



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I **S**

LOCAL GOVERNMENT REORGANISATION

CHAPTER 1 **S**

LOCAL GOVERNMENT AREAS, AUTHORITIES AND ELECTIONS

1 Local government areas in Scotland. **S**

- (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. **S**

- (1) For every local government area there shall be a council consisting of a convener and councillors.

Status: Point in time view as at 02/05/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Chapter 1. (See end of Document for details)

- (2) Subject to any provision of this Act [^{F1}and of the ^{M1}Environment Act 1995], the council for each local government area shall on and after 1st April 1996 have all the functions 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)

C1 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. **S**

- (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)

C2 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. **S**

- (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 [^{F2}the day on which the poll is held at] the next ordinary election of the council); and

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- (b) the procedure for early removal from office, of the convener and depute convener.
- (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) ^{F3}

Textual Amendments

- F2** Words in s. 4(3)(a) inserted (22.1.2002) by 2002 asp 1, s. 4(1)
- F3** S. 4(8) repealed (2.5.2007) by The Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007 (S.S.I. 2007/265), reg. 3

5 Elections and term of office of councillors. S

- (1) ^{F4}
- (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 [^{F5}thereafter in the years in which, under section 2(2) of the Scotland Act 1998 (c.46), polls at ordinary general elections for membership of the Scottish Parliament fall to be held].
- (4) Councillors shall retire on the day [^{F6}on which the poll is held at] the ordinary election next following the date on which they were elected.
- (5) ^{F7}
- (6) ^{F8}

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Textual Amendments

- F4** S. 5(1) repealed (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 5(2)**, 17(2); S.S.I. 2007/25, **art. 2(2)**
- F5** Words in s. 5(3) substituted (22.1.2002) by [2002 asp 1](#), **s. 1**
- F6** Words in s. 5(4) substituted (22.1.2002) by [2002 asp 1](#), **s. 4(2)**
- F7** S. 5(5) repealed (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 5(2)**, 17(2); S.S.I. 2007/25, **art. 2(2)**
- F8** S. 5(6) repealed (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 5(2)**, 17(2); S.S.I. 2007/25, **art. 2(2)**

Modifications etc. (not altering text)

- C3** 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)**)

6 Date of elections. **S**

For subsection (1) of section 43 of the Representation of the ^{M2}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

- M2** [1983 c. 2](#).

7 Establishment of new local authorities and supplementary provisions. **S**

- (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.

Status:

Point in time view as at 02/05/2007.

Changes to legislation:

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Chapter 1.