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SCHEDULES

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government (Scotland) Act 1973 (c. 65)

92 (1) The 1973 Act shall be amended in accordance with this paragraph.

(2) In section 14(1) (duty of the Boundary Commission to review local government areas), for—

(a) "ten", in both places where it occurs, substitute "eight";

(b) "fifteen", in both places where it occurs, substitute "twelve"; and

(c) "16th May 1975" substitute "1st April 1996".

(3) In section 16(2) (duty of the Boundary Commission to review electoral arrangements), for—

(a) "ten", in both places where it occurs, substitute "eight";

(b) "fifteen", in both places where it occurs, substitute "twelve"; and

(c) "initial" substitute "first".

(4) For section 20 (initial review of areas and electoral arrangements) substitute—

"**20 First review of electoral arrangements**

Schedule 5 to this Act shall have effect with respect to the first review of electoral arrangements for local government areas after 1st April 1996.".

(5) For section 23 (change of name of local government area) substitute—

"**23 Change of name of local government area**

(1) The council of a local government area may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the area.

(2) Notice of any change of name made under this section—

(a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General of Births, Deaths and Marriages for Scotland; and

(b) shall be published in such manner as the Secretary of State may direct.

(3) A change of name made in pursuance of this section shall not affect any rights or obligations of any council, authority or person, or render defective

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any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.”.

(6) In section 24(5) (provision which may be included in orders under Part II)—

(a) in each of paragraphs (c) and (d), for “areas”, wherever it occurs, substitute “wards”; and

(b) in paragraph (f)—

(i) the words “regional, islands or district” shall cease to have effect; and

(ii) for “area” substitute “ward”.

(7) In section 28 (supplementary provision to Part II)—

(a) in subsection (1)—

(i) in the definition of “electoral arrangements”, for “areas” and, where it fourthly occurs, “area” substitute “wards” and “ward” respectively; and

(ii) for the definition of “local government area” substitute—

““local government area” means the area of a local authority;”; and

(b) in subsection (2), for the words “this Act”, where they thirdly occur, substitute “the Local Government etc. (Scotland) Act 1994.”.

(8) In section 31 (disqualification for nomination etc.)—

(a) for the words “chairman or vice-chairman”, in both places where they occur, substitute “convener or depute convener”;

(b) after subsection (3) insert—

“(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.”; and

(c) subsection (4) shall cease to have effect.

(9) In section 38 (disability of members from voting etc.), in subsection (4) for the words “chairman or vice-chairman” substitute “convener or depute convener”.

(10) In section 47 (allowances for attending conferences and meetings)—

(a) in subsection (4), the words “, other than a water development board within the meaning of the Water (Scotland) Act 1980,”; and

(b) subsection (5),

shall cease to have effect.

(11) In section 50B (access to agenda and connected reports), in subsection (4)(b), for the word “chairman” substitute “convener”.

(12) In section 50K(2)(b) (interpretation), for “the enactment” substitute “either of the enactments”.

(13) In section 55 (assistance to community councils), for “islands and district councils” substitute “councils for local government areas”.

(14) In section 56 (arrangements for discharge of functions by local authorities)—

(a) in subsection (6), paragraphs (a) and (c) shall cease to have effect; and

(b) in subsection (9)—

(i) in paragraph (b), for "21 and 21A" substitute "and 21";

(ii) paragraph (c) shall cease to have effect; and

(iii) for paragraph (d) substitute—

"(d) paragraph 3 (Children's Panel Advisory Committees) and paragraph 5B (joint advisory committees) of Schedule 3 to the Social Work (Scotland) Act 1968;".

(15) In section 63 (application of Part V to police authorities)—

(a) in subsection (2) the words "or a district council" shall cease to have effect;

(b) in subsection (3), after paragraph (b) insert—

"(c) sections 62A to 62C.";

(c) in subsections (4) and (5), for the words "joint police committee", in each place where they occur, substitute "joint police board";

(d) in subsection (5)(a), the words "or district council" shall cease to have effect; and

(e) in subsection (5)(b) for the word "committee" substitute "board".

(16) After section 63 insert—

"**63A Sections 62A to 62C not to apply to fire authority**

Sections 62A to 62C of this Act shall not apply to a local authority in relation to their functions as a fire authority.".

(17) In section 64(5) (excepted enactments for purposes of section 64(4))—

(a) paragraphs (c) and (f) shall cease to have effect; and

(b) in paragraph (e), for "directors of social work" substitute "chief social work officers".

(18) In section 67 (members of authorities not to be appointed as officers), for the words "chairman or vice-chairman" substitute "convener or depute convener".

(19) In section 83 (power of local authorities to incur expenditure for certain purposes)—

(a) subsections (2A) and (2B) shall cease to have effect; and

(b) in subsection (3)(c), for the words "chairman of a regional, islands or district council, a chairman" substitute "convener of a local authority, a convener".

(20) In section 84 (powers of local authorities with respect to emergencies), subsection (2) shall cease to have effect.

(21) In section 87 (research and the collection of information)—

(a) in subsection (1)—

(i) for "council" substitute "local authority"; and

(ii) the words "any other local authority in the area," shall cease to have effect;

(b) in subsection (2)—

(i) for "a council" substitute "a local authority";

(ii) for the words from "council or" to "the council", where they first occur, substitute "local authority"; and

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(iii) the words from "and where" to the end shall cease to have effect; and

(c) subsection (3) shall cease to have effect.

(22) In section 92(2) (meanings of certain expressions for purposes of section), in the definition of "securities", for the words from "has" to the end substitute "means—

(a) investments falling within any of paragraphs 1 to 6 of Schedule 1 to the Financial Services Act 1986 or, so far as relevant to any of those paragraphs, paragraph 11 of that Schedule; or

(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any society registered under the Industrial and Provident Societies Act 1965 or any building society within the meaning of the Building Societies Act 1986.".

(23) In section 93 (general fund), for subsection (2)(b) substitute—

"(b) which relate to the common good of the council;".

(24) In section 94 (capital expenses), for subsection (1A) substitute—

"(1A) The provisions of this section shall apply to the Strathclyde Passenger Transport Authority as they apply to a local authority; and the giving of approval by the Strathclyde Passenger Transport Authority to any proposal for expenditure referred to in section 15(1)(c) of the Transport Act 1968 shall be deemed for the purposes of this section to be an incurring of liability by the Authority to meet capital expenses.".

(25) In section 100 (auditor's right of access to documents)—

(a) after subsection (1A) insert—

"(1B) Without prejudice to subsection (1) above, the auditor shall be entitled to require any officer, former officer, member or former member of an authority or body whose accounts are required to be audited in accordance with this Part of this Act to give him such information or explanation as he thinks necessary for the purposes of the audit and, if he thinks it necessary, to require any of the persons mentioned above to attend before him in person to give the information or explanation.";

(b) in subsection (2), for "subsection (1)" substitute "subsections (1) and (1B)"; and

(c) in subsection (3)—

(i) after "(1)" insert "or (1B)"; and

(ii) the words from "and to an additional fine" to the end shall cease to have effect.

(26) In subsection (3) of section 102 (reports to Commission by Controller of Audit), for the words "the audit" substitute "any matter arising out of the auditing".

(27) In section 103 (action by Commission for local authority accounts), for subsection (6)(b) substitute—

"(b) may require the attendance of members or officers, or former members or officers, of any local authority to give oral evidence to the Commission; and

(c) may pay to any person attending a hearing under this section such expenses as they think fit.".

(28) For section 123 (education authorities) substitute—

"**123 Education authorities**

The education authority for the purposes of the Education (Scotland) Act 1980 and any other enactment conferring functions on the education authority shall be a local authority.".

(29) For section 126 (disqualification for membership of education committees etc.) substitute—

"**126 Disqualification for membership of committees appointed by education authorities**

Notwithstanding the provisions of section 59 of this Act, a person shall not, by reason of his being a teacher employed in an educational establishment under the management of an education authority, be disqualified for being a member of—

(a) a committee such as is mentioned in subsection (1) of section 124 of this Act;

(b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or

(c) any sub-committee of such a committee or joint committee.".

(30) In section 128 (educational endowments), in Table B, in subsection (2), for the words "Chairman of council" substitute "Convener of council".

(31) In section 130 (housing)—

(a) in subsection (1), for "an islands or a district council" substitute "a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994"; and

(b) for subsection (2) substitute—

"(2) Before any local authority exercise outwith their area any power under Part I of the Housing (Scotland) Act 1987 (provision of housing accommodation) the authority shall give notice of their intention to do so to the local authority in whose area they propose to exercise the power, but failure to give any such notice shall not invalidate the exercise of the power.".

(32) In section 133 (roads), subsection (1) shall cease to have effect.

(33) Section 134(1) (building) shall cease to have effect.

(34) In section 135 (prevention of river pollution)—

(a) in subsection (2), for "islands councils" substitute "the councils for Orkney Islands, Shetland Islands and Western Isles";

(b) in subsection (3), for "islands areas" substitute "the areas mentioned in subsection (2) above";

(c) in subsection (5)—

(i) in paragraph (a), the words from "not" to the end shall cease to have effect; and

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(ii) for paragraph (b) substitute—

"(b) that one half of the members of the board shall be appointed from among their members by such of the councils wholly or partly within the area of the board and in such proportions as may be so specified; and that one half of the members of the board shall be appointed by the Secretary of State, after consultation with such bodies as he thinks fit, to represent the interests of persons concerned with the carrying on of agriculture, fisheries or industry in the board's area or any other interests which, in the opinion of the Secretary of State, should be represented on the board,";

(d) in subsection (6)(d), the word "regional" shall cease to have effect;

(e) in subsection (7)—

(i) for from "16th May 1975" to "burghs" substitute "1st April 1996, regional and district councils"; and

(ii) for from "Schedule 7" to the end of that subsection substitute "subsections (4) to (7) of section 63 of the Local Government etc. (Scotland) Act 1994 (alteration of water areas and sewerage areas) shall apply to the making of such an order as they apply to the making of an order under that section subject to such modifications as may be necessary";

(f) after subsection (7) insert—

"(7A) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament."; and

(g) in subsection (9), for from "water development" to "1980" substitute "joint board all the members of which, other than any ex officio members, are appointed by one or more local authorities".

(35) In section 135A(2) (variation of composition of river purification boards), for paragraphs (b) and (c) substitute—

"(b) that one half of the members of the board shall be appointed from among their members by such of the councils wholly or partly within the area of the board and in such proportions as may be so specified;".

(36) Section 137(1) (flood prevention) shall cease to have effect.

(37) Section 138(1) (coast protection) shall cease to have effect.

(38) Section 140 (allotments) shall cease to have effect.

(39) Section 142 (public health) shall cease to have effect.

(40) Sections 143 (transfer of functions under 1968 Act) and 148(1) (transfer of functions of regional water boards to water authorities) shall cease to have effect.

(41) In section 145 (Ordnance Survey)—

(a) in subsection (2)—

(i) for "regional, islands or district council" substitute "local authority"; and

(ii) for "council", where it secondly occurs, substitute "authority";

(b) in subsection (4), for "regional, islands or district council, as the case may be", in both places where it occurs, substitute "local authority"; and

(c) in subsection (5), for the words from "a region" to "may be" substitute "the area of a local authority".

(42) In section 146(5) (police), for the words "regions" and "region", in each place where either occurs, substitute respectively "areas" and "area".

(43) For section 150 (public transport) substitute—

"**150 Schedule 18 to continue to have effect**

Schedule 18 to this Act (amendment of certain enactments relating to transport) shall continue to have effect.".

(44) In section 153 (ferries)—

(a) in subsection (1)—

(i) for "local authorities" substitute "regional or islands councils"; and

(ii) the words "regional or islands" shall cease to have effect;

(b) in subsection (2)—

(i) the words "regional or islands" shall cease to have effect; and

(ii) the word "such", wherever it occurs, shall cease to have effect;

(c) in subsection (3)—

(i) the words "regional or islands" shall cease to have effect; and

(ii) the word "such", where it first occurs, shall cease to have effect; and

(d) in subsection (5), after "this section" insert "—

"council" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and".

(45) In section 154 (piers and harbours)—

(a) in subsection (1)—

(i) the words "Subject to subsection (3A) below" shall cease to have effect;

(ii) for "local authorities" substitute "regional, islands or district councils";

(iii) for "those authorities" substitute "regional, islands or district councils"; and

(iv) the words "regional or islands" shall cease to have effect;

(b) in subsection (2), the word "regional", in both places where it occurs, shall cease to have effect;

(c) in subsection (3), the words—

(i) "regional or islands"; and

(ii) "such",

shall cease to have effect;

(d) subsections (3A) and (3B) shall cease to have effect; and

(e) in subsection (7), after "this section" insert "—

"council" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and".

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(46) Section 155(1) (district council for purposes of Factories Act 1961) shall cease to have effect.

(47) Section 156(1) (local authority responsible for enforcing provisions of Offices, Shops and Railway Premises Act 1963) shall cease to have effect.

(48) Section 157 (local authority responsible for enforcing provisions of Shops Act 1950) shall cease to have effect.

(49) Section 159 (local authority not subject to requirements of Employers' Liability (Compulsory Insurance) Act 1969) shall cease to have effect.

(50) In section 163 (public libraries, museums and art galleries)—

(a) subsection (1);

(b) in subsection (2), the words "as aforesaid"; and

(c) subsection (3),

shall cease to have effect.

(51) Section 168 (census) shall cease to have effect.

(52) In section 169(1) (functions in relation to burial grounds etc.)—

(a) for "councils", where it first occurs, substitute "islands or district councils"; and

(b) for "islands or district councils" substitute "councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994".

(53) In section 170(1) (war memorials), for "islands or district council" substitute "local authority within the meaning of this Act".

(54) In section 170A(5) (application of certain provisions of the 1980 Act to pipes and works for conveying heat etc.)—

(a) paragraph (a) shall cease to have effect; and

(b) for paragraphs (c) and (d) substitute—

"and

(c) for any reference to a water authority there were substituted a reference to the local authority in question, whether acting alone or jointly with some other person.".

(55) In section 170B(2) (provisions supplementary to section 170A)—

(a) the words "or water development boards" where they first occur shall cease to have effect; and

(b) for the words "water authorities or water development boards" substitute "a water authority".

(56) Section 171(1) and (2) (local authority for the purposes of certain enactments) shall cease to have effect.

(57) For section 172 (planning authorities) substitute—

"**172 Planning authorities**

(1) The planning authority for the purposes of the Act of 1972 and this Part of this Act shall be a local authority; and the district of the planning authority shall be the area of the local authority.

(2) In the term "local planning authority", wherever it occurs in any enactment or instrument made under or by virtue of an enactment, the word "local" shall be omitted.

(3) In any enactment or instrument made under or by virtue of an enactment, a reference to a planning authority shall, unless otherwise provided, or unless the context otherwise requires, be construed as a reference to a local authority.

(4) In this Part of this Act "the Act of 1972" means the Town and Country Planning (Scotland) Act 1972.".

(58) For section 188 (miscellaneous licensing, registration and related matters) substitute—

"**188 Part III of Schedule 24 to continue to have effect**

Part III of Schedule 24 to this Act (miscellaneous licensing, registration and related matters) shall continue to have effect.".

(59) In section 190 (service of legal proceedings), for the word "chairman", in both places where it occurs, substitute "convener".

(60) For subsection (1) of section 194 (execution of deeds by local authority) substitute—

"(1) For a purpose other than is mentioned in subsection (1A) below, a document is validly executed by a local authority if signed on behalf of that authority by their proper officer.

(1A) For the purposes of any enactment or rule of law relating to the authentication of documents, a document is validly executed by a local authority if subscribed on behalf of the authority by being executed in accordance with the provisions of subsection (1) above.

(1B) A document which bears to have been executed by a local authority in accordance with subsection (1A) above shall, in relation to such execution, be a probative document if—

(a) the subscription of the document bears to have been attested by at least one witness; or

(b) the document bears to be sealed with the seal of the authority.".

(61) In section 201(1) (byelaws for good rule and government), for the words from "the region" to "be" substitute "their area".

(62) In section 202 (procedure, etc., for byelaws), subsection (13) shall cease to have effect.

(63) In section 206 (admission of honorary freemen)—

(a) in subsection (1)—

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(i) for "An islands or district council" substitute "A local authority";

(ii) for "council" substitute "authority"; and

(iii) for "the islands area or district", in both places where it occurs, substitute "their area"; and

(b) in subsection (2), for "islands or district council" substitute "local authority".

(64) Section 226 (transitional provision for joint boards existing before 16th May 1975) shall cease to have effect.

(65) Section 230 (transitional establishment of committees of local authorities) shall cease to have effect.

(66) In section 235(1) (interpretation)—

(a) the definitions of "area", "college council", "school council" and "education committee" shall cease to have effect;

(b) for the definition of "electoral area" substitute—

""electoral ward" shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994;";

(c) for the definition of "local authority" substitute—

""local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;"; and

(d) in the definition of "rating authority", for the words from "has" to "Act" substitute "shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994.".

(67) For Schedule 5 (initial review of local government areas and electoral arrangements) substitute—

"SCHEDULE 5 Section 20.

FIRST REVIEW OF ELECTORAL ARRANGEMENTS

1 As soon as practicable after 1st April 1996 the Boundary Commission shall—

(a) review the electoral arrangements for all local government areas for the purpose of considering future electoral arrangements for those areas; and

(b) formulate proposals for those arrangements.

2 The provisions of Part II of this Act shall apply to a review under paragraph 1 above as they apply to a review under section 16 of this Act except that section 17 of this Act shall have effect as if it required—

(a) the Boundary Commission to submit a report on any review before such date as the Secretary of State may direct; and

(b) the Secretary of State to make an order under the said section 17 giving effect to the proposals of the Commission under the said paragraph 1 (whether as submitted to him or with modifications).".

(68) For heads (a) to (c) of paragraph 1(2) of Schedule 6 (electoral arrangements) substitute ", the number of local government electors shall be, as nearly as may be, the same in every electoral ward of that local government area.".

(69) In Schedule 7 (meetings and proceedings of local authorities)—

(a) in paragraphs 1(4), 3(1), 3(2) and 3(3), for the word "chairman" substitute "convener";

(b) in paragraphs 3(2) and (3), for the words "vice-chairman" substitute "depute convener"; and

(c) in paragraph 5(1), after "such orders" insert "or to the procedure for early removal from office of the convener or depute convener".

(70) In paragraph 4(1) of Schedule 8 (provision as to Commission for local authority accounts), after "Commission" where it first occurs insert ", including any hearing under section 103 of this Act,".

(71) Schedule 13 (amendments of the Rent (Scotland) Act 1971) shall cease to have effect.

(72) Schedule 14 (amendments of enactments relating to roads) shall cease to have effect.

(73) In Schedule 17, in paragraph 1(1)(a) (general construction of certain references), the words "or to a constituent board" and "or to a constituent water authority" shall cease to have effect.

(74) Schedule 22 (planning functions) shall cease to have effect.