



Local Government in Scotland Act 2003

2003 asp 1

PART 4

ENFORCEMENT AND SCRUTINY

24 Enforcement directions

- (1) Where, following the service of a preliminary notice and the expiry of the time specified in it under section 23(3)(b) above, it still appears to the Scottish Ministers that the local authority is not complying with its duties under section 1, 13, 15 or, as the case may be, 17 above and that action by them under this section is justified they may give the authority an enforcement direction.
- (2) An enforcement direction is a direction by the Scottish Ministers requiring the local authority to which it is given to take such action as is specified in the direction being action calculated to remedy or prevent the recurrence of its failure to comply with its duties under section 1, 13, 15 or, as the case may be, 17 above.
- (3) An enforcement direction may place such conditions as the Scottish Ministers may specify in it upon the carrying out of such functions of the local authority as are so specified.
- (4) The action referred to in subsection (2) above may include rectification of accounts.
- (5) The Scottish Ministers may vary an enforcement direction by giving a further such direction.
- (6) A further such direction need not proceed upon a further preliminary notice under section 23 above.
- (7) An enforcement direction may be revoked by the Scottish Ministers.
- (8) It is the duty of the local authority to which an enforcement direction is given to comply with it.
- (9) The Scottish Ministers may, instead of or as well as giving an enforcement direction, make such recommendations to such persons as they think appropriate.
- (10) If the Scottish Ministers exercise their power to give, vary or revoke an enforcement direction they shall—

Status: This is the original version (as it was originally enacted).

- (a) prepare a report on their exercise of that power; and
- (b) lay that report before the Scottish Parliament.