done by the authority may be done by any of their committees which, or by any of their members or officers who, are authorised (whether generally or specially) for the purpose by them.
- (2) Nothing in sub-paragraph (1) above shall prevent the authority from doing anything that a committee, member or officer has been authorised to do.

SCHEDULE 8

Section 62(3).

WATER AND SEWERAGE AREAS

<i>Water or Sewerage Area</i>	<i>Area by reference to existing or former administrative areas</i>
Eastern Water Area	Lothian Region. Borders Region. Fife Region. Central Region. The former county of Kinross (in this Schedule referred to as the first added area). That part of the former counties of Stirling and Dunbarton which on 16th May 1975 lay within both Strathclyde Region and the

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	region of the former Mid-Scotland Water Board (such part being in this Schedule referred to as the second added area).
	That part of Stirling District and Central Region situated at Craigmaddie Loch which on 1st April 1977 was transferred to Strathkelvin District and Strathclyde Region (such part being in this Schedule referred to as the third added area).
Eastern Sewerage Area	Lothian Region. Borders Region. Fife Region. Central Region. The first added area.
Western Water Area	Strathclyde Region except the second and third added areas. Dumfries and Galloway Region.
Western Sewerage Area	Strathclyde Region. Dumfries and Galloway Region.
Northern Water Area	Highland Region. Grampian Region. Tayside Region except the first added area. The Islands Areas.
Northern Sewerage Area	Highland Region. Grampian Region. Tayside Region except the first added area. The Islands Areas.

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## SCHEDULE 9

Section 67(2).

CONSTITUTION AND PROCEEDINGS ETC. OF THE SCOTTISH  
WATER AND SEWERAGE CUSTOMERS COUNCIL.

*Incorporation*

1 The Customers Council shall be a body corporate.

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### *Status*

- 2           The Customers Council shall not be regarded as a servant or agent of the Crown and shall not have any status, immunity or privilege of the Crown.

### *Membership*

- 3           The members of the Customers Council shall be not fewer than eight, nor more than twelve, persons appointed under this paragraph by the Secretary of State from persons who appear to him to have knowledge or experience relevant to the discharge of the functions of the Council but who are not members or employees of any of the new water and sewerage authorities; so however that he shall seek to ensure that the appointees include persons appropriate to represent, both as respects domestic and as respects non-domestic services, the interests of, respectively—
- (a) customers and potential customers such as are mentioned in section 65(2)(a)(ii) of this Act; and
- (b) other customers and potential customers.
- 4           For the purposes of paragraph 3 above, services are domestic if provided to dwellings (“dwelling” having the same meaning as in Part II of the <sup>M121</sup>Local Government Finance Act 1992) and are otherwise non-domestic.

#### **Marginal Citations**

M121 1992 c. 14.

- 5           The Secretary of State shall appoint one of the members of the Customers Council to be its chairman and another of them to be its deputy chairman.
- 6           A member of the Customers Council shall hold and vacate office in accordance with the terms of the instrument appointing him and shall, on ceasing to hold office, be eligible for re-appointment; but his membership shall terminate forthwith on his becoming a member or employee of any of the new water and sewerage authorities.

### *Members’ remuneration, pensions and allowances*

- 7           (1) The Customers Council shall pay to its chairman, deputy chairman and members—
- (a) such remuneration as the Secretary of State may, with the approval of the Treasury, determine; and
- (b) such reasonable allowances as may be so determined in respect of expenses properly incurred in the performance (as chairman, deputy chairman or as the case may be members) of duties.

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- (2) Where a person ceases to be a member of the Customers Council otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which might make it right for the person to receive compensation, the Secretary of State may, with the approval of the Treasury, direct the Council to pay to the person such amount as the Secretary of State may, with such approval, determine.
- 8 The Secretary of State may, with the consent of the Treasury, determine that in respect of any office held by a person as chairman, deputy chairman or member of the Customers Council, the Council shall pay—
- (a) such pension, allowance or gratuity to, or in respect of, that person on his retirement or death;
  - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as may be so determined.

#### *Staff*

- 9 (1) The Customers Council may appoint on such terms and conditions as it may with the approval of the Secretary of State, given with the consent of the Treasury, determine, such employees as it considers appropriate.
- (2) The Customers Council shall not appoint a person to act as its principal officer except after consultation with the Secretary of State.
- (3) The Council shall, as regards such of its employees as it may with the approval of the Secretary of State, given with the consent of the Treasury, determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions, allowances or gratuities; and such arrangements may include the establishment and administration, by the Council or otherwise, of one or more pension schemes.
- (4) The reference in sub-paragraph (3) above to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.
- (5) If a person employed by the Customers Council becomes a member of the Council and was by virtue of that employment a participant in a pension scheme administered by the Council for the benefit of its employees, the Council may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but if the Council does so determine, then any discretion as to the benefits payable to or in respect of the person which the scheme confers on the Council shall be exercisable only with the consent of the Secretary of State given with the approval of the Treasury.

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*Committees*

- 10 (1) For or in connection with the discharge of such of its functions, or the exercise of such of its powers, as the Customers Council may determine, it shall establish three committees, the first for the eastern water area and the eastern sewerage area, the second for the western water area and the western sewerage area and the third for the northern water area and the northern sewerage area.
- (2) Each committee shall consist of—
  - (a) a chairman, appointed by the Customers Council, with the approval of the Secretary of State, from the members of the Council; and
  - (b) not fewer than seven, nor more than eleven, members appointed by the Council from persons who are neither members nor employees of the Council or of a new water and sewerage authority, so however that the Council shall seek to ensure, as respects its appointments under this paragraph, that which the Secretary of State is required to seek to ensure as respects his appointments under paragraph 3 (as read with paragraph 4) of this Schedule.
- (3) The terms on which a person appointed under sub-paragraph (2)(b) above shall hold office shall be determined by the Customers Council but his membership of the committee in question shall terminate forthwith on his becoming a member or an employee of any of the new water and sewerage authorities or a member or employee of the Council.
- (4) The Customers Council may pay to a person appointed under sub-paragraph (2) (b) above (in respect of his activities as committee member) travelling and other allowances in accordance with such arrangements as may be determined by the Secretary of State with the approval of the Treasury.

*Public Committee Meetings*

- 11 In every financial year, at least one meeting of each committee established under paragraph 10 above shall be open to all members of the public.

VALID FROM 01/11/1999
<p><b>[<sup>F23</sup>SCHEDULE 9A</b></p> <p><b>THE WATER INDUSTRY COMMISSIONER FOR SCOTLAND AND CONSULTATIVE COMMITTEES]</b></p>
<p><b>Textual Amendments</b></p> <p><b>F23</b> Sch. 9A inserted (1.11.1999) by 1999 c. 9, s. 12(4), Sch. 2; S.S.I. 1999/133, art. 2(a)(d)</p>

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## SCHEDULE 10

Section 79(4).

RECOVERY BY DILIGENCE OF CHARGES PAYABLE TO A  
COLLECTING AUTHORITY BY VIRTUE OF SECTION 79

- 1 (1) This Schedule applies to any sum which has become payable to a collecting authority by virtue of section 79 of this Act and has not been paid.
- (2) References in sub-paragraph (1) above to a sum which has become payable and has not been paid include references to a sum forming part of a larger sum which has become payable and the other part of which has been paid.
- 2 (1) Subject to sub-paragraphs (4) and (5) below, any sum to which this Schedule applies may be recovered by the collecting authority by diligence—
  - (a) authorised by a summary warrant granted under sub-paragraph (2) below; or
  - (b) in pursuance of a decree granted in an action of payment.
- (2) The sheriff, on an application by the authority which is accompanied by a certificate from them containing such particulars as may be prescribed by the Secretary of State by regulations, shall grant a summary warrant in a form provided for by Act of Sederunt authorising the recovery, by way of any of the diligences mentioned in sub-paragraph (3) below, of the amount of the sum remaining due and unpaid along with a surcharge of 10 per cent. of that amount.
- (3) The diligences referred to in sub-paragraph (2) above are—
  - (a) a poinding and sale in accordance with Schedule 5 to the <sup>M122</sup>Debtors (Scotland) Act 1987;
  - (b) an earnings arrestment;
  - (c) an arrestment and action of furthcoming or sale.
- (4) It shall be incompetent for the sheriff to grant a summary warrant under sub-paragraph (2) above in respect of any sum to which this Schedule applies if an action has already been raised for the recovery of that sum; and, without prejudice to sub-paragraph (5) below, on the raising of an action for the recovery of any such sum, any existing summary warrant, in so far as it relates to the recovery of that sum, shall cease to have effect.
- (5) It shall be incompetent to raise an action in Scotland for the recovery of any sum to which this Schedule applies if, in pursuance of a summary warrant, any of the diligences mentioned in sub-paragraph (3) above for the recovery of that sum has been executed.
- (6) The Secretary of State may by order substitute another percentage for the percentage which is for the time being mentioned in sub-paragraph (2) above.
- (7) The power to make regulations under sub-paragraph (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and a statutory instrument containing an order made under sub-paragraph (6) above shall be so subject.

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**Marginal Citations**

M122 1987 c. 18.

- 3 No misnomer or inaccurate description of any person or place, or mistake or informality, in any notice or other document or communication relating to a demand for, or the recovery of, charges payable to the collecting authority by virtue of section 79 of this Act or in any proceedings for the payment of such charges shall prejudice such recovery.
- 4 (1) Subject to sub-paragraph (2) below, and without prejudice to paragraphs 25 to 34 of Schedule 5 to the <sup>M123</sup>Debtors (Scotland) Act 1987, the sheriff officer's fees, together with the outlays necessarily incurred by him, in connection with the execution of a summary warrant under paragraph 2 above shall be chargeable against the debtor.
- (2) No fees shall be chargeable by the sheriff officer against the debtor for collecting, and accounting to the collecting authority for, the sums paid to him by the debtor in satisfaction of an amount owing to the authority by way of charges payable to them by virtue of section 79 of this Act.

**Marginal Citations**

M123 1987 c. 18.

SCHEDULE 11

Section 95.

WATER AND SEWERAGE TRANSFER SCHEMES

*Allocation of property, rights and liabilities*

- 1 (1) The provisions of this paragraph and of paragraphs 2 and 3(1) below shall have effect where a transfer to which this Schedule applies is a transfer of property, rights and liabilities of a regional or islands council and the question of allocation of the property, rights and liabilities as between the regional council's successor, or the islands council, and the transferee arises.
- (2) Any property, right or liability referable partly to the functions of the council which are transferred and partly to the functions which are retained for the regional council's successor, or the islands council, shall (where the nature of the property, right or liability permits) be divided or apportioned between the successor, or council, and the transferee in such proportions as may be appropriate; and, where any estate or interest in land falls to be so divided, any rent payable by or to any party in respect of that land and any feu-duty, stipend or other outgoing running with the land or right shall be divided or apportioned correspondingly.



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- (3) Any property, right or liability referable as mentioned in sub-paragraph (2) above but the nature of which does not permit its division or apportionment as so mentioned, shall be transferred to the transferee or retained for the regional council's successor, or the islands council, according to—
- (a) in the case of an estate or interest in land, whether on the transfer date the successor, or islands council, or the transferee appears to be in greater need of the security afforded by that estate or interest or, where neither appears to be in greater need of that security, whether as from that date the successor, or islands council, or the transferee appears likely to make use of the land to the greater extent;
  - (b) in the case of any other property or any right or liability, whether as from the transfer date the successor, or islands council, or the transferee appears likely to make use of the property, or as the case may be to be affected by the right or liability, to the greater extent,
- subject (in either case) to such arrangements for the protection of the other of them as may be agreed between them.
- 2 (1) It shall be the duty of the council (or as the case may be the council's successor) and the transferee, whether before or after the transfer date, so far as practicable to arrive at such written agreements and to execute such other instruments as are necessary or expedient to identify or define the property, rights and liabilities transferred to the transferee or retained for the successor, or islands council, and as will—
- (a) afford to the successor, or islands council, and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
  - (b) make as from such date, not being earlier than the transfer date, as may be specified in the agreement or instrument such clarification and modifications of the division of the council's property, rights and liabilities as will best serve the proper discharge of the respective functions of the successor, or the islands council, and the transferee.
- (2) Any such agreement shall provide so far as it is expedient—
- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
  - (b) for the granting of indemnities in connection with the severance of leases and other matters; and
  - (c) for responsibility for registration of any matter in any statutory register.
- (3) If the council (or as the case may be the successor) or the transferee represent to the Secretary of State, or if it appears to the Secretary of State without such a representation, that it is unlikely in the case of any matter on which agreement is required under sub-paragraph (1) above that such agreement will be reached, the Secretary of State may, whether before or after the transfer date, give a direction determining that matter and may include in the direction any provision which might have been included in an agreement under sub-paragraph (1) above; and any property, rights or liabilities required by the direction to be transferred to the transferee shall accordingly be regarded as having been transferred to, and vested in, the transferee

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by virtue of the scheme (but not until the date of the direction if that is after the transfer date).

#### *Variation of transfers by agreement*

- 3 (1) At any time before the end of the period of twelve months beginning with the transfer date, the regional council’s successor, or the islands council, and the transferee may, with the approval of the Secretary of State, agree in writing that—
- (a) as from such date as may be specified in or determined under the agreement, and
  - (b) in such circumstances (if any) as may be so specified,
- there shall be transferred from the transferee to, and vested in, the successor, or the islands council, any property, rights and liabilities specified in the agreement.
- (2) Subject to sub-paragraph (3) below, in the case of an agreement under sub-paragraph (1) above, the property, rights and liabilities in question shall on the date of the coming into force of the agreement be transferred, and by virtue of the agreement vest, in accordance with the agreement.
- (3) The following provisions of this Schedule shall have effect as if—
- (a) any reference to a transfer to which this Schedule applies included a reference to a transfer effected in pursuance of an agreement under sub-paragraph (1) above;
  - (b) any reference to a transaction effected in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above included a reference to such an agreement; and
  - (c) any reference to a vesting by virtue of a transfer scheme included a reference to a vesting by virtue of such an agreement.

#### *Right to production of documents of title*

- 4 Where, on any transfer to which this Schedule applies, a regional council’s successor or an islands council is entitled to retain possession of any document relating in part to the title to, or to the management of, any land or other property transferred from the council in question, subsections (1) and (2) of section 16 of the <sup>M124</sup>Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) shall have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “ unless specially qualified ” were omitted.

#### **Marginal Citations**

M124 1979 c. 33.

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### *Certificate of vesting*

- 5 (1) In the case of any transfer to which this Schedule applies, a joint certificate by or on behalf of the transferor (or the transferor's successor) and the transferee that—
- (a) any property specified in the certificate;
  - (b) any such interest in or right over any such property as may be so specified; or
  - (c) any right or liability so specified,
- is, by virtue of this Act, vested in such one of them as may be so specified, or was at a date so specified thus vested, shall be conclusive evidence for all purposes of that fact.
- (2) If on the expiration of one month after a request from either the transferor (or the successor) or the transferee for the preparation of such a joint certificate as respects any property, interest, right or liability they have failed to agree on the terms of the certificate, they shall refer the matter to the Secretary of State and issue the certificate in such terms as he may direct.

### *Restrictions on dealing with certain land*

- 6 (1) If, as regards a transfer to which this Schedule applies from an islands or regional council, the Secretary of State is satisfied on the representation of the regional council's successor, or the islands council, or the transferee—
- (a) that, in consequence of the transfer, different interests in land, whether the same or different land, are held by the successor or islands council and by the transferee; and
  - (b) that the circumstances are such that this paragraph should have effect,
- the Secretary of State may direct that this paragraph shall apply to such of that land as may be specified in the direction.
- (2) While the direction mentioned in sub-paragraph (1) above remains in force—
- (a) neither the successor, or islands council, nor the transferee shall dispose of any interest to which they may respectively be entitled in any of the specified land, except with the consent of the Secretary of State;
  - (b) if, in connection with any proposal to dispose of any interest of either the successor (or council) or the transferee in any of the specified land, it appears to the Secretary of State to be necessary or expedient for the protection of either of them, he may—
    - (i) require either the successor (or council) or the transferee to dispose of any interest to which they may be entitled in any of the specified land to such person and in such manner as may be specified in the requirement;
    - (ii) require either the successor (or council) or the transferee to acquire from the other any interest in any of the specified land to which that other is entitled; or
    - (iii) consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose.

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- (3) A person other than the successor (or islands council) or the transferee dealing with, or with a person claiming under, either the successor (or council) or the transferee shall not be concerned—
- (a) to see or enquire whether this paragraph applies, or has applied, in relation to any land to which the dealing relates; or
  - (b) as to whether the provisions of this paragraph have been complied with in connection with that, or any other, dealing with that land;
- and no transaction between persons other than the successor (or council) and the transferee shall be invalid by reason only of a failure to comply with those provisions.

*Construction of agreements, statutory provisions and documents*

- 7 (1) This paragraph applies where, in the case of any transfer to which this Schedule applies, any rights or liabilities transferred are rights or liabilities under an agreement, whether in writing or not, to which the transferor was a party immediately before the transfer date and whether or not the agreement was of such a nature that rights and liabilities under it could be assigned by the transferor.
- (2) So far as relating to property, rights or liabilities transferred to the transferee, the agreement shall have effect on and after the transfer date as if—
- (a) the transferee had been the party to it;
  - (b) for any reference (whether express or implied and, if express, however worded) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee;
  - (c) any reference (whether express or implied and, if express, however worded) to a person employed by, or engaged in the functions of, the transferor and holding a specified office or serving in a specified capacity were, as respects anything falling to be done on or after the transfer date, a reference to such a person as the transferee may appoint or, in default of appointment, to a person employed by, or engaged in the functions of, the transferee who corresponds as nearly as may be to the first-mentioned person;
  - (d) any reference in general terms (however worded) to persons employed by, persons engaged in the functions of, or agents of, the transferor were, as respects anything to be done on or after the transfer date, a reference to persons employed by, persons engaged in the functions of, or agents of, the transferee.
- 8 (1) Except as otherwise provided in any provision of this Part of this Act (whether expressly or by necessary implication), paragraph 7 above shall, so far as applicable, apply in relation to—
- (a) any statutory provision,
  - (b) any provision of an agreement to which the transferor was not a party, and
  - (c) any provision of a document other than an agreement,
- if and in so far as the provision in question relates to any of the transferred property, rights and liabilities, as it applies in relation to an agreement to which the transferor was a party.

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- (2) In relation to any such statutory or other provision as is mentioned in sub-paragraph (1) above, references in sub-paragraph (2)(b), (c) and (d) of paragraph 7 above to the transferor and to any persons employed by, persons engaged in the functions of, or agents of, the transferor include references made by means of a general reference to a class of persons of which the transferor is one, though not specifically referred to.
- 9 (1) The transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability vested in the transferee by virtue of the scheme as they would have had if that right or liability had at all times been a right or liability of the transferee.
- (2) Any legal proceedings, or applications to any authority, pending on the transfer date by or against the transferor, in so far as they relate—
- (a) to any property, right or liability vested in the transferee by virtue of the scheme, or
- (b) to any agreement or enactment relating to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor or the transferor's successor.
- (3) This paragraph is without prejudice to the generality of the provisions of paragraphs 7 and 8 above.
- 10 The provisions of paragraphs 7 to 9 above shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

*Third parties affected by vesting provisions*

- 11 (1) Without prejudice to the provisions of paragraphs 7 to 10 above, any transaction effected between the council (or the council's successor) and the transferee in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the council (or successor) and the transferee, if they effect any transaction in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above, to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the regional council's successor, or the islands council, and as to part by or against the transferee; and if, within twenty-eight days of being notified, such a person applies to the Secretary of State and satisfies him that the transaction operated unfairly against him, the Secretary of State may give such directions to the successor, or the islands council, and the transferee as appear to him appropriate for varying the transaction.

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- (3) As respects a transfer to which this Schedule applies which is a transfer of property, rights and liabilities of a regional or islands council, if in consequence of the transfer or of anything done in pursuance of the provisions of this Schedule—
- (a) the rights or liabilities of any person other than the regional council's successor, or the islands council, and the transferee which are enforceable against or by the successor, or council, become enforceable as to part against or by the successor, or council, and as to part against or by the transferee, and
  - (b) the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the successor (or council), the transferee or both.
- (4) Subject to sub-paragraph (5) below, if it appears to the regional or islands council that a person is, or may be, entitled to compensation under sub-paragraph (3) above—
- (a) they shall by written notice inform the person that he is, or may be, so entitled and shall invite him to make such representations as he wishes to them within fourteen days after the date of issue of the notice; or
  - (b) where they do not know (either or both)—
    - (i) the name of the person concerned;
    - (ii) his address,
 they shall publish, in such manner as they consider appropriate, a notice containing information about the interest affected and inviting any person who thinks that he is, or may be, entitled to compensation in respect of the interest to make such representations as he wishes to them by a date which they shall specify in the notice, being a date not less than twenty-eight days after the date of publication.
- (5) Where the last of the fourteen days after the date of issue of a notice under head (a) of sub-paragraph (4) above falls on or after the transfer date, or the date specified in a notice published under head (b) of that sub-paragraph so falls, the notice shall direct that the representations be made to the transferor or, on or after that date, to the transferor's successor.
- (6) Any dispute as to whether any, and (if so) how much, compensation is payable under sub-paragraph (3) above, or as to the person to or by whom it shall be paid, shall be referred to and determined by an arbiter appointed by the Lord President of the Court of Session.
- (7) If, in the case of any transfer to which this Schedule applies, it appears to the court, at any stage in any court proceedings to which the transferor (or successor) or the transferee and a person other than the transferor (or successor) or the transferee are parties, that the issues in the proceedings—
- (a) depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor (or successor) and the transferee have not yet effected, or
  - (b) raise a question of construction of the relevant provisions of this Act which would not arise if the transferor (or successor) and the transferee constituted a single person,
- the court may, if it thinks fit on the application of a party to the proceedings other than the transferor (or the successor) or the transferee, hear and determine the proceedings on the footing that such one of the transferor (or successor) and the transferee as is party to the proceedings represents and is answerable for the other of them, and that

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the transferor (or successor) and the transferee constitute a single person; and any judgment or order given by the court shall bind both the transferor (or successor) and the transferee accordingly.

- (8) In the case of any transfer to which this Schedule applies, it shall be the duty of the transferor (or successor) and the transferee to keep one another informed of any case where either of them may be prejudiced by virtue of sub-paragraph (7) above; and if it is claimed by either the transferor (or successor) or the transferee there has been such prejudice and that the other of them ought to indemnify or make a repayment on that account but that there has been unreasonable failure to meet that claim, whichever of them so claims may refer the matter to the Secretary of State for determination by him.

### *Interpretation*

12 In this Schedule—

“islands council” shall, as the context may require, be construed either as a reference to the islands council of Orkney, Shetland or the Western Isles as the council in question exist or existed before 1st April 1996 or as a reference to Orkney Islands Council, Shetland Islands Council or Western Isles Council;

“statutory provision” means a provision, whether of a general or of a special nature, contained in, or in any document made or issued under, any Act and irrespective of whether the Act itself is of a general or of a special nature; and

“successor” shall be construed in accordance with section 92(9) of this Act.

## SCHEDULE 12

Section 128(6).

### STATUS, CONSTITUTION AND PROCEEDINGS OF THE SCOTTISH CHILDREN’S REPORTER ADMINISTRATION

#### *Status*

1 The Administration shall be a body corporate and shall have a common seal.

2 The Administration shall not—

- (a) be regarded as a servant or agent of the Crown;
- (b) have any status, immunity or privilege of the Crown;
- (c) be exempt from any tax, duty, rate, levy or other charge whatsoever whether general or local,

and its property shall not be regarded as property of, or held on behalf of, the Crown.

#### *Membership*

3 (1) The members of the Administration shall be not fewer than five, nor more than eight, persons one of whom shall be the Principal Reporter; the others shall be appointed by the Secretary of State under this paragraph.

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- (2) The persons appointed under this paragraph to be members of the Administration shall be persons appearing to the Secretary of State to have knowledge or experience relevant to the general purpose of the Administration or to the functions of the Principal Reporter.
- (3) The Secretary of State may, by order, substitute another number for that specified in sub-paragraph (1) above as the maximum number of members of the Administration.
- (4) An order under sub-paragraph (3) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- 4 (1) The Secretary of State shall satisfy himself—
- (a) before he appoints a person to be a member of the Administration under paragraph 3 above that the person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
  - (b) from time to time that each person so appointed continues, and has continued, to have no such interest.
- (2) A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in sub-paragraph (1)(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of fulfilling that requirement.
- 5 Subject to paragraphs 6 and 7 below, each member of the Administration appointed under paragraph 3 above—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
  - (b) may, by notice in writing to the Secretary of State, resign his membership; and
  - (c) after ceasing to hold office shall be eligible for reappointment as a member.
- 6 The Secretary of State may remove from office a member of the Administration appointed under paragraph 3 above if he is satisfied that the member—
- (a) has had his estate sequestrated, has made an arrangement with his creditors, has been adjudged bankrupt or has granted a trust deed for his creditors or a composition contract;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the Administration for a period longer than three months without the permission of the Administration; or
  - (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

#### *Chairman and deputy chairman*

- 7 (1) The Secretary of State shall appoint one of the members of the Administration appointed under paragraph 3 above to be chairman and, after consulting the chairman, shall appoint another of those members to be deputy chairman.
- (2) The chairman and deputy chairman shall hold and vacate office in terms of their respective appointments.
- (3) A member of the Administration who is chairman or deputy chairman may resign his office by notice in writing to the Secretary of State; and if the chairman or deputy



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chairman ceases to be a member of the Administration (whether or not on giving notice under paragraph 5(b) above) he shall cease to be its chairman or, as the case may be, deputy chairman.

- (4) Where a member of the Administration becomes, or ceases to be, chairman or deputy chairman, the Secretary of State may vary the terms of his appointment as a member so as to alter the date on which his office as a member is to be vacated.

#### *Remuneration and allowances*

- 8 (1) The Administration shall—
- (a) pay to its members appointed under paragraph 3 above such allowances (if any) and remuneration; and
  - (b) as regards any such member or former such member determined for the purposes of this paragraph by the Secretary of State, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity,
- as the Secretary of State may, with the approval of the Treasury, determine.
- (2) If a person appointed under paragraph 3 above ceases to be a member of the Administration, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may require the Administration to pay to that person a sum of such amount as the Secretary of State may, with the approval of the Treasury, determine.
- 9 (1) The Administration shall, in the case of such of its officers or former officers as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those officers;
  - (b) make such payments towards provision of such pensions, allowances or gratuities; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- as it may, with such approval given with such consent, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of officers of the Administration includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such officer who suffers loss of office.
- (3) If an officer of the Administration becomes a member and was by reference to his office a participant in a pension scheme established and administered by it for the benefit of its officers—
- (a) the Administration may determine that his service as a member shall be treated for the purposes of the scheme as service as an officer whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but
  - (b) if the Administration determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on the Administration shall be exercised only with the approval of the Secretary of State given with the consent of the Treasury.

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*Proceedings*

- 10 (1) The Administration may regulate its own procedure.
- (2) The power conferred by sub-paragraph (1) above extends to making provision in relation to the quorum for the meetings of the Administration and the meetings of any committee established by it.
- (3) The proceedings of the Administration and of any committee established by it shall not be invalidated by any vacancy amongst its members or the members of such committee or by any defect in the appointment of such member.

*Committees*

- 11 (1) The Administration may appoint persons who are not members of it to be members of any committee established by it.
- (2) No committee established by the Administration shall consist entirely of persons who are not members of the Administration.
- (3) The Administration shall pay to a person appointed to such a committee such remuneration and allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (4) The Administration may regulate the procedure of any committee established by it and any such committee shall comply with any directions given to it by the Administration.

*Delegation of powers*

- 12 (1) Anything authorised or required by or under any enactment to be done by the Administration may, subject to sub-paragraph (3) below, be done by any of its committees which, or by any of its members or officers who, is authorised (generally or specifically) for the purpose by the Administration.
- (2) Nothing in sub-paragraph (1) above shall prevent the Administration from doing anything that a committee, member or officer has been authorised to do.
- (3) Sub-paragraph (1) above does not extend to the duties of the Administration under section 136 of this Act.

*Documents*

F25 13 .....

**Textual Amendments**  
**F25** Sch. 12 para. 13 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

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## SCHEDULE 13

Section 180(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Riotous Assemblies (Scotland) Act 1822 (c.33)*

- 1 In section 10 of the Riotous Assemblies (Scotland) Act 1822 (compensation for damage to buildings caused by acts of riotous assemblies etc.), for “regional or islands council” substitute “ council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.

#### *The Harbours, Docks and Piers Clauses Act 1847 (c.27)*

- 2 (1) The Harbours, Docks and Piers Clauses Act 1847 shall be amended in accordance with this paragraph.
- (2) In section 7 (deposit of sheriff’s certificate of correction), for “regional or islands council” substitute “ council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.
- (3) In section 8 (plans to be deposited before works may begin), for “of any region or islands area” substitute “ for any local government area (within the meaning of the Local Government etc. (Scotland) Act 1994) ”.

#### *The Burial Grounds (Scotland) Act 1855 (c.68)*

- 3 (1) The Burial Grounds (Scotland) Act 1855 shall be amended in accordance with this paragraph.
- (2) In each of sections 4 (proceedings on complaint of danger to health), 9 (meeting of board to be convened where requisitioned) and 10 (provision of suitable burial grounds by board after closure, etc.), for “ratepayers”, wherever it occurs, substitute “ persons (being ratepayers or persons liable to pay council tax) ”.
- (3) In section 10 (provision of suitable burial grounds by board after closure, etc.), the words “any of the Lords Ordinary of” and the words “And provided also, that no land shall be so designated nearer than one hundred yards to any dwelling house without the consent in writing of the owner of such dwelling house;” shall cease to have effect.
- (4) In section 11 (consents for new burial grounds), the words from “but no ground” to the end shall cease to have effect.

#### *The Explosives Act 1875 (c.17)*

- 4 (1) The Explosives Act 1875 shall be amended in accordance with this paragraph.
- (2) In section 110 (local authority), in paragraph 1, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 111 (expenses of local authority), in paragraph (a), for “regional or general rate” substitute “ non-domestic rate or the council tax ”.

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### Commencement Information

**I23** Sch. 13 para. 4 wholly in force at 1.4.1996; Sch. 13. para. 4 not in force at Royal Assent see s. 184(2); Sch. 13. para. 4(1)(3) in force at 4.1.1995 by S.I. 1994/2850, art. 3(e)(ii); Sch. 13 para. 4 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

### *The Public Libraries Consolidation (Scotland) Act 1887 (c.42)*

5 For section 2 of the Public Libraries Consolidation (Scotland) Act 1887 (interpretation) substitute—

#### “2 Interpretation.

In this Act, except where the context otherwise requires, “library authority” and “museum and art gallery authority”, for the purposes of this Act, mean a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and “area”, in relation to such an authority, shall be construed accordingly.”

### *The Allotments (Scotland) Act 1892 (c.54)*

6 In section 16 of the Allotments (Scotland) Act 1892 (definitions), in the definition of “local authority”, for “an islands or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

### *The Merchant Shipping Act 1894 (c.60)*

F267 .....

### Textual Amendments

**F26** Sch. 13 para. 7 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

### *The Light Railways Act 1896 (c.48)*

8 In section 26 of the Light Railways Act 1896 (application to Scotland), in subsection (2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

### *The Public Health (Scotland) Act 1897 (c.38)*

9 In section 12 of the Public Health (Scotland) Act 1897 (local authorities for the purposes of the Act), for “The islands or district council” substitute “ A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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*The Census Act 1920 (c.41)*

- 10 In section 9 of the Census Act 1920 (application to Scotland), for subsection (2) substitute—

“(2) “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

*The Celluloid and Cinematograph Film Act 1922 (c.35)*

- 11 In section 10(1) of the Celluloid and Cinematograph Film Act 1922 (application to Scotland), in the definition of “Local authority”, for the words from “the” to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”.

*The Allotments (Scotland) Act 1922 (c.52)*

- 12 In section 19(1) of the Allotments (Scotland) Act 1922 (interpretation), for “an island or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Performing Animals (Regulation) Act 1925 (c.38)*

- 13 In section 6(a) of the Performing Animals (Regulation) Act 1925 (definition of “local authority” in application of Act to Scotland), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Agricultural Produce (Grading and Marking) Act 1928 (c.19)*

- 14 In section 8 of the Agricultural Produce (Grading and Marking) Act 1928 (application to Scotland), for the words from “region” to “county” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be substituted for references to a council of a county ”.

*The Petroleum (Consolidation) Act 1928 (c.32)*

- 15 In section 24 of the Petroleum (Consolidation) Act 1928 (application to Scotland), for subsection (1) substitute—

“(1) for paragraphs (a) and (c) of section 2(1) of this Act there shall be substituted the words “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.”.

*The Local Government (Scotland) Act 1929 (c.25)*

- 16 In section 29 of the Local Government (Scotland) Act 1929 (power of councils to expend money on public health propaganda), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Road Traffic Act 1930 (c.43)*

- 17 (1) The Road Traffic Act 1930 shall be amended in accordance with this paragraph.

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- (2) In section 108(1) (interpretation), in the definition of “district”, for “a region or islands area” substitute “the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In section 109(a) (definition of “local authority” in application of the Act to Scotland), for “a regional or islands council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (4) In section 119(3) (special provisions as to Scotland), for the words from “A” to “shall” substitute “A local roads authority shall”.

*The Church of Scotland (Property and Endowments) (Amendment) Act 1933 (c.44)*

- 18 In section 2(2) of the Church of Scotland (Property and Endowments) (Amendment) Act 1933 (transfer of certain churchyards), for the words from “of the” to “which” substitute “constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area”.

*The Private Legislation Procedure (Scotland) Act 1936 (c.52)*

- 19 In section 11(6) of the Private Legislation Procedure (Scotland) Act 1936 (powers of councils under Act), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Harbours, Piers and Ferries (Scotland) Act 1937 (c.28)*

- 20 In section 31(1) of the Harbours, Piers and Ferries (Scotland) Act 1937 (interpretation), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Children and Young Persons (Scotland) Act 1937 (c.37)*

- 21 In section 110(1) of the Children and Young Persons (Scotland) Act 1937 (interpretation), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Public Records (Scotland) Act 1937 (c.43)*

- 22 (1) The Public Records (Scotland) Act 1937 shall be amended in accordance with this paragraph.

- (2) In section 5 (transfer of records to Keeper)—

- (a) for subsection (2) substitute—

“(2) Notwithstanding anything contained in any enactment, it shall be lawful for any local authority or any statutory body corporate in Scotland, with the consent of the Keeper, to transmit such of their records as relate exclusively or mainly to Scotland to the Keeper for custody.

- (2A) For the purposes of this section, “statutory body corporate” means any body corporate established by or under a statute relating to Scotland other than such bodies, or such classes of such bodies,

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as may be specified by the Secretary of State in an order made by statutory instrument.

(2B) Nothing in subsection (2) above shall apply to any burgh register of sasines or to any book or public record relating thereto.”

(3) In subsection (1) of section 14 (interpretation), after the definition of “court records” insert—

“the expression “local authority” means an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and includes a joint board and a joint committee;

the expression “statutory body corporate” shall be construed in accordance with section 5(2A) above.”.

*The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (c.48)*

23 In section 6 of the Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Defence Act 1939 (c.31)*

24 In section 62(1A) of the Civil Defence Act 1939 (power of local authority to appropriate lands and buildings for purposes of civil defence etc.), in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Land Drainage (Scotland) Act 1941 (c.13)*

25 In section 7(1) of the Land Drainage (Scotland) Act 1941 (interpretation), in the definition of “rating authority”, for the words from “like” to “1929” substitute “ meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994 ”.

*The Public Health (Scotland) Act 1945 (c.15)*

26 In section 1(8) of the Public Health (Scotland) Act 1945 (local authorities for purposes of enforcement etc. of certain regulations), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Fire Services Act 1947 (c.41)*

27 (1) The Fire Services Act 1947 shall be amended in accordance with this paragraph.

(2) In section 15(2) (use of water for fire-fighting purposes)—

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- (a) at the beginning insert “ Without prejudice to section 9A of the <sup>M125</sup>Water (Scotland) Act 1980 (prohibition on any charge for water taken to extinguish fires etc.) and ”; and
- (b) the proviso shall cease to have effect.

(3) In section 36 (application of the Act to Scotland)—

- (a) in subsection (2)—
  - (i) the words “and thirty-six” and “and twenty-three” shall cease to have effect; and
  - (ii) for the words “joint committee” there shall be substituted the words “ joint board ”;
- (b) subsection (3) shall cease to have effect;
- (c) after subsection (3) insert—

“(3A) If it appears to any two or more fire authorities that it is expedient that their areas should be combined for fire-fighting purposes, they may submit to the Secretary of State a scheme in that behalf (in this section referred to as an “administration scheme”) and the Secretary of State may by order approve any such scheme submitted to him.

(3B) A scheme under subsection (3A) above shall make provision with respect to the matters mentioned in paragraphs (c) and (d) of subsection (8A) below.

(3C) The power to make an order under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;

- (d) in subsection (4)—
  - (i) for paragraph (a) substitute—
    - “(a) the dis-establishment of the fire brigades maintained by the several fire authorities, the establishment and maintenance of a combined fire brigade for the combined area, and the appointment, subject to any regulations made under this Act, of a firemaster of that combined brigade.”;
    - and
    - (ii) for the words “joint committee”, in each place where they occur, there shall be substituted the words “ joint board ”;
- (e) in subsection (5), for the words “joint committee”, in each place where they occur, there shall be substituted the words “ joint board ”;
- (f) after subsection (5) insert—

“(5A) Not later than 3 months before the date on which a scheme approved under subsection (3A) above or, as the case may be, made under subsection (8)(b) below is intended to come into effect, every fire authority in respect of whose area or combined area such a scheme has been approved or made shall prepare and submit to the Secretary of State for his approval an establishment scheme for their area or combined area under section 19 of this Act, and the Secretary of State may approve the scheme as submitted to him or subject to such modifications as he may direct.”;

- (g) subsection (6) shall cease to have effect;



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(h) for subsection (7) substitute—

“(7) Where an administration scheme has been approved under subsection (3A) above, the fire authorities affected by it may amend or revoke that scheme by a subsequent scheme submitted to the Secretary of State by them jointly and the Secretary of State may by order approve any such subsequent scheme submitted to him.

(7A) A subsequent scheme under subsection (7) above may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5), (8)(b) and (8A) of this section.

(7B) The power to make an order under subsection (7) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;

(i) for subsection (8) substitute—

“(8) The Secretary of State may by order—

- (a) vary or revoke an administration scheme;
- (b) make a new administration scheme which includes provision—
  - (i) for the division of the original combined area into any two or more areas, being either areas of fire authorities comprised in such combined area or new combined areas constituted by such scheme;
  - (ii) for the inclusion in the combined area of any additional areas,

and such an order may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5) and (8A) of this section.

(8A) An order under subsection (8) above may make provision with respect to any of the following matters—

- (a) the transfer or retransfer to such fire brigade as may be determined by the order of the members of any fire brigade affected by the order;
- (b) the transfer or retransfer to such fire authorities as may be determined by the order of any officers, property, rights or liabilities of any fire authority affected by the order;
- (c) the payment, by such fire authority and subject to such provisions as may be determined by the order, of compensation to officers employed by any fire authority affected by the order who in consequence of it or of anything done under it suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments;
- (d) in the case of any person who having immediately before the coming into operation of the order been the firemaster of any fire brigade affected by the order does not on the coming into operation of the order become the firemaster of any fire brigade established in consequence of the order, for the payment, in lieu of compensation under paragraph (c)

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above, of a pension, gratuity or allowance of such amount, subject to such conditions and by such fire authority as may be specified in the order; and

- (e) any other matters incidental to or consequential on any provision contained in the order.

(8B) Before making an order under subsection (8) above which contains provision that two or more local government areas should form a combined area for the provision in the combined area of the services mentioned in section 1 of this Act, the Secretary of State shall—

- (a) consult such fire authorities as appear to him to be affected by the order; and  
 (b) where any such authority submit objections to the order, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.

(8C) The power to make an order under subsection (8) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;

- (j) for subsection (9) substitute—

“(9) An order made by the Secretary of State under this section shall provide for the incorporation of a joint board with a common seal and shall confer on such a board power to hold land and to borrow money.”;

- (k) in subsection (10)—

- (i) for the words “joint committee” substitute “joint board”; and  
 (ii) after “this section” insert “ or section 147(4) of the <sup>M126</sup>Local Government (Scotland) Act 1973 ”;

- (l) in subsection (11)—

- (i) for the words “joint committee” substitute “joint board”; and  
 (ii) after “this section” insert “ or section 147(4) of the Local Government (Scotland) Act 1973 ”;

- (m) in subsection (13)—

- (i) for the words “joint committee”, in both places where they occur, substitute “joint board”; and  
 (ii) for the words from “councils” to “comprised” substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised”;

- (n) for subsection (15) substitute—

“(15) For section 4 of this Act there shall be substituted the following section—”

“4 Subject to the provisions of this Act, with effect from 1st April 1996 the fire authority shall be a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

;

- (o) in subsection (16)—

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- (i) for the words from “council” to “comprised” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised”; and
  - (ii) for the words “joint committee”, in both places where they occur, substitute “joint board”;
- (p) after subsection (16) there shall be inserted—
- “(16A) In section 19—
- (a) for subsection (3) there shall be substituted the following subsection—
- (3) “Every fire authority shall, on such dates as the Secretary of State may by regulations prescribe, notify him of the establishment scheme in force in their area on such dates as he may so prescribe.”; and
- (b) after subsection (8) there shall be inserted—
- “(8A) Regulations made under subsection (3) above shall be made by statutory instrument; and such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”; and
- (q) in subsection (20)—
- (i) for the words “joint committee” there shall be substituted the words “joint board”; and
  - (ii) after “this section” insert “ or section 147(4) of the <sup>M127</sup>Local Government (Scotland) Act 1973 ”.
- (4) In section 38(1) (interpretation), in the definition of “combined area”, after “Act” insert “ or section 147 of the <sup>M128</sup>Local Government (Scotland) Act 1973 ”.

#### Commencement Information

**I24** Sch. 13 para. 27 wholly in force at 1.4.1996; Sch. 13. para. 27 not in force at Royal Assent see s. 184(2); Sch. 13. para. (1)(2)(3)(a)(i) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(iii); Sch. 13 para. 27(3)(p) in force at 6.4.1995 by S.I. 1995/702, art.4(1), Sch. 2; Sch. 13 para. 27 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 3(1)(c)

#### Marginal Citations

**M125** 1980 c. 45.  
**M126** 1973 c. 65.  
**M127** 1973 c. 65.  
**M128** 1973 c. 65.

#### *The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42)*

- 28 In section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (interpretation), in the definition of “local authority”, for the words from “any” to the end substitute “ any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Civil Defence Act 1948 (c.5)*

29 (1) The Civil Defence Act 1948 shall be amended in accordance with this paragraph.

(2) After section 4 insert—

**“4A Joint exercise of functions.**

(1) Where—

- (a) by virtue of any enactment any of the functions of a local authority are exercised by that authority jointly with one or more other local authorities or by a joint board or joint committee; and
- (b) by virtue of this Act, an obligation is imposed, or a power conferred, on a local authority in respect of any of these functions,

to the extent that such obligation or, as the case may be, power has a connection with such functions, such obligation shall be performed, or power exercised, by the authorities jointly or, as the case may be, by the joint board or joint committee; and any thing which may, by virtue of this Act, be done by, to or in respect of a local authority may be done by, to or in respect of two or more such authorities or such joint board or joint committee.

(2) In this section “joint board” and “joint committee” have the meanings given by section 235(1) of the <sup>M129</sup>Local Government (Scotland) Act 1973.

(3) This section extends to Scotland only.”.

(3) In section 9(1) (interpretation), in the definition of “local authority”, for the words “a regional, islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Marginal Citations**

M129 1973 c. 65.

*The Local Government Act 1948 (c.26)*

30 In section 145(2) of the Local Government (Scotland) Act 1948 (application of Act to Scotland), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The National Assistance Act 1948 (c.29)*

31 (1) The National Assistance Act 1948 shall be amended in accordance with this paragraph.

(2) In section 33(1) (local authorities for the purposes of Part III), for the words “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(3) In section 47(12) (appropriate authorities for purposes of section), for the words “the councils of regions and islands areas” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (4) In section 48(4) (councils having duty to provide temporary protection for property of certain persons), for the words from “of the region” to “of which” substitute “constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area”.
- (5) In section 50(2) (authorities having duty in respect of burial or cremation of the dead), for “islands and district councils” substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (6) In section 65(e) (meaning of “local authority” in application of Act to Scotland), for the words “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Coast Protection Act 1949 (c.74)*

- 32 (1) The Coast Protection Act 1949 shall be amended in accordance with this paragraph.
- (2) In section 1 (coast protection authorities), for subsection (1) substitute—

“(1) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 any part of whose area adjoins the sea shall be the coast protection authority for that area.”.
  - (3) In section 20(5) (contributions towards expenses of coast protection), the words “or the council of a district in Scotland” shall cease to have effect.
  - (4) In section 22(2) (power to use for incidental purposes land acquired for coast protection), for “the council of a region or islands area” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
  - (5) In section 45(1) (service of notices and other documents), for “the council of a region, islands area or district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
  - (6) In the First Schedule (procedure for making orders and provisions as to the validity of orders), in paragraph 8(b)—
    - (a) after “and to”, where it first occurs, insert “a council of”; and
    - (b) for the words “region, islands area or district” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The National Parks and Access to the Countryside Act 1949 (c.97)*

- 33 In section 99(2) of the National Parks and Access to the Countryside Act 1949 (contributions by local authorities), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

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PROSPECTIVE

*The Shops Act 1950 (c.28)*

34 In section 73(4) of the Shops Act 1950 (local authorities), for the words from “means” to the end substitute “ means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Allotments (Scotland) Act 1950 (c.38)*

- 35 (1) The Allotments (Scotland) Act 1950 shall be amended in accordance with this paragraph.
- (2) In section 9(a) (restriction of obligations to provide allotments), for “the council of an islands area or a district” substitute “ a local authority ”.
- (3) In section 13(1)(b) (interpretation), for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Pet Animals Act 1951 (c.35)*

36 In section 7(3) of the Pet Animals Act 1951 (interpretation), for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rag Flock and Other Filling Materials Act 1951 (c.63)*

37 In section 36(3) of the Rag Flock and Other Filling Materials Act 1951 (application of the Act to Scotland), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)*

38 (1) The Rivers (Prevention of Pollution) (Scotland) Act 1951 shall be amended in accordance with this paragraph.

- F27(2) .....
- F27(3) .....
- F27(4) .....
- F27(5) .....
- F27(6) .....
- F27(7) .....

(8) In section 35(1) (interpretation)—

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- (a) for the definition of “local authority” substitute—
- ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”;
- (b) after the definition of “river purification board area” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (c) in paragraph (b) of the definition of “stream”, for “local” substitute “sewerage”.

#### Textual Amendments

**F27** Sch. 13 para. 38(2)-(7) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

#### Commencement Information

**I25** Sch. 13 para. 38 partly in force; Sch. 13 para. 38 not in force at Royal Assent see s. 184(2); Sch. 13 para. 38(1)(8) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Hypnotism Act 1952 (c.46)*

- 39 In section 2(4)(b) of the Hypnotism Act 1952 (meaning of “controlling authority”), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Post Office Act 1953 (c.36)*

- 40 In section 51(5)(a) of the Post Office Act 1953 (power of local authority to contribute towards new post office etc.)—
- (a) for “an islands area or a district” substitute “ a local government area ”; and
- (b) after “thereof”, where secondly occurring, insert “(constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”.

#### *The Emergency Laws (Miscellaneous Provisions) Act 1953 (c.47)*

- 41 In section 5(6)(b) of the Emergency Laws (Miscellaneous Provisions) Act 1953 (power of local authorities as respects letting of certain land), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Long Leases (Scotland) Act 1954 (c.49)*

- 42 In section 4(3) of the Long Leases (Scotland) Act 1954 (refusal of grant of feu right on ground of public interest), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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*The Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c.64)*

- 43 In section 6(1)(c) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (revision of charges by independent harbour undertakings etc.), for the words from “a Passenger” to “combination” substitute “ the Strathclyde Passenger Transport Executive or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Army Act 1955 (c.18)*

- 44 (1) The Army Act 1955 shall be amended in accordance with this paragraph.
- (2) In section 214(5) (application of the Act to Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 5A (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Air Force Act 1955 (c.19)*

- 45 (1) The Air Force Act 1955 shall be amended in accordance with this paragraph.
- (2) In section 212(5) (application of the Act to Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 5A (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Valuation and Rating (Scotland) Act 1956 (c.60)*

- 46 In section 43(1) (interpretation) of the Valuation and Rating (Scotland) Act 1956, in the definition of “valuation authority”, for the words “section one of this Act” substitute “ section 27 of the Local Government etc. (Scotland) Act 1994 ”.

*The Naval Discipline Act 1957 (c.53)*

- 47 In Schedule 4A to the Naval Discipline Act 1957 (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Land Drainage (Scotland) Act 1958 (c.24)*

- 48 In Schedule 1 to the Land Drainage (Scotland) Act 1958 (procedure for making, varying or revoking certain orders etc.), in paragraph 1, in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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*The Disabled Persons (Employment) Act 1958 (c.33)*

- 49 In section 3(5) of the Disabled Persons (Employment) Act 1958 (provision of sheltered employment by local authorities), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Matrimonial Proceedings (Children) Act 1958 (c.40)*

- 50 (1) The Matrimonial Proceedings (Children) Act 1958 shall be amended in accordance with this paragraph.
- (2) In section 10(2) (committal of child to local authority), for the words from “of the region” to “which” substitute “ (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) in whose area ”.
- (3) In section 12(2) (supervision of child by local authority), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Trading Representations (Disabled Persons) Act 1958 (c.49)*

- 51 In section 1(5) of the Trading Representations (Disabled Persons) Act 1958 (sellers of goods for blind persons etc.), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Building (Scotland) Act 1959 (c.24)*

- 52 In section 29(1) of the Building (Scotland) Act 1959 (interpretation), in the definition of “local authority”, for the words from “the”, where it first occurs, to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Deer (Scotland) Act 1959 (c.40)*

- 53 (1) The Deer (Scotland) Act 1959 shall be amended in accordance with this paragraph.
- (2) In section 25A (licences to deal in venison)—
- (a) in subsection (1) for “An islands or district” substitute “ A ”;
  - (b) in subsection (2) the words “islands and district” shall cease to have effect; and
  - (c) in subsections (4) and (5) the words “islands or district” shall cease to have effect.
- (3) In section 25D(8) (offences), the words “islands or district” shall cease to have effect.
- (4) In section 25F (interpretation of Part IIIA), immediately before the definition of “deer” insert—
- ““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

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*The Caravan Sites and Control of Development Act 1960 (c.62)*

- 54 In section 24 of the Caravan Sites and Control of Development Act 1960 (power of local authorities to provide sites for caravans)—
- (a) in subsection (8), for the words from “an islands” to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”; and
  - (b) subsection (8A) shall cease to have effect.

*The Factories Act 1961 (c.34)*

- 55 In section 176(1) of the Factories Act 1961 (general interpretation), in the definition of “district council”, for the words from “Scotland,” to the end substitute “ Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Flood Prevention (Scotland) Act 1961 (c.41)*

- 56 (1) The Flood Prevention (Scotland) Act 1961 shall be amended in accordance with this paragraph.
- (2) In section 1 (purposes for which powers of local authorities under the Act are exercisable), for subsection (2) substitute—
- “(2) This section applies to all councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and in this Act any reference to a local authority is a reference to a council to whom this section applies.”.
- (3) In section 4(2) (flood prevention schemes), the words “(whether a different authority from the local authority or not)” shall cease to have effect.
- (4) Section 12(2) (appropriations where local authority are sewerage or water authority) shall cease to have effect.
- (5) In section 15(1) (interpretation)—
- (a) after the definition of “sewer” insert—
 

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (b) after the definition of “statutory undertakers” and “statutory undertaking” insert—
 

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

*The Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c.9)*

- 57 In subsection (5) of section 4 of the <sup>M130</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962 (reduction and remission of rates payable by charities etc.), for “section two hundred and forty-four of the Act of 1947” substitute “ section 25A of the Local Government (Scotland) Act 1966 ”.

**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Marginal Citations

M130 1966 c. 51.

#### *The Education (Scotland) Act 1962 (c.47)*

- 58 In section 145(16) of the Education (Scotland) Act 1962 (general definitions), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Betting, Gaming and Lotteries Act 1963 (c.2)*

- 59 (1) The Betting, Gaming and Lotteries Act 1963 shall be amended in accordance with this paragraph.
- (2) In Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences), in paragraph 2, in the definition of “appropriate local authority”, in paragraph (b), for sub-paragraphs (i) and (ii) substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area the relevant premises are, or are to be, situated; ”.
- (3) In Schedule 2 (registered pool promoters), in paragraph 1(1)(b), for “the council of an islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”.
- (4) In Schedule 3 (licensing of tracks for betting)—
- (a) in paragraph 5(2)—
- (i) in head (b)(i), for the words from “of” to “which” substitute “ constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area ”;
- (ii) in head (b)(ii), for the words from “general” to “authority”, where it secondly occurs, substitute “ planning authority ”; and
- (iii) for the words from “ “general” to “them”” substitute “ “planning authority” has the meaning given ”; and
- (b) for paragraph 6(3) substitute—
- “(3) The authorities referred to in sub-paragraph (1)(e) of this paragraph are—
- (a) the planning authority for any area which includes the track or any part thereof;
- (b) any local authority whose area adjoins any area which includes the track or any part thereof,
- where that authority are not the licensing authority.
- In this sub-paragraph, the expression “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

#### *The Local Government (Financial Provisions) (Scotland) Act 1963 (c.12)*

- 60 (1) The Local Government (Financial Provisions) (Scotland) Act 1963 shall be amended in accordance with this paragraph.

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(2) For subsection (4) of section 7 (apportionment) substitute—

“(4) The assessor for each valuation area shall, not later than the date prescribed by order under section 13 of the Act of 1956 in the year preceding any year of revaluation, estimate the rateable valuation in that year of revaluation of that area, and shall send certified copies of the estimate so made to the rating authority for that area and to the Secretary of State.”.

(3) In section 15 (comparison with other lands and heritages)—

(a) in subsection (1B)—

- (i) for the words from the <sup>M131</sup>beginning to “General Rate Act 1967” substitute “ The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 ”;
- (ii) after “England and Wales” insert “ such as is mentioned in paragraph 2(1) of Schedule 6 to that Act ”; and
- (iii) for the words “net annual”, where they secondly occur, substitute “ rateable ”;

(b) after subsection (1B) insert—

“(1BA) The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 to a hereditament in England and Wales such as is mentioned in paragraph 2(1A) of Schedule 6 to that Act shall, for the purposes of subsections (1) and (1A) above, be treated as equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of subsection (1B) above, would reasonably be attributable to the non-domestic use of property.

(1BB) The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 to a hereditament in England and Wales such as is mentioned in paragraph 2(1B) of Schedule 6 to that Act shall, for the purposes of subsections (1) and (1A) above, be treated as equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of subsection (1B) above, would, as regards the part of the hereditament which is not exempt from local non-domestic rating, be reasonably attributable to the non-domestic use of property.”;

(c) in subsection (1C)(b)—

- (i) after “(1B)” insert “ , (1BA) or (1BB) ”; and
- (ii) for “that subsection” substitute “ the said subsection (1B), (1BA) or (1BB) ”; and

(d) in subsection (2), for the words “section 4 of the Local Government (Scotland) Act 1975” substitute “ section 29 of the Local Government etc. (Scotland) Act 1994 ”.

(4) For section 18 (lands and heritages not deemed to be occupied if subject to tenancy etc.) substitute—

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### “18 Definition of “occupier”.

Notwithstanding anything in the definition of “occupier” in subsection (1) of section 379 of the Act of 1947, lands and heritages shall not be deemed for the purposes of section 24 of the <sup>M132</sup>Local Government (Scotland) Act 1966 to be occupied as respects the year 1994-95 or any subsequent year by reason only that they are subject to a tenancy or sub-tenancy.”.

- (5) In section 26(2) (interpretation), in the definition of “local authority”, for the words “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Commencement Information

**I26** Sch. 13 para. 60 wholly in force at 1.4.1996; Sch. 13. para. 60 not in force at Royal Assent see s. 184(2); Sch. 13. para. 60(1)(3)(a)-(c) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(iv); Sch. 13 para. 60(4) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(ii); Sch. 13 para. 60 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

M131 1988 c. 41.

M132 1966 c. 51.

#### *The Animal Boarding Establishments Act 1963 (c.43)*

- 61 In section 5(2) of the Animal Boarding Establishments Act 1963 (interpretation), in the definition of “local authority”, for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

PROSPECTIVE

#### *The Public Works Loans Act 1964 (c.9)*

- 62 After subsection (4) of section 6 (re-borrowing powers of public authorities) of the Public Works Loans Act 1964 insert—
- “(5) This section does not apply to local authorities constituted under section 2 of the Local Government etc. (Scotland) Act 1994 or to joint boards in Scotland.”.

#### *The Harbours Act 1964 (c.40)*

- 63 In Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders), in paragraph 3(ba), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Riding Establishments Act 1964 (c.70)*

- 64 In section 6(4) of the Riding Establishments Act 1964 (interpretation), in the definition of “local authority” for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Development and Finance) (Scotland) Act 1964 (c.67)*

- 65 In section 16(1) of the Local Government (Development and Finance) (Scotland) Act 1964 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Gas Act 1965 (c.36)*

- 66 (1) The Gas Act 1965 shall be amended in accordance with this paragraph.
- (2) In section 28(1) (interpretation of Part II), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In paragraph 11(c) of Schedule 6 (interpretation), for “means a regional or islands council” substitute “ shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Scotland) Act 1966 (c.51)*

- 67 (1) The Local Government (Scotland) Act 1966 shall be amended in accordance with this paragraph.
- (2) In section 25(1) (Schedule 3 to have effect), the words “the determination of rateable values,” shall cease to have effect.
- (3) In section 44(1) (game licences), for “islands and district councils” substitute “ local authorities ”.
- (4) In section 46(1) (interpretation)—
- (a) in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) for the definition of “rating authority” substitute—
- ““rating authority” has the meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994;”.
- (5) In paragraph 8 of Schedule 3 (rating of unoccupied property), for the words “have ceased” substitute the words “ has ceased ”.

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### Commencement Information

- I27** Sch. 13 para. 67 wholly in force at 1.4.1996; Sch. 13 para. 67 not in force at Royal Assent see s. 184(2); Sch. 13 para. 67(1)(2)(5) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(iii); Sch. 13 para. 67 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

### *The Plant Health Act 1967 (c.8)*

- 68 For subsection (3) of section 5 of the Plant Health Act 1967 (execution of Act by local authorities) substitute—

“(3) The local authorities for the purposes of this Act shall be the councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

### *The Forestry Act 1967 (c.10)*

- 69 In section 40(2)(c)(ii) of the Forestry Act 1967 (compulsory purchase of land), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

### *The Slaughter of Poultry Act 1967 (c.24)*

- 70 In section 8 of the Slaughter of Poultry Act 1967 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

### *The Police (Scotland) Act 1967 (c.77)*

- 71 (1) The Police (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 1(1) (police areas), for the words “for every region and for every islands area” substitute “for every local government area”.
- (3) In section 2(1) (police authorities and their functions), for the words from the beginning to “police authority” substitute “For every police area the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the police authority”.
- (4) In section 18 (execution of warrants in borders)—
- (a) for the words “regions”, in each place where it occurs, substitute “areas”;
  - (b) for the word “region”, in each place where it occurs, substitute “area”; and
  - (c) for “Borders” in both places where it occurs, substitute “Lothian and Borders”.
- (5) In section 19 (amalgamation schemes)—
- (a) in subsections (2), (3), (4) (6), (7) and (9), for the words “joint police committee”, in each place where they occur, substitute “joint police board”;
  - (b) in subsection (3), for “committee”, where it secondly and thirdly occurs, substitute “board”;
  - (c) subsection (5) shall cease to have effect; and
  - (d) after subsection (9) insert—

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“(10) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

(6) After section 19 insert—

**“19A Incorporation of joint police boards.**

Every amalgamation scheme made under this Act shall include provision that any joint police board established by the scheme shall be incorporated with a common seal and have power to hold land and to borrow money.”.

(7) In section 21 (amendment of amalgamation schemes)—

(a) in subsection (1), for the words from the beginning to “section 20 of this Act” substitute—

“(1) An amalgamation scheme may be amended or revoked—

(a) in the case of a scheme made under section 19 of this Act, by a subsequent scheme made under that section or under section 20 of this Act; and

(b) in the case of a scheme made under section 20 or 21B of this Act, by a subsequent scheme made under section 20 of this Act.”;

(b) in subsection (2)(a), at the end insert “ or for the creation of any new combination of police areas; ”;

(c) in subsection (2)(c) and (e), for the words “joint police committee”, in both places where they occur, substitute “ joint police board ”; and

(d) in subsection (2)(c), for the words “such committee” substitute “ such police board ”.

(8) In section 22(1) and (2), for the words “joint police committee”, in each place where they occur, substitute “ joint police board ”.

(9) In section 23(6), for the words “joint police committee” substitute “ joint police board ”.

(10) In section 26A(2) (power to give directions to police authority after adverse report), for the words “joint police committee” substitute “ joint police board ”.

(11) In section 26B (police efficiency: allocation of funds), for the words “joint police committee” substitute “ joint police board ”.

(12) In section 26C (duty of compliance), for the words “joint police committee” substitute “ joint police board ”.

(13) In section 32 (police grant)—

(a) in subsection (1), for the words “joint police committees” substitute “ joint police boards ”; and

(b) in subsection (2), for the words—

(i) “joint police committee” substitute “ joint police board ”; and

(ii) “committee” substitute “ board ”.

(14) In section 32A(1) (grants for expenditure on safeguarding national security), for the words “joint police committee” substitute “ joint police board ”.



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- (15) In section 36(5) (common services), for the words “joint police committee” and “committee” substitute “joint police board” and “board” respectively.
- (16) In section 51(1) (interpretation)—
- (a) in the definition of “amalgamation scheme”, for the words “21A” substitute “21B”; and
- (b) for the definition of “constituent authority” substitute—
- ““constituent authority” means a police authority whose area is included in a combined area by virtue of an amalgamation scheme;”.
- (17) In paragraph 4 of Schedule 2, for the words “joint police committee” substitute “joint police board”.

#### Commencement Information

**I28** Sch. 13 para. 71 wholly in force at 1.4.1996; Sch. 13. para. 71 not in force at Royal Assent see s. 184(2); Sch. 13. para. 71(1)(6) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(v); Sch. 13 para. 71 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Countryside (Scotland) Act 1967 (c.86)*

- 72 (1) The Countryside (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 46(2) (repair and maintenance of public rights of way), after “being a” insert “public”.
- (3) In section 48A (regional parks)—
- (a) in subsection (2)—
- (i) for “Regional councils” substitute “Local authorities”;
- (ii) for “region”, where it first occurs, substitute “area”;
- (iii) for “council” substitute “authority”;
- (iv) after “into” insert “the area of”;
- (v) for “region”, where it secondly occurs, substitute “local authority”;
- and
- (vi) for “regional councils” substitute “authorities”; and
- (b) in subsection (4)(c), for “council or councils” substitute “local authority or authorities”.
- (4) In section 49 (camping and caravan sites), subsection (5) shall cease to have effect.
- (5) In section 50(3) (provision of accommodation, meals etc.), for the words from “means” to the end substitute “includes a planning authority”.
- (6) In section 54(5) (byelaws), for the words from “means” to the end substitute “includes a planning authority”.
- (7) In section 63 (provision of recreational facilities by water authorities)—
- (a) in subsection (1), for “local water authority within the meaning of the <sup>M133</sup>Water (Scotland) Act 1980” substitute “water authority”; and

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- (b) in subsection (11), the words from “and any reference” to the end shall cease to have effect.
- (8) In section 65(5) (authorities which may appoint rangers as respects waterways etc.)—
- (a) paragraph (c);
  - (b) in paragraph (f), the words “within the meaning of section 109(1) of the <sup>M134</sup>Water (Scotland) Act 1980”; and
  - (c) paragraph (g),
- shall cease to have effect.
- (9) In section 78(1) (interpretation)—
- (a) in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) after the definition of “statutory undertakers” and “statutory undertakings” insert—
- ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

#### Commencement Information

**I29** Sch. 13 para. 72 wholly in force at 1.4.1996; Sch. 13 para. 72 not in force at Royal Assent see s. 184(2); Sch. 13 para. 72(1)(2) in force at 1.4.1995 by S.I. 1995/702, art. 3(d)(i); Sch. 13 para. 72 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M133** 1980 c. 45.

**M134** 1980 c. 45.

#### *The New Towns (Scotland) Act 1968 (c.16)*

- 73 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1A(1)(b) (reduction of designated areas), for “any regional council, district council and islands council” substitute “ the local authority ”.
  - (3) In section 35(2) (power of development corporation to transfer their undertakings)—
    - (a) for the words from “council of” to “which” substitute “ local authority in whose area ”; and
    - (b) for “council”, where it secondly occurs, substitute “ local authority ”.
  - (4) In section 36(2)(b) (winding up of development corporation), for the words from “council” to “which” substitute “ local authority in whose area ”.
  - (5) In section 47(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (6) In paragraph 2 of Schedule 1 (procedure for designating site of new town), for the words from “council” to “district in which” substitute “ local authority in whose area ”.

*The Health Services and Public Health Act 1968 (c.46)*

- 74 (1) The Health Services and Public Health Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 63(2)(c) (activities in respect of which instruction may be provided etc.), for the words from “or”, where it fourthly occurs, to the end substitute “ or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 65(6) (financial and other assistance by local authorities to certain voluntary organisations)—
- (a) in substituted subsection (2A)—
- (i) for “district and islands council” substitute “ local authority ”; and
- (ii) for “council”, where it secondly and thirdly occurs, substitute “ local authority ”; and
- (b) in substituted subsection (2B)(a), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Sewerage (Scotland) Act 1968 (c.47)*

- 75 (1) The Sewerage (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1 (duty of local authority to provide for sewerage in their area)—
- (a) in subsection (1), for “every local authority” substitute “ each of the sewerage authorities ”;
- (b) for subsection (2) substitute—
- “(2) Without prejudice to the generality of subsection (1) above—
- (a) a sewerage authority shall, subject to paragraph (b) below, take their public sewers to such point or points as will enable the owners of premises which are to be served by the sewers to connect their drains or private sewers with the public sewers at reasonable cost;
- (b) where the sewerage authority have agreed with some other person (in this section referred to as the “private provider”) that he will take a private sewer to such point or points as will enable owners to make such connection as is mentioned in paragraph (a) above, that paragraph shall not apply while the agreement subsists.”;
- (c) in subsection (3), for “local” substitute “ sewerage ”;
- (d) in subsection (4)—
- (i) for “public sewers” substitute “ a public sewer, or under an agreement such as is mentioned in paragraph (b) of subsection (2) above the private sewer of a private provider, ”;

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- (ii) for “local authority concerned” substitute “ sewerage authority, or as the case may be private provider, concerned ”; and
- (iii) for “local authority”, where those words secondly occur, substitute “ authority or private provider ”; and
- (e) after subsection (4) add—
  - “(5) The Secretary of State may by regulations make provision as respects the procedure to be followed as respects a request under subsection (4) above.
  - (6) The power to make regulations under subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) In section 2 (maintenance of public sewers and other works)—
  - (a) for “every local authority” substitute “ each of the sewerage authorities ”; and
  - (b) after “this Act” insert “ or of Part II of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 3 (construction etc. of public sewers and public sewage treatment works)—
  - (a) in each of subsections (1), (2) and (4), for “local”, in each place it occurs, substitute “ sewerage ”; and
  - (b) in subsection (3), after “notices”—
    - (i) where it secondly occurs, insert “ served by a sewerage authority ”; and
    - (ii) where it thirdly occurs, insert “ served by a local authority ”.
- (5) In section 4 (power of local authority to close or alter public sewers etc.)—
  - (a) for “local” substitute “ sewerage ”; and
  - (b) after “this Act” insert “ or of Part II of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In each of sections 6 (functions outwith area of local authority), 8(1) (agreements as to provision of sewers etc. for new premises) and 9 (loan of temporary sanitary conveniences), for “local”, wherever it occurs, substitute “ sewerage ”.
- (7) In section 7 (agreements between local authorities and the Secretary of State as respects provision, management, maintenance or use of sewers or drains to take water from surface of trunk road etc.)—
  - (a) in subsection (1)—
    - (i) for “the Secretary of State” substitute “ a roads authority ”;
    - (ii) for “local” substitute “ sewerage ”; and
    - (iii) for “trunk roads” substitute “ a road ”;
  - (b) in subsection (2)—
    - (i) for “the Secretary of State” substitute “ a roads authority ”; and
    - (ii) for “local”, in both places where it occurs, substitute “ sewerage ”;
  - (c) in subsection (3)—
    - (i) for “The Secretary of State or a local” substitute “ A roads authority or a sewerage ” and
    - (ii) for “local”, where it secondly occurs, substitute “ sewerage ”; and

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(d) at the end add—

“(3A) In the foregoing provisions of this section, “roads authority” has the same meaning as in the <sup>M135</sup>Roads (Scotland) Act 1984.”.

(8) In section 11 (keeping of map showing public sewers etc.)—

(a) for subsection (1) substitute—

“(1) A sewerage authority shall keep deposited at their principal office a map showing and distinguishing so far as is reasonably practicable all sewers, drains and sewage treatment works which are vested in them by virtue of this Act or of Part II of the Local Government etc. (Scotland) Act 1994 or in respect of which they have made a determination under section 3A(2) of this Act; and the authority shall provide reasonable facilities at that office for inspection of the map by any person and shall permit a copy of the map, or of an extract of it, to be taken by a person on his paying such reasonable amount as the authority may determine.”;

(b) in subsection (2), for “local” substitute “sewerage”; and

(c) at the end add—

“(3) A sewerage authority shall keep deposited at such of their offices, other than their principal office, as they consider appropriate, a copy relevant to the office in question of part of the map mentioned in subsection (1) above; and the authority shall provide the like facilities and permission in relation to the copy part, at the office at which that copy is deposited, as, under subsection (1) above, they do in relation to the map mentioned in that subsection at their principal office.

(4) For the purposes of subsection (3) above, a copy is relevant to an office if it is of such part of the map mentioned in subsection (1) above as appears to the sewerage authority to be appropriate having regard to the geographical location of that office.”.

(9) In each of sections 12(1), (3), (4), (6), (7) and (8) (rights of owners and occupiers to connect with and drain into public sewers etc.), for “local”, wherever it occurs, substitute “sewerage”.

(10) In section 13 (rights of owners and occupiers to connect with and drain into public sewers etc. of other authority)—

(a) in each of subsections (1) and (2), for “local”, wherever it occurs, substitute “sewerage”; and

(b) in paragraph (a) of the proviso to subsection (1), after “effect to the” insert “sewerage”.

(11) In section 14 (direction by local authority as to manner of construction of works)—

(a) in subsection (1), for “the local” substitute “a sewerage”;

(b) in each of subsections (2), (4) and (6), for “local” substitute “sewerage”.

(12) In section 15 (owner or occupier to remedy defects in drains and other works)—

(a) in subsection (1)—

(i) after “local authority” insert “or a sewerage authority”;

(ii) after “vested in the” insert “sewerage”; and

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- (iii) for “they” substitute “ the authority in question ”;
  - (b) in subsection (3), for “local authority”—
    - (i) where those words first occur, substitute “ authority which served the notice ”; and
    - (ii) where they occur in the proviso, substitute “ authority in question ”; and
  - (c) in subsection (4)—
    - (i) for the words from “the medical” to “local authority” substitute “ a local authority or a sewerage authority that immediate action is required to remedy a defect ”; and
    - (ii) in paragraph (c), after “authority” insert “ which served the notice ”.
- (13) In section 16 (vesting of sewers and other works)—
- (a) in subsection (1)—
    - (i) for the words from the beginning to “vest in them” substitute “ There shall vest in a sewerage authority ”; and
    - (ii) for paragraph (c) substitute—
      - “(c) subject to any determination notified under subsection (2) of section 3A of this Act, all private sewers connecting with their sewers or sewage treatment works;
      - (cc) where they enter into an agreement under subsection (2) of the said section 3A or under subsection (2) of section 16A of this Act (and subject to the terms of that agreement), all private sewers, or as the case may be parts of sewers, to which the agreement relates;”;
  - (b) in subsection (2), for “the commencement of this section shall vest in the local” substitute “ 1st April 1996 shall vest in the sewerage ”; and
  - (c) in subsection (3), for “local” substitute “ sewerage ”.
- (14) After section 16 insert—

**“16A Vesting of certain private sewers.**

- (1) Subject to any agreement entered into under subsection (2) below, there shall vest in a person authorised, under subsection (1) of section 3A of this Act, by a sewerage authority to construct a sewer not connecting with their sewers or sewage treatment works the sewer constructed; and any sewer vested in a person by this subsection or by a determination under subsection (2) of that section shall be his property and he solely responsible for its management, maintenance and renewal.
  - (2) Notwithstanding subsection (1) above, the sewerage authority may, on such terms and conditions as they think fit, at any time enter into an agreement under which the sewer, or any part of it, shall vest in them.”.
- (15) In each of sections 17(1), (2), (3) and (4) (taking over of private sewage treatment works), 24(1) and (2) (right to discharge into public sewers), 25 (meaning of new discharge), 26 (new discharge only with consent), 27 (1) and (4)(a) (procedure on application for consent to new discharge), 28(1) (time to dispose of application), 29(1) (decision on application), 30(1) (intimation of decision), 31 (appeal against

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refusals and conditions), 32(1) and (2) (review of consents, conditions and refusals), 33(2) (disputes as to meaning of “existing discharge”), 34 (right to continue existing discharge), 35 (furnishing of information), 36(1) and (2) (review of continuation of existing discharge) and 37(1), (3), (4) and (6) (agreements as respects trade premises), for “local”, wherever it occurs, substitute “sewerage”.

(16) Section 18 (expenses of local authorities and dissolution of drainage districts) shall cease to have effect.

(17) In section 20 (compensation for loss etc, resulting from exercise of powers under Part I)—

- (a) in subsection (1), for “local” substitute “sewerage”;
- (b) in subsection (3), for “12” substitute “24”;
- (c) in subsection (4), for “local” in both places where it occurs substitute “sewerage”; and
- (d) at the end add—

“(5) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to a sewerage authority constructing a sewer under section 3(1), of this Act.”.

(18) In section 21(1) (buildings not to interfere with sewers)—

- (a) for “local” substitute “sewerage”;
- (b) after “erected” insert “or embankment constructed”;
- (c) at the end add “or in respect of which they have made a determination under section 3A(2) of this Act”.

(19) In section 22 (protection for statutory undertakers)—

- (a) in each of subsections (1) and (3), for “local” substitute “sewerage”; and
- (b) after subsection (2) insert—

“(2A) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to a sewerage authority constructing a sewer under section 3(1), of this Act.”.

(20) In section 23 (restriction on working minerals), for the words from “any public” to the end substitute “—

- (a) any public sewers, public sewage treatment works or public drains; and
- (b) any sewers, sewage treatment works or drains not vested in a sewerage authority but forming (or forming part of) any such system as is mentioned in section 98(1)(b) of the Local Government etc. (Scotland) Act 1994,

to which they do not already apply, with the substitution—

- (i) for references to the railway, of references to the sewers, works or drains; and
- (ii) for references to the company, of references to the sewerage authority, or as the case may be to the person other than a sewerage authority, in whom the sewers, works or drains are vested.”.

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- (21) In section 38 (power to extend certain provisions to certain effluents), in each of subsections (1) and (3), for “local” substitute “sewerage”.
- (22) In each of sections 39 (right to sewage), 41 (breaking open of roads, etc.), 42 (execution of works for authorities by other persons), 44 (power to require information as to ownership etc. of premises) and 45(1) (production of plans and furnishing of information), for “local”, wherever it occurs, substitute “sewerage”.
- (23) Sections 40 (powers of local authorities as to research and publicity) and 47 (recovery of expenses by local authority) shall cease to have effect.
- (24) In section 48 (powers of entry)—
- (a) in subsection (1)—
    - (i) for “an authorised officer of a local authority” substitute “any person duly authorised by a sewerage authority (whether or not an employee of the authority and whether such authorisation is special or general)”;
    - (ii) in paragraph (d), at the end add “or which may be authorised by them under section 3A of this Act”;
    - (iii) after paragraph (d) insert—
      - “(dd) inspecting, maintaining, repairing, cleansing, emptying, ventilating or renewing any sewer which is not a public sewer but forms part of any such system as is mentioned in section 98(1)(b) of the Local Government etc. (Scotland) Act 1994;”; and
    - (iv) in paragraph (f), for the words from “the sewers” to the end substitute “—
      - (i) public sewers or public sewage treatment works; or
      - (ii) sewers or sewage treatment works not vested in a sewerage authority but forming (or forming part of) any such system as is mentioned in the said section 98(1)(b).”;
  - (b) in subsection (3)—
    - (i) for “entering” substitute “entry is made”; and
    - (ii) for “local authority” substitute “the authorised person, or the sewerage authority on his behalf”; and
  - (c) in subsection (10), for “local authority” substitute “person who carried it out”.
- (25) In section 51 (procedure on appeal to Secretary of State)—
- (a) in each of subsections (2) and (4), for “local” substitute “sewerage”; and
  - (b) after subsection (6) add—
    - “(7) The Secretary of State may by regulations make further provision as respects the procedure to be followed in any such appeal.
    - (8) The power to make regulations under subsection (7) above shall be exercisable by statutory instrument, which shall be subject



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to annulment in pursuance of a resolution of either House of Parliament.”.

(26) Section 52 (exemption from stamp duties) shall cease to have effect.

(27) In each of sections 53 (notices etc. to be in writing) and 55(2) (application of the Act to Crown premises), for “local” substitute “sewerage”.

(28) In section 59(1) (interpretation)—

(a) after the definition of “appointed day” insert—

““area”, in relation to a sewerage authority, shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;

(b) the definitions of “authorised officer” and “local authority” shall cease to have effect;

(c) in the definition of “private sewage treatment works”, for “local” substitute “sewerage”;

(d) in the definition of “public drain”, at the end add “ or a sewerage authority ”;

(e) in each of the definitions of “public sewage treatment works” and “ public sewer ”, for “local” substitute “sewerage”;

(f) after the definition of “sewer” insert—

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;

(g) the definition of “trunk road” shall cease to have effect.

#### Commencement Information

**I30** Sch. 13 para. 75 wholly in force at 1.4.1996; Sch. 13. para. 75 not in force at Royal Assent see s. 184(2); Sch. 13. para. 75(1)(2)(b)(d)(e)(13)(a)(ii)(14)(17)(d)(18)(c)(19)(b)(20)(24) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(vi); Sch. 13 para. 75(25)(b) in force at 17.7.1995 by S.I. 1995/1898, art. 2(d); Sch. 13 para. 75 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

M135 1984 c. 54.

#### *The Social Work (Scotland) Act 1968 (c.49)*

76 (1) The Social Work (Scotland) Act 1968 shall be amended in accordance with this paragraph.

(2) In section 1(2) (local authorities for the administration of the Act), for the words “regional and islands councils” substitute the words “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(3) In section 5 (powers of Secretary of State)—

(a) in subsection (1A) for the words “section 2(2) of this Act” there shall be substituted the words “ subsection (1B) below ”; and

(b) after subsection (1A) there shall be added—

“(1B) The enactments referred to in subsection (1A) above are—

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- (a) this Act as read with sections 1 and 2(1) of the <sup>M136</sup>Chronically Sick and Disabled Persons Act 1970 and the <sup>M137</sup>Disabled Persons (Services, Consultation and Representation) Act 1986;
  - (b) Part IV of the <sup>M138</sup>Children and Young Persons (Scotland) Act 1937;
  - (c) section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the <sup>M139</sup>National Assistance Act 1948;
  - (d) the Disabled Persons (Employment) Act 1958;
  - (e) sections 10 to 12 of the <sup>M140</sup>Matrimonial Proceedings (Children) Act 1958, and sections 11 and 12 of the <sup>M141</sup>Guardianship Act 1973;
  - (f) sections 23, 24, 297 and 329 of the <sup>M142</sup>Criminal Procedure (Scotland) Act 1975;
  - (g) the Children Act 1975;
  - (h) the Adoption Act 1976;
  - (i) the Adoption (Scotland) Act 1978;
  - (j) sections 21 to 23 of the <sup>M143</sup>Health and Social Services and Social Security Adjudications Act 1983;
  - (k) the Mental Health (Scotland) Act 1984;
  - (l) the Foster Children (Scotland) Act 1984;
  - (m) sections 38(b) and 235 of the <sup>M144</sup>Housing (Scotland) Act 1987;
  - (n) the Access to Personal Files Act 1987; and
  - (o) section 19 and Part X of the <sup>M145</sup>Children Act 1989.”; and
- (c) in subsection (2), for paragraph (c) there shall be substituted—
- “(c) the performance of the functions of local authorities under any of the enactments mentioned in paragraphs (b), (d), (e), (g), (h), (i), (l) and (o) of subsection (1B) above”.
- (4) In section 5A(3) (local authority plans for community care services)—
- (a) paragraph (b) shall cease to have effect; and
  - (b) in paragraph (c), for “section 2(2)” substitute “ 5(1B) ”.
- (5) In section 5B(1) (complaints procedure), for “referred to in section 2(2)” substitute “ mentioned in section 5(1B) ”.
- (6) In section 6A (inquiries), for “section 2(2)” substitute “ section 5(1B) ”.
- (7) In section 10(1) (making of grants and loans for social work), for the words from “enactments” to “of this Act” substitute “ mentioned in paragraphs (b), (d), (e), (g), (h), (i) and (l) of section 5(1B) of this Act ”.
- (8) In section 20A(1) (powers of local authority in course of review of child in care) for “their reporter” substitute “ the Principal Reporter ”.
- (9) In section 27(3)(c) (content of probation, community service and supervised attendance scheme etc.), for the words from “the social” to the end substitute “ a committee or sub-committee of such authorities ”.

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- (10) In section 33(3) (publication of list of members of children’s panels), for “offices of the director of social work” substitute “ principal offices ”.
- (11) In section 34, subsection (3) (duty of local authority to provide suitable accommodation and facilities for children’s hearings) shall cease to have effect.
- (12) In section 36 (the reporter)—
- (a) subsection (4) shall cease to have effect;
  - (b) for subsection (5) substitute—

“(5) A reporter shall not, except with the consent of the Scottish Children’s Reporter Administration, be employed by a local authority.”;
  - (c) after subsection (5) insert—

“(5A) In subsections (2) and (5) above, “reporter” means the Principal Reporter or any officer of the Scottish Children’s Reporter Administration to whom there is delegated, under section 131(1) of the <sup>M146</sup>Local Government etc. (Scotland) Act 1994 any function of the Principal Reporter under this Part of this Act or under the Criminal Procedure (Scotland) Act 1975.”;
  - (d) subsection (6) shall cease to have effect; and
  - (e) in subsection (8), for “duties of the reporter” substitute “ functions of the Principal Reporter under this Act and under the Criminal Procedure (Scotland) Act 1975 ”.
- (13) In section 36A (power of reporters to conduct proceedings before sheriff)—
- (a) in paragraph (a), for the words from “officers”, where first occurring, to “solicitors” substitute the words “ the reporter, whether or not he is an advocate or solicitor ”;
  - (b) in paragraph (b), for “officer” substitute “ reporter ”; and
  - (c) at the end add the following— “ In this section, “reporter” has the same meaning as it has in subsections (2) and (5) of section 36 of this Act. ”.
- (14) In section 38 (initial investigation of cases)—
- (a) in subsection (1) for “a reporter”; and
  - (b) in subsection (2) for “the appropriate reporter”, substitute “ the Principal Reporter ”.
- (15) In section 44(6) (direction as to transfer of child where disposal other than by discharge of referral), for “a director of social work” substitute “ the chief social work officer ”.
- (16) In section 47(1) (duration and variation of supervision requirements) for “their reporter” substitute “ the Principal Reporter ”.
- (17) In section 50(1) (appeal from sheriff to Court of Session) for “a reporter” substitute “ the Principal Reporter ”.
- (18) In section 54 (transfer of case to another children’s hearing), in subsection (1), for the words from “with” to “for a” substitute the words “ for the other ”.
- (19) In section 58A(3) (residence in secure accommodation) for “director of social work” substitute “ chief social work officer ”.

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- (20) In section 58B(3) (order placing child in secure accommodation) for “director of social work” substitute “ chief social work officer ”.
- (21) In section 58E(1) (warrants to detain in secure accommodation) for “director of social work” substitute “ chief social work officer ”.
- (22) In section 73 (supervision of children moving to Scotland from England and Wales or Northern Ireland), in subsection (1), in paragraph (b), for the words from “reporter” to the end substitute “ Principal Reporter ”.
- (23) In section 75(1) (duties of reporter where parent of child subject to certain orders moves to Scotland), for the words from “reporter of the local authority” to “residing” substitute “ Principal Reporter ”.
- (24) In section 76(2) (procedure in children’s hearing and courts)—
- (a) for “a reporter” substitute “ the Principal Reporter ”; and
  - (b) the words “to which the case stands referred” shall cease to have effect.
- (25) In Schedule 3 (children’s panels)—
- (a) in paragraph 3—
    - (i) at the beginning insert “ Subject to paragraph 5B below, ”; and
    - (ii) sub-paragraph (i) and, in sub-paragraph (ii), the words “in any other case,” shall cease to have effect;
  - (b) after paragraph 5A insert—
    - “5B (1) Two or more local authorities may, for the purpose of discharging the function imposed on them by paragraph 3 above, make arrangements to form a Children’s Panel Advisory Committee for their areas (hereafter referred to as a “joint advisory committee”).
    - (2) A joint advisory committee shall not be formed in pursuance of arrangements made under sub-paragraph (1) above unless the authorities concerned have obtained the consent in writing of the Secretary of State.
    - (3) The Secretary of State may give a direction, in any case where a joint advisory committee has not been formed, to two or more local authorities requiring them to form a joint advisory committee; and the local authorities shall comply with any such direction.
    - (4) The provisions of this Schedule shall apply, subject to any necessary modifications, to a joint advisory committee as they apply to a Children’s Panel Advisory Committee formed under the said paragraph 3.”; and
    - (c) in paragraph 7, for “may” substitute “ shall ”.
- (26) For “reporter”, wherever occurring, substitute “ Principal Reporter ”.
- (27) Sub-paragraph (26) above does not affect any of the particular amendments made by this paragraph.

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#### Marginal Citations

- M136 1970 c. 44.
- M137 1986 c. 33.
- M138 1937 c. 37.
- M139 1948 c. 29.
- M140 1958 c. 40.
- M141 1973 c. 29.
- M142 1975 c. 21.
- M143 1983 c. 41.
- M144 1987 c. 26.
- M145 1989 c. 41.
- M146 1975 c. 21.

#### *The Theatres Act 1968 (c.54)*

- 77 In section 18(1) of the Theatres Act 1968 (interpretation), for “the islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Gaming Act 1968 (c.65)*

- 78 (1) The Gaming Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 44(3) (local authority not to maintain or contribute to premises licensed under Part II), for “regional council, islands council or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 2 (grant, renewal, cancellation and transfer of licences), in paragraph 2(2), in the definition of “the appropriate local authority”, for from the word “(i)” to “district” substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In Schedule 9 (permits under section 34), in paragraph 1(d), for the words “of the islands area or district in which” substitute “ constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area ”.

#### *The Medicines Act 1968 (c.67)*

- 79 In section 109 of the Medicines Act 1968 (enforcement in Scotland)—
- (a) in subsection (2)(d), for the words from “regional” to the end substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and the area of such a council ”; and
  - (b) in subsection (2A), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Transport Act 1968 (c.73)*

- 80 (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 9(1) (Passenger Transport Areas, Authorities and Executives)—

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- (a) in paragraph (a), for sub-paragraph (ii) substitute—
    - “(ii) in Scotland, such area to be known as the Strathclyde Passenger Transport Area as the Minister may designate for the purposes of section 40 of the Local Government etc. (Scotland) Act 1994;”;
  - (b) in paragraph (b), for sub-paragraph (ii) substitute—
    - “(ii) in relation to the Strathclyde Passenger Transport Area, the Strathclyde Passenger Transport Authority”; and
  - (c) in paragraph (c)—
    - (i) after “be” insert—
      - “(i) in England and Wales”; and
    - (ii) after “passenger transport area”, where secondly occurring, insert “and
      - (ii) in Scotland, the Strathclyde Passenger Transport Executive”.
- (3) In section 9A(9)(b) (general functions of Passenger Transport Authorities and Executives), the words “regional or islands” shall cease to have effect.
- (4) In section 9B(1)(a) (consultation and publicity with respect to policies as to services), for “regional council” substitute “ council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.
- (5) In section 10(6) (application of Part I of Harbours, Piers and Ferries (Scotland) Act 1937 to Executive), for the words from “that area” to “that region” substitute “ the Executive were within the meaning of that Act a local authority for that area ”.
- (6) In section 34 (assistance for rural bus or ferry service)—
- (a) in subsection (2) for the words from “regional” to “jointly” substitute “ council or two or more councils acting jointly ”;
  - (b) in subsection (3), for “any of the councils aforesaid” substitute “ a council ”;
  - (c) in subsection (4)—
    - (i) for “regional or islands councils” substitute “ a council ”; and
    - (ii) for “such a” substitute “ that ”; and
  - (d) after subsection (4) insert—
    - “(5) In this section “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.
- (7) In section 56 (assistance by Secretary of State or local authority towards capital expenditure on public transport facilities)—
- (a) in subsection (2B), in the definition of “relevant local authority”, in paragraph (c), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in subsection (4)(b), the words “regional or islands” shall cease to have effect; and
  - (c) in subsection (6)(d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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<sup>F28</sup>(8) .....

(9) Section 115(3) (as substituted by paragraph 19 of Schedule 18 to the 1973 Act) shall cease to have effect and after subsection (3) of section 115 (interpretation of Part VII) insert—

“(3A) In sections 109, 112, 113 and 114 of this Act, “local authority” means, as respects Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

(10) In section 123(2) (power of certain authorities to contribute to cost of barriers etc. at level crossings), for “county council and a town council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(11) In section 124(4) (Board’s obligations at level crossings with certain roads), for the words from “Scotland” to “council” substitute “ Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(12) In Schedule 5 (Passenger Transport Authorities and Executives), in Part II, in paragraph 2—

- (a) for “regional council”, where it first occurs, substitute “ council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”; and
- (b) for “the regional”, where secondly occurring, substitute “ such ”.

**Textual Amendments**

**F28** Sch. 13 para. 80(8) repealed (1.1.1996) by 1995 c. 23, s. 60(2), Sch. 8 Pt. I (with ss. 54, 55); S.I. 1995/2181, art. 2

*The Mines and Quarries (Tips) Act 1969 (c.10)*

81 In section 11(3)(b) of the Mines and Quarries (Tips) Act 1969 (meaning of “local authority” for purposes of Part II), for the words from “general” to “1973” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Post Office Act 1969 (c.48)*

82 In section 86(1) of the Post Office Act 1969 (interpretation of Part III), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Employers’ Liability (Compulsory Insurance) Act 1969 (c.57)*

83 In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (authorities exempted from insurance)—  
(a) for the words from “a”, where it thirdly occurs, to “in”, where it secondly occurs, substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in ”; and

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- (b) after “such council” insert “ the Strathclyde Passenger Transport Authority ”.

*The Local Authorities (Goods and Services) Act 1970 (c.39)*

84 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of “local authority”—

- (a) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and  
(b) for “those” substitute “ two or more such councils ”.

*The Agriculture Act 1970 (c.40)*

85 (1) The Agriculture Act 1970 shall be amended in accordance with this paragraph.

(2) For subsection (2) of section 67 (enforcement authorities and appointment of inspectors and analysts) substitute—

“(2) In Scotland it shall be the duty of every council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 to enforce this Part of this Act within their area.”.

(3) In section 92 (provision of flood warning systems)—

<sup>F29</sup>(a) .....

(b) in the proviso to subsection (1)—

<sup>F29</sup>(i) .....

(ii) for the words from “region” to “within which” substitute “ local authority within whose area ”; and

(c) in subsection (2)(b), for “regional or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and “area”, in relation to such an authority, shall be construed in accordance with the provisions of Part I of that Act ”.

<sup>F29</sup>(4) .....

**Textual Amendments**

**F29** Sch. 13 para. 85(3)(a)(b)(i)(4) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

**Commencement Information**

**I31** Sch. 13 para. 85 partly in force; Sch. 13 para. 85 not in force at Royal Assent see s. 184(2); Sch. 13 para. 85(1)(2)(3)(b)(ii)(c) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

*The Chronically Sick and Disabled Persons Act 1970 (c.44)*

86 In section 21(8) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons), for the words from “the council”, where they thirdly occur, to “Scotland” substitute “ , in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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*The Fire Precautions Act 1971 (c.40)*

- 87 In section 43(1) of the Fire Precautions Act 1971, in the definition of “local authority”, in paragraph (b), for “islands or district council” substitute “ council for a local government area ”.

*The Town and Country Planning (Amendment) Act 1972 (c.42)*

- 88 In section 10C(11) of the Town and Country Planning (Amendment) Act 1972 (grants for repair of buildings in town schemes), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Poisons Act 1972 (c.66)*

- 89 In section 11(2) of the Poisons Act 1972 (interpretation), in the definition of “local authority”, in paragraph (b), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Employment Agencies Act 1973 (c.35)*

- 90 In section 13(1) of the Employment Agencies Act 1973 (interpretation), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Breeding of Dogs Act 1973 (c.60)*

- 91 In section 5(2) of the Breeding of Dogs Act 1973 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Scotland) Act 1973 (c.65)*

- 92 (1) The 1973 Act shall be amended in accordance with this paragraph.
- (2) In section 14(1) (duty of the Boundary Commission to review local government areas), for—
- (a) “ten”, in both places where it occurs, substitute “ eight ”;
  - (b) “fifteen”, in both places where it occurs, substitute “ twelve ”; and
  - (c) “16th May 1975” substitute “ 1st April 1996 ”.
- (3) In section 16(2) (duty of the Boundary Commission to review electoral arrangements), for—
- (a) “ten”, in both places where it occurs, substitute “ eight ”;
  - (b) “fifteen”, in both places where it occurs, substitute “ twelve ”; and
  - (c) “initial” substitute “ first ”.
- (4) For section 20 (initial review of areas and electoral arrangements) substitute—

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**“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.”.

(5) For section 23 (change of name of local government area) substitute—

**“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.

(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.”.

(6) In section 24(5) (provision which may be included in orders under Part II)—

- (a) in each of paragraphs (c) and (d), for “areas”, wherever it occurs, substitute “wards”; and
- (b) in paragraph (f)—
  - (i) the words “regional, islands or district” shall cease to have effect; and
  - (ii) for “area” substitute “ward”.

(7) In section 28 (supplementary provision to Part II)—

- (a) in subsection (1)—
  - (i) in the definition of “electoral arrangements”, for “areas” and, where it fourthly occurs, “area” substitute “wards” and “ward” respectively; and
  - (ii) for the definition of “local government area” substitute—
 

““local government area” means the area of a local authority;”; and
- (b) in subsection (2), for the words “this Act”, where they thirdly occur, substitute “the Local Government etc. (Scotland) Act 1994.”.

(8) In section 31 (disqualification for nomination etc.)—

- (a) for the words “chairman or vice-chairman”, in both places where they occur, substitute “convener or depute convener”;
- (b) after subsection (3) insert—

“(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a

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- subsidary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.”; and
- (c) subsection (4) shall cease to have effect.
- (9) In section 38 (disability of members from voting etc.), in subsection (4) for the words “chairman or vice-chairman” substitute “convener or depute convener”.
- (10) In section 47 (allowances for attending conferences and meetings)—
- (a) in subsection (4), the words “, other than a water development board within the meaning of the <sup>M147</sup>Water (Scotland) Act 1980,”; and
- (b) subsection (5),
- shall cease to have effect.
- (11) In section 50B (access to agenda and connected reports), in subsection (4)(b), for the word “chairman” substitute “convener”.
- (12) In section 50K(2)(b) (interpretation), for “the enactment” substitute “either of the enactments”.
- (13) In section 55 (assistance to community councils), for “islands and district councils” substitute “councils for local government areas”.
- (14) In section 56 (arrangements for discharge of functions by local authorities)—
- (a) in subsection (6), paragraphs (a) and (c) shall cease to have effect; and
- (b) in subsection (9)—
- (i) in paragraph (b), for “21 and 21A” substitute “and 21”;
- (ii) paragraph (c) shall cease to have effect; and
- (iii) for paragraph (d) substitute—
- “(d) paragraph 3 (Children’s Panel Advisory Committees) and paragraph 5B (joint advisory committees) of Schedule 3 to the <sup>M148</sup>Social Work (Scotland) Act 1968;”.
- (15) In section 63 (application of Part V to police authorities)—
- (a) in subsection (2) the words “or a district council” shall cease to have effect;
- (b) in subsection (3), after paragraph (b) insert—
- “(c) sections 62A to 62C.”;
- (c) in subsections (4) and (5), for the words “joint police committee”, in each place where they occur, substitute “joint police board”;
- (d) in subsection (5)(a), the words “or district council” shall cease to have effect; and
- (e) in subsection (5)(b) for the word “committee” substitute “board”.
- (16) After section 63 insert—
- “63A Sections 62A to 62C not to apply to fire authority.**
- Sections 62A to 62C of this Act shall not apply to a local authority in relation to their functions as a fire authority.”.
- (17) In section 64(5) (excepted enactments for purposes of section 64(4))—
- (a) paragraphs (c) and (f) shall cease to have effect; and

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- (b) in paragraph (e), for “directors of social work” substitute “ chief social work officers ”.
- (18) In section 67 (members of authorities not to be appointed as officers), for the words “chairman or vice-chairman” substitute “ convener or depute convener ”.
- (19) In section 83 (power of local authorities to incur expenditure for certain purposes)—
  - (a) subsections (2A) and (2B) shall cease to have effect; and
  - (b) in subsection (3)(c), for the words “chairman of a regional, islands or district council, a chairman” substitute “ convener of a local authority, a convener ”.
- (20) In section 84 (powers of local authorities with respect to emergencies), subsection (2) shall cease to have effect.
- (21) In section 87 (research and the collection of information)—
  - (a) in subsection (1)—
    - (i) for “council” substitute “ local authority ”; and
    - (ii) the words “any other local authority in the area,” shall cease to have effect;
  - (b) in subsection (2)—
    - (i) for “a council” substitute “ a local authority ”;
    - (ii) for the words from “council or” to “the council”, where they first occur, substitute “ local authority ”; and
    - (iii) the words from “and where” to the end shall cease to have effect; and
  - (c) subsection (3) shall cease to have effect.
- (22) In section 92(2) (meanings of certain expressions for purposes of section), in the definition of “securities”, for the words from “has” to the end substitute “means—
  - (a) investments falling within any of paragraphs 1 to 6 of Schedule 1 to the <sup>M149</sup>Financial Services Act 1986 or, so far as relevant to any of those paragraphs, paragraph 11 of that Schedule; or
  - (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any society registered under the <sup>M150</sup>Industrial and Provident Societies Act 1965 or any building society within the meaning of the <sup>M151</sup>Building Societies Act 1986.”.
- (23) In section 93 (general fund), for subsection (2)(b) substitute—
 

“(b) which relate to the common good of the council;”.
- (24) In section 94 (capital expenses), for subsection (1A) substitute—
 

“(1A) The provisions of this section shall apply to the Strathclyde Passenger Transport Authority as they apply to a local authority; and the giving of approval by the Strathclyde Passenger Transport Authority to any proposal for expenditure referred to in section 15(1)(c) of the <sup>M152</sup>Transport Act 1968 shall be deemed for the purposes of this section to be an incurring of liability by the Authority to meet capital expenses.”.
- (25) In section 100 (auditor’s right of access to documents)—
  - (a) after subsection (1A) insert—
 

“(1B) Without prejudice to subsection (1) above, the auditor shall be entitled to require any officer, former officer, member or former

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member of an authority or body whose accounts are required to be audited in accordance with this Part of this Act to give him such information or explanation as he thinks necessary for the purposes of the audit and, if he thinks it necessary, to require any of the persons mentioned above to attend before him in person to give the information or explanation.”;

(b) in subsection (2), for “subsection (1)” substitute “ subsections (1) and (1B) ”; and

(c) in subsection (3)—

(i) after “(1)” insert “ or (1B) ”; and

(ii) the words from “and to an additional fine” to the end shall cease to have effect.

(26) In subsection (3) of section 102 (reports to Commission by Controller of Audit), for the words “the audit” substitute “ any matter arising out of the auditing ”.

(27) In section 103 (action by Commission for local authority accounts), for subsection (6) (b) substitute—

“(b) may require the attendance of members or officers, or former members or officers, of any local authority to give oral evidence to the Commission; and

(c) may pay to any person attending a hearing under this section such expenses as they think fit.”.

(28) For section 123 (education authorities) substitute—

### “123 Education authorities.

The education authority for the purposes of the <sup>M153</sup>Education (Scotland) Act 1980 and any other enactment conferring functions on the education authority shall be a local authority.”.

(29) For section 126 (disqualification for membership of education committees etc.) substitute—

### “126 Disqualification for membership of committees appointed by education authorities.

Notwithstanding the provisions of section 59 of this Act, a person shall not, by reason of his being a teacher employed in an educational establishment under the management of an education authority, be disqualified for being a member of—

(a) a committee such as is mentioned in subsection (1) of section 124 of this Act;

(b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or

(c) any sub-committee of such a committee or joint committee.”.

(30) In section 128 (educational endowments), in Table B, in subsection (2), for the words “Chairman of council” substitute “ Convener of council ”.

(31) In section 130 (housing)—

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- (a) in subsection (1), for “an islands or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) for subsection (2) substitute—
  - “(2) Before any local authority exercise outwith their area any power under Part I of the <sup>M154</sup>Housing (Scotland) Act 1987 (provision of housing accommodation) the authority shall give notice of their intention to do so to the local authority in whose area they propose to exercise the power, but failure to give any such notice shall not invalidate the exercise of the power.”.
- (32) In section 133 (roads), subsection (1) shall cease to have effect.
- (33) Section 134(1) (building) shall cease to have effect.
- <sup>F30</sup>(34) .....
- (35) .....
- (36) Section 137(1) (flood prevention) shall cease to have effect.
- (37) Section 138(1) (coast protection) shall cease to have effect.
- (38) Section 140 (allotments) shall cease to have effect.
- (39) Section 142 (public health) shall cease to have effect.
- (40) Sections 143 (transfer of functions under 1968 Act) and 148(1) (transfer of functions of regional water boards to water authorities) shall cease to have effect.
- (41) In section 145 (Ordnance Survey)—
  - (a) in subsection (2)—
    - (i) for “regional, islands or district council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”;
  - (b) in subsection (4), for “regional, islands or district council, as the case may be”, in both places where it occurs, substitute “ local authority ”; and
  - (c) in subsection (5), for the words from “a region” to “may be” substitute “ the area of a local authority ”.
- (42) In section 146(5) (police), for the words “regions” and “region”, in each place where either occurs, substitute respectively “ areas ” and “ area ”.
- (43) For section 150 (public transport) substitute—
 

**“150 Schedule 18 to continue to have effect.**

Schedule 18 to this Act (amendment of certain enactments relating to transport) shall continue to have effect.”.
- (44) In section 153 (ferries)—
  - (a) in subsection (1)—
    - (i) for “local authorities” substitute “ regional or islands councils ”; and
    - (ii) the words “regional or islands” shall cease to have effect;

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- (b) in subsection (2)—
    - (i) the words “regional or islands” shall cease to have effect; and
    - (ii) the word “such”, wherever it occurs, shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “regional or islands” shall cease to have effect; and
    - (ii) the word “such”, where it first occurs, shall cease to have effect; and
  - (d) in subsection (5), after “this section” insert “—  
“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and”.
- (45) In section 154 (piers and harbours)—
- (a) in subsection (1)—
    - (i) the words “Subject to subsection (3A) below” shall cease to have effect;
    - (ii) for “local authorities” substitute “ regional, islands or district councils ”;
    - (iii) for “those authorities” substitute “ regional, islands or district councils ”; and
    - (iv) the words “regional or islands” shall cease to have effect;
  - (b) in subsection (2), the word “regional”, in both places where it occurs, shall cease to have effect;
  - (c) in subsection (3), the words—
    - (i) “regional or islands”; and
    - (ii) “such”,shall cease to have effect;
  - (d) subsections (3A) and (3B) shall cease to have effect; and
  - (e) in subsection (7), after “this section” insert “—  
“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and”.
- (46) Section 155(1) (district council for purposes of Factories Act 1961) shall cease to have effect.
- (47) Section 156(1) (local authority responsible for enforcing provisions of Offices, Shops and Railway Premises Act 1963) shall cease to have effect.
- (48) Section 157 (local authority responsible for enforcing provisions of Shops Act 1950) shall cease to have effect.
- (49) Section 159 (local authority not subject to requirements of Employers’ Liability (Compulsory Insurance) Act 1969) shall cease to have effect.
- (50) In section 163 (public libraries, museums and art galleries)—
- (a) subsection (1);
  - (b) in subsection (2), the words “as aforesaid”; and
  - (c) subsection (3),
- shall cease to have effect.
- (51) Section 168 (census) shall cease to have effect.

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- (52) In section 169(1) (functions in relation to burial grounds etc.)—
- (a) for “councils”, where it first occurs, substitute “ islands or district councils ”; and
  - (b) for “islands or district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (53) In section 170(1) (war memorials), for “islands or district council” substitute “ local authority within the meaning of this Act ”.
- (54) In section 170A(5) (application of certain provisions of the 1980 Act to pipes and works for conveying heat etc.)—
- (a) paragraph (a) shall cease to have effect; and
  - (b) for paragraphs (c) and (d) substitute—
 

“and

    - (c) for any reference to a water authority there were substituted a reference to the local authority in question, whether acting alone or jointly with some other person.”.
- (55) In section 170B(2) (provisions supplementary to section 170A)—
- (a) the words “or water development boards” where they first occur shall cease to have effect; and
  - (b) for the words “water authorities or water development boards” substitute “ a water authority ”.
- (56) Section 171(1) and (2) (local authority for the purposes of certain enactments) shall cease to have effect.
- (57) For section 172 (planning authorities) substitute—

**“172 Planning authorities.**

- (1) The planning authority for the purposes of the Act of 1972 and this Part of this Act shall be a local authority; and the district of the planning authority shall be the area of the local authority.
  - (2) In the term “local planning authority”, wherever it occurs in any enactment or instrument made under or by virtue of an enactment, the word “local” shall be omitted.
  - (3) In any enactment or instrument made under or by virtue of an enactment, a reference to a planning authority shall, unless otherwise provided, or unless the context otherwise requires, be construed as a reference to a local authority.
  - (4) In this Part of this Act “the Act of 1972” means the <sup>M155</sup>Town and Country Planning (Scotland) Act 1972.”.
- (58) For section 188 (miscellaneous licensing, registration and related matters) substitute—



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**“188 Part III of Schedule 24 to continue to have effect.**

Part III of Schedule 24 to this Act (miscellaneous licensing, registration and related matters) shall continue to have effect.”.

(59) In section 190 (service of legal proceedings), for the word “chairman”, in both places where it occurs, substitute “ convener ”.

<sup>F31</sup>(60) . . . . .

(61) In section 201(1) (byelaws for good rule and government), for the words from “the region” to “be” substitute “ their area ”.

(62) In section 202 (procedure, etc., for byelaws), subsection (13) shall cease to have effect.

(63) In section 206 (admission of honorary freemen)—

- (a) in subsection (1)—
  - (i) for “An islands or district council” substitute “ A local authority ”;
  - (ii) for “council” substitute “ authority ”; and
  - (iii) for “the islands area or district”, in both places where it occurs, substitute “ their area ”; and
- (b) in subsection (2), for “islands or district council” substitute “ local authority ”.

(64) Section 226 (transitional provision for joint boards existing before 16th May 1975) shall cease to have effect.

(65) Section 230 (transitional establishment of committees of local authorities) shall cease to have effect.

(66) In section 235(1) (interpretation)—

- (a) the definitions of “area”, “college council”, “school council” and “education committee” shall cease to have effect;
- (b) for the definition of “electoral area” substitute—

““electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994;”;
- (c) for the definition of “local authority” substitute—

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;

and
- (d) in the definition of “rating authority”, for the words from “has” to “Act” substitute “ shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994. ”.

(67) For Schedule 5 (initial review of local government areas and electoral arrangements) substitute—

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## “SCHEDULE 5

Section 20.

## FIRST REVIEW OF ELECTORAL ARRANGEMENTS

- 1 As soon as practicable after 1st April 1996 the Boundary Commission shall—
    - (a) review the electoral arrangements for all local government areas for the purpose of considering future electoral arrangements for those areas; and
    - (b) formulate proposals for those arrangements.
  - 2 The provisions of Part II of this Act shall apply to a review under paragraph 1 above as they apply to a review under section 16 of this Act except that section 17 of this Act shall have effect as if it required—
    - (a) the Boundary Commission to submit a report on any review before such date as the Secretary of State may direct; and
    - (b) the Secretary of State to make an order under the said section 17 giving effect to the proposals of the Commission under the said paragraph 1 (whether as submitted to him or with modifications).”.
- (68) For heads (a) to (c) of paragraph 1(2) of Schedule 6 (electoral arrangements) substitute “, the number of local government electors shall be, as nearly as may be, the same in every electoral ward of that local government area. ”.
- (69) In Schedule 7 (meetings and proceedings of local authorities)—
- (a) in paragraphs 1(4), 3(1), 3(2) and 3(3), for the word “chairman” substitute “convener”;
  - (b) in paragraphs 3(2) and (3), for the words “vice-chairman” substitute “depute convener”; and
  - (c) in paragraph 5(1), after “such orders” insert “ or to the procedure for early removal from office of the convener or depute convener ”.
- (70) In paragraph 4(1) of Schedule 8 (provision as to Commission for local authority accounts), after “Commission” where it first occurs insert “, including any hearing under section 103 of this Act, ”.
- (71) Schedule 13 (amendments of the Rent (Scotland) Act 1971) shall cease to have effect.
- (72) Schedule 14 (amendments of enactments relating to roads) shall cease to have effect.
- (73) In Schedule 17, in paragraph 1(1)(a) (general construction of certain references), the words “or to a constituent board” and “or to a constituent water authority” shall cease to have effect.
- (74) Schedule 22 (planning functions) shall cease to have effect.

**Textual Amendments**

**F30** Sch. 13 para. 92(34)(35) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

**F31** Sch. 13 para. 92(60) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(3), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

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#### Commencement Information

**I32** Sch. 13 para. 92 partly in force; Sch. 13. para. 92 not in force at Royal Assent see s. 184(2); Sch. 13. para. 92(1)(20)(22)(26)(27)(60)(70) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(vii); Sch. 13 para. 92(25) in force at 1.4.1995 by S.I. 1995/702, art. 3(d)(ii); Sch.13 para. 92 (other than sub-paragraphs (34)(35)(48)) in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M147** 1980 c. 45.  
**M148** 1968 c. 49.  
**M149** 1986 c. 60.  
**M150** 1965 c. 12.  
**M151** 1986 c. 53.  
**M152** 1968 c. 73.  
**M153** 1980 c. 44.  
**M154** 1987 c. 26.  
**M155** 1972 c. 52.

#### *The Health and Safety at Work etc. Act 1974 (c.37)*

93 (1) The Health and Safety at Work etc. Act 1974 shall be amended in accordance with this paragraph.

<sup>F32</sup>(2) . . . . .

(3) In section 53(1) (interpretation), in the definition of “local authority”, in paragraph (b), for the words from “regional” to “county council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Textual Amendments

**F32** Sch. 13 para. 93(2) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

#### Commencement Information

**I33** Sch. 13 para. 93 partly in force; Sch. 13 para. 93 not in force at Royal Assent see s. 184(2); Sch. 13 para. 93(1)(3) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Consumer Credit Act 1974 (c.39)*

94 In section 189(1) of the Consumer Credit Act 1974 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Control of Pollution Act 1974 (c.40)*

95 (1) The Control of Pollution Act 1974 shall be amended in accordance with this paragraph.

<sup>F33</sup>(2) . . . . .

(3) In section 36 (provisions supplementary to sections 34 and 35)—  
(a) in subsection (1)(b) after “area”—

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- (i) where it first occurs, insert “ , and to each water authority within whose limits of supply, ”; and
  - (ii) where it secondly occurs, insert “ , or within whose limits of supply, ”; and
  - (b) in subsection (2), for “regional or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- <sup>F33</sup>(4) .....
- (5) In section 56 (interpretation of Part II)—
    - (a) for the definition of “sewage effluent” substitute—
      - ““sewage effluent” includes any effluent from sewage disposal, or sewerage, works vested in a sewerage authority;
      - “sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
    - (b) for the definition of “water authority” substitute—
      - ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.
  - (6) In section 62(2)(a) (certain exemptions as respects offences relating to noise), after “water authority” insert “ (“water authority” being construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994) ”.
  - (7) In section 73(1) (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- <sup>F33</sup>(8) .....
- <sup>F33</sup>(9) .....
- (10) In Schedule 1A (orders designating nitrate sensitive areas: Scotland), in paragraph 8, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Textual Amendments

**F33** Sch. 13 para. 95(2)(4)(8)(9) repealed (1.2.1996) by [Environment 1995 \(c. 25\)](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3\(7\)](#)

#### Commencement Information

**I34** Sch. 13 para. 95 partly in force; Sch. 13. para. 95 not in force at Royal Assent see s. 184(2); Sch. 13. para. 95(1)(2)(a)(b)(d) in force at 4.1.1995 by S.I. 1994/2850, [art. 3\(c\)\(viii\)](#); Sch. 13 para. 95(3)(5)-(7) (10) in force at 1.4.1996 by S.I. 1996/323, [art. 4\(1\)\(c\)](#)

#### *The District Courts (Scotland) Act 1975 (c.20)*

- 96 (1) The District Courts (Scotland) Act 1975 shall be amended in accordance with this paragraph.

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- (2) In section 1A(4) (further provisions as to establishment and disestablishment of district courts), for “district or islands council” substitute “local authority”.
- (3) Section 7(3) (officer of regional council may act as clerk of district court) shall cease to have effect.
- (4) In subsection (1) of section 12 (disqualification in certain cases of justices who are members of local authorities), for “Local Government (Scotland) Act 1973” substitute “Local Government etc. (Scotland) Act 1994”.
- (5) In section 26 (interpretation), for the definition of—
  - (a) “commission area” substitute—

““commission area” means the area of a local authority;”;
  - (b) “local authority” substitute—

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Criminal Procedure (Scotland) Act 1975 (c.21)*

- 97 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended in accordance with this paragraph.
- (2) In—
    - (a) sections 168 and 364 (power of court, in respect of certain offences, to refer child to reporter), for the words “reporter of the local authority in whose area the child resides” wherever they occur; and
    - (b) sections 173(1)(a) and (b) and (3) and 372(1)(a) and (b) and (3) and 373 (reference and remit of children’s and young persons’ cases by courts to children’s hearings), for the words “reporter of the local authority”, wherever they occur,substitute the words “Principal Reporter”.
  - (3) In each of sections 186(1)(b) and (c) and 387(1)(b) and (c) (persons who may give information on oath as respects failure to comply with probation order), for “director of social work”, wherever it occurs, substitute “chief social work officer”.
  - (4) In section 296(3) (action to be taken where child detained by police) for the words from “reporter” to “detained” where the latter word second occurs substitute the words “Principal Reporter”.
  - (5) In section 413(3) (detention of children), in the definition of “the appropriate local authority”, in each of paragraphs (a) and (b), for “regional or islands council” substitute “local authority”.
  - (6) In section 462 (interpretation) the definition of “reporter” shall cease to have effect.
  - (7) In Schedule 5 (discharge and amendment of probation orders), in paragraph 2(4)(b)
    - (a) for “director of social work” substitute “chief social work officer”; and
    - (b) for “director”, where it secondly and thirdly occurs, substitute “chief social work officer”.

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- (8) For the word “reporter”, wherever occurring, substitute the words “ Principal Reporter ”.
- (9) Sub-paragraph (8) above does not affect any of the particular amendments made by this paragraph.

*The Reservoirs Act 1975 (c.23)*

- 98 In section 2(1) of the Reservoirs Act 1975 (local authorities for purposes of the Act), for “regional and islands councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The House of Commons Disqualification Act 1975 (c.24)*

- 99 In Part IV of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for particular constituencies)—
- (a) in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for a region in Scotland—
    - (i) for the words “a region” substitute “ an area ”; and
    - (ii) for the words from “such part” to “Majesty” substitute “ the area ”;
  - (b) the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for an islands area in Scotland shall cease to have effect; and
  - (c) in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh, or Glasgow—
    - (i) the words “the district of” shall cease to have effect; and
    - (ii) for “district” substitute “ city ”.

*The Local Government (Scotland) Act 1975 (c.30)*

- 100 (1) The 1975 Act shall be amended in accordance with this paragraph.
- (2) In section 2(1)(e) (alterations to valuation roll which is in force)—
- (a) after “consequence of” insert “—
    - (i)”;  
and
  - (b) after “1970” insert “or
    - (ii) the making of regulations under section 42 of the <sup>M156</sup>Lands Valuation (Scotland) Act 1854;”.
- (3) In section 7A (provisions as to setting of non-domestic rates)—
- (a) for subsection (2) substitute—
    - “(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—
    - (a) in accordance with section 7 of this Act; or
    - (b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”; and

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- (b) subsection (3) shall cease to have effect.
- (4) For subsection (2) of section 7B (provisions as to setting of non-domestic rates) substitute—
- “(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—
- (a) in accordance with section 7 of this Act; or
- (b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”.
- (5) In subsection (4) of section 8 (payment of rates by instalments), for from “the ground” to “1947” substitute “account of hardship under section 25A of the <sup>M157</sup>Local Government (Scotland) Act 1966 ”.
- (6) In section 23 (authorities subject to investigation by the Commissioner for Local Government in Scotland)—
- (a) in subsection (1)—
- (i) after paragraph (e) insert—
- “(ee) a residuary body established under section 18 of the Local Government etc. (Scotland) Act 1994;”; and
- (ii) after paragraph (i) insert—
- “(j) the Strathclyde Passenger Transport Authority”; and
- (b) in subsection (2)—
- (i) for paragraph (a) substitute—
- “(a) any joint board constituted by an administration scheme under section 36 of the <sup>M158</sup>Fire Services Act 1947 or section 147 of the Act of 1973”;
- (ii) in paragraph (b), for “committee” substitute “board ”;
- (iii) paragraph (c) shall cease to have effect; and
- (iv) in paragraph (d), for the words from “of Schedule” to “Act of” substitute “ , or joint advisory committee formed under paragraph 5B, of Schedule 3 to the Social Work (Scotland) Act ”.
- (7) In subsection (2) of section 28 (reports on investigations), for the word “chairman” substitute “ convener ”.
- (8) In section 37(1) (interpretation), in the definition of “material change of circumstances”, for the word “for” substitute “ the members of which are drawn from the valuation appeal panel serving ”.
- (9) In Schedule 3 (borrowing and lending by local authorities)—
- (a) for paragraph 8(3) substitute—
- “(3) Sub-paragraphs (1) and (2) above shall not apply in the case of money borrowed for the purpose of the common good, nor shall the security created by those sub-paragraphs include the common good or the revenues thereof.”;
- (b) in paragraphs 12(1), 13(1), 13(2) and 14, for “16th May 1975”, in each place where it occurs, substitute “ 1st April 1996 ”;

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- (c) after paragraph 12(1) insert—
  - “(1A) Sub-paragraph (1) above, so far as it relates to the establishment of a loans fund, does not apply to the councils of Orkney Islands, Shetland Islands and Western Isles, whose loans funds will continue in existence.”;
- (d) for paragraph 12(2) substitute—
  - “(2) A loans fund shall not apply to money borrowed for the common good.”;
- (e) in paragraph 13(1), for the words “section 128 of the Act of 1973 or which is referred to in section 222(2) or 223 of that Act” substitute “ section 17 of the Local Government etc. (Scotland) Act 1994 or which is referred to in section 15(5) or 16 of that Act ”;
- (f) in paragraph 22—
  - (i) in sub-paragraph (1), after head (b) insert—
    - “(ba) an insurance fund, to be used for the following purposes, namely—
      - (i) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk;
      - (ii) paying premiums on a policy of insurance against a risk.”; and
    - (ii) in sub-paragraph (2), after “repair fund” insert “ or the insurance fund ”.
- (g) in paragraph 24(1), after “repair fund” insert “ , or an insurance fund, ”;
- (h) in paragraph 28—
  - (i) in sub-paragraph (1), after “money,” insert “ the Strathclyde Passenger Transport Authority ”; and
  - (ii) in sub-paragraph (2), for the words from “Schedule to” to the end insert—
    - “(a) the aforesaid boards, either generally or to any particular board or class of board; and
    - (b) the Strathclyde Passenger Transport Authority”;
- (i) for paragraph 30 substitute—
  - “30 Nothing in this Schedule shall affect the power of a council having a common good to borrow on the security of the common good or any loan secured thereon.”; and
- (j) for paragraph 31 substitute—
  - “31 In this Schedule, unless the context otherwise requires—
    - “statutory borrowing power” means any power to borrow money conferred on a local authority by or under any enactment, but does not include the power of a council to borrow for the purposes of the common good; and



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“trustee securities” means any security in which trustees are for the time being authorised by law to invest trust money.”.

#### Commencement Information

**I35** Sch. 13 para. 100 partly in force; Sch. 13. para. 100 not in force at Royal Assent see s. 184(2); Sch. 13. para. 100(1)(9)(f)(g) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(ix); Sch. 13 para. 100(2)(4)(5) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(iii); Sch. 13 para. 100(6)(a)(i) in force at 6.4.1995 by S.I. 1995/702, art. 4(1), Sch. 2; Sch. 13 para. 100(9)(h) in force at 31.3.1996 by S.I. 1996/323, art. 3(b); Sch. 13 para. 100(6)-(8)(9)(a)-(i) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M156** 1854 c. 91.

**M157** 1966 c. 51.

**M158** 1947 c. 41.

#### *The Guard Dogs Act 1975 (c.50)*

- 101 In section 7 of the Guard Dogs Act 1975 (interpretation), in the definition of “local authority”, for “an islands council or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Safety of Sports Grounds Act 1975 (c.52)*

- 102 In section 17(1) of the Safety of Sports Grounds Act 1975 (interpretation), in the definition of “local authority”, in paragraph (d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Children Act 1975 (c.72)*

- 103 In section 99(1) of the Children Act 1975 (inquiries in Scotland)—
- (a) in paragraph (b), for the words from “paragraphs” to “2(2)” substitute “ paragraphs (b), (e), (g), (h), (i), (l) and (o) of section 5(1B) ”;
  - (b) the word “or” immediately preceding paragraph (e) shall cease to have effect; and
  - (c) after paragraph (e) insert “; or
  - (f) the functions of the Principal Reporter under Part III of the Local Government etc. (Scotland) Act 1994.”.

#### *The Lotteries and Amusements Act 1976 (c.32)*

- 104 (1) The Lotteries and Amusements Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 23(1) (interpretation), in the definition of “local authority”, in paragraph (c), for “regional council, an islands council and a district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (3) In Schedule 1 (registration of societies), in paragraph 1(2)(c), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In Schedule 3 (permits for commercial provision of amusements with prizes), in paragraph 1(2), in the definition of “local authority”, in paragraph (c), for “an islands council and a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Dangerous Wild Animals Act 1976 (c.38)*

- 105 In section 7(4) of the Dangerous Wild Animals Act 1976 (interpretation), in the definition of “local authority”, for “an islands council or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Licensing (Scotland) Act 1976 (c.66)*

- 106 (1) The Licensing (Scotland) Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 1 (licensing boards)—
- (a) in subsection (2)(a) for the words—
    - (i) “each district and islands area” substitute “ the area of each council ”; and
    - (ii) “subsection (3) below” substitute “ section 46(1) of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) subsection (3) shall cease to have effect;
  - (c) in subsection (4), the words “district or islands” shall cease to have effect;
  - (d) in subsection (5)—
    - (i) for the words “a district or islands area” substitute “ the area of a council ”; and
    - (ii) the words “or electoral division” shall cease to have effect;
  - (e) for subsections (6) and (7) substitute—
 

“(6) On 1st April 1996, the members of a licensing board shall be—

    - (a) for an area or, as the case may be, a licensing division of an area which was, immediately before that date, an islands area, the members in office immediately before that date; and
    - (b) for any other area or, as the case may be licensing division of such area, the members elected by the council for the area in pursuance of section 46 of the Local Government etc. (Scotland) Act 1994.

(7) Subsequent elections of the members of a licensing board for any area or, as the case may be, a licensing division of such area shall be held—

    - (a) except in so far as paragraph (b) below otherwise provides, at the first meeting of the council held after each ordinary

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- election of that council which takes place after 1st April 1996; and
- (b) where a determination under subsection (3) above is made, either—
- (i) at the meeting at which the determination is made; or
  - (ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above.”;
- (f) in subsection (8), for the words from “with” to “above” substitute “ on 1st April 1996 ”; and
- (g) in subsection (9)—
- (i) for the word “authority”, where it first occurs, substitute “ council ”; and
  - (ii) for the words “the council of that authority” substitute “ that council ”.
- (3) In section 3(2) (expenses of members of licensing boards), the words “of the district or islands area” shall cease to have effect.
- (4) In section 5(8) (council to provide accommodation etc. for licensing board), the words “district or islands” shall cease to have effect.
- (5) In section 7 (clerk of licensing boards)—
- (a) in subsection (1), the words “district and islands”; and
  - (b) subsection (2),
- shall cease to have effect.
- (6) In section 23(7) (meaning of “appropriate authority” for certain purposes), for the words from “in”, where it secondly occurs, to the end substitute “ the appropriate authority is the council ”.
- (7) In section 105 (procedure on application for grant or renewal of certificate of registration)—
- (a) in subsection (2)(b), for the words from “of” to “which” substitute “ within whose area ”; and
  - (b) in subsection (3)(c), after “1973” insert “ or section 22 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 120(6) (consequences of conviction for sale or supply of liquor in unregistered club), for the words from “district” to “in which” substitute “ council within whose area ”.
- (9) In section 139(1) (interpretation), after the definition of “contravene” insert—
- ““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and references to the area of a council shall be construed accordingly;”.

*The Supplementary Benefits Act 1976 (c.71)*

- 107 (1) Schedule 5 to the Supplementary Benefits Act 1976 (re-establishment courses and resettlement units) shall be amended in accordance with this paragraph.

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- (2) In paragraph 2(2) (Secretary of State may require councils to exercise functions of providing and maintaining resettlement units)—
- (a) the words—
    - (i) “and of”;
    - (ii) “, regions, islands areas”;
    - (iii) “and”, where it thirdly occurs,
 shall cease to have effect; and
  - (b) after “of London” insert “ and any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In paragraph 4(2) (local authorities to whom grants may be paid for certain purposes) —
- (a) the words—
    - (i) “, a region, an islands area”;
    - (ii) “or”, where it secondly occurs,
 shall cease to have effect; and
  - (b) after “of London” insert “ or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Race Relations Act 1976 (c.74.)*

108 In section 71 of the Race Relations Act 1976 (local authorities: general statutory duty), the existing wording shall become subsection (1) of that section and after that subsection there shall be added—

- “(2) In this section, “local authority”, in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (“the 1994 Act”) and includes—
- (a) a joint board and a joint committee within the meaning of the <sup>M159</sup>Local Government (Scotland) Act 1973;
  - (b) the staff commission established by virtue of section 12 of the 1994 Act;
  - (c) a water and sewerage authority within the meaning of the 1994 Act; and
  - (d) the Strathclyde Passenger Transport Authority.”.

**Marginal Citations**

**M159** 1973 c. 65.

*The Refuse Disposal (Amenity) Act 1978 (c.3)*

109 In section 11(1) of the Refuse Disposal (Amenity) Act 1978 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The European Parliamentary Elections Act 1978 (c.10)*

- 110 (1) The European Parliamentary Elections Act 1978 shall be amended in accordance with this paragraph.
- (2) In Schedule 1 (simple majority system (for Great Britain) with S T V (for Northern Ireland)), in paragraph 4—
- (a) in sub-paragraph (2), for the words “region or islands”, in each place where they occur, substitute “local government”; and
- (b) in sub-paragraph (5)(b), for “a region, islands area or district” substitute “the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In Schedule 2 (European Parliamentary constituencies in Great Britain), in paragraph 5A(4), in the definition of “local authority”, in paragraph (b), for “the council of a region, islands area or district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Adoption (Scotland) Act 1978 (c.28)*

- 111 (1) The Adoption (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2 (local authorities’ social work), for the words from “which stand” to “committee” substitute the words “under any of the enactments mentioned in subsection (1B) of section 5 of the <sup>M160</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments)”.
- (3) In section 65(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

**Marginal Citations**

**M160** 1968 c. 49.

*The National Health Service (Scotland) Act 1978 (c.29)*

- 112 (1) The National Health Service (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 16A (power to make payments towards expenditure on community services), in subsection (1)—
- (a) in paragraph (a), for the words from “relating” to the end substitute “under any of the enactments mentioned in section 5(1B) of the <sup>M161</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments), other than section 3 of the Disabled Persons (Employment) Act 1958;”;
- (b) in paragraph (b), the words “of a regional or islands council’s” shall cease to have effect;

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- (c) in paragraph (c), the words “of a district or islands council’s” shall cease to have effect; and
- (d) in paragraph (d), the words “of a regional or islands council’s” shall cease to have effect.

- (3) In section 108(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Marginal Citations

M161 1968 c. 49.

#### *The Community Service by Offenders (Scotland) Act 1978 (c.49)*

- 113 (1) The Community Service by Offenders (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2(3)(b) (persons to whom copy of community service order to be sent), for “director of social work” substitute “ chief social work officer ”.
- (3) In section 12(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Inner Urban Areas Act 1978 (c.50)*

- 114 (1) The Inner Urban Areas Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 1(2) (meaning of “designated district authority”), the words “or region” shall cease to have effect.
- (3) In section 2(1) (loans for acquisition of land etc.), the words “or region”, in both places where they occur, shall cease to have effect.
- (4) In section 7(1)(a) (power to enter into arrangements), the words “or region” shall cease to have effect.

#### *The Bail etc. (Scotland) Act 1980 (c.4)*

- 115 In section 10(3) of the Bail etc. (Scotland) Act 1980 (sittings of district courts), for “district or islands council” substitute “ local authority ”.

#### *The Reserve Forces Act 1980 (c.9)*

- 116 (1) The Reserve Forces Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 131 (lieutenancies in Scotland)—
  - (a) for subsection (1) substitute—
    - “(1) Her Majesty—
      - (a) shall appoint a lord-lieutenant for each area of Scotland; and

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- (b) may appoint lieutenants for each area of Scotland.
- (1A) For the purposes of the provisions of this Act relating to lieutenancies, Her Majesty—
  - (a) shall by Order in Council divide Scotland into such areas as She thinks fit; and
  - (b) may in such an Order make such provision with respect to deputy lieutenants as is mentioned in subsection (1B) below.
- (1B) Where an Order in Council is made under subsection (1A) above, any deputy lieutenant holding office immediately before the date on which the Order is made shall (without prejudice to any power of removal or directing removal from any office) continue to hold office on and after that date as deputy lieutenant of the area or city in which he resides or of such other area or city as may be specified in the Order.”;
- (b) in subsection (2)—
  - (i) the words “the district of” shall cease to have effect; and
  - (ii) for “such district” substitute “ such city ”;
- (c) subsections (3) and (4) shall cease to have effect; and
- (d) in subsection (5)—
  - (i) for “region” substitute “ area ”; and
  - (ii) the words “the districts of” shall cease to have effect.
- (3) In subsection (5) of section 133 (deputy lieutenants), for “the regional or general rate” substitute “ the non-domestic rate or the council tax ”.
- (4) In subsection (1) of section 156 (interpretation), immediately before the definition of “home defence service” insert—

““area”, in the application to Scotland of the provisions of this Act relating to the lieutenancies, shall be construed in accordance with section 131(1A) of this Act;”.
- (5) In paragraph 3 of Schedule 7 (schemes for the establishment of associations), for “region” and “regions” wherever they occur, substitute “ local government area ” and “ local government areas ” respectively.
- (6) For paragraph 14(2) of Schedule 8 (saving and transitional provisions) substitute—

“(2) Subject to any power of removal or of directing removal from any office, where, immediately before the date on which paragraph 116 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 comes into force—

  - (a) any lord-lieutenant or lieutenant held office in Scotland, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as lord-lieutenant or lieutenant respectively for such area as may be specified in the Order;
  - (b) any deputy lieutenant held office in Scotland, he shall continue to hold office on and after that date as deputy lieutenant for the area or city in which he resides or such other area or city as may be specified by the Secretary of State in an order made under this paragraph.”.

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### Commencement Information

**I36** Sch. 13 para. 116 partly in force; Sch. 13 para. 116 not in force at Royal Assent see s. 184(2); Sch. 13 para. 116(1)–(5) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Slaughter of Animals (Scotland) Act 1980 (c.13)*

- 117 In section 22 of the Slaughter of Animals (Scotland) Act 1980 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Education (Scotland) Act 1980 (c.44)*

- 118 (1) The Education (Scotland) Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 4 (duty of education authorities to provide psychological service), the words “regional or island authority” shall cease to have effect.
- (3) In section 6 (social activities etc.)—
- (a) in subsection (2)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b),
 shall cease to have effect; and
  - (b) subsection (3) shall cease to have effect.
- (4) Section 78 (appointment of director of education) shall cease to have effect.
- (5) In section 86 (admissibility of documents)—
- (a) in paragraph (a), the words from “or” to “authority”; and
  - (b) in paragraph (e), the words “or by the director of education”,
- shall cease to have effect.
- (6) In subsection (3A) of section 112 (reorganisation schemes), for “Schedule 10 to” substitute “Section 56 of”.
- (7) In section 122 (interpretation of Part VI), in the definition of “governing instrument”, after the words “provisional order”, where they first appear, insert “ or made under section 17 of the Local Government etc. (Scotland) Act 1994, ”.
- (8) In subsection (3) of section 129 (establishment of Board to conduct examinations, etc.), for “directors of education” substitute “ persons employed by education authorities in an administrative capacity as respects the discharge of their education functions ”.
- (9) In subsection (1) of section 135 (interpretation), in the definition of “education authority”, for the words “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (10) In Schedule A1 (appeal committees)—
- (a) in paragraph 3—



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- (i) in sub-paragraph (a), for the words “the education committee of the authority” there shall be substituted the words “ any committee appointed by the authority whose purposes include advising the authority on any matter relating to the discharge of any of their functions as education authority or discharging any of those functions on behalf of such authority ”;
  - (ii) in sub-paragraph (b), for the words “the education committee of the authority” there shall be substituted the words “ any such committee ”; and
  - (iii) for the words from “as” to “adviser”, where it thirdly occurs, there shall be substituted the words “ in an administrative or advisory capacity as respects the discharge of their education functions. ”;
- (b) in paragraph 4, for the words “the education committee of the authority” there shall be substituted the words “ any committee such as is mentioned in paragraph 3 above ”; and
  - (c) in paragraph 5, for the words “the education committee of the authority” there shall be substituted the words “ any committee such as is mentioned in paragraph 3 above ”.

*The Water (Scotland) Act 1980 (c.45)*

- 119 (1) The 1980 Act shall be amended in accordance with this paragraph.
- (2) Sections 3 to 5 (water authorities and their areas, alterations of limits of supply and maps of such limits) shall cease to have effect.
  - (3) In section 6(3) (questions arising as respects water authority’s duty to provide supply of wholesome water)—
    - (a) for “10 or more local government electors in the limits of supply of the water authority” substitute “ any person aggrieved ”; and
    - (b) for “consulting the authority” substitute “ consultation with that person and with the water authority concerned ”.
  - (4) In section 9A (prohibition on any charge for water taken to extinguish fires etc.)—
    - (a) for the words from the beginning to “49” substitute “ Notwithstanding anything in section 9 ”;
    - (b) the existing words as so amended shall be subsection (1) of the section; and
    - (c) after that subsection add—

“(2) Subsection (1) above shall not have the effect, where any water is used or made available for any of the purposes mentioned in paragraph (a) or (b) of that subsection, of requiring a reduction in the charges imposed in respect of the provision for other purposes of the supply from which the water is taken.”.
  - (5) In section 10 (compensation for damage resulting from exercise of powers)—
    - (a) in subsection (1)—
      - (i) for “district council” substitute “ local authority ”; and
      - (ii) the words “or water development board” shall cease to have effect;
    - (b) in subsection (1A)—

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- (i) the words “onto agricultural land or forestry land” and “or as the case may be water development board’s” shall cease to have effect; and
  - (ii) after “communication” insert “ or supply ”;
  - (c) in subsection (3), for “12” substitute “ 24 ”;
  - (d) in subsection (5)(e), for “26 of the said Act of 1950” substitute “ 141 of the said Act of 1991 ”; and
  - (e) subsection (6) shall cease to have effect.
- (6) In section 11 (power of Secretary of State on default of water authority or water development board)—
- (a) in subsection (1)—
    - (i) in paragraph (a), the words “or a water development board”; and
    - (ii) in paragraph (b), the words “or board”;
  - (b) in subsection (2), the words “or board”;
  - (c) in subsection (3), the words “or board” wherever they occur;
  - (d) in subsection (4), the words “or board” wherever they occur and “or “the transferee board””; and
  - (e) in subsections (5) to (7), the words “or board” wherever they occur, shall cease to have effect.
- (7) In section 13 (supply of water in bulk)—
- (a) in subsection (1), the words “or water development board”, in both places where they occur, “or board”, in both places where they occur, and “or area” shall cease to have effect;
  - (b) in subsection (2), the words “or water development board”, “or board” wherever they occur, “or area” and “or boards” shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “or water development board” and “or area, as the case may be,” shall cease to have effect; and
    - (ii) for “streets” substitute “ roads ”; and
  - (d) in subsection (6), the words “or water development board” shall cease to have effect.
- (8) Section 15 (power to acquire land), shall cease to have effect.
- (9) In section 16 (power to survey land and search for water)—
- (a) in subsection (1) the words “or water development board”; and
  - (b) in each of subsections (2), (3) and (8), the words “or board” wherever they occur,
- shall cease to have effect.
- (10) In section 17 (acquisition of water rights)—
- (a) in subsection (1), the words “or water development board”;
  - (b) in subsection (2), the words “or water development board” and “or board”;
  - (c) in subsection (3), the words “or water development board” and, in both places where they occur, “or board”; and
  - (d) in subsection (4), the words “or water development board”, shall cease to have effect.
- (11) In section 18(1) (compulsory acquisition of land for water works)—

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- (a) the words “or board”, in both places where they occur, shall cease to have effect; and
  - (b) for “15” substitute “99 of the Local Government etc. (Scotland) Act 1994”.
- (12) Section 20 (power to hold and dispose of land), shall cease to have effect.
- (13) In section 22 (power to break open roads), the words “or water development board” shall cease to have effect.
- (14) In section 23 (power to lay mains)—
- (a) in subsection (1), the words “or water development board” shall cease to have effect;
  - (b) in subsection (2), the words “or board” shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “or water development board” shall cease to have effect; and
    - (ii) for “street” substitute “road”; and
  - (d) in subsection (4), for “(1)” substitute “(1)(a)”.
- (15) In section 25 (power to provide public wells)—
- (a) in subsection (1)—
    - (i) for “district council” substitute “local authority”; and
    - (ii) for “district”, where it secondly occurs, substitute “area”; and
  - (b) in subsection (2)—
    - (i) for “An islands or district council” substitute “A local authority”;
    - (ii) the words “or district”, where they secondly occur, shall cease to have effect;
    - (iii) after “but” insert “where the Secretary of State is the roads authority”;
    - (iv) for “the district council” substitute “the local authority”; and
    - (v) for “the roads authority’s” substitute “his”.
- (16) In section 26 (power to close, or restrict use of, wells)—
- (a) for “district council” substitute “local authority”; and
  - (b) in paragraph (a), for “district” substitute “area”.
- (17) In section 27 (power to close, or restrict use of water from, polluted source)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “a local authority”;
    - (ii) the words “or district”, where they secondly occur, shall cease to have effect; and
    - (iii) for “the council” substitute “they”; and
  - (b) in subsection (2), for “council” substitute “local authority”; and
  - (c) in subsection (3)—
    - (i) for “council”, where that word first occurs, substitute “local authority”; and
    - (ii) for “the council”, where those words secondly and thirdly occur, in each case substitute “them”.
- (18) In section 28 (water works code)—

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- (a) in subsection (1), the words “or a water development board”; and
  - (b) in subsection (2), the words “or water development board”, shall cease to have effect.
- (19) In section 29 (applications of enactments by order)—
- (a) in subsection (2), the words “or water development board”; and
  - (b) in subsection (3), the words “or board”, shall cease to have effect.
- (20) Section 30 (exemption from stamp duty) shall cease to have effect.
- (21) In section 32 (power of water undertakers to supply water to water authorities)—
- (a) in subsection (1)(b), the words “subject to subsection (2),”; and
  - (b) subsection (2), shall cease to have effect.
- (22) In section 33 (temporary discharge of water into watercourses)—
- (a) in subsection (1), the words “or water development board”, “or their area, as the case may be” and “or board”;
  - (b) in subsection (3), the words “or water development board” in both places where they occur; and
  - (c) in each of subsections (4), (6)(b), (7) to (9) and (11), the words “or board” wherever they occur, shall cease to have effect.
- (23) Section 35(4) (charge for water fittings) shall cease to have effect.
- (24) In section 38(1) (entry to premises), the words “or water development board” and, in each of paragraphs (a), (c) and (d), “or board”, shall cease to have effect.
- (25) Sections 40 (non-domestic water rate) and 41 (levy of non-domestic water rate) shall cease to have effect.
- (26) Sections 42 (levy of non-domestic water rate on water works etc.), 43 (levy of non-domestic water rate on shootings and fishings) and 46 (transport hereditaments) shall cease to have effect.
- (27) In section 47 (provision as regards certain pre-existing obligations etc.)—
- (a) for subsection (1) substitute—
    - “(1) Subject to section 41A of this Act, no charge shall be fixed, demanded or recovered for a supply of water to premises to which a water authority were, immediately before 16th May 1949, by virtue of any enactment or agreement, under an obligation to provide such a supply free of charge.”;
  - (b) in subsection (2)—
    - (i) for “leviable in any area specified in the local enactment” substitute “ , for a period specified in that enactment, leviable in any area so specified ”;
    - (ii) for “specified therein” substitute “ so specified ”; and
    - (iii) for the words from “the non-domestic water rate” to the end of the proviso substitute—

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“any charge payable in the area in question for a supply of water in any period commencing after 31st March 1996 (the

“transfer date” for the purposes of Part II of the Local Government etc. (Scotland) Act 1994 and of this subsection) shall, during the period so specified, bear the same proportion to the charge which (but for this subsection) would be payable for that supply under a charges scheme, as the non-domestic water rate payable there as at the transfer date by virtue of the local enactment and of this subsection (as it had effect on the transfer date) bore to the non-domestic water rate which would otherwise have been payable.”;

(c) in subsection (3)—

(i) for the words from the beginning to “such a supply” substitute — “ Where, by virtue of any enactment or agreement in force immediately before 16th May 1949, a water authority were under an obligation to provide a supply of water to any premises ”; and

(ii) the word “and”, where it first occurs, shall cease to have effect; and

(d) for subsection (7) substitute—

“(7) Nothing in subsection (1) shall be construed as continuing any exemption, and nothing in subsection (3) as continuing any advantage, where under the enactment or agreement in question the obligation which gives rise to the exemption or advantage ceases to exist.”.

(28) Sections 48 (levying of, and exemption from, rates) and 49 (payment for supplies by meter) shall cease to have effect.

(29) In section 54 (register of meter to be evidence)—

(a) subsection (2); and

(b) in subsection (3)(b), the words from “and in the case” to the end, shall cease to have effect.

(30) In section 55 (terms and conditions on which water supplied)—

(a) in subsection (1), after “conditions” insert “ , other than as respects charges, ”; and

(b) in subsection (4), after “at the” insert “ principal ”.

(31) In section 58 (termination of right to supply of water on special terms)—

(a) in subsection (3), for the words from “under section 49” to “may be,” substitute “ for a supply of water ”;

(b) in subsection (4), for “district council” substitute “ local authority ”;

(c) in subsection (6), the words “or the district of a district council” and “or by that district council” shall cease to have effect; and

(d) subsection (8) shall cease to have effect.

(32) Sections 60 (requisitions) and 61 (calculation of amount to be requisitioned) shall cease to have effect.

(33) In section 63 (provision of water supply to new buildings and houses)—

(a) after subsection (1) insert—

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- “(1A) In determining adequacy for the purposes of subsection (1), the local authority shall consult, and have regard to the views of, the water authority within whose limits of supply the building is being erected.”;
- (b) in subsection (5), after “section,” insert “ except section (1A), ”; and
- (c) subsection (6) shall cease to have effect.
- (34) Sections 64 to 67 (provisions as respects duty of house owners to provide supply of wholesome water for domestic purposes, execution of works on failure to do so, recovery of expenses of such execution and limitation of liability for such expenses) shall cease to have effect.
- (35) In section 68 (agreements as to drainage)—
- (a) in subsection (1)—
- (i) the words “or water development board” and (both in the subsection and its proviso) “or board” shall cease to have effect; and
- (ii) in paragraph (b), for “regional, islands or district council” substitute “ local authority ”; and
- (b) subsection (3) shall cease to have effect.
- (36) In section 69(1) (power to restrict use of hosepipes)—
- (a) for “within the meaning of section 117(1) of the <sup>M162</sup>Road Traffic Act 1960” substitute “ as defined in section 1 of the <sup>M163</sup>Public Passenger Vehicles Act 1981 ”; and
- (b) for “within the meaning of section 196 of the <sup>M164</sup>Road Traffic Act 1972” substitute “ as defined in section 192(1) of the <sup>M165</sup>Road Traffic Act 1988 ”.
- (37) In section 70 (byelaws for preventing misuse of water)—
- (a) in subsection (1), the words “or water development board”;
- (b) in subsection (2), the words “or board”;
- (c) in subsection (4), the words “or water development board”;
- (d) in the proviso to subsection (4), the words “, or as the case may be the Board,”,
- shall cease to have effect.
- (38) In section 71 (byelaws for preventing pollution of water)—
- (a) in subsection (1), the words “or water development board” shall cease to have effect;
- (b) in subsection (2), for “authority or board” substitute “ water authority ”;
- (c) in subsection (3)—
- (i) for “authority or board” substitute “ water authority ”; and
- (ii) for “regional, islands or district council”, in both places where those words occur, substitute “ local authority ”;
- (d) in subsection (4), for “authority or board” and “regional, islands or district council” in each case substitute “ local authority ”;
- (e) in subsection (5)—
- (i) for “authorities or boards”, where those words first occur, substitute “ water authorities ”; and

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- (ii) the words “or board” and, where they secondly occur, “or boards”, shall cease to have effect; and
  - (f) in subsection (6), the words “or boards” shall cease to have effect.
- (39) In section 72(2) (duty to enforce byelaws), the words “and water development board” shall cease to have effect.
- (40) In section 73 (power of Secretary of State to require the making of byelaws)—
  - (a) in subsection (1), the words “or water development board” and “or board”; and
  - (b) in each of subsections (2) and (3), the words “or board” wherever they occur, shall cease to have effect.
- (41) In section 76 (acquisition of land for protection of water)—
  - (a) in subsection (1)—
    - (i) after “Act” insert “, or of the Local Government etc. (Scotland) Act 1994,”
    - (ii) the words “or water development board” and “or board” shall cease to have effect; and
    - (iii) after “undertaking” insert “ or functions ”;
  - (b) in subsection (2), the words “or water development board” and (wherever they occur, both in the subsection and its proviso) “or board” shall cease to have effect;
  - (c) in subsection (3), the words “or water development board”, “or their area” and “or board” shall cease to have effect; and
  - (d) in the proviso to subsection (3), the words “or board” and “or the area of that board”, shall cease to have effect.
- (42) In section 76F(5) (supplementary regulations in relation to water quality)—
  - (a) at the beginning insert “ Without prejudice to subsection (7) below, ”; and
  - (b) after “supplementing the” insert “ foregoing ”.
- (43) In section 76H (effect, confirmation and variation of notice under section 76G)—
  - (a) in subsection (5), for the words from “may” to the end substitute—
    - “—
    - (a) may, except where the case is one to which paragraph (b) below applies, take that step themselves in accordance with any applicable provision having effect by virtue of section 76I below; and
    - (b) may, in a case to which this paragraph applies, take that step themselves and for that purpose exercise the powers which a water authority may, under this Act, exercise for the purpose of their water undertaking.”;
  - (b) after subsection (5) insert—
    - “(5A) Paragraph (b) of subsection (5) above applies to any case where the local authority are satisfied that the failure arose because the person was unable on reasonable terms to acquire any necessary rights—
      - (a) to take water from a suitable source;

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- (b) to lay pipes through any land not belonging to him; or
  - (c) to do any other work.”; and
  - (c) in subsection (8), the words from “; and section 65” to the end shall cease to have effect.
- (44) In section 76I (incidental powers of local authorities)—
- (a) in subsection (1), for “subsection (5)” substitute “ subsections (5) and (6) ”;
  - (b) in subsection (2), at the beginning insert “Subject to subsection (6) below,”; and
  - (c) after subsection (5) add—
    - “(6) The foregoing provisions of this section do not apply as respects, but are without prejudice to the exercise of, a power conferred by section 76H(5)(b) above.”.
- (45) In section 76J(1) (regulations as to standards of wholesomeness), for “Part” substitute “ Act ”.
- (46) In section 76L(1) (interpretation of Part VIA), the definitions of “local authority” and “wholesome” shall cease to have effect.
- (47) Sections 80 to 92 (provisions as regards water development boards) shall cease to have effect.
- (48) In section 100 (power to make orders), for subsection (2) substitute—
- “(2) Before making, on his own initiative, an order under section 107, the Secretary of State shall consult all water authorities whose limits of supply would be affected by the order.”.
- (49) In section 103 (requirement for notices to be in writing)—
- (a) for “regional, island or district council” substitute “ local authority ”;
  - (b) the words “or water development board”, in both places where they occur, shall cease to have effect; and
  - (c) for “regional, islands or district council” substitute “ local authority ”.
- (50) In section 104(1) (appeal against decision of sheriff on any application under the Act), after “Act” insert “ (other than an application under section 23(1A)) ”.
- (51) In section 106(4) (recording of awards in arbitration etc.), for “the said Acts” substitute “ this Act ”.
- (52) In section 107 (repeal, amendment and adaptation of local enactments)—
- (a) in subsection (1)(b), the words “or a water development board” and “or board”; and
  - (b) in subsection (5), the words “or a water development board”, shall cease to have effect.
- (53) In section 109 (interpretation)—
- (a) in subsection (1)—
    - (i) the definitions of “the 1992 Act”, “apportionment scheme”, “apportionment note”, “Central Board”, “constituent water authority”, “contributing authority”, “council water charge”, “net



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- annual value” and “part residential subjects” shall cease to have effect;
  - (ii) after the definition of “agricultural lands and heritages” insert—
    - ““area”, in relation to a water authority, shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (iii) for the definition of “limits of supply” substitute—
    - ““limits of supply”, in relation to a water authority, means the area of the water authority (as construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994);”;
  - (iv) in the definition of “owner”, the words “, save in sections 64 to 67,” shall cease to have effect;
  - (v) for the definition of “water authority” substitute—
    - ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (vi) at the end add—
    - ““wholesome” and cognate expressions shall be construed subject to the provisions of any regulations made under section 76J”; and
  - (b) in subsection (3), the words “and water development board” shall cease to have effect.
- (54) In Schedule 1 (procedure for making orders and making and confirming bylaws)—
- (a) in paragraph 2—
    - (i) in sub-paragraph (i), for “regional council, district council and water development board” substitute “ and local authority ”; and
    - <sup>F34</sup>(ii) . . . . .
  - (b) in paragraph 3, the words “and the area of the water development board” shall cease to have effect;
  - (c) in paragraph 11—
    - (i) for “regional council, district council and water development board” substitute “ and local authority ”; and
    - (ii) the words “where the river purification authority are not the same authority as the water authority” shall cease to have effect;
  - (d) in paragraph 12, the words “and the area of the board” shall cease to have effect;
  - (e) in paragraph 13, the words “not exceeding 10 pence” shall cease to have effect;
  - (f) in paragraph 14, the words “or board” shall cease to have effect;
  - (g) in paragraph 17, the words “or board” and “or boards” shall cease to have effect;
  - (h) in paragraph 19—
    - (i) the words “or water development board”, in both places where they occur and “or area” shall cease to have effect;
    - (ii) for “regional council, district council and water development board” substitute “ and local authority ”; and
    - <sup>F34</sup>(iii) . . . . .

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- (i) in paragraph 20, the words “or water development board” shall cease to have effect;
  - (j) in paragraph 23, the words “or board” and “or boards” shall cease to have effect;
  - (k) in each of paragraphs 24, 26 and 27, the words “or water development board” shall cease to have effect;
  - (l) in paragraph 25(b), for “council of every region or district” substitute “local authority for any area”;
  - (m) in paragraph 30, the words “or water development board” and “or board” shall cease to have effect; and
  - (n) in paragraph 31—
    - (i) for “the proper” substitute “a duly authorised”; and
    - (ii) the words “or board”, in both places where they occur, shall cease to have effect.
- (55) In Schedule 2 (orders authorising compulsory acquisition of land), in each of paragraphs 4 and 6, the words “or water development board” wherever they occur shall cease to have effect.
- (56) In Schedule 3 (provisions as to breaking open roads and laying communication and supply pipes)—
- (a) in paragraph 1, the words “and water development board”, “within their limits of supply or area” and from “and outside” to “removing mains” where they secondly occur, shall cease to have effect;
  - (b) in paragraph 2(2), the words “or board”, in both places where they occur, shall cease to have effect;
  - (c) in paragraph 4(1), the words “within their limits of supply” and “within the said limits” shall cease to have effect;
  - (d) in paragraph 5—
    - (i) the words “within the limits of supply” shall cease to have effect; and
    - (ii) for the words “the authority”, where they first occur, substitute “any water authority”; and
  - (e) paragraph 8 shall cease to have effect.
- (57) In Schedule 4 (provisions to be incorporated in orders relating to water undertakings)
- (a) in section 24(2)—
    - (i) for “regional islands or district council or roads” substitute “local”; and
    - (ii) at the end add “or, in relation to roads for which the Secretary of State is roads authority, between the Secretary of State and the undertakers”;
  - (b) in section 40, for “24” substitute “48”; and
  - (c) in section 46, for “clerk of the local authority of every district” substitute “local authority for every area”.
- (58) Schedules 7 (procedure for making certain orders) and 8 (further provisions as regards water development boards) shall cease to have effect.

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### Textual Amendments

**F34** Sch. 13 para. 119(54)(a)(ii)(h)(iii) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

### Commencement Information

**I37** Sch. 13 para. 119 partly in force; Sch. 13. para. 119 not in force at Royal Assent see s. 184(2); Sch. 13. para. 119(1)(5)(d)(7)(c)(ii)(34)(36)(42)-(45)(51)(53)(a)(iv)(vi) in force and Sch. 13 para. 119(46) in force for specified purposes at 4.1.1995 by S.I. 1994/2850, art. 3(c)(x); Sch. 13 para. 119 (other than sub-paragraphs (54)(a)(ii)(h)(iii)) in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

### Marginal Citations

**M162** 1947 c. 41.

**M163** 1981 c. 14.

**M164** 1972 c. 20.

**M165** 1988 c. 52.

### *The Local Government, Planning and Land Act 1980 (c.65)*

- 120 (1) The Local Government, Planning and Land Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 2(1) (duty of authorities to publish information)—
- (a) in paragraph (g), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”;
  - (b) in paragraph (h)—
    - (i) for “committee” substitute “board”; and
    - (ii) after “that Act” insert “or section 147 of the<sup>M166</sup>Local Government (Scotland) Act 1973”; and
  - (c) in paragraph (k)—
    - (i) for “committee” substitute “board”; and
    - (ii) for “or 21A” substitute “, 20 or 21B”.
- (3) In section 8(1) (meaning of “functional work”), in paragraph (b)(iv), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (4) In section 20(1) (interpretation of Part III), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (5) In section 120(3) (compulsory acquisition: exclusion of special parliamentary procedure), in the definition of “local authority”, in paragraph (c), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (6) In section 148 (planning control)—
- (a) in subsection (1), for the words from “regional” to “areas” substitute “planning authority within whose area”; and

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(b) in subsection (2), the words “exercising district planning functions” shall cease to have effect.

(7) In section 165(9)(b) (power to transfer undertaking), for “a regional council and a district council” substitute “ any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 other than the councils for Orkney Islands, Shetland Islands and Western Isles ”.

#### **Marginal Citations**

**M166** 1973 c. 65.

#### *The Public Passenger Vehicles Act 1981 (c.14)*

- 121 (1) The Public Passenger Vehicles Act 1981 shall be amended in accordance with this paragraph.
- (2) In section 5(3) (publication of information by traffic commissioners), in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 14A(4)(b) (objections to application for PSV operator’s licence), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 82(1) (interpretation), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In Schedule 1 (public service vehicles: conditions affecting status or classification), in paragraph 2(2)(b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Animal Health Act 1981 (c.22)*

- 122 In section 50(3) of the Animal Health Act 1981 (local authorities for purposes of Act), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Finance Act 1981 (c.35)*

- 123 In section 107(3)(b) of the Finance Act 1981 (sale of houses at discount by local authorities etc.), for “regional, district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Zoo Licensing Act 1981 (c.37)*

- 124 In section 1(3)(b) of the Zoo Licensing Act 1981 (licensing of zoos by local authorities), for “islands councils and district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Wildlife and Countryside Act 1981 (c.69)*

- 125 (1) The Wildlife and Countryside Act 1981 shall be amended in accordance with this paragraph.
- (2) In section 27(1) (interpretation of Part I), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 36(7) (marine nature reserves), in the definition of “local authority”, in paragraph (b), for “regional council, an islands council or a district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Aviation Act 1982 (c.16)*

- 126 (1) The Civil Aviation Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 30 (provision of aerodromes and facilities at aerodromes by local authorities)—
- (a) in subsection (1)—
- (i) the words “, other than a district council in Scotland,”; and
- (ii) the words from “and a” to “above”,
- shall cease to have effect; and
- (b) in subsection (2), the words “, other than a district council in Scotland,” shall cease to have effect.
- (3) In section 36(4)(b) (meaning of “relevant authority” for purposes of section), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 88(10) (application and interpretation of section), the words “, other than a district council in Scotland,” shall cease to have effect.
- (5) In section 105(1) (general interpretation), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Stock Transfer Act 1982 (c.41)*

- 127 In Schedule 1 to the Stock Transfer Act 1982 (specified securities), in paragraph 7(2), for head (b) substitute—
- “(b) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Local Government and Planning (Scotland) Act 1982 (c.43)*

- 128 (1) The Local Government and Planning (Scotland) Act 1982 shall be amended in accordance with this paragraph.
- (2) For section 9 (re-allocation of responsibility for certain local authority functions relating to the countryside) substitute—

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**“9 Part II of Schedule 1 to continue to have effect.**

Part II of Schedule 1 to this Act (amendment of certain enactments relating to the countryside) shall continue to have effect.”.

- (3) In section 14 (islands or district council’s duties in relation to the provision of recreational, sporting, cultural and social facilities and activities)—
- (a) in subsection (1), for “an islands or district council” substitute “ a local authority ”;
  - (b) in subsection (2), the words “regional or islands council as” shall cease to have effect; and
  - (c) after that subsection add—
 

“(3) In subsection (2) above, “water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”.
- (4) In section 15(2) (local authority’s powers in relation to provision of recreational, sporting etc. facilities), for “An islands or district council” substitute “ A local authority ”.
- (5) In section 16 (provisions supplementary to section 15)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “ a local authority ”;
    - (ii) for paragraph (b) substitute—
 

“(b) maintain a body for the promotion of a recreational, sporting, cultural or social activity;”;
    - (iii) in each of paragraphs (c), (g)(ii) and (k)(ii), for “council”, wherever it occurs, substitute “ authority ”; and
  - (b) in subsection (2)—
    - (i) for “an islands or district council” substitute “ a local authority ”; and
    - (ii) in paragraph (a), for “council” substitute “ authority ”.
- (6) For section 17 (power of regional council to contribute towards provision of recreational etc. facilities) substitute—

**“17 Power of local authority to contribute towards provision of cultural activities and facilities.**

- (1) A local authority may contribute by way of grant or loan towards the expenses of any organisation or body which, in the opinion of the authority, provides or promotes the provision of cultural activities or facilities whether inside or outside the area of the local authority concerned.
  - (2) Without prejudice to the generality of subsection (1) above, the power conferred by that subsection includes power to make such contribution as will support or promote music, theatre, dance, opera, visual art or other art forms and museums and galleries.”.
- (7) In section 18 (byelaws in relation to recreational, sporting etc. activities)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “ a local authority ”; and

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- (ii) for “council” substitute “ authority ”;
  - (b) in subsection (2)(b), for “council” substitute “ local authority ”; and
  - (c) in subsection (3), for “council”—
    - (i) where it first occurs, substitute “ local authority ”; and
    - (ii) where it secondly occurs, substitute “ authority ”.
- (8) In section 24(1) (provision of gardening assistance for certain persons), for “An islands or district council” substitute “ A local authority ”.
- (9) In section 25 (local authority’s functions in relation to cleansing of land)—
  - (a) in subsection (2), for “An islands or district council” substitute “ A local authority ”; and
  - (b) in subsection (3), for “islands or as the case may be district council” substitute “ local authority ”.
- (10) In section 26(1) (local authority’s functions in relation to the provision of public conveniences), for “An islands or district council” substitute “ A local authority ”.
- (11) In section 27 (local authority’s functions in relation to provision of a market)—
  - (a) in subsection (1)—
    - (i) for “An islands or district council” substitute “ A local authority ”; and
    - (ii) in paragraph (b)(i), for “council” substitute “ authority ”;
  - (b) in subsection (3), for “An islands or district council” substitute “ A local authority ”; and
  - (c) in subsection (4), the words from “Without” to “Act” shall cease to have effect.
- (12) In section 28 (local authority’s functions in relation to the provision of clocks)—
  - (a) for “An islands or district council” substitute “ A local authority ”; and
  - (b) in paragraph (b), for “council” substitute “ authority ”.
- (13) In section 30(1), for the words from “an islands” to “may”, where it first occurs, substitute “ a local authority may, with the consent of the roads authority ”.
- (14) In section 67 (interpretation), immediately before the definition of “the 1972 Act” insert—

“ “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; ”.
- (15) Part I of Schedule 1 (which re-allocates certain functions relating to the countryside) shall cease to have effect.

*The Civic Government (Scotland) Act 1982 (c.45)*

- 129 (1) The Civic Government (Scotland) Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 2 (licensing authorities)—
  - (a) in subsection (1), for “each district and islands area” substitute “ the area of each local authority ”; and

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- (b) in each of subsections (2) and (3), for “district or islands council”, wherever it occurs, substitute “local authority”.
- (3) In section 45 (control of sex shops)—
  - (a) in subsection (1), for “district or islands council” substitute “local authority”; and
  - (b) in subsection (2)—
    - (i) for “district or islands council” substitute “local authority”; and
    - (ii) for “council’s” substitute “authority’s”.
- (4) In section 62 (notification of processions)—
  - (a) in subsection (1)—
    - (i) for “regional or islands council” substitute “local authority”; and
    - (ii) for “council”, where it secondly and thirdly occurs, substitute “authority”;
  - (b) in each of subsections (2), (4), (7), (9) and (11), for “regional or islands council”, wherever it occurs, substitute “local authority”;
  - (c) in subsection (6)—
    - (i) for “regional or islands council” substitute “local authority”; and
    - (ii) for “council”, where it secondly occurs, substitute “authority”; and
  - (d) in subsection (12), in the definition of “chief constable”—
    - (i) for “regional or islands council” substitute “local authority”; and
    - (ii) for “council”, where it secondly occurs, substitute “authority”.
- (5) In section 63 (functions of authorities in relation to processions), in each of subsections (1), (1A)(a), (3) and (4), for “regional or islands council”, wherever it occurs, substitute “local authority”.
- (6) In section 64 (appeals against orders under section 63)—
  - (a) in subsection (4), for “regional or islands council” substitute “local authority”;
  - (b) in subsection (6)—
    - (i) in paragraph (a)(i), for “regional or islands council” substitute “local authority”; and
    - (ii) for “council”, where it secondly and thirdly occurs, substitute “authority”; and
  - (c) in subsection (7), for “council” substitute “authority”.
- (7) In section 87 (local authorities’ powers in relation to buildings in need of repair), subsection (6) shall cease to have effect.
- (8) In section 89 (safety of platforms etc.), subsection (10) shall cease to have effect.
- (9) In section 90 (lighting of common stairs etc.)—
  - (a) in each of subsections (2), (3), (4), (5), (6), (7), (8) and (9), for “district or islands council”, wherever it occurs, substitute “local authority”; and
  - (b) in each of subsections (8) and (9), for “council”, where it secondly occurs, substitute “authority”.
- (10) In section 91 (installation of lights in private property)—
  - (a) in subsection (1)—



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- (i) for “district or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”;
  - (b) in subsection (2), for “district or islands council” substitute “ local authority ”; and
  - (c) in subsection (3)—
    - (i) for “district or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”.
- (11) In section 92 (cleaning and painting of common stairs etc.)—
- (a) in each of subsections (2), (3), (4), (6), (7) and (8), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (8), for “council”, where it secondly and thirdly occurs, substitute “ authority ”.
- (12) In section 94 (disused petrol containers)—
- (a) in subsection (2), for “regional or islands council” substitute “ local authority ”; and
  - (b) in subsection (3)—
    - (i) for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”.
- (13) In section 95 (private open spaces), in each of subsections (2) and (3)(b), for “district or islands council” substitute “ local authority ”.
- (14) In section 96(1) (statues and monuments)—
- (a) for “district or island council” substitute “ local authority ”; and
  - (b) for “council”, where it secondly occurs, substitute “ authority ”.
- (15) In section 97 (street names and house numbers), for “district or islands council” substitute “ local authority ”.
- (16) In section 119 (regulation of charitable collections)—
- (a) in each of subsections (1), (3), (4), (5), (6), (7), (8), (9), (10)(a) and (b) and (12), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (3), for “council”, where it secondly occurs, substitute “ authority ”.
- (17) In section 120 (savings for Crown and other rights), for “district or islands council” substitute “ local authority ”.
- (18) In section 121 (control of the seashore, adjacent waters and inland waters)—
- (a) in each of subsections (1), (3), (4), (5)(a) and (c), (6), (7), (8), (9), (10) and (11), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (7), for “council”, where it secondly occurs, substitute “ authority ”.
- (19) In section 122 (power to execute works on seashore)—
- (a) in each of subsections (1), (3), (4) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;

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- (b) in subsection (2)—
    - (i) in paragraph (a), for “council” substitute “ local authority ”; and
    - (ii) in paragraph (b)—
      - (A) after sub-paragraph (i) insert “ and ”;
      - (B) in sub-paragraph (ii), for “the district council” substitute “ any local authority other than the authority for Orkney Islands, Shetland Islands or Western Isles ”; and
      - (C) sub-paragraph (iii) and the word “and” immediately preceding it shall cease to have effect;
  - (c) in subsection (5), for “council”, where it secondly occurs, substitute “ local authority ”.
- (20) In section 123 (interpretation of sections 120 to 122)—
- (a) in subsection (1), in the definition of “adjacent waters”, in paragraph (b), for “district council” substitute “ local authority ”; and
  - (b) in subsection (2), after the words “purposes of”, where they secondly occur, insert “ giving notice or, as the case may be, ”.
- (21) In section 133 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (22) In Schedule 2 (control of sex shops)—
- (a) in each of paragraphs 3, 4, 5(1), (3), (4), (5), (6), (7) and (8), 7(2), (7), (8) and (10) and 8(1), (2), (3), (4), (5), (6), (7) and (8), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (b) in paragraph 6—
    - (i) in sub-paragraph (1), for “district or islands council” substitute “ local authority ”; and
    - (ii) in sub-paragraph (6), for “islands or district council” substitute “ local authority ”;
  - (c) in paragraph 9—
    - (i) in sub-paragraphs (1), (2), (4) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
    - (ii) in sub-paragraphs (3)(g) and (h), for “council”, in each place where it occurs, substitute “ local authority ”;
  - (d) in paragraph 10—
    - (i) in sub-paragraphs (1), (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
    - (ii) in sub-paragraph (3), for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
  - (e) in paragraph 12(1), (2)(b), (3), (4) and (6) for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (f) in paragraph 13—
    - (i) in sub-paragraphs (1), (2), (4), (5), (6), (7), (8), (9) and (10), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
    - (ii) in sub-paragraphs (6) and (9), for “council”, where it secondly occurs in each of those paragraphs, substitute “ authority ”;
  - (g) in paragraph 14—

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- (i) in sub-paragraph (1), for “islands or district council” substitute “local authority ”; and
  - (ii) in sub-paragraphs (2), (3), (4), (5), (6) and (7), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (h) in paragraph 15—
  - (i) in sub-paragraphs (1), (2), (3) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (2)(b), for “council” substitute “ authority ”; and
  - (iii) in sub-paragraph (3), for “council”, where it secondly occurs, substitute “ local authority ”;
- (i) in paragraph 16(1), (2), (3) and (4), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (j) in paragraph 17—
  - (i) in sub-paragraphs (1), (2) and (4), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (ii) in sub-paragraph (4), for “council”, where it secondly occurs, substitute “ authority ”;
- (k) in paragraph 18—
  - (i) in sub-paragraphs (1) and (2), for “district or islands council” substitute “ local authority ”;
  - (ii) in sub-paragraph (1), for “council”, where it secondly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (2), for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
- (l) in each of paragraphs 19(8) and 20(1), (3) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (m) in paragraph 22—
  - (i) for “district or islands council” substitute “ local authority ”; and
  - (ii) for “its” substitute “ their ”;
- (n) in paragraph 23—
  - (i) in sub-paragraphs (1), (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (2), for “council”, where it secondly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (4)(c), for “council” substitute “ local authority ”;
- (o) in paragraph 24—
  - (i) in sub-paragraphs (1), (2)(a), (3), (6), (7) and (9), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (6), for “council”, where it secondly, thirdly and fourthly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (9)(b), for “council” substitute “ authority ”; and
- (p) in paragraph 25(1) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”.

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### Commencement Information

**I38** Sch. 13 para. 129 wholly in force at 1.4.1996; Sch. 13. para. 129 not in force at Royal Assent see s. 184(2); Sch. 13. para. 129(1)(20)(b) in force at 4.1.1995 by S.I. 1994/2850, art. 3(e)(xi); Sch. 13 para. 129 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

### *The Representation of the People Act 1983 (c.2)*

- 130 (1) The Representation of the People Act 1983 shall be amended in accordance with this paragraph.
- (2) In section 8 (registration officers), for subsection (3) substitute—
- “(3) In Scotland, every local authority shall appoint an officer of the authority for their area or for any adjoining area, or an officer appointed by any combination of local authorities, to be registration officer for any constituency or part of a constituency which is situated within their area.”.
- (3) In section 25 (returning officers: Scotland)—
- (a) in subsection (1)—
- (i) for “region or islands”, in both places where it occurs, substitute “local government”; and
- (ii) for “regional or islands council” substitute “local authority for that area”;
- (b) in subsection (2)—
- (i) for the words from “The council” where they first occur, to “area”, where it first occurs, substitute “Every local authority”;
- (ii) for “that region or islands” substitute “their”; and
- (iii) for “council”, where it secondly occurs, substitute “authority”; and
- (c) subsection (3) shall cease to have effect.
- (4) In section 31(2) (polling districts in Scotland)—
- (a) for “regional or islands”, where it first occurs, substitute “local authority”;
- (b) for “regional or islands council” substitute “local authority”;
- (c) for “division” substitute “ward”; and
- (d) the words from “and for” to “polling district”, where it secondly occurs, shall cease to have effect.
- (5) In section 52(4)(b) (provision of officers of local authority to assist registration officer), for the words from “the” to “area” substitute “every local authority”.
- (6) In section 82(4)(b) (declaration as to election expenses), for “regional, islands or district council” substitute “local authority”.
- (7) In section 96(3)(b) (meeting rooms for local election meetings), for the words from “the council” to “district” substitute “a local authority”.
- (8) In section 204 (general application to Scotland)—
- (a) in the definition of “electoral area”, the words “division or” shall cease to have effect;
- (b) for the definition of “local authority” substitute—

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““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and

(c) for the definition of “local government area” substitute—

““local government area” means the area of a local authority;”.

(9) In Schedule 5 (use for parliamentary election meetings of rooms in school premises and of meeting rooms), in paragraph 6(b), for “the council of every islands area and district” substitute “ every local authority ”.

*The Level Crossings Act 1983 (c.16)*

131 In section 1(11) of the Level Crossings Act 1983 (safety arrangements at level crossings: interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Litter Act 1983 (c.35)*

132 (1) The Litter Act 1983 shall be amended in accordance with this paragraph.

(2) In section 4 (consultation and proposals for abatement of litter), for subsection (4) substitute—

“(4) In Scotland, it shall be the duty of each local authority to consult from time to time with such voluntary bodies as the local authority consider appropriate and as agree to participate in the consultations about the steps which the authority and each of the bodies with which they consulted are to take for the purpose of abating litter in the authority’s area; and it shall be the duty of the local authority—

- (a) to prepare and from time to time revise a statement of the steps which the authority and each of the bodies agree to take for the purpose,
- (b) to take such steps as in their opinion will give adequate publicity in their area to the statement, and
- (c) to keep a copy of the statement available at their principal office for inspection by the public free of charge at all reasonable hours.

(4A) In subsection (4) above “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(3) In section 8(7) (interpretation of sections 7 and 8), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Telecommunications Act 1984 (c.12)*

133 (1) The Telecommunications Act 1984 shall be amended in accordance with this paragraph.

(2) In section 97(3)(b) (contributions by local authorities towards provision of facilities: interpretation), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (3) In section 98(9) (interpretation of section)—
- (a) in the definition of “public sewer”, in paragraph (b), for “regional or islands council” substitute “sewerage authority”;
  - (b) after that definition insert—
    - ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;” and
  - (c) in the definition of “water authority”, in paragraph (b), for the words from “means” to “1980” substitute “ shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994 ”.

*The Road Traffic Regulation Act 1984 (c.27)*

- 134 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 19(3)(b) (local authority in Scotland empowered to regulate use of roads by public service vehicles), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 26 (arrangements for patrolling school crossings)—
- (a) in subsection (2), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in subsection (4)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b) and the word “and” immediately before it, shall cease to have effect; and
  - (c) in subsection (5)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b) and the word “or” immediately before it; and
    - (iii) the words “or, in Scotland, the district council”, shall cease to have effect.
- (4) In section 32(4)(a) (meaning of certain expressions for purposes of sections 33 to 41), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 37(1)(b) (orders made by local authorities in Scotland for purposes of general scheme of traffic control), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 44(1)(b) (control of off-street parking), for the words from “regions” to “council” substitute “ local authority areas, by the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for the area ”.
- (7) In section 45(7)(c) (meaning of “local authority” for purposes of sections 45 to 55), for “the regional or islands council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (8) In section 100(5)(c) (meaning of “local authority” in Scotland for purposes of section), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In section 121A(4) (traffic authorities), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Roads (Scotland) Act 1984 (c.54)*

- 135 (1) The Roads (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 9(1)(e) (supplementary orders relating to special roads)—
    - (a) for “regional council”, in both places where it occurs, substitute “ local authority ”; and
    - (b) after “that”, where it secondly occurs, insert “ special road ”.
  - (3) In section 55(3) (arrangements for provision of meals etc. on picnic sites), for “regional, islands or district council” substitute “ local authority ”.
  - (4) In section 93(3)(a) (protection of road users from dangers near a road), for the words from “ratepayer” to “islands” substitute “ person, being a ratepayer or person liable to pay council tax within their ”.
  - (5) In section 95(2) (recovery of expenses by road authority where contravention of section), the words “or by the district council” shall cease to have effect.
  - (6) In section 97(6) (trading: meanings of certain expressions)—
    - (a) in the definition of “relevant public market”, in paragraph (b), for “regional, islands, or district council” substitute “ local authority ”; and
    - (b) in the proviso to that definition, for “council”, in both places where it occurs, substitute “ local authority ”.
  - (7) In section 113(1)(c) (transfer of property and liabilities in connection with special roads etc.), for “regional council” substitute “ local authority ”.
  - (8) In section 135 (restriction on powers of authority in which sewers and sewage disposal works are vested), in each of subsections (1) and (2), for “local” substitute “ sewerage ”.
  - (9) In section 143(2)(a)(ii) (procedure for orders), after “section 8” insert “ 113A ”.
  - (10) In section 151 (interpretation)—
    - (a) in subsection (1)—
      - (i) in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
      - (ii) in the definition of “maintenance”, in paragraph (b), for “an islands or district council” substitute “ a local authority ”;
      - (iii) in the definition of “roads authority”—
    - (A) for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and

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- (B) for “council”, where it secondly occurs, substitute “ local authority ”;
    - (iv) after the definition of “roads authority” insert—
      - ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
    - (v) in the definition of “water authority”, for “3 of the <sup>M167</sup>Water (Scotland) Act 1980” substitute “ 62 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in subsection (3)(c), for “an islands or district council” substitute “ a local authority ”.
- (11) In Schedule 1 (procedures for making or confirming certain orders and schemes)—
- (a) in paragraph 3, in the Table—
    - (i) in entry (i), in column 2, for the words from “The council” to “in which” substitute “ Every local authority in whose area ”;
    - (ii) in entry (iii), in column 2, for the words from “The council” to “district” substitute “ Every local authority ”;
    - (iii) in entry (v), in column 2, for the words from “The council” to “which” substitute “ Every local authority in whose area ”; and
    - (iv) in entry (vii), in column 2, for the words from “The council” to “which” substitute “ Every local authority in whose area ”; and
  - (b) in paragraph 10(a), for the words from “the council” to “district” substitute “ every local authority ”.

**Marginal Citations**

M167 1980 c. 45.

*The Foster Children (Scotland) Act 1984 (c.56)*

- 136 In section 21(1) of the Foster Children (Scotland) Act 1984 (interpretation), in the definition of “local authority”, for the words from “the” to “area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rent (Scotland) Act 1984 (c. 58)*

- 137 (1) The Rent (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 5(2) (no protected or statutory tenancy where landlord’s interest belongs to local authority etc.)—
- (a) in paragraph (a) for—
    - (i) “regional, islands or district council”, in both places where it occurs; and
    - (ii) “an islands or district council”, substitute “ local authority ”; and
  - (b) after paragraph (a) insert—
    - “(aa) a water authority or sewerage authority;”.



**Status:** Point in time view as at 22/08/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In section 43(1) (registration areas for purposes of Part V), for “districts and islands areas” substitute “ areas of local authorities ”.
- (4) In section 62(1) (registration areas for purposes of Part VII), for “districts and islands areas” substitute “ areas of local authorities ”.
- (5) In section 63(4) (bodies for purposes of subsection (3)(b)), for paragraph (a) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;
  - (aa) a water authority or sewerage authority;”.
- (6) In section 115(1) (interpretation)—
- (a) in the definition of “local authority”, for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) after the definition of “rent assessment committee” insert—  
““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) after the definition of “tenant” insert—  
““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”.

*The Cinemas Act 1985 (c.13)*

- 138 In section 21(1) of the Cinemas Act 1985 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Child Abduction and Custody Act 1985 (c.60)*

- 139 In section 27(3)(b) of the Child Abduction and Custody Act 1985 (interpretation), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Water (Fluoridation) Act 1985 (c.63)*

- 140 (1) The Water (Fluoridation) Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 1 (fluoridation of water supplies at request of health authority)—
- (a) in subsection (6), after “conferred by” insert “ subsections (1) to (5) of ”; and
  - (b) in subsection (7), for “water undertaker in exercise of the power conferred by section 87 of the <sup>M168</sup>Water Industry Act 1991” substitute “ water undertaker (within the meaning of the Water Industry Act 1991) in exercise of the power conferred by section 87 of that Act; and where a water undertaker (within that meaning) is operating a fluoridation scheme by virtue of Schedule 7

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to that Act, subsection (6) shall apply in relation to the scheme as that subsection applies, by virtue of the foregoing provisions of this subsection, to fluoridation in exercise of the power so conferred.”.

- (3) Section 3 (continuity of existing fluoridation schemes) shall cease to have effect.
- (4) In section 4 (publicity and consultation)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute “to make or withdraw an application”;
  - (b) in subsection (2), for paragraph (b), substitute—
    - “(b) give notice of the proposal to—
      - (i) the Customers Council; and
      - (ii) every local authority whose area falls wholly or partly within the area affected by the proposal.”;
  - (c) in subsection (3), for “local authorities (if any) to whom they are required by subsection (2)(b)” substitute “bodies to whom they are required by subsection (2)(b)(i) and (ii)”;
  - (d) in subsection (6), the words “or to terminate a preserved scheme” and in subsection (7) the words “or terminate a preserved scheme” shall cease to have effect.
- (5) In section 5 (interpretation)—
- (a) for the definition of “appropriate authority” substitute—
 

““Customers Council” means the Scottish Water and Sewerage Customers Council;”;
  - (b) for the definition of “local authority” (and the word “and” immediately following that definition) substitute—
 

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) for the definition of “statutory water undertaker” substitute—
 

““statutory water undertaker” means a water authority; and

“water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

#### Marginal Citations

M168 1991 c. 56.

#### *The Transport Act 1985 (c.67)*

- 141 In section 93 of the Transport Act 1985 (travel concession schemes)—
- (a) in subsection (8)(b)—
    - (i) after “also” insert “—
      - (i)”;
 

and
      - (ii) after “authority” insert “; and
        - (ii) in relation to Scotland, Strathclyde Passenger Transport Authority”; and

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- (b) in subsection (9)—
  - (i) in paragraph (a), after “paragraph (b)” insert “ or (c) ”; and
  - (ii) in paragraph (b), after “jointly” insert “; or
  - (c) where the authority or one of the authorities concerned in establishing the scheme are Strathclyde Passenger Transport Authority, to Strathclyde Passenger Transport Executive or (as the case may require) to that Executive and the other authority or authorities so concerned acting jointly.”.

*The Housing Act 1985 (c.68)*

- 142 (1) The Housing Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 76(3) (application of Part III of Act to Scotland)—
- (a) in paragraph (a), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 4 (qualifying period for right to buy and discount)—
- (a) in paragraph 7(2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph 7A(1)(b), for “an islands or district council” substitute “ a local housing authority ”.

*The Housing Associations Act 1985 (c.69)*

- 143 (1) The Housing Associations Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 59(1) and (2) (powers of local authorities to promote and assist housing associations: Scotland), the words “or regional council”, wherever they occur, shall cease to have effect.
- (3) In section 104 (local housing authorities)—
- (a) in subsection (1)(b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in subsection (2)(b), for the words from “islands” to “be” substitute “ area of a council mentioned in subsection (1)(b) above ”.
- (4) In section 106(2) (minor definitions), in the definition of “local authority”, for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Weights and Measures Act 1985 (c.72)*

- 144 In section 69(3) of the Weights and Measures Act 1985 (local weights and measures authorities: Scotland), for the words from “each” to “council” substitute “ the area of each council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the council for that area ”.

*The Local Government Act 1986 (c.10)*

- 145 In section 6(2)(b) of the Local Government Act 1986 (interpretation and application of Part II), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Protection in Peacetime Act 1986 (c.22)*

- 146 In section 1(1) of the Civil Protection in Peacetime Act 1986 (application of Act)—
- (a) after “that Act” insert “ including, by virtue of section 4A of that Act, any two or more local authorities jointly and a joint board and joint committee ”; and
  - (b) after “authority”, where it thirdly occurs, insert “ or, as the case may be, the local authorities, joint board or joint committee ”.

*The Airports Act 1986 (c.31)*

- 147 In section 12(1) of the Airports Act 1986 (interpretation of Part II), in the definition of—
- (a) “local authority”, in paragraph (b), for the words from “has” to “1973” substitute “ means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) “principal council”, in paragraph (b), for “regional or islands council” substitute “ local authority ”.

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 148 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986 shall be amended in accordance with this paragraph.
- (2) In section 2(9) (rights of authorised representatives of disabled persons: definitions), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 16 (interpretation), in the definition of “local authority”, in paragraph (b)—
- (a) for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) the words “, as read with section 2,” shall cease to have effect; and
  - (c) after “Act” insert “ or any of the enactments mentioned in section 5(1B) of that Act ”.

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*The Parliamentary Constituencies Act 1986 (c.56)*

- 150 In section 6(4)(b) of the Parliamentary Constituencies Act 1986 (definitions for purposes of section 6(2)), for the words from “the” to “district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Debtors (Scotland) Act 1987 (c. 18)*

- 151 (1) The Debtors (Scotland) Act 1987 shall be amended in accordance with this paragraph.
- (2) In each of sections 1(5)(e) (competence of time to pay direction) and 5(4)(e) (competence of time to pay order), after sub-paragraph (ii) (and before the word “or” immediately following that sub-paragraph), insert—
- “(ia) a collecting authority (within the meaning of section 79 of the Local Government etc. (Scotland) Act 1994) in respect of any charges payable to them by virtue of that section;”.
- (3) In section 106 (interpretation), for the definition of “summary warrant” substitute—
- ““summary warrant” means a summary warrant granted under or, as the case may be, by virtue of—
- (a) paragraph 7 of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;
- (b) paragraph 2 of Schedule 8 to the <sup>M169</sup>Local Government Finance Act 1992;
- (c) paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994; or
- (d) any of the enactments mentioned in Schedule 4 to this Act;”.
- (4) In paragraph 35 of Schedule 5 (interpretation), in the definition of “creditor”, after paragraph (e) add—
- “; and
- (f) for the purposes of paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994, the collecting authority (within the meaning of section 79 of that Act).”.

**Marginal Citations**

M169 1992 c. 14.

*The Housing (Scotland) Act 1987 (c.26)*

- 152 (1) The Housing (Scotland) Act 1987 shall be amended in accordance with this paragraph.
- (2) In section 61 (secure tenant’s right to purchase)—
- (a) in subsection (2)(a), for sub-paragraphs (i) and (ii) substitute—
- “(i) a local authority, or a joint board or joint committee of two or more local authorities, or the common

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- good of a local authority or any trust under the control of a local authority; or
- (ia) a water authority or sewerage authority;”;
- (b) in subsection (11)(a)—
- (i) for “a regional, islands or district council” substitute “ any local authority ”;
  - (ii) the words “council or”, where they first occur, shall cease to have effect; and
  - (iii) for “council”, where it thirdly and fourthly occurs, substitute “ authority ”; and
- (c) in subsection (11)(1), after “a water authority” insert “ or sewerage authority ”.
- (3) In section 64(6) (conditions of sale: houses in designated rural areas), for “islands or district council”, in both places where it occurs, substitute “ local authority ”.
- (4) In section 70 (power to refuse to sell certain houses required for educational purposes)—
- (a) in subsection (1), for “an islands” substitute “ a ”; and
  - (b) after subsection (2) insert—
 

“(3) In this section “council” means the local authority for Orkney Islands, Shetland Islands or Western Isles.”.
- (5) In section 212(4) (authorities empowered to give rent increase notices)—
- (a) in paragraph (a), for “regional, islands or district council” substitute “ local authority ”; and
  - (b) in paragraph (e), the words “or a water development board” shall cease to have effect.
- (6) In section 300(1)(a) (meaning of “public sector authority”), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 338(1) (interpretation)—
- (a) for the definition of “local authority” substitute—
 

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and the district of a local authority means the area of such a council;”;
  - (b) after the definition of “a service charge” insert—
 

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) for the definitions of “water authority” and “water development board” substitute—
 

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.
- (8) In Part I of Schedule 3 (grounds on which court may order recovery of possession), in paragraph 15(a), for “an islands council” substitute “ the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles ”.

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*The Fire Safety and Safety of Places of Sport Act 1987 (c.27)*

- 153 In section 41 of the Fire Safety and Safety of Places of Sport Act 1987 (interpretation), in the definition of “local authority”, in paragraph (d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Access to Personal Files Act 1987 (c.37)*

- 154 In Schedule 2 to the Access to Personal Files Act 1987 (accessible personal information: Scotland)—
- (a) in paragraph 1, in the table, in the entry relating to “Social work authority”, for “section 2(2)” substitute “ section 5(1B) ”; and
  - (b) in paragraph 2(2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Income and Corporation Taxes Act 1988 (c.1)*

- 155 In section 842A(3) of the Income and Corporation Taxes Act 1988 (local authorities)—
- (a) for paragraphs (a), (b) and (c) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
  - (b) in paragraph (e), for the words from “falling” to the end substitute “ such as is mentioned in paragraph (a) above ”.

*The Gas Act 1986 (c.44)*

PROSPECTIVE

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F35 149

**Textual Amendments**

F35 Sch. 13 para. 149 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

*The Local Government Act 1988 (c.9)*

- 156 (1) The Local Government Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 1 (interpretation)—
- (a) in subsection (1)—
    - (i) after paragraph (h) insert “ and ”; and

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- (ii) paragraph (k) and the word “and” immediately preceding it shall cease to have effect; and
  - (b) in subsection (3)(a) for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 2 (defined activities), after subsection (9) insert—
- “(10) Without prejudice to his powers to make orders or regulations under any other provision of this Part of this Act, the Secretary of State may by order provide that, from 31st March 1995 or such later date as may be specified in the order until such date as may be so specified, being a date not later than 31st December 2001, the provisions of this Part of this Act shall apply in relation to local authorities subject to such modifications as may be so specified.”.
- (4) In section 15 (orders, regulations etc.), in each of subsections (2) and (5), after “section 2(9)” insert “ or 2(10) ”.
- (5) In section 24(6) (interpretation of Part III of Act), in the definition of—
- (a) “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) “local housing authority”, in paragraph (b), for “an islands or district council” substitute “ a local authority ”.
- (6) In Schedule 2 (public supply or works contracts: the public authorities)—
- (a) after the entry relating to the Peak Park Joint Planning Board insert— “ The Strathclyde Passenger Transport Authority. ”; and
  - (b) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Commencement Information

**I39** Sch. 13 para. 156 partly in force; Sch. 13. para. 156 not in force at Royal Assent see s. 184(2); Sch. 13. para. 156(1)(3)(4) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(xii); Sch. 13 para. 156 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Housing (Scotland) Act 1988 (c.43)*

- 157 (1) The Housing (Scotland) Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 43(3)(a) (certain tenancies secure where interest of landlord belongs to local authority etc.), for sub-paragraphs (i) and (ii) substitute—
- “(i) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
  - (ia) a water authority or sewerage authority;”.



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- (3) In section 45(4) (transfer of existing tenancies: public bodies), for paragraphs (a) and (b) substitute—
- “(a) it belongs to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
  - (aa) it belongs to a water authority or sewerage authority;”.
- (4) In section 55(1) (interpretation of Part II of the Act)—
- (a) after the definition of “prescribed” insert—
    - ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (b) the word “and”, where it occurs immediately after the definition of “tenancy”, shall cease to have effect; and
  - (c) after the definition of “tenant” insert—
    - “; and
    - “water authority” shall be construed in accordance with the said section 62.”.
- (5) In section 56 (right conferred by Part III)—
- (a) in subsection (3), for paragraph (a) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council”;
  - (b) in subsection (5)(c), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (c) in subsection (6)(a), for “an islands council” substitute “ the council for Orkney Islands, Shetland Islands or Western Isles ”; and
  - (d) in subsection (9)(a), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 57(1) (persons by whom right may be exercised)—
- (a) the word “neither” shall cease to have effect;
  - (b) the words from “nor” to “council”, where it thirdly occurs, shall cease to have effect; and
  - (c) after “may” insert “ not ”.
- (7) In Schedule 4 (tenancies which cannot be assured tenancies), in paragraph 11—
- (a) for sub-paragraph (a) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;

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- (aa) a water authority or sewerage authority;” and
- (b) for the word “and”, where it occurs immediately after sub-paragraph (e), substitute “ or ”.

*The School Boards (Scotland) Act 1988 (c.47)*

- 158 (1) The School Boards (Scotland) Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 5 (persons entitled to attend Board meetings, etc.)—
- (a) in subsection (1), for the words from “The Director” to “purpose” substitute the words “ An officer of an education authority ”; and
  - (b) in subsection (2), for the words from “The regional” to “division” substitute the words “ The councillor for the electoral ward ”.
- (3) In subsection (2) of section 22 (interpretation)—
- (a) after the definition of “co-opted members” insert—
 

““councillor” means a councillor elected under section 5 of the Local Government etc. (Scotland) Act 1994”;
  - (b) for the definition of “electoral division” substitute—
 

““electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994”; and
  - (c) the definitions of “islands councillor” and “regional councillor” shall cease to have effect.
- (4) In Schedule 2 (application of 1973 Act to appointment committees)—
- (a) in paragraph 5 the words “Schedule 10 to” and “and Schedule 10 to” shall cease to have effect;
  - (b) in paragraph 14(a) for the words “Director of Education” substitute the words “ education authority ”; and
  - (c) in paragraph 15 for the words from “The Director” to “purpose” substitute the words “ An officer of the education authority ”.

*The Road Traffic Act 1988 (c.52)*

- 159 (1) The Road Traffic Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 27(7)(b) (local authorities who may designate roads, etc.), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 33(5)(b) (local authorities who may authorise certain motor vehicle trials), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 39(4)(b) (powers of local authorities as to giving road safety information etc.), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 45(3)(c) (inspectors appointed by designated councils to carry out vehicle tests), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (6) In section 67B(2) (tests to check whether defects have been remedied), for “a region or islands area” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 124(2) (exemption of police instructors from prohibition imposed by section 123), in the definition of “local authority”, in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 144(2)(a)(ii) (local authority exempt from requirement for third-party insurance or security), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In Schedule 2 (deferred tests of condition of vehicles), in paragraph 1(b), for “an islands area or district” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Electricity Act 1989 (c.29)*

- 160 (1) Schedule 5 to the Electricity Act 1989 (water rights for hydro-electric generating stations in Scotland) shall be amended in accordance with this paragraph.
- (2) In paragraph 8(a)—
- (a) after “authority;” insert “ and ”;
  - (b) for “regional and district councils or the islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (c) the words “; and (iii) the water development board” shall cease to have effect.
- (3) In paragraph 9, the words “and the water development board” shall cease to have effect.
- (4) In paragraph 14, the words “, or the area of any water development board,” shall cease to have effect.

*The Local Government and Housing Act 1989 (c.42)*

- 161 (1) The Local Government and Housing Act 1989 shall be amended in accordance with this paragraph.
- (2) In section 2(6) (politically restricted posts)—
- (a) in paragraph (a), the words “or director of education” and the words from “or section” to “1980” shall cease to have effect; and
  - (b) in paragraph (c), for “director of social work” substitute “ chief social work officer ”.
- (3) In section 4 (designation and reports of head of paid service)—
- (a) in subsection (5), the words “, or Schedule 10 or 20 to,” shall cease to have effect; and
  - (b) in subsection (6)(b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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**Changes to legislation:** Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) In section 5(5) (reports of monitoring officer etc.), the words “, or Schedule 10 or 20 to,” shall cease to have effect.
- (5) In section 8(5)(b) (local authorities to adopt standing orders with respect to staff), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 9 (assistants for political groups)—
- (a) in subsection (8)(b), the words “, or Schedule 10 or 20 to,” shall cease to have effect; and
  - (b) in subsection (11), in the definition of “relevant authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 14 (voting rights of members of certain committees: Scotland)—
- (a) subsections (2) and (3) shall cease to have effect;
  - (b) in subsection (4), for the words “subsections (1) to (3)” substitute “ subsection (1) ”;
  - (c) in subsection (5)(d), after “paragraph 3” insert “ , or a joint advisory committee formed under paragraph 5B ”;
  - (d) for subsection (6) substitute—
 

“(6) Nothing in this section shall prevent the appointment as a voting member of—

    - (a) a committee such as is mentioned in subsection (1) of section 124 of the <sup>M170</sup>Local Government (Scotland) Act 1973 (committees appointed by education authority); or
    - (b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or
    - (c) any sub-committee of such a committee or joint committee, of a person such as is mentioned in subsection (4) of the said section 124.”;
  - (e) in subsection (8), after paragraph (a) insert—
 

“(aa) section 124(5);”; and
  - (f) in subsection (9), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 21(2) (interpretation of Part I), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In section 31(8) (National Code of Local Government Conduct), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (10) In section 151(4) (power to amend provisions about charges), for paragraphs (b) and (c) substitute—

“or

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- (b) it is a charge amounting to local taxation.”.
- (11) In section 152(3) (application of certain provisions as respects Scotland)—
- (a) for paragraphs (a), (b) and (c) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
- (b) for paragraphs (e) and (f) substitute—
- “and
- (e) a joint board or joint committee within the meaning of section 235(1) of the Local Government (Scotland) Act 1973.”.
- (12) In section 155(5) (emergency financial assistance to local authorities)—
- (a) for paragraphs (a), (b) and (c) substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) the letter “(d)” shall cease to have effect.
- (13) In section 157(6) (commutation of, and interest on, periodic payments of grants etc. to local authorities), for “regional, islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (14) In section 170(9) (authorities empowered to provide services etc. for owners or occupiers of houses as respects certain works), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Marginal Citations

M170 1973 c. 65.

#### *The Prisons (Scotland) Act 1989 (c.45)*

- 162 (1) The Prisons (Scotland) Act 1989 shall be amended in accordance with this paragraph.
- (2) In section 8(1) (visiting committees), for “regional, island and district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 14 (legalised police cells)—
- (a) in subsection (2)—
- (i) for “any region or islands area” substitute “ the area of a council ”; and
- (ii) the words “region or islands”, where they secondly occur, shall cease to have effect;
- (b) in subsection (5), for “any region or islands area” substitute “ the area of a council ”;
- (c) in subsection (6), for “islands area of Orkney or of Shetland” substitute “ areas of the councils for Orkney Islands and Shetland Islands ”;
- (d) in subsection (7)—
- (i) for “the council of a region or islands area” substitute “ a council ”; and

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- (ii) for “committee” substitute “ board ”; and
- (e) after subsection (8) insert—

“(9) In this section, “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

- (4) In section 16 (discharge of prisoners)—
  - (a) in subsection (2), the words “district or islands”, in both places where they occur, shall cease to have effect; and
  - (b) after subsection (2) insert—

“(3) In this section, “area” means the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

#### Modifications etc. (not altering text)

**C9** Sch. 13 para. 162(2) excluded (*temp.* until 1.4.1996) by S.I. 1995/3326, art. 4

#### Commencement Information

**I40** Sch. 13 para. 162 wholly in force at 1.4.1996; Sch. 13 para. 162 not in force at Royal Assent see s. 184(2); Sch 13 para. 162(1)(2) in force at 22.12.1995 and Sch. 13 para. 162(3)(4) in force at 1.4.1996 by S.I. 1995/3326, arts. 2(b), 3(b) (with saving in art. 4)

#### *The Food Safety Act 1990 (c.16)*

- 163 (1) The Food Safety Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 5(2) (food authorities in Scotland), for “islands or district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In section 27(1) (appointment of public analysts), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (4) In section 28(1) (provision of facilities for examinations), for “regional council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Enterprise and New Towns (Scotland) Act 1990 (c.35)*

- 164 (1) The Enterprise and New Towns (Scotland) Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 21 (areas of operation of Highlands and Islands Enterprise)—
    - (a) in subsection (1)—
      - (i) for paragraph (a) substitute—
        - “(a) the local government areas of Highland, Western Isles, Orkney Islands, Shetland Islands and that part of Argyll and Bute which is the area of the former Argyll and Bute District Council and the islands of Arran, Great Cumbrae and Little Cumbrae;” and

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(ii) in paragraph (b), for “Moray District” substitute “ local government area of Moray, ”; and

(b) after subsection (4) insert—

“(5) In this section references to local government areas are references to the new local government areas within the meaning of Part I of the Local Government etc. (Scotland) Act 1994.”.

(3) In section 36(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)*

165 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 shall be amended in accordance with this paragraph.

(2) In section 62(6) (local authorities for purposes of supervised attendance orders), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(3) In Schedule 6 (supervised attendance orders), in paragraph 2(3)(b), for “director of social work” substitute “ chief social work officer ”.

*The Broadcasting Act 1990 (c.42)*

166 In Schedule 2 to the Broadcasting Act 1990 (restrictions on the holding of licences), in paragraph 1(1), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Environmental Protection Act 1990 (c.43)*

167 (1) The Environmental Protection Act 1990 shall be amended in accordance with this paragraph.

<sup>F36</sup>(2) .....

(3) In section 30 (authorities for purposes of Part II), in each of subsections <sup>F37</sup> . . . (2)(g) and (3)(c), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

<sup>F36</sup>(4) .....

<sup>F36</sup>(5) .....

(6) In section 45(10) (application to Scotland of certain sections of the 1968 Act for purposes connected with the collection of controlled waste), for paragraphs (a) and (b) substitute—

“(a) the said section 2 conferred a power on a waste collection authority rather than a duty on a sewerage authority;

(b) in the said section 3—

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- (i) references to a sewerage authority were references to a waste collection authority; and
- (ii) in references to public sewers and public sewage works the word “public” were omitted;
- (c) in the said section 4, the reference to a sewerage authority were a reference to a waste collection authority and the words from “by virtue” to the end were omitted; and
- (d) in the said section 41, the reference to a sewerage authority were a reference to a waste collection authority.”.

<sup>F36</sup>(7) .....

(8) In section 53 (duties of authorities as respects disposal of waste collected: Scotland)

- (a) in subsection (4)—
  - (i) the words “(other than an islands council)” shall cease to have effect; and
  - (ii) in paragraphs (a) and (b), for “regional council”, wherever it occurs, substitute “ Sewerage authority ”;
- (b) in subsection (5)—
  - (i) for “regional council”, in both places where it occurs, substitute “ sewerage authority ”; and
  - (ii) for “council”, where it thirdly occurs, substitute “ sewerage authority ”; and
- (c) after subsection (5) insert—

“(5A) In this section “sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”

<sup>F36</sup>(9) .....

(10) In section 86 (preliminary provisions relating to litter)—

- (a) in subsection (3), for paragraphs (a) and (b) substitute—
  - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
- (b) in subsection (10)—
  - (i) for “its” substitute “ their ”; and
  - (ii) for the words from “the district” to the end substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(11) In section 88(9) (“litter authorities” for purposes of section)—

- (a) in paragraph (a), the words “, a regional council”; and
- (b) in paragraph (b), the words “, regional council”, shall cease to have effect.

(12) In section 90(3) (power to designate litter control areas), the words “, regional council” shall cease to have effect.

(13) In section 92(1) (summary proceedings by litter authorities), the words “, regional council” shall cease to have effect.



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- (14) In section 93(1) (street litter control notices), the words “, regional council” shall cease to have effect.
- (15) In section 95(1) (public registers), the words “, regional council” shall cease to have effect.
- (16) In section 99(5)(e) (local authority in Scotland having powers in relation to abandoned trolleys), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (17) In section 149(11) (seizure of stray dogs: interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Textual Amendments

- F36** Sch. 13 para. 167(2)(4)(5)(7)(9) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)
- F37** Words in Sch. 13 para. 167(3) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

#### Commencement Information

- I41** Sch. 13 para. 167 partly in force; Sch. 13 para. 167 not in force at Royal Assent see s. 184(2); Sch. 13 para. 167(1)(3)(6)(8)(10)-(17) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The New Roads and Street Works Act 1991 (c.22)*

- 168 (1) The New Roads and Street Works Act 1991 shall be amended in accordance with this paragraph.
- (2) In section 108(6)(a) (relevant authorities in relation to road works including the breaking up or opening in the road of a sewer), for “the local authority, that local” substitute “ a sewerage authority, that ”.
  - (3) In each of sections 109(6)(a) (notice before granting permission to execute certain road works), 117(3)(a) (notice restricting certain road works) and 149(4)(a) (responsible authority as respects reinstatement of sewers, drains or tunnels) and of paragraphs 7(3)(b) and 9 of Schedule 6 (roads with special engineering difficulties), for “local” substitute “ sewerage ”.
  - (4) In section 148 (particular and general provisions as respects sewers)—
    - (a) in each of subsections (1) and (4), for “local” substitute “ sewerage ”; and
    - (b) for subsection (3) substitute—

“(3) References in this Part to an undertaker having apparatus shall, where the apparatus is a sewer, drain or tunnel, be construed—

      - (a) in the case of apparatus vested in a sewerage authority, as references to that authority; and
      - (b) in any other case, as references to the authority, body or person having the management or control of the apparatus.”.
  - (5) In section 153 (power of road works authority to undertake road works)—

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- (a) in subsection (1), the words—
  - (i) “or district council”; and
  - (ii) “or council”,
 shall cease to have effect; and
- (b) in subsection (3), the words “or council” shall cease to have effect.

(6) In section 164(1) (interpretation), after the definition of “reinstatement” insert—

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

*The Children and Young Persons (Protection from Tobacco) Act 1991 (c.23)*

- 169 In section 6(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 (enforcement action by local authorities in Scotland), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Natural Heritage (Scotland) Act 1991 (c.28)*

- 170 (1) The Natural Heritage (Scotland) Act 1991 shall be amended in accordance with this paragraph.

(2) In section 20 (making of drought orders), for subsection (3) substitute—

“(3) A drought order may only be made on the application of a water authority.”.

(3) In section 22(1) (interpretation), in the definition of “compensation water”, the words “or water development board” shall cease to have effect.

(4) In section 24 (rights of entry and inspection)—

- (a) in subsection (1)—
  - (i) for “, a water authority or a water development board” substitute “ or a water authority ”; and
  - (ii) in paragraph (a), the words “or board” shall cease to have effect; and
- (b) in subsection (9)—
  - (i) for “, water authority or water development board” substitute “ or water authority ”; and
  - (ii) in paragraph (a), the words “or board” shall cease to have effect.

(5) In Schedule 7 (further provisions regarding drought orders)—

- (a) in paragraph 5—
  - (i) in sub-paragraph (1), the words “or a water development board” and (in head (a)) “or board”;
  - (ii) in sub-paragraph (2), the words “or water development board”; and
  - (iii) in sub-paragraph (3), the words “or water development board” and “or board”,
 shall cease to have effect;
- (b) in paragraph 6, the words from “, including” to the end shall cease to have effect; and
- (c) in paragraph 7, the words “or a water development board” shall cease to have effect.

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- (6) In Schedule 8 (procedure for making drought orders), in paragraph 1(3), in the second column of the Table—
- (a) for “regional, islands or district council”, wherever it occurs, substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph (a) of the entry relating to “All Orders”, the words “or water development board (not being the applicant)” shall cease to have effect.

*The Road Traffic Act 1991 (c.40)*

- 171 In Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside London), in paragraphs 1(1)(d) and 2(1)(c), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Coal Mining Subsidence Act 1991 (c.45)*

- 172 In section 47(6)(b) of the Coal Mining Subsidence Act 1991 (notices to local authorities), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Criminal Justice Act 1991 (c.53)*

- 173 In Schedule 3 to the Criminal Justice Act 1991 (reciprocal enforcement of certain orders), in paragraph 1, in subsection (1A) in sub-paragraph (1), in sub-paragraph (2)(b) and in sub-paragraph (3)(a), and in paragraphs 3(3)(b) and 6(8), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Social Security Contributions and Benefits Act 1992 (c.4)*

- 174 (1) The Social Security Contributions and Benefits Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 28(6)(d) (“local education authority” in Scotland), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In section 58(4) (incapacity for work: work as councillor to be disregarded), in the definition of “councillor”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (4) In sections 123(4) and 130(2) for the words “levying authority” substitute “ local authority in Scotland ”.
  - (5) In section 137(1) (interpretation), the definition of “levying authority” shall cease to have effect.

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*The Social Security Administration Act 1992 (c.5)*

- 175 (1) The Social Security Administration Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 15A(3) (“qualifying lenders” for purposes of section)—
- (a) in paragraph (d), the words “, islands council” shall cease to have effect; and
  - (b) after paragraph (e) insert—
 

“(ee) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) For the words “levying authority” or “levying authorities” where they appear in sections 76(1), 77(1), 128(1), (2), and (3), 138(1), 139(2), (5) and (6) and 140(1), (2), (4) and (7), substitute “ local authority in Scotland ” or “ local authorities in Scotland ” respectively.
- (4) In section 138(2) (nature of benefits in Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 191 (interpretation)—
- (a) the definition of “levying authority” shall cease to have effect;
  - (b) in the definition of “local authority”, for the words “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”; and
  - (c) in the definition of “rating authority”, for the words from “the meaning” to “1973” substitute “ shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government Finance Act 1992 (c.14)*

- 176 (1) The Local Government Finance Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 70 (council tax in respect of dwellings), for subsection (1)(a) substitute—
- “(a) shall be known as the council tax of the council which set it;”.
- (3) In section 78 (basic amounts payable)—
- (a) for “levying” substitute “ local ”; and
  - (b) for the definition of “A” substitute—
 

““A” is the amount which, for the financial year in which the day falls and for dwellings in the valuation band listed for the dwelling, has been imposed by the local authority in whose area the dwelling is situated;”.
- (4) In section 80 (reduced amounts)—
- (a) in subsections (1)(a) and (8)(c), for “levying” substitute “ local ”; and
  - (b) for subsection (5)(c)(i) substitute—
 

“(i) relating to the local authority whose council tax constitutes the amount referred to in subsection (1) above;”.

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- (5) In section 81 (appeal to valuation appeal committee), in subsections (1)(a) and (b) and (5), for “levying” substitute “local”.
- (6) In section 84 (compilation and maintenance of valuation lists), for subsection (10) substitute—
- “(10) In this Part “local assessor” means the assessor appointed under section 27 (appointment of assessors) of the Local Government etc. (Scotland) Act 1994 for each valuation area; and any depute assessor appointed under that section shall have all the functions of a local assessor under this Part.”.
- (7) In section 90 (information about properties), in subsection (8) for “levying” substitute “local”.
- (8) In section 91 (information about lists), in subsections (2) and (3) for “levying” substitute “local”.
- (9) In section 94 (substituted and reduced settings) in subsection (8), for “levying” substitute “local”.
- (10) In section 97 (levying and collection of council tax)—
- (a) for subsection (1) substitute—
- “(1) A local authority shall levy and collect the council tax set by them in respect of their area.”; and
- (b) subsection (2) shall cease to have effect.
- (11) In subsection (1) of section 98 (information required by Secretary of State), for “levying” substitute “local”.
- (12) In section 99 (interpretation of Part II)—
- (a) the definition of “levying authority” shall cease to have effect;
- (b) for the definition of “local authority” substitute—
- ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and “council” shall be construed accordingly;”;
- (c) in the definition of “housing body”, paragraph (a) shall cease to have effect; and
- (d) for the definition of “valuation appeal committee” substitute—
- ““valuation appeal committee” means a valuation appeal committee established under section 29 of the Local Government etc. (Scotland) Act 1994;”.
- (13) In section 107 (water and sewerage charges)—
- (a) subsection (1) shall cease to have effect; and
- (b) in subsection (2), for “that Schedule” substitute “Schedule 11 to this Act”.
- (14) In section 109(1) (council tax grants), for “levying” substitute “local”.
- (15) In section 111 (references to rateable values), after subsection (10) insert—
- “(10A) For the purposes of subsection (10) above, on and after 1st April 1996 the valuation roll which an assessor for a valuation area constituted under section 27 of the Local Government etc. (Scotland) Act 1994 is required to

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retain shall be the valuation roll for every valuation area existing before that date any part of which lies within his valuation area.”.

(16) In Schedule 2 (administration)—

- (a) in paragraph 1(2), for “a levying” substitute “, in Scotland, a local ”;
- (b) in paragraph 12(1), for “levying” substitute “ local ”;
- (c) in paragraph 13, for “levying”, in each place where it occurs, substitute “ local ”; and
- (d) in paragraph 19—
  - (i) for “levying”, in each place where it occurs, substitute “ local ”; and
  - (ii) for sub-paragraph (3) substitute—

“(3) Arrangements made under this paragraph for the exercise of functions under Schedule 8 to this Act may not include arrangements for the exercise of functions under paragraph 2(1)(a) of that Schedule.”.

(17) In Schedule 3, in paragraph 2, for “levying” in each place where it occurs, substitute “ local ”.

(18) In Schedule 8 (enforcement: Scotland), in paragraphs 1, 2, 3, 4 and 6, for “levying”, in each place where it occurs, substitute “ local ”.

(19) In Schedule 12 (payments to local authorities by Secretary of State: Scotland)—

- (a) in paragraph 10(1) for “levying” substitute “ local ”;
- (b) in paragraph 10(3)(a)—
  - (i) for sub-head (i) substitute—
    - “(i) section 24A (lands and heritages partly unoccupied for a short time) of the <sup>M171</sup>Local Government (Scotland) Act 1966;” and
  - (ii) for sub-head (ii) substitute—
    - “(ii) section 25A (remission of rates on account of hardship) of that Act;”;
- (c) for paragraph 11(2) substitute—

“(2) Before such date in relation to each financial year as the Secretary of State may direct, each relevant authority shall calculate the amount of their non-domestic rating contribution for that year, and shall inform the Secretary of State of the amount so calculated in respect of them; and, for the purposes of this paragraph, “relevant authority” means, in relation to any financial year prior to and including the financial year 1995-96, a regional or islands council and, in relation to financial years after that year, a local authority.”; and

- (d) in paragraph 11(3), for “notified to them” substitute “ notified by them ”.

#### Commencement Information

**I42** Sch. 13 para. 176 wholly in force at 1.4.1996; Sch. 13. para. 176 not in force at Royal Assent see s. 184(2); Sch. 13. para. 176(1)(19)(c)(d) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(xiii); Sch. 13 para. 176(1)(19)(b) in force at 31.12.1994 by S.I. 1994/3150, art. 2(a); Sch. 13 para. 176(2)(10)(12)(b)

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(16)(a)-(c) in force at 19.2.1996 by S.I. 1996/323, **art. 2(1)(c)**; Sch. 13 para. 176 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, **art. 4(1)(c)**

#### Marginal Citations

M171 1966 c. 51.

#### *The Local Government Act 1992 (c.19)*

- 177 In subsection (4)(c) of section 30 of the Local Government Act 1992 (extent), for the words from “Schedule” to “Part II” there shall be substituted the words “ Part II of Schedule 4, apart from so much of that Part ”.

#### *The Tribunals and Inquiries Act 1992 (c.53)*

- 178 In Part II of Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 58 (the entry relating to rates) for the words from “section 4” to the end substitute “ section 29 of the Local Government etc. (Scotland) Act 1994. ”.

#### *The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*

- 179 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 18(6) (statement on oath by appropriate officer where supervised release order breached etc.)—
- (a) in paragraph (b), for “director of social work” substitute “ chief social work officer ”; and
  - (b) in paragraph (c), for “director” substitute “ chief social work officer ”.
- (3) In section 27(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Clean Air Act 1993 (c.11)*

- 180 In section 64(1) of the Clean Air Act 1993 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Radioactive Substances Act 1993 (c.12)*

- 181 In section 47(1) of the Radioactive Substances Act 1993 (interpretation)—
- (a) in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in the definition of “relevant water body”, in paragraph (b), for “a water authority within the meaning of the <sup>M172</sup>Water (Scotland) Act 1980” substitute “ a water and sewerage authority established by section 62 of the Local Government etc. (Scotland) Act 1994 ”.

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### Marginal Citations

M172 1980 c. 45.

#### *The Local Government (Overseas Assistance) Act 1993 (c.25)*

- 182 In section 1(9)(b) of the Local Government (Overseas Assistance) Act 1993 (local authorities empowered to provide advice and assistance), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Noise and Statutory Nuisance Act 1993 (c.40)*

- 183 (1) The Noise and Statutory Nuisance Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 8(5)(b) (local authorities in Scotland who may consent to the operation of loudspeakers in roads), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 9(7) (interpretation of certain expressions for purposes of section), in the definition of “local authority”, in paragraph (b), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Railways Act 1993 (c.43)*

- 184 (1) The Railways Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 136(3) (grants and subsidies), in paragraph (d)(i), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 151(1) (general interpretation), in the definition of “local authority”—
- the words “regional council, islands council” shall cease to have effect;
  - for “London or” substitute “ London, ”; and
  - after “Scilly” insert “ or any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

## SCHEDULE 14

Section 180(2).

### REPEALS

#### Commencement Information

**I43** Sch. 14 partly in force; Sch. 14 not in force at Royal Assent see s. 184(2); Sch. 14 in force for specified purposes at 4.1.1995 and 1.4.1995 by S.I. 1994/3150, arts. 3(e)(i)-(iii), 4(d), Sch. 2; Sch. 14 in force for further specified purposes at 1.4.1995 by S.I. 1995/702, art. 3(e), Sch. 1; Sch. 14 in force for further specified purposes at 1.4.1996 by S.I. 1995/3326, art. 3(c), Sch.; Sch. 14 in force for further specified



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purposes at 19.2.1996 by S.I. 1996/323, art. 2(1)(d); Sch. 14 in force for further specified purposes at 1.4.1996 by S.I. 1996/323, art. 4(1)(d), Sch. 2 (with art. 4(2))

Chapter	Short title	Extent of repeal
18 & 19 Vict. c. 68.	The Burial Grounds (Scotland) Act 1855.	In section 10, the words “any of the Lords Ordinary of” and the words from “And provided” to “such dwelling house”. In section 11, the words from “but no ground” to the end.
49 & 50 Vict. c. 15.	The Sporting Lands Rating (Scotland) Act 1886.	The whole Act.
7 & 8 Geo. 6 c.26.	The Rural Water Supplies and Sewerage Act 1944.	The whole Act.
10 & 11 Geo. 6 c.41.	The Fire Services Act 1947.	In section 15(2), the proviso. In section 36, in subsection (2), the words “and thirty-six” and “and twenty-three” and subsections (3) and (6).
10 & 11 Geo. 6 c. 43.	The Local Government (Scotland) Act 1947.	In section 237(2)(b), the words from “and, if” to “determined”. Sections 243, 243A, 243B and 244.
11 & 12 Geo. 6 c. 29.	The National Assistance Act 1948.	In section 33, subsection (2). In the Third Schedule, paragraphs 9 to 13.
12, 13 and 14 Geo. 6 c. 74.	The Coast Protection Act 1949.	In section 20(5), the words “or the council of a district in Scotland”.
12, 13 and 14 Geo. 6 c. 97.	The National Parks and Access to the Countryside Act 1949.	In section 21(1), the words “general or district”.
3 & 4 Eliz. 2 c. 13.	The Rural Water Supplies and Sewerage Act 1955.	The whole Act.
4 & 5 Eliz. 2 c. 60.	The Valuation and Rating (Scotland) Act 1956.	Section 1. Section 3. Section 22A. In section 43(1), the definition of “Advisory Council”.
6 & 7 Eliz. 2 c. 64.	The Local Government and Miscellaneous Financial	Section 7.

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	Provisions (Scotland) Act 1958.	
7 & 8 Eliz. 2 c. 40.	The Deer (Scotland) Act 1959.	In section 25A, in subsection (2), the words “islands and district”, and in subsections (4) and (5) the words “islands or district”. In section 25D, in subsection (8), the words “islands or district”.
1960 c. 62.	The Caravan Sites and Control of Development Act 1960.	Section 24(8A).
1961 c. 41.	The Flood Prevention (Scotland) Act 1961.	In section 4(2), the words “(whether a different authority from the local authority or not)”. Section 12(2).
1965 c. 49.	The Registration of Births, Deaths and Marriages (Scotland) Act 1965.	Section 15(4).
1966 c. 51.	The Local Government (Scotland) Act 1966.	Section 17. Section 20. In section 25, in subsection (1), the words “the determination of rateable values,” and subsections (3), (4) and (5). In section 46(1), the definition of “rate”. In Schedule 3, paragraph 1, in paragraph 3(1), the words from “and that” to “heritages”, in paragraph 5, the word “relevant”, in both places where it occurs, paragraphs 6 and 7, in paragraph 8, the words from “relevant lands” to “Act” and the words from “included” to “heritages”, where it second occurs. In Schedule 5, paragraph 3.
1967 c. 77.	The Police (Scotland) Act 1967.	Section 19(5). Section 21A.
1967 c. 78.	The Water (Scotland) Act 1967.	The whole Act.
1967 c. 86.	The Countryside (Scotland) Act 1967.	In section 49, subsection (5).

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		In section 61, in each of subsections (5), (6) and (8), the word “local”.
		In section 63, in each of subsections (2) and (4) to (9), the word “local” wherever it occurs; and in subsection (11), the word “local” where it first occurs and the words from “and any reference” to the end.
		In section 65(5), paragraph (c) and, in paragraph (f), the words “within the meaning of section 109(1) of the Water (Scotland) Act 1980”; and paragraph (g).
1968 c. 16.	The New Towns (Scotland) Act 1968.	In section 34(1)(a), the words “water, sewerage or other”.
1968 c. 46.	The Health Services and Public Health Act 1968.	In section 71, subsection (3).
1968 c. 47.	The Sewerage (Scotland) Act 1968.	Section 18. Section 40. Section 47. Section 52. In section 59(1), the definitions of “authorised officer”, “local authority” and “trunk road”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 2. In section 5A(3), paragraph (b). Section 34(3). In section 36, subsections (1), (4) and (6). In section 76(2), the words “to which the case stands referred”. In Schedule 3, in paragraph 3, sub-paragraph (i) and, in sub-paragraph (ii), the words “in any other case,”.
1968 c. 73.	The Transport Act 1968.	In section 9A(9)(b), the words “regional or islands”. In section 56(4)(b), the words “regional or islands”.
1970 c. 6.	The Rural Water Supplies and Sewerage (Scotland) Act 1970.	The whole Act.

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1971 c. 49.	The Rural Water Supplies and Sewerage Act 1971.	The whole Act.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	<p>Section 4(5).  Section 5(5) and (7).  In section 8(1) the words from “and may provide for” to the end.  In section 15(1), the words from “or of the provisions of Part IX” to “to be carried out, or”, the words “, after holding a local inquiry or other hearing,” and the words “carrying out the survey or are not”.  In section 22, the word “(1)” and subsection (2).  Section 25(4).  Section 28(3).  Section 32(7).  Section 49G.  Section 50(4).  In section 52(4), the words “regional, general or district”.  In section 56F(1), the words from “and section 179” to “1973”.  In section 56K(10), the words “and section 179 of the Local Government (Scotland) Act 1973”  Section 84A.  In section 87A(1), the words “general and district”.  In section 102, in subsection (1) the words “to whom this subsection applies”, and subsection (5).  Section 169(8).  Section 229A.  In paragraphs (a) and (b) of section 231(2), the words “or as applied under section 181 of the Local Government (Scotland) Act 1973”.  Section 254(4).  Section 265(9).  In section 275(1), the definition of “district planning functions”.  In Part II of Schedule 21, the words from “In section 25(3)</p>

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1973 c. 65.

The Local Government  
(Scotland) Act 1973.(c)” to the end of the  
paragraph.

Section 1.

Section 2.

Section 3.

Section 3A.

Section 4.

Section 5.

Section 11.

In section 24(5)(f), the words  
“regional, islands or district”.

Section 31(4).

In section 47, in

subsection (4), the words

“, other than a water  
development board within  
the meaning of the Water  
(Scotland) Act 1980,”; and  
subsection (5).

In section 51, in

subsection (1), the words

“within the meaning of  
this Part of this Act” and  
subsection (3).In section 56(6), paragraphs  
(a) and (c).

In section 56(9),

paragraph (c).

In section 63, in

subsection (2), the words “or

a district council” and, in

subsection (5)(a), the words

“or district council”.

In section 64(5), paragraphs  
(c) and (f).

Section 69(4).

Section 74(3).

In section 83, in

subsection (2), the words “,

subject to subsection (3A)

below,”; subsections (2A),

(2B) and (3A); and, in

subsection (4B)(d), the word

“Economic” .

In section 84, subsections (2)  
and (4).

In section 87, in

subsection (1), the words

“any other local authority in

the area”, in subsection (2),

the words from “and where”

to the end, and subsection (3).

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Section 90A.

In section 96(5), the words from “, so however that” to “31st March 1976”.

In section 100(3), the words from “and to an additional fine” to the end.

In section 106(1), paragraph (c) and the proviso. Section 109.

In section 111(1)(e), the words “or to a water development board within the meaning of the Water (Scotland) Act 1980,”.

Section 116.

In section 118, in subsection (1), the words “(a)” and paragraph (b) and, in subsection (5), the words “or any water development board within the meaning of the Water (Scotland) Act 1980”.

Section 127.

Sections 131 and 132.

In section 133, subsection (1).

Section 134(1).

In section 135, in subsection (5), in paragraph (a), the words from “not” to the end, in subsection (6)(d), the word “regional” and subsection (8).

Sections 137(1) and 138(1).

Section 140.

Sections 142 and 143.

Section 146(7).

Section 148(1).

In section 153, in subsection (1), the words “regional or islands”, in subsection (2), the words “regional or islands” and, wherever it occurs, “such” and, in subsection (3), the words “regional or islands” and, where it first occurs, “such”.

In section 154, in subsection (1), the words “Subject to subsection (3A)

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below” and “regional or islands”, in subsection (2), the word “regional”, in both places where it occurs, in subsection (3), the words “regional or islands” and “such” and subsections (3A) and (3B).

Sections 154A and 154B.

Sections 155(1), 156(1) and 157.

Section 159.

Section 161.

In section 163, subsection (1), in subsection (2), the words “as aforesaid” and subsection (3).

In section 166, subsection (1) and, in subsection (2), paragraphs (a), (e) and (f).

Section 168.

Section 170A(5)(a).

In section 170B(2), the words “or water development boards” where they first occur.

Section 171(1) and (2).

Section 173.

Section 174.

Section 176.

Section 177.

Section 179.

Section 181.

Section 182.

Section 183.

Section 193(2).

In section 200, subsections (1) to (6), (8), (9) and (11)(b).

In section 202, in subsection (1), the words “Subject to subsection (1A) below”; and subsections (1A) and (13).

In section 215, subsections (3) to (7).

Sections 222 to 226.

Section 230.

In section 235(1), the definitions of “area”, “college council”, “school council”, “education committee” and “water authority”.

In section 236(2), the words “Subject to section 74(3) of this Act and to section 20 of the Water (Scotland) Act 1980,”; and paragraph (e).

Schedules 1 and 2.

In Schedule 6, in paragraph 2, the letter “(a)”.

In Schedule 9, paragraphs 11 and 53.

Schedule 10.

Schedules 13 and 14.

In Schedule 17, in paragraph 1(1)(a), the words “or to a constituent board” and “or to a constituent water authority”; and paragraph 2.

Schedule 20.

Schedule 22.

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	In Part II of Schedule 27, paragraphs 159, 180 and 182.	
1974 c. 40.	The Control of Pollution Act 1974.	Section 32(6). Section 106(3).
1975 c. 20.	The District Courts (Scotland) Act 1975.	Section 7(3). Section 18(3).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7D, paragraph 59.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part IV, the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for an islands area in Scotland and, in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh, or Glasgow, the words “the district of”.
1975 c. 30.	The Local Government (Scotland) Act 1975.	In section 1, in subsection (3) (b), the words “,after consultation with the Advisory Council,”, subsection (3)(c), and subsection (7). Section 4. Section 6(1A). In section 7(1A), the words “and, in the case of the non-domestic water rate, the net annual value and the apportioned net annual value of part residential subjects”. Section 7A(3). Section 13. In section 16, the words “, water development boards”. In section 23, subsections (1) (c) and (d) and (2)(c). In section 29A, in subsection (3)(a), the words from “or under” to “committees”. In Schedule 3, paragraphs 1 to 21; in paragraph 22, in sub-paragraph (1), head (c) and, in sub-paragraph (2), the words from “(a)” to “or”, where it occurs immediately following sub-paragraph (b);



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		<p>paragraphs 24A and 26; in paragraph 28(1) the words “paragraph 1(4) above and” and “, a water development board”; and paragraphs 29 and 30.</p> <p>In Part II of Schedule 6, paragraphs 6, 13, 23, 34 and 53.</p>
1975 c. 72.	The Children Act 1975.	In section 99(1), the word “or” immediately preceding paragraph (e).
1976 c. 66.	The Licensing (Scotland) Act 1976.	<p>In section 1, subsection (3), in subsection (4), the words “district or islands” and, in subsection (5), the words “or electoral division”.</p> <p>In section 3(2), the words “of the district or islands area”.</p> <p>In section 5(8), the words “district or islands”.</p> <p>In section 7, in subsection (1), the words “district and islands” and subsection (2).</p>
1976 c. 71.	The Supplementary Benefits Act 1976.	In Schedule 5, in paragraph 2(2), the words “and of”, “, regions, islands areas” and “and”, where it thirdly occurs, and, in paragraph 4(2), the words, “, a region, an islands area” and “or”, where it secondly occurs.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In section 16A(1), in paragraph (b), the words “of a regional or islands council’s”, in paragraph (c), the words “of a district or islands council’s” and, in paragraph (d), the words “of a regional or islands council’s”.
1978 c. 50.	The Inner Urban Areas Act 1978.	<p>In section 1(2), the words “or region”.</p> <p>In section 2(1), the words “or region”, in both places where they occur.</p> <p>In section 7(1)(a), the words “or region”.</p>

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1980 c. 9.	The Reserve Forces Act 1980.	In section 131, in subsection (2), the words “the district of”, subsections (3) and (4) and, in subsection (5), the words “the districts of”.
1980 c. 44.	The Education (Scotland) Act 1980.	In section 4, the words “regional or island authority”. In section 6, in subsection (2), the letter “(a)” and paragraph (b) and subsection (3). Section 78. In section 86, in paragraph (a), the words from “or” to “authority”, where thirdly occurring and in paragraph (e), the words “or by the director of education”.
1980 c. 45.	The Water (Scotland) Act 1980.	Sections 3 to 5. In section 10, in subsection (1), the words “or water development board”; in subsection (1A) the words “onto agricultural land or forestry land” and “or as the case may be water development board’s”; and subsection (6). In section 11, in subsection (1), in paragraph (a), the words “or a water development board” and in paragraph (b) the words “or board”; in subsection (2), the words “or board”; in subsection (3), the words “or board” wherever they occur; in subsection (4), the words “or board” wherever they occur and “or “the transferee board””; and in subsections (5) to (7), the words “or board” wherever they occur. In section 13, in subsection (1), the words “or water development board”, in both places where they occur, “or board”, in both places where they occur and “or area”; in subsection (2), the words “or water development

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board”, “or board” wherever they occur, “or area” and “or boards”; in subsection (3), the words “or water development board” and “or area, as the case may be”; and in subsection (6), the words “or water development board”.

Section 15.

In section 16, in subsection (1), the words “or water development board”; and in each of subsections (2), (3) and (8), the words “or board” wherever they occur.

In section 17, in subsection (1), the words “or water development board”; in subsection (2), the words “or water development board” and “or board”; in subsection (3), the words “or water development board” and, in both places where they occur, “or board”; and in subsection (4), the words “or water development board”.

In section 18, the words “or board” in both places where they occur.

Section 20.

In section 22, the words “or water development board”.

In section 23, in subsection (1), the words “or water development board”; in subsection (2), the words “or board”; and in subsection (3), the words “or water development board”.

In section 25(2), the words “or district”, where they secondly occur.

In section 27(1), the words “or district” where they secondly occur.

In section 28, in subsection (1), the words “or a water development board”; and in subsection (2), the words “or water development board”.

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In section 29, in subsection (2), the words “or water development board”; and in subsection (3), the words “or board”.

Section 30.

In section 32, in subsection (1)(b), the words “subject to subsection (2),”; and subsection (2).

In section 33, in subsection (1), the words “or water development board”, “or their area, as the case may be” and “or board”; in subsection (3), the words “or water development board” in both places where they occur; and in each of subsections (4), (6)(b), (7), (8), (9) and (11), the words “or board” wherever they occur.

Section 35(4).

In section 38(1), the words “or water development board” and, in each of paragraphs (a), (c) and (d), “or board”.

Sections 40 and 41

Sections 42 to 46.

In section 47(3), the word “and” where it first occurs.

Sections 48 and 49.

In section 54, subsection (2); and in subsection (3)(b), the words from “and in the case” to the end.

In section 58, in subsection (6), the words “or the district of a district council” and “or by that district council”; and subsection (8).

Sections 60 and 61.

Section 63(6).

Sections 64 to 67.

In section 68, in subsection (1), the words “or water development board” and “or board”; in the proviso to that subsection the words “or board”; and subsection (3).

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In section 70, in subsection (1), the words “or water development board”; in subsection (2), the words “or board”; in subsection (4), the words “or water development board”; and in the proviso to subsection (4), the words “, or as the case may be the Board,”.

In section 71, in subsection (1), the words “or water development board”; in subsection (5), the words “or board” and, where they secondly occur, “or boards”; and in subsection (6) the words “or boards”.

In section 72(2), the words “and water development board”.

In section 73, in subsection (1), the words “or water development board” and “or board”; and in each of subsections (2) and (3), the words “or board” wherever they occur.

In section 76, in subsection (1), the words “or water development board” and “or board”; in subsection (2), the words “or water development board” and (wherever they occur, both in the subsection and in its proviso) “or board”; in subsection (3), the words “or water development board”, “or their area” and “or board”; and in the proviso to subsection (3), the words “or board” and “or the area of that board”.

In section 76H(8), the words from “; and section 65” to the end.

In section 76L(1), the definitions of “local authority” and “wholesome”. Sections 80 to 92..

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In section 103, the words “or water development board” in both places where they occur. In section 107, in subsection (1)(b), the words “or a water development board” and “or board”; and in subsection (5), the words “or a water development board”. In section 109, in subsection (1), the definitions of “the 1992 Act”, “apportionment scheme”, “apportionment note”, “Central Board”, “constituent water authority”, “contributing authority”, “council water charge”, “net annual value” and “part residential subjects” and in the definition of “owner”, the words “, save in sections 64 to 67,”; and in subsection (3), the words “and water development board”.

In Schedule 1, in paragraph 3, the words “and the area of the water development board”; in paragraph 11, the words “where the river purification authority are not the same authority as the water authority”; in paragraph 12, the words “and the area of the board”; in paragraph 13, the words “not exceeding 10 pence”; in paragraph 14, the words “or board”; in paragraph 17, the words “or board” and “or boards”; in paragraph 19, the words “or water development board” in both places where they occur and “or area”; in paragraph 20, the words “or water development board”; in paragraph 23, the words “or board” and “or boards”; in each of paragraphs 24, 26 and 27, the words “or water development board”; in paragraph 30, the words

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		<p>“or water development board” and “or board”; and in paragraph 31, the words “or board” in both places where they occur.</p> <p>In Schedule 2, in each of paragraphs 4 and 6, the words “or water development board” wherever they occur.</p> <p>In Schedule 3, in paragraph 1, the words “and water development board”, “within their limits of supply or area” and from “and outside” to “removing mains” where they secondly occur; in paragraph 2(2), the words “or board” in both places where they occur; in paragraph 4(1), the words “within their limits of supply” and “within the said limits”; in paragraph 5, the words “within the limits of supply”; and paragraph 8. Schedules 7 and 8.</p> <p>In Schedule 10, Part II in so far as relating to the Local Government (Scotland) Act 1973.</p>
1980 c. 65.	The Local Government, Planning and Land Act 1980.	<p>In section 8(1)(b), the words “(ii) a water authority; or”.</p> <p>In section 20, in subsection (1), in the definition of “development body”, sub-paragraph (i) of paragraph (b); and subsection (2A).</p> <p>In section 87(2), the word “(a)” and paragraph (b).</p> <p>In section 148(2), the words “exercising district planning functions”.</p> <p>In Schedule 32, in paragraph 33, in sub-paragraph (2), head (a), sub-paragraph (3) and, in sub-paragraph (4), the definitions of “private garage”, “private storage premises” and “rates”.</p>
1981 c. 23.	The Local Government (Miscellaneous Provisions) (Scotland) Act 1981.	<p>Section 6.</p> <p>Section 11.</p> <p>Section 27.</p>

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		In Schedule 2, paragraphs 41 and 42.
		In Schedule 3, paragraphs 24, 26, 28, 36 and 38.
1982 c.16.	The Civil Aviation Act 1982.	In section 30, in subsection (1), the words “, other than a district council in Scotland,” and the words from “and a” to “above” and, in subsection (2), the words “, other than a district council in Scotland,” and, in section 88(10), the words “, other than a district council in Scotland,”.
1982 c. 41.	The Stock Transfer Act 1982.	Section 5(2).
1982 c. 43.	The Local Government and Planning (Scotland) Act 1982.	Section 4. Sections 6 and 7. In section 14(2), the words “regional or islands council as”. In section 27(4), the words from “Without” to “Act”. Sections 33 and 34. In section 50, paragraph (c). Section 56. In Schedule 1, Part I. In Schedule 3, paragraph 16.
1982 c. 45.	The Civic Government (Scotland) Act 1982.	Section 87(6). Section 89(10). In section 121, in subsection (6), the words from “and of” to “that proposal” and, in subsection (7), the words from “but the” to “ his consent” and the word “nevertheless”. In section 122(2)(b), subparagraph (iii) and the word “and” immediately preceding it.
1983 c. 2.	The Representation of the People Act 1983.	In section 18, in subsection (5), the words “any interested authority or”, “(or in Scotland, the returning officer)”, “or returning officer” in both places where they occur and, in the definition of “interested



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		authority”, sub-paragraph (iii) and, in subsection (6), the words “or returning officer”. Section 25(3). In Section 31(2), the words from “and for” to “polling district”, where it secondly occurs. In section 204(1), in the definition of “electoral area”, the words “division or”.
1984 c. 27.	The Road Traffic Regulation Act 1984.	In section 26(4), paragraph (b) and the word “and” immediately preceding it. In section 26(5), paragraph (b) and the word “or” immediately preceding it and the words “or, in Scotland, the district council,”.
1984 c. 31.	The Rating and Valuation (Amendment) (Scotland) Act 1984.	Sections 6 and 7. In Schedule 2, paragraph 7.
1984 c. 54.	The Roads (Scotland) Act 1984.	In section 4(1), the words “or, in relation to cleansing, with a district council,” and the words “or council”. In section 95(2), the words “or by the district council”. In Schedule 9, paragraphs 27(3)(a) and 64(5)(c).
1985 c. 63.	The Water (Fluoridation) Act 1985.	Section 3. In section 4, in subsection (6), the words “or to terminate a preserved scheme”; and in subsection (7), the words “or terminate a preserved scheme”.
1985 c. 69.	The Housing Associations Act 1985.	In section 59, in subsections (1) and (2), the words “or regional council”, wherever they appear.
1986 c. 33.	The Disabled Persons (Services, Consultation and Representation) Act 1986.	In section 16, in the definition of “local authority”, in paragraph (b), the words “, as read with section 2,”.

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1987 c. 26.	The Housing (Scotland) Act 1987.	<p>In section 61(11)(a), the words “council or”, where first occurring.</p> <p>In section 212(4)(e), the words “or a water development board”.</p> <p>Section 235.</p> <p>In Schedule 15, in paragraph 2(1), head (f).</p> <p>In Schedule 23, paragraph 23.</p>
1988 c. 9.	The Local Government Act 1988.	<p>In section 1, in subsection (1), the words “and (k) a water development board in Scotland,”; and in subsection (3), the words “and (b) “water development board” has the same meaning as in section 109(1) of the Water (Scotland) Act 1980”.</p> <p>In Schedule 2, the words “A water development board in Scotland” and “, and (b) “water development board” has the same meaning as in section 109(1) of the Water (Scotland) Act 1980”.</p> <p>In Schedule 6, in paragraph 11, the words from “and”, where it first occurs, to the end.</p>
1988 c. 41.	The Local Government Finance Act 1988.	<p>Section 128.</p> <p>In Part II of Schedule 12, paragraph 6.</p>
1988 c. 43.	The Housing (Scotland) Act 1988.	<p>In section 55(1), the word “and” where it occurs immediately after the definition of “tenancy”.</p> <p>In section 57(1), the word “neither” and the words from “nor” to “council”, where thirdly occurring.</p>
1988 c. 47.	The School Boards (Scotland) Act 1988.	<p>In section 22, in subsection (2), the definitions of “islands councillor” and “regional councillor”.</p> <p>In Schedule 2, in paragraph 5, the words “Schedule 10 to” and “and Schedule 10 to”.</p>
1989 c. 15.	The Water Act 1989.	<p>In Schedule 25, paragraphs 22 and 60(2).</p>

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1989 c. 29.	The Electricity Act 1989.	In Schedule 5, in paragraph 8(a), the words “; and (iii) the water development board”; in paragraph 9, the words “and the water development board”; and in paragraph 14, the words “, or the area of any water development board,”.
1989 c. 42.	The Local Government and Housing Act 1989.	<p>In section 2(6)(a), the words “or director of education” and the words from “or section” to “1980”.</p> <p>In section 4(5), the words “, or Schedule 10 or 20 to,”.</p> <p>In section 5(5), the words “, or Schedule 10 or 20 to,”.</p> <p>In section 9(8)(b), the words “, or Schedule 10 or 20 to,”.</p> <p>In section 14, subsections (2) and (3) and, in subsection (8), paragraphs (b), (c) and (d).</p> <p>In section 155(5), the letter “(d)”.</p> <p>In Schedule 1, in paragraph 4, in sub-paragraph (1), in the definition of “ordinary committee”, in paragraph (b), the words from “the authority’s” to “or” and, in sub-paragraph (2), the definition of “social work committee” and the word “and” immediately preceding it.</p> <p>In Schedule 6, paragraphs 7 and 16 to 19.</p> <p>In Schedule 11, paragraph 43.</p>
1989 c. 45.	The Prisons (Scotland) Act 1989.	In section 14(2), the words “region or islands”, where secondly occurring and, in section 16(2), the words “district or islands”, in both places where they occur.
1990 c. 43.	The Environmental Protection Act 1990.	In section 36, in subsection (6), the words “(other than an islands council)”, paragraph (a) (iii) and, in paragraph (b), the words “or the general planning authority” and, in subsection (10), the

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		<p>words “or general planning authority” and “or the general planning authority”.</p> <p>In section 39(8), the words “(not being an islands council)” and, in paragraph (b), the words “or the general planning authority”.</p> <p>In section 50(5)(a), sub-paragraph (iv).</p> <p>In section 53, in subsection (4), the words “(other than an islands council)”.</p> <p>In section 54(4)(c), the words “or the general planning authority”.</p> <p>In section 88(9), in paragraph (a), the words “, a regional council” and, in paragraph (b), the words “, regional council”.</p> <p>In section 90(3), the words “, regional council”.</p> <p>In section 92(1), the words “, regional council”.</p> <p>In section 93(1), the words “, regional council”.</p> <p>In section 95(1), the words “, regional council”.</p>
1991 c. 22.	The New Roads and Street Works Act 1991.	<p>In section 153, in subsection (1), the words “or district council” and “or council” and, in subsection (3), the words “or council”.</p>
1991 c. 28.	The Natural Heritage (Scotland) Act 1991.	<p>In section 22(1), in the definition of “compensation water”, the words “or water development board”.</p> <p>In section 24, in each of subsections (1)(a) and (9)(a), the words “or board”.</p> <p>In Schedule 7, in paragraph 5, in sub-paragraph (1), the words “or a water development board” and (in head (a)) “or board”, in sub-paragraph (2), the words “or water development board” and in sub-paragraph (3), the</p>

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		words “or water development board” and “or board”; in paragraph 6, the words from “, including” to the end; and in paragraph 7, the words “or a water development board”. In Schedule 8, in paragraph 1, in sub-paragraph (3), in the second column of the Table, in paragraph (a) of the entry relating to “All Orders”, the words “or water development board (not being the applicant)”.
1991 c. 34.	The Planning and Compensation Act 1991.	In Schedule 13, paragraph 44.
1992 c. 4.	The Social Security Contributions and Benefits Act 1992.	In section 137(1), the definition of “levying authority”.
1992 c. 5.	The Social Security Administration Act 1992.	In section 15A(3)(d), the words “, islands council”. In section 191, the definition of “levying authority”.
1992 c. 14.	The Local Government Finance Act 1992.	In section 74(1), the words “regional, islands or district”. In section 84, in subsection (1), the words “regional and islands” and, in subsection (2)(a), the words “regional or islands”. In section 85, subsection (2), in subsections (3) and (5) the words “regional or islands” and, in subsection (4), the words “(a)” and “and” and paragraph (b). In section 86, in subsection (4) the words “region or islands” and, in subsections (10) and (11), the words “regional or islands”. In section 87(9)(a), the words “regional or islands”. In section 90(3)(a), the words “regional, islands or district”. In section 93(1)(a) the words “regional, islands or district” and “as appropriate”. In section 94(9) the word “regional” and the words

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from “and may recover” to the end.

Section 95.

Section 97(2).

In section 99, in subsection (1), the definitions of “the 1968 Act”, “council water charge”, “levying authority”, “public sewage treatment works”, “public sewer” and “water authority” and in the definition of “housing body”, paragraph (a); and in subsection (2), paragraphs (a) (ii) and (iii), (c) and (d).

Section 107(1).

Section 112(2)(d).

In Schedule 2, in paragraph 8(5)(b), the words “or, where the authority is a regional council, each amount set under section 93 of this Act” and, in paragraph 12(2), sub-sub-paragraph (b) and, in sub-sub-paragraphs (e) and (f), the word “levying”; and paragraph 19(7)(b).

In Schedule 7, paragraph 1(6).

In Schedule 8, in paragraph 3(2) the words “or council water charge”; and in paragraph 4(2) the words “or council water charge”.

In Schedule 9, paragraphs 9(c) and 25(d).

In Schedule 11, Parts I to III; and in Part IV, paragraphs 31 to 34, 36, 37 and 38(a) to (c) and (e).

In Schedule 13, paragraphs 37, 44(a),(b) and (d), 75 and 93

1993 c. 43.

The Railways Act 1993.

In section 151(1), in the definition of “local authority”, the words “regional council, islands council”.

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