



Local Government in Scotland Act 2003

2003 asp 1

PART 7

FINANCE

35 Capital expenditure limits

- (1) It is the duty of a local authority to determine and keep under review the maximum amount which it can afford to allocate to capital expenditure.
- (2) In discharging that duty, the local authority shall comply with regulations made by the Scottish Ministers for the purposes of this section.
- (3) Those regulations may, in particular, make provision—
 - (a) prescribing when and in respect of what period determinations under subsection (1) above are to be made;
 - (b) prescribing how those determinations are to be arrived at and any considerations to which regard is to be had in arriving at them;
 - (c) prescribing how local authorities are to keep those determinations under review under subsection (1) above and any considerations to which they must have regard in doing so;
 - (d) requiring local authorities to make to the Scottish Ministers such reports containing such information as is prescribed by the regulations;
 - (e) requiring the amount determined under subsection (1) above and factors on which the determination was based to be subjected to such process of audit as is prescribed by the regulations;
 - (f) requiring information about that amount and those factors to be published, and they may make different provision for different cases or different classes of case.
- (4) The considerations referred to in paragraphs (b) and (c) above may include codes of practice referred to in the regulations.

Changes to legislation: There are currently no known outstanding effects for the
Local Government in Scotland Act 2003, Section 35. (See end of Document for details)

Commencement Information

- II** [S. 35](#) wholly in force at 30.1.2004; [s. 35](#) not in force at Royal Assent see [s. 62\(2\)](#); [s. 35\(1\)](#) in force at 1.4.2003 by [S.S.I. 2003/134](#), [art. 2\(1\)](#), Sch.; [s. 35\(2\)-\(4\)](#) in force at 30.1.2004 by [S.S.I. 2004/28](#), [art. 2\(1\)](#)

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