



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART V

GENERAL AND SUPPLEMENTARY

Supplementary

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 provision 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 modification as the Secretary of State thinks necessary or expedient, apply to the new authorities any enactment relating to a local authority in Scotland;

Status: This is the original version (as it was originally enacted).

- (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 enactments as having been done by or to or in relation to an existing local authority in connection 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 Part 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 I or this 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 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;
- (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 Administration.