



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 3

PROPERTY

15 Transfer of property

- (1) Subject to subsection (5) below, the Secretary of State may by order provide that any property vested in one or more existing local authorities immediately before 1st April 1996 shall on that date be transferred to and vest in such new authority or authorities as may be specified in or determined under the order.
- (2) An order under this section may include provision for the transfer of all rights, liabilities and obligations of an existing local authority on 1st April 1996 to such new authority or authorities as may be specified in or determined under the order.
- (3) An order under this section may make different provision in relation to—
 - (a) different items or categories of property;
 - (b) different, or different categories of, rights, liabilities or obligations; and
 - (c) different authorities.
- (4) The power to transfer property conferred by this section includes power to transfer property which is held by an existing local authority as part of the common good, but such property may not be transferred to a residuary body and, in administering such property, any authority to which it is transferred shall—

Status: This is the original version (as it was originally enacted).

- (a) except in the case of the councils for Aberdeen, Dundee, Edinburgh and Glasgow, have regard to the interests of the inhabitants of the area to which the common good related prior to 16th May 1975; and
 - (b) in the case of the councils for Aberdeen, Dundee, Edinburgh and Glasgow, have regard to the interests of all the inhabitants of their areas.
- (5) This section does not apply to any property which is transferred under or by virtue of section 16, 17 or 91 of this Act.
- (6) Orders under this section shall be made by statutory instrument, and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purposes of this section—
- “existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority;
 - “new authority” means any of the authorities constituted under section 2 of this Act, and includes a joint board and a residuary body; and
 - “property” includes any records held by, or in the custody of, an existing local authority.