



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 7

MISCELLANEOUS

55 Restriction on disposal of assets and entering into contracts by existing authorities.

- (1) On and after the relevant date, an existing authority shall not, without the consent of the relevant successor authority or, in a case to which subsection (9) below applies, the Secretary of State—
- (a) without prejudice to section 74 of the 1973 Act (disposal of land), dispose of any land for a consideration exceeding £250,000; or
 - (b) enter into any of the contracts mentioned in subsection (2) below.
- (2) The contracts referred to in subsection (1)(b) above are—
- (a) contracts—
 - (i) in terms of which the authority incurs a liability to meet capital expenses within the meaning of section 94 of the 1973 Act (capital expenses); and
 - (ii) where the consideration exceeds £2,500,000; and
 - (b) contracts, other than contracts such as are mentioned in sub-paragraph (a)(i) above—
 - (i) the period of which purports to extend beyond 31st March 1996 or is capable of being so extended; and
 - (ii) where the consideration exceeds £250,000.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 55. (See end of Document for details)

- (3) The relevant date for the purposes of this section is such date as the Secretary of State may by order made by statutory instrument determine; and different such dates may be so determined in respect of any of the successor authorities mentioned in subsections (4) to (8) below or, in a case to which subsection (9) below applies, the Secretary of State.
- (4) Subject to subsections (5) to (8) below, the relevant successor authority in relation to any proposed disposal or contract by a regional or district council is—
- (a) in relation to any disposal of land, the new local authority within whose area the land will be situated; and
 - (b) in relation to any other contracts, any new local authority whose area will include the whole or any part of the area of the existing local authority.
- (5) The relevant successor authority in relation to any proposed disposal of relevant property (within the meaning assigned by paragraph (b) of section 91(1) of this Act) or proposed contract in so far as it relates to functions mentioned in that paragraph is, in the case of—
- (a) Lothian, Borders, Fife or Central Region, the East of Scotland Water Authority;
 - (b) Strathclyde or Dumfries and Galloway Region, the West of Scotland Water Authority; and
 - (c) Tayside, Highland or Grampian Region or an Islands Area, the North of Scotland Water Authority.
- (6) The relevant successor authority in relation to any proposed disposal or contract by the Central Scotland Water Development Board is the East of Scotland Water Authority.
- ^{F1}(7)
- (8) ^{F2}
- (9) Where—
- (a) a disposal of land such as is mentioned in subsection (1)(a) above is of land held or acquired by the authority for the construction or improvement of any road; or
 - (b) a contract such as is mentioned in subsection (2) above is for works for the construction or improvement of any road; and
 - (c) where, in either case, the Secretary of State has given notice to the authority concerned of his intention to make an order under section 12A(1)(a), 12B(1)(a), 12C(1)(b), 12E(1) or 12E(3) of the ^{M1}Roads (Scotland) Act 1984 directing that a road or proposed road should become a trunk road or that he should be authorised to provide a special road,
- the consent required shall, in either case, be that of the Secretary of State.
- (10) The requirement to seek consent imposed by this section shall not apply to—
- (a) any disposal of land in respect of which the consent of the Secretary of State is required under section 12(7) of the ^{M2}Housing (Scotland) Act 1987; and
 - (b) any contract entered into by an existing authority in or in connection with the exercise of the power conferred on them by section 24 of the ^{M3}Local Government Act 1988 (power to provide financial assistance for privately let housing accommodation).

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- (11) This section applies to any granting of an option to require an existing authority to make a disposal of land or enter into a contract which would require the consent of a successor authority or the Secretary of State as it applies to such a disposal or contract.
- (12) In this section “existing authority” means a regional or district council, the Central Scotland Water Development Board,^{F3} ...^{F4} . . . and, for the purposes of the matters mentioned in subsection (5) above, includes an islands council.

Textual Amendments

- F1** S. 55(7) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012](#) (asp 8), s. 129(2), [sch. 8 Pt. 3](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F2** S. 55(8) repealed (2.8.2005) by [Fire \(Scotland\) Act 2005](#) (asp 5), ss. 89(2), 90, [Sch. 4](#) (with s. 77); [S.S.I. 2005/392](#), [art. 2\(k\)](#)
- F3** Words in s. 55(12) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012](#) (asp 8), s. 129(2), [sch. 8 Pt. 3](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F4** Words in s. 55(12) repealed (2.8.2005) by [Fire \(Scotland\) Act 2005](#) (asp 5), ss. 89(2), 90, [Sch. 4](#) (with s. 77); [S.S.I. 2005/392](#), [art. 2\(k\)](#)
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Marginal Citations

- M1** 1984 c. 54.
- M2** 1987 c. 26.
- M3** 1988 c. 9.

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