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## SCHEDULE 1

Section 1(2) and (4).

### NEW LOCAL GOVERNMENT AREAS

#### PART I

##### *New areas*

<i>New local government areas</i>	<i>Comprising area of</i>
City of Aberdeen.	Aberdeen District Council.
Aberdeenshire.	Banff and Buchan District Council; Gordon District Council; Kincardine and Deeside District Council.
Angus.	Angus District Council; Tayside electoral divisions 30 (Monifieth) and 31 (Sidlaw) (except first, polling district PDB; secondly, that part of polling district PDC lying to the east and south of a line commencing at the junction of unnamed roads at grid reference NO 3297 3106; then running northwest to the crossroads at Mains of Fowlis at grid reference NO 3247 3239; then running northeastward along the unnamed road between Mains of Fowlis and Liff to the western curtilage of the property known as Cater-Milly at grid reference NO 3300 3276; then running southward and eastward along the western and southern curtilages of the said property to the field boundary at grid reference NO 3308 3259; then continuing southeastward along the said field boundary and across the Liff Burn to the eastern perimeter of the woodland known as Gray Den at grid reference NO 3332 3239; then running north and east along the path running along the said eastern perimeter of Gray Den to its junction with the unnamed track between Liff and Mains of Gray at grid reference NO 3336 3273; then running north to the junction of the said track and the southern curtilage of the property known as Gray Cottage; then running northeastward along the southern curtilages of Gray Cottage, Learsmonth House, Woodend Cottages and No. 31 Church Road to the southern edge of Church Road where it runs between Liff and the Royal Dundee Liff Hospital then running eastward along the continuation of the said road past the northern perimeter of the

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said Hospital to the road junction at grid reference NO 3537 3276; thirdly, that part of polling district ADA lying to the east and south of a line commencing at a point on the A923 road at grid reference NO 3560 3378; then running north along the eastern curtilage of No 100 Coupar Angus Road and northwestwards along the northern curtilages of Nos 100 to 122 Coupar Angus Road to the eastern perimeter of Blairfield Road; then northwards along the said eastern perimeter to the field boundary at grid reference NO 3533 3436; then northeastwards along the said field boundary to its junction with Templeton Road at grid reference NO 3577 3455; fourthly, that part of polling district ADC lying to the east and south of a line commencing at grid reference NO 3660 3474 then running northward to the northwest corner of Baldragon Wood at grid reference NO 3658 3496; then running eastward along the northern perimeter of the said wood and continuing along the field boundary to grid reference NO 3725 3491; fifthly, those parts of polling districts ADE and ADF lying to the east and south of a line commencing on the southern boundary of polling district ADE on the A90 road at grid reference NO 4166 3458; then running northwards along the said A90 road to its intersection with Emmock Road at grid reference NO 4180 3508 then running southeastwards along the said Emmock Road to its junction with the unnamed road leading to South Powrie and Barns of Wedderburn then eastwards along the said unnamed road as far as the northwestern curtilage of Barns of Wedderburn at grid reference NO 4347 3469; then running southwestwards and southeastwards along the northwestern and southwestern perimeter of the said property to the point where it meets the unnamed road leading to Fintry at grid reference NO 4347 3458; then running southwestwards along the said unnamed road to the road junction at grid reference NO 4345 3452; and sixthly, those parts of polling districts EDN, EDQ, PDA, WED, WEE, WEF and WEG lying within its boundary).

Argyll and Bute.

Argyll and Bute District Council; Strathclyde electoral division 7 (Helensburgh) and, in Strathclyde electoral division 8 (Vale of

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	Leven), polling district DB77 and that part of polling district DB78 lying north of a line commencing at grid reference NS 3464 8256; then running northeastwards to the field corner at grid reference NS 3469 8264; then southeastwards to the field junction at grid reference NS 3608 8198; then northeastwards to the field junction at grid reference NS 3658 8242; then northwestwards to the junction of the field boundary and an unnamed burn at grid reference NS 3613 8269; then generally northeastwards along the course of the said burn to where it meets Loch Lomond at grid reference NS 3743 8336; then due northeastwards from that point to the eastern boundary of the said polling district in Loch Lomond.
East Ayrshire.	Kilmarnock and Loudoun District Council and Cumnock and Doon Valley District Council.
North Ayrshire.	Cunninghame District Council.
South Ayrshire.	Kyle and Carrick District Council.
The Borders.	Borders Regional Council.
Clackmannan.	Clackmannan District Council.
Dumbarton and Clydebank.	Clydebank District Council; Strathclyde electoral divisions 6 (Dumbarton) and 8 (Vale of Leven) (except the areas of the said electoral division 8 included in Argyll and Bute).
Dumfries and Galloway.	Dumfries and Galloway Regional Council.
East Dunbartonshire.	Bearsden and Milngavie District Council; Strathclyde electoral divisions 43 (Kirkintilloch), 44 (Strathkelvin North), 45 (Bishopbriggs) and the South Lenzie/Waterside district ward in Strathclyde electoral division 46 (Chryston).
City of Dundee.	City of Dundee District Council (except Tayside electoral division 30 (Monifieth) and those parts of 31 (Sidlaw) which are in Angus or Perthshire and Kinross).
City of Edinburgh.	City of Edinburgh District Council.
Falkirk.	Falkirk District Council.
Fife.	Fife Regional Council.
City of Glasgow.	City of Glasgow District Council except Strathclyde electoral divisions 37 (Rutherglen/Fernhill), 38 (Cambuslang/

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	Halfway) and, in 35 (King’s Park\Toryglen), polling districts RU03, RU04, RU09 and RU18.
Highland.	Highland Regional Council.
Inverclyde.	Inverclyde District Council.
North Lanarkshire.	Cumbernauld and Kilsyth, Motherwell and Monklands District Councils; Strathclyde electoral division 46 (Chryston) (except South Lenzie/Waterside district ward).
South Lanarkshire.	Clydesdale, Hamilton and East Kilbride District Councils; Strathclyde electoral divisions 37 (Rutherglen/Fernhill), 38 (Cambuslang/Halfway) and, in 35 (King’s Park/Toryglen), polling districts RU03, RU04, RU09 and RU18.
East Lothian.	East Lothian District Council.
Midlothian.	Midlothian District Council.
West Lothian.	West Lothian District Council.
Moray.	Moray District Council.
Orkney Islands.	Orkney Islands Council.
Perthshire and Kinross.	Perth and Kinross District Council and, in Tayside electoral division 31 (Sidlaw), polling district PDB and that part of polling district PDA lying to the south of a line commencing at a point adjacent to Starr Inn Farm at grid reference NO 3309 3051 on the A90 road; then running eastward along the said road to the junction at grid reference NO 3462 3079.
East Renfrewshire.	Eastwood District Council; Strathclyde electoral division 79 (Barrhead).
Renfrewshire.	Renfrew District Council (except Strathclyde electoral division 79 (Barrhead)).
Shetland Islands.	Shetland Islands Council.
Stirling.	Stirling District Council.
Western Isles.	Western Isles Islands Council.

## PART II

### *Provisions as to boundaries*

- 1 The boundaries of the new local government areas shall be mered by Ordnance Survey.
- 2 In this Schedule—

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“electoral division” means an electoral division for regional council elections as at 5th May 1994;

“polling district” means a polling district for regional council elections as at 1st December 1993; and

“ward” means a ward for district council elections as at 7th May 1992.

## SCHEDULE 2

Section 7(1).

### ESTABLISHMENT OF NEW LOCAL AUTHORITIES

#### *First elections of councillors*

- 1 (1) For the purpose of any election of councillors held before the relevant year of election, every local government area shall be divided into such electoral wards as may be specified in a direction made by the Secretary of State after carrying out, either before or after the passing of this Act, such consultation as he considers appropriate.
- (2) In this paragraph “relevant year of election” means, in relation to a local government area, the first year of ordinary election of councillors for that area occurring after the making of an order constituting the new electoral wards of that local government area in consequence of a review under Schedule 5 to the 1973 Act.
- (3) A direction under this paragraph may contain such incidental, consequential, transitional or supplementary provision as the Secretary of State may consider to be appropriate.
- 2 (1) Notwithstanding the provisions of section 41(1) (returning officer to be an officer of the council) of the <sup>M1</sup>Representation of the People Act 1983 (“the 1983 Act”), at the elections of councillors to be held on 6th April 1995, the returning officer shall be an officer appointed by such regional or district council as the Secretary of State may direct.
- (2) Section 42(5) (expenses of election) of the 1983 Act shall not apply to any such election, but all expenditure properly incurred by a returning officer or other officer shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions as may be agreed between them or, failing such agreement, by such of them, and in such proportions, as may be determined by the Secretary of State.
- (3) In this paragraph “existing authorities” means the authorities all or part of whose area is included in the area of the new authority whose council is being elected.

#### **Marginal Citations**

**M1** 1983 c. 2.

#### *Qualification for membership*

- 3 For the purposes of section 29 of the 1973 Act, in its application to a candidate for membership of a new local authority, the new local authority areas shall be

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treated as having been established not less than twelve months before the day of his nomination as such a candidate.

*First meetings of new councils*

- 4 (1) The first meeting of each new council shall be held within twenty-one days immediately following the day of election.
- (2) The first meeting shall be convened by a person designated for that purpose by the Secretary of State, and shall be held at such place as that person may appoint.
- (3) The notice of the meeting required by paragraph 2(1) of Schedule 7 to the 1973 Act shall, in the case of the first meeting, be published at the place where the meeting is to be held, and the summons to attend the meeting required by that paragraph shall be signed by the person designated as mentioned in sub-paragraph (2) above.
- 5 (1) Until the completion of the election of a convener at the first meeting of a new council, the returning officer appointed as mentioned in paragraph 2 above, or failing him any such councillor as may be selected by the councillors meeting together, shall exercise any functions falling to be exercised by the convener of the council, but the person so acting as convener shall not be entitled to vote unless he is a councillor for the new area.
- (2) At the first meeting of a new council the person designated as mentioned in paragraph 4(2) above shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
- (3) The standing orders for the regulation of the proceedings and business of an existing authority, designated by the Secretary of State, shall apply at the first meeting of a new council.

*Suspension of elections*

- 6 No election of councillors of an existing local authority shall be held on or after 16th November 1994, except an election to fill a casual vacancy where the date of the election has been fixed in accordance with section 37(1) of the 1973 Act before 16th November 1994; and on and after that date any such casual vacancy shall be filled by the authority themselves electing a person to fill that vacancy.

*Election of convener and depute convener after 1st April 1996*

- 7 (1) The term of office of the convener and any depute convener elected to a council following the ordinary election on 6th April 1995 shall terminate on the day of the first meeting of the council held on or after 1st April 1996.
- (2) At that meeting the election of a convener shall be the first business.
- (3) The retiring convener shall be eligible for re-election, but shall in any event preside until a convener has been elected.

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## SCHEDULE 3

Section 18(10).

### RESIDUARY BODIES

#### *Incorporation*

- 1 A residuary body shall—
- (a) be a body corporate; and
  - (b) have a common seal.

#### *Status*

- 2 A residuary body shall not be regarded as acting on behalf of the Crown and neither that body nor its members, officers or servants shall be regarded as Crown servants.

#### *Membership*

- 3 (1) Subject to the provisions of this paragraph, every member of a residuary body shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A residuary body shall consist of not less than three and not more than seven members appointed by the Secretary of State; and the Secretary of State shall appoint one of those members to be chairman and may appoint another to be deputy chairman of that body.
- (3) The Secretary of State may by order alter either of the numbers specified in subparagraph (2) above.
- (4) Any member may resign by notice in writing to the Secretary of State, and the chairman or deputy chairman may by a like notice resign his office as such.
- (5) The Secretary of State may remove a member from office if satisfied that the member—
- (a) has had his estate sequestrated, has made any arrangement with his creditors, has been adjudged bankrupt or has granted a trust deed or a composition contract for his creditors;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the body for a period of three months otherwise than for a reason approved by the body; or
  - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- (6) If the chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman.
- (7) An order under this paragraph shall be made by statutory instrument subject to annulment by resolution of either House of Parliament.
- 4 The Secretary of State shall satisfy himself—
- (a) before he appoints a person under paragraph 3(2) above, that the person has no financial or other interest likely to affect prejudicially performance as a member of the residuary body in question;
  - (b) from time to time, that each person so appointed continues, and has continued, to have no such interest.

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- 5 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 4(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of that requirement.

*Remuneration etc. of members*

- 6 (1) A residuary body shall pay to each member such remuneration and allowances (if any) as the Secretary of State may with the consent of the Treasury determine.
- (2) As regards any member of a residuary body in whose case the Secretary of State may so determine, the body shall pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may with the consent of the Treasury determine.
- (3) Where a person ceases to be a member of a residuary body otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the body shall pay as compensation to that person such amount as the Secretary of State may with the consent of the Treasury determine.
- (4) Where an employee of a residuary body becomes a member of that body and immediately before becoming a member was by reference to his employment by that body participating in a superannuation scheme, the body may make provision for him to continue to participate in that scheme, on terms and conditions determined by the body with the consent of the Secretary of State, as if his service as a member were service as an employee; and such scheme shall have effect subject to any provision made under this sub-paragraph.

*Staff*

- 7 A residuary body may appoint, on such terms and conditions as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine such employees as they think fit.
- 8 (1) A residuary body shall, in the case of such of their employees or former employees as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those employees;
  - (b) make such payments towards provision of such pensions, allowances or gratuities; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions allowances or gratuities,
- as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of employees of a residuary body includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such employee who suffers loss of office or employment.



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### *Proceedings*

- 9 (1) A member of a residuary body who is directly or indirectly interested in—
- (a) a contract made or proposed to be made by them; or
  - (b) any other matter whatsoever which falls to be considered by them,
- shall as soon as is practicable disclose the nature of his interest at a meeting of the body; and the disclosure shall be recorded in the minutes of the meeting.
- (2) In the case mentioned in—
- (a) head (a) of sub-paragraph (1) above, the member shall not take part in any deliberation or decision of the body with respect to the contract;
  - (b) head (b) of that sub-paragraph, the member shall not take part in any deliberation or decision of the body with respect to the matter if the body decide that the interest in question might affect prejudicially his consideration of the matter.
- (3) For the purposes of this paragraph, a notice to the effect that a person is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered after that date, shall if given at a meeting of the residuary body be a sufficient disclosure of the person's interest to the body.
- (4) For the purposes of this paragraph, disclosure at a meeting may be made without the attendance in person of the member in question provided that he takes reasonable steps to ensure that the matter disclosed is raised and taken into consideration at the meeting.
- 10 (1) A residuary body shall regulate its own proceedings.
- (2) The validity of any proceedings of a residuary body shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members, or by any failure to comply with any requirement of paragraph 9 above.

F11 .....

#### **Textual Amendments**

**F1** Sch. 3 para. 11 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

### *Delegation*

- 12 (1) Anything authorised or required by or under any enactment to be done by a residuary body may be done by any committee formed by them which, or by any of its members or officers who, is authorised (generally or specifically) for the purpose by the body.
- (2) Nothing in sub-paragraph (1) above shall prevent a residuary body from doing anything that a committee, member or officer has been authorised to do.

### *Acquisition and disposal of land*

- 13 (1) A residuary body may with the consent of the Secretary of State acquire by agreement any land required by it for carrying out its functions.

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- (2) A residuary body may dispose of any land held by it in such manner as it wishes and shall dispose of any land held by it which is not required by it for carrying out its functions.

*Borrowing and lending*

- 14 A residuary body may, subject to any directions by the Secretary of State, borrow and lend money for the purpose of carrying out any of their functions.

*Provision of services*

- 15 (1) A residuary body may by agreement with any relevant new authority, and on such terms as to payment or otherwise as the parties consider appropriate, provide that authority with professional or technical services.
- (2) In this paragraph “relevant new authority”, in relation to a residuary body, means a new authority exercising functions in the area for which that body is established.

*Provision of information by councils*

- 16 A local authority shall, on request, supply a residuary body with such information as the body may reasonably require from that authority for the purpose of carrying out their functions.

*Reports and information*

- 17 (1) A residuary body shall publish an annual report on the discharge of its functions.
- (2) A residuary body shall send to the Secretary of State a copy of any report made by it under sub-paragraph (1) above and the Secretary of State shall lay copies of it before each House of Parliament.
- (3) A residuary body shall furnish the Secretary of State with such information relating to the discharge of its functions as he may require, and for that purpose shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the body and shall afford such explanation of them as that person or the Secretary of State may require.

*Supervision by Commissioner for Local Administration in Scotland*

- 18 A residuary body established under this Act shall be included among the authorities to which Part II of the 1975 Act applies.

SCHEDULE 4

Section 33(2).

AMENDMENTS OF THE 1972 ACT

- 1 The 1972 Act shall be amended in accordance with this Schedule.

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- 2 In section 4 (survey of planning districts)—
- (a) for subsection (1) substitute—
- “(1) It shall be the duty of the planning authority to keep under review the matters which may be expected to affect the development of their district or the planning of its development.”;
- (b) for subsection (2) substitute—
- “(2) A planning authority may, if they think fit, institute a fresh survey, examining the matters referred to in subsection (1) above, of the whole or any part of their district, and references in subsection (3) of this section to the district of a planning authority shall be construed as including any part of that district which is the subject of a survey under this subsection.”.
- 3 In section 5 (preparation of structure plans), for subsection (1) substitute—
- “(1) Where, as a result of the making of an order under section 4A of this Act, the area in respect of which a planning authority are obliged (whether acting alone or jointly with another authority or authorities) to prepare a structure plan is different from the area in respect of which a structure plan is for the time being in force, they shall prepare and submit to the Secretary of State for his approval a structure plan for their district complying with the provisions of subsection (3) below, together with a copy of the report of any survey which they have carried out under section 4(2) of this Act.
- (1A) The Secretary of State may direct a planning authority to carry out their duty under subsection (1) above within a specified period from the direction, and any planning authority to whom such a direction is made shall comply with it.
- (1B) Where a structure plan area extends to the district of more than one planning authority, and the authorities concerned are unable to agree on a joint structure plan for that area, then, without prejudice to the Secretary of State’s powers under section 15 of this Act and section 62B (power of Secretary of State to establish joint boards) of the <sup>M2</sup>Local Government (Scotland) Act 1973 each authority concerned may include in the plan submitted to the Secretary of State alternative proposals in respect of particular matters.
- (1C) Where authorities submit alternative proposals under subsection (1B) above, such proposals shall be accompanied by a statement of the reasoning behind the proposals.
- (1D) The provisions of section 8(2) of this Act shall apply in relation to structure plans submitted to the Secretary of State under this section as they apply in relation to the submission of alterations to structure plans submitted to him under that section.”.

**Marginal Citations**

M2 1973 c. 65.

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- 4 In section 6 (publicity in connection with preparation of structure plans), after subsection (1) insert—
- “(1A) Where authorities submit alternative proposals in relation to particular matters to the Secretary of State under section 5(1B) of this Act, their duty under subsection (1) above is to secure that adequate publicity is given in each of their districts to all the matters which either or any of them propose to include in the plan.”.
- 5 After section 6 insert—
- “6A Consultation with other planning authorities.**
- Before submitting a structure plan or proposals for alteration thereof to the Secretary of State, a planning authority shall consult every other planning authority who are likely to be affected by the plan or proposals.”.
- 6 In section 7 (approval or rejection of structure plan by Secretary of State), in subsection (1), after “structure plan” insert “ (including any alternative proposals included in the plan by virtue of section 5(1B) of this Act) ”.
- 7 In section 9 (preparation of local plans), before subsection (3) insert—
- “(1A) Every planning authority shall prepare local plans for all parts of their district, and two or more planning authorities may make a joint local plan extending to parts of each of their districts.”.
- 8 In section 15 (default powers of the Secretary of State)—
- (a) in subsection (1)—
- (i) in paragraph (a) the words “, after holding a local inquiry or other hearing,” shall cease to have effect; and
- (ii) for the words “carry out the survey” substitute “ carry out a survey in accordance with the provisions of section 4 of this Act ”; and
- (b) after subsection (2) insert—
- “(2A) Where under subsection (1) of this section the Secretary of State has power to do anything which should have been done by a planning authority acting jointly with another planning authority or authorities, he may, if he thinks fit, authorise one of those authorities to do that thing on behalf of both or all of them.”.
- 9 In section 17 (meaning of “development plan”), at the end insert—
- “(5) For the avoidance of doubt it is provided that, notwithstanding—
- (a) any changes made to local government areas by the Local Government etc. (Scotland) Act 1994; and
- (b) any alterations to structure plan areas made by orders under section 4A of this Act,

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the structure plans and local plans made prior to the coming into force of the provisions mentioned in paragraphs (a) and (b) above shall remain in force until replaced by new plans made under or by virtue of those provisions.”.

- 10 For subsection (3) of section 102 (compulsory acquisition of land) substitute—  
“(3) Before giving an authorisation under subsection (2) of this section, the Secretary of State shall consult the local authority within whose area the land is situated.”.
- 11 For subsection (9) of section 201 (orders extinguishing right to use vehicles on highway) substitute—  
“(9) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not make an order under subsection (2) or (8) of this section, if they are not the roads authority, without obtaining the consent of that authority.”.
- 12 For subsection (5) of section 202 (provision of amenity for highway reserved to pedestrians) substitute—  
“(5) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not exercise any powers conferred by this section, if they are not the roads authority, without obtaining the consent of that authority.”.
- 13 In section 242(1) (contributions by local authorities and statutory undertakers)—  
(a) for the words from “any”, where it first occurs, to “may” substitute “ any local authority may ”; and  
(b) for the words from “of the”, where they thirdly occur, to the end substitute “ of the area of the local authority ”.
- 14 In section 243 (acquisition of property in certain circumstances), for the words “regional, islands or district council” substitute “ local authority ”.
- 15 In section 275(1) (interpretation), for the definition of “local authority” substitute—  
““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 5

Section 40(10).

### STRATHCLYDE PASSENGER TRANSPORT AUTHORITY

#### PART I

##### *The Authority*

- 1        In this Schedule “council” means a council constituted under section 2 of this Act.
- 2        The Authority shall consist of such number of members appointed respectively by such of the councils of constituent local authority areas, or by such two or more of the councils acting jointly, from among their own members as may be specified in an order made under section 40 of this Act.
- 3        The chairman of the Authority shall be such one of their number as the members of the Authority may appoint.
- 4        A person may be appointed as a member of the Authority under paragraph 2 above only if he is a member of the council or one of the councils by whom he is so appointed; and no person who is for the time being a member, officer or employee of the Strathclyde Passenger Transport Executive or who is for the time being an employee of a subsidiary of that Executive shall be appointed as a member of the Authority, and any person appointed to be a member of the Authority who subsequently becomes a member, officer or employee of that Executive or such a subsidiary shall forthwith vacate his membership of the Authority.
- 5        A person who at the date of his appointment as a member of the Authority was a member of the council or one of the councils by whom he was so appointed but who subsequently ceases to be a member of that council shall upon so ceasing also vacate office as a member of the Authority.
- 6        If at any time not less than three months after the coming into force of the order under section 40 of this Act providing for the constitution of the Authority, or after a vacancy has arisen among the members of the Authority which falls to be filled by an appointment made under paragraph 2 above, the initial appointment of any member of the Authority falling to be made under that order or, as the case may be, an appointment to fill that vacancy, has not been made, the Secretary of State, after consultation with the council or councils by whom the appointment falls to be made, may make the appointment on their behalf.

#### PART II

##### *Matters which may be dealt with by order under section 40*

- 1        The incorporation of the Authority.
- 2        The appointment in accordance with Part I of this Schedule of members of the Authority.
- 3        The terms on which and period for which the members of the Authority are to hold office, and the vacation of office by those members.
- 4        The payment of allowances to, or to any class of, members of the Authority, and the payment of remuneration to the chairman of the Authority.

*Status: Point in time view as at 01/04/1996.*

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- 5 The proceedings of the Authority.
- 6 The establishment by the Authority of committees and the composition of those committees, including the establishment of advisory committees consisting wholly or partly of persons who are not members of the Authority.
- 7 The delegation of functions by the Authority to a committee or to the chairman of the Authority.

F28 .....

**Textual Amendments**

**F2** Sch. 5 Pt. II para. 8 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

- 9 The appointment by the Authority of officers and staff and the payment of remuneration and allowances to any officers and staff appointed by the Authority.
- 10 Provision as to the superannuation of officers and staff of the Authority.
- 11 The provision of accommodation for the Authority by the Authority or by the Strathclyde Passenger Transport Executive.
- 12 Provision applying, with or without modifications, to the Authority or to persons who are or have been members or officers of the Authority any enactment or instrument made under an enactment relating, as the case may be, to, or to persons who are or have been members of, or officers of local authorities or local authorities of a particular description.
- 13 The making of reports and the furnishing of information by the Authority to the Secretary of State.
- 14 Any particular matters to be dealt with in the annual report of the Authority under section 16 of the <sup>M3</sup>Transport Act 1968.

**Marginal Citations**

**M3** 1968 c. 73.

- 15 Provision for the council or councils by whom a member of the Authority is appointed to appoint also a deputy to act in that member's place at any meeting of the Authority from which that member is absent, and for applying in relation to any such deputy, with or without modifications, any provision with respect to members of the Authority made by the said Act of 1968 or by the order.
- 16 Provision, as respects any period before the Authority appoint or are provided with their own officers, for the discharge of functions of officers of the Authority (including the convening of the first meeting of the Authority) by such officers of such of the councils of constituent areas as may be determined in accordance with the order.

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SCHEDULE 6

Section 52(3).

ENTRY RELATING TO NEW SCOTTISH LOCAL AUTHORITY TO BE  
 INSERTED IN SCHEDULE 1 TO THE <sup>M4</sup>TWEED FISHERIES ACT 1969

**Marginal Citations**

M4 1969 c. xxiv.

<i>Local authority</i>	<i>Number of representatives</i>	<i>Part of local authority area represented</i>	<i>Number of representatives for each Part</i>	<i>Number of representatives of associations and clubs</i>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
"The Borders Council.	34	Former Burgh of Coldstream.	2	1
		Former Burgh of Duns.	2	1
		Former Burgh of Eyemouth.	2	1
		Remainder of the area of the former District of Berwickshire.	3	2
		Former Burgh of Jedburgh.	2	1
		Former Burgh of Kelso.	2	1
		Former Burgh of Hawick.	2	1
		Remainder of the area of the former District of Roxburgh.	3	2
		Former Burgh of Selkirk.	2	1
		Former Burgh of Lauder.	2	1
Former Burgh of Galashiels.	2	1		
Former Burgh of Melrose.	2	1		
Remainder of the area of the former District	3	2		



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of Ettrick and  
Lauderdale.

Former Burgh of 2 1  
Peebles.

Former Burgh of 2 1  
Innerleithen.

Remainder of the 1  
former District  
of Tweeddale.”

## SCHEDULE 7

Section 62(2).

### CONSTITUTION AND PROCEEDINGS ETC. OF A NEW WATER AND SEWERAGE AUTHORITY

#### *Incorporation*

- 1 A new water and sewerage authority (in this Schedule referred to as an “authority”) shall—
- (a) be a body corporate; and
  - (b) have a common seal.

#### *Status*

- 2 An authority shall not—
- (a) be regarded as a servant or agent of the Crown;
  - (b) have any status, immunity or privilege of the Crown;
  - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local,
- and the property of an authority shall not be regarded as property of, or held on behalf of, the Crown.

#### *Membership*

- 3 The members of an authority shall be—
- (a) not fewer than seven, nor more than eleven, persons appointed under this sub-paragraph by the Secretary of State from persons who appear to him to have knowledge or experience relevant to the discharge of the functions of the authority; and
  - (b) the person who is for the time being the chief executive of the authority.
- 4 The Secretary of State shall satisfy himself—

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- (a) before he appoints a person under paragraph 3(a) above, that the person has no financial or other interest likely to affect prejudicially performance as a member of the authority in question;
- (b) from time to time, that each person so appointed continues, and has continued, to have no such interest.
- 5 A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in paragraph 4(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of that requirement.
- 6 Subject to paragraphs 7 and 8 below, each member of an authority other than their chief executive—
- (a) shall hold and vacate office in accordance with the terms of the instrument under which he is appointed a member;
- (b) may, by written notice to the Secretary of State, resign membership; and
- (c) after ceasing to hold office shall be eligible for reappointment to the authority.
- 7 The Secretary of State may remove a member, other than the chief executive, of an authority from office if satisfied that the member—
- (a) has had his estate sequestrated, has been adjudged bankrupt, has made an arrangement with his creditors, or has granted a trust deed for his creditors or a composition contract;
- (b) is incapacitated by physical or mental illness;
- (c) has been absent from meetings of the authority in question for a period longer than three consecutive months without the permission of the authority; or
- (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

#### *Chairmen and deputy chairmen*

- 8 (1) The Secretary of State shall appoint one of the members of an authority, other than their chief executive, to be their chairman and, after consulting the chairman, may appoint any one of the members to be deputy chairman; and a chairman, or as the case may be deputy chairman, shall hold and vacate the office in question in accordance with the terms of the instrument under which he is appointed to that office.
- (2) A member of the authority may resign as chairman or deputy chairman by written notice to the Secretary of State; but a chairman or deputy chairman who ceases to be a member of the authority (whether or not on giving notice under paragraph 6(b) above) ceases to be their chairman or deputy chairman.
- (3) Where a member of an authority becomes, or ceases to be, the chairman or deputy chairman of the authority, the Secretary of State may vary the terms of the instrument

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under which he is appointed a member so as to alter the date on which office as a member is to be vacated.

### *Remuneration, allowances and pensions*

- 9 (1) An authority shall pay to their chairman, deputy chairman and members, other than the chief executive—
- (a) such remuneration as the Secretary of State may, with the approval of the Treasury, determine; and
  - (b) such reasonable allowances as may be so determined in respect of expenses properly incurred in the performance (as chairman, deputy chairman or as the case may be members) of duties.
- (2) Where a person (other than a chief executive) ceases to be a member of an authority otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which might make it right for the person to receive compensation, the Secretary of State may, with the approval of the Treasury, direct the authority to pay to the person such amount as the Secretary of State may, with such approval, determine.
- 10 The Secretary of State may, with the consent of the Treasury, determine that in respect of any office held by a person as chairman, deputy chairman or member (other than the chief executive) of an authority, the authority in question shall pay—
- (a) such pension, allowance or gratuity to, or in respect of, that person on his retirement or death;
  - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as may be so determined.

### *Staff*

- 11 The Secretary of State shall, after consultation with an authority's chairman or chairman designate (if there is a person holding, or as the case may be designated to hold, that office) make the first appointment of their chief executive on such terms and conditions as the Secretary of State may, with the consent of the Treasury, determine; and the authority may, with the approval of the Secretary of State, make subsequent appointments to the office of chief executive on such terms and conditions as they may with the approval of the Secretary of State, given with the consent of the Treasury, determine.
- 12 (1) Subject to any provision made by virtue of Chapter 2 of Part I of this Act, an authority may appoint on such terms and conditions as they may with the approval of the Secretary of State, given with the consent of the Treasury, determine, such other employees as they consider appropriate.
- (2) An authority shall, as regards such of their employees as they may with the approval of the Secretary of State, given with the consent of the Treasury, determine, make such arrangements as they consider appropriate for providing, to or in respect of those

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employees, pensions, allowances or gratuities; and such arrangements may include the establishment and administration, by the authority or otherwise, of one or more pension schemes.

- (3) The reference in sub-paragraph (2) above to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.
- (4) If a person employed by an authority becomes a member of the authority and was by virtue of that employment a participant in a pension scheme administered by the authority for the benefit of their employees, the authority may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 10 above; but if the authority do so determine, then any discretion as to the benefits payable to or in respect of the person which the scheme confers on them shall be exercisable only with the consent of the Secretary of State given with the approval of the Treasury.

#### *Committees*

- 13 The authority may establish committees for or in connection with the discharge of such of their functions, or the exercise of such of their powers, as the authority may determine.

#### *Proceedings*

- 14 The quorum of an authority, and the arrangements for their meetings, shall be such as the authority in question may determine.
- 15 (1) A member of an authority who is directly or indirectly interested in—  
 (a) a contract made or proposed to be made by them; or  
 (b) any other matter whatsoever which falls to be considered by them,  
 shall as soon as is practicable disclose the nature of his interest at a meeting of the authority; and the disclosure shall be recorded in the minutes of the meeting.
- (2) In the case mentioned in—  
 (a) head (a) of sub-paragraph (1) above, the member shall not take part in any deliberation or decision of the authority with respect to the contract;  
 (b) head (b) of that sub-paragraph, the member shall not take part in any deliberation or decision of the authority with respect to the matter if the authority decide that the interest in question might affect prejudicially his consideration of the matter.
- (3) For the purposes of this paragraph, a notice to the effect that a person is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter whatsoever concerning the body corporate or firm which falls to be considered after that date, shall if given at a meeting of the authority be a sufficient disclosure of the person's interest to the authority.

*Status: Point in time view as at 01/04/1996.*

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- (4) For the purposes of this paragraph, disclosure at a meeting may be made without the attendance in person of the member in question provided that he takes reasonable steps to ensure that the matter disclosed is raised and taken into consideration at the meeting.

- 16 The validity of any proceedings of an authority shall not be affected by any vacancy among the members of the authority, or by any defect in the appointment of a member, or by any failure to comply with any requirement of paragraph 15 above.

.....  
F3 17

**Textual Amendments**

F3 Sch. 7 para. 17 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

*Delegation of powers*

- 18 (1) Anything authorised or required by or under any enactment to be done by the authority may be done by any of their committees which, or by any of their members or officers who, are authorised (whether generally or specially) for the purpose by them.
- (2) Nothing in sub-paragraph (1) above shall prevent the authority from doing anything that a committee, member or officer has been authorised to do.

SCHEDULE 8

Section 62(3).

WATER AND SEWERAGE AREAS

<i>Water or Sewerage Area</i>	<i>Area by reference to existing or former administrative areas</i>
Eastern Water Area	Lothian Region. Borders Region. Fife Region. Central Region. The former county of Kinross (in this Schedule referred to as the first added area). That part of the former counties of Stirling and Dunbarton which on 16th May 1975 lay within both Strathclyde Region and the

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	region of the former Mid-Scotland Water Board (such part being in this Schedule referred to as the second added area).
	That part of Stirling District and Central Region situated at Craigmaddie Loch which on 1st April 1977 was transferred to Strathkelvin District and Strathclyde Region (such part being in this Schedule referred to as the third added area).
Eastern Sewerage Area	Lothian Region. Borders Region. Fife Region. Central Region. The first added area.
Western Water Area	Strathclyde Region except the second and third added areas. Dumfries and Galloway Region.
Western Sewerage Area	Strathclyde Region. Dumfries and Galloway Region.
Northern Water Area	Highland Region. Grampian Region. Tayside Region except the first added area. The Islands Areas.
Northern Sewerage Area	Highland Region. Grampian Region. Tayside Region except the first added area. The Islands Areas.

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## SCHEDULE 9

Section 67(2).

CONSTITUTION AND PROCEEDINGS ETC. OF THE SCOTTISH  
WATER AND SEWERAGE CUSTOMERS COUNCIL.

*Incorporation*

- 1 The Customers Council shall be a body corporate.

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*Status: Point in time view as at 01/04/1996.*

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### *Status*

- 2 The Customers Council shall not be regarded as a servant or agent of the Crown and shall not have any status, immunity or privilege of the Crown.

### *Membership*

- 3 The members of the Customers Council shall be not fewer than eight, nor more than twelve, persons appointed under this paragraph by the Secretary of State from persons who appear to him to have knowledge or experience relevant to the discharge of the functions of the Council but who are not members or employees of any of the new water and sewerage authorities; so however that he shall seek to ensure that the appointees include persons appropriate to represent, both as respects domestic and as respects non-domestic services, the interests of, respectively—
- (a) customers and potential customers such as are mentioned in section 65(2)(a)(ii) of this Act; and
  - (b) other customers and potential customers.
- 4 For the purposes of paragraph 3 above, services are domestic if provided to dwellings (“dwelling” having the same meaning as in Part II of the <sup>M5</sup>Local Government Finance Act 1992) and are otherwise non-domestic.

#### **Marginal Citations**

**M5** 1992 c. 14.

- 5 The Secretary of State shall appoint one of the members of the Customers Council to be its chairman and another of them to be its deputy chairman.
- 6 A member of the Customers Council shall hold and vacate office in accordance with the terms of the instrument appointing him and shall, on ceasing to hold office, be eligible for re-appointment; but his membership shall terminate forthwith on his becoming a member or employee of any of the new water and sewerage authorities.

### *Members’ remuneration, pensions and allowances*

- 7 (1) The Customers Council shall pay to its chairman, deputy chairman and members—
- (a) such remuneration as the Secretary of State may, with the approval of the Treasury, determine; and
  - (b) such reasonable allowances as may be so determined in respect of expenses properly incurred in the performance (as chairman, deputy chairman or as the case may be members) of duties.

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- (2) Where a person ceases to be a member of the Customers Council otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which might make it right for the person to receive compensation, the Secretary of State may, with the approval of the Treasury, direct the Council to pay to the person such amount as the Secretary of State may, with such approval, determine.
- 8 The Secretary of State may, with the consent of the Treasury, determine that in respect of any office held by a person as chairman, deputy chairman or member of the Customers Council, the Council shall pay—
- (a) such pension, allowance or gratuity to, or in respect of, that person on his retirement or death;
  - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as may be so determined.

#### *Staff*

- 9 (1) The Customers Council may appoint on such terms and conditions as it may with the approval of the Secretary of State, given with the consent of the Treasury, determine, such employees as it considers appropriate.
- (2) The Customers Council shall not appoint a person to act as its principal officer except after consultation with the Secretary of State.
- (3) The Council shall, as regards such of its employees as it may with the approval of the Secretary of State, given with the consent of the Treasury, determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions, allowances or gratuities; and such arrangements may include the establishment and administration, by the Council or otherwise, of one or more pension schemes.
- (4) The reference in sub-paragraph (3) above to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.
- (5) If a person employed by the Customers Council becomes a member of the Council and was by virtue of that employment a participant in a pension scheme administered by the Council for the benefit of its employees, the Council may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but if the Council does so determine, then any discretion as to the benefits payable to or in respect of the person which the scheme confers on the Council shall be exercisable only with the consent of the Secretary of State given with the approval of the Treasury.



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### *Committees*

- 10 (1) For or in connection with the discharge of such of its functions, or the exercise of such of its powers, as the Customers Council may determine, it shall establish three committees, the first for the eastern water area and the eastern sewerage area, the second for the western water area and the western sewerage area and the third for the northern water area and the northern sewerage area.
- (2) Each committee shall consist of—
- (a) a chairman, appointed by the Customers Council, with the approval of the Secretary of State, from the members of the Council; and
  - (b) not fewer than seven, nor more than eleven, members appointed by the Council from persons who are neither members nor employees of the Council or of a new water and sewerage authority, so however that the Council shall seek to ensure, as respects its appointments under this paragraph, that which the Secretary of State is required to seek to ensure as respects his appointments under paragraph 3 (as read with paragraph 4) of this Schedule.
- (3) The terms on which a person appointed under sub-paragraph (2)(b) above shall hold office shall be determined by the Customers Council but his membership of the committee in question shall terminate forthwith on his becoming a member or an employee of any of the new water and sewerage authorities or a member or employee of the Council.
- (4) The Customers Council may pay to a person appointed under sub-paragraph (2)(b) above (in respect of his activities as committee member) travelling and other allowances in accordance with such arrangements as may be determined by the Secretary of State with the approval of the Treasury.

### *Public Committee Meetings*

- 11 In every financial year, at least one meeting of each committee established under paragraph 10 above shall be open to all members of the public.

VALID FROM 01/11/1999

## [<sup>F4</sup>SCHEDULE 9A

THE WATER INDUSTRY COMMISSIONER FOR  
SCOTLAND AND CONSULTATIVE COMMITTEES]

### **Textual Amendments**

**F4** Sch. 9A inserted (1.11.1999) by 1999 c. 9, s. 12(4), Sch. 2; S.S.I. 1999/133, art. 2(a)(d)

*Status: Point in time view as at 01/04/1996.*

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## SCHEDULE 10

Section 79(4).

### RECOVERY BY DILIGENCE OF CHARGES PAYABLE TO A COLLECTING AUTHORITY BY VIRTUE OF SECTION 79

- 1 (1) This Schedule applies to any sum which has become payable to a collecting authority by virtue of section 79 of this Act and has not been paid.
- (2) References in sub-paragraph (1) above to a sum which has become payable and has not been paid include references to a sum forming part of a larger sum which has become payable and the other part of which has been paid.
- 2 (1) Subject to sub-paragraphs (4) and (5) below, any sum to which this Schedule applies may be recovered by the collecting authority by diligence—
  - (a) authorised by a summary warrant granted under sub-paragraph (2) below; or
  - (b) in pursuance of a decree granted in an action of payment.
- (2) The sheriff, on an application by the authority which is accompanied by a certificate from them containing such particulars as may be prescribed by the Secretary of State by regulations, shall grant a summary warrant in a form provided for by Act of Sederunt authorising the recovery, by way of any of the diligences mentioned in sub-paragraph (3) below, of the amount of the sum remaining due and unpaid along with a surcharge of 10 per cent. of that amount.
- (3) The diligences referred to in sub-paragraph (2) above are—
  - (a) a poiding and sale in accordance with Schedule 5 to the <sup>M6</sup>Debtors (Scotland) Act 1987;
  - (b) an earnings arrestment;
  - (c) an arrestment and action of furthcoming or sale.
- (4) It shall be incompetent for the sheriff to grant a summary warrant under sub-paragraph (2) above in respect of any sum to which this Schedule applies if an action has already been raised for the recovery of that sum; and, without prejudice to sub-paragraph (5) below, on the raising of an action for the recovery of any such sum, any existing summary warrant, in so far as it relates to the recovery of that sum, shall cease to have effect.
- (5) It shall be incompetent to raise an action in Scotland for the recovery of any sum to which this Schedule applies if, in pursuance of a summary warrant, any of the diligences mentioned in sub-paragraph (3) above for the recovery of that sum has been executed.
- (6) The Secretary of State may by order substitute another percentage for the percentage which is for the time being mentioned in sub-paragraph (2) above.
- (7) The power to make regulations under sub-paragraph (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and a statutory instrument containing an order made under sub-paragraph (6) above shall be so subject.

*Status: Point in time view as at 01/04/1996.*

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**Marginal Citations**

M6 1987 c. 18.

- 3 No misnomer or inaccurate description of any person or place, or mistake or informality, in any notice or other document or communication relating to a demand for, or the recovery of, charges payable to the collecting authority by virtue of section 79 of this Act or in any proceedings for the payment of such charges shall prejudice such recovery.
- 4 (1) Subject to sub-paragraph (2) below, and without prejudice to paragraphs 25 to 34 of Schedule 5 to the <sup>M7</sup>Debtors (Scotland) Act 1987, the sheriff officer's fees, together with the outlays necessarily incurred by him, in connection with the execution of a summary warrant under paragraph 2 above shall be chargeable against the debtor.
- (2) No fees shall be chargeable by the sheriff officer against the debtor for collecting, and accounting to the collecting authority for, the sums paid to him by the debtor in satisfaction of an amount owing to the authority by way of charges payable to them by virtue of section 79 of this Act.

**Marginal Citations**

M7 1987 c. 18.

SCHEDULE 11

Section 95.

WATER AND SEWERAGE TRANSFER SCHEMES

*Allocation of property, rights and liabilities*

- 1 (1) The provisions of this paragraph and of paragraphs 2 and 3(1) below shall have effect where a transfer to which this Schedule applies is a transfer of property, rights and liabilities of a regional or islands council and the question of allocation of the property, rights and liabilities as between the regional council's successor, or the islands council, and the transferee arises.
- (2) Any property, right or liability referable partly to the functions of the council which are transferred and partly to the functions which are retained for the regional council's successor, or the islands council, shall (where the nature of the property, right or liability permits) be divided or apportioned between the successor, or council, and the transferee in such proportions as may be appropriate; and, where any estate or interest in land falls to be so divided, any rent payable by or to any party in respect of that land and any feu-duty, stipend or other outgoing running with the land or right shall be divided or apportioned correspondingly.

*Status: Point in time view as at 01/04/1996.*

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- (3) Any property, right or liability referable as mentioned in sub-paragraph (2) above but the nature of which does not permit its division or apportionment as so mentioned, shall be transferred to the transferee or retained for the regional council's successor, or the islands council, according to—
- (a) in the case of an estate or interest in land, whether on the transfer date the successor, or islands council, or the transferee appears to be in greater need of the security afforded by that estate or interest or, where neither appears to be in greater need of that security, whether as from that date the successor, or islands council, or the transferee appears likely to make use of the land to the greater extent;
  - (b) in the case of any other property or any right or liability, whether as from the transfer date the successor, or islands council, or the transferee appears likely to make use of the property, or as the case may be to be affected by the right or liability, to the greater extent,
- subject (in either case) to such arrangements for the protection of the other of them as may be agreed between them.
- 2 (1) It shall be the duty of the council (or as the case may be the council's successor) and the transferee, whether before or after the transfer date, so far as practicable to arrive at such written agreements and to execute such other instruments as are necessary or expedient to identify or define the property, rights and liabilities transferred to the transferee or retained for the successor, or islands council, and as will—
- (a) afford to the successor, or islands council, and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
  - (b) make as from such date, not being earlier than the transfer date, as may be specified in the agreement or instrument such clarification and modifications of the division of the council's property, rights and liabilities as will best serve the proper discharge of the respective functions of the successor, or the islands council, and the transferee.
- (2) Any such agreement shall provide so far as it is expedient—
- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
  - (b) for the granting of indemnities in connection with the severance of leases and other matters; and
  - (c) for responsibility for registration of any matter in any statutory register.
- (3) If the council (or as the case may be the successor) or the transferee represent to the Secretary of State, or if it appears to the Secretary of State without such a representation, that it is unlikely in the case of any matter on which agreement is required under sub-paragraph (1) above that such agreement will be reached, the Secretary of State may, whether before or after the transfer date, give a direction determining that matter and may include in the direction any provision which might have been included in an agreement under sub-paragraph (1) above; and any property, rights or liabilities required by the direction to be transferred to the transferee shall accordingly be regarded as having been transferred to, and vested in, the transferee

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by virtue of the scheme (but not until the date of the direction if that is after the transfer date).

#### *Variation of transfers by agreement*

- 3 (1) At any time before the end of the period of twelve months beginning with the transfer date, the regional council’s successor, or the islands council, and the transferee may, with the approval of the Secretary of State, agree in writing that—
- (a) as from such date as may be specified in or determined under the agreement, and
  - (b) in such circumstances (if any) as may be so specified,
- there shall be transferred from the transferee to, and vested in, the successor, or the islands council, any property, rights and liabilities specified in the agreement.
- (2) Subject to sub-paragraph (3) below, in the case of an agreement under sub-paragraph (1) above, the property, rights and liabilities in question shall on the date of the coming into force of the agreement be transferred, and by virtue of the agreement vest, in accordance with the agreement.
- (3) The following provisions of this Schedule shall have effect as if—
- (a) any reference to a transfer to which this Schedule applies included a reference to a transfer effected in pursuance of an agreement under sub-paragraph (1) above;
  - (b) any reference to a transaction effected in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above included a reference to such an agreement; and
  - (c) any reference to a vesting by virtue of a transfer scheme included a reference to a vesting by virtue of such an agreement.

#### *Right to production of documents of title*

- 4 Where, on any transfer to which this Schedule applies, a regional council’s successor or an islands council is entitled to retain possession of any document relating in part to the title to, or to the management of, any land or other property transferred from the council in question, subsections (1) and (2) of section 16 of the <sup>M8</sup>Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) shall have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “ unless specially qualified ” were omitted.

#### **Marginal Citations**

**M8** 1979 c. 33.

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### *Certificate of vesting*

- 5 (1) In the case of any transfer to which this Schedule applies, a joint certificate by or on behalf of the transferor (or the transferor's successor) and the transferee that—
- (a) any property specified in the certificate;
  - (b) any such interest in or right over any such property as may be so specified; or
  - (c) any right or liability so specified,
- is, by virtue of this Act, vested in such one of them as may be so specified, or was at a date so specified thus vested, shall be conclusive evidence for all purposes of that fact.
- (2) If on the expiration of one month after a request from either the transferor (or the successor) or the transferee for the preparation of such a joint certificate as respects any property, interest, right or liability they have failed to agree on the terms of the certificate, they shall refer the matter to the Secretary of State and issue the certificate in such terms as he may direct.

### *Restrictions on dealing with certain land*

- 6 (1) If, as regards a transfer to which this Schedule applies from an islands or regional council, the Secretary of State is satisfied on the representation of the regional council's successor, or the islands council, or the transferee—
- (a) that, in consequence of the transfer, different interests in land, whether the same or different land, are held by the successor or islands council and by the transferee; and
  - (b) that the circumstances are such that this paragraph should have effect,
- the Secretary of State may direct that this paragraph shall apply to such of that land as may be specified in the direction.
- (2) While the direction mentioned in sub-paragraph (1) above remains in force—
- (a) neither the successor, or islands council, nor the transferee shall dispose of any interest to which they may respectively be entitled in any of the specified land, except with the consent of the Secretary of State;
  - (b) if, in connection with any proposal to dispose of any interest of either the successor (or council) or the transferee in any of the specified land, it appears to the Secretary of State to be necessary or expedient for the protection of either of them, he may—
    - (i) require either the successor (or council) or the transferee to dispose of any interest to which they may be entitled in any of the specified land to such person and in such manner as may be specified in the requirement;
    - (ii) require either the successor (or council) or the transferee to acquire from the other any interest in any of the specified land to which that other is entitled; or
    - (iii) consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose.

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- (3) A person other than the successor (or islands council) or the transferee dealing with, or with a person claiming under, either the successor (or council) or the transferee shall not be concerned—
- (a) to see or enquire whether this paragraph applies, or has applied, in relation to any land to which the dealing relates; or
  - (b) as to whether the provisions of this paragraph have been complied with in connection with that, or any other, dealing with that land;
- and no transaction between persons other than the successor (or council) and the transferee shall be invalid by reason only of a failure to comply with those provisions.

*Construction of agreements, statutory provisions and documents*

- 7 (1) This paragraph applies where, in the case of any transfer to which this Schedule applies, any rights or liabilities transferred are rights or liabilities under an agreement, whether in writing or not, to which the transferor was a party immediately before the transfer date and whether or not the agreement was of such a nature that rights and liabilities under it could be assigned by the transferor.
- (2) So far as relating to property, rights or liabilities transferred to the transferee, the agreement shall have effect on and after the transfer date as if—
- (a) the transferee had been the party to it;
  - (b) for any reference (whether express or implied and, if express, however worded) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee;
  - (c) any reference (whether express or implied and, if express, however worded) to a person employed by, or engaged in the functions of, the transferor and holding a specified office or serving in a specified capacity were, as respects anything falling to be done on or after the transfer date, a reference to such a person as the transferee may appoint or, in default of appointment, to a person employed by, or engaged in the functions of, the transferee who corresponds as nearly as may be to the first-mentioned person;
  - (d) any reference in general terms (however worded) to persons employed by, persons engaged in the functions of, or agents of, the transferor were, as respects anything to be done on or after the transfer date, a reference to persons employed by, persons engaged in the functions of, or agents of, the transferee.
- 8 (1) Except as otherwise provided in any provision of this Part of this Act (whether expressly or by necessary implication), paragraph 7 above shall, so far as applicable, apply in relation to—
- (a) any statutory provision,
  - (b) any provision of an agreement to which the transferor was not a party, and
  - (c) any provision of a document other than an agreement,
- if and in so far as the provision in question relates to any of the transferred property, rights and liabilities, as it applies in relation to an agreement to which the transferor was a party.

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- (2) In relation to any such statutory or other provision as is mentioned in sub-paragraph (1) above, references in sub-paragraph (2)(b), (c) and (d) of paragraph 7 above to the transferor and to any persons employed by, persons engaged in the functions of, or agents of, the transferor include references made by means of a general reference to a class of persons of which the transferor is one, though not specifically referred to.
- 9 (1) The transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability vested in the transferee by virtue of the scheme as they would have had if that right or liability had at all times been a right or liability of the transferee.
- (2) Any legal proceedings, or applications to any authority, pending on the transfer date by or against the transferor, in so far as they relate—
- (a) to any property, right or liability vested in the transferee by virtue of the scheme, or
- (b) to any agreement or enactment relating to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor or the transferor’s successor.
- (3) This paragraph is without prejudice to the generality of the provisions of paragraphs 7 and 8 above.
- 10 The provisions of paragraphs 7 to 9 above shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

*Third parties affected by vesting provisions*

- 11 (1) Without prejudice to the provisions of paragraphs 7 to 10 above, any transaction effected between the council (or the council’s successor) and the transferee in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the council (or successor) and the transferee, if they effect any transaction in pursuance of paragraph 2(1) above or of a direction under paragraph 2(3) above, to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the regional council’s successor, or the islands council, and as to part by or against the transferee; and if, within twenty-eight days of being notified, such a person applies to the Secretary of State and satisfies him that the transaction operated unfairly against him, the Secretary of State may give such directions to the successor, or the islands council, and the transferee as appear to him appropriate for varying the transaction.



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- (3) As respects a transfer to which this Schedule applies which is a transfer of property, rights and liabilities of a regional or islands council, if in consequence of the transfer or of anything done in pursuance of the provisions of this Schedule—
- (a) the rights or liabilities of any person other than the regional council's successor, or the islands council, and the transferee which are enforceable against or by the successor, or council, become enforceable as to part against or by the successor, or council, and as to part against or by the transferee, and
  - (b) the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the successor (or council), the transferee or both.
- (4) Subject to sub-paragraph (5) below, if it appears to the regional or islands council that a person is, or may be, entitled to compensation under sub-paragraph (3) above—
- (a) they shall by written notice inform the person that he is, or may be, so entitled and shall invite him to make such representations as he wishes to them within fourteen days after the date of issue of the notice; or
  - (b) where they do not know (either or both)—
    - (i) the name of the person concerned;
    - (ii) his address,they shall publish, in such manner as they consider appropriate, a notice containing information about the interest affected and inviting any person who thinks that he is, or may be, entitled to compensation in respect of the interest to make such representations as he wishes to them by a date which they shall specify in the notice, being a date not less than twenty-eight days after the date of publication.
- (5) Where the last of the fourteen days after the date of issue of a notice under head (a) of sub-paragraph (4) above falls on or after the transfer date, or the date specified in a notice published under head (b) of that sub-paragraph so falls, the notice shall direct that the representations be made to the transferor or, on or after that date, to the transferor's successor.
- (6) Any dispute as to whether any, and (if so) how much, compensation is payable under sub-paragraph (3) above, or as to the person to or by whom it shall be paid, shall be referred to and determined by an arbiter appointed by the Lord President of the Court of Session.
- (7) If, in the case of any transfer to which this Schedule applies, it appears to the court, at any stage in any court proceedings to which the transferor (or successor) or the transferee and a person other than the transferor (or successor) or the transferee are parties, that the issues in the proceedings—
- (a) depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor (or successor) and the transferee have not yet effected, or
  - (b) raise a question of construction of the relevant provisions of this Act which would not arise if the transferor (or successor) and the transferee constituted a single person,
- the court may, if it thinks fit on the application of a party to the proceedings other than the transferor (or the successor) or the transferee, hear and determine the proceedings on the footing that such one of the transferor (or successor) and the transferee as is party to the proceedings represents and is answerable for the other of them, and that

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the transferor (or successor) and the transferee constitute a single person; and any judgment or order given by the court shall bind both the transferor (or successor) and the transferee accordingly.

- (8) In the case of any transfer to which this Schedule applies, it shall be the duty of the transferor (or successor) and the transferee to keep one another informed of any case where either of them may be prejudiced by virtue of sub-paragraph (7) above; and if it is claimed by either the transferor (or successor) or the transferee there has been such prejudice and that the other of them ought to indemnify or make a repayment on that account but that there has been unreasonable failure to meet that claim, whichever of them so claims may refer the matter to the Secretary of State for determination by him.

### *Interpretation*

12 In this Schedule—

“islands council” shall, as the context may require, be construed either as a reference to the islands council of Orkney, Shetland or the Western Isles as the council in question exist or existed before 1st April 1996 or as a reference to Orkney Islands Council, Shetland Islands Council or Western Isles Council;

“statutory provision” means a provision, whether of a general or of a special nature, contained in, or in any document made or issued under, any Act and irrespective of whether the Act itself is of a general or of a special nature; and

“successor” shall be construed in accordance with section 92(9) of this Act.

## SCHEDULE 12

Section 128(6).

### STATUS, CONSTITUTION AND PROCEEDINGS OF THE SCOTTISH CHILDREN’S REPORTER ADMINISTRATION

#### *Status*

- 1 The Administration shall be a body corporate and shall have a common seal.
- 2 The Administration shall not—
- (a) be regarded as a servant or agent of the Crown;
  - (b) have any status, immunity or privilege of the Crown;
  - (c) be exempt from any tax, duty, rate, levy or other charge whatsoever whether general or local,
- and its property shall not be regarded as property of, or held on behalf of, the Crown.

#### *Membership*

- 3 (1) The members of the Administration shall be not fewer than five, nor more than eight, persons one of whom shall be the Principal Reporter; the others shall be appointed by the Secretary of State under this paragraph.

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- (2) The persons appointed under this paragraph to be members of the Administration shall be persons appearing to the Secretary of State to have knowledge or experience relevant to the general purpose of the Administration or to the functions of the Principal Reporter.
  - (3) The Secretary of State may, by order, substitute another number for that specified in sub-paragraph (1) above as the maximum number of members of the Administration.
  - (4) An order under sub-paragraph (3) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- 4 (1) The Secretary of State shall satisfy himself—
- (a) before he appoints a person to be a member of the Administration under paragraph 3 above that the person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
  - (b) from time to time that each person so appointed continues, and has continued, to have no such interest.
- (2) A person in respect of whom the Secretary of State requires to be satisfied as is mentioned in sub-paragraph (1)(b) above shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as the Secretary of State may consider necessary for the purposes of fulfilling that requirement.
- 5 Subject to paragraphs 6 and 7 below, each member of the Administration appointed under paragraph 3 above—
- (a) shall hold and vacate office in accordance with the terms of his appointment;
  - (b) may, by notice in writing to the Secretary of State, resign his membership; and
  - (c) after ceasing to hold office shall be eligible for reappointment as a member.
- 6 The Secretary of State may remove from office a member of the Administration appointed under paragraph 3 above if he is satisfied that the member—
- (a) has had his estate sequestrated, has made an arrangement with his creditors, has been adjudged bankrupt or has granted a trust deed for his creditors or a composition contract;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been absent from meetings of the Administration for a period longer than three months without the permission of the Administration; or
  - (d) is otherwise unable or unfit to discharge his functions as a member or is unsuitable to continue as a member.

*Chairman and deputy chairman*

- 7 (1) The Secretary of State shall appoint one of the members of the Administration appointed under paragraph 3 above to be chairman and, after consulting the chairman, shall appoint another of those members to be deputy chairman.
- (2) The chairman and deputy chairman shall hold and vacate office in terms of their respective appointments.
- (3) A member of the Administration who is chairman or deputy chairman may resign his office by notice in writing to the Secretary of State; and if the chairman or deputy

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chairman ceases to be a member of the Administration (whether or not on giving notice under paragraph 5(b) above) he shall cease to be its chairman or, as the case may be, deputy chairman.

- (4) Where a member of the Administration becomes, or ceases to be, chairman or deputy chairman, the Secretary of State may vary the terms of his appointment as a member so as to alter the date on which his office as a member is to be vacated.

#### *Remuneration and allowances*

- 8 (1) The Administration shall—
- (a) pay to its members appointed under paragraph 3 above such allowances (if any) and remuneration; and
  - (b) as regards any such member or former such member determined for the purposes of this paragraph by the Secretary of State, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity,
- as the Secretary of State may, with the approval of the Treasury, determine.
- (2) If a person appointed under paragraph 3 above ceases to be a member of the Administration, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may require the Administration to pay to that person a sum of such amount as the Secretary of State may, with the approval of the Treasury, determine.
- 9 (1) The Administration shall, in the case of such of its officers or former officers as it may, with the approval of the Secretary of State given with the consent of the Treasury, determine—
- (a) pay such pensions, allowances or gratuities to or in respect of those officers;
  - (b) make such payments towards provision of such pensions, allowances or gratuities; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- as it may, with such approval given with such consent, determine.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities in respect of officers of the Administration includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any such officer who suffers loss of office.
- (3) If an officer of the Administration becomes a member and was by reference to his office a participant in a pension scheme established and administered by it for the benefit of its officers—
- (a) the Administration may determine that his service as a member shall be treated for the purposes of the scheme as service as an officer whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but
  - (b) if the Administration determines as aforesaid, any discretion as to the benefits payable to or in respect of him which the scheme confers on the Administration shall be exercised only with the approval of the Secretary of State given with the consent of the Treasury.

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### *Proceedings*

- 10 (1) The Administration may regulate its own procedure.
- (2) The power conferred by sub-paragraph (1) above extends to making provision in relation to the quorum for the meetings of the Administration and the meetings of any committee established by it.
- (3) The proceedings of the Administration and of any committee established by it shall not be invalidated by any vacancy amongst its members or the members of such committee or by any defect in the appointment of such member.

### *Committees*

- 11 (1) The Administration may appoint persons who are not members of it to be members of any committee established by it.
- (2) No committee established by the Administration shall consist entirely of persons who are not members of the Administration.
- (3) The Administration shall pay to a person appointed to such a committee such remuneration and allowances (if any) as the Secretary of State may, with the consent of the Treasury, determine.
- (4) The Administration may regulate the procedure of any committee established by it and any such committee shall comply with any directions given to it by the Administration.

### *Delegation of powers*

- 12 (1) Anything authorised or required by or under any enactment to be done by the Administration may, subject to sub-paragraph (3) below, be done by any of its committees which, or by any of its members or officers who, is authorised (generally or specifically) for the purpose by the Administration.
- (2) Nothing in sub-paragraph (1) above shall prevent the Administration from doing anything that a committee, member or officer has been authorised to do.
- (3) Sub-paragraph (1) above does not extend to the duties of the Administration under section 136 of this Act.

### *Documents*

F<sup>6</sup>13 .....

#### **Textual Amendments**

**F6** Sch. 12 para. 13 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

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## SCHEDULE 13

Section 180(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Riotous Assemblies (Scotland) Act 1822 (c.33)*

- 1        In section 10 of the Riotous Assemblies (Scotland) Act 1822 (compensation for damage to buildings caused by acts of riotous assemblies etc.), for “regional or islands council” substitute “ council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.

#### *The Harbours, Docks and Piers Clauses Act 1847 (c.27)*

- 2        (1) The Harbours, Docks and Piers Clauses Act 1847 shall be amended in accordance with this paragraph.
- (2) In section 7 (deposit of sheriff’s certificate of correction), for “regional or islands council” substitute “ council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.
- (3) In section 8 (plans to be deposited before works may begin), for “of any region or islands area” substitute “ for any local government area (within the meaning of the Local Government etc. (Scotland) Act 1994) ”.

#### *The Burial Grounds (Scotland) Act 1855 (c.68)*

- 3        (1) The Burial Grounds (Scotland) Act 1855 shall be amended in accordance with this paragraph.
- (2) In each of sections 4 (proceedings on complaint of danger to health), 9 (meeting of board to be convened where requisitioned) and 10 (provision of suitable burial grounds by board after closure, etc.), for “ratepayers”, wherever it occurs, substitute “ persons (being ratepayers or persons liable to pay council tax) ”.
- (3) In section 10 (provision of suitable burial grounds by board after closure, etc.), the words “any of the Lords Ordinary of” and the words “And provided also, that no land shall be so designated nearer than one hundred yards to any dwelling house without the consent in writing of the owner of such dwelling house;” shall cease to have effect.
- (4) In section 11 (consents for new burial grounds), the words from “but no ground” to the end shall cease to have effect.

#### *The Explosives Act 1875 (c.17)*

- 4        (1) The Explosives Act 1875 shall be amended in accordance with this paragraph.
- (2) In section 110 (local authority), in paragraph 1, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 111 (expenses of local authority), in paragraph (a), for “regional or general rate” substitute “ non-domestic rate or the council tax ”.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

- II** Sch. 13 para. 4 wholly in force at 1.4.1996; Sch. 13. para. 4 not in force at Royal Assent see s. 184(2); Sch. 13. para. 4(1)(3) in force at 4.1.1995 by S.I. 1994/2850, art. 3(e)(ii); Sch. 13 para. 4 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Public Libraries Consolidation (Scotland) Act 1887 (c.42)*

- 5 For section 2 of the Public Libraries Consolidation (Scotland) Act 1887 (interpretation) substitute—

#### **“2 Interpretation.**

In this Act, except where the context otherwise requires, “library authority” and “museum and art gallery authority”, for the purposes of this Act, mean a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and “area”, in relation to such an authority, shall be construed accordingly.”.

#### *The Allotments (Scotland) Act 1892 (c.54)*

- 6 In section 16 of the Allotments (Scotland) Act 1892 (definitions), in the definition of “local authority”, for “an islands or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Merchant Shipping Act 1894 (c.60)*

F77 .....

#### Textual Amendments

- F7** Sch. 13 para. 7 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

#### *The Light Railways Act 1896 (c.48)*

- 8 In section 26 of the Light Railways Act 1896 (application to Scotland), in subsection (2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Public Health (Scotland) Act 1897 (c.38)*

- 9 In section 12 of the Public Health (Scotland) Act 1897 (local authorities for the purposes of the Act), for “The islands or district council” substitute “ A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Census Act 1920 (c.41)*

- 10 In section 9 of the Census Act 1920 (application to Scotland), for subsection (2) substitute—

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

*The Celluloid and Cinematograph Film Act 1922 (c.35)*

- 11 In section 10(1) of the Celluloid and Cinematograph Film Act 1922 (application to Scotland), in the definition of “Local authority”, for the words from “the” to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”.

*The Allotments (Scotland) Act 1922 (c.52)*

- 12 In section 19(1) of the Allotments (Scotland) Act 1922 (interpretation), for “an island or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Performing Animals (Regulation) Act 1925 (c.38)*

- 13 In section 6(a) of the Performing Animals (Regulation) Act 1925 (definition of “local authority” in application of Act to Scotland), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Agricultural Produce (Grading and Marking) Act 1928 (c.19)*

- 14 In section 8 of the Agricultural Produce (Grading and Marking) Act 1928 (application to Scotland), for the words from “region” to “county” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be substituted for references to a council of a county ”.

*The Petroleum (Consolidation) Act 1928 (c.32)*

- 15 In section 24 of the Petroleum (Consolidation) Act 1928 (application to Scotland), for subsection (1) substitute—

“(1) for paragraphs (a) and (c) of section 2(1) of this Act there shall be substituted the words “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.”.

*The Local Government (Scotland) Act 1929 (c.25)*

- 16 In section 29 of the Local Government (Scotland) Act 1929 (power of councils to expend money on public health propaganda), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Road Traffic Act 1930 (c.43)*

- 17 (1) The Road Traffic Act 1930 shall be amended in accordance with this paragraph.



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- (2) In section 108(1) (interpretation), in the definition of “district”, for “a region or islands area” substitute “the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In section 109(a) (definition of “local authority” in application of the Act to Scotland), for “a regional or islands council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (4) In section 119(3) (special provisions as to Scotland), for the words from “A” to “shall” substitute “A local roads authority shall”.

*The Church of Scotland (Property and Endowments) (Amendment) Act 1933 (c.44)*

- 18 In section 2(2) of the Church of Scotland (Property and Endowments) (Amendment) Act 1933 (transfer of certain churchyards), for the words from “of the” to “which” substitute “constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area”.

*The Private Legislation Procedure (Scotland) Act 1936 (c.52)*

- 19 In section 11(6) of the Private Legislation Procedure (Scotland) Act 1936 (powers of councils under Act), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Harbours, Piers and Ferries (Scotland) Act 1937 (c.28)*

- 20 In section 31(1) of the Harbours, Piers and Ferries (Scotland) Act 1937 (interpretation), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Children and Young Persons (Scotland) Act 1937 (c.37)*

- 21 In section 110(1) of the Children and Young Persons (Scotland) Act 1937 (interpretation), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Public Records (Scotland) Act 1937 (c.43)*

- 22 (1) The Public Records (Scotland) Act 1937 shall be amended in accordance with this paragraph.

- (2) In section 5 (transfer of records to Keeper)—

- (a) for subsection (2) substitute—

“(2) Notwithstanding anything contained in any enactment, it shall be lawful for any local authority or any statutory body corporate in Scotland, with the consent of the Keeper, to transmit such of their records as relate exclusively or mainly to Scotland to the Keeper for custody.

(2A) For the purposes of this section, “statutory body corporate” means any body corporate established by or under a statute relating to Scotland other than such bodies, or such classes of such bodies,

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as may be specified by the Secretary of State in an order made by statutory instrument.

(2B) Nothing in subsection (2) above shall apply to any burgh register of sasines or to any book or public record relating thereto.”.

(3) In subsection (1) of section 14 (interpretation), after the definition of “court records” insert—

“the expression “local authority” means an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and includes a joint board and a joint committee;

the expression “statutory body corporate” shall be construed in accordance with section 5(2A) above.”.

*The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (c.48)*

23 In section 6 of the Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Defence Act 1939 (c.31)*

24 In section 62(1A) of the Civil Defence Act 1939 (power of local authority to appropriate lands and buildings for purposes of civil defence etc.), in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Land Drainage (Scotland) Act 1941 (c.13)*

25 In section 7(1) of the Land Drainage (Scotland) Act 1941 (interpretation), in the definition of “rating authority”, for the words from “like” to “1929” substitute “ meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994 ”.

*The Public Health (Scotland) Act 1945 (c.15)*

26 In section 1(8) of the Public Health (Scotland) Act 1945 (local authorities for purposes of enforcement etc. of certain regulations), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Fire Services Act 1947 (c.41)*

27 (1) The Fire Services Act 1947 shall be amended in accordance with this paragraph.

(2) In section 15(2) (use of water for fire-fighting purposes)—

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- (a) at the beginning insert “ Without prejudice to section 9A of the <sup>M9</sup>Water (Scotland) Act 1980 (prohibition on any charge for water taken to extinguish fires etc.) and ”; and
- (b) the proviso shall cease to have effect.

(3) In section 36 (application of the Act to Scotland)—

- (a) in subsection (2)—
  - (i) the words “and thirty-six” and “and twenty-three” shall cease to have effect; and
  - (ii) for the words “joint committee” there shall be substituted the words “ joint board ”;
- (b) subsection (3) shall cease to have effect;
- (c) after subsection (3) insert—

“(3A) If it appears to any two or more fire authorities that it is expedient that their areas should be combined for fire-fighting purposes, they may submit to the Secretary of State a scheme in that behalf (in this section referred to as an “administration scheme”) and the Secretary of State may by order approve any such scheme submitted to him.

(3B) A scheme under subsection (3A) above shall make provision with respect to the matters mentioned in paragraphs (c) and (d) of subsection (8A) below.

(3C) The power to make an order under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;

- (d) in subsection (4)—
  - (i) for paragraph (a) substitute—
    - “(a) the dis-establishment of the fire brigades maintained by the several fire authorities, the establishment and maintenance of a combined fire brigade for the combined area, and the appointment, subject to any regulations made under this Act, of a firemaster of that combined brigade.”;
    - and
  - (ii) for the words “joint committee”, in each place where they occur, there shall be substituted the words “ joint board ”;
- (e) in subsection (5), for the words “joint committee”, in each place where they occur, there shall be substituted the words “ joint board ”;
- (f) after subsection (5) insert—

“(5A) Not later than 3 months before the date on which a scheme approved under subsection (3A) above or, as the case may be, made under subsection (8)(b) below is intended to come into effect, every fire authority in respect of whose area or combined area such a scheme has been approved or made shall prepare and submit to the Secretary of State for his approval an establishment scheme for their area or combined area under section 19 of this Act, and the Secretary of State may approve the scheme as submitted to him or subject to such modifications as he may direct.”;

- (g) subsection (6) shall cease to have effect;

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(h) for subsection (7) substitute—

“(7) Where an administration scheme has been approved under subsection (3A) above, the fire authorities affected by it may amend or revoke that scheme by a subsequent scheme submitted to the Secretary of State by them jointly and the Secretary of State may by order approve any such subsequent scheme submitted to him.

(7A) A subsequent scheme under subsection (7) above may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5), (8)(b) and (8A) of this section.

(7B) The power to make an order under subsection (7) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;

(i) for subsection (8) substitute—

“(8) The Secretary of State may by order—

- (a) vary or revoke an administration scheme;
- (b) make a new administration scheme which includes provision—
  - (i) for the division of the original combined area into any two or more areas, being either areas of fire authorities comprised in such combined area or new combined areas constituted by such scheme;
  - (ii) for the inclusion in the combined area of any additional areas,

and such an order may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5) and (8A) of this section.

(8A) An order under subsection (8) above may make provision with respect to any of the following matters—

- (a) the transfer or retransfer to such fire brigade as may be determined by the order of the members of any fire brigade affected by the order;
- (b) the transfer or retransfer to such fire authorities as may be determined by the order of any officers, property, rights or liabilities of any fire authority affected by the order;
- (c) the payment, by such fire authority and subject to such provisions as may be determined by the order, of compensation to officers employed by any fire authority affected by the order who in consequence of it or of anything done under it suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments;
- (d) in the case of any person who having immediately before the coming into operation of the order been the firemaster of any fire brigade affected by the order does not on the coming into operation of the order become the firemaster of any fire brigade established in consequence of the order, for the payment, in lieu of compensation under paragraph (c)

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- above, of a pension, gratuity or allowance of such amount, subject to such conditions and by such fire authority as may be specified in the order; and
- (e) any other matters incidental to or consequential on any provision contained in the order.
- (8B) Before making an order under subsection (8) above which contains provision that two or more local government areas should form a combined area for the provision in the combined area of the services mentioned in section 1 of this Act, the Secretary of State shall—
- (a) consult such fire authorities as appear to him to be affected by the order; and
- (b) where any such authority submit objections to the order, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (8C) The power to make an order under subsection (8) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;
- (j) for subsection (9) substitute—
- “(9) An order made by the Secretary of State under this section shall provide for the incorporation of a joint board with a common seal and shall confer on such a board power to hold land and to borrow money.”;
- (k) in subsection (10)—
- (i) for the words “joint committee” substitute “joint board”; and
- (ii) after “this section” insert “ or section 147(4) of the <sup>M10</sup>Local Government (Scotland) Act 1973 ”;
- (l) in subsection (11)—
- (i) for the words “joint committee” substitute “joint board”; and
- (ii) after “this section” insert “ or section 147(4) of the Local Government (Scotland) Act 1973 ”;
- (m) in subsection (13)—
- (i) for the words “joint committee”, in both places where they occur, substitute “joint board”; and
- (ii) for the words from “councils” to “comprised” substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised”;
- (n) for subsection (15) substitute—
- “(15) For section 4 of this Act there shall be substituted the following section—”
- “4 Subject to the provisions of this Act, with effect from 1st April 1996 the fire authority shall be a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.
- ”
- (o) in subsection (16)—

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- (i) for the words from “council” to “comprised” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised”; and
- (ii) for the words “joint committee”, in both places where they occur, substitute “joint board”;
- (p) after subsection (16) there shall be inserted—
  - “(16A) In section 19—
    - (a) for subsection (3) there shall be substituted the following subsection—
      - (3) “Every fire authority shall, on such dates as the Secretary of State may by regulations prescribe, notify him of the establishment scheme in force in their area on such dates as he may so prescribe.”; and
  - (b) after subsection (8) there shall be inserted—
    - “(8A) Regulations made under subsection (3) above shall be made by statutory instrument; and such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”; and
  - (q) in subsection (20)—
    - (i) for the words “joint committee” there shall be substituted the words “joint board”; and
    - (ii) after “this section” insert “ or section 147(4) of the <sup>M11</sup>Local Government (Scotland) Act 1973 ”.
- (4) In section 38(1) (interpretation), in the definition of “combined area”, after “Act” insert “ or section 147 of the <sup>M12</sup>Local Government (Scotland) Act 1973 ”.

#### Commencement Information

**I2** Sch. 13 para. 27 wholly in force at 1.4.1996; Sch. 13. para. 27 not in force at Royal Assent see s. 184(2); Sch. 13. para. (1)(2)(3)(a)(i) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(iii); Sch. 13 para. 27(3)(p) in force at 6.4.1995 by S.I. 1995/702, art.4(1), Sch. 2; Sch. 13 para. 27 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 3(1)(c)

#### Marginal Citations

**M9** 1980 c. 45.  
**M10** 1973 c. 65.  
**M11** 1973 c. 65.  
**M12** 1973 c. 65.

#### *The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42)*

- 28 In section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (interpretation), in the definition of “local authority”, for the words from “any” to the end substitute “ any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Civil Defence Act 1948 (c.5)*

- 29 (1) The Civil Defence Act 1948 shall be amended in accordance with this paragraph.  
(2) After section 4 insert—

**“4A Joint exercise of functions.**

- (1) Where—
- (a) by virtue of any enactment any of the functions of a local authority are exercised by that authority jointly with one or more other local authorities or by a joint board or joint committee; and
  - (b) by virtue of this Act, an obligation is imposed, or a power conferred, on a local authority in respect of any of these functions,
- to the extent that such obligation or, as the case may be, power has a connection with such functions, such obligation shall be performed, or power exercised, by the authorities jointly or, as the case may be, by the joint board or joint committee; and any thing which may, by virtue of this Act, be done by, to or in respect of a local authority may be done by, to or in respect of two or more such authorities or such joint board or joint committee.
- (2) In this section “joint board” and “joint committee” have the meanings given by section 235(1) of the <sup>M13</sup>Local Government (Scotland) Act 1973.
- (3) This section extends to Scotland only.”.
- (3) In section 9(1) (interpretation), in the definition of “local authority”, for the words “a regional, islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Marginal Citations**

**M13** 1973 c. 65.

*The Local Government Act 1948 (c.26)*

- 30 In section 145(2) of the Local Government (Scotland) Act 1948 (application of Act to Scotland), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The National Assistance Act 1948 (c.29)*

- 31 (1) The National Assistance Act 1948 shall be amended in accordance with this paragraph.
- (2) In section 33(1) (local authorities for the purposes of Part III), for the words “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 47(12) (appropriate authorities for purposes of section), for the words “the councils of regions and islands areas” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (4) In section 48(4) (councils having duty to provide temporary protection for property of certain persons), for the words from “of the region” to “of which” substitute “constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area ”.
- (5) In section 50(2) (authorities having duty in respect of burial or cremation of the dead), for “islands and district councils” substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 65(e) (meaning of “local authority” in application of Act to Scotland), for the words “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Coast Protection Act 1949 (c.74)*

- 32 (1) The Coast Protection Act 1949 shall be amended in accordance with this paragraph.
- (2) In section 1 (coast protection authorities), for subsection (1) substitute—
  - “(1) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 any part of whose area adjoins the sea shall be the coast protection authority for that area.”.
- (3) In section 20(5) (contributions towards expenses of coast protection), the words “or the council of a district in Scotland” shall cease to have effect.
- (4) In section 22(2) (power to use for incidental purposes land acquired for coast protection), for “the council of a region or islands area” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 45(1) (service of notices and other documents), for “the council of a region, islands area or district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In the First Schedule (procedure for making orders and provisions as to the validity of orders), in paragraph 8(b)—
  - (a) after “and to”, where it first occurs, insert “a council of”; and
  - (b) for the words “region, islands area or district” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The National Parks and Access to the Countryside Act 1949 (c.97)*

- 33 In section 99(2) of the National Parks and Access to the Countryside Act 1949 (contributions by local authorities), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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PROSPECTIVE

*The Shops Act 1950 (c.28)*

- 34 In section 73(4) of the Shops Act 1950 (local authorities), for the words from “means” to the end substitute “ means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Allotments (Scotland) Act 1950 (c.38)*

- 35 (1) The Allotments (Scotland) Act 1950 shall be amended in accordance with this paragraph.
- (2) In section 9(a) (restriction of obligations to provide allotments), for “the council of an islands area or a district” substitute “ a local authority ”.
- (3) In section 13(1)(b) (interpretation), for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Pet Animals Act 1951 (c.35)*

- 36 In section 7(3) of the Pet Animals Act 1951 (interpretation), for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rag Flock and Other Filling Materials Act 1951 (c.63)*

- 37 In section 36(3) of the Rag Flock and Other Filling Materials Act 1951 (application of the Act to Scotland), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)*

- 38 (1) The Rivers (Prevention of Pollution) (Scotland) Act 1951 shall be amended in accordance with this paragraph.

<sup>F8</sup>(2) .....

<sup>F8</sup>(3) .....

<sup>F8</sup>(4) .....

<sup>F8</sup>(5) .....

<sup>F8</sup>(6) .....

<sup>F8</sup>(7) .....

- (8) In section 35(1) (interpretation)—

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) for the definition of “local authority” substitute—  
     ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”;
- (b) after the definition of “river purification board area” insert—  
     ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (c) in paragraph (b) of the definition of “stream”, for “local” substitute “sewerage”.

#### Textual Amendments

**F8** Sch. 13 para. 38(2)-(7) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

#### Commencement Information

**I3** Sch. 13 para. 38 partly in force; Sch. 13 para. 38 not in force at Royal Assent see s. 184(2); Sch. 13 para. 38(1)(8) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Hypnotism Act 1952 (c.46)*

- 39 In section 2(4)(b) of the Hypnotism Act 1952 (meaning of “controlling authority”), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Post Office Act 1953 (c.36)*

- 40 In section 51(5)(a) of the Post Office Act 1953 (power of local authority to contribute towards new post office etc.)—  
     (a) for “an islands area or a district” substitute “ a local government area ”; and  
     (b) after “thereof”, where secondly occurring, insert “(constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”.

#### *The Emergency Laws (Miscellaneous Provisions) Act 1953 (c.47)*

- 41 In section 5(6)(b) of the Emergency Laws (Miscellaneous Provisions) Act 1953 (power of local authorities as respects letting of certain land), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Long Leases (Scotland) Act 1954 (c.49)*

- 42 In section 4(3) of the Long Leases (Scotland) Act 1954 (refusal of grant of feu right on ground of public interest), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c.64)*

- 43 In section 6(1)(c) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (revision of charges by independent harbour undertakings etc.), for the words from “a Passenger” to “combination” substitute “ the Strathclyde Passenger Transport Executive or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Army Act 1955 (c.18)*

- 44 (1) The Army Act 1955 shall be amended in accordance with this paragraph.
- (2) In section 214(5) (application of the Act to Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 5A (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Air Force Act 1955 (c.19)*

- 45 (1) The Air Force Act 1955 shall be amended in accordance with this paragraph.
- (2) In section 212(5) (application of the Act to Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 5A (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Valuation and Rating (Scotland) Act 1956 (c.60)*

- 46 In section 43(1) (interpretation) of the Valuation and Rating (Scotland) Act 1956, in the definition of “valuation authority”, for the words “section one of this Act” substitute “ section 27 of the Local Government etc. (Scotland) Act 1994 ”.

*The Naval Discipline Act 1957 (c.53)*

- 47 In Schedule 4A to the Naval Discipline Act 1957 (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Land Drainage (Scotland) Act 1958 (c.24)*

- 48 In Schedule 1 to the Land Drainage (Scotland) Act 1958 (procedure for making, varying or revoking certain orders etc.), in paragraph 1, in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Disabled Persons (Employment) Act 1958 (c.33)*

- 49 In section 3(5) of the Disabled Persons (Employment) Act 1958 (provision of sheltered employment by local authorities), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Matrimonial Proceedings (Children) Act 1958 (c.40)*

- 50 (1) The Matrimonial Proceedings (Children) Act 1958 shall be amended in accordance with this paragraph.
- (2) In section 10(2) (committal of child to local authority), for the words from “of the region” to “which” substitute “ (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) in whose area ”.
- (3) In section 12(2) (supervision of child by local authority), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Trading Representations (Disabled Persons) Act 1958 (c.49)*

- 51 In section 1(5) of the Trading Representations (Disabled Persons) Act 1958 (sellers of goods for blind persons etc.), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Building (Scotland) Act 1959 (c.24)*

- 52 In section 29(1) of the Building (Scotland) Act 1959 (interpretation), in the definition of “local authority”, for the words from “the”, where it first occurs, to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Deer (Scotland) Act 1959 (c.40)*

- 53 (1) The Deer (Scotland) Act 1959 shall be amended in accordance with this paragraph.
- (2) In section 25A (licences to deal in venison)—
- (a) in subsection (1) for “An islands or district” substitute “ A ”;
  - (b) in subsection (2) the words “islands and district” shall cease to have effect; and
  - (c) in subsections (4) and (5) the words “islands or district” shall cease to have effect.
- (3) In section 25D(8) (offences), the words “islands or district” shall cease to have effect.
- (4) In section 25F (interpretation of Part IIIA), immediately before the definition of “deer” insert—
- ““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

*Status: Point in time view as at 01/04/1996.*

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*The Caravan Sites and Control of Development Act 1960 (c.62)*

- 54 In section 24 of the Caravan Sites and Control of Development Act 1960 (power of local authorities to provide sites for caravans)—
- (a) in subsection (8), for the words from “an islands” to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”; and
  - (b) subsection (8A) shall cease to have effect.

*The Factories Act 1961 (c.34)*

- 55 In section 176(1) of the Factories Act 1961 (general interpretation), in the definition of “district council”, for the words from “Scotland,” to the end substitute “ Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Flood Prevention (Scotland) Act 1961 (c.41)*

- 56 (1) The Flood Prevention (Scotland) Act 1961 shall be amended in accordance with this paragraph.
- (2) In section 1 (purposes for which powers of local authorities under the Act are exercisable), for subsection (2) substitute—
- “(2) This section applies to all councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and in this Act any reference to a local authority is a reference to a council to whom this section applies.”.
- (3) In section 4(2) (flood prevention schemes), the words “(whether a different authority from the local authority or not)” shall cease to have effect.
- (4) Section 12(2) (appropriations where local authority are sewerage or water authority) shall cease to have effect.
- (5) In section 15(1) (interpretation)—
- (a) after the definition of “sewer” insert—

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (b) after the definition of “statutory undertakers” and “statutory undertaking” insert—

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

*The Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c.9)*

- 57 In subsection (5) of section 4 of the <sup>M14</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962 (reduction and remission of rates payable by charities etc.), for “section two hundred and forty-four of the Act of 1947” substitute “ section 25A of the Local Government (Scotland) Act 1966 ”.

*Status: Point in time view as at 01/04/1996.*

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**Marginal Citations**

**M14** 1966 c. 51.

*The Education (Scotland) Act 1962 (c.47)*

- 58 In section 145(16) of the Education (Scotland) Act 1962 (general definitions), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Betting, Gaming and Lotteries Act 1963 (c.2)*

- 59 (1) The Betting, Gaming and Lotteries Act 1963 shall be amended in accordance with this paragraph.
- (2) In Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences), in paragraph 2, in the definition of “appropriate local authority”, in paragraph (b), for sub-paragraphs (i) and (ii) substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area the relevant premises are, or are to be, situated; ”.
- (3) In Schedule 2 (registered pool promoters), in paragraph 1(1)(b), for “the council of an islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”.
- (4) In Schedule 3 (licensing of tracks for betting)—
- (a) in paragraph 5(2)—
- (i) in head (b)(i), for the words from “of” to “which” substitute “ constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area ”;
- (ii) in head (b)(ii), for the words from “general” to “authority”, where it secondly occurs, substitute “ planning authority ”; and
- (iii) for the words from “ “general” to “them”” substitute “ “planning authority” has the meaning given ”; and
- (b) for paragraph 6(3) substitute—
- “(3) The authorities referred to in sub-paragraph (1)(e) of this paragraph are—
- (a) the planning authority for any area which includes the track or any part thereof;
- (b) any local authority whose area adjoins any area which includes the track or any part thereof,
- where that authority are not the licensing authority.
- In this sub-paragraph, the expression “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

*The Local Government (Financial Provisions) (Scotland) Act 1963 (c.12)*

- 60 (1) The Local Government (Financial Provisions) (Scotland) Act 1963 shall be amended in accordance with this paragraph.

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) For subsection (4) of section 7 (apportionment) substitute—

“(4) The assessor for each valuation area shall, not later than the date prescribed by order under section 13 of the Act of 1956 in the year preceding any year of revaluation, estimate the rateable valuation in that year of revaluation of that area, and shall send certified copies of the estimate so made to the rating authority for that area and to the Secretary of State.”.

(3) In section 15 (comparison with other lands and heritages)—

(a) in subsection (1B)—

- (i) for the words from the <sup>M15</sup>beginning to “General Rate Act 1967” substitute “ The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 ”;
- (ii) after “England and Wales” insert “ such as is mentioned in paragraph 2(1) of Schedule 6 to that Act ”; and
- (iii) for the words “net annual”, where they secondly occur, substitute “ rateable ”;

(b) after subsection (1B) insert—

“(1BA) The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 to a hereditament in England and Wales such as is mentioned in paragraph 2(1A) of Schedule 6 to that Act shall, for the purposes of subsections (1) and (1A) above, be treated as equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of subsection (1B) above, would reasonably be attributable to the non-domestic use of property.

(1BB) The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 to a hereditament in England and Wales such as is mentioned in paragraph 2(1B) of Schedule 6 to that Act shall, for the purposes of subsections (1) and (1A) above, be treated as equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of subsection (1B) above, would, as regards the part of the hereditament which is not exempt from local non-domestic rating, be reasonably attributable to the non-domestic use of property.”;

(c) in subsection (1C)(b)—

- (i) after “(1B)” insert “ , (1BA) or (1BB) ”; and
- (ii) for “that subsection” substitute “ the said subsection (1B), (1BA) or (1BB) ”; and

(d) in subsection (2), for the words “section 4 of the Local Government (Scotland) Act 1975” substitute “ section 29 of the Local Government etc. (Scotland) Act 1994 ”.

(4) For section 18 (lands and heritages not deemed to be occupied if subject to tenancy etc.) substitute—

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**“18 Definition of “occupier”.**

Notwithstanding anything in the definition of “occupier” in subsection (1) of section 379 of the Act of 1947, lands and heritages shall not be deemed for the purposes of section 24 of the <sup>M16</sup>Local Government (Scotland) Act 1966 to be occupied as respects the year 1994-95 or any subsequent year by reason only that they are subject to a tenancy or sub-tenancy.”.

- (5) In section 26(2) (interpretation), in the definition of “local authority”, for the words “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Commencement Information**

- I4** Sch. 13 para. 60 wholly in force at 1.4.1996; Sch. 13. para. 60 not in force at Royal Assent see s. 184(2); Sch. 13. para. 60(1)(3)(a)-(c) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(iv); Sch. 13 para. 60(4) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(ii); Sch. 13 para. 60 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

**Marginal Citations**

- M15** 1988 c. 41.  
**M16** 1966 c. 51.

*The Animal Boarding Establishments Act 1963 (c.43)*

- 61 In section 5(2) of the Animal Boarding Establishments Act 1963 (interpretation), in the definition of “local authority”, for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

PROSPECTIVE

*The Public Works Loans Act 1964 (c.9)*

- 62 After subsection (4) of section 6 (re-borrowing powers of public authorities) of the Public Works Loans Act 1964 insert—
- “(5) This section does not apply to local authorities constituted under section 2 of the Local Government etc. (Scotland) Act 1994 or to joint boards in Scotland.”.

*The Harbours Act 1964 (c.40)*

- 63 In Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders), in paragraph 3(ba), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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*The Riding Establishments Act 1964 (c.70)*

- 64 In section 6(4) of the Riding Establishments Act 1964 (interpretation), in the definition of “local authority” for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Development and Finance) (Scotland) Act 1964 (c.67)*

- 65 In section 16(1) of the Local Government (Development and Finance) (Scotland) Act 1964 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Gas Act 1965 (c.36)*

- 66 (1) The Gas Act 1965 shall be amended in accordance with this paragraph.
- (2) In section 28(1) (interpretation of Part II), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In paragraph 11(c) of Schedule 6 (interpretation), for “means a regional or islands council” substitute “ shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Scotland) Act 1966 (c.51)*

- 67 (1) The Local Government (Scotland) Act 1966 shall be amended in accordance with this paragraph.
- (2) In section 25(1) (Schedule 3 to have effect), the words “the determination of rateable values,” shall cease to have effect.
- (3) In section 44(1) (game licences), for “islands and district councils” substitute “ local authorities ”.
- (4) In section 46(1) (interpretation)—
- (a) in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) for the definition of “rating authority” substitute—
- ““rating authority” has the meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994;”.
- (5) In paragraph 8 of Schedule 3 (rating of unoccupied property), for the words “have ceased” substitute the words “ has ceased ”.

*Status: Point in time view as at 01/04/1996.*

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#### **Commencement Information**

- I5** Sch. 13 para. 67 wholly in force at 1.4.1996; Sch. 13 para. 67 not in force at Royal Assent see s. 184(2); Sch. 13 para. 67(1)(2)(5) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(iii); Sch. 13 para. 67 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Plant Health Act 1967 (c.8)*

- 68 For subsection (3) of section 5 of the Plant Health Act 1967 (execution of Act by local authorities) substitute—

“(3) The local authorities for the purposes of this Act shall be the councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Forestry Act 1967 (c.10)*

- 69 In section 40(2)(c)(ii) of the Forestry Act 1967 (compulsory purchase of land), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Slaughter of Poultry Act 1967 (c.24)*

- 70 In section 8 of the Slaughter of Poultry Act 1967 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Police (Scotland) Act 1967 (c.77)*

- 71 (1) The Police (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 1(1) (police areas), for the words “for every region and for every islands area” substitute “for every local government area”.
- (3) In section 2(1) (police authorities and their functions), for the words from the beginning to “police authority” substitute “For every police area the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the police authority”.
- (4) In section 18 (execution of warrants in borders)—
- (a) for the words “regions”, in each place where it occurs, substitute “areas”;
  - (b) for the word “region”, in each place where it occurs, substitute “area”; and
  - (c) for “Borders” in both places where it occurs, substitute “Lothian and Borders”.
- (5) In section 19 (amalgamation schemes)—
- (a) in subsections (2), (3), (4) (6), (7) and (9), for the words “joint police committee”, in each place where they occur, substitute “joint police board”;
  - (b) in subsection (3), for “committee”, where it secondly and thirdly occurs, substitute “board”;
  - (c) subsection (5) shall cease to have effect; and
  - (d) after subsection (9) insert—

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“(10) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

(6) After section 19 insert—

**“19A Incorporation of joint police boards.**

Every amalgamation scheme made under this Act shall include provision that any joint police board established by the scheme shall be incorporated with a common seal and have power to hold land and to borrow money.”.

(7) In section 21 (amendment of amalgamation schemes)—

(a) in subsection (1), for the words from the beginning to “section 20 of this Act” substitute—

“(1) An amalgamation scheme may be amended or revoked—

(a) in the case of a scheme made under section 19 of this Act, by a subsequent scheme made under that section or under section 20 of this Act; and

(b) in the case of a scheme made under section 20 or 21B of this Act, by a subsequent scheme made under section 20 of this Act.”;

(b) in subsection (2)(a), at the end insert “ or for the creation of any new combination of police areas; ”;

(c) in subsection (2)(c) and (e), for the words “joint police committee”, in both places where they occur, substitute “ joint police board ”; and

(d) in subsection (2)(c), for the words “such committee” substitute “ such police board ”.

(8) In section 22(1) and (2), for the words “joint police committee”, in each place where they occur, substitute “ joint police board ”.

(9) In section 23(6), for the words “joint police committee” substitute “ joint police board ”.

(10) In section 26A(2) (power to give directions to police authority after adverse report), for the words “joint police committee” substitute “ joint police board ”.

(11) In section 26B (police efficiency: allocation of funds), for the words “joint police committee” substitute “ joint police board ”.

(12) In section 26C (duty of compliance), for the words “joint police committee” substitute “ joint police board ”.

(13) In section 32 (police grant)—

(a) in subsection (1), for the words “joint police committees” substitute “ joint police boards ”; and

(b) in subsection (2), for the words—

(i) “joint police committee” substitute “ joint police board ”; and

(ii) “committee” substitute “ board ”.

(14) In section 32A(1) (grants for expenditure on safeguarding national security), for the words “joint police committee” substitute “ joint police board ”.

*Status: Point in time view as at 01/04/1996.*

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- (15) In section 36(5) (common services), for the words “joint police committee” and “committee” substitute “joint police board” and “board” respectively.
- (16) In section 51(1) (interpretation)—
- (a) in the definition of “amalgamation scheme”, for the words “21A” substitute “21B”; and
  - (b) for the definition of “constituent authority” substitute—
 

““constituent authority” means a police authority whose area is included in a combined area by virtue of an amalgamation scheme;”.
- (17) In paragraph 4 of Schedule 2, for the words “joint police committee” substitute “joint police board”.

#### Commencement Information

- I6** Sch. 13 para. 71 wholly in force at 1.4.1996; Sch. 13. para. 71 not in force at Royal Assent see s. 184(2); Sch. 13. para. 71(1)(6) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(v); Sch. 13 para. 71 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Countryside (Scotland) Act 1967 (c.86)*

- 72 (1) The Countryside (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 46(2) (repair and maintenance of public rights of way), after “being a” insert “public”.
- (3) In section 48A (regional parks)—
- (a) in subsection (2)—
    - (i) for “Regional councils” substitute “Local authorities”;
    - (ii) for “region”, where it first occurs, substitute “area”;
    - (iii) for “council” substitute “authority”;
    - (iv) after “into” insert “the area of”;
    - (v) for “region”, where it secondly occurs, substitute “local authority”; and
    - (vi) for “regional councils” substitute “authorities”; and
  - (b) in subsection (4)(c), for “council or councils” substitute “local authority or authorities”.
- (4) In section 49 (camping and caravan sites), subsection (5) shall cease to have effect.
- (5) In section 50(3) (provision of accommodation, meals etc.), for the words from “means” to the end substitute “includes a planning authority”.
- (6) In section 54(5) (byelaws), for the words from “means” to the end substitute “includes a planning authority”.
- (7) In section 63 (provision of recreational facilities by water authorities)—
- (a) in subsection (1), for “local water authority within the meaning of the <sup>M17</sup>Water (Scotland) Act 1980” substitute “water authority”; and

*Status: Point in time view as at 01/04/1996.*

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- (b) in subsection (11), the words from “and any reference” to the end shall cease to have effect.
- (8) In section 65(5) (authorities which may appoint rangers as respects waterways etc.)
- (a) paragraph (c);
  - (b) in paragraph (f), the words “within the meaning of section 109(1) of the <sup>M18</sup>Water (Scotland) Act 1980”; and
  - (c) paragraph (g),
- shall cease to have effect.
- (9) In section 78(1) (interpretation)—
- (a) in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) after the definition of “statutory undertakers” and “statutory undertakings” insert—
- ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

#### Commencement Information

- I7** Sch. 13 para. 72 wholly in force at 1.4.1996; Sch. 13 para. 72 not in force at Royal Assent see s. 184(2); Sch. 13 para. 72(1)(2) in force at 1.4.1995 by S.I. 1995/702, art. 3(d)(i); Sch. 13 para. 72 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

- M17** 1980 c. 45.  
**M18** 1980 c. 45.

#### *The New Towns (Scotland) Act 1968 (c.16)*

- 73 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1A(1)(b) (reduction of designated areas), for “any regional council, district council and islands council” substitute “ the local authority ”.
  - (3) In section 35(2) (power of development corporation to transfer their undertakings)—
    - (a) for the words from “council of” to “which” substitute “ local authority in whose area ”; and
    - (b) for “council”, where it secondly occurs, substitute “ local authority ”.
  - (4) In section 36(2)(b) (winding up of development corporation), for the words from “council” to “which” substitute “ local authority in whose area ”.
  - (5) In section 47(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (6) In paragraph 2 of Schedule 1 (procedure for designating site of new town), for the words from “council” to “district in which” substitute “ local authority in whose area ”.

*The Health Services and Public Health Act 1968 (c.46)*

- 74 (1) The Health Services and Public Health Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 63(2)(c) (activities in respect of which instruction may be provided etc.), for the words from “or”, where it fourthly occurs, to the end substitute “ or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 65(6) (financial and other assistance by local authorities to certain voluntary organisations)—
- (a) in substituted subsection (2A)—
- (i) for “district and islands council” substitute “ local authority ”; and
- (ii) for “council”, where it secondly and thirdly occurs, substitute “ local authority ”; and
- (b) in substituted subsection (2B)(a), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Sewerage (Scotland) Act 1968 (c.47)*

- 75 (1) The Sewerage (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1 (duty of local authority to provide for sewerage in their area)—
- (a) in subsection (1), for “every local authority” substitute “ each of the sewerage authorities ”;
- (b) for subsection (2) substitute—
- “(2) Without prejudice to the generality of subsection (1) above—
- (a) a sewerage authority shall, subject to paragraph (b) below, take their public sewers to such point or points as will enable the owners of premises which are to be served by the sewers to connect their drains or private sewers with the public sewers at reasonable cost;
- (b) where the sewerage authority have agreed with some other person (in this section referred to as the “private provider”) that he will take a private sewer to such point or points as will enable owners to make such connection as is mentioned in paragraph (a) above, that paragraph shall not apply while the agreement subsists.”;
- (c) in subsection (3), for “local” substitute “ sewerage ”;
- (d) in subsection (4)—
- (i) for “public sewers” substitute “ a public sewer, or under an agreement such as is mentioned in paragraph (b) of subsection (2) above the private sewer of a private provider, ”;

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- (ii) for “local authority concerned” substitute “sewerage authority, or as the case may be private provider, concerned”; and
    - (iii) for “local authority”, where those words secondly occur, substitute “authority or private provider”; and
  - (e) after subsection (4) add—
    - “(5) The Secretary of State may by regulations make provision as respects the procedure to be followed as respects a request under subsection (4) above.
    - (6) The power to make regulations under subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) In section 2 (maintenance of public sewers and other works)—
  - (a) for “every local authority” substitute “each of the sewerage authorities”; and
  - (b) after “this Act” insert “or of Part II of the Local Government etc. (Scotland) Act 1994”.
- (4) In section 3 (construction etc. of public sewers and public sewage treatment works)—
  - (a) in each of subsections (1), (2) and (4), for “local”, in each place it occurs, substitute “sewerage”; and
  - (b) in subsection (3), after “notices”—
    - (i) where it secondly occurs, insert “served by a sewerage authority”; and
    - (ii) where it thirdly occurs, insert “served by a local authority”.
- (5) In section 4 (power of local authority to close or alter public sewers etc.)—
  - (a) for “local” substitute “sewerage”; and
  - (b) after “this Act” insert “or of Part II of the Local Government etc. (Scotland) Act 1994”.
- (6) In each of sections 6 (functions outwith area of local authority), 8(1) (agreements as to provision of sewers etc. for new premises) and 9 (loan of temporary sanitary conveniences), for “local”, wherever it occurs, substitute “sewerage”.
- (7) In section 7 (agreements between local authorities and the Secretary of State as respects provision, management, maintenance or use of sewers or drains to take water from surface of trunk road etc.)—
  - (a) in subsection (1)—
    - (i) for “the Secretary of State” substitute “a roads authority”;
    - (ii) for “local” substitute “sewerage”; and
    - (iii) for “trunk roads” substitute “a road”;
  - (b) in subsection (2)—
    - (i) for “the Secretary of State” substitute “a roads authority”; and
    - (ii) for “local”, in both places where it occurs, substitute “sewerage”;
  - (c) in subsection (3)—
    - (i) for “The Secretary of State or a local” substitute “A roads authority or a sewerage” and
    - (ii) for “local”, where it secondly occurs, substitute “sewerage”; and

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- (d) at the end add—
- “(3A) In the foregoing provisions of this section, “roads authority” has the same meaning as in the <sup>M19</sup>Roads (Scotland) Act 1984.”.
- (8) In section 11 (keeping of map showing public sewers etc.)—
- (a) for subsection (1) substitute—
- “(1) A sewerage authority shall keep deposited at their principal office a map showing and distinguishing so far as is reasonably practicable all sewers, drains and sewage treatment works which are vested in them by virtue of this Act or of Part II of the Local Government etc. (Scotland) Act 1994 or in respect of which they have made a determination under section 3A(2) of this Act; and the authority shall provide reasonable facilities at that office for inspection of the map by any person and shall permit a copy of the map, or of an extract of it, to be taken by a person on his paying such reasonable amount as the authority may determine.”;
- (b) in subsection (2), for “local” substitute “sewerage”; and
- (c) at the end add—
- “(3) A sewerage authority shall keep deposited at such of their offices, other than their principal office, as they consider appropriate, a copy relevant to the office in question of part of the map mentioned in subsection (1) above; and the authority shall provide the like facilities and permission in relation to the copy part, at the office at which that copy is deposited, as, under subsection (1) above, they do in relation to the map mentioned in that subsection at their principal office.
- (4) For the purposes of subsection (3) above, a copy is relevant to an office if it is of such part of the map mentioned in subsection (1) above as appears to the sewerage authority to be appropriate having regard to the geographical location of that office.”.
- (9) In each of sections 12(1), (3), (4), (6), (7) and (8) (rights of owners and occupiers to connect with and drain into public sewers etc.), for “local”, wherever it occurs, substitute “sewerage”.
- (10) In section 13 (rights of owners and occupiers to connect with and drain into public sewers etc. of other authority)—
- (a) in each of subsections (1) and (2), for “local”, wherever it occurs, substitute “sewerage”; and
- (b) in paragraph (a) of the proviso to subsection (1), after “effect to the” insert “sewerage”.
- (11) In section 14 (direction by local authority as to manner of construction of works)—
- (a) in subsection (1), for “the local” substitute “a sewerage”;
- (b) in each of subsections (2), (4) and (6), for “local” substitute “sewerage”.
- (12) In section 15 (owner or occupier to remedy defects in drains and other works)—
- (a) in subsection (1)—
- (i) after “local authority” insert “or a sewerage authority”;
- (ii) after “vested in the” insert “sewerage”; and



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- (iii) for “they” substitute “ the authority in question ”;
  - (b) in subsection (3), for “local authority”—
    - (i) where those words first occur, substitute “ authority which served the notice ”; and
    - (ii) where they occur in the proviso, substitute “ authority in question ”; and
  - (c) in subsection (4)—
    - (i) for the words from “the medical” to “local authority” substitute “ a local authority or a sewerage authority that immediate action is required to remedy a defect ”; and
    - (ii) in paragraph (c), after “authority” insert “ which served the notice ”.
- (13) In section 16 (vesting of sewers and other works)—
- (a) in subsection (1)—
    - (i) for the words from the beginning to “vest in them” substitute “ There shall vest in a sewerage authority ”; and
    - (ii) for paragraph (c) substitute—
      - “(c) subject to any determination notified under subsection (2) of section 3A of this Act, all private sewers connecting with their sewers or sewage treatment works;
      - (cc) where they enter into an agreement under subsection (2) of the said section 3A or under subsection (2) of section 16A of this Act (and subject to the terms of that agreement), all private sewers, or as the case may be parts of sewers, to which the agreement relates;”;
  - (b) in subsection (2), for “the commencement of this section shall vest in the local” substitute “ 1st April 1996 shall vest in the sewerage ”; and
  - (c) in subsection (3), for “local” substitute “ sewerage ”.
- (14) After section 16 insert—

**“16A Vesting of certain private sewers.**

- (1) Subject to any agreement entered into under subsection (2) below, there shall vest in a person authorised, under subsection (1) of section 3A of this Act, by a sewerage authority to construct a sewer not connecting with their sewers or sewage treatment works the sewer constructed; and any sewer vested in a person by this subsection or by a determination under subsection (2) of that section shall be his property and he solely responsible for its management, maintenance and renewal.
  - (2) Notwithstanding subsection (1) above, the sewerage authority may, on such terms and conditions as they think fit, at any time enter into an agreement under which the sewer, or any part of it, shall vest in them.”.
- (15) In each of sections 17(1), (2), (3) and (4) (taking over of private sewage treatment works), 24(1) and (2) (right to discharge into public sewers), 25 (meaning of new discharge), 26 (new discharge only with consent), 27 (1) and (4)(a) (procedure on application for consent to new discharge), 28(1) (time to dispose of application), 29(1) (decision on application), 30(1) (intimation of decision), 31 (appeal against

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refusals and conditions), 32(1) and (2) (review of consents, conditions and refusals), 33(2) (disputes as to meaning of “existing discharge”), 34 (right to continue existing discharge), 35 (furnishing of information), 36(1) and (2) (review of continuation of existing discharge) and 37(1), (3), (4) and (6) (agreements as respects trade premises), for “local”, wherever it occurs, substitute “sewerage”.

(16) Section 18 (expenses of local authorities and dissolution of drainage districts) shall cease to have effect.

(17) In section 20 (compensation for loss etc, resulting from exercise of powers under Part I)—

- (a) in subsection (1), for “local” substitute “sewerage”;
- (b) in subsection (3), for “12” substitute “24”;
- (c) in subsection (4), for “local” in both places where it occurs substitute “sewerage”; and
- (d) at the end add—

“(5) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to a sewerage authority constructing a sewer under section 3(1), of this Act.”.

(18) In section 21(1) (buildings not to interfere with sewers)—

- (a) for “local” substitute “sewerage”;
- (b) after “erected” insert “or embankment constructed”;
- (c) at the end add “or in respect of which they have made a determination under section 3A(2) of this Act”.

(19) In section 22 (protection for statutory undertakers)—

- (a) in each of subsections (1) and (3), for “local” substitute “sewerage”; and
- (b) after subsection (2) insert—

“(2A) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to a sewerage authority constructing a sewer under section 3(1), of this Act.”.

(20) In section 23 (restriction on working minerals), for the words from “any public” to the end substitute “—

- (a) any public sewers, public sewage treatment works or public drains; and
- (b) any sewers, sewage treatment works or drains not vested in a sewerage authority but forming (or forming part of) any such system as is mentioned in section 98(1)(b) of the Local Government etc. (Scotland) Act 1994,

to which they do not already apply, with the substitution—

- (i) for references to the railway, of references to the sewers, works or drains; and
- (ii) for references to the company, of references to the sewerage authority, or as the case may be to the person other than a sewerage authority, in whom the sewers, works or drains are vested.”.

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- (21) In section 38 (power to extend certain provisions to certain effluents), in each of subsections (1) and (3), for “local” substitute “sewerage”.
- (22) In each of sections 39 (right to sewage), 41 (breaking open of roads, etc.), 42 (execution of works for authorities by other persons), 44 (power to require information as to ownership etc. of premises) and 45(1) (production of plans and furnishing of information), for “local”, wherever it occurs, substitute “sewerage”.
- (23) Sections 40 (powers of local authorities as to research and publicity) and 47 (recovery of expenses by local authority) shall cease to have effect.
- (24) In section 48 (powers of entry)—
- (a) in subsection (1)—
    - (i) for “an authorised officer of a local authority” substitute “any person duly authorised by a sewerage authority (whether or not an employee of the authority and whether such authorisation is special or general)”;
    - (ii) in paragraph (d), at the end add “or which may be authorised by them under section 3A of this Act”;
    - (iii) after paragraph (d) insert—
      - “(dd) inspecting, maintaining, repairing, cleansing, emptying, ventilating or renewing any sewer which is not a public sewer but forms part of any such system as is mentioned in section 98(1)(b) of the Local Government etc. (Scotland) Act 1994;”;
    - (iv) in paragraph (f), for the words from “the sewers” to the end substitute “—
      - (i) public sewers or public sewage treatment works; or
      - (ii) sewers or sewage treatment works not vested in a sewerage authority but forming (or forming part of) any such system as is mentioned in the said section 98(1)(b).”;
  - (b) in subsection (3)—
    - (i) for “entering” substitute “entry is made”;
    - (ii) for “local authority” substitute “the authorised person, or the sewerage authority on his behalf”;
  - (c) in subsection (10), for “local authority” substitute “person who carried it out”.
- (25) In section 51 (procedure on appeal to Secretary of State)—
- (a) in each of subsections (2) and (4), for “local” substitute “sewerage”;
  - (b) after subsection (6) add—
    - “(7) The Secretary of State may by regulations make further provision as respects the procedure to be followed in any such appeal.
    - (8) The power to make regulations under subsection (7) above shall be exercisable by statutory instrument, which shall be subject

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to annulment in pursuance of a resolution of either House of Parliament.”.

- (26) Section 52 (exemption from stamp duties) shall cease to have effect.
- (27) In each of sections 53 (notices etc. to be in writing) and 55(2) (application of the Act to Crown premises), for “local” substitute “sewerage”.
- (28) In section 59(1) (interpretation)—
- (a) after the definition of “appointed day” insert—
 

““area”, in relation to a sewerage authority, shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (b) the definitions of “authorised officer” and “local authority” shall cease to have effect;
  - (c) in the definition of “private sewage treatment works”, for “local” substitute “sewerage”;
  - (d) in the definition of “public drain”, at the end add “ or a sewerage authority ”;
  - (e) in each of the definitions of “public sewage treatment works” and “ public sewer ”, for “local” substitute “sewerage”;
  - (f) after the definition of “sewer” insert—
 

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (g) the definition of “trunk road” shall cease to have effect.

#### Commencement Information

**I8** Sch. 13 para. 75 wholly in force at 1.4.1996; Sch. 13. para. 75 not in force at Royal Assent see s. 184(2); Sch. 13. para. 75(1)(2)(b)(d)(e)(13)(a)(ii)(14)(17)(d)(18)(c)(19)(b)(20)(24) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(vi); Sch. 13 para. 75(25)(b) in force at 17.7.1995 by S.I. 1995/1898, art. 2(d); Sch. 13 para. 75 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M19** 1984 c. 54.

#### *The Social Work (Scotland) Act 1968 (c.49)*

- 76 (1) The Social Work (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1(2) (local authorities for the administration of the Act), for the words “regional and islands councils” substitute the words “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 5 (powers of Secretary of State)—
- (a) in subsection (1A) for the words “section 2(2) of this Act” there shall be substituted the words “ subsection (1B) below ”; and
  - (b) after subsection (1A) there shall be added—
 

“(1B) The enactments referred to in subsection (1A) above are—

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- (a) this Act as read with sections 1 and 2(1) of the <sup>M20</sup>Chronically Sick and Disabled Persons Act 1970 and the <sup>M21</sup>Disabled Persons (Services, Consultation and Representation) Act 1986;
  - (b) Part IV of the <sup>M22</sup>Children and Young Persons (Scotland) Act 1937;
  - (c) section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the <sup>M23</sup>National Assistance Act 1948;
  - (d) the Disabled Persons (Employment) Act 1958;
  - (e) sections 10 to 12 of the <sup>M24</sup>Matrimonial Proceedings (Children) Act 1958, and sections 11 and 12 of the <sup>M25</sup>Guardianship Act 1973;
  - (f) sections 23, 24, 297 and 329 of the <sup>M26</sup>Criminal Procedure (Scotland) Act 1975;
  - (g) the Children Act 1975;
  - (h) the Adoption Act 1976;
  - (i) the Adoption (Scotland) Act 1978;
  - (j) sections 21 to 23 of the <sup>M27</sup>Health and Social Services and Social Security Adjudications Act 1983;
  - (k) the Mental Health (Scotland) Act 1984;
  - (l) the Foster Children (Scotland) Act 1984;
  - (m) sections 38(b) and 235 of the <sup>M28</sup>Housing (Scotland) Act 1987;
  - (n) the Access to Personal Files Act 1987; and
  - (o) section 19 and Part X of the <sup>M29</sup>Children Act 1989.”; and
- (c) in subsection (2), for paragraph (c) there shall be substituted—
- “(c) the performance of the functions of local authorities under any of the enactments mentioned in paragraphs (b), (d), (e), (g), (h), (i), (l) and (o) of subsection (1B) above”.
- (4) In section 5A(3) (local authority plans for community care services)—
- (a) paragraph (b) shall cease to have effect; and
  - (b) in paragraph (c), for “section 2(2)” substitute “ 5(1B) ”.
- (5) In section 5B(1) (complaints procedure), for “referred to in section 2(2)” substitute “ mentioned in section 5(1B) ”.
- (6) In section 6A (inquiries), for “section 2(2)” substitute “ section 5(1B) ”.
- (7) In section 10(1) (making of grants and loans for social work), for the words from “enactments” to “of this Act” substitute “ mentioned in paragraphs (b), (d), (e), (g), (h), (i) and (l) of section 5(1B) of this Act ”.
- (8) In section 20A(1) (powers of local authority in course of review of child in care) for “their reporter” substitute “ the Principal Reporter ”.
- (9) In section 27(3)(c) (content of probation, community service and supervised attendance scheme etc.), for the words from “the social” to the end substitute “ a committee or sub-committee of such authorities ”.

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- (10) In section 33(3) (publication of list of members of children’s panels), for “offices of the director of social work” substitute “ principal offices ”.
- (11) In section 34, subsection (3) (duty of local authority to provide suitable accommodation and facilities for children’s hearings) shall cease to have effect.
- (12) In section 36 (the reporter)—
- (a) subsection (4) shall cease to have effect;
  - (b) for subsection (5) substitute—
 

“(5) A reporter shall not, except with the consent of the Scottish Children’s Reporter Administration, be employed by a local authority.”;
  - (c) after subsection (5) insert—
 

“(5A) In subsections (2) and (5) above, “reporter” means the Principal Reporter or any officer of the Scottish Children’s Reporter Administration to whom there is delegated, under section 131(1) of the <sup>M30</sup>Local Government etc. (Scotland) Act 1994 any function of the Principal Reporter under this Part of this Act or under the Criminal Procedure (Scotland) Act 1975.”;
  - (d) subsection (6) shall cease to have effect; and
  - (e) in subsection (8), for “duties of the reporter” substitute “ functions of the Principal Reporter under this Act and under the Criminal Procedure (Scotland) Act 1975 ”.
- (13) In section 36A (power of reporters to conduct proceedings before sheriff)—
- (a) in paragraph (a), for the words from “officers”, where first occurring, to “solicitors” substitute the words “ the reporter, whether or not he is an advocate or solicitor ”;
  - (b) in paragraph (b), for “officer” substitute “ reporter ”; and
  - (c) at the end add the following— “ In this section, “reporter” has the same meaning as it has in subsections (2) and (5) of section 36 of this Act. ”.
- (14) In section 38 (initial investigation of cases)—
- (a) in subsection (1) for “a reporter”; and
  - (b) in subsection (2) for “the appropriate reporter”, substitute “ the Principal Reporter ”.
- (15) In section 44(6) (direction as to transfer of child where disposal other than by discharge of referral), for “a director of social work” substitute “ the chief social work officer ”.
- (16) In section 47(1) (duration and variation of supervision requirements) for “their reporter” substitute “ the Principal Reporter ”.
- (17) In section 50(1) (appeal from sheriff to Court of Session) for “a reporter” substitute “ the Principal Reporter ”.
- (18) In section 54 (transfer of case to another children’s hearing), in subsection (1), for the words from “with” to “for a” substitute the words “ for the other ”.
- (19) In section 58A(3) (residence in secure accommodation) for “director of social work” substitute “ chief social work officer ”.

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- (20) In section 58B(3) (order placing child in secure accommodation) for “director of social work” substitute “ chief social work officer ”.
- (21) In section 58E(1) (warrants to detain in secure accommodation) for “director of social work” substitute “ chief social work officer ”.
- (22) In section 73 (supervision of children moving to Scotland from England and Wales or Northern Ireland), in subsection (1), in paragraph (b), for the words from “reporter” to the end substitute “ Principal Reporter ”.
- (23) In section 75(1) (duties of reporter where parent of child subject to certain orders moves to Scotland), for the words from “reporter of the local authority” to “residing” substitute “ Principal Reporter ”.
- (24) In section 76(2) (procedure in children’s hearing and courts)—
- (a) for “a reporter” substitute “ the Principal Reporter ”; and
  - (b) the words “to which the case stands referred” shall cease to have effect.
- (25) In Schedule 3 (children’s panels)—
- (a) in paragraph 3—
    - (i) at the beginning insert “ Subject to paragraph 5B below, ”; and
    - (ii) sub-paragraph (i) and, in sub-paragraph (ii), the words “in any other case,” shall cease to have effect;
  - (b) after paragraph 5A insert—
    - “5B (1) Two or more local authorities may, for the purpose of discharging the function imposed on them by paragraph 3 above, make arrangements to form a Children’s Panel Advisory Committee for their areas (hereafter referred to as a “joint advisory committee”).
    - (2) A joint advisory committee shall not be formed in pursuance of arrangements made under sub-paragraph (1) above unless the authorities concerned have obtained the consent in writing of the Secretary of State.
    - (3) The Secretary of State may give a direction, in any case where a joint advisory committee has not been formed, to two or more local authorities requiring them to form a joint advisory committee; and the local authorities shall comply with any such direction.
    - (4) The provisions of this Schedule shall apply, subject to any necessary modifications, to a joint advisory committee as they apply to a Children’s Panel Advisory Committee formed under the said paragraph 3.”; and
  - (c) in paragraph 7, for “may” substitute “ shall ”.
- (26) For “reporter”, wherever occurring, substitute “ Principal Reporter ”.
- (27) Sub-paragraph (26) above does not affect any of the particular amendments made by this paragraph.

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#### **Marginal Citations**

- M20** 1970 c. 44.
- M21** 1986 c. 33.
- M22** 1937 c. 37.
- M23** 1948 c. 29.
- M24** 1958 c. 40.
- M25** 1973 c. 29.
- M26** 1975 c. 21.
- M27** 1983 c. 41.
- M28** 1987 c. 26.
- M29** 1989 c. 41.
- M30** 1975 c. 21.

#### *The Theatres Act 1968 (c.54)*

- 77        In section 18(1) of the Theatres Act 1968 (interpretation), for “the islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Gaming Act 1968 (c.65)*

- 78        (1) The Gaming Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 44(3) (local authority not to maintain or contribute to premises licensed under Part II), for “regional council, islands council or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 2 (grant, renewal, cancellation and transfer of licences), in paragraph 2(2), in the definition of “the appropriate local authority”, for from the word “(i)” to “district” substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In Schedule 9 (permits under section 34), in paragraph 1(d), for the words “of the islands area or district in which” substitute “ constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area ”.

#### *The Medicines Act 1968 (c.67)*

- 79        In section 109 of the Medicines Act 1968 (enforcement in Scotland)—
- (a) in subsection (2)(d), for the words from “regional” to the end substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and the area of such a council ”; and
- (b) in subsection (2A), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Transport Act 1968 (c.73)*

- 80        (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 9(1) (Passenger Transport Areas, Authorities and Executives)—



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- (a) in paragraph (a), for sub-paragraph (ii) substitute—
  - “(ii) in Scotland, such area to be known as the Strathclyde Passenger Transport Area as the Minister may designate for the purposes of section 40 of the Local Government etc. (Scotland) Act 1994;”;
- (b) in paragraph (b), for sub-paragraph (ii) substitute—
  - “(ii) in relation to the Strathclyde Passenger Transport Area, the Strathclyde Passenger Transport Authority”; and
- (c) in paragraph (c)—
  - (i) after “be” insert—
    - “(i) in England and Wales”; and
  - (ii) after “passenger transport area”, where secondly occurring, insert “and”
    - (ii) in Scotland, the Strathclyde Passenger Transport Executive”.
- (3) In section 9A(9)(b) (general functions of Passenger Transport Authorities and Executives), the words “regional or islands” shall cease to have effect.
- (4) In section 9B(1)(a) (consultation and publicity with respect to policies as to services), for “regional council” substitute “ council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.
- (5) In section 10(6) (application of Part I of Harbours, Piers and Ferries (Scotland) Act 1937 to Executive), for the words from “that area” to “that region” substitute “ the Executive were within the meaning of that Act a local authority for that area ”.
- (6) In section 34 (assistance for rural bus or ferry service)—
  - (a) in subsection (2) for the words from “regional” to “jointly” substitute “ council or two or more councils acting jointly ”;
  - (b) in subsection (3), for “any of the councils aforesaid” substitute “ a council ”;
  - (c) in subsection (4)—
    - (i) for “regional or islands councils” substitute “ a council ”; and
    - (ii) for “such a” substitute “ that ”; and
  - (d) after subsection (4) insert—
    - “(5) In this section “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.
- (7) In section 56 (assistance by Secretary of State or local authority towards capital expenditure on public transport facilities)—
  - (a) in subsection (2B), in the definition of “relevant local authority”, in paragraph (c), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in subsection (4)(b), the words “regional or islands” shall cease to have effect; and
  - (c) in subsection (6)(d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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<sup>F9</sup>(8) .....

(9) Section 115(3) (as substituted by paragraph 19 of Schedule 18 to the 1973 Act) shall cease to have effect and after subsection (3) of section 115 (interpretation of Part VII) insert—

“(3A) In sections 109, 112, 113 and 114 of this Act, “local authority” means, as respects Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

(10) In section 123(2) (power of certain authorities to contribute to cost of barriers etc. at level crossings), for “county council and a town council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(11) In section 124(4) (Board’s obligations at level crossings with certain roads), for the words from “Scotland” to “council” substitute “ Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(12) In Schedule 5 (Passenger Transport Authorities and Executives), in Part II, in paragraph 2—

- (a) for “regional council”, where it first occurs, substitute “ council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”; and
- (b) for “the regional”, where secondly occurring, substitute “ such ”.

#### **Textual Amendments**

**F9** Sch. 13 para. 80(8) repealed (1.1.1996) by 1995 c. 23, s. 60(2), Sch. 8 Pt. I (with ss. 54, 55); S.I. 1995/2181, art. 2

#### *The Mines and Quarries (Tips) Act 1969 (c.10)*

81 In section 11(3)(b) of the Mines and Quarries (Tips) Act 1969 (meaning of “local authority” for purposes of Part II), for the words from “general” to “1973” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Post Office Act 1969 (c.48)*

82 In section 86(1) of the Post Office Act 1969 (interpretation of Part III), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Employers’ Liability (Compulsory Insurance) Act 1969 (c.57)*

83 In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (authorities exempted from insurance)—

- (a) for the words from “a”, where it thirdly occurs, to “in”, where it secondly occurs, substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in ”; and

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- (b) after “such council” insert “ the Strathclyde Passenger Transport Authority ”.

*The Local Authorities (Goods and Services) Act 1970 (c.39)*

84 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of “local authority”—

- (a) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and  
(b) for “those” substitute “ two or more such councils ”.

*The Agriculture Act 1970 (c.40)*

85 (1) The Agriculture Act 1970 shall be amended in accordance with this paragraph.

(2) For subsection (2) of section 67 (enforcement authorities and appointment of inspectors and analysts) substitute—

“(2) In Scotland it shall be the duty of every council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 to enforce this Part of this Act within their area.”.

(3) In section 92 (provision of flood warning systems)—

<sup>F10</sup>(a) .....

(b) in the proviso to subsection (1)—

<sup>F10</sup>(i) .....

(ii) for the words from “region” to “within which” substitute “ local authority within whose area ”; and

(c) in subsection (2)(b), for “regional or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and “area”, in relation to such an authority, shall be construed in accordance with the provisions of Part I of that Act ”.

<sup>F10</sup>(4) .....

**Textual Amendments**

**F10** Sch. 13 para. 85(3)(a)(b)(i)(4) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

**Commencement Information**

**I9** Sch. 13 para. 85 partly in force; Sch. 13 para. 85 not in force at Royal Assent see s. 184(2); Sch. 13 para. 85(1)(2)(3)(b)(ii)(c) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

*The Chronically Sick and Disabled Persons Act 1970 (c.44)*

86 In section 21(8) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons), for the words from “the council”, where they thirdly occur, to “Scotland” substitute “ , in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Fire Precautions Act 1971 (c.40)*

- 87 In section 43(1) of the Fire Precautions Act 1971, in the definition of “local authority”, in paragraph (b), for “islands or district council” substitute “ council for a local government area ”.

*The Town and Country Planning (Amendment) Act 1972 (c.42)*

- 88 In section 10C(11) of the Town and Country Planning (Amendment) Act 1972 (grants for repair of buildings in town schemes), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Poisons Act 1972 (c.66)*

- 89 In section 11(2) of the Poisons Act 1972 (interpretation), in the definition of “local authority”, in paragraph (b), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Employment Agencies Act 1973 (c.35)*

- 90 In section 13(1) of the Employment Agencies Act 1973 (interpretation), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Breeding of Dogs Act 1973 (c.60)*

- 91 In section 5(2) of the Breeding of Dogs Act 1973 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*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—

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**“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 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

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- 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 <sup>M31</sup>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 <sup>M32</sup>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

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- (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
    - (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 <sup>M33</sup>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 <sup>M34</sup>Industrial and Provident Societies Act 1965 or any building society within the meaning of the <sup>M35</sup>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 <sup>M36</sup>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

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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) 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 <sup>M37</sup>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)—



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- (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 <sup>M38</sup>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.
- <sup>F11</sup>(34) .....
- (35) .....
- (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;

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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”.
- (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.

*Status: Point in time view as at 01/04/1996.*

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- (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 <sup>M39</sup>Town and Country Planning (Scotland) Act 1972.”.
- (58) For section 188 (miscellaneous licensing, registration and related matters) substitute—

*Status: Point in time view as at 01/04/1996.*

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**“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 ”.

<sup>F12</sup>(60) . . . . .

(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)—
  - (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;”;
- (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—

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“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.

**Textual Amendments**

- F11** Sch. 13 para. 92(34)(35) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- F12** Sch. 13 para. 92(60) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(3), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

*Status: Point in time view as at 01/04/1996.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Commencement Information**

**I10** Sch. 13 para. 92 partly in force; Sch. 13. para. 92 not in force at Royal Assent see s. 184(2); Sch. 13. para. 92(1)(20)(22)(26)(27)(60)(70) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(vii); Sch. 13 para. 92(25) in force at 1.4.1995 by S.I. 1995/702, art. 3(d)(ii); Sch.13 para. 92 (other than sub-paragraphs (34)(35)(48)) in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

**Marginal Citations**

- M31** 1980 c. 45.
- M32** 1968 c. 49.
- M33** 1986 c. 60.
- M34** 1965 c. 12.
- M35** 1986 c. 53.
- M36** 1968 c. 73.
- M37** 1980 c. 44.
- M38** 1987 c. 26.
- M39** 1972 c. 52.

*The Health and Safety at Work etc. Act 1974 (c.37)*

93 (1) The Health and Safety at Work etc. Act 1974 shall be amended in accordance with this paragraph.

<sup>F13</sup>(2) .....

(3) In section 53(1) (interpretation), in the definition of “local authority”, in paragraph (b), for the words from “regional” to “county council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Textual Amendments**

**F13** Sch. 13 para. 93(2) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

**Commencement Information**

**I11** Sch. 13 para. 93 partly in force; Sch. 13 para. 93 not in force at Royal Assent see s. 184(2); Sch. 13 para. 93(1)(3) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

*The Consumer Credit Act 1974 (c.39)*

94 In section 189(1) of the Consumer Credit Act 1974 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Control of Pollution Act 1974 (c.40)*

95 (1) The Control of Pollution Act 1974 shall be amended in accordance with this paragraph.

<sup>F14</sup>(2) .....

(3) In section 36 (provisions supplementary to sections 34 and 35)—  
(a) in subsection (1)(b) after “area”—

*Status: Point in time view as at 01/04/1996.*

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- (i) where it first occurs, insert “ , and to each water authority within whose limits of supply, ”; and
  - (ii) where it secondly occurs, insert “ , or within whose limits of supply, ”; and
  - (b) in subsection (2), for “regional or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- <sup>F14</sup>(4) . . . . .
- (5) In section 56 (interpretation of Part II)—
    - (a) for the definition of “sewage effluent” substitute—

““sewage effluent” includes any effluent from sewage disposal, or sewerage, works vested in a sewerage authority;

“sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
    - (b) for the definition of “water authority” substitute—

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.
  - (6) In section 62(2)(a) (certain exemptions as respects offences relating to noise), after “water authority” insert “ (“water authority” being construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994) ”.
  - (7) In section 73(1) (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- <sup>F14</sup>(8) . . . . .
- <sup>F14</sup>(9) . . . . .
- (10) In Schedule 1A (orders designating nitrate sensitive areas: Scotland), in paragraph 8, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Textual Amendments**

**F14** Sch. 13 para. 95(2)(4)(8)(9) repealed (1.2.1996) by [Environment 1995 \(c. 25\)](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3\(7\)](#)

**Commencement Information**

**I12** Sch. 13 para. 95 partly in force; Sch. 13. para. 95 not in force at Royal Assent see s. 184(2); Sch. 13. para. 95(1)(2)(a)(b)(d) in force at 4.1.1995 by S.I. 1994/2850, [art. 3\(c\)\(viii\)](#); Sch. 13 para. 95(3)(5)-(7) (10) in force at 1.4.1996 by S.I. 1996/323, [art. 4\(1\)\(c\)](#)

*The District Courts (Scotland) Act 1975 (c.20)*

- 96 (1) The District Courts (Scotland) Act 1975 shall be amended in accordance with this paragraph.

*Status: Point in time view as at 01/04/1996.*

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- (2) In section 1A(4) (further provisions as to establishment and disestablishment of district courts), for “district or islands council” substitute “local authority”.
- (3) Section 7(3) (officer of regional council may act as clerk of district court) shall cease to have effect.
- (4) In subsection (1) of section 12 (disqualification in certain cases of justices who are members of local authorities), for “Local Government (Scotland) Act 1973” substitute “Local Government etc. (Scotland) Act 1994”.
- (5) In section 26 (interpretation), for the definition of—
  - (a) “commission area” substitute—
 

““commission area” means the area of a local authority;”;
  - (b) “local authority” substitute—
 

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

*The Criminal Procedure (Scotland) Act 1975 (c.21)*

- 97 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended in accordance with this paragraph.
- (2) In—
  - (a) sections 168 and 364 (power of court, in respect of certain offences, to refer child to reporter), for the words “reporter of the local authority in whose area the child resides” wherever they occur; and
  - (b) sections 173(1)(a) and (b) and (3) and 372(1)(a) and (b) and (3) and 373 (reference and remit of children’s and young persons’ cases by courts to children’s hearings), for the words “reporter of the local authority”, wherever they occur,
 substitute the words “Principal Reporter”.
- (3) In each of sections 186(1)(b) and (c) and 387(1)(b) and (c) (persons who may give information on oath as respects failure to comply with probation order), for “director of social work”, wherever it occurs, substitute “chief social work officer”.
- (4) In section 296(3) (action to be taken where child detained by police) for the words from “reporter” to “detained” where the latter word second occurs substitute the words “Principal Reporter”.
- (5) In section 413(3) (detention of children), in the definition of “the appropriate local authority”, in each of paragraphs (a) and (b), for “regional or islands council” substitute “local authority”.
- (6) In section 462 (interpretation) the definition of “reporter” shall cease to have effect.
- (7) In Schedule 5 (discharge and amendment of probation orders), in paragraph 2(4)(b)
  - (a) for “director of social work” substitute “chief social work officer”; and
  - (b) for “director”, where it secondly and thirdly occurs, substitute “chief social work officer”.



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- (8) For the word “reporter”, wherever occurring, substitute the words “ Principal Reporter ”.
- (9) Sub-paragraph (8) above does not affect any of the particular amendments made by this paragraph.

*The Reservoirs Act 1975 (c.23)*

- 98 In section 2(1) of the Reservoirs Act 1975 (local authorities for purposes of the Act), for “regional and islands councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The House of Commons Disqualification Act 1975 (c.24)*

- 99 In Part IV of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for particular constituencies)—
- (a) in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for a region in Scotland—
- (i) for the words “a region” substitute “ an area ”; and
- (ii) for the words from “such part” to “Majesty” substitute “ the area ”;
- (b) the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for an islands area in Scotland shall cease to have effect; and
- (c) in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh, or Glasgow—
- (i) the words “the district of” shall cease to have effect; and
- (ii) for “district” substitute “ city ”.

*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<sup>M40</sup>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

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- (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<sup>M41</sup>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;”;
- (ii) after paragraph (i) insert—
- “(j) the Strathclyde Passenger Transport Authority”;
- and
- (b) in subsection (2)—
- (i) for paragraph (a) substitute—
- “(a) any joint board constituted by an administration scheme under section 36 of the<sup>M42</sup>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”;

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- (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
    - (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

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

#### Commencement Information

**I13** 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

**M40** 1854 c. 91.

**M41** 1966 c. 51.

**M42** 1947 c. 41.

#### *The Guard Dogs Act 1975 (c.50)*

- 101 In section 7 of the Guard Dogs Act 1975 (interpretation), in the definition of “local authority”, for “an islands council or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Safety of Sports Grounds Act 1975 (c.52)*

- 102 In section 17(1) of the Safety of Sports Grounds Act 1975 (interpretation), in the definition of “local authority”, in paragraph (d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Children Act 1975 (c.72)*

- 103 In section 99(1) of the Children Act 1975 (inquiries in Scotland)—
- (a) in paragraph (b), for the words from “paragraphs” to “2(2)” substitute “ paragraphs (b), (e), (g), (h), (i), (l) and (o) of section 5(1B) ”;
  - (b) the word “or” immediately preceding paragraph (e) shall cease to have effect; and
  - (c) after paragraph (e) insert “; or
    - (f) the functions of the Principal Reporter under Part III of the Local Government etc. (Scotland) Act 1994.”.

#### *The Lotteries and Amusements Act 1976 (c.32)*

- 104 (1) The Lotteries and Amusements Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 23(1) (interpretation), in the definition of “local authority”, in paragraph (c), for “regional council, an islands council and a district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (3) In Schedule 1 (registration of societies), in paragraph 1(2)(c), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In Schedule 3 (permits for commercial provision of amusements with prizes), in paragraph 1(2), in the definition of “local authority”, in paragraph (c), for “an islands council and a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Dangerous Wild Animals Act 1976 (c.38)*

- 105 In section 7(4) of the Dangerous Wild Animals Act 1976 (interpretation), in the definition of “local authority”, for “an islands council or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Licensing (Scotland) Act 1976 (c.66)*

- 106 (1) The Licensing (Scotland) Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 1 (licensing boards)—
- (a) in subsection (2)(a) for the words—
    - (i) “each district and islands area” substitute “ the area of each council ”; and
    - (ii) “subsection (3) below” substitute “ section 46(1) of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) subsection (3) shall cease to have effect;
  - (c) in subsection (4), the words “district or islands” shall cease to have effect;
  - (d) in subsection (5)—
    - (i) for the words “a district or islands area” substitute “ the area of a council ”; and
    - (ii) the words “or electoral division” shall cease to have effect;
  - (e) for subsections (6) and (7) substitute—

“(6) On 1st April 1996, the members of a licensing board shall be—

    - (a) for an area or, as the case may be, a licensing division of an area which was, immediately before that date, an islands area, the members in office immediately before that date; and
    - (b) for any other area or, as the case may be licensing division of such area, the members elected by the council for the area in pursuance of section 46 of the Local Government etc. (Scotland) Act 1994.

(7) Subsequent elections of the members of a licensing board for any area or, as the case may be, a licensing division of such area shall be held—

    - (a) except in so far as paragraph (b) below otherwise provides, at the first meeting of the council held after each ordinary

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- election of that council which takes place after 1st April 1996; and
- (b) where a determination under subsection (3) above is made, either—
- (i) at the meeting at which the determination is made; or
- (ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above.”;
- (f) in subsection (8), for the words from “with” to “above” substitute “ on 1st April 1996 ”; and
- (g) in subsection (9)—
- (i) for the word “authority”, where it first occurs, substitute “ council ”; and
- (ii) for the words “the council of that authority” substitute “ that council ”.
- (3) In section 3(2) (expenses of members of licensing boards), the words “of the district or islands area” shall cease to have effect.
- (4) In section 5(8) (council to provide accommodation etc. for licensing board), the words “district or islands” shall cease to have effect.
- (5) In section 7 (clerk of licensing boards)—
- (a) in subsection (1), the words “district and islands”; and
- (b) subsection (2),
- shall cease to have effect.
- (6) In section 23(7) (meaning of “appropriate authority” for certain purposes), for the words from “in”, where it secondly occurs, to the end substitute “ the appropriate authority is the council ”.
- (7) In section 105 (procedure on application for grant or renewal of certificate of registration)—
- (a) in subsection (2)(b), for the words from “of” to “which” substitute “ within whose area ”; and
- (b) in subsection (3)(c), after “1973” insert “ or section 22 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 120(6) (consequences of conviction for sale or supply of liquor in unregistered club), for the words from “district” to “in which” substitute “ council within whose area ”.
- (9) In section 139(1) (interpretation), after the definition of “contravene” insert—
- ““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and references to the area of a council shall be construed accordingly;”.

*The Supplementary Benefits Act 1976 (c.71)*

- 107 (1) Schedule 5 to the Supplementary Benefits Act 1976 (re-establishment courses and resettlement units) shall be amended in accordance with this paragraph.

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- (2) In paragraph 2(2) (Secretary of State may require councils to exercise functions of providing and maintaining resettlement units)—
- (a) the words—
    - (i) “and of”;
    - (ii) “, regions, islands areas”; and
    - (iii) “and”, where it thirdly occurs,shall cease to have effect; and
  - (b) after “of London” insert “ and any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In paragraph 4(2) (local authorities to whom grants may be paid for certain purposes)—
- (a) the words—
    - (i) “, a region, an islands area”; and
    - (ii) “or”, where it secondly occurs,shall cease to have effect; and
  - (b) after “of London” insert “ or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Race Relations Act 1976 (c.74.)*

108 In section 71 of the Race Relations Act 1976 (local authorities: general statutory duty), the existing wording shall become subsection (1) of that section and after that subsection there shall be added—

- “(2) In this section, “local authority”, in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (“the 1994 Act”) and includes—
- (a) a joint board and a joint committee within the meaning of the <sup>M43</sup>Local Government (Scotland) Act 1973;
  - (b) the staff commission established by virtue of section 12 of the 1994 Act;
  - (c) a water and sewerage authority within the meaning of the 1994 Act; and
  - (d) the Strathclyde Passenger Transport Authority.”.

**Marginal Citations**

**M43** 1973 c. 65.

*The Refuse Disposal (Amenity) Act 1978 (c.3)*

109 In section 11(1) of the Refuse Disposal (Amenity) Act 1978 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The European Parliamentary Elections Act 1978 (c.10)*

- 110 (1) The European Parliamentary Elections Act 1978 shall be amended in accordance with this paragraph.
- (2) In Schedule 1 (simple majority system (for Great Britain) with S T V (for Northern Ireland)), in paragraph 4—
- (a) in sub-paragraph (2), for the words “region or islands”, in each place where they occur, substitute “local government”; and
- (b) in sub-paragraph (5)(b), for “a region, islands area or district” substitute “the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In Schedule 2 (European Parliamentary constituencies in Great Britain), in paragraph 5A(4), in the definition of “local authority”, in paragraph (b), for “the council of a region, islands area or district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Adoption (Scotland) Act 1978 (c.28)*

- 111 (1) The Adoption (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2 (local authorities’ social work), for the words from “which stand” to “committee” substitute the words “under any of the enactments mentioned in subsection (1B) of section 5 of the <sup>M44</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments)”.
- (3) In section 65(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

**Marginal Citations**

**M44** 1968 c. 49.

*The National Health Service (Scotland) Act 1978 (c.29)*

- 112 (1) The National Health Service (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 16A (power to make payments towards expenditure on community services), in subsection (1)—
- (a) in paragraph (a), for the words from “relating” to the end substitute “under any of the enactments mentioned in section 5(1B) of the <sup>M45</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments), other than section 3 of the Disabled Persons (Employment) Act 1958;”;
- (b) in paragraph (b), the words “of a regional or islands council’s” shall cease to have effect;



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- (c) in paragraph (c), the words “of a district or islands council’s” shall cease to have effect; and
  - (d) in paragraph (d), the words “of a regional or islands council’s” shall cease to have effect.
- (3) In section 108(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Marginal Citations

M45 1968 c. 49.

#### *The Community Service by Offenders (Scotland) Act 1978 (c.49)*

- 113 (1) The Community Service by Offenders (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2(3)(b) (persons to whom copy of community service order to be sent), for “director of social work” substitute “ chief social work officer ”.
  - (3) In section 12(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Inner Urban Areas Act 1978 (c.50)*

- 114 (1) The Inner Urban Areas Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 1(2) (meaning of “designated district authority”), the words “or region” shall cease to have effect.
  - (3) In section 2(1) (loans for acquisition of land etc.), the words “or region”, in both places where they occur, shall cease to have effect.
  - (4) In section 7(1)(a) (power to enter into arrangements), the words “or region” shall cease to have effect.

#### *The Bail etc. (Scotland) Act 1980 (c.4)*

- 115 In section 10(3) of the Bail etc. (Scotland) Act 1980 (sittings of district courts), for “district or islands council” substitute “ local authority ”.

#### *The Reserve Forces Act 1980 (c.9)*

- 116 (1) The Reserve Forces Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 131 (lieutenancies in Scotland)—
    - (a) for subsection (1) substitute—

“(1) Her Majesty—
      - (a) shall appoint a lord-lieutenant for each area of Scotland; and

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- (b) may appoint lieutenants for each area of Scotland.
- (1A) For the purposes of the provisions of this Act relating to lieutenancies, Her Majesty—
  - (a) shall by Order in Council divide Scotland into such areas as She thinks fit; and
  - (b) may in such an Order make such provision with respect to deputy lieutenants as is mentioned in subsection (1B) below.
- (1B) Where an Order in Council is made under subsection (1A) above, any deputy lieutenant holding office immediately before the date on which the Order is made shall (without prejudice to any power of removal or directing removal from any office) continue to hold office on and after that date as deputy lieutenant of the area or city in which he resides or of such other area or city as may be specified in the Order.”;
  - (b) in subsection (2)—
    - (i) the words “the district of” shall cease to have effect; and
    - (ii) for “such district” substitute “ such city ”;
  - (c) subsections (3) and (4) shall cease to have effect; and
  - (d) in subsection (5)—
    - (i) for “region” substitute “ area ”; and
    - (ii) the words “the districts of” shall cease to have effect.
- (3) In subsection (5) of section 133 (deputy lieutenants), for “the regional or general rate” substitute “ the non-domestic rate or the council tax ”.
- (4) In subsection (1) of section 156 (interpretation), immediately before the definition of “home defence service” insert—
 

““area”, in the application to Scotland of the provisions of this Act relating to the lieutenancies, shall be construed in accordance with section 131(1A) of this Act;”.
- (5) In paragraph 3 of Schedule 7 (schemes for the establishment of associations), for “region” and “regions” wherever they occur, substitute “ local government area ” and “ local government areas ” respectively.
- (6) For paragraph 14(2) of Schedule 8 (saving and transitional provisions) substitute—
 

“(2) Subject to any power of removal or of directing removal from any office, where, immediately before the date on which paragraph 116 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 comes into force—

  - (a) any lord-lieutenant or lieutenant held office in Scotland, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as lord-lieutenant or lieutenant respectively for such area as may be specified in the Order;
  - (b) any deputy lieutenant held office in Scotland, he shall continue to hold office on and after that date as deputy lieutenant for the area or city in which he resides or such other area or city as may be specified by the Secretary of State in an order made under this paragraph.”.

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#### Commencement Information

- 114** Sch. 13 para. 116 partly in force; Sch. 13 para. 116 not in force at Royal Assent see s. 184(2); Sch. 13 para. 116(1)–(5) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Slaughter of Animals (Scotland) Act 1980 (c.13)*

- 117 In section 22 of the Slaughter of Animals (Scotland) Act 1980 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Education (Scotland) Act 1980 (c.44)*

- 118 (1) The Education (Scotland) Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 4 (duty of education authorities to provide psychological service), the words “regional or island authority” shall cease to have effect.
- (3) In section 6 (social activities etc.)—
- (a) in subsection (2)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b),shall cease to have effect; and
  - (b) subsection (3) shall cease to have effect.
- (4) Section 78 (appointment of director of education) shall cease to have effect.
- (5) In section 86 (admissibility of documents)—
- (a) in paragraph (a), the words from “or” to “authority”; and
  - (b) in paragraph (e), the words “or by the director of education”,
- shall cease to have effect.
- (6) In subsection (3A) of section 112 (reorganisation schemes), for “Schedule 10 to” substitute “Section 56 of”.
- (7) In section 122 (interpretation of Part VI), in the definition of “governing instrument”, after the words “provisional order”, where they first appear, insert “or made under section 17 of the Local Government etc. (Scotland) Act 1994, ”.
- (8) In subsection (3) of section 129 (establishment of Board to conduct examinations, etc.), for “directors of education” substitute “persons employed by education authorities in an administrative capacity as respects the discharge of their education functions”.
- (9) In subsection (1) of section 135 (interpretation), in the definition of “education authority”, for the words “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (10) In Schedule A1 (appeal committees)—
- (a) in paragraph 3—

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- (i) in sub-paragraph (a), for the words “the education committee of the authority” there shall be substituted the words “ any committee appointed by the authority whose purposes include advising the authority on any matter relating to the discharge of any of their functions as education authority or discharging any of those functions on behalf of such authority ”;
- (ii) in sub-paragraph (b), for the words “the education committee of the authority” there shall be substituted the words “ any such committee ”; and
- (iii) for the words from “as” to “adviser”, where it thirdly occurs, there shall be substituted the words “ in an administrative or advisory capacity as respects the discharge of their education functions. ”;
- (b) in paragraph 4, for the words “the education committee of the authority” there shall be substituted the words “ any committee such as is mentioned in paragraph 3 above ”; and
- (c) in paragraph 5, for the words “the education committee of the authority” there shall be substituted the words “ any committee such as is mentioned in paragraph 3 above ”.

*The Water (Scotland) Act 1980 (c.45)*

- 119 (1) The 1980 Act shall be amended in accordance with this paragraph.
- (2) Sections 3 to 5 (water authorities and their areas, alterations of limits of supply and maps of such limits) shall cease to have effect.
- (3) In section 6(3) (questions arising as respects water authority’s duty to provide supply of wholesome water)—
- (a) for “10 or more local government electors in the limits of supply of the water authority” substitute “ any person aggrieved ”; and
  - (b) for “consulting the authority” substitute “ consultation with that person and with the water authority concerned ”.
- (4) In section 9A (prohibition on any charge for water taken to extinguish fires etc.)—
- (a) for the words from the beginning to “49” substitute “ Notwithstanding anything in section 9 ”;
  - (b) the existing words as so amended shall be subsection (1) of the section; and
  - (c) after that subsection add—
- “(2) Subsection (1) above shall not have the effect, where any water is used or made available for any of the purposes mentioned in paragraph (a) or (b) of that subsection, of requiring a reduction in the charges imposed in respect of the provision for other purposes of the supply from which the water is taken.”.
- (5) In section 10 (compensation for damage resulting from exercise of powers)—
- (a) in subsection (1)—
    - (i) for “district council” substitute “ local authority ”; and
    - (ii) the words “or water development board” shall cease to have effect;
  - (b) in subsection (1A)—

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- (i) the words “onto agricultural land or forestry land” and “or as the case may be water development board’s” shall cease to have effect; and
    - (ii) after “communication” insert “ or supply ”;
  - (c) in subsection (3), for “12” substitute “ 24 ”;
  - (d) in subsection (5)(e), for “26 of the said Act of 1950” substitute “ 141 of the said Act of 1991 ”; and
  - (e) subsection (6) shall cease to have effect.
- (6) In section 11 (power of Secretary of State on default of water authority or water development board)—
  - (a) in subsection (1)—
    - (i) in paragraph (a), the words “or a water development board”; and
    - (ii) in paragraph (b), the words “or board”;
  - (b) in subsection (2), the words “or board”;
  - (c) in subsection (3), the words “or board” wherever they occur;
  - (d) in subsection (4), the words “or board” wherever they occur and “or “the transferee board””; and
  - (e) in subsections (5) to (7), the words “or board” wherever they occur, shall cease to have effect.
- (7) In section 13 (supply of water in bulk)—
  - (a) in subsection (1), the words “or water development board”, in both places where they occur, “or board”, in both places where they occur, and “or area” shall cease to have effect;
  - (b) in subsection (2), the words “or water development board”, “or board” wherever they occur, “or area” and “or boards” shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “or water development board” and “or area, as the case may be,” shall cease to have effect; and
    - (ii) for “streets” substitute “ roads ”; and
  - (d) in subsection (6), the words “or water development board” shall cease to have effect.
- (8) Section 15 (power to acquire land), shall cease to have effect.
- (9) In section 16 (power to survey land and search for water)—
  - (a) in subsection (1) the words “or water development board”; and
  - (b) in each of subsections (2), (3) and (8), the words “or board” wherever they occur, shall cease to have effect.
- (10) In section 17 (acquisition of water rights)—
  - (a) in subsection (1), the words “or water development board”;
  - (b) in subsection (2), the words “or water development board” and “or board”;
  - (c) in subsection (3), the words “or water development board” and, in both places where they occur, “or board”; and
  - (d) in subsection (4), the words “or water development board”, shall cease to have effect.
- (11) In section 18(1) (compulsory acquisition of land for water works)—

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- (a) the words “or board”, in both places where they occur, shall cease to have effect; and
  - (b) for “15” substitute “99 of the Local Government etc. (Scotland) Act 1994”.
- (12) Section 20 (power to hold and dispose of land), shall cease to have effect.
- (13) In section 22 (power to break open roads), the words “or water development board” shall cease to have effect.
- (14) In section 23 (power to lay mains)—
- (a) in subsection (1), the words “or water development board” shall cease to have effect;
  - (b) in subsection (2), the words “or board” shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “or water development board” shall cease to have effect; and
    - (ii) for “street” substitute “road”; and
  - (d) in subsection (4), for “(1)” substitute “(1)(a)”.
- (15) In section 25 (power to provide public wells)—
- (a) in subsection (1)—
    - (i) for “district council” substitute “local authority”; and
    - (ii) for “district”, where it secondly occurs, substitute “area”; and
  - (b) in subsection (2)—
    - (i) for “An islands or district council” substitute “A local authority”;
    - (ii) the words “or district”, where they secondly occur, shall cease to have effect;
    - (iii) after “but” insert “where the Secretary of State is the roads authority”;
    - (iv) for “the district council” substitute “the local authority”; and
    - (v) for “the roads authority’s” substitute “his”.
- (16) In section 26 (power to close, or restrict use of, wells)—
- (a) for “district council” substitute “local authority”; and
  - (b) in paragraph (a), for “district” substitute “area”.
- (17) In section 27 (power to close, or restrict use of water from, polluted source)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “a local authority”;
    - (ii) the words “or district”, where they secondly occur, shall cease to have effect; and
    - (iii) for “the council” substitute “they”; and
  - (b) in subsection (2), for “council” substitute “local authority”; and
  - (c) in subsection (3)—
    - (i) for “council”, where that word first occurs, substitute “local authority”; and
    - (ii) for “the council”, where those words secondly and thirdly occur, in each case substitute “them”.
- (18) In section 28 (water works code)—

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- (a) in subsection (1), the words “or a water development board”; and
  - (b) in subsection (2), the words “or water development board”,
- shall cease to have effect.
- (19) In section 29 (applications of enactments by order)—
- (a) in subsection (2), the words “or water development board”; and
  - (b) in subsection (3), the words “or board”,
- shall cease to have effect.
- (20) Section 30 (exemption from stamp duty) shall cease to have effect.
- (21) In section 32 (power of water undertakers to supply water to water authorities)—
- (a) in subsection (1)(b), the words “subject to subsection (2),”; and
  - (b) subsection (2),
- shall cease to have effect.
- (22) In section 33 (temporary discharge of water into watercourses)—
- (a) in subsection (1), the words “or water development board”, “or their area, as the case may be” and “or board”;
  - (b) in subsection (3), the words “or water development board” in both places where they occur; and
  - (c) in each of subsections (4), (6)(b), (7) to (9) and (11), the words “or board” wherever they occur,
- shall cease to have effect.
- (23) Section 35(4) (charge for water fittings) shall cease to have effect.
- (24) In section 38(1) (entry to premises), the words “or water development board” and, in each of paragraphs (a), (c) and (d), “or board”, shall cease to have effect.
- (25) Sections 40 (non-domestic water rate) and 41 (levy of non-domestic water rate) shall cease to have effect.
- (26) Sections 42 (levy of non-domestic water rate on water works etc.), 43 (levy of non-domestic water rate on shootings and fishings) and 46 (transport hereditaments) shall cease to have effect.
- (27) In section 47 (provision as regards certain pre-existing obligations etc.)—
- (a) for subsection (1) substitute—
    - “(1) Subject to section 41A of this Act, no charge shall be fixed, demanded or recovered for a supply of water to premises to which a water authority were, immediately before 16th May 1949, by virtue of any enactment or agreement, under an obligation to provide such a supply free of charge.”;
  - (b) in subsection (2)—
    - (i) for “leviable in any area specified in the local enactment” substitute “, for a period specified in that enactment, leviable in any area so specified”;
    - (ii) for “specified therein” substitute “ so specified ”; and
    - (iii) for the words from “the non-domestic water rate” to the end of the proviso substitute—

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“any charge payable in the area in question for a supply of water in any period commencing after 31st March 1996 (the

“transfer date” for the purposes of Part II of the Local Government etc. (Scotland) Act 1994 and of this subsection) shall, during the period so specified, bear the same proportion to the charge which (but for this subsection) would be payable for that supply under a charges scheme, as the non-domestic water rate payable there as at the transfer date by virtue of the local enactment and of this subsection (as it had effect on the transfer date) bore to the non-domestic water rate which would otherwise have been payable.”;

(c) in subsection (3)—

(i) for the words from the beginning to “such a supply” substitute — “ Where, by virtue of any enactment or agreement in force immediately before 16th May 1949, a water authority were under an obligation to provide a supply of water to any premises ”; and

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

(d) for subsection (7) substitute—

“(7) Nothing in subsection (1) shall be construed as continuing any exemption, and nothing in subsection (3) as continuing any advantage, where under the enactment or agreement in question the obligation which gives rise to the exemption or advantage ceases to exist.”.

(28) Sections 48 (levying of, and exemption from, rates) and 49 (payment for supplies by meter) shall cease to have effect.

(29) In section 54 (register of meter to be evidence)—

(a) subsection (2); and

(b) in subsection (3)(b), the words from “and in the case” to the end, shall cease to have effect.

(30) In section 55 (terms and conditions on which water supplied)—

(a) in subsection (1), after “conditions” insert “ , other than as respects charges, ”; and

(b) in subsection (4), after “at the” insert “ principal ”.

(31) In section 58 (termination of right to supply of water on special terms)—

(a) in subsection (3), for the words from “under section 49” to “may be,” substitute “ for a supply of water ”;

(b) in subsection (4), for “district council” substitute “ local authority ”;

(c) in subsection (6), the words “or the district of a district council” and “or by that district council” shall cease to have effect; and

(d) subsection (8) shall cease to have effect.

(32) Sections 60 (requisitions) and 61 (calculation of amount to be requisitioned) shall cease to have effect.

(33) In section 63 (provision of water supply to new buildings and houses)—

(a) after subsection (1) insert—



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- “(1A) In determining adequacy for the purposes of subsection (1), the local authority shall consult, and have regard to the views of, the water authority within whose limits of supply the building is being erected.”;
- (b) in subsection (5), after “section,” insert “ except section (1A), ”; and
- (c) subsection (6) shall cease to have effect.
- (34) Sections 64 to 67 (provisions as respects duty of house owners to provide supply of wholesome water for domestic purposes, execution of works on failure to do so, recovery of expenses of such execution and limitation of liability for such expenses) shall cease to have effect.
- (35) In section 68 (agreements as to drainage)—
- (a) in subsection (1)—
- (i) the words “or water development board” and (both in the subsection and its proviso) “or board” shall cease to have effect; and
- (ii) in paragraph (b), for “regional, islands or district council” substitute “ local authority ”; and
- (b) subsection (3) shall cease to have effect.
- (36) In section 69(1) (power to restrict use of hosepipes)—
- (a) for “within the meaning of section 117(1) of the <sup>M46</sup>Road Traffic Act 1960” substitute “ as defined in section 1 of the <sup>M47</sup>Public Passenger Vehicles Act 1981 ”; and
- (b) for “within the meaning of section 196 of the <sup>M48</sup>Road Traffic Act 1972” substitute “ as defined in section 192(1) of the <sup>M49</sup>Road Traffic Act 1988 ”.
- (37) In section 70 (byelaws for preventing misuse of water)—
- (a) in subsection (1), the words “or water development board”;
- (b) in subsection (2), the words “or board”; and
- (c) in subsection (4), the words “or water development board”; and
- (d) in the proviso to subsection (4), the words “ , or as the case may be the Board, ”,
- shall cease to have effect.
- (38) In section 71 (byelaws for preventing pollution of water)—
- (a) in subsection (1), the words “or water development board” shall cease to have effect;
- (b) in subsection (2), for “authority or board” substitute “ water authority ”;
- (c) in subsection (3)—
- (i) for “authority or board” substitute “ water authority ”; and
- (ii) for “regional, islands or district council”, in both places where those words occur, substitute “ local authority ”;
- (d) in subsection (4), for “authority or board” and “regional, islands or district council” in each case substitute “ local authority ”;
- (e) in subsection (5)—
- (i) for “authorities or boards”, where those words first occur, substitute “ water authorities ”; and

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- (ii) the words “or board” and, where they secondly occur, “or boards”, shall cease to have effect; and
- (f) in subsection (6), the words “or boards” shall cease to have effect.
- (39) In section 72(2) (duty to enforce byelaws), the words “and water development board” shall cease to have effect.
- (40) In section 73 (power of Secretary of State to require the making of byelaws)—
  - (a) in subsection (1), the words “or water development board” and “or board”; and
  - (b) in each of subsections (2) and (3), the words “or board” wherever they occur, shall cease to have effect.
- (41) In section 76 (acquisition of land for protection of water)—
  - (a) in subsection (1)—
    - (i) after “Act” insert “, or of the Local Government etc. (Scotland) Act 1994,”
    - (ii) the words “or water development board” and “or board” shall cease to have effect; and
    - (iii) after “undertaking” insert “ or functions ”;
  - (b) in subsection (2), the words “or water development board” and (wherever they occur, both in the subsection and its proviso) “or board” shall cease to have effect;
  - (c) in subsection (3), the words “or water development board”, “or their area” and “or board” shall cease to have effect; and
  - (d) in the proviso to subsection (3), the words “or board” and “or the area of that board”, shall cease to have effect.
- (42) In section 76F(5) (supplementary regulations in relation to water quality)—
  - (a) at the beginning insert “ Without prejudice to subsection (7) below, ”; and
  - (b) after “supplementing the” insert “ foregoing ”.
- (43) In section 76H (effect, confirmation and variation of notice under section 76G)—
  - (a) in subsection (5), for the words from “may” to the end substitute—
    - “—
    - (a) may, except where the case is one to which paragraph (b) below applies, take that step themselves in accordance with any applicable provision having effect by virtue of section 76I below; and
    - (b) may, in a case to which this paragraph applies, take that step themselves and for that purpose exercise the powers which a water authority may, under this Act, exercise for the purpose of their water undertaking.”;
  - (b) after subsection (5) insert—
    - “(5A) Paragraph (b) of subsection (5) above applies to any case where the local authority are satisfied that the failure arose because the person was unable on reasonable terms to acquire any necessary rights—
    - (a) to take water from a suitable source;

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- (b) to lay pipes through any land not belonging to him; or
    - (c) to do any other work.”; and
  - (c) in subsection (8), the words from “; and section 65” to the end shall cease to have effect.
- (44) In section 76I (incidental powers of local authorities)—
  - (a) in subsection (1), for “subsection (5)” substitute “ subsections (5) and (6) ”;
  - (b) in subsection (2), at the beginning insert “Subject to subsection (6) below,”; and
  - (c) after subsection (5) add—
    - “(6) The foregoing provisions of this section do not apply as respects, but are without prejudice to the exercise of, a power conferred by section 76H(5)(b) above.”.
- (45) In section 76J(1) (regulations as to standards of wholesomeness), for “Part” substitute “ Act ”.
- (46) In section 76L(1) (interpretation of Part VIA), the definitions of “local authority” and “wholesome” shall cease to have effect.
- (47) Sections 80 to 92 (provisions as regards water development boards) shall cease to have effect.
- (48) In section 100 (power to make orders), for subsection (2) substitute—
  - “(2) Before making, on his own initiative, an order under section 107, the Secretary of State shall consult all water authorities whose limits of supply would be affected by the order.”.
- (49) In section 103 (requirement for notices to be in writing)—
  - (a) for “regional, island or district council” substitute “ local authority ”;
  - (b) the words “or water development board”, in both places where they occur, shall cease to have effect; and
  - (c) for “regional, islands or district council” substitute “ local authority ”.
- (50) In section 104(1) (appeal against decision of sheriff on any application under the Act), after “Act” insert “ (other than an application under section 23(1A)) ”.
- (51) In section 106(4) (recording of awards in arbitration etc.), for “the said Acts” substitute “ this Act ”.
- (52) In section 107 (repeal, amendment and adaptation of local enactments)—
  - (a) in subsection (1)(b), the words “or a water development board” and “or board”; and
  - (b) in subsection (5), the words “or a water development board”, shall cease to have effect.
- (53) In section 109 (interpretation)—
  - (a) in subsection (1)—
    - (i) the definitions of “the 1992 Act”, “apportionment scheme”, “apportionment note”, “Central Board”, “constituent water authority”, “contributing authority”, “council water charge”, “net

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- annual value” and “part residential subjects” shall cease to have effect;
- (ii) after the definition of “agricultural lands and heritages” insert—
- ““area”, in relation to a water authority, shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (iii) for the definition of “limits of supply” substitute—
- ““limits of supply”, in relation to a water authority, means the area of the water authority (as construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994);”;
- (iv) in the definition of “owner”, the words “, save in sections 64 to 67,” shall cease to have effect;
- (v) for the definition of “water authority” substitute—
- ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;” and
- (vi) at the end add—
- ““wholesome” and cognate expressions shall be construed subject to the provisions of any regulations made under section 76J”; and
- (b) in subsection (3), the words “and water development board” shall cease to have effect.
- (54) In Schedule 1 (procedure for making orders and making and confirming bylaws)—
- (a) in paragraph 2—
- (i) in sub-paragraph (i), for “regional council, district council and water development board” substitute “ and local authority ”; and
- <sup>F15</sup>(ii) . . . . .
- (b) in paragraph 3, the words “and the area of the water development board” shall cease to have effect;
- (c) in paragraph 11—
- (i) for “regional council, district council and water development board” substitute “ and local authority ”; and
- (ii) the words “where the river purification authority are not the same authority as the water authority” shall cease to have effect;
- (d) in paragraph 12, the words “and the area of the board” shall cease to have effect;
- (e) in paragraph 13, the words “not exceeding 10 pence” shall cease to have effect;
- (f) in paragraph 14, the words “or board” shall cease to have effect;
- (g) in paragraph 17, the words “or board” and “or boards” shall cease to have effect;
- (h) in paragraph 19—
- (i) the words “or water development board”, in both places where they occur and “or area” shall cease to have effect;
- (ii) for “regional council, district council and water development board” substitute “ and local authority ”; and
- <sup>F15</sup>(iii) . . . . .

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- (i) in paragraph 20, the words “or water development board” shall cease to have effect;
  - (j) in paragraph 23, the words “or board” and “or boards” shall cease to have effect;
  - (k) in each of paragraphs 24, 26 and 27, the words “or water development board” shall cease to have effect;
  - (l) in paragraph 25(b), for “council of every region or district” substitute “local authority for any area”;
  - (m) in paragraph 30, the words “or water development board” and “or board” shall cease to have effect; and
  - (n) in paragraph 31—
    - (i) for “the proper” substitute “a duly authorised”; and
    - (ii) the words “or board”, in both places where they occur, shall cease to have effect.
- (55) In Schedule 2 (orders authorising compulsory acquisition of land), in each of paragraphs 4 and 6, the words “or water development board” wherever they occur shall cease to have effect.
- (56) In Schedule 3 (provisions as to breaking open roads and laying communication and supply pipes)—
- (a) in paragraph 1, the words “and water development board”, “within their limits of supply or area” and from “and outside” to “removing mains” where they secondly occur, shall cease to have effect;
  - (b) in paragraph 2(2), the words “or board”, in both places where they occur, shall cease to have effect;
  - (c) in paragraph 4(1), the words “within their limits of supply” and “within the said limits” shall cease to have effect;
  - (d) in paragraph 5—
    - (i) the words “within the limits of supply” shall cease to have effect; and
    - (ii) for the words “the authority”, where they first occur, substitute “any water authority”; and
  - (e) paragraph 8 shall cease to have effect.
- (57) In Schedule 4 (provisions to be incorporated in orders relating to water undertakings)—
- (a) in section 24(2)—
    - (i) for “regional islands or district council or roads” substitute “local”; and
    - (ii) at the end add “or, in relation to roads for which the Secretary of State is roads authority, between the Secretary of State and the undertakers”;
  - (b) in section 40, for “24” substitute “48”; and
  - (c) in section 46, for “clerk of the local authority of every district” substitute “local authority for every area”.
- (58) Schedules 7 (procedure for making certain orders) and 8 (further provisions as regards water development boards) shall cease to have effect.

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### Textual Amendments

**F15** Sch. 13 para. 119(54)(a)(ii)(h)(iii) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

### Commencement Information

**I15** Sch. 13 para. 119 partly in force; Sch. 13. para. 119 not in force at Royal Assent see s. 184(2); Sch. 13. para. 119(1)(5)(d)(7)(c)(ii)(34)(36)(42)-(45)(51)(53)(a)(iv)(vi) in force and Sch. 13 para. 119(46) in force for specified purposes at 4.1.1995 by S.I. 1994/2850, art. 3(c)(x); Sch. 13 para. 119 (other than sub-paragraphs (54)(a)(ii)(h)(iii)) in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

### Marginal Citations

**M46** 1947 c. 41.  
**M47** 1981 c. 14.  
**M48** 1972 c. 20.  
**M49** 1988 c. 52.

### *The Local Government, Planning and Land Act 1980 (c.65)*

- 120 (1) The Local Government, Planning and Land Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 2(1) (duty of authorities to publish information)—
- (a) in paragraph (g), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in paragraph (h)—
    - (i) for “committee” substitute “ board ”; and
    - (ii) after “that Act” insert “ or section 147 of the <sup>M50</sup>Local Government (Scotland) Act 1973 ”; and
  - (c) in paragraph (k)—
    - (i) for “committee” substitute “ board ”; and
    - (ii) for “or 21A” substitute “ , 20 or 21B ”.
- (3) In section 8(1) (meaning of “functional work”), in paragraph (b)(iv), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 20(1) (interpretation of Part III), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 120(3) (compulsory acquisition: exclusion of special parliamentary procedure), in the definition of “local authority”, in paragraph (c), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 148 (planning control)—
- (a) in subsection (1), for the words from “regional” to “areas” substitute “ planning authority within whose area ”; and

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(b) in subsection (2), the words “exercising district planning functions” shall cease to have effect.

(7) In section 165(9)(b) (power to transfer undertaking), for “a regional council and a district council” substitute “ any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 other than the councils for Orkney Islands, Shetland Islands and Western Isles ”.

#### Marginal Citations

M50 1973 c. 65.

#### *The Public Passenger Vehicles Act 1981 (c.14)*

- 121 (1) The Public Passenger Vehicles Act 1981 shall be amended in accordance with this paragraph.
- (2) In section 5(3) (publication of information by traffic commissioners), in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 14A(4)(b) (objections to application for PSV operator’s licence), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 82(1) (interpretation), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In Schedule 1 (public service vehicles: conditions affecting status or classification), in paragraph 2(2)(b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Animal Health Act 1981 (c.22)*

- 122 In section 50(3) of the Animal Health Act 1981 (local authorities for purposes of Act), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Finance Act 1981 (c.35)*

- 123 In section 107(3)(b) of the Finance Act 1981 (sale of houses at discount by local authorities etc.), for “regional, district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Zoo Licensing Act 1981 (c.37)*

- 124 In section 1(3)(b) of the Zoo Licensing Act 1981 (licensing of zoos by local authorities), for “islands councils and district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Wildlife and Countryside Act 1981 (c.69)*

- 125 (1) The Wildlife and Countryside Act 1981 shall be amended in accordance with this paragraph.
- (2) In section 27(1) (interpretation of Part I), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 36(7) (marine nature reserves), in the definition of “local authority”, in paragraph (b), for “regional council, an islands council or a district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Aviation Act 1982 (c.16)*

- 126 (1) The Civil Aviation Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 30 (provision of aerodromes and facilities at aerodromes by local authorities)—
- (a) in subsection (1)—
- (i) the words “, other than a district council in Scotland,”; and
- (ii) the words from “and a” to “above”,
- shall cease to have effect; and
- (b) in subsection (2), the words “, other than a district council in Scotland,” shall cease to have effect.
- (3) In section 36(4)(b) (meaning of “relevant authority” for purposes of section), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 88(10) (application and interpretation of section), the words “, other than a district council in Scotland,” shall cease to have effect.
- (5) In section 105(1) (general interpretation), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Stock Transfer Act 1982 (c.41)*

- 127 In Schedule 1 to the Stock Transfer Act 1982 (specified securities), in paragraph 7(2), for head (b) substitute—
- “(b) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Local Government and Planning (Scotland) Act 1982 (c.43)*

- 128 (1) The Local Government and Planning (Scotland) Act 1982 shall be amended in accordance with this paragraph.
- (2) For section 9 (re-allocation of responsibility for certain local authority functions relating to the countryside) substitute—



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**“9 Part II of Schedule 1 to continue to have effect.**

Part II of Schedule 1 to this Act (amendment of certain enactments relating to the countryside) shall continue to have effect.”.

- (3) In section 14 (islands or district council’s duties in relation to the provision of recreational, sporting, cultural and social facilities and activities)—
- (a) in subsection (1), for “an islands or district council” substitute “ a local authority ”;
  - (b) in subsection (2), the words “regional or islands council as” shall cease to have effect; and
  - (c) after that subsection add—  
“(3) In subsection (2) above, “water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”.
- (4) In section 15(2) (local authority’s powers in relation to provision of recreational, sporting etc. facilities), for “An islands or district council” substitute “ A local authority ”.
- (5) In section 16 (provisions supplementary to section 15)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “ a local authority ”;
    - (ii) for paragraph (b) substitute—  
“(b) maintain a body for the promotion of a recreational, sporting, cultural or social activity;”; and
    - (iii) in each of paragraphs (c), (g)(ii) and (k)(ii), for “council”, wherever it occurs, substitute “ authority ”; and
  - (b) in subsection (2)—
    - (i) for “an islands or district council” substitute “ a local authority ”; and
    - (ii) in paragraph (a), for “council” substitute “ authority ”.
- (6) For section 17 (power of regional council to contribute towards provision of recreational etc. facilities) substitute—

**“17 Power of local authority to contribute towards provision of cultural activities and facilities.**

- (1) A local authority may contribute by way of grant or loan towards the expenses of any organisation or body which, in the opinion of the authority, provides or promotes the provision of cultural activities or facilities whether inside or outside the area of the local authority concerned.
  - (2) Without prejudice to the generality of subsection (1) above, the power conferred by that subsection includes power to make such contribution as will support or promote music, theatre, dance, opera, visual art or other art forms and museums and galleries.”.
- (7) In section 18 (byelaws in relation to recreational, sporting etc. activities)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “ a local authority ”; and

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- (ii) for “council” substitute “ authority ”;
- (b) in subsection (2)(b), for “council” substitute “ local authority ”; and
- (c) in subsection (3), for “council”—
  - (i) where it first occurs, substitute “ local authority ”; and
  - (ii) where it secondly occurs, substitute “ authority ”.
- (8) In section 24(1) (provision of gardening assistance for certain persons), for “An islands or district council” substitute “ A local authority ”.
- (9) In section 25 (local authority’s functions in relation to cleansing of land)—
  - (a) in subsection (2), for “An islands or district council” substitute “ A local authority ”; and
  - (b) in subsection (3), for “islands or as the case may be district council” substitute “ local authority ”.
- (10) In section 26(1) (local authority’s functions in relation to the provision of public conveniences), for “An islands or district council” substitute “ A local authority ”.
- (11) In section 27 (local authority’s functions in relation to provision of a market)—
  - (a) in subsection (1)—
    - (i) for “An islands or district council” substitute “ A local authority ”; and
    - (ii) in paragraph (b)(i), for “council” substitute “ authority ”;
  - (b) in subsection (3), for “An islands or district council” substitute “ A local authority ”; and
  - (c) in subsection (4), the words from “Without” to “Act” shall cease to have effect.
- (12) In section 28 (local authority’s functions in relation to the provision of clocks)—
  - (a) for “An islands or district council” substitute “ A local authority ”; and
  - (b) in paragraph (b), for “council” substitute “ authority ”.
- (13) In section 30(1), for the words from “an islands” to “may”, where it first occurs, substitute “ a local authority may, with the consent of the roads authority ”.
- (14) In section 67 (interpretation), immediately before the definition of “the 1972 Act” insert—
 

“ “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; ”.
- (15) Part I of Schedule 1 (which re-allocates certain functions relating to the countryside) shall cease to have effect.

*The Civic Government (Scotland) Act 1982 (c.45)*

- 129 (1) The Civic Government (Scotland) Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 2 (licensing authorities)—
  - (a) in subsection (1), for “each district and islands area” substitute “ the area of each local authority ”; and

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- (b) in each of subsections (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”.
- (3) In section 45 (control of sex shops)—
  - (a) in subsection (1), for “district or islands council” substitute “ local authority ”; and
  - (b) in subsection (2)—
    - (i) for “district or islands council” substitute “ local authority ”; and
    - (ii) for “council’s” substitute “ authority’s ”.
- (4) In section 62 (notification of processions)—
  - (a) in subsection (1)—
    - (i) for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
  - (b) in each of subsections (2), (4), (7), (9) and (11), for “regional or islands council”, wherever it occurs, substitute “ local authority ”;
  - (c) in subsection (6)—
    - (i) for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”; and
  - (d) in subsection (12), in the definition of “chief constable”—
    - (i) for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”.
- (5) In section 63 (functions of authorities in relation to processions), in each of subsections (1), (1A)(a), (3) and (4), for “regional or islands council”, wherever it occurs, substitute “ local authority ”.
- (6) In section 64 (appeals against orders under section 63)—
  - (a) in subsection (4), for “regional or islands council” substitute “ local authority ”;
  - (b) in subsection (6)—
    - (i) in paragraph (a)(i), for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”; and
  - (c) in subsection (7), for “council” substitute “ authority ”.
- (7) In section 87 (local authorities’ powers in relation to buildings in need of repair), subsection (6) shall cease to have effect.
- (8) In section 89 (safety of platforms etc.), subsection (10) shall cease to have effect.
- (9) In section 90 (lighting of common stairs etc.)—
  - (a) in each of subsections (2), (3), (4), (5), (6), (7), (8) and (9), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in each of subsections (8) and (9), for “council”, where it secondly occurs, substitute “ authority ”.
- (10) In section 91 (installation of lights in private property)—
  - (a) in subsection (1)—

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- (i) for “district or islands council” substitute “ local authority ”; and
- (ii) for “council”, where it secondly occurs, substitute “ authority ”;
- (b) in subsection (2), for “district or islands council” substitute “ local authority ”; and
- (c) in subsection (3)—
  - (i) for “district or islands council” substitute “ local authority ”; and
  - (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”.
- (11) In section 92 (cleaning and painting of common stairs etc.)—
  - (a) in each of subsections (2), (3), (4), (6), (7) and (8), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (8), for “council”, where it secondly and thirdly occurs, substitute “ authority ”.
- (12) In section 94 (disused petrol containers)—
  - (a) in subsection (2), for “regional or islands council” substitute “ local authority ”; and
  - (b) in subsection (3)—
    - (i) for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”.
- (13) In section 95 (private open spaces), in each of subsections (2) and (3)(b), for “district or islands council” substitute “ local authority ”.
- (14) In section 96(1) (statues and monuments)—
  - (a) for “district or island council” substitute “ local authority ”; and
  - (b) for “council”, where it secondly occurs, substitute “ authority ”.
- (15) In section 97 (street names and house numbers), for “district or islands council” substitute “ local authority ”.
- (16) In section 119 (regulation of charitable collections)—
  - (a) in each of subsections (1), (3), (4), (5), (6), (7), (8), (9), (10)(a) and (b) and (12), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (3), for “council”, where it secondly occurs, substitute “ authority ”.
- (17) In section 120 (savings for Crown and other rights), for “district or islands council” substitute “ local authority ”.
- (18) In section 121 (control of the seashore, adjacent waters and inland waters)—
  - (a) in each of subsections (1), (3), (4), (5)(a) and (c), (6), (7), (8), (9), (10) and (11), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (7), for “council”, where it secondly occurs, substitute “ authority ”.
- (19) In section 122 (power to execute works on seashore)—
  - (a) in each of subsections (1), (3), (4) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;

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- (b) in subsection (2)—
    - (i) in paragraph (a), for “council” substitute “ local authority ”; and
    - (ii) in paragraph (b)—
      - (A) after sub-paragraph (i) insert “ and ”;
      - (B) in sub-paragraph (ii), for “the district council” substitute “ any local authority other than the authority for Orkney Islands, Shetland Islands or Western Isles ”; and
      - (C) sub-paragraph (iii) and the word “and” immediately preceding it shall cease to have effect;
  - (c) in subsection (5), for “council”, where it secondly occurs, substitute “ local authority ”.
- (20) In section 123 (interpretation of sections 120 to 122)—
- (a) in subsection (1), in the definition of “adjacent waters”, in paragraph (b), for “district council” substitute “ local authority ”; and
  - (b) in subsection (2), after the words “purposes of”, where they secondly occur, insert “ giving notice or, as the case may be, ”.
- (21) In section 133 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (22) In Schedule 2 (control of sex shops)—
- (a) in each of paragraphs 3, 4, 5(1), (3), (4), (5), (6), (7) and (8), 7(2), (7), (8) and (10) and 8(1), (2), (3), (4), (5), (6), (7) and (8), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (b) in paragraph 6—
    - (i) in sub-paragraph (1), for “district or islands council” substitute “ local authority ”; and
    - (ii) in sub-paragraph (6), for “islands or district council” substitute “ local authority ”;
  - (c) in paragraph 9—
    - (i) in sub-paragraphs (1), (2), (4) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
    - (ii) in sub-paragraphs (3)(g) and (h), for “council”, in each place where it occurs, substitute “ local authority ”;
  - (d) in paragraph 10—
    - (i) in sub-paragraphs (1), (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
    - (ii) in sub-paragraph (3), for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
  - (e) in paragraph 12(1), (2)(b), (3), (4) and (6) for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (f) in paragraph 13—
    - (i) in sub-paragraphs (1), (2), (4), (5), (6), (7), (8), (9) and (10), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
    - (ii) in sub-paragraphs (6) and (9), for “council”, where it secondly occurs in each of those paragraphs, substitute “ authority ”;
  - (g) in paragraph 14—

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- (i) in sub-paragraph (1), for “islands or district council” substitute “local authority ”; and
- (ii) in sub-paragraphs (2), (3), (4), (5), (6) and (7), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (h) in paragraph 15—
  - (i) in sub-paragraphs (1), (2), (3) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (2)(b), for “council” substitute “ authority ”; and
  - (iii) in sub-paragraph (3), for “council”, where it secondly occurs, substitute “ local authority ”;
- (i) in paragraph 16(1), (2), (3) and (4), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (j) in paragraph 17—
  - (i) in sub-paragraphs (1), (2) and (4), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (ii) in sub-paragraph (4), for “council”, where it secondly occurs, substitute “ authority ”;
- (k) in paragraph 18—
  - (i) in sub-paragraphs (1) and (2), for “district or islands council” substitute “ local authority ”;
  - (ii) in sub-paragraph (1), for “council”, where it secondly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (2), for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
- (l) in each of paragraphs 19(8) and 20(1), (3) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (m) in paragraph 22—
  - (i) for “district or islands council” substitute “ local authority ”; and
  - (ii) for “its” substitute “ their ”;
- (n) in paragraph 23—
  - (i) in sub-paragraphs (1), (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (2), for “council”, where it secondly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (4)(c), for “council” substitute “ local authority ”;
- (o) in paragraph 24—
  - (i) in sub-paragraphs (1), (2)(a), (3), (6), (7) and (9), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (6), for “council”, where it secondly, thirdly and fourthly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (9)(b), for “council” substitute “ authority ”; and
- (p) in paragraph 25(1) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”.

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#### Commencement Information

**I16** Sch. 13 para. 129 wholly in force at 1.4.1996; Sch. 13. para. 129 not in force at Royal Assent see s. 184(2); Sch. 13. para. 129(1)(20)(b) in force at 4.1.1995 by S.I. 1994/2850, art. 3(e)(xi); Sch. 13 para. 129 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Representation of the People Act 1983 (c.2)*

- 130 (1) The Representation of the People Act 1983 shall be amended in accordance with this paragraph.
- (2) In section 8 (registration officers), for subsection (3) substitute—
- “(3) In Scotland, every local authority shall appoint an officer of the authority for their area or for any adjoining area, or an officer appointed by any combination of local authorities, to be registration officer for any constituency or part of a constituency which is situated within their area.”.
- (3) In section 25 (returning officers: Scotland)—
- (a) in subsection (1)—
- (i) for “region or islands”, in both places where it occurs, substitute “local government”; and
- (ii) for “regional or islands council” substitute “local authority for that area”;
- (b) in subsection (2)—
- (i) for the words from “The council” where they first occur, to “area”, where it first occurs, substitute “Every local authority”;
- (ii) for “that region or islands” substitute “their”; and
- (iii) for “council”, where it secondly occurs, substitute “authority”; and
- (c) subsection (3) shall cease to have effect.
- (4) In section 31(2) (polling districts in Scotland)—
- (a) for “regional or islands”, where it first occurs, substitute “local authority”;
- (b) for “regional or islands council” substitute “local authority”;
- (c) for “division” substitute “ward”; and
- (d) the words from “and for” to “polling district”, where it secondly occurs, shall cease to have effect.
- (5) In section 52(4)(b) (provision of officers of local authority to assist registration officer), for the words from “the” to “area” substitute “every local authority”.
- (6) In section 82(4)(b) (declaration as to election expenses), for “regional, islands or district council” substitute “local authority”.
- (7) In section 96(3)(b) (meeting rooms for local election meetings), for the words from “the council” to “district” substitute “a local authority”.
- (8) In section 204 (general application to Scotland)—
- (a) in the definition of “electoral area”, the words “division or” shall cease to have effect;
- (b) for the definition of “local authority” substitute—

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

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

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

(9) In Schedule 5 (use for parliamentary election meetings of rooms in school premises and of meeting rooms), in paragraph 6(b), for “the council of every islands area and district” substitute “ every local authority ”.

*The Level Crossings Act 1983 (c.16)*

131 In section 1(11) of the Level Crossings Act 1983 (safety arrangements at level crossings: interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Litter Act 1983 (c.35)*

132 (1) The Litter Act 1983 shall be amended in accordance with this paragraph.

(2) In section 4 (consultation and proposals for abatement of litter), for subsection (4) substitute—

“(4) In Scotland, it shall be the duty of each local authority to consult from time to time with such voluntary bodies as the local authority consider appropriate and as agree to participate in the consultations about the steps which the authority and each of the bodies with which they consulted are to take for the purpose of abating litter in the authority’s area; and it shall be the duty of the local authority—

- (a) to prepare and from time to time revise a statement of the steps which the authority and each of the bodies agree to take for the purpose,
- (b) to take such steps as in their opinion will give adequate publicity in their area to the statement, and
- (c) to keep a copy of the statement available at their principal office for inspection by the public free of charge at all reasonable hours.

(4A) In subsection (4) above “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(3) In section 8(7) (interpretation of sections 7 and 8), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Telecommunications Act 1984 (c.12)*

133 (1) The Telecommunications Act 1984 shall be amended in accordance with this paragraph.

(2) In section 97(3)(b) (contributions by local authorities towards provision of facilities: interpretation), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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- (3) In section 98(9) (interpretation of section)—
- (a) in the definition of “public sewer”, in paragraph (b), for “regional or islands council” substitute “sewerage authority”;
  - (b) after that definition insert—  
““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;” and
  - (c) in the definition of “water authority”, in paragraph (b), for the words from “means” to “1980” substitute “ shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994 ”.

*The Road Traffic Regulation Act 1984 (c.27)*

- 134 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 19(3)(b) (local authority in Scotland empowered to regulate use of roads by public service vehicles), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 26 (arrangements for patrolling school crossings)—
- (a) in subsection (2), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in subsection (4)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b) and the word “and” immediately before it, shall cease to have effect; and
  - (c) in subsection (5)—
    - (i) the letter “(a)”;
    - (ii) paragraph (b) and the word “or” immediately before it; and
    - (iii) the words “or, in Scotland, the district council”, shall cease to have effect.
- (4) In section 32(4)(a) (meaning of certain expressions for purposes of sections 33 to 41), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 37(1)(b) (orders made by local authorities in Scotland for purposes of general scheme of traffic control), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 44(1)(b) (control of off-street parking), for the words from “regions” to “council” substitute “ local authority areas, by the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for the area ”.
- (7) In section 45(7)(c) (meaning of “local authority” for purposes of sections 45 to 55), for “the regional or islands council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (8) In section 100(5)(c) (meaning of “local authority” in Scotland for purposes of section), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In section 121A(4) (traffic authorities), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Roads (Scotland) Act 1984 (c.54)*

- 135 (1) The Roads (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 9(1)(e) (supplementary orders relating to special roads)—
    - (a) for “regional council”, in both places where it occurs, substitute “ local authority ”; and
    - (b) after “that”, where it secondly occurs, insert “ special road ”.
  - (3) In section 55(3) (arrangements for provision of meals etc. on picnic sites), for “regional, islands or district council” substitute “ local authority ”.
  - (4) In section 93(3)(a) (protection of road users from dangers near a road), for the words from “ratepayer” to “islands” substitute “ person, being a ratepayer or person liable to pay council tax within their ”.
  - (5) In section 95(2) (recovery of expenses by road authority where contravention of section), the words “or by the district council” shall cease to have effect.
  - (6) In section 97(6) (trading: meanings of certain expressions)—
    - (a) in the definition of “relevant public market”, in paragraph (b), for “regional, islands, or district council” substitute “ local authority ”; and
    - (b) in the proviso to that definition, for “council”, in both places where it occurs, substitute “ local authority ”.
  - (7) In section 113(1)(c) (transfer of property and liabilities in connection with special roads etc.), for “regional council” substitute “ local authority ”.
  - (8) In section 135 (restriction on powers of authority in which sewers and sewage disposal works are vested), in each of subsections (1) and (2), for “local” substitute “ sewerage ”.
  - (9) In section 143(2)(a)(ii) (procedure for orders), after “section 8” insert “ 113A ”.
  - (10) In section 151 (interpretation)—
    - (a) in subsection (1)—
      - (i) in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
      - (ii) in the definition of “maintenance”, in paragraph (b), for “an islands or district council” substitute “ a local authority ”;
      - (iii) in the definition of “roads authority”—
    - (A) for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and

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- (B) for “council”, where it secondly occurs, substitute “ local authority ”;
- (iv) after the definition of “roads authority” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (v) in the definition of “water authority”, for “3 of the <sup>M51</sup>Water (Scotland) Act 1980” substitute “ 62 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) in subsection (3)(c), for “an islands or district council” substitute “ a local authority ”.
- (11) In Schedule 1 (procedures for making or confirming certain orders and schemes)—
- (a) in paragraph 3, in the Table—
- (i) in entry (i), in column 2, for the words from “The council” to “in which” substitute “ Every local authority in whose area ”;
- (ii) in entry (iii), in column 2, for the words from “The council” to “district” substitute “ Every local authority ”;
- (iii) in entry (v), in column 2, for the words from “The council” to “which” substitute “ Every local authority in whose area ”; and
- (iv) in entry (vii), in column 2, for the words from “The council” to “which” substitute “ Every local authority in whose area ”; and
- (b) in paragraph 10(a), for the words from “the council” to “district” substitute “ every local authority ”.

**Marginal Citations**

M51 1980 c. 45.

*The Foster Children (Scotland) Act 1984 (c.56)*

- 136 In section 21(1) of the Foster Children (Scotland) Act 1984 (interpretation), in the definition of “local authority”, for the words from “the” to “area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rent (Scotland) Act 1984 (c. 58)*

- 137 (1) The Rent (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 5(2) (no protected or statutory tenancy where landlord’s interest belongs to local authority etc.)—
- (a) in paragraph (a) for—
- (i) “regional, islands or district council”, in both places where it occurs; and
- (ii) “an islands or district council”, substitute “ local authority ”; and
- (b) after paragraph (a) insert—
- “(aa) a water authority or sewerage authority;”.

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- (3) In section 43(1) (registration areas for purposes of Part V), for “districts and islands areas” substitute “ areas of local authorities ”.
- (4) In section 62(1) (registration areas for purposes of Part VII), for “districts and islands areas” substitute “ areas of local authorities ”.
- (5) In section 63(4) (bodies for purposes of subsection (3)(b)), for paragraph (a) substitute—
  - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;
  - (aa) a water authority or sewerage authority;”.
- (6) In section 115(1) (interpretation)—
  - (a) in the definition of “local authority”, for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) after the definition of “rent assessment committee” insert—
    - ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) after the definition of “tenant” insert—
    - ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”.

*The Cinemas Act 1985 (c.13)*

- 138 In section 21(1) of the Cinemas Act 1985 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Child Abduction and Custody Act 1985 (c.60)*

- 139 In section 27(3)(b) of the Child Abduction and Custody Act 1985 (interpretation), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Water (Fluoridation) Act 1985 (c.63)*

- 140 (1) The Water (Fluoridation) Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 1 (fluoridation of water supplies at request of health authority)—
- (a) in subsection (6), after “conferred by” insert “ subsections (1) to (5) of ”; and
  - (b) in subsection (7), for “water undertaker in exercise of the power conferred by section 87 of the <sup>M52</sup>Water Industry Act 1991” substitute “ water undertaker (within the meaning of the Water Industry Act 1991) in exercise of the power conferred by section 87 of that Act; and where a water undertaker (within that meaning) is operating a fluoridation scheme by virtue of Schedule 7

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to that Act, subsection (6) shall apply in relation to the scheme as that subsection applies, by virtue of the foregoing provisions of this subsection, to fluoridation in exercise of the power so conferred. ”.

- (3) Section 3 (continuity of existing fluoridation schemes) shall cease to have effect.
- (4) In section 4 (publicity and consultation)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute “ to make or withdraw an application ”;
  - (b) in subsection (2), for paragraph (b), substitute—
    - “(b) give notice of the proposal to—
    - (i) the Customers Council; and
    - (ii) every local authority whose area falls wholly or partly within the area affected by the proposal.”;
  - (c) in subsection (3), for “local authorities (if any) to whom they are required by subsection (2)(b)” substitute “ bodies to whom they are required by subsection (2)(b)(i) and (ii) ”; and
  - (d) in subsection (6), the words “or to terminate a preserved scheme” and in subsection (7) the words “or terminate a preserved scheme” shall cease to have effect.
- (5) In section 5 (interpretation)—
- (a) for the definition of “appropriate authority” substitute—
    - ““Customers Council” means the Scottish Water and Sewerage Customers Council;”;
  - (b) for the definition of “local authority” (and the word “and” immediately following that definition) substitute—
    - ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) for the definition of “statutory water undertaker” substitute—
    - ““statutory water undertaker” means a water authority; and
    - “water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

**Marginal Citations**

M52 1991 c. 56.

*The Transport Act 1985 (c.67)*

- 141 In section 93 of the Transport Act 1985 (travel concession schemes)—
- (a) in subsection (8)(b)—
    - (i) after “also” insert “—
    - (i);
    - and
    - (ii) after “authority” insert “; and
    - (ii) in relation to Scotland, Strathclyde Passenger Transport Authority”; and

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- (b) in subsection (9)—
  - (i) in paragraph (a), after “paragraph (b)” insert “ or (c) ”; and
  - (ii) in paragraph (b), after “jointly” insert “; or
  - (c) where the authority or one of the authorities concerned in establishing the scheme are Strathclyde Passenger Transport Authority, to Strathclyde Passenger Transport Executive or (as the case may require) to that Executive and the other authority or authorities so concerned acting jointly.”.

*The Housing Act 1985 (c.68)*

- 142 (1) The Housing Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 76(3) (application of Part III of Act to Scotland)—
- (a) in paragraph (a), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 4 (qualifying period for right to buy and discount)—
- (a) in paragraph 7(2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph 7A(1)(b), for “an islands or district council” substitute “ a local housing authority ”.

*The Housing Associations Act 1985 (c.69)*

- 143 (1) The Housing Associations Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 59(1) and (2) (powers of local authorities to promote and assist housing associations: Scotland), the words “or regional council”, wherever they occur, shall cease to have effect.
- (3) In section 104 (local housing authorities)—
- (a) in subsection (1)(b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in subsection (2)(b), for the words from “islands” to “be” substitute “ area of a council mentioned in subsection (1)(b) above ”.
- (4) In section 106(2) (minor definitions), in the definition of “local authority”, for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Weights and Measures Act 1985 (c.72)*

- 144 In section 69(3) of the Weights and Measures Act 1985 (local weights and measures authorities: Scotland), for the words from “each” to “council” substitute “ the area of each council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the council for that area ”.

*The Local Government Act 1986 (c.10)*

- 145 In section 6(2)(b) of the Local Government Act 1986 (interpretation and application of Part II), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Protection in Peacetime Act 1986 (c.22)*

- 146 In section 1(1) of the Civil Protection in Peacetime Act 1986 (application of Act)—
- (a) after “that Act” insert “ including, by virtue of section 4A of that Act, any two or more local authorities jointly and a joint board and joint committee ”; and
  - (b) after “authority”, where it thirdly occurs, insert “ or, as the case may be, the local authorities, joint board or joint committee ”.

*The Airports Act 1986 (c.31)*

- 147 In section 12(1) of the Airports Act 1986 (interpretation of Part II), in the definition of—
- (a) “local authority”, in paragraph (b), for the words from “has” to “1973” substitute “ means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) “principal council”, in paragraph (b), for “regional or islands council” substitute “ local authority ”.

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 148 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986 shall be amended in accordance with this paragraph.
- (2) In section 2(9) (rights of authorised representatives of disabled persons: definitions), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 16 (interpretation), in the definition of “local authority”, in paragraph (b)—
- (a) for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) the words “, as read with section 2,” shall cease to have effect; and
  - (c) after “Act” insert “ or any of the enactments mentioned in section 5(1B) of that Act ”.

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*The Parliamentary Constituencies Act 1986 (c.56)*

- 150 In section 6(4)(b) of the Parliamentary Constituencies Act 1986 (definitions for purposes of section 6(2)), for the words from “the” to “district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Debtors (Scotland) Act 1987 (c. 18)*

- 151 (1) The Debtors (Scotland) Act 1987 shall be amended in accordance with this paragraph.

- (2) In each of sections 1(5)(e) (competence of time to pay direction) and 5(4)(e) (competence of time to pay order), after sub-paragraph (ii) (and before the word “or” immediately following that sub-paragraph), insert—

“(ia) a collecting authority (within the meaning of section 79 of the Local Government etc. (Scotland) Act 1994) in respect of any charges payable to them by virtue of that section;”.

- (3) In section 106 (interpretation), for the definition of “summary warrant” substitute—

““summary warrant” means a summary warrant granted under or, as the case may be, by virtue of—

- (a) paragraph 7 of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;  
 (b) paragraph 2 of Schedule 8 to the <sup>M53</sup>Local Government Finance Act 1992;  
 (c) paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994; or  
 (d) any of the enactments mentioned in Schedule 4 to this Act;”.

- (4) In paragraph 35 of Schedule 5 (interpretation), in the definition of “creditor”, after paragraph (e) add—

“; and

- (f) for the purposes of paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994, the collecting authority (within the meaning of section 79 of that Act).”.

**Marginal Citations**

**M53** 1992 c. 14.

*The Housing (Scotland) Act 1987 (c.26)*

- 152 (1) The Housing (Scotland) Act 1987 shall be amended in accordance with this paragraph.

- (2) In section 61 (secure tenant’s right to purchase)—

- (a) in subsection (2)(a), for sub-paragraphs (i) and (ii) substitute—

“(i) a local authority, or a joint board or joint committee of two or more local authorities, or the common



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- good of a local authority or any trust under the control of a local authority; or
- (ia) a water authority or sewerage authority;”;
- (b) in subsection (11)(a)—
- (i) for “a regional, islands or district council” substitute “ any local authority ”;
- (ii) the words “council or”, where they first occur, shall cease to have effect; and
- (iii) for “council”, where it thirdly and fourthly occurs, substitute “ authority ”; and
- (c) in subsection (11)(1), after “a water authority” insert “ or sewerage authority ”.
- (3) In section 64(6) (conditions of sale: houses in designated rural areas), for “islands or district council”, in both places where it occurs, substitute “ local authority ”.
- (4) In section 70 (power to refuse to sell certain houses required for educational purposes)—
- (a) in subsection (1), for “an islands” substitute “ a ”; and
- (b) after subsection (2) insert—
- “(3) In this section “council” means the local authority for Orkney Islands, Shetland Islands or Western Isles.”.
- (5) In section 212(4) (authorities empowered to give rent increase notices)—
- (a) in paragraph (a), for “regional, islands or district council” substitute “ local authority ”; and
- (b) in paragraph (e), the words “or a water development board” shall cease to have effect.
- (6) In section 300(1)(a) (meaning of “public sector authority”), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 338(1) (interpretation)—
- (a) 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 the district of a local authority means the area of such a council;”;
- (b) after the definition of “a service charge” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (c) for the definitions of “water authority” and “water development board” substitute—
- ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.
- (8) In Part I of Schedule 3 (grounds on which court may order recovery of possession), in paragraph 15(a), for “an islands council” substitute “ the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles ”.

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*The Fire Safety and Safety of Places of Sport Act 1987 (c.27)*

- 153 In section 41 of the Fire Safety and Safety of Places of Sport Act 1987 (interpretation), in the definition of “local authority”, in paragraph (d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Access to Personal Files Act 1987 (c.37)*

- 154 In Schedule 2 to the Access to Personal Files Act 1987 (accessible personal information: Scotland)—
- (a) in paragraph 1, in the table, in the entry relating to “Social work authority”, for “section 2(2)” substitute “ section 5(1B) ”; and
  - (b) in paragraph 2(2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Income and Corporation Taxes Act 1988 (c.1)*

- 155 In section 842A(3) of the Income and Corporation Taxes Act 1988 (local authorities)—
- (a) for paragraphs (a), (b) and (c) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
  - (b) in paragraph (e), for the words from “falling” to the end substitute “ such as is mentioned in paragraph (a) above ”.

*The Gas Act 1986 (c.44)*

PROSPECTIVE

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F16 149

**Textual Amendments**

**F16** Sch. 13 para. 149 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

*The Local Government Act 1988 (c.9)*

- 156 (1) The Local Government Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 1 (interpretation)—
- (a) in subsection (1)—
    - (i) after paragraph (h) insert “ and ”; and

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- (ii) paragraph (k) and the word “and” immediately preceding it shall cease to have effect; and
  - (b) in subsection (3)(a) for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In section 2 (defined activities), after subsection (9) insert—
- “(10) Without prejudice to his powers to make orders or regulations under any other provision of this Part of this Act, the Secretary of State may by order provide that, from 31st March 1995 or such later date as may be specified in the order until such date as may be so specified, being a date not later than 31st December 2001, the provisions of this Part of this Act shall apply in relation to local authorities subject to such modifications as may be so specified.”.
- (4) In section 15 (orders, regulations etc.), in each of subsections (2) and (5), after “section 2(9)” insert “ or 2(10) ”.
- (5) In section 24(6) (interpretation of Part III of Act), in the definition of—
- (a) “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) “local housing authority”, in paragraph (b), for “an islands or district council” substitute “ a local authority ”.
- (6) In Schedule 2 (public supply or works contracts: the public authorities)—
- (a) after the entry relating to the Peak Park Joint Planning Board insert— “ The Strathclyde Passenger Transport Authority. ”; and
  - (b) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Commencement Information

**I17** Sch. 13 para. 156 partly in force; Sch. 13. para. 156 not in force at Royal Assent see s. 184(2); Sch. 13. para. 156(1)(3)(4) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(xii); Sch. 13 para. 156 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Housing (Scotland) Act 1988 (c.43)*

- 157 (1) The Housing (Scotland) Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 43(3)(a) (certain tenancies secure where interest of landlord belongs to local authority etc.), for sub-paragraphs (i) and (ii) substitute—
- “(i) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
  - (ia) a water authority or sewerage authority;”.

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- (3) In section 45(4) (transfer of existing tenancies: public bodies), for paragraphs (a) and (b) substitute—
- “(a) it belongs to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
  - (aa) it belongs to a water authority or sewerage authority;”.
- (4) In section 55(1) (interpretation of Part II of the Act)—
- (a) after the definition of “prescribed” insert—
    - ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (b) the word “and”, where it occurs immediately after the definition of “tenancy”, shall cease to have effect; and
  - (c) after the definition of “tenant” insert—
    - “; and
    - “water authority” shall be construed in accordance with the said section 62.”.
- (5) In section 56 (right conferred by Part III)—
- (a) in subsection (3), for paragraph (a) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council”;
  - (b) in subsection (5)(c), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (c) in subsection (6)(a), for “an islands council” substitute “ the council for Orkney Islands, Shetland Islands or Western Isles ”; and
  - (d) in subsection (9)(a), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 57(1) (persons by whom right may be exercised)—
- (a) the word “neither” shall cease to have effect;
  - (b) the words from “nor” to “council”, where it thirdly occurs, shall cease to have effect; and
  - (c) after “may” insert “ not ”.
- (7) In Schedule 4 (tenancies which cannot be assured tenancies), in paragraph 11—
- (a) for sub-paragraph (a) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;

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- (aa) a water authority or sewerage authority;” and
- (b) for the word “and”, where it occurs immediately after sub-paragraph (e), substitute “ or ”.

*The School Boards (Scotland) Act 1988 (c.47)*

- 158 (1) The School Boards (Scotland) Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 5 (persons entitled to attend Board meetings, etc.)—
- (a) in subsection (1), for the words from “The Director” to “purpose” substitute the words “ An officer of an education authority ”; and
  - (b) in subsection (2), for the words from “The regional” to “division” substitute the words “ The councillor for the electoral ward ”.
- (3) In subsection (2) of section 22 (interpretation)—
- (a) after the definition of “co-opted members” insert—

““councillor” means a councillor elected under section 5 of the Local Government etc. (Scotland) Act 1994”;
  - (b) for the definition of “electoral division” substitute—

““electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994”; and
  - (c) the definitions of “islands councillor” and “regional councillor” shall cease to have effect.
- (4) In Schedule 2 (application of 1973 Act to appointment committees)—
- (a) in paragraph 5 the words “Schedule 10 to” and “and Schedule 10 to” shall cease to have effect;
  - (b) in paragraph 14(a) for the words “Director of Education” substitute the words “ education authority ”; and
  - (c) in paragraph 15 for the words from “The Director” to “purpose” substitute the words “ An officer of the education authority ”.

*The Road Traffic Act 1988 (c.52)*

- 159 (1) The Road Traffic Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 27(7)(b) (local authorities who may designate roads, etc.), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 33(5)(b) (local authorities who may authorise certain motor vehicle trials), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 39(4)(b) (powers of local authorities as to giving road safety information etc.), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 45(3)(c) (inspectors appointed by designated councils to carry out vehicle tests), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (6) In section 67B(2) (tests to check whether defects have been remedied), for “a region or islands area” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 124(2) (exemption of police instructors from prohibition imposed by section 123), in the definition of “local authority”, in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 144(2)(a)(ii) (local authority exempt from requirement for third-party insurance or security), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In Schedule 2 (deferred tests of condition of vehicles), in paragraph 1(b), for “an islands area or district” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Electricity Act 1989 (c.29)*

- 160 (1) Schedule 5 to the Electricity Act 1989 (water rights for hydro-electric generating stations in Scotland) shall be amended in accordance with this paragraph.
- (2) In paragraph 8(a)—
- (a) after “authority;” insert “ and ”;
  - (b) for “regional and district councils or the islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (c) the words “; and (iii) the water development board” shall cease to have effect.
- (3) In paragraph 9, the words “and the water development board” shall cease to have effect.
- (4) In paragraph 14, the words “, or the area of any water development board,” shall cease to have effect.

*The Local Government and Housing Act 1989 (c.42)*

- 161 (1) The Local Government and Housing Act 1989 shall be amended in accordance with this paragraph.
- (2) In section 2(6) (politically restricted posts)—
- (a) in paragraph (a), the words “or director of education” and the words from “or section” to “1980” shall cease to have effect; and
  - (b) in paragraph (c), for “director of social work” substitute “ chief social work officer ”.
- (3) In section 4 (designation and reports of head of paid service)—
- (a) in subsection (5), the words “, or Schedule 10 or 20 to,” shall cease to have effect; and
  - (b) in subsection (6)(b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (4) In section 5(5) (reports of monitoring officer etc.), the words “, or Schedule 10 or 20 to,” shall cease to have effect.
- (5) In section 8(5)(b) (local authorities to adopt standing orders with respect to staff), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 9 (assistants for political groups)—
- (a) in subsection (8)(b), the words “, or Schedule 10 or 20 to,” shall cease to have effect; and
  - (b) in subsection (11), in the definition of “relevant authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 14 (voting rights of members of certain committees: Scotland)—
- (a) subsections (2) and (3) shall cease to have effect;
  - (b) in subsection (4), for the words “subsections (1) to (3)” substitute “ subsection (1) ”;
  - (c) in subsection (5)(d), after “paragraph 3” insert “ , or a joint advisory committee formed under paragraph 5B ”;
  - (d) for subsection (6) substitute—
    - “(6) Nothing in this section shall prevent the appointment as a voting member of—
      - (a) a committee such as is mentioned in subsection (1) of section 124 of the <sup>M54</sup>Local Government (Scotland) Act 1973 (committees appointed by education authority); or
      - (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, of a person such as is mentioned in subsection (4) of the said section 124.”;
  - (e) in subsection (8), after paragraph (a) insert—
    - “(aa) section 124(5);”; and
  - (f) in subsection (9), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 21(2) (interpretation of Part I), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In section 31(8) (National Code of Local Government Conduct), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (10) In section 151(4) (power to amend provisions about charges), for paragraphs (b) and (c) substitute—

“or

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- (b) it is a charge amounting to local taxation.”.
- (11) In section 152(3) (application of certain provisions as respects Scotland)—
- (a) for paragraphs (a), (b) and (c) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
- (b) for paragraphs (e) and (f) substitute—
- “and
- (e) a joint board or joint committee within the meaning of section 235(1) of the Local Government (Scotland) Act 1973.”.
- (12) In section 155(5) (emergency financial assistance to local authorities)—
- (a) for paragraphs (a), (b) and (c) substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) the letter “(d)” shall cease to have effect.
- (13) In section 157(6) (commutation of, and interest on, periodic payments of grants etc. to local authorities), for “regional, islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (14) In section 170(9) (authorities empowered to provide services etc. for owners or occupiers of houses as respects certain works), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### **Marginal Citations**

**M54** 1973 c. 65.

#### *The Prisons (Scotland) Act 1989 (c.45)*

- 162 (1) The Prisons (Scotland) Act 1989 shall be amended in accordance with this paragraph.
- (2) In section 8(1) (visiting committees), for “regional, island and district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 14 (legalised police cells)—
- (a) in subsection (2)—
- (i) for “any region or islands area” substitute “ the area of a council ”; and
- (ii) the words “region or islands”, where they secondly occur, shall cease to have effect;
- (b) in subsection (5), for “any region or islands area” substitute “ the area of a council ”;
- (c) in subsection (6), for “islands area of Orkney or of Shetland” substitute “ areas of the councils for Orkney Islands and Shetland Islands ”;
- (d) in subsection (7)—
- (i) for “the council of a region or islands area” substitute “ a council ”; and



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- (ii) for “committee” substitute “board”; and
- (e) after subsection (8) insert—

“(9) In this section, “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

- (4) In section 16 (discharge of prisoners)—

- (a) in subsection (2), the words “district or islands”, in both places where they occur, shall cease to have effect; and
- (b) after subsection (2) insert—

“(3) In this section, “area” means the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

**Modifications etc. (not altering text)**

- C1** Sch. 13 para. 162(2) excluded (*temp.* until 1.4.1996) by S.I. 1995/3326, art. 4

**Commencement Information**

- I18** Sch. 13 para. 162 wholly in force at 1.4.1996; Sch. 13 para. 162 not in force at Royal Assent see s. 184(2); Sch 13 para. 162(1)(2) in force at 22.12.1995 and Sch. 13 para. 162(3)(4) in force at 1.4.1996 by S.I. 1995/3326, arts. 2(b), 3(b) (with saving in art. 4)

*The Food Safety Act 1990 (c.16)*

- 163 (1) The Food Safety Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 5(2) (food authorities in Scotland), for “islands or district councils” substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
  - (3) In section 27(1) (appointment of public analysts), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
  - (4) In section 28(1) (provision of facilities for examinations), for “regional council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Enterprise and New Towns (Scotland) Act 1990 (c.35)*

- 164 (1) The Enterprise and New Towns (Scotland) Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 21 (areas of operation of Highlands and Islands Enterprise)—
    - (a) in subsection (1)—
      - (i) for paragraph (a) substitute—
        - “(a) the local government areas of Highland, Western Isles, Orkney Islands, Shetland Islands and that part of Argyll and Bute which is the area of the former Argyll and Bute District Council and the islands of Arran, Great Cumbrae and Little Cumbrae;” and

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(ii) in paragraph (b), for “Moray District” substitute “ local government area of Moray, ”; and

(b) after subsection (4) insert—

“(5) In this section references to local government areas are references to the new local government areas within the meaning of Part I of the Local Government etc. (Scotland) Act 1994.”.

(3) In section 36(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)*

165 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 shall be amended in accordance with this paragraph.

(2) In section 62(6) (local authorities for purposes of supervised attendance orders), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(3) In Schedule 6 (supervised attendance orders), in paragraph 2(3)(b), for “director of social work” substitute “ chief social work officer ”.

*The Broadcasting Act 1990 (c.42)*

166 In Schedule 2 to the Broadcasting Act 1990 (restrictions on the holding of licences), in paragraph 1(1), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Environmental Protection Act 1990 (c.43)*

167 (1) The Environmental Protection Act 1990 shall be amended in accordance with this paragraph.

<sup>F17</sup>(2) . . . . .

(3) In section 30 (authorities for purposes of Part II), in each of subsections <sup>F18</sup> . . . (2)(g) and (3)(c), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

<sup>F17</sup>(4) . . . . .

<sup>F17</sup>(5) . . . . .

(6) In section 45(10) (application to Scotland of certain sections of the 1968 Act for purposes connected with the collection of controlled waste), for paragraphs (a) and (b) substitute—

“(a) the said section 2 conferred a power on a waste collection authority rather than a duty on a sewerage authority;

(b) in the said section 3—

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- (i) references to a sewerage authority were references to a waste collection authority; and
- (ii) in references to public sewers and public sewage works the word “public” were omitted;
- (c) in the said section 4, the reference to a sewerage authority were a reference to a waste collection authority and the words from “by virtue” to the end were omitted; and
- (d) in the said section 41, the reference to a sewerage authority were a reference to a waste collection authority.”.

<sup>F17</sup>(7) .....

(8) In section 53 (duties of authorities as respects disposal of waste collected: Scotland)

- (a) in subsection (4)—
  - (i) the words “(other than an islands council)” shall cease to have effect; and
  - (ii) in paragraphs (a) and (b), for “regional council”, wherever it occurs, substitute “ Sewerage authority ”;
- (b) in subsection (5)—
  - (i) for “regional council”, in both places where it occurs, substitute “ sewerage authority ”; and
  - (ii) for “council”, where it thirdly occurs, substitute “ sewerage authority ”; and
- (c) after subsection (5) insert—

“(5A) In this section “sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”

<sup>F17</sup>(9) .....

(10) In section 86 (preliminary provisions relating to litter)—

- (a) in subsection (3), for paragraphs (a) and (b) substitute—
  - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
- (b) in subsection (10)—
  - (i) for “its” substitute “ their ”; and
  - (ii) for the words from “the district” to the end substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(11) In section 88(9) (“litter authorities” for purposes of section)—

- (a) in paragraph (a), the words “, a regional council”; and
- (b) in paragraph (b), the words “, regional council”, shall cease to have effect.

(12) In section 90(3) (power to designate litter control areas), the words “, regional council” shall cease to have effect.

(13) In section 92(1) (summary proceedings by litter authorities), the words “, regional council” shall cease to have effect.

*Status: Point in time view as at 01/04/1996.*

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- (14) In section 93(1) (street litter control notices), the words “, regional council” shall cease to have effect.
- (15) In section 95(1) (public registers), the words “, regional council” shall cease to have effect.
- (16) In section 99(5)(e) (local authority in Scotland having powers in relation to abandoned trolleys), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (17) In section 149(11) (seizure of stray dogs: interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Textual Amendments

- F17** Sch. 13 para. 167(2)(4)(5)(7)(9) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(7)**
- F18** Words in Sch. 13 para. 167(3) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(7)**

#### Commencement Information

- I19** Sch. 13 para. 167 partly in force; Sch. 13 para. 167 not in force at Royal Assent see s. 184(2); Sch. 13 para. 167(1)(3)(6)(8)(10)-(17) in force at 1.4.1996 by S.I. 1996/323, **art. 4(1)(c)**

#### *The New Roads and Street Works Act 1991 (c.22)*

- 168 (1) The New Roads and Street Works Act 1991 shall be amended in accordance with this paragraph.
- (2) In section 108(6)(a) (relevant authorities in relation to road works including the breaking up or opening in the road of a sewer), for “the local authority, that local” substitute “ a sewerage authority, that ”.
- (3) In each of sections 109(6)(a) (notice before granting permission to execute certain road works), 117(3)(a) (notice restricting certain road works) and 149(4)(a) (responsible authority as respects reinstatement of sewers, drains or tunnels) and of paragraphs 7(3)(b) and 9 of Schedule 6 (roads with special engineering difficulties), for “local” substitute “ sewerage ”.
- (4) In section 148 (particular and general provisions as respects sewers)—
- (a) in each of subsections (1) and (4), for “local” substitute “ sewerage ”; and
  - (b) for subsection (3) substitute—
    - “(3) References in this Part to an undertaker having apparatus shall, where the apparatus is a sewer, drain or tunnel, be construed—
    - (a) in the case of apparatus vested in a sewerage authority, as references to that authority; and
    - (b) in any other case, as references to the authority, body or person having the management or control of the apparatus.”.
- (5) In section 153 (power of road works authority to undertake road works)—

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- (a) in subsection (1), the words—
    - (i) “or district council”; and
    - (ii) “or council”,shall cease to have effect; and
  - (b) in subsection (3), the words “or council” shall cease to have effect.
- (6) In section 164(1) (interpretation), after the definition of “reinstatement” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

*The Children and Young Persons (Protection from Tobacco) Act 1991 (c.23)*

- 169 In section 6(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 (enforcement action by local authorities in Scotland), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Natural Heritage (Scotland) Act 1991 (c.28)*

- 170 (1) The Natural Heritage (Scotland) Act 1991 shall be amended in accordance with this paragraph.
- (2) In section 20 (making of drought orders), for subsection (3) substitute—
- “(3) A drought order may only be made on the application of a water authority.”.
- (3) In section 22(1) (interpretation), in the definition of “compensation water”, the words “or water development board” shall cease to have effect.
- (4) In section 24 (rights of entry and inspection)—
- (a) in subsection (1)—
    - (i) for “, a water authority or a water development board” substitute “ or a water authority ”; and
    - (ii) in paragraph (a), the words “or board” shall cease to have effect; and
  - (b) in subsection (9)—
    - (i) for “, water authority or water development board” substitute “ or water authority ”; and
    - (ii) in paragraph (a), the words “or board” shall cease to have effect.
- (5) In Schedule 7 (further provisions regarding drought orders)—
- (a) in paragraph 5—
    - (i) in sub-paragraph (1), the words “or a water development board” and (in head (a)) “or board”;
    - (ii) in sub-paragraph (2), the words “or water development board”; and
    - (iii) in sub-paragraph (3), the words “or water development board” and “or board”,shall cease to have effect;
  - (b) in paragraph 6, the words from “, including” to the end shall cease to have effect; and
  - (c) in paragraph 7, the words “or a water development board” shall cease to have effect.

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- (6) In Schedule 8 (procedure for making drought orders), in paragraph 1(3), in the second column of the Table—
- (a) for “regional, islands or district council”, wherever it occurs, substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph (a) of the entry relating to “All Orders”, the words “or water development board (not being the applicant)” shall cease to have effect.

*The Road Traffic Act 1991 (c.40)*

- 171 In Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside London), in paragraphs 1(1)(d) and 2(1)(c), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Coal Mining Subsidence Act 1991 (c.45)*

- 172 In section 47(6)(b) of the Coal Mining Subsidence Act 1991 (notices to local authorities), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Criminal Justice Act 1991 (c.53)*

- 173 In Schedule 3 to the Criminal Justice Act 1991 (reciprocal enforcement of certain orders), in paragraph 1, in subsection (1A) in sub-paragraph (1), in sub-paragraph (2)(b) and in sub-paragraph (3)(a), and in paragraphs 3(3)(b) and 6(8), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Social Security Contributions and Benefits Act 1992 (c.4)*

- 174 (1) The Social Security Contributions and Benefits Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 28(6)(d) (“local education authority” in Scotland), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In section 58(4) (incapacity for work: work as councillor to be disregarded), in the definition of “councillor”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (4) In sections 123(4) and 130(2) for the words “levying authority” substitute “ local authority in Scotland ”.
  - (5) In section 137(1) (interpretation), the definition of “levying authority” shall cease to have effect.

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*The Social Security Administration Act 1992 (c.5)*

- 175 (1) The Social Security Administration Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 15A(3) (“qualifying lenders” for purposes of section)—
- (a) in paragraph (d), the words “, islands council” shall cease to have effect; and
  - (b) after paragraph (e) insert—  
“(ee) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) For the words “levying authority” or “levying authorities” where they appear in sections 76(1), 77(1), 128(1), (2), and (3), 138(1), 139(2), (5) and (6) and 140(1), (2), (4) and (7), substitute “ local authority in Scotland ” or “ local authorities in Scotland ” respectively.
- (4) In section 138(2) (nature of benefits in Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 191 (interpretation)—
- (a) the definition of “levying authority” shall cease to have effect;
  - (b) in the definition of “local authority”, for the words “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”; and
  - (c) in the definition of “rating authority”, for the words from “the meaning” to “1973” substitute “ shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government Finance Act 1992 (c.14)*

- 176 (1) The Local Government Finance Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 70 (council tax in respect of dwellings), for subsection (1)(a) substitute—  
“(a) shall be known as the council tax of the council which set it;”.
- (3) In section 78 (basic amounts payable)—
- (a) for “levying” substitute “ local ”; and
  - (b) for the definition of “A” substitute—  
““A” is the amount which, for the financial year in which the day falls and for dwellings in the valuation band listed for the dwelling, has been imposed by the local authority in whose area the dwelling is situated;”.
- (4) In section 80 (reduced amounts)—
- (a) in subsections (1)(a) and (8)(c), for “levying” substitute “ local ”; and
  - (b) for subsection (5)(c)(i) substitute—  
“(i) relating to the local authority whose council tax constitutes the amount referred to in subsection (1) above;”.

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- (5) In section 81 (appeal to valuation appeal committee), in subsections (1)(a) and (b) and (5), for “levying” substitute “local”.
- (6) In section 84 (compilation and maintenance of valuation lists), for subsection (10) substitute—
- “(10) In this Part “local assessor” means the assessor appointed under section 27 (appointment of assessors) of the Local Government etc. (Scotland) Act 1994 for each valuation area; and any depute assessor appointed under that section shall have all the functions of a local assessor under this Part.”.
- (7) In section 90 (information about properties), in subsection (8) for “levying” substitute “local”.
- (8) In section 91 (information about lists), in subsections (2) and (3) for “levying” substitute “local”.
- (9) In section 94 (substituted and reduced settings) in subsection (8), for “levying” substitute “local”.
- (10) In section 97 (levying and collection of council tax)—
- (a) for subsection (1) substitute—
- “(1) A local authority shall levy and collect the council tax set by them in respect of their area.”; and
- (b) subsection (2) shall cease to have effect.
- (11) In subsection (1) of section 98 (information required by Secretary of State), for “levying” substitute “local”.
- (12) In section 99 (interpretation of Part II)—
- (a) the definition of “levying authority” shall cease to have effect;
- (b) 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 “council” shall be construed accordingly;”;
- (c) in the definition of “housing body”, paragraph (a) shall cease to have effect; and
- (d) for the definition of “valuation appeal committee” substitute—
- ““valuation appeal committee” means a valuation appeal committee established under section 29 of the Local Government etc. (Scotland) Act 1994;”.
- (13) In section 107 (water and sewerage charges)—
- (a) subsection (1) shall cease to have effect; and
- (b) in subsection (2), for “that Schedule” substitute “Schedule 11 to this Act”.
- (14) In section 109(1) (council tax grants), for “levying” substitute “local”.
- (15) In section 111 (references to rateable values), after subsection (10) insert—
- “(10A) For the purposes of subsection (10) above, on and after 1st April 1996 the valuation roll which an assessor for a valuation area constituted under section 27 of the Local Government etc. (Scotland) Act 1994 is required to



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retain shall be the valuation roll for every valuation area existing before that date any part of which lies within his valuation area.”.

(16) In Schedule 2 (administration)—

- (a) in paragraph 1(2), for “a levying” substitute “, in Scotland, a local ”;
- (b) in paragraph 12(1), for “levying” substitute “ local ”;
- (c) in paragraph 13, for “levying”, in each place where it occurs, substitute “ local ”; and
- (d) in paragraph 19—
  - (i) for “levying”, in each place where it occurs, substitute “ local ”; and
  - (ii) for sub-paragraph (3) substitute—

“(3) Arrangements made under this paragraph for the exercise of functions under Schedule 8 to this Act may not include arrangements for the exercise of functions under paragraph 2(1)(a) of that Schedule.”.

(17) In Schedule 3, in paragraph 2, for “levying” in each place where it occurs, substitute “ local ”.

(18) In Schedule 8 (enforcement: Scotland), in paragraphs 1, 2, 3, 4 and 6, for “levying”, in each place where it occurs, substitute “ local ”.

(19) In Schedule 12 (payments to local authorities by Secretary of State: Scotland)—

- (a) in paragraph 10(1) for “levying” substitute “ local ”;
- (b) in paragraph 10(3)(a)—
  - (i) for sub-head (i) substitute—

“(i) section 24A (lands and heritages partly unoccupied for a short time) of the<sup>M55</sup>Local Government (Scotland) Act 1966;” and
  - (ii) for sub-head (ii) substitute—

“(ii) section 25A (remission of rates on account of hardship) of that Act;”;
- (c) for paragraph 11(2) substitute—

“(2) Before such date in relation to each financial year as the Secretary of State may direct, each relevant authority shall calculate the amount of their non-domestic rating contribution for that year, and shall inform the Secretary of State of the amount so calculated in respect of them; and, for the purposes of this paragraph, “relevant authority” means, in relation to any financial year prior to and including the financial year 1995-96, a regional or islands council and, in relation to financial years after that year, a local authority.”; and

- (d) in paragraph 11(3), for “notified to them” substitute “ notified by them ”.

#### Commencement Information

**I20** Sch. 13 para. 176 wholly in force at 1.4.1996; Sch. 13. para. 176 not in force at Royal Assent see s. 184(2); Sch. 13. para. 176(1)(19)(c)(d) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(xiii); Sch. 13 para. 176(1)(19)(b) in force at 31.12.1994 by S.I. 1994/3150, art. 2(a); Sch. 13 para. 176(2)(10)(12)(b) (16)(a)-(c) in force at 19.2.1996 by S.I. 1996/323, art. 2(1)(c); Sch. 13 para. 176 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

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### Marginal Citations

M55 1966 c. 51.

#### *The Local Government Act 1992 (c.19)*

- 177 In subsection (4)(c) of section 30 of the Local Government Act 1992 (extent), for the words from “Schedule” to “Part II” there shall be substituted the words “ Part II of Schedule 4, apart from so much of that Part ”.

#### *The Tribunals and Inquiries Act 1992 (c.53)*

- 178 In Part II of Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 58 (the entry relating to rates) for the words from “section 4” to the end substitute “ section 29 of the Local Government etc. (Scotland) Act 1994. ”.

#### *The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*

- 179 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 18(6) (statement on oath by appropriate officer where supervised release order breached etc.)—
- (a) in paragraph (b), for “director of social work” substitute “ chief social work officer ”; and
  - (b) in paragraph (c), for “director” substitute “ chief social work officer ”.
- (3) In section 27(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Clean Air Act 1993 (c.11)*

- 180 In section 64(1) of the Clean Air Act 1993 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Radioactive Substances Act 1993 (c.12)*

- 181 In section 47(1) of the Radioactive Substances Act 1993 (interpretation)—
- (a) in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in the definition of “relevant water body”, in paragraph (b), for “a water authority within the meaning of the <sup>M56</sup>Water (Scotland) Act 1980” substitute “ a water and sewerage authority established by section 62 of the Local Government etc. (Scotland) Act 1994 ”.

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#### Marginal Citations

M56 1980 c. 45.

#### *The Local Government (Overseas Assistance) Act 1993 (c.25)*

- 182 In section 1(9)(b) of the Local Government (Overseas Assistance) Act 1993 (local authorities empowered to provide advice and assistance), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Noise and Statutory Nuisance Act 1993 (c.40)*

- 183 (1) The Noise and Statutory Nuisance Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 8(5)(b) (local authorities in Scotland who may consent to the operation of loudspeakers in roads), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 9(7) (interpretation of certain expressions for purposes of section), in the definition of “local authority”, in paragraph (b), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Railways Act 1993 (c.43)*

- 184 (1) The Railways Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 136(3) (grants and subsidies), in paragraph (d)(i), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 151(1) (general interpretation), in the definition of “local authority”—
- (a) the words “regional council, islands council” shall cease to have effect;
  - (b) for “London or” substitute “ London, ”; and
  - (c) after “Scilly” insert “ or any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

## SCHEDULE 14

Section 180(2).

### REPEALS

#### Commencement Information

**I21** Sch. 14 partly in force; Sch. 14 not in force at Royal Assent see s. 184(2); Sch. 14 in force for specified purposes at 4.1.1995 and 1.4.1995 by S.I. 1994/3150, arts. 3(e)(i)-(iii), 4(d), Sch. 2; Sch. 14 in force for further specified purposes at 1.4.1995 by S.I. 1995/702, art. 3(e), Sch. 1; Sch. 14 in force for further specified purposes at 1.4.1996 by S.I. 1995/3326, art. 3(c), Sch.; Sch. 14 in force for further specified

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purposes at 19.2.1996 by S.I. 1996/323, art. 2(1)(d); Sch. 14 in force for further specified purposes at 1.4.1996 by S.I. 1996/323, art. 4(1)(d), Sch. 2 (with art. 4(2))

Chapter	Short title	Extent of repeal
18 & 19 Vict. c. 68.	The Burial Grounds (Scotland) Act 1855.	In section 10, the words “any of the Lords Ordinary of” and the words from “And provided” to “such dwelling house”. In section 11, the words from “but no ground” to the end.
49 & 50 Vict. c. 15.	The Sporting Lands Rating (Scotland) Act 1886.	The whole Act.
7 & 8 Geo. 6 c.26.	The Rural Water Supplies and Sewerage Act 1944.	The whole Act.
10 & 11 Geo. 6 c.41.	The Fire Services Act 1947.	In section 15(2), the proviso. In section 36, in subsection (2), the words “and thirty-six” and “and twenty-three” and subsections (3) and (6).
10 & 11 Geo. 6 c. 43.	The Local Government (Scotland) Act 1947.	In section 237(2)(b), the words from “and, if” to “determined”. Sections 243, 243A, 243B and 244.
11 & 12 Geo. 6 c. 29.	The National Assistance Act 1948.	In section 33, subsection (2). In the Third Schedule, paragraphs 9 to 13.
12, 13 and 14 Geo. 6 c. 74.	The Coast Protection Act 1949.	In section 20(5), the words “or the council of a district in Scotland”.
12, 13 and 14 Geo. 6 c. 97.	The National Parks and Access to the Countryside Act 1949.	In section 21(1), the words “general or district”.
3 & 4 Eliz. 2 c. 13.	The Rural Water Supplies and Sewerage Act 1955.	The whole Act.
4 & 5 Eliz. 2 c. 60.	The Valuation and Rating (Scotland) Act 1956.	Section 1. Section 3. Section 22A. In section 43(1), the definition of “Advisory Council”.
6 & 7 Eliz. 2 c. 64.	The Local Government and Miscellaneous Financial	Section 7.

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	Provisions (Scotland) Act 1958.	
7 & 8 Eliz. 2 c. 40.	The Deer (Scotland) Act 1959.	In section 25A, in subsection (2), the words “islands and district”, and in subsections (4) and (5) the words “islands or district”. In section 25D, in subsection (8), the words “islands or district”.
1960 c. 62.	The Caravan Sites and Control of Development Act 1960.	Section 24(8A).
1961 c. 41.	The Flood Prevention (Scotland) Act 1961.	In section 4(2), the words “(whether a different authority from the local authority or not)”. Section 12(2).
1965 c. 49.	The Registration of Births, Deaths and Marriages (Scotland) Act 1965.	Section 15(4).
1966 c. 51.	The Local Government (Scotland) Act 1966.	Section 17. Section 20. In section 25, in subsection (1), the words “the determination of rateable values,” and subsections (3), (4) and (5). In section 46(1), the definition of “rate”. In Schedule 3, paragraph 1, in paragraph 3(1), the words from “and that” to “heritages”, in paragraph 5, the word “relevant”, in both places where it occurs, paragraphs 6 and 7, in paragraph 8, the words from “relevant lands” to “Act” and the words from “included” to “heritages”, where it second occurs. In Schedule 5, paragraph 3.
1967 c. 77.	The Police (Scotland) Act 1967.	Section 19(5). Section 21A.
1967 c. 78.	The Water (Scotland) Act 1967.	The whole Act.
1967 c. 86.	The Countryside (Scotland) Act 1967.	In section 49, subsection (5).

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		<p>In section 61, in each of subsections (5), (6) and (8), the word “local”.</p> <p>In section 63, in each of subsections (2) and (4) to (9), the word “local” wherever it occurs; and in subsection (11), the word “local” where it first occurs and the words from “and any reference” to the end.</p> <p>In section 65(5), paragraph (c) and, in paragraph (f), the words “within the meaning of section 109(1) of the Water (Scotland) Act 1980”; and paragraph (g).</p>
1968 c. 16.	The New Towns (Scotland) Act 1968.	In section 34(1)(a), the words “water, sewerage or other”.
1968 c. 46.	The Health Services and Public Health Act 1968.	In section 71, subsection (3).
1968 c. 47.	The Sewerage (Scotland) Act 1968.	Section 18. Section 40. Section 47. Section 52. In section 59(1), the definitions of “authorised officer”, “local authority” and “trunk road”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 2. In section 5A(3), paragraph (b). Section 34(3). In section 36, subsections (1), (4) and (6). In section 76(2), the words “to which the case stands referred”. In Schedule 3, in paragraph 3, sub-paragraph (i) and, in sub-paragraph (ii), the words “in any other case.”.
1968 c. 73.	The Transport Act 1968.	In section 9A(9)(b), the words “regional or islands”. In section 56(4)(b), the words “regional or islands”.
1970 c. 6.	The Rural Water Supplies and Sewerage (Scotland) Act 1970.	The whole Act.

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1971 c. 49.	The Rural Water Supplies and Sewerage Act 1971.	The whole Act.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	Section 4(5). Section 5(5) and (7). In section 8(1) the words from “and may provide for” to the end. In section 15(1), the words from “or of the provisions of Part IX” to “to be carried out, or”, the words “, after holding a local inquiry or other hearing,” and the words “carrying out the survey or are not”. In section 22, the word “(1)” and subsection (2). Section 25(4). Section 28(3). Section 32(7). Section 49G. Section 50(4). In section 52(4), the words “regional, general or district”. In section 56F(1), the words from “and section 179” to “1973”. In section 56K(10), the words “and section 179 of the Local Government (Scotland) Act 1973” Section 84A. In section 87A(1), the words “general and district”. In section 102, in subsection (1) the words “to whom this subsection applies”, and subsection (5). Section 169(8). Section 229A. In paragraphs (a) and (b) of section 231(2), the words “or as applied under section 181 of the Local Government (Scotland) Act 1973”. Section 254(4). Section 265(9). In section 275(1), the definition of “district planning functions”. In Part II of Schedule 21, the words from “In section 25(3)

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1973 c. 65.	The Local Government (Scotland) Act 1973.	<p>(c)” to the end of the paragraph.</p> <p>Section 1. Section 2. Section 3. Section 3A. Section 4. Section 5. Section 11. In section 24(5)(f), the words “regional, islands or district”. Section 31(4). In section 47, in subsection (4), the words “, other than a water development board within the meaning of the Water (Scotland) Act 1980,”; and subsection (5). In section 51, in subsection (1), the words “within the meaning of this Part of this Act” and subsection (3). In section 56(6), paragraphs (a) and (c). In section 56(9), paragraph (c). In section 63, in subsection (2), the words “or a district council” and, in subsection (5)(a), the words “or district council”. In section 64(5), paragraphs (c) and (f). Section 69(4). Section 74(3). In section 83, in subsection (2), the words “, subject to subsection (3A) below,”; subsections (2A), (2B) and (3A); and, in subsection (4B)(d), the word “Economic” . In section 84, subsections (2) and (4). In section 87, in subsection (1), the words “any other local authority in the area”, in subsection (2), the words from “and where” to the end, and subsection (3).</p>
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Section 90A.

In section 96(5), the words from “, so however that” to “31st March 1976”.

In section 100(3), the words from “and to an additional fine” to the end.

In section 106(1), paragraph (c) and the proviso. Section 109.

In section 111(1)(e), the words “or to a water development board within the meaning of the Water (Scotland) Act 1980,”.

Section 116.

In section 118, in subsection (1), the words “(a)” and paragraph (b) and, in subsection (5), the words “or any water development board within the meaning of the Water (Scotland) Act 1980”.

Section 127.

Sections 131 and 132.

In section 133, subsection (1).

Section 134(1).

In section 135, in subsection (5), in paragraph (a), the words from “not” to the end, in subsection (6)(d), the word “regional” and subsection (8).

Sections 137(1) and 138(1).

Section 140.

Sections 142 and 143.

Section 146(7).

Section 148(1).

In section 153, in subsection (1), the words “regional or islands”, in subsection (2), the words “regional or islands” and, wherever it occurs, “such” and, in subsection (3), the words “regional or islands” and, where it first occurs, “such”.

In section 154, in subsection (1), the words “Subject to subsection (3A)

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below” and “regional or islands”, in subsection (2), the word “regional”, in both places where it occurs, in subsection (3), the words “regional or islands” and “such” and subsections (3A) and (3B).

Sections 154A and 154B.

Sections 155(1), 156(1) and 157.

Section 159.

Section 161.

In section 163, subsection (1), in subsection (2), the words “as aforesaid” and subsection (3).

In section 166, subsection (1) and, in subsection (2), paragraphs (a), (e) and (f).

Section 168.

Section 170A(5)(a).

In section 170B(2), the words “or water development boards” where they first occur.

Section 171(1) and (2).

Section 173.

Section 174.

Section 176.

Section 177.

Section 179.

Section 181.

Section 182.

Section 183.

Section 193(2).

In section 200, subsections (1) to (6), (8), (9) and (11)(b).

In section 202, in subsection (1), the words “Subject to subsection (1A) below”; and subsections (1A) and (13).

In section 215, subsections (3) to (7).

Sections 222 to 226.

Section 230.

In section 235(1), the definitions of “area”, “college council”, “school council”, “education committee” and “water authority”.

In section 236(2), the words “Subject to section 74(3) of this Act and to section 20 of the Water (Scotland) Act 1980,”; and paragraph (e).

Schedules 1 and 2.

In Schedule 6, in paragraph 2, the letter “(a)”.

In Schedule 9, paragraphs 11 and 53.

Schedule 10.

Schedules 13 and 14.

In Schedule 17, in paragraph 1(1)(a), the words “or to a constituent board” and “or to a constituent water authority”; and paragraph 2.

Schedule 20.

Schedule 22.

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	In Part II of Schedule 27, paragraphs 159, 180 and 182.	
1974 c. 40.	The Control of Pollution Act 1974.	Section 32(6). Section 106(3).
1975 c. 20.	The District Courts (Scotland) Act 1975.	Section 7(3). Section 18(3).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7D, paragraph 59.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part IV, the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for an islands area in Scotland and, in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh, or Glasgow, the words “the district of”.
1975 c. 30.	The Local Government (Scotland) Act 1975.	In section 1, in subsection (3) (b), the words “,after consultation with the Advisory Council,”, subsection (3)(c), and subsection (7). Section 4. Section 6(1A). In section 7(1A), the words “and, in the case of the non-domestic water rate, the net annual value and the apportioned net annual value of part residential subjects”. Section 7A(3). Section 13. In section 16, the words “, water development boards”. In section 23, subsections (1) (c) and (d) and (2)(c). In section 29A, in subsection (3)(a), the words from “or under” to “committees”. In Schedule 3, paragraphs 1 to 21; in paragraph 22, in sub-paragraph (1), head (c) and, in sub-paragraph (2), the words from “(a)” to “or”, where it occurs immediately following sub-paragraph (b);

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		<p>paragraphs 24A and 26; in paragraph 28(1) the words “paragraph 1(4) above and” and “, a water development board”; and paragraphs 29 and 30.</p> <p>In Part II of Schedule 6, paragraphs 6, 13, 23, 34 and 53.</p>
1975 c. 72.	The Children Act 1975.	In section 99(1), the word “or” immediately preceding paragraph (e).
1976 c. 66.	The Licensing (Scotland) Act 1976.	<p>In section 1, subsection (3), in subsection (4), the words “district or islands” and, in subsection (5), the words “or electoral division”.</p> <p>In section 3(2), the words “of the district or islands area”.</p> <p>In section 5(8), the words “district or islands”.</p> <p>In section 7, in subsection (1), the words “district and islands” and subsection (2).</p>
1976 c. 71.	The Supplementary Benefits Act 1976.	In Schedule 5, in paragraph 2(2), the words “and of”, “, regions, islands areas” and “and”, where it thirdly occurs, and, in paragraph 4(2), the words, “, a region, an islands area” and “or”, where it secondly occurs.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In section 16A(1), in paragraph (b), the words “of a regional or islands council’s”, in paragraph (c), the words “of a district or islands council’s” and, in paragraph (d), the words “of a regional or islands council’s”.
1978 c. 50.	The Inner Urban Areas Act 1978.	<p>In section 1(2), the words “or region”.</p> <p>In section 2(1), the words “or region”, in both places where they occur.</p> <p>In section 7(1)(a), the words “or region”.</p>

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1980 c. 9.	The Reserve Forces Act 1980.	In section 131, in subsection (2), the words “the district of”, subsections (3) and (4) and, in subsection (5), the words “the districts of”.
1980 c. 44.	The Education (Scotland) Act 1980.	In section 4, the words “regional or island authority”. In section 6, in subsection (2), the letter “(a)” and paragraph (b) and subsection (3). Section 78. In section 86, in paragraph (a), the words from “or” to “authority”, where thirdly occurring and in paragraph (e), the words “or by the director of education”.
1980 c. 45.	The Water (Scotland) Act 1980.	Sections 3 to 5. In section 10, in subsection (1), the words “or water development board”; in subsection (1A) the words “onto agricultural land or forestry land” and “or as the case may be water development board’s”; and subsection (6). In section 11, in subsection (1), in paragraph (a), the words “or a water development board” and in paragraph (b) the words “or board”; in subsection (2), the words “or board”; in subsection (3), the words “or board” wherever they occur; in subsection (4), the words “or board” wherever they occur and “or “the transferee board””; and in subsections (5) to (7), the words “or board” wherever they occur. In section 13, in subsection (1), the words “or water development board”, in both places where they occur, “or board”, in both places where they occur and “or area”; in subsection (2), the words “or water development

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board”, “or board” wherever they occur, “or area” and “or boards”; in subsection (3), the words “or water development board” and “or area, as the case may be”; and in subsection (6), the words “or water development board”.

Section 15.

In section 16, in subsection (1), the words “or water development board”; and in each of subsections (2), (3) and (8), the words “or board” wherever they occur.

In section 17, in subsection (1), the words “or water development board”; in subsection (2), the words “or water development board” and “or board”; in subsection (3), the words “or water development board” and, in both places where they occur, “or board”; and in subsection (4), the words “or water development board”.

In section 18, the words “or board” in both places where they occur.

Section 20.

In section 22, the words “or water development board”.

In section 23, in subsection (1), the words “or water development board”; in subsection (2), the words “or board”; and in subsection (3), the words “or water development board”.

In section 25(2), the words “or district”, where they secondly occur.

In section 27(1), the words “or district” where they secondly occur.

In section 28, in subsection (1), the words “or a water development board”; and in subsection (2), the words “or water development board”.

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In section 29, in subsection (2), the words “or water development board”; and in subsection (3), the words “or board”.

Section 30.

In section 32, in subsection (1)(b), the words “subject to subsection (2),”; and subsection (2).

In section 33, in subsection (1), the words “or water development board”, “or their area, as the case may be” and “or board”; in subsection (3), the words “or water development board” in both places where they occur; and in each of subsections (4), (6)(b), (7), (8), (9) and (11), the words “or board” wherever they occur.

Section 35(4).

In section 38(1), the words “or water development board” and, in each of paragraphs (a), (c) and (d), “or board”.

Sections 40 and 41

Sections 42 to 46.

In section 47(3), the word “and” where it first occurs.

Sections 48 and 49.

In section 54, subsection (2); and in subsection (3)(b), the words from “and in the case” to the end.

In section 58, in subsection (6), the words “or the district of a district council” and “or by that district council”; and subsection (8).

Sections 60 and 61.

Section 63(6).

Sections 64 to 67.

In section 68, in subsection (1), the words “or water development board” and “or board”; in the proviso to that subsection the words “or board”; and subsection (3).

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In section 70, in subsection (1), the words “or water development board”; in subsection (2), the words “or board”; in subsection (4), the words “or water development board”; and in the proviso to subsection (4), the words “, or as the case may be the Board,”.

In section 71, in subsection (1), the words “or water development board”; in subsection (5), the words “or board” and, where they secondly occur, “or boards”; and in subsection (6) the words “or boards”.

In section 72(2), the words “and water development board”.

In section 73, in subsection (1), the words “or water development board” and “or board”; and in each of subsections (2) and (3), the words “or board” wherever they occur.

In section 76, in subsection (1), the words “or water development board” and “or board”; in subsection (2), the words “or water development board” and (wherever they occur, both in the subsection and in its proviso) “or board”; in subsection (3), the words “or water development board”, “or their area” and “or board”; and in the proviso to subsection (3), the words “or board” and “or the area of that board”.

In section 76H(8), the words from “; and section 65” to the end.

In section 76L(1), the definitions of “local authority” and “wholesome”.  
Sections 80 to 92..



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In section 103, the words “or water development board” in both places where they occur. In section 107, in subsection (1)(b), the words “or a water development board” and “or board”; and in subsection (5), the words “or a water development board”. In section 109, in subsection (1), the definitions of “the 1992 Act”, “apportionment scheme”, “apportionment note”, “Central Board”, “constituent water authority”, “contributing authority”, “council water charge”, “net annual value” and “part residential subjects” and in the definition of “owner”, the words “, save in sections 64 to 67,”; and in subsection (3), the words “and water development board”. In Schedule 1, in paragraph 3, the words “and the area of the water development board”; in paragraph 11, the words “where the river purification authority are not the same authority as the water authority”; in paragraph 12, the words “and the area of the board”; in paragraph 13, the words “not exceeding 10 pence”; in paragraph 14, the words “or board”; in paragraph 17, the words “or board” and “or boards”; in paragraph 19, the words “or water development board” in both places where they occur and “or area”; in paragraph 20, the words “or water development board”; in paragraph 23, the words “or board” and “or boards”; in each of paragraphs 24, 26 and 27, the words “or water development board”; in paragraph 30, the words

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		<p>“or water development board” and “or board”; and in paragraph 31, the words “or board” in both places where they occur.</p> <p>In Schedule 2, in each of paragraphs 4 and 6, the words “or water development board” wherever they occur.</p> <p>In Schedule 3, in paragraph 1, the words “and water development board”, “within their limits of supply or area” and from “and outside” to “removing mains” where they secondly occur; in paragraph 2(2), the words “or board” in both places where they occur; in paragraph 4(1), the words “within their limits of supply” and “within the said limits”; in paragraph 5, the words “within the limits of supply”; and paragraph 8. Schedules 7 and 8.</p> <p>In Schedule 10, Part II in so far as relating to the Local Government (Scotland) Act 1973.</p>
1980 c. 65.	The Local Government, Planning and Land Act 1980.	<p>In section 8(1)(b), the words “(ii) a water authority; or”.</p> <p>In section 20, in subsection (1), in the definition of “development body”, sub-paragraph (i) of paragraph (b); and subsection (2A).</p> <p>In section 87(2), the word “(a)” and paragraph (b).</p> <p>In section 148(2), the words “exercising district planning functions”.</p> <p>In Schedule 32, in paragraph 33, in sub-paragraph (2), head (a), sub-paragraph (3) and, in sub-paragraph (4), the definitions of “private garage”, “private storage premises” and “rates”.</p>
1981 c. 23.	The Local Government (Miscellaneous Provisions) (Scotland) Act 1981.	<p>Section 6.</p> <p>Section 11.</p> <p>Section 27.</p>

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		In Schedule 2, paragraphs 41 and 42. In Schedule 3, paragraphs 24, 26, 28, 36 and 38.
1982 c.16.	The Civil Aviation Act 1982.	In section 30, in subsection (1), the words “, other than a district council in Scotland,” and the words from “and a” to “above” and, in subsection (2), the words “, other than a district council in Scotland,” and, in section 88(10), the words “, other than a district council in Scotland,”.
1982 c. 41.	The Stock Transfer Act 1982.	Section 5(2).
1982 c. 43.	The Local Government and Planning (Scotland) Act 1982.	Section 4. Sections 6 and 7. In section 14(2), the words “regional or islands council as”. In section 27(4), the words from “Without” to “Act”. Sections 33 and 34. In section 50, paragraph (c). Section 56. In Schedule 1, Part I. In Schedule 3, paragraph 16.
1982 c. 45.	The Civic Government (Scotland) Act 1982.	Section 87(6). Section 89(10). In section 121, in subsection (6), the words from “and of” to “that proposal” and, in subsection (7), the words from “but the” to “ his consent” and the word “nevertheless”. In section 122(2)(b), subparagraph (iii) and the word “and” immediately preceding it.
1983 c. 2.	The Representation of the People Act 1983.	In section 18, in subsection (5), the words “any interested authority or”, “(or in Scotland, the returning officer)”, “or returning officer” in both places where they occur and, in the definition of “interested

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		authority”, sub-paragraph (iii) and, in subsection (6), the words “or returning officer”. Section 25(3). In Section 31(2), the words from “and for” to “polling district”, where it secondly occurs. In section 204(1), in the definition of “electoral area”, the words “division or”.
1984 c. 27.	The Road Traffic Regulation Act 1984.	In section 26(4), paragraph (b) and the word “and” immediately preceding it. In section 26(5), paragraph (b) and the word “or” immediately preceding it and the words “or, in Scotland, the district council,”.
1984 c. 31.	The Rating and Valuation (Amendment) (Scotland) Act 1984.	Sections 6 and 7. In Schedule 2, paragraph 7.
1984 c. 54.	The Roads (Scotland) Act 1984.	In section 4(1), the words “or, in relation to cleansing, with a district council,” and the words “or council”. In section 95(2), the words “or by the district council”. In Schedule 9, paragraphs 27(3)(a) and 64(5)(c).
1985 c. 63.	The Water (Fluoridation) Act 1985.	Section 3. In section 4, in subsection (6), the words “or to terminate a preserved scheme”; and in subsection (7), the words “or terminate a preserved scheme”.
1985 c. 69.	The Housing Associations Act 1985.	In section 59, in subsections (1) and (2), the words “or regional council”, wherever they appear.
1986 c. 33.	The Disabled Persons (Services, Consultation and Representation) Act 1986.	In section 16, in the definition of “local authority”, in paragraph (b), the words “, as read with section 2,”.

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1987 c. 26.	The Housing (Scotland) Act 1987.	In section 61(11)(a), the words “council or”, where first occurring. In section 212(4)(e), the words “or a water development board”. Section 235. In Schedule 15, in paragraph 2(1), head (f). In Schedule 23, paragraph 23.
1988 c. 9.	The Local Government Act 1988.	In section 1, in subsection (1), the words “and (k) a water development board in Scotland,”; and in subsection (3), the words “and (b) “water development board” has the same meaning as in section 109(1) of the Water (Scotland) Act 1980”. In Schedule 2, the words “A water development board in Scotland” and “, and (b) “water development board” has the same meaning as in section 109(1) of the Water (Scotland) Act 1980”. In Schedule 6, in paragraph 11, the words from “and”, where it first occurs, to the end.
1988 c. 41.	The Local Government Finance Act 1988.	Section 128. In Part II of Schedule 12, paragraph 6.
1988 c. 43.	The Housing (Scotland) Act 1988.	In section 55(1), the word “and” where it occurs immediately after the definition of “tenancy”. In section 57(1), the word “neither” and the words from “nor” to “council”, where thirdly occurring.
1988 c. 47.	The School Boards (Scotland) Act 1988.	In section 22, in subsection (2), the definitions of “islands councillor” and “regional councillor”. In Schedule 2, in paragraph 5, the words “Schedule 10 to” and “and Schedule 10 to”.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraphs 22 and 60(2).

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1989 c. 29.	The Electricity Act 1989.	In Schedule 5, in paragraph 8(a), the words “; and (iii) the water development board”; in paragraph 9, the words “and the water development board”; and in paragraph 14, the words “, or the area of any water development board,”.
1989 c. 42.	The Local Government and Housing Act 1989.	<p>In section 2(6)(a), the words “or director of education” and the words from “or section” to “1980”.</p> <p>In section 4(5), the words “, or Schedule 10 or 20 to,”.</p> <p>In section 5(5), the words “, or Schedule 10 or 20 to,”.</p> <p>In section 9(8)(b), the words “, or Schedule 10 or 20 to,”.</p> <p>In section 14, subsections (2) and (3) and, in subsection (8), paragraphs (b), (c) and (d).</p> <p>In section 155(5), the letter “(d)”.</p> <p>In Schedule 1, in paragraph 4, in sub-paragraph (1), in the definition of “ordinary committee”, in paragraph (b), the words from “the authority’s” to “or” and, in sub-paragraph (2), the definition of “social work committee” and the word “and” immediately preceding it.</p> <p>In Schedule 6, paragraphs 7 and 16 to 19.</p> <p>In Schedule 11, paragraph 43.</p>
1989 c. 45.	The Prisons (Scotland) Act 1989.	In section 14(2), the words “region or islands”, where secondly occurring and, in section 16(2), the words “district or islands”, in both places where they occur.
1990 c. 43.	The Environmental Protection Act 1990.	In section 36, in subsection (6), the words “(other than an islands council)”, paragraph (a) (iii) and, in paragraph (b), the words “or the general planning authority” and, in subsection (10), the

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		<p>words “or general planning authority” and “or the general planning authority”.</p> <p>In section 39(8), the words “(not being an islands council)” and, in paragraph (b), the words “or the general planning authority”.</p> <p>In section 50(5)(a), sub-paragraph (iv).</p> <p>In section 53, in subsection (4), the words “(other than an islands council)”.</p> <p>In section 54(4)(c), the words “or the general planning authority”.</p> <p>In section 88(9), in paragraph (a), the words “, a regional council” and, in paragraph (b), the words “, regional council”.</p> <p>In section 90(3), the words “, regional council”.</p> <p>In section 92(1), the words “, regional council”.</p> <p>In section 93(1), the words “, regional council”.</p> <p>In section 95(1), the words “, regional council”.</p>
1991 c. 22.	The New Roads and Street Works Act 1991.	<p>In section 153, in subsection (1), the words “or district council” and “or council” and, in subsection (3), the words “or council”.</p>
1991 c. 28.	The Natural Heritage (Scotland) Act 1991.	<p>In section 22(1), in the definition of “compensation water”, the words “or water development board”.</p> <p>In section 24, in each of subsections (1)(a) and (9)(a), the words “or board”.</p> <p>In Schedule 7, in paragraph 5, in sub-paragraph (1), the words “or a water development board” and (in head (a)) “or board”, in sub-paragraph (2), the words “or water development board” and in sub-paragraph (3), the</p>

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		words “or water development board” and “or board”; in paragraph 6, the words from “, including” to the end; and in paragraph 7, the words “or a water development board”. In Schedule 8, in paragraph 1, in sub-paragraph (3), in the second column of the Table, in paragraph (a) of the entry relating to “All Orders”, the words “or water development board (not being the applicant)”.
1991 c. 34.	The Planning and Compensation Act 1991.	In Schedule 13, paragraph 44.
1992 c. 4.	The Social Security Contributions and Benefits Act 1992.	In section 137(1), the definition of “levying authority”.
1992 c. 5.	The Social Security Administration Act 1992.	In section 15A(3)(d), the words “, islands council”. In section 191, the definition of “levying authority”.
1992 c. 14.	The Local Government Finance Act 1992.	In section 74(1), the words “regional, islands or district”. In section 84, in subsection (1), the words “regional and islands” and, in subsection (2)(a), the words “regional or islands”. In section 85, subsection (2), in subsections (3) and (5) the words “regional or islands” and, in subsection (4), the words “(a)” and “and” and paragraph (b). In section 86, in subsection (4) the words “region or islands” and, in subsections (10) and (11), the words “regional or islands”. In section 87(9)(a), the words “regional or islands”. In section 90(3)(a), the words “regional, islands or district”. In section 93(1)(a) the words “regional, islands or district” and “as appropriate”. In section 94(9) the word “regional” and the words



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		<p>from “and may recover” to the end.</p> <p>Section 95.</p> <p>Section 97(2).</p> <p>In section 99, in subsection (1), the definitions of “the 1968 Act”, “council water charge”, “levying authority”, “public sewage treatment works”, “public sewer” and “water authority” and in the definition of “housing body”, paragraph (a); and in subsection (2), paragraphs (a) (ii) and (iii), (c) and (d).</p> <p>Section 107(1).</p> <p>Section 112(2)(d).</p> <p>In Schedule 2, in paragraph 8(5)(b), the words “or, where the authority is a regional council, each amount set under section 93 of this Act” and, in paragraph 12(2), sub-sub-paragraph (b) and, in sub-sub-paragraphs (e) and (f), the word “levying”; and paragraph 19(7)(b).</p> <p>In Schedule 7, paragraph 1(6).</p> <p>In Schedule 8, in paragraph 3(2) the words “or council water charge”; and in paragraph 4(2) the words “or council water charge”.</p> <p>In Schedule 9, paragraphs 9(c) and 25(d).</p> <p>In Schedule 11, Parts I to III; and in Part IV, paragraphs 31 to 34, 36, 37 and 38(a) to (c) and (e).</p> <p>In Schedule 13, paragraphs 37, 44(a),(b) and (d), 75 and 93</p>
1993 c. 43.	The Railways Act 1993.	<p>In section 151(1), in the definition of “local authority”, the words “regional council, islands council”.</p>

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