
S T A T U T O R Y I N S T R U M E N T S

1973 No. 2181 (C.66) (S.158)

LOCAL GOVERNMENT, SCOTLAND
The Local Government (Scotland) Act 1973
(Commencement No. 2) Order 1973

Made - - - *19th December 1973*

In exercise of the powers conferred on me by section 238(2) of the Local Government (Scotland) Act 1973(a), and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order may be cited as the Local Government (Scotland) Act 1973 (Commencement No. 2) Order 1973.

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order “the Act” means the Local Government (Scotland) Act 1973.

(3) Unless otherwise expressly provided any reference in this order to a numbered section or Schedule shall be construed as a reference to the section or Schedule bearing that number in the Act.

3. Subject to article 9 of this order, the provisions of the Act shall come into operation on 16th May 1975, except in so far as they have already been brought into operation by the Local Government (Scotland) Act 1973 (Commencement No. 1) Order 1973(c) and except in so far as they will have been brought into operation by that date by virtue of any of the following articles of this order.

4. The following provisions of the Act shall come into operation on 20th December 1973:—

Sections 1 and 2;

Section 3(1) to (5) and (7);

Sections 4 to 6;

Sections 8 to 10;

Section 11(3) to the extent necessary to bring into operation the provisions of Schedule 3 specified in this article;

Sections 12 to 43;

Sections 51 to 55;

Section 56(1) to (7) and (11) to (15);

Sections 57 to 63;

Section 64(1) to (3), (6) and (7);

(a) 1973 c. 65.

(b) 1889 c. 63.

(c) S.I. 1973/1885 (1973 III, p. 6556).

Sections 65 to 68;
Sections 70 to 74;
Sections 76 and 77;
Sections 79 to 81;
Section 84;
Sections 86 to 89;
Sections 93 to 107;
Sections 110 to 117;
Sections 119 and 120;
Section 122 to the extent necessary to bring into operation the provisions of Schedule 9 specified in this article;
Section 135(2) to (7);
Section 146(7) and (9);
Section 147(2) to (6);
Section 150(3);
Section 165;
Section 172(2);
Section 175;
Section 185 to the extent necessary to bring into operation the new sections 1(2) and 5(2) and (3) of the Licensing (Scotland) Act 1959(a);
Section 186(1);
Section 186(2) to the extent necessary to bring into operation the provisions of Schedule 24 specified in this article;
Sections 190 to 197;
Section 208;
Section 214(2) to the extent necessary to bring into operation the provisions of Schedule 27 specified in this article;
Sections 215 to 217;
Sections 219 to 223;
Section 225(1) to (7), (9) and (10);
Section 226;
Sections 230 to 232;
Sections 234 to 236;
Section 237(1) to the extent necessary to bring into operation the provisions of Schedule 29 specified in this article;
Section 237(2);
Section 238;
Schedule 1;
Schedule 3, paragraphs 3(1), 4, 9 and 12 to 14;
Schedules 4 to 8;
Schedule 9, paragraph 44 in relation to regional and islands councils; paragraphs 54, 58 and 66 to 72 in relation to any financial year commencing on or after 16th May 1975; paragraphs 65 and 74;

Schedule 24, paragraph 12 and paragraph 22 but only to the extent required for the operation of the new section 5(2) and (3) of the Licensing (Scotland) Act 1959 which is brought into force by section 185;

Schedule 27, paragraph 187;

Schedule 29, in the entry in respect of the Representation of the People Act 1949(a), the repeal relating to section 55(6); in the entry in respect of the Valuation and Rating (Scotland) Act 1956(b), the repeals relating to section 1 in relation to regional and islands councils; and in the entry in respect of the Local Government (Scotland) Act 1966(c), the repeal relating to section 2(2)(b).

5. The following provisions of the Act shall come into operation on 15th February 1974:—

Section 11(3) to the extent necessary to bring into operation the provisions of Schedule 3 specified in this article;

Schedule 3, paragraph 16(c) but only in so far as it relates to the definition of “local government area”.

6. The following provisions of the Act shall come into operation on 1st April 1974:—

Section 7(1), the words from “and accordingly” to the end of that subsection;

Section 11(3), to the extent necessary to bring into operation the provisions of Schedule 3 specified in this article;

Section 237(1), to the extent necessary to bring into operation the provisions of Schedule 29 specified in this article;

Schedule 3, paragraph 16(b); paragraph 16(c) but only in so far as it relates to the definitions of “elected district councillor”, “local elections rules” and “local government Act”; and paragraphs 21 to 23;

Schedule 29, in the entry relating to the Representation of the People Act 1949, the repeals of section 173(3), the definition of “elected district councillor” in section 173(8) and Schedule 3; and, in the entry relating to the Representation of the People Act 1969(d) the repeals relating to section 12(2), 13(5) and 14 and to Schedules 1 and 2.

7. The following provisions of the Act shall come into operation on 7th May 1974:—

Section 11(3), to the extent necessary to bring into operation the provisions of Schedule 3 specified in this article;

Schedule 3, paragraphs 3(2) and 15.

8. The following provisions of the Act shall come into operation on 16th May 1974:—

Section 121;

Section 122 to the extent necessary to bring into operation the provisions of Schedule 9 specified in this article;

Section 148(8) to the extent necessary to bring into operation the provisions of Schedule 17 specified in this article;

(a) 1949 c. 68.
(c) 1966 c. 51.

(b) 1956 c. 60.
(d) 1969 c. 16.

Section 237(1) to the extent necessary to bring into operation the provisions of Schedule 29 specified in this article;
Schedule 9, paragraphs 62(a), 64 and 73;
Schedule 17, paragraph 52;
Schedule 29, in the entry relating to the Rating Act 1966(a), the repeal of sections 5 to 8 and, in the entry relating to the Rate Rebate Act 1973(b), the repeal of the whole Act.

Accounts and audit

9. In so far as the provisions of the Local Government (Scotland) Act 1947(c) repealed in Schedule 29 to the Act relate to accounts and audit the repeal shall be effective only in relation to any financial year commencing on or after 16th May 1975.

Interim action

10. For the purposes of taking any action authorised by any enactment (whether or not involving the expenditure of money) by any authority or by the Secretary of State to ensure effective and convenient local government as from 16th May 1975, any provision of the Act which has not already been brought into operation shall be deemed to have come into force on the day on which this order is made.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
19th December 1973.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the coming into operation of those provisions of the Local Government (Scotland) Act 1973 not already in force.

(a) 1966 c. 9.
(c) 1947 c. 43.

(b) 1973 c. 28.

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