



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART I

#### LOCAL GOVERNMENT REORGANISATION

#### CHAPTER 4

#### GENERAL

### **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;
  - (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.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 23. (See end of Document for details)

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- (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.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 23.