



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 3

PROPERTY

19 Property commission.

(1) Subject to subsection (2) below and after such consultation, whether before or after the passing of this Act, as he considers appropriate, the Secretary of State may by order establish a property commission for the purpose of—

- (a) advising authorities on matters relating to property to be transferred from existing local authorities to new authorities;
- (b) advising the Secretary of State on the general principles on which such property should be transferred; and
- (c) carrying out such other functions in relation to the transfer of property as may be specified in the order,

and for the purposes of this section “property” includes property held on trust to which section 16 of this Act applies.

(2) An order under this section may make provision as to the constitution and membership of the commission, the appointment and removal from office by the Secretary of State of the chairman and members of the commission, the employment of staff and the remuneration and superannuation of the members and staff of the commission.

(3) The Secretary of State may give directions—

- (a) to the commission as to the carrying out by them of their functions;

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 19. (See end of Document for details)

- (b) as to the area or areas in which the commission are to carry out their functions;
 - (c) as to the procedure to be followed by the commission;
 - (d) for the supplying of information to the commission by any authority; and
 - (e) to any authority—
 - (i) as to the implementation of advice given to them by the commission; and
 - (ii) as to the payment by them of any expenses incurred by the commission in doing anything requested of them by that authority.
- (4) The Secretary of State may by order provide for the winding up of the commission and the disposal of their assets.
- (5) Any expenses incurred by the property commission and not recovered by them from an authority shall be paid by the Secretary of State out of money provided by Parliament.
- (6) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
 - “authority” includes an existing local authority and a new authority;
 - “existing local authority” includes a joint committee and a joint board but does not include an islands authority; and
 - “new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands and Western Isles) and a joint board.

Changes to legislation:

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 19.