Local Government in Scotland Act 2003

2003 asp 1

PART 1

BEST VALUE AND ACCOUNTABILITY

Duty to secure best value

2 Considerations bearing on performance of duty under section 1

(1) In the performance of its duties under section 1 above, a local authority shall have regard—

(a) to any guidance provided by the Scottish Ministers for local authorities on the performance of those duties; and such guidance may include guidance on—

(i) how to make and what is to be included in the arrangements referred to in subsection (1) of that section;

(ii) how to implement the duty imposed by that subsection; and

(b) to what are, whether by reference to any generally recognised, published code or otherwise, regarded as proper arrangements for the purposes of section 1(1) above (or purposes which include those purposes).

(2) Before providing guidance under this section, the Scottish Ministers shall consult such associations of local authorities and such other persons as they think appropriate.

(3) In the event of a conflict in any respect between the considerations to which a local authority is to have regard under paragraph (a) of subsection (1) above and those to which it has to have regard under paragraph (b) of that subsection, it shall in that respect have regard only to those within paragraph (a).

Modifications etc. (not altering text)

C1 S. 2 modified (prosp.) by Local Government Act 2003 (c, 26), {ss. 101(5)}, 128(5)

Changes to legislation:
There are currently no known outstanding effects for the Local Government in Scotland Act 2003, Section 2.