

# **LOCAL GOVERNMENT IN SCOTLAND ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 9 – General**

##### ***Section 57 - Power to modify enactments***

128. *Subsection (1)* enables the Scottish Ministers, by order, to amend, repeal, revoke or disapply any legislation that they consider prevents or hinders local authorities in complying with their duties of Best Value and Community Planning, and their use of the power of well-being; and any legislation that requires local authorities to prepare, produce or publish any plan or strategy. This power may be used to assist in the effective use of the power of well being and to assist in the Community Planning process and can apply to all local authorities, a class or classes of local authority, or a particular local authority or local authorities. An enactment may be amended or disapplied for a particular period of time.

##### ***Section 58 – Ancillary provision***

129. This section gives the Scottish Ministers a power to make orders containing such ancillary provision as is necessary or expedient for the purposes or in consequence of the Act.

##### ***Section 59 – Equal Opportunities***

130. This section places a duty on the Scottish Ministers, local authorities, those authorities, bodies, office holders and other persons mentioned in section 16(1) (i.e. those subject to the duty to participate in Community Planning) and any other person discharging a function under the Act to carry out their functions in a way which encourages equal opportunities and observes equal opportunity requirements.

##### ***Section 60 – Repeals and consequential amendments***

131. This section repeals legislation that is incompatible with, or superseded by, the Act.

##### ***Section 61 – Definitions***

132. This section defines “joint fire board”, “joint police board” and “local authority” for the purposes of the various sections of the Act.

##### ***Section 62 – Short title and commencement***

133. This section gives the Act the title of Local Government in Scotland Act 2003. The section allows the Scottish Ministers to set different dates to commence different provisions of the Act by order.