

Status: Point in time view as at 04/01/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Local Government (Scotland) Act 1975 (c.30). (See end of Document for details)

SCHEDULE 13

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government (Scotland) Act 1975 (c.30)

- 100 (1) The 1975 Act shall be amended in accordance with this paragraph.
- (2) In section 2(1)(e) (alterations to valuation roll which is in force)—
- (a) after “consequence of” insert “—
(i)”;
and
 - (b) after “1970” insert “or
(ii) the making of regulations under section 42 of the^{M1}Lands Valuation (Scotland) Act 1854;”.
- (3) In section 7A (provisions as to setting of non-domestic rates)—
- (a) for subsection (2) substitute—
“(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—
(a) in accordance with section 7 of this Act; or
(b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”; and
 - (b) subsection (3) shall cease to have effect.
- (4) For subsection (2) of section 7B (provisions as to setting of non-domestic rates) substitute—
“(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—
(a) in accordance with section 7 of this Act; or
(b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”.
- (5) In subsection (4) of section 8 (payment of rates by instalments), for from “the ground” to “1947” substitute “account of hardship under section 25A of the^{M2}Local Government (Scotland) Act 1966 ”.
- (6) In section 23 (authorities subject to investigation by the Commissioner for Local Government in Scotland)—
- (a) in subsection (1)—
 - (i) after paragraph (e) insert—
“(ee) a residuary body established under section 18 of the Local Government etc. (Scotland) Act 1994;”; and
 - (ii) after paragraph (i) insert—
“(j) the Strathclyde Passenger Transport Authority”;
and

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- (b) in subsection (2)—
 - (i) for paragraph (a) substitute—
 - “(a) any joint board constituted by an administration scheme under section 36 of the ^{M3}Fire Services Act 1947 or section 147 of the Act of 1973”;
 - (ii) in paragraph (b), for “committee” substitute “ board ”;
 - (iii) paragraph (c) shall cease to have effect; and
 - (iv) in paragraph (d), for the words from “of Schedule” to “Act of” substitute “ , or joint advisory committee formed under paragraph 5B, of Schedule 3 to the Social Work (Scotland) Act ”.
- (7) In subsection (2) of section 28 (reports on investigations), for the word “chairman” substitute “ convener ”.
- (8) In section 37(1) (interpretation), in the definition of “material change of circumstances”, for the word “for” substitute “ the members of which are drawn from the valuation appeal panel serving ”.
- (9) In Schedule 3 (borrowing and lending by local authorities)—
 - (a) for paragraph 8(3) substitute—
 - “(3) Sub-paragraphs (1) and (2) above shall not apply in the case of money borrowed for the purpose of the common good, nor shall the security created by those sub-paragraphs include the common good or the revenues thereof.”;
 - (b) in paragraphs 12(1), 13(1), 13(2) and 14, for “16th May 1975”, in each place where it occurs, substitute “ 1st April 1996 ”;
 - (c) after paragraph 12(1) insert—
 - “(1A) Sub-paragraph (1) above, so far as it relates to the establishment of a loans fund, does not apply to the councils of Orkney Islands, Shetland Islands and Western Isles, whose loans funds will continue in existence.”;
 - (d) for paragraph 12(2) substitute—
 - “(2) A loans fund shall not apply to money borrowed for the common good.”;
 - (e) in paragraph 13(1), for the words “section 128 of the Act of 1973 or which is referred to in section 222(2) or 223 of that Act” substitute “ section 17 of the Local Government etc. (Scotland) Act 1994 or which is referred to in section 15(5) or 16 of that Act ”;
 - (f) in paragraph 22—
 - (i) in sub-paragraph (1), after head (b) insert—
 - “(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.”; and

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- (ii) in sub-paragraph (2), after “repair fund” insert “ or the insurance fund ”.
- (g) in paragraph 24(1), after “repair fund” insert “ , or an insurance fund, ”;
- (h) in paragraph 28—
 - (i) in sub-paragraph (1), after “money,” insert “ the Strathclyde Passenger Transport Authority ”; and
 - (ii) in sub-paragraph (2), for the words from “Schedule to” to the end insert—
 - “(a) the aforesaid boards, either generally or to any particular board or class of board; and
 - (b) the Strathclyde Passenger Transport Authority”;
- (i) for paragraph 30 substitute—

“30 Nothing in this Schedule shall affect the power of a council having a common good to borrow on the security of the common good or any loan secured thereon.”; and
- (j) for paragraph 31 substitute—

- “31 In this Schedule, unless the context otherwise requires—
- “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 a council to borrow for the purposes of the common good; and
- “trustee securities” means any security in which trustees are for the time being authorised by law to invest trust money.”.

Commencement Information

- II** Sch. 13 para. 100 partly in force; Sch. 13. para. 100 not in force at Royal Assent see s. 184(2); Sch. 13. para. 100(1)(9)(f)(g) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(ix); Sch. 13 para. 100(2)(4)(5) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(iii); Sch. 13 para. 100(6)(a)(i) in force at 6.4.1995 by S.I. 1995/702, art. 4(1), Sch. 2; Sch. 13 para. 100(9)(h) in force at 31.3.1996 by S.I. 1996/323, art. 3(b); Sch. 13 para. 100(6)-(8)(9)(a)-(i) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

Marginal Citations

- M1** 1854 c. 91.
M2 1966 c. 51.
M3 1947 c. 41.

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