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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 31 (C. 6)**

**LOCAL GOVERNMENT**

**The Local Government etc. (Scotland) Act  
1994 (Commencement No. 9) Order 2016**

*Made* - - - - 20th January 2016  
*Laid before the Scottish  
Parliament* - - - - 22nd January 2016  
*Coming into force* - - 1st April 2016

The Scottish Ministers make the following Order in exercise of the powers conferred by section 184(2) of the Local Government etc. (Scotland) Act 1994<sup>(1)</sup>.

**Citation and commencement**

**1.** This Order may be cited as the Local Government etc. (Scotland) Act 1994 (Commencement No. 9) Order 2016 and comes into force on 1st April 2016.

**Appointed day**

**2.** 1st April 2016 is the day appointed for the coming into force of Schedule 14 to the Local Government etc. (Scotland) Act 1994, so far as it provides for the repeal of—

- (a) paragraphs 1 to 4, 6 to 21, 26, 29 and 30 of Schedule 3 to the Local Government (Scotland) Act 1975 and in that respect is not already in force<sup>(2)</sup>;
- (b) section 27 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981<sup>(3)</sup>, and paragraph 36 of Schedule 3 to that Act; and
- (c) paragraph 44(a), (b) and (d) of Schedule 13 to the Local Government Finance Act 1992<sup>(4)</sup>.

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<sup>(1)</sup> 1994 c.39. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

<sup>(2)</sup> 1975 c.30. The repeal of paragraph 1 was partially commenced by S.I 1996/323.

<sup>(3)</sup> 1981 c.23.

<sup>(4)</sup> 1992 c.14.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
20th January 2016

*JOHN SWINNEY*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings provisions in Schedule 14 to the Local Government etc. (Scotland) Act 1994 (“the 1994 Act”) into force on 1st April 2016.

Schedule 14 to the 1994 Act provides for the repeal of paragraphs 1 to 21 of Schedule 3 to the Local Government (Scotland) Act 1975 (“the 1975 Act”). That Schedule provides for borrowing and lending by local authorities and certain other bodies in Scotland.

Draft Regulations have been laid before the Scottish Parliament, for approval. If approved, these Regulations will be made and cited as the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016. These Regulations will provide for borrowing by local authorities and certain other bodies, and also for lending by them that is funded by borrowing. As a result, the provision relating to such matters in the 1975 Act will no longer be required, apart from provision at paragraph 5 of Schedule 3 to the 1975 Act, which allows the Scottish Ministers to prescribe the form of mortgages and regulate certain securities and their use.

Article 2 of this Order therefore commences the repeal of paragraphs 1 to 4, 6 to 21, 26, 29 and 30 of Schedule 3 to the 1975 Act, so far as not already repealed. The effect is that, of the repeals in that Schedule, only the repeal of paragraph 5 remains uncommenced.

Article 2 also in consequence commences the repeal of related provisions in other legislation. The effect is fully to commence the repeals in the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and in Schedule 13 to Local Government Finance Act 1992.

A full note as to earlier commencement orders is appended to the Local Government etc. (Scotland) Act 1994 (Commencement No. 8) Order 1998 ([S.I. 1998/2532](#)), which is the commencement order immediately preceding this Order. That Order commenced section 103 of the 1994 Act (which relates to registers of trade effluents).