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STATUTORY INSTRUMENTS

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**1996 No. 578 (S.56)**

**LOCAL GOVERNMENT, SCOTLAND**

**The Local Authorities (Property Transfer)  
(Scotland) Amendment Order 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 181(1) and (2)(a) 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 commencement**

1. This Order may be cited as the Local Authorities (Property Transfer) (Scotland) Amendment Order 1996 and shall come into force on 1st April 1996.

**Amendment of Order**

2. The Local Authorities (Property Transfer) (Scotland) Order 1995(2) shall be amended by the insertion after article 7 of the following article:—

**“Directions as to rights in transferred property**

7A.—(1) Where any heritable property of a disaggregating authority has transferred to a successor authority (“the first authority”) by virtue of article 3(2) above and the property commission has before 1st April 1996 received an appropriate request from another of the successor authorities of that disaggregating authority, the commission may on or after that date direct the first authority—

- (a) to grant use of that property to such one or more successor authorities as may be specified by the commission, for such period and on such terms as may be so specified;
- (b) to dispose of that property within such period, in such manner and on such terms and subject to such conditions as may be specified by the commission and to make

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(1) 1994 c. 39.  
(2) S.I.1995/2499.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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payment of such part of the proceeds as may be so specified to such successor authorities, and in such proportions, as may be so specified;

(c) to make payment, within such period and in such manner as may be specified by the commission, of such sums, and to such successor authorities, as may be so specified.

(2) In considering whether to give a direction under paragraph (1)(a) above, the property commission shall take into account in particular the consideration referred to in article 6(2) above.

(3) In relation to a direction under paragraph (1)(b) or (1)(c) above, paragraphs (3) and (4) of article 7 above shall have effect as if that direction was a condition imposed by the property commission under paragraph (1) of that article.”.

St Andrew’s House,  
Edinburgh  
5th March 1996

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Order makes additional provision relating to the transfer of heritable property to new Scottish local authorities on 1st April 1996. It enables successor authorities other than the authority in which heritable property vests by virtue of article 3(2) of the Local Authorities (Property Transfer) (Scotland) Order 1995 to be granted—

- (a) user rights;
- (b) a right to share in the proceeds of disposal of that property;
- (c) a right to receive a payment from the authority in which the property has vested,

where an application for such a grant has been made to the Local Government Property Commission (Scotland) before 1st April 1996.