

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1975, Cross Heading: Miscellaneous. (See end of Document for details)

SCHEDULES

SCHEDULE 3

BORROWING AND LENDING BY LOCAL AUTHORITIES AND CERTAIN OTHER BODIES AND CERTAIN OF THEIR FUNDS

Miscellaneous

^{F1}26

Textual Amendments

F1 Sch. 3 para. 26 repealed (1.4.2016) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), Sch. 14; S.S.I. 2016/31, art. 2(a)

27 ^{F2}

Textual Amendments

F2 Sch. 3 para. 27 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2)(3), Sch. 23 para. 23(1)(a), Sch. 24

- 28 (1) Subject to ^{F3} . . . sub-paragraph (2) below, the provisions of this Schedule shall, subject to any necessary modifications, apply to a joint board having power to borrow money^{[^{F4}}, the Strathclyde Passenger Transport Authority and a Transport Partnership created by order under section 1 of the Transport (Scotland) Act 2005] as they apply to a local authority.
- (2) The Secretary of State may by regulations make such provisions as seem to him necessary or expedient with respect to the application of the provisions of this [^{F5}Schedule to—]
- [^{F6}(a) a joint board; ^{F7}...]
 - [^{F8}(b) the Strathclyde Passenger Transport Authority][^{F9}, and
 - (c) a Transport Partnership.]
- (3) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F3 Words in Sch. 3 para. 28(1) repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14 (with s. 128(2)); S.I. 1996/323, art. 4(1)(d), Sch. 2

F4 Words in Sch. 3 para. 28(1) substituted (19.3.2020) by Transport (Scotland) Act 2019 (asp 17), ss. 122(2) (a), 130(2) (with s. 126); S.S.I. 2020/68, reg. 2(a)

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- F5** Words in Sch. 3 para. 28(2) inserted (19.3.2020) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 122(2)(b)(i)**, 130(2) (with s. 126); S.S.I. 2020/68, reg. 2(a)
- F6** Sch. 3 para. 28(2)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 32(3)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Word in Sch. 3 para. 28(2) repealed (19.3.2020) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 122(2)(b)(ii)**, 130(2) (with s. 126); S.S.I. 2020/68, reg. 2(a)
- F8** Words in Sch. 3 para. 28(2) inserted for the words “Schedule to” to the end (31.3.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 100(9)(h)(ii)** (with s. 128(2)); S.I. 1996/323, **art. 3**
- F9** Sch. 3 para. 28(2)(c) and word inserted (19.3.2020) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 122(2)(b)(iii)**, 130(2) (with s. 126); S.S.I. 2020/68, reg. 2(a)

F1029

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Textual Amendments

F10 Sch. 3 para. 29 repealed (1.4.2016) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), **Sch. 14**; S.S.I. 2016/31, art. 2(a)

F1130

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Textual Amendments

F11 Sch. 3 para. 30 repealed (1.4.2016) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), s. 184(2), **Sch. 14**; S.S.I. 2016/31, art. 2(a)

31 In this Schedule, unless the context otherwise requires—

“advance”, in relation to the loans fund and a borrowing account of a local authority, means the transfer of money by way of loan from the loans fund to the appropriate borrowing account in exercise of a statutory borrowing power;

“borrowing account”, in relation to a local authority, means an account of the authority relating to a purpose for which the authority have a statutory borrowing power;

[^{F12}“council tax” shall be construed in accordance with the provisions of section 70(1) of the Local Government Finance Act 1992;

“^{F12}council water charge” shall be construed in accordance with the provisions of paragraph 6 to Schedule 11 to the Local Government Finance Act 1992;]

[^{F13}“community charges” shall be construed in accordance with section 7 (creation and purpose of community charges) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

“^{F13}community water charges” shall be construed in accordance with paragraph 6 of Schedule 5 to the said Act of 1987;]

“fixed period”, in relation to any sum advanced to a borrowing account or to a relevant authority, means such period not exceeding 30 years from the date of the advance as the local authority determine or such other period as the Secretary of State may determine in any particular case or [^{F14}, from time to time, for any class of cases or] for the purpose of any enactment;

“loans fund” means the loans fund established under this Schedule;

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“mortgage” means a deed containing an assignation by way of security of the funds, rates and revenues of a local authority;

“relevant authority” means any authority to whom a local authority may make a loan under paragraph 10 or 11 above;

“security”, in relation to a local authority, means a mortgage, a bond, a deposit receipt or other document of debt issued by the authority and the security created thereby (including stock created by the authority or a certificate in respect of such stock) by or under any enactment, but does not include . . . ^{F15} a heritable security or other deed of security or document of debt affecting the common good of an islands area or district;

“statutory borrowing power” means any power to borrow money conferred on a local authority by or under any enactment, but does not include the power of an islands or district council to borrow for the purposes of the common good;

“trustee securities” means any security in which trustees are for the time being authorised by law to invest trust money.

Textual Amendments

- F12** Definitions in Sch. 3 para. 31 of "council tax" and "council watercharge" inserted (1.4.1993) by **Local Government Finance Act 1992 (c. 14)**, s. 117(1), **Sch. 13 para. 44(d)** (with s. 118(1)(2)(4)); S.I. 1993/575, **art. 2(c)**.
- F13** Definitions in Sch. 3 para. 31 of "community charges" and "community watercharges" (which were inserted by **Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)**, s. 6, **Sch. 1 para. 36**) repealed (1.4.1993) by **Local Government Finance Act 1992 (c. 14)**, s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1993/575, **art. 2(d)**.
- F14** Words inserted by **Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2)**, **Sch. 3 para. 36(b)**
- F15** Words repealed by **Housing (Scotland) Act 1987 (c. 26, SIF 61)**, ss. 335, 339(2)(3), Sch. 23 para. 23(1)(b), **Sch. 24**

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