
Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1975, Paragraph 22. (See end of Document for details)

SCHEDULES

SCHEDULE 3

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

Capital, Renewal and Repair Funds

- 22 (1) Subject to the provisions of this Schedule, a local authority may establish [^{F1}any] of the following funds—
- (a) a capital fund, to be used for defraying any expenditure of the authority to which capital is properly applicable, or in providing money for repayment of the principal of loans (but not any payment of interest on loans);
 - (b) a renewal and repair fund, to be used for the purpose of defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing any buildings, works, plant, equipment or articles belonging to the authority.
 - [^{F2}(ba) an insurance fund, to be used for the following purposes, namely—
 - (i) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk;
 - (ii) paying premiums on a policy of insurance against a risk.]
 - (c)
- (2) A fund established by a local authority under this paragraph shall not be used to meet, directly or indirectly, any expenditure incurred by the authority for the purposes of ^{F3} . . .
- [^{F4}(c)]
a statutory undertaking of the authority, being a transport, district heating, harbour, dock, pier or ferry undertaking or a market or civic restaurant [^{F5}; and if the renewal and repair fund [^{F6}or the insurance fund] is used so to meet expenditure incurred by the authority in relation to any house, or other property, to which their housing revenue account relates, the amount in question shall, subject to paragraph 1(7) of Schedule 4 to the ^{M1}Housing (Financial Provisions) (Scotland) Act 1972, first to be carried to the credit of that account].
- In this sub-paragraph, “pier” and “ferry” do not include a pier or ferry provided under section 2(2) of the ^{M2}Local Government (Development and Finance) (Scotland) Act 1964.
- (3) Notwithstanding anything in any enactment, pending the application of any such fund as aforesaid for the purposes authorised by this paragraph, the money in the fund shall (unless applied in any other manner authorised by any enactment) be [^{F7}used for any purpose for which a local authority may borrow money] or invested in [^{F8}accordance

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with regulations made under section 40 of the Local Government in Scotland Act 2003 (asp 1)].

- (4) The provisions of this paragraph shall be in addition to and not in substitution for any other enactment authorising a local authority to establish a fund for a purpose for which a fund may be established under this paragraph; and a local authority may amalgamate any fund established by them under any other enactment with any corresponding fund established by them under this paragraph.

Textual Amendments

- F1** Word substituted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 32(1), **Sch. 6 para. 11(2)(a)**
- F2** Sch. 3 para. 22(1)(ba) inserted (4.1.1995) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 100(9)(f)(i)** (with s. 128(2)); [S.I. 1994/2850, art. 3\(c\)\(ix\)](#)
- F3** Words in Sch. 3 para. 22(2) 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** Schedule 3 para. 23(2) subparagraph letter (c) inserted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(1), **Sch. 13 para. 44(c)** (with s. 118(1)(2)(4))
- F5** Words inserted by [Housing \(Scotland\) Act 1986 \(c. 65, SIF 61\)](#), s. 17
- F6** Words in Sch. 3 para. 22(2) inserted (4.1.1995) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 100(9)(f)(ii)** (with s. 128(2)); [S.I. 1994/2850, art. 3\(c\)\(ix\)](#)
- F7** Words in Sch. 3 para. 22(3) substituted (1.4.2016) by [The Local Authority \(Capital Finance and Accounting\) \(Scotland\) Regulations 2016 \(S.S.I. 2016/123\)](#), regs. 1(1), **15(2)(a)**
- F8** Words in Sch. 3 para. 22(3) substituted (1.4.2010) by [The Local Government Investments \(Scotland\) Regulations 2010 \(S.S.I. 2010/122\)](#), regs. 1, **6**

Marginal Citations

- M1** [1972 c.46 \(61\)](#).
- M2** [1964 c. 67](#).

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