

ELIZABETH II



1970 CHAPTER xxxvii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to West Lothian County Council. [23rd July 1970]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament: 1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the West Lothian County Council Order Confirmation Act 1970. Short title.

SCHEDULE

WEST LOTHIAN COUNTY COUNCIL

Provisional Order to confer on the county council of the county of West Lothian further powers with respect to the finances of the county; and for other purposes.

Whereas it is expedient that further and better provision should be made with respect to the finances of the county of West Lothian and that the powers of the West Lothian County Council should be enlarged and extended as by this Order provided:

1936 c. 52. And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State hereby orders as follows:—

Short title.

1. This Order may be cited as the West Lothian County Council Order 1970.

Interpretation.

2.—(1) In this Order—

“the Council” means the county council of the county;

“the county” means the administrative county of West Lothian;

“the county fund” means the county fund of the Council;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

1947 c. 43.

“rates” includes sums requisitioned under Part XI of the Local Government (Scotland) Act 1947;

“signature” includes a facsimile of a signature by whatever process reproduced.

(2) Any reference in this Order to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Order.

Power to raise money by bills.

3. In addition to the modes of borrowing prescribed by the Local Government (Scotland) Act 1947, the Council may raise money—

(1) for any purpose for which the Council are authorised to borrow;

(2) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

by means of bills (to be called "West Lothian County Council Bills", in this section referred to collectively as "bills" and separately as "a bill") subject to, and in accordance with, the following provisions:—

- (a) A bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:
- (b) A bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:
- (c) Bills may be offered for purchase (whether by tender or otherwise) in such manner and on such conditions as the Council may determine:
- (d) Bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:
- (e) The Council may make regulations providing for—
 - (i) the preparation, form, mode of issue, payment and cancellation of bills;
 - (ii) the issue of new bills in lieu of bills defaced, lost or destroyed;
 - (iii) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and
 - (iv) the giving of a proper discharge on the payment of a bill:
- (f) The amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (g) The aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed—
 - (i) the sum of one million pounds; or
 - (ii) one-fifth of the amount estimated to be produced by the levying of rates in the county during the then current financial year to meet liabilities falling to be discharged by the Council;whichever is the greater:
- (h) Subject to the provisions of the last foregoing paragraph, the Council may renew a bill at maturity:
- (i) The Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Council to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

Power to raise
money by
bearer bonds.

4. In addition to any other method by which the Council may raise any money which they are authorised to borrow, they may, with the consent of the Treasury and subject to such conditions as the Treasury may impose, raise the money by means of the issue of bearer bonds or other securities to bearer.

Power to raise
money outwith
United
Kingdom.

5.—(1) Any method by which the Council are empowered by any enactment to raise any money which they are authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outwith the United Kingdom or in any foreign currency.

(2) The powers conferred by the foregoing subsection shall be exercised only with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(3) The enactments empowering the Council to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if—

(a) for any reference in those enactments to sterling, there were substituted a reference to the foreign currency; and

(b) for any reference therein to a sum expressed in terms of sterling there were substituted a reference to the sum expressed in terms of the foreign currency (adjusted, where necessary, to produce an amount which the Council consider appropriate having regard to all the circumstances of the transaction).

Saving for
powers of
Treasury.
1947 c. 14.
1946 c. 58.

6. It shall not be lawful to exercise the powers of borrowing conferred by the provisions of this Order, except in compliance with the Exchange Control Act 1947 and with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Costs of
Order.

7.—(1) The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Order or otherwise in relation thereto shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Order.

1947 c. 43.

(2) The Council may borrow, without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Order in the same manner as if the said purpose were included among the purposes mentioned in section 258 (1) of the Local Government (Scotland) Act 1947.

(3) The Council shall repay the sums borrowed under the last foregoing subsection within five years from the date of borrowing.

PRINTED IN ENGLAND BY THE OYEZ PRESS

PRINT DIVISION OF THE SOLICITORS' LAW STATIONERY SOCIETY, LTD.

FOR C. H. BAYLIS

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

1s. [5p] net

SBN 10 513770 7



West Lothian County Council Order Confirmation Act 1970

CHAPTER xxxvii

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SCHEDULE

WEST LOTHIAN COUNTY COUNCIL

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