



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 3

PROPERTY

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.

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 18. (See end of Document for details)

- (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.
- (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.

Status:

Point in time view as at 01/04/2023.

Changes to legislation:

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