
STATUTORY INSTRUMENTS

1994 No. 2850 (C.63) (S.145)

**LOCAL GOVERNMENT, SCOTLAND
WATER SUPPLY, SCOTLAND**

**The Local Government etc. (Scotland) Act
1994 (Commencement No.1) Order 1994**

Made - - - - 7th November 1994

The Secretary of State, in exercise of the powers conferred on him by sections 182(2) and 184(2) of the Local Government etc. (Scotland) Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Local Government etc. (Scotland) Act 1994 (Commencement No. 1) Order 1994.

(2) In this Order, “the Act” means the Local Government etc. (Scotland) Act 1994.

Days appointed

2. 8th November 1994 is the day appointed for the coming into force of the provisions of the Act specified in column 1 of Schedule 1 to this Order (which relate to the matters specified in column 2 of that Schedule).

3. 4th January 1995 is the day appointed for the coming into force of—

- (a) the provisions of the Act specified in column 1 of Schedule 2 to this Order (which relate to the matters specified in column 2 of that Schedule);
- (b) section 180 of the Act, so far as it relates to the provisions of Schedules 13 and 14 to the Act specified in paragraphs (c) and (d) below;
- (c) in Schedule 13 to the Act (minor and consequential amendments)—
 - (i) paragraph 3;
 - (ii) paragraph 4(1) and (3);
 - (iii) paragraph 27(1), (2) and (3)(a)(i);
 - (iv) paragraph 60(1) and (3)(a) to (c);

- (v) paragraph 71(1) and (6);
 - (vi) paragraph 75(1), (2)(b), (d) and (e), (13)(a)(ii), (14), (17)(d), (18)(c), (19)(b), (20) and (24);
 - (vii) paragraph 92(1), (20), (22), (26), (27), (60) and (70);
 - (viii) paragraph 95(1) and (2)(a), (b) and (d);
 - (ix) paragraph 100(1) and (9)(f) and (g);
 - (x) paragraph 119(1), (5)(d), (7)(c)(ii), (34), (36), (42) to (45), (46) (so far as that subparagraph relates to the definition of “wholesome” in section 76L(1) of the Water (Scotland) Act 1980(2)), (51) and (53)(a)(iv) and (vi);
 - (xi) paragraph 129(1) and (20)(b);
 - (xii) paragraph 156(1), (3) and (4);
 - (xiii) paragraph 176(1) and (19)(c) and (d); and
 - (xiv) paragraph 177; and
- (d) the repeals in Schedule 14 to the Act specified in Schedule 3 to this Order.

Modifications

4.—(1) The relevant provisions (being provisions amended or as the case may be added by provisions in the Act brought into force by article 3 of this Order) shall in the period from 4th January 1995 until 1st April 1996 apply as if modified by the substitution of the word “local” for the word “sewerage” in each place where that word appears in the relevant provisions (those modifications being such as appear to the Secretary of State requisite having regard to the fact that other provisions of Part II of, and Schedule 13 to, the Act are not for the time being in effect).

(2) In paragraph (1) above, “the relevant provisions” means—

- (a) sections 1(2) and (4), 3A, 16A, 20(5), 22(2A), 23 and 48 of the Sewerage (Scotland) Act 1968(3); and
- (b) section 32(2) of the Control of Pollution Act 1974(4).

St Andrew’s House,
Edinburgh
7th November 1994

Ian Lang
One of Her Majesty’s Principal Secretaries of
State

(2) 1980 c. 45; section 76L(1) was added by the Water Act 1989 (c. 15), Schedule 22, paragraph 1.
(3) 1968 c. 47; the provisions listed are amended or added by way of section 101 of, and paragraph 75(2), (14), (17), (19), (20) and (24) of Schedule 13 to, the Act.
(4) 1974 c. 40; section 32(2) is substituted by paragraph 95(2)(b) of Schedule 13 to the Act.

SCHEDULE 1

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 8TH NOVEMBER 1994

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 1	Local government areas in Scotland
Section 5	Elections and term of office of councillors
Section 7	Establishment of new local authorities and supplementary provisions
Section 12	Staff commission
Section 57	Power and duty of existing local authorities to assist new authorities
Section 61	Interpretation of Part I
Section 97(6)	Extension of staff commission functions
Section 125	Interpretation of Part II
Section 137(1) (so far as it applies section 12 of the Act)	Extension of staff commission functions
Section 157	Certain orders relating to valuation not to be treated as hybrid
Section 177(1) and (3) (so far as those subsections relate to the entry in Part III of the House of Commons Disqualification Act 1975 ⁽⁵⁾ concerning any member of the staff commission)	Parliamentary disqualification
Section 178	Financial provisions
Section 181(1), (2), (8) and (9)	Consequential and supplementary provisions
Section 183(1)	Interpretation
Section 184	Short title, commencement and extent
Schedule 1	New local government areas
Schedule 2	Establishment of new local authorities

SCHEDULE 2

Article 3(a)

PROVISIONS OF THE ACT COMING INTO FORCE ON 4TH JANUARY 1995

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 8	Transfer of employees

(5) 1975 c. 24.

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<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 9	Effect of section 8 on contracts of employment
Section 10	Continuity of employment
Section 11	Remuneration of employees of local authorities
Section 13	Compensation for loss of office or diminution of emoluments
Section 14	Employment by new authorities
Section 15	Transfer of property
Section 16	Property held on trust
Section 17	Educational endowments
Section 24	Transitional provisions: finance
Section 34	Reorganisation of police areas
Section 38	Roads
Section 40	Establishment etc. of Strathclyde Passenger Transport Authority
Section 44	Restriction on order-making powers of existing authorities
Section 47	Proceedings in district courts: transitional provisions
Section 49	Justice of the peace
Section 50	Stipendiary magistrates
Section 51(3)	Registration offices
Section 60	Applications to sheriff in cases of difficulty
Section 97 (so far as not already in force)	Staff: application of Chapter 2 of Part I etc.
Section 101	Authorisation of construction of certain private sewers etc.
Section 104	Disapplication of restrictions on disclosure of information
Section 113	Actings of Secretary of State on default of water authority
Section 114	Publication and provision of information as respects quality of private supplies of water
Section 115	Regulations as to certain procedures
Section 124	Cancellation of obligation to contribute towards certain expenses incurred as respects sewerage, or disposal of sewage, in rural localities
Section 126	Orders under Part II
Section 137 (so far as not already in force)	Staff: application of Chapter 2 of Part I

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<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 141	Byelaws under section 121 of the Civic Government (Scotland) Act 1982 ⁽⁶⁾
Section 143	Self-governing schools: certain proposals under the Education (Scotland) Act 1980 ⁽⁷⁾
Section 146	Definition of “road”
Section 147	Provisions consequential on making of special road order
Section 148	Toll orders
Section 149	Road works register
Section 150	Traffic signs
Section 151	Exclusion from valuation roll of shootings, deer forests, fishings and fish counters
Section 165	Powers of authorities to borrow and lend money
Section 166	Grants in relation to ethnic minorities
Section 167	Special grants
Section 170	Effective use of resources
Section 172	Duty of Secretary of State to establish area tourist boards
Section 173	Power of Secretary of State to amend and revoke schemes
Section 175	Provision of assistance to boards by old authorities
Section 179	Savings
Section 182	Further transitional provisions
Schedule 5	Strathclyde Passenger Transport Authority

SCHEDULE 3

Article 3(d)

REPEALS IN SCHEDULE 14 TO THE ACT
COMING INTO FORCE ON 4TH JANUARY 1995

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
18 & 19 Vict. c.68	The Burial Grounds (Scotland) Act 1855	In section 10, the words “any of the Lords Ordinary of” and the words from “And

⁽⁶⁾ 1982 c. 45.

⁽⁷⁾ 1980 c. 44.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		provided” to “such dwelling house”.
10 & 11 Geo.6 c.41	The Fire Services Act 1947	In section 11, the words from “but no ground” to the end. In section 15(2), the proviso.
1873 c. 65	The Local Government (Scotland) Act 1973	In section 36, in subsection (2), the words “and thirty-six” and “and twenty-three”.
1980 c. 45	The Water (Scotland) Act 1980	Sections 64 to 67. In section 76H(8), the words from “; and section 65” to the end. In section 76L(1), the definition of “wholesome”.
1982 c. 45	The Civic Government (Scotland) Act 1982	In section 109, in subsection (1), in the definition of “owner”, the words “, save in sections 64 to 67,”. In section 121, in subsection (6), the words from “and of” to “that proposal” and, in subsection (7), the words from “but the” to “his consent” and the word “nevertheless”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the commencement of certain provisions in the Local Government etc. (Scotland) Act 1994 (“the Act”) on 8th November 1994 (article 2 and Schedule 1) and on 4th January 1995 (article 3 and Schedules 2 and 3).

Article 4 modifies certain provisions of the Sewerage (Scotland) Act 1968 and the Control of Pollution Act 1974 (which provisions are amended or added by provisions of the Act brought into force by article 3 of this Order) in their application in the period from 4th January 1995 to 1st April

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1996. The provisions specified in article 4 are modified by the substitution of references to “local” authorities for the references to “sewerage” authorities (pending the assumption of functions by sewerage authorities on 1st April 1996).