



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART I

THE ELECTORAL COMMISSION

Commission's electoral boundary functions

19 Transfer of functions of Local Government Boundary Commission for Scotland

- (1) The Scottish Ministers may by order make provision for and in connection with transferring (to any extent) to—
- (a) the Commission, or
 - (b) the Boundary Committee for Scotland,
- any of the functions of the Local Government Boundary Commission for Scotland (in this section referred to as “the Scottish Commission”).
- (2) An order under subsection (1) may make provision for—
- (a) transferring (to any extent) any relevant function of the Scottish Ministers to the Commission;
 - (b) terminating (to any extent) any relevant function of the Scottish Ministers or the Scottish Commission without transferring it to the Commission or the Boundary Committee for Scotland;
 - (c) modifying (to any extent) any relevant function of the Scottish Ministers;
 - (d) preventing the Scottish Ministers from exercising any relevant function (including one so modified) unless they have sought and obtained such advice of the Commission as may be prescribed by the order, or authorising them to seek such advice in connection with the exercise of any such function;
 - (e) modifying any function transferred by such an order so far as it is to be exercisable by the Commission or the Boundary Committee for Scotland.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2) “relevant function” means (subject to subsection (4)) a function under any of sections 13 to 21 of, and Schedule 5 and paragraph 1(2) of Schedule 6 to, the Local Government (Scotland) Act 1973.
- (4) Nothing in subsection (2)(a) authorises the transfer to the Commission of any power of the Scottish Ministers to make orders under any of the provisions mentioned in subsection (3).
- (5) The provision made by order under subsection (1) as respects the distribution of functions between the Commission and the Boundary Committee for Scotland shall broadly correspond to that made by Part I of Schedule 3 as respects the distribution of functions between those bodies.
- (6) The Scottish Commission shall cease to exist at such time as the Scottish Ministers, being satisfied that the Scottish Commission have no further functions, by order direct.
- (7) An order under subsection (1) or (6) may include provision for the transfer to the Commission—
 - (a) of the staff of the Scottish Commission, and
 - (b) of any property (including rights and interests of any description) and liabilities to which the Scottish Commission are entitled or subject;and an order which contains provision such as is mentioned in paragraph (b) may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of the property or liabilities otherwise than by the order.
- (8) An order under subsection (6) may include provision for the abolition of any duty in compliance with which the Scottish Commission were established or constituted.
- (9) Section 156(5) shall apply to an order made by the Scottish Ministers under this section as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (10) Any power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (11) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any functions in consequence of an order made under subsection (1).