



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART V

#### GENERAL AND SUPPLEMENTARY

##### *General*

#### **177 Parliamentary disqualification.**

(1) Schedule 1 to the <sup>M1</sup>House of Commons Disqualification Act 1975 shall be amended as mentioned in subsections (2) and (3) below.

(2) In Part II (bodies of which all members are disqualified for membership of the House of Commons), there shall be inserted at the appropriate places the following entries—

“The East of Scotland Water Authority.

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“The North of Scotland Water Authority.

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“The Scottish Children’s Reporter Administration.

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“The Scottish Children’s Reporter Administration.

; and ”

“The West of Scotland Water Authority.”.

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*Changes to legislation:* There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: General. (See end of Document for details)

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(3) In Part III (other disqualifying offices) there shall be inserted at the appropriate places the following entries—

“Any member of the staff commission established by virtue of section 12 of the Local Government etc. (Scotland) Act 1994.

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“Any member of a residuary body established by virtue of section 18 of the Local Government etc. (Scotland) Act 1994 who is in receipt of remuneration.

; and ”

“Any member of the property commission established by virtue of section 19 of the Local Government etc. (Scotland) Act 1994.”.

#### Textual Amendments

**F1** Entry in s. 177 repealed (1.11.1999) by 1999 c. 9, s. 15(1)(2), Sch. 3 Pt. II para. 16, **Sch. 4 Pt. II**; S.I. 1999/133, **art. 2(b)(c)(e)(f)**

#### Commencement Information

**II** **S. 177** wholly in force at 30.10.1995; **s. 177** not in force at Royal Assent see s. 184(2); s. 177(1)(3) in force for specified purposes at 8.11.1994 by S.I. 1994/2850, **art. 2**, **Sch. 1**; s. 177(1)(2) in force for further specified purposes at 6.4.1995 by S.I. 1995/702, **art. 4(1)**, **Sch. 2**; s. 177(1)(2) in force for further specified purposes at 17.7.1995 by S.I. 1995/1898, **art. 2(b)**; s. 177 in force at 30.10.1995 insofar as not already in force by S.I. 1995/2866, **art. 2(g)**

#### Marginal Citations

**M1** 1975 c. 24.

### 178 Financial provisions.

(1) There shall be paid out of money provided by Parliament—

- (a) any expenses of the Secretary of State incurred in consequence of the provisions (other than section 84(5)) of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) There shall be paid out of the National Loans Fund any sums issued to the Secretary of State under section 84(5) of this Act.

(3) There shall be paid into—

- (a) the National Loans Fund any sums paid to the Secretary of State under section 84(5) of this Act; and
- (b) the Consolidated Fund any sums paid to the Secretary of State in consequence of any other provision of this Act.

### 179 Savings.

(1) The repeal by this Act of—

- (a) sections 65, 66 and 67;

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- (b) the words from “; and section 65” to the end in section 76H(8); and
  - (c) the words “, save in sections 64 to 67,” in the definition of “owner” in section 109(1),
- of the 1980 Act, shall not affect the operation of the said sections 65, 66 and 67 as respects—
- (i) any charging order made before 1st April 1996 under subsection (1) or (3) of section 65 (including any charging order so made by virtue of the said section 76H(8));
  - (ii) any order made before that date under subsection (2) of section 66; or
  - (iii) any right conferred by those sections to recover expenditure provided that the expenditure was incurred before that date.
- (2) The repeal by this Act of the said section 65 shall not affect that section’s application, under subsection (4) of section 75 of the Agricultural Holdings (Scotland) Act 1991, to such charging orders as are mentioned in subsection (2) or (3) of the said section 75.
- (3) The repeal by this Act—
- (a) of section 47 of the 1968 Act shall not affect the operation of that section as respects—
    - (i) any charging order made before 1st April 1996 under subsection (1) of that section; or
    - (ii) any right conferred by that section to recover expenditure provided that the expenditure was incurred before that date;
  - (b) of the said sections 65, 66 and 67 shall not affect those sections’ application, under subsection (2) or (3) of the said section 47, to such charging orders as are mentioned in sub-paragraph (i) of paragraph (a) above or, as the case may be, for the purpose of the right of recovery mentioned in sub-paragraph (ii) of that paragraph.
- (4) Without prejudice to subsection (4) of section 72 of the 1980 Act (certain byelaws to cease to have effect at expiration of a specific period unless extended), or to that subsection as it applies by virtue of section 63(10) of the <sup>M2</sup>Countryside (Scotland) Act 1967 (byelaws as respects recreational use of waterway or land), a byelaw made by the Board or by any other transferor as water authority, or having effect, immediately before the transfer date, as if so made by virtue of section 73(3) of the 1980 Act (power of Secretary of State to require making of byelaws), shall on and after that date have effect, though only within the area in which it had effect immediately before that date, as if made by the transferee as water authority, with any reference in the byelaws to the transferor being construed, in so far as the context admits, as a reference to the transferee.
- (5) In subsection (4) above, “transferor” and “transferee” mean the transferor and transferee in a transfer scheme; and for the purposes of that subsection the transferee where the transferor is the Board shall be taken to be the East of Scotland Water Authority only.
- (6) Section 125 of this Act applies for the interpretation of subsections (1) to (5) above as that section applies for the interpretation of Part II of this Act.

#### Marginal Citations

M2 1967 c. 86.

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