



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 3

PROPERTY

16 Property held on trust.

- (1) All property held on trust immediately before 1st April 1996 by—
 - (a) an existing local authority; or
 - (b) a councillor and the proper officer or a specified officer of such an authority, shall on that day be transferred to and vest (subject to the same trust) in the appropriate new authority.
- (2) The authority in whom property is vested by virtue of subsection (1) above shall nominate a sufficient number of their councillors to act as trustees of that property and in so doing shall have regard to the terms of the trust deed; and where the property is held immediately before 1st April 1996 by the persons mentioned in subsection (1)(b) above, the authority shall nominate the proper officer as one of the trustees.
- (3) All property held on trust immediately before 1st April 1996 by a specified officer of an existing local authority shall on that date be transferred to and vest (subject to the same trust) in the proper officer of the appropriate new authority.
- (4) Where, immediately before 1st April 1996, property is held on trust by the holder of an office, whether as a councillor, the proper officer or a specified officer, connected with an existing local authority or authorities and any other person, the appropriate new authority or authorities shall, on the application of the trustees, nominate a sufficient

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 16. (See end of Document for details)

number of their councillors to act in place of such holder and in so doing shall have regard to the terms of the trust deed and, where the terms of the trust deed so require, the said authority or authorities shall nominate their proper officer or the proper officer of one of them as one of the trustees.

- (5) Where the area of the existing local authority in which, or in any councillor or officer of which, any trust property is vested falls entirely within the area of a new authority, that new authority is the appropriate new authority for the purposes of this section.
- (6) Where the area of the existing local authority in which, or in any councillor or officer of which, any trust property is vested falls within the area of two or more new authorities, those authorities may agree in writing as to which of them is or are the appropriate new authority or authorities for the purposes of this section; and such agreement shall be conclusive as to the vesting of the property in one or more of those new authorities.
- (7) Where the authorities mentioned in subsection (6) above cannot reach agreement as to the vesting of any trust property any of them may refer the matter to the Secretary of State, who may give a direction as to which is the appropriate authority or, as the case may be, which are the appropriate authorities; and a direction by the Secretary of State under this subsection shall be conclusive as to the vesting of the trust property in the new authority or authorities concerned.
- (8) An agreement under subsection (6) above and a direction under subsection (7) above may relate to trust property generally, or to particular items, types or classes of such property, or to trust property situated in a particular part of an authority's area.
- (9) In this section—
 - “existing local authority” includes a joint committee and a joint board but does not include an islands authority; and
 - “new authority” includes any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles) and a joint board.
- (10) This section shall not apply to property which is subject to section 17 of this Act.

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