Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 1

LOCAL GOVERNMENT AREAS, AUTHORITIES AND ELECTIONS

1   Local government areas in Scotland.

(1) Scotland shall, in accordance with the provisions of this Part of this Act, have local government areas for the administration of local government on and after 1st April 1996.

(2) Scotland shall be divided into the local government areas named in column 1 of Part I of Schedule 1 to this Act, and those areas shall comprise the areas described in column 2 of Part I.

(3) On 1st April 1996—

  (a)   all local government areas existing immediately before that date which are regions or districts; and

  (b)   all regional and district councils,

shall cease to exist.

(4) Part II of Schedule 1 (provisions as to boundaries) shall have effect.

2   Constitution of councils.

(1) For every local government area there shall be a council consisting of a convener and councillors.

2

Local Government etc. (Scotland) Act 1994 (c. 39)
Part I – Local Government Reorganisation
Chapter 1 – Local Government Areas, Authorities and Elections
Document Generated: 2023-12-09

(2) Subject to any provision of this Act, the council for each local government area shall on and after 1st April 1996 have all the functions exercised immediately before that date in relation to their area by any existing regional, islands or district council.

(3) The council for each local government area shall be a body corporate by the name "The Council" with the addition of the name of the particular area, and shall have a common seal.

3   Orkney, Shetland and Western Isles.

(1) The islands councils of Orkney, Shetland and the Western Isles shall continue to exist as bodies corporate but, on and after 1st April 1996—

(a)   they shall be known as "Orkney Islands Council", "Shetland Islands Council" and "Western Isles Council"; and

(b)   their areas shall be known as "Orkney Islands", "Shetland Islands" and "Western Isles",

respectively.

(2) The islands councils consisting of the councillors elected for the islands areas of Orkney, Shetland and the Western Isles at the ordinary election held in 1994 shall continue as councils until the second ordinary election of councillors for the new councils held under section 5 of this Act.

Modifications etc. (not altering text)

C1   S. 3(1)(a) excluded (27.4.1997) by 1973 c. 65, **s. 23(1A)** (as inserted (27.4.1997) by 1997 c. 6, **ss. 1**, 2(2))

4   Convener and depute convener.

(1) The council of each local government area shall elect a convener from among the councillors.

(2) A council may elect a member of the council to be depute convener.

(3) Subject to the provisions of this section and of Schedule 2 to this Act, the standing orders of a council may make provision for—

(a)   the duration of the term of office (which may not extend beyond the next ordinary election of the council); and

(b)   the procedure for early removal from office,

of the convener and depute convener.

(4) The election of the convener shall be the first business transacted at the first meeting of the council held after an ordinary election of councillors and at that meeting, until the convener is elected, the returning officer or, failing him, such councillor as may be selected by the meeting shall preside.

(5) A person holding the office of convener or depute convener shall be eligible for re-election but shall cease to hold office upon ceasing to be a councillor.

(6) On a casual vacancy occurring in the office of convener, an election to fill the vacancy shall be held as soon as practicable by the council at a meeting of the council the notice

Local Government etc. (Scotland) Act 1994 (c. 39)
Part I – Local Government Reorganisation
Chapter 1 – Local Government Areas, Authorities and Elections
Document Generated: 2023-12-09

3

of which specifies the filling of the vacancy as an item of business, and the depute convener or, failing him, a councillor selected by the meeting shall preside.

(7) The convener of each of the councils of the cities of Aberdeen, Dundee, Edinburgh and Glasgow shall, with effect from 1st April 1996, be known by the title of "Lord Provost", and the convener of each other council shall be known by such title as that council may decide:

Provided that no such other council may, without the consent of the Secretary of State, decide that their convener shall be known by the title of "Lord Provost".

(8) A council may pay the convener and depute convener, for the purpose of enabling each of them to meet the expenses of his office, such allowance as the council think reasonable.

5   Elections and term of office of councillors.

(1) Councillors for each local government area shall be elected by the local government electors for that area in accordance with this Part of this Act and the Representation of the ^{M1}People Act 1983.

(2) Notwithstanding the provisions of section 43 of that Act of 1983 (day of ordinary local elections in Scotland), the first ordinary election of councillors for each council other than the councils of Orkney Islands, Shetland Islands and Western Isles shall take place on 6th April 1995.

(3) The second ordinary election of councillors shall take place in 1999, and ordinary elections shall take place every third year thereafter.

(4) Councillors shall retire on the day of the ordinary election next following the date on which they were elected.

(5) Each local government area shall be divided into electoral wards, and each such ward shall return one councillor.

(6) There shall be a separate election for each electoral ward.

Modifications etc. (not altering text)
  C2   S. 5 applied (1.4.1996) by 1973 c. 65, **s. 235(1)** (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(66)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**)
           S. 5 applied (1.4.1996) by 1988 c. 47, **s. 22(2)** (as substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 158(3)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**)

Marginal Citations
  M1   1983 c. 2.

VALID FROM 01/04/1996

6   Date of elections.

For subsection (1) of section 43 of the Representation of the ^{M2}People Act 1983 (day of ordinary local elections in Scotland) substitute—

4

Local Government etc. (Scotland) Act 1994 (c. 39)
Part I – Local Government Reorganisation
Chapter 1 – Local Government Areas, Authorities and Elections
Document Generated: 2023-12-09

"(1) In every year in which ordinary elections of councillors for local government areas in Scotland are held, the day of election is—

(a) the first Thursday in May; or

(b) such other day as may be fixed by the Secretary of State by order made by statutory instrument not later than 1st February in the year preceding the year or, in the case of an order affecting more than one year, the first year in which the order is to take effect.

(1A) An order made under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.".

Marginal Citations

M2   1983 c. 2.

7   Establishment of new local authorities and supplementary provisions.

(1) Schedule 2 to this Act shall have effect with respect to the establishment of the new local authorities, the suspension of elections of existing authorities and related matters.

(2) This Part of this Act shall have effect, in relation to such establishment, subject to the provisions of that Schedule.

(3) Schedule 2 shall not apply in relation to the councils of Orkney Islands, Shetland Islands and Western Isles.

Local Government etc. (Scotland) Act 1994 (c. 39)
Document Generated: 2023-12-09

5

Status:
Point in time view as at 06/04/1995. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Chapter 1.