

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 13

Section 180(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Riotous Assemblies (Scotland) Act 1822 (c.33)*

- 1 In section 10 of the Riotous Assemblies (Scotland) Act 1822 (compensation for damage to buildings caused by acts of riotous assemblies etc.), for “regional or islands council” substitute “ council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.

#### *The Harbours, Docks and Piers Clauses Act 1847 (c.27)*

- 2 (1) The Harbours, Docks and Piers Clauses Act 1847 shall be amended in accordance with this paragraph.
- (2) In section 7 (deposit of sheriff’s certificate of correction), for “regional or islands council” substitute “ council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.
- (3) In section 8 (plans to be deposited before works may begin), for “of any region or islands area” substitute “ for any local government area (within the meaning of the Local Government etc. (Scotland) Act 1994) ”.

#### *The Burial Grounds (Scotland) Act 1855 (c.68)*

- 3 (1) The Burial Grounds (Scotland) Act 1855 shall be amended in accordance with this paragraph.
- (2) In each of sections 4 (proceedings on complaint of danger to health), 9 (meeting of board to be convened where requisitioned) and 10 (provision of suitable burial grounds by board after closure, etc.), for “ratepayers”, wherever it occurs, substitute “ persons (being ratepayers or persons liable to pay council tax) ”.
- (3) In section 10 (provision of suitable burial grounds by board after closure, etc.), the words “any of the Lords Ordinary of” and the words “And provided also, that no land shall be so designated nearer than one hundred yards to any dwelling house without the consent in writing of the owner of such dwelling house;” shall cease to have effect.
- (4) In section 11 (consents for new burial grounds), the words from “but no ground” to the end shall cease to have effect.

#### *The Explosives Act 1875 (c.17)*

- 4 (1) The Explosives Act 1875 shall be amended in accordance with this paragraph.
- (2) In section 110 (local authority), in paragraph 1, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 111 (expenses of local authority), in paragraph (a), for “regional or general rate” substitute “ non-domestic rate or the council tax ”.

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#### Commencement Information

- II** Sch. 13 para. 4 wholly in force at 1.4.1996; Sch. 13. para. 4 not in force at Royal Assent see s. 184(2); Sch. 13. para. 4(1)(3) in force at 4.1.1995 by S.I. 1994/2850, art. 3(e)(ii); Sch. 13 para. 4 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Public Libraries Consolidation (Scotland) Act 1887 (c.42)*

- 5 For section 2 of the Public Libraries Consolidation (Scotland) Act 1887 (interpretation) substitute—

#### “2 Interpretation.

In this Act, except where the context otherwise requires, “library authority” and “museum and art gallery authority”, for the purposes of this Act, mean a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and “area”, in relation to such an authority, shall be construed accordingly.”.

#### *The Allotments (Scotland) Act 1892 (c.54)*

- 6 In section 16 of the Allotments (Scotland) Act 1892 (definitions), in the definition of “local authority”, for “an islands or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Merchant Shipping Act 1894 (c.60)*

- F17 .....

#### Textual Amendments

- F1** Sch. 13 para. 7 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), Sch. 12 (with s. 312(1), Sch. 14 para. 1)

#### *The Light Railways Act 1896 (c.48)*

- 8 In section 26 of the Light Railways Act 1896 (application to Scotland), in subsection (2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Public Health (Scotland) Act 1897 (c.38)*

- 9 In section 12 of the Public Health (Scotland) Act 1897 (local authorities for the purposes of the Act), for “The islands or district council” substitute “ A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Census Act 1920 (c.41)*

- 10 In section 9 of the Census Act 1920 (application to Scotland), for subsection (2) substitute—

“(2) “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

*The Celluloid and Cinematograph Film Act 1922 (c.35)*

- 11 In section 10(1) of the Celluloid and Cinematograph Film Act 1922 (application to Scotland), in the definition of “Local authority”, for the words from “the” to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”.

*The Allotments (Scotland) Act 1922 (c.52)*

- 12 In section 19(1) of the Allotments (Scotland) Act 1922 (interpretation), for “an island or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Performing Animals (Regulation) Act 1925 (c.38)*

- 13 In section 6(a) of the Performing Animals (Regulation) Act 1925 (definition of “local authority” in application of Act to Scotland), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Agricultural Produce (Grading and Marking) Act 1928 (c.19)*

- 14 In section 8 of the Agricultural Produce (Grading and Marking) Act 1928 (application to Scotland), for the words from “region” to “county” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be substituted for references to a council of a county ”.

*The Petroleum (Consolidation) Act 1928 (c.32)*

- 15 In section 24 of the Petroleum (Consolidation) Act 1928 (application to Scotland), for subsection (1) substitute—

“(1) for paragraphs (a) and (c) of section 2(1) of this Act there shall be substituted the words “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.”.

*The Local Government (Scotland) Act 1929 (c.25)*

- 16 In section 29 of the Local Government (Scotland) Act 1929 (power of councils to expend money on public health propaganda), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Road Traffic Act 1930 (c.43)*

- 17 (1) The Road Traffic Act 1930 shall be amended in accordance with this paragraph.

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- (2) In section 108(1) (interpretation), in the definition of “district”, for “a region or islands area” substitute “the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) In section 109(a) (definition of “local authority” in application of the Act to Scotland), for “a regional or islands council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (4) In section 119(3) (special provisions as to Scotland), for the words from “A” to “shall” substitute “A local roads authority shall”.

*The Church of Scotland (Property and Endowments) (Amendment) Act 1933 (c.44)*

- 18 In section 2(2) of the Church of Scotland (Property and Endowments) (Amendment) Act 1933 (transfer of certain churchyards), for the words from “of the” to “which” substitute “constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area”.

*The Private Legislation Procedure (Scotland) Act 1936 (c.52)*

- 19 In section 11(6) of the Private Legislation Procedure (Scotland) Act 1936 (powers of councils under Act), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Harbours, Piers and Ferries (Scotland) Act 1937 (c.28)*

- 20 In section 31(1) of the Harbours, Piers and Ferries (Scotland) Act 1937 (interpretation), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Children and Young Persons (Scotland) Act 1937 (c.37)*

- 21 In section 110(1) of the Children and Young Persons (Scotland) Act 1937 (interpretation), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Public Records (Scotland) Act 1937 (c.43)*

- 22 (1) The Public Records (Scotland) Act 1937 shall be amended in accordance with this paragraph.

- (2) In section 5 (transfer of records to Keeper)—

- (a) for subsection (2) substitute—

“(2) Notwithstanding anything contained in any enactment, it shall be lawful for any local authority or any statutory body corporate in Scotland, with the consent of the Keeper, to transmit such of their records as relate exclusively or mainly to Scotland to the Keeper for custody.

- (2A) For the purposes of this section, “statutory body corporate” means any body corporate established by or under a statute relating to Scotland other than such bodies, or such classes of such bodies,

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as may be specified by the Secretary of State in an order made by statutory instrument.

(2B) Nothing in subsection (2) above shall apply to any burgh register of sasines or to any book or public record relating thereto.”.

(3) In subsection (1) of section 14 (interpretation), after the definition of “court records” insert—

“the expression “local authority” means an authority constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and includes a joint board and a joint committee;

the expression “statutory body corporate” shall be construed in accordance with section 5(2A) above.”.

*The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (c.48)*

23 In section 6 of the Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Defence Act 1939 (c.31)*

24 In section 62(1A) of the Civil Defence Act 1939 (power of local authority to appropriate lands and buildings for purposes of civil defence etc.), in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Land Drainage (Scotland) Act 1941 (c.13)*

25 In section 7(1) of the Land Drainage (Scotland) Act 1941 (interpretation), in the definition of “rating authority”, for the words from “like” to “1929” substitute “ meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994 ”.

*The Public Health (Scotland) Act 1945 (c.15)*

26 In section 1(8) of the Public Health (Scotland) Act 1945 (local authorities for purposes of enforcement etc. of certain regulations), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Fire Services Act 1947 (c.41)*

27 (1) The Fire Services Act 1947 shall be amended in accordance with this paragraph.

(2) In section 15(2) (use of water for fire-fighting purposes)—

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- (a) at the beginning insert “ Without prejudice to section 9A of the <sup>M1</sup>Water (Scotland) Act 1980 (prohibition on any charge for water taken to extinguish fires etc.) and ”; and
  - (b) the proviso shall cease to have effect.
- (3) In section 36 (application of the Act to Scotland)—
- (a) in subsection (2)—
    - (i) the words “and thirty-six” and “and twenty-three” shall cease to have effect; and
    - (ii) for the words “joint committee” there shall be substituted the words “ joint board ”;
  - (b) subsection (3) shall cease to have effect;
  - (c) after subsection (3) insert—
    - “(3A) If it appears to any two or more fire authorities that it is expedient that their areas should be combined for fire-fighting purposes, they may submit to the Secretary of State a scheme in that behalf (in this section referred to as an “administration scheme”) and the Secretary of State may by order approve any such scheme submitted to him.
    - (3B) A scheme under subsection (3A) above shall make provision with respect to the matters mentioned in paragraphs (c) and (d) of subsection (8A) below.
    - (3C) The power to make an order under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;
  - (d) in subsection (4)—
    - (i) for paragraph (a) substitute—
      - “(a) the dis-establishment of the fire brigades maintained by the several fire authorities, the establishment and maintenance of a combined fire brigade for the combined area, and the appointment, subject to any regulations made under this Act, of a firemaster of that combined brigade.”;
      - and
      - (ii) for the words “joint committee”, in each place where they occur, there shall be substituted the words “ joint board ”;
  - (e) in subsection (5), for the words “joint committee”, in each place where they occur, there shall be substituted the words “ joint board ”;
  - (f) after subsection (5) insert—
    - “(5A) Not later than 3 months before the date on which a scheme approved under subsection (3A) above or, as the case may be, made under subsection (8)(b) below is intended to come into effect, every fire authority in respect of whose area or combined area such a scheme has been approved or made shall prepare and submit to the Secretary of State for his approval an establishment scheme for their area or combined area under section 19 of this Act, and the Secretary of State may approve the scheme as submitted to him or subject to such modifications as he may direct.”;
  - (g) subsection (6) shall cease to have effect;

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(h) for subsection (7) substitute—

“(7) Where an administration scheme has been approved under subsection (3A) above, the fire authorities affected by it may amend or revoke that scheme by a subsequent scheme submitted to the Secretary of State by them jointly and the Secretary of State may by order approve any such subsequent scheme submitted to him.

(7A) A subsequent scheme under subsection (7) above may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5), (8)(b) and (8A) of this section.

(7B) The power to make an order under subsection (7) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;

(i) for subsection (8) substitute—

“(8) The Secretary of State may by order—

- (a) vary or revoke an administration scheme;
- (b) make a new administration scheme which includes provision—
  - (i) for the division of the original combined area into any two or more areas, being either areas of fire authorities comprised in such combined area or new combined areas constituted by such scheme;
  - (ii) for the inclusion in the combined area of any additional areas,

and such an order may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5) and (8A) of this section.

(8A) An order under subsection (8) above may make provision with respect to any of the following matters—

- (a) the transfer or retransfer to such fire brigade as may be determined by the order of the members of any fire brigade affected by the order;
- (b) the transfer or retransfer to such fire authorities as may be determined by the order of any officers, property, rights or liabilities of any fire authority affected by the order;
- (c) the payment, by such fire authority and subject to such provisions as may be determined by the order, of compensation to officers employed by any fire authority affected by the order who in consequence of it or of anything done under it suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments;
- (d) in the case of any person who having immediately before the coming into operation of the order been the firemaster of any fire brigade affected by the order does not on the coming into operation of the order become the firemaster of any fire brigade established in consequence of the order, for the payment, in lieu of compensation under paragraph (c)

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- above, of a pension, gratuity or allowance of such amount, subject to such conditions and by such fire authority as may be specified in the order; and
- (e) any other matters incidental to or consequential on any provision contained in the order.
- (8B) Before making an order under subsection (8) above which contains provision that two or more local government areas should form a combined area for the provision in the combined area of the services mentioned in section 1 of this Act, the Secretary of State shall—
- (a) consult such fire authorities as appear to him to be affected by the order; and
- (b) where any such authority submit objections to the order, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (8C) The power to make an order under subsection (8) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”;
- (j) for subsection (9) substitute—
- “(9) An order made by the Secretary of State under this section shall provide for the incorporation of a joint board with a common seal and shall confer on such a board power to hold land and to borrow money.”;
- (k) in subsection (10)—
- (i) for the words “joint committee” substitute “ joint board ”; and
- (ii) after “this section” insert “ or section 147(4) of the <sup>M2</sup>Local Government (Scotland) Act 1973 ”;
- (l) in subsection (11)—
- (i) for the words “joint committee” substitute “ joint board ”; and
- (ii) after “this section” insert “ or section 147(4) of the Local Government (Scotland) Act 1973 ”;
- (m) in subsection (13)—
- (i) for the words “joint committee”, in both places where they occur, substitute “ joint board ”; and
- (ii) for the words from “councils” to “comprised” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised ”;
- (n) for subsection (15) substitute—
- “(15) For section 4 of this Act there shall be substituted the following section—”
- “4 Subject to the provisions of this Act, with effect from 1st April 1996 the fire authority shall be a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.
- ;
- (o) in subsection (16)—



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- (i) for the words from “council” to “comprised” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised”; and
  - (ii) for the words “joint committee”, in both places where they occur, substitute “joint board”;
- (p) after subsection (16) there shall be inserted—
- “(16A) In section 19—
- (a) for subsection (3) there shall be substituted the following subsection—
- (3) “Every fire authority shall, on such dates as the Secretary of State may by regulations prescribe, notify him of the establishment scheme in force in their area on such dates as he may so prescribe.”; and
- (b) after subsection (8) there shall be inserted—
- “(8A) Regulations made under subsection (3) above shall be made by statutory instrument; and such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”; and
- (q) in subsection (20)—
- (i) for the words “joint committee” there shall be substituted the words “joint board”; and
  - (ii) after “this section” insert “ or section 147(4) of the <sup>M3</sup>Local Government (Scotland) Act 1973 ”.
- (4) In section 38(1) (interpretation), in the definition of “combined area”, after “Act” insert “ or section 147 of the <sup>M4</sup>Local Government (Scotland) Act 1973 ”.

#### Commencement Information

**I2** Sch. 13 para. 27 wholly in force at 1.4.1996; Sch. 13. para. 27 not in force at Royal Assent see s. 184(2); Sch. 13. para. (1)(2)(3)(a)(i) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(iii); Sch. 13 para. 27(3)(p) in force at 6.4.1995 by S.I. 1995/702, art.4(1), Sch. 2; Sch. 13 para. 27 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 3(1)(c)

#### Marginal Citations

**M1** 1980 c. 45.  
**M2** 1973 c. 65.  
**M3** 1973 c. 65.  
**M4** 1973 c. 65.

#### *The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42)*

- 28 In section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (interpretation), in the definition of “local authority”, for the words from “any” to the end substitute “ any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Civil Defence Act 1948 (c.5)*

29 (1) The Civil Defence Act 1948 shall be amended in accordance with this paragraph.

(2) After section 4 insert—

**“4A Joint exercise of functions.**

(1) Where—

- (a) by virtue of any enactment any of the functions of a local authority are exercised by that authority jointly with one or more other local authorities or by a joint board or joint committee; and
- (b) by virtue of this Act, an obligation is imposed, or a power conferred, on a local authority in respect of any of these functions,

to the extent that such obligation or, as the case may be, power has a connection with such functions, such obligation shall be performed, or power exercised, by the authorities jointly or, as the case may be, by the joint board or joint committee; and any thing which may, by virtue of this Act, be done by, to or in respect of a local authority may be done by, to or in respect of two or more such authorities or such joint board or joint committee.

(2) In this section “joint board” and “joint committee” have the meanings given by section 235(1) of the <sup>M5</sup>Local Government (Scotland) Act 1973.

(3) This section extends to Scotland only.”.

(3) In section 9(1) (interpretation), in the definition of “local authority”, for the words “a regional, islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Marginal Citations**

**M5** 1973 c. 65.

*The Local Government Act 1948 (c.26)*

30 In section 145(2) of the Local Government (Scotland) Act 1948 (application of Act to Scotland), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The National Assistance Act 1948 (c.29)*

31 (1) The National Assistance Act 1948 shall be amended in accordance with this paragraph.

(2) In section 33(1) (local authorities for the purposes of Part III), for the words “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(3) In section 47(12) (appropriate authorities for purposes of section), for the words “the councils of regions and islands areas” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (4) In section 48(4) (councils having duty to provide temporary protection for property of certain persons), for the words from “of the region” to “of which” substitute “constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area”.
- (5) In section 50(2) (authorities having duty in respect of burial or cremation of the dead), for “islands and district councils” substitute “councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (6) In section 65(e) (meaning of “local authority” in application of Act to Scotland), for the words “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Coast Protection Act 1949 (c.74)*

- 32
- (1) The Coast Protection Act 1949 shall be amended in accordance with this paragraph.
  - (2) In section 1 (coast protection authorities), for subsection (1) substitute—
    - “(1) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 any part of whose area adjoins the sea shall be the coast protection authority for that area.”
  - (3) In section 20(5) (contributions towards expenses of coast protection), the words “or the council of a district in Scotland” shall cease to have effect.
  - (4) In section 22(2) (power to use for incidental purposes land acquired for coast protection), for “the council of a region or islands area” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
  - (5) In section 45(1) (service of notices and other documents), for “the council of a region, islands area or district” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
  - (6) In the First Schedule (procedure for making orders and provisions as to the validity of orders), in paragraph 8(b)—
    - (a) after “and to”, where it first occurs, insert “a council of”; and
    - (b) for the words “region, islands area or district” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The National Parks and Access to the Countryside Act 1949 (c.97)*

- 33
- In section 99(2) of the National Parks and Access to the Countryside Act 1949 (contributions by local authorities), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

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*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

*The Shops Act 1950 (c.28)*

34 In section 73(4) of the Shops Act 1950 (local authorities), for the words from “means” to the end substitute “ means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Allotments (Scotland) Act 1950 (c.38)*

- 35 (1) The Allotments (Scotland) Act 1950 shall be amended in accordance with this paragraph.
- (2) In section 9(a) (restriction of obligations to provide allotments), for “the council of an islands area or a district” substitute “ a local authority ”.
- (3) In section 13(1)(b) (interpretation), for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Pet Animals Act 1951 (c.35)*

36 In section 7(3) of the Pet Animals Act 1951 (interpretation), for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rag Flock and Other Filling Materials Act 1951 (c.63)*

<sup>F2</sup>37 .....

**Textual Amendments**

**F2** Sch. 13 para. 37 repealed (6.1.1997) by S.I. 1996/3097, arts. 1, 3(1)(f)

*The Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)*

38 (1) The Rivers (Prevention of Pollution) (Scotland) Act 1951 shall be amended in accordance with this paragraph.

<sup>F3</sup>(2) .....

<sup>F3</sup>(3) .....

<sup>F3</sup>(4) .....

<sup>F3</sup>(5) .....

<sup>F3</sup>(6) .....

<sup>F3</sup>(7) .....

**Status:** Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(8) In section 35(1) (interpretation)—

(a) for the definition of “local authority” substitute—

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”;

(b) after the definition of “river purification board area” insert—

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;

(c) in paragraph (b) of the definition of “stream”, for “local” substitute “sewerage”.

#### Textual Amendments

**F3** Sch. 13 para. 38(2)-(7) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

#### Commencement Information

**I3** Sch. 13 para. 38 partly in force; Sch. 13 para. 38 not in force at Royal Assent see s. 184(2); Sch. 13 para. 38(1)(8) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Hypnotism Act 1952 (c.46)*

39 In section 2(4)(b) of the Hypnotism Act 1952 (meaning of “controlling authority”), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Post Office Act 1953 (c.36)*

40 In section 51(5)(a) of the Post Office Act 1953 (power of local authority to contribute towards new post office etc.)—

- (a) for “an islands area or a district” substitute “ a local government area ”; and  
(b) after “thereof”, where secondly occurring, insert “(constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”.

#### *The Emergency Laws (Miscellaneous Provisions) Act 1953 (c.47)*

41 In section 5(6)(b) of the Emergency Laws (Miscellaneous Provisions) Act 1953 (power of local authorities as respects letting of certain land), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Long Leases (Scotland) Act 1954 (c.49)*

42 In section 4(3) of the Long Leases (Scotland) Act 1954 (refusal of grant of feu right on ground of public interest), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c.64)*

- 43 In section 6(1)(c) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (revision of charges by independent harbour undertakings etc.), for the words from “a Passenger” to “combination” substitute “ the Strathclyde Passenger Transport Executive or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Army Act 1955 (c.18)*

- 44 (1) The Army Act 1955 shall be amended in accordance with this paragraph.
- (2) In section 214(5) (application of the Act to Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 5A (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Air Force Act 1955 (c.19)*

- 45 (1) The Air Force Act 1955 shall be amended in accordance with this paragraph.
- (2) In section 212(5) (application of the Act to Scotland), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 5A (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Valuation and Rating (Scotland) Act 1956 (c.60)*

- 46 In section 43(1) (interpretation) of the Valuation and Rating (Scotland) Act 1956, in the definition of “valuation authority”, for the words “section one of this Act” substitute “ section 27 of the Local Government etc. (Scotland) Act 1994 ”.

*The Naval Discipline Act 1957 (c.53)*

- 47 In Schedule 4A to the Naval Discipline Act 1957 (powers of court on trial of civilian), in paragraph 2(1), in the definition of “local authority in Scotland”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Land Drainage (Scotland) Act 1958 (c.24)*

- 48 In Schedule 1 to the Land Drainage (Scotland) Act 1958 (procedure for making, varying or revoking certain orders etc.), in paragraph 1, in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Disabled Persons (Employment) Act 1958 (c.33)*

- 49 In section 3(5) of the Disabled Persons (Employment) Act 1958 (provision of sheltered employment by local authorities), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Matrimonial Proceedings (Children) Act 1958 (c.40)*

- 50 (1) The Matrimonial Proceedings (Children) Act 1958 shall be amended in accordance with this paragraph.
- (2) In section 10(2) (committal of child to local authority), for the words from “of the region” to “which” substitute “ (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) in whose area ”.
- (3) In section 12(2) (supervision of child by local authority), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Trading Representations (Disabled Persons) Act 1958 (c.49)*

- 51 In section 1(5) of the Trading Representations (Disabled Persons) Act 1958 (sellers of goods for blind persons etc.), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Building (Scotland) Act 1959 (c.24)*

- 52 In section 29(1) of the Building (Scotland) Act 1959 (interpretation), in the definition of “local authority”, for the words from “the”, where it first occurs, to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Deer (Scotland) Act 1959 (c.40)*

- 53 (1) The Deer (Scotland) Act 1959 shall be amended in accordance with this paragraph.
- (2) In section 25A (licences to deal in venison)—
- (a) in subsection (1) for “An islands or district” substitute “ A ”;
  - (b) in subsection (2) the words “islands and district” shall cease to have effect; and
  - (c) in subsections (4) and (5) the words “islands or district” shall cease to have effect.
- (3) In section 25D(8) (offences), the words “islands or district” shall cease to have effect.
- (4) In section 25F (interpretation of Part IIIA), immediately before the definition of “deer” insert—

““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

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*The Caravan Sites and Control of Development Act 1960 (c.62)*

- 54 In section 24 of the Caravan Sites and Control of Development Act 1960 (power of local authorities to provide sites for caravans)—
- (a) in subsection (8), for the words from “an islands” to the end substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”; and
  - (b) subsection (8A) shall cease to have effect.

*The Factories Act 1961 (c.34)*

- 55 In section 176(1) of the Factories Act 1961 (general interpretation), in the definition of “district council”, for the words from “Scotland,” to the end substitute “ Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Flood Prevention (Scotland) Act 1961 (c.41)*

- 56 (1) The Flood Prevention (Scotland) Act 1961 shall be amended in accordance with this paragraph.
- (2) In section 1 (purposes for which powers of local authorities under the Act are exercisable), for subsection (2) substitute—
- “(2) This section applies to all councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and in this Act any reference to a local authority is a reference to a council to whom this section applies.”.
- (3) In section 4(2) (flood prevention schemes), the words “(whether a different authority from the local authority or not)” shall cease to have effect.
- (4) Section 12(2) (appropriations where local authority are sewerage or water authority) shall cease to have effect.
- (5) In section 15(1) (interpretation)—
- (a) after the definition of “sewer” insert—
 

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”; and
  - (b) after the definition of “statutory undertakers” and “statutory undertaking” insert—
 

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

*The Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c.9)*

- 57 In subsection (5) of section 4 of the <sup>M6</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962 (reduction and remission of rates payable by charities etc.), for “section two hundred and forty-four of the Act of 1947” substitute “ section 25A of the Local Government (Scotland) Act 1966 ”.



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#### Marginal Citations

M6 1966 c. 51.

#### *The Education (Scotland) Act 1962 (c.47)*

- 58 In section 145(16) of the Education (Scotland) Act 1962 (general definitions), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Betting, Gaming and Lotteries Act 1963 (c.2)*

- 59 (1) The Betting, Gaming and Lotteries Act 1963 shall be amended in accordance with this paragraph.
- (2) In Schedule 1 (bookmaker’s permits, betting agency permits and betting office licences), in paragraph 2, in the definition of “appropriate local authority”, in paragraph (b), for sub-paragraphs (i) and (ii) substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area the relevant premises are, or are to be, situated; ”.
- (3) In Schedule 2 (registered pool promoters), in paragraph 1(1)(b), for “the council of an islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”.
- (4) In Schedule 3 (licensing of tracks for betting)—
- (a) in paragraph 5(2)—
- (i) in head (b)(i), for the words from “of” to “which” substitute “ constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area ”;
- (ii) in head (b)(ii), for the words from “general” to “authority”, where it secondly occurs, substitute “ planning authority ”; and
- (iii) for the words from “ “general” to “them”” substitute “ “planning authority” has the meaning given ”; and
- (b) for paragraph 6(3) substitute—
- “(3) The authorities referred to in sub-paragraph (1)(e) of this paragraph are—
- (a) the planning authority for any area which includes the track or any part thereof;
- (b) any local authority whose area adjoins any area which includes the track or any part thereof,
- where that authority are not the licensing authority.
- In this sub-paragraph, the expression “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

#### *The Local Government (Financial Provisions) (Scotland) Act 1963 (c.12)*

- 60 (1) The Local Government (Financial Provisions) (Scotland) Act 1963 shall be amended in accordance with this paragraph.

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(2) For subsection (4) of section 7 (apportionment) substitute—

“(4) The assessor for each valuation area shall, not later than the date prescribed by order under section 13 of the Act of 1956 in the year preceding any year of revaluation, estimate the rateable valuation in that year of revaluation of that area, and shall send certified copies of the estimate so made to the rating authority for that area and to the Secretary of State.”.

(3) In section 15 (comparison with other lands and heritages)—

(a) in subsection (1B)—

- (i) for the words from the <sup>M7</sup>beginning to “General Rate Act 1967” substitute “ The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 ”;
- (ii) after “England and Wales” insert “ such as is mentioned in paragraph 2(1) of Schedule 6 to that Act ”; and
- (iii) for the words “net annual”, where they secondly occur, substitute “ rateable ”;

(b) after subsection (1B) insert—

“(1BA) The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 to a hereditament in England and Wales such as is mentioned in paragraph 2(1A) of Schedule 6 to that Act shall, for the purposes of subsections (1) and (1A) above, be treated as equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of subsection (1B) above, would reasonably be attributable to the non-domestic use of property.

(1BB) The rateable value ascribed in the non-domestic rating list maintained under the Local Government Finance Act 1988 to a hereditament in England and Wales such as is mentioned in paragraph 2(1B) of Schedule 6 to that Act shall, for the purposes of subsections (1) and (1A) above, be treated as equal to the rent which, assuming such a letting of the hereditament as is required to be assumed for the purposes of subsection (1B) above, would, as regards the part of the hereditament which is not exempt from local non-domestic rating, be reasonably attributable to the non-domestic use of property.”;

(c) in subsection (1C)(b)—

- (i) after “(1B)” insert “ , (1BA) or (1BB) ”; and
- (ii) for “that subsection” substitute “ the said subsection (1B), (1BA) or (1BB) ”; and

(d) in subsection (2), for the words “section 4 of the Local Government (Scotland) Act 1975” substitute “ section 29 of the Local Government etc. (Scotland) Act 1994 ”.

(4) For section 18 (lands and heritages not deemed to be occupied if subject to tenancy etc.) substitute—

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### “18 Definition of “occupier”.

Notwithstanding anything in the definition of “occupier” in subsection (1) of section 379 of the Act of 1947, lands and heritages shall not be deemed for the purposes of section 24 of the <sup>M8</sup>Local Government (Scotland) Act 1966 to be occupied as respects the year 1994-95 or any subsequent year by reason only that they are subject to a tenancy or sub-tenancy.”.

- (5) In section 26(2) (interpretation), in the definition of “local authority”, for the words “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Commencement Information

- I4** Sch. 13 para. 60 wholly in force at 1.4.1996; Sch. 13. para. 60 not in force at Royal Assent see s. 184(2); Sch. 13. para. 60(1)(3)(a)-(c) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(iv); Sch. 13 para. 60(4) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(ii); Sch. 13 para. 60 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

- M7** 1988 c. 41.  
**M8** 1966 c. 51.

#### *The Animal Boarding Establishments Act 1963 (c.43)*

- 61 In section 5(2) of the Animal Boarding Establishments Act 1963 (interpretation), in the definition of “local authority”, for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### PROSPECTIVE

#### *The Public Works Loans Act 1964 (c.9)*

- 62 After subsection (4) of section 6 (re-borrowing powers of public authorities) of the Public Works Loans Act 1964 insert—  
“(5) This section does not apply to local authorities constituted under section 2 of the Local Government etc. (Scotland) Act 1994 or to joint boards in Scotland.”.

#### *The Harbours Act 1964 (c.40)*

- 63 In Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders), in paragraph 3(ba), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Riding Establishments Act 1964 (c.70)*

- 64 In section 6(4) of the Riding Establishments Act 1964 (interpretation), in the definition of “local authority” for “the council of any islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Development and Finance) (Scotland) Act 1964 (c.67)*

- 65 In section 16(1) of the Local Government (Development and Finance) (Scotland) Act 1964 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Gas Act 1965 (c.36)*

- 66 (1) The Gas Act 1965 shall be amended in accordance with this paragraph.
- (2) In section 28(1) (interpretation of Part II), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In paragraph 11(c) of Schedule 6 (interpretation), for “means a regional or islands council” substitute “ shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994 ”.

*The Local Government (Scotland) Act 1966 (c.51)*

- 67 (1) The Local Government (Scotland) Act 1966 shall be amended in accordance with this paragraph.
- (2) In section 25(1) (Schedule 3 to have effect), the words “the determination of rateable values,” shall cease to have effect.
- (3) In section 44(1) (game licences), for “islands and district councils” substitute “ local authorities ”.
- (4) In section 46(1) (interpretation)—
- (a) in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) for the definition of “rating authority” substitute—
- ““rating authority” has the meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994;”.
- (5) In paragraph 8 of Schedule 3 (rating of unoccupied property), for the words “have ceased” substitute the words “ has ceased ”.

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#### Commencement Information

- I5** Sch. 13 para. 67 wholly in force at 1.4.1996; Sch. 13 para. 67 not in force at Royal Assent see s. 184(2); Sch. 13 para. 67(1)(2)(5) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(iii); Sch. 13 para. 67 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Plant Health Act 1967 (c.8)*

- 68 For subsection (3) of section 5 of the Plant Health Act 1967 (execution of Act by local authorities) substitute—

“(3) The local authorities for the purposes of this Act shall be the councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Forestry Act 1967 (c.10)*

- 69 In section 40(2)(c)(ii) of the Forestry Act 1967 (compulsory purchase of land), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Slaughter of Poultry Act 1967 (c.24)*

- 70 In section 8 of the Slaughter of Poultry Act 1967 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Police (Scotland) Act 1967 (c.77)*

- 71 (1) The Police (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 1(1) (police areas), for the words “for every region and for every islands area” substitute “for every local government area”.
- (3) In section 2(1) (police authorities and their functions), for the words from the beginning to “police authority” substitute “For every police area the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the police authority”.
- (4) In section 18 (execution of warrants in borders)—
- (a) for the words “regions”, in each place where it occurs, substitute “areas”;
  - (b) for the word “region”, in each place where it occurs, substitute “area”; and
  - (c) for “Borders” in both places where it occurs, substitute “Lothian and Borders”.
- (5) In section 19 (amalgamation schemes)—
- (a) in subsections (2), (3), (4) (6), (7) and (9), for the words “joint police committee”, in each place where they occur, substitute “joint police board”;
  - (b) in subsection (3), for “committee”, where it secondly and thirdly occurs, substitute “board”;
  - (c) subsection (5) shall cease to have effect; and
  - (d) after subsection (9) insert—

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“(10) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

(6) After section 19 insert—

**“19A Incorporation of joint police boards.**

Every amalgamation scheme made under this Act shall include provision that any joint police board established by the scheme shall be incorporated with a common seal and have power to hold land and to borrow money.”.

(7) In section 21 (amendment of amalgamation schemes)—

(a) in subsection (1), for the words from the beginning to “section 20 of this Act” substitute—

“(1) An amalgamation scheme may be amended or revoked—

(a) in the case of a scheme made under section 19 of this Act, by a subsequent scheme made under that section or under section 20 of this Act; and

(b) in the case of a scheme made under section 20 or 21B of this Act, by a subsequent scheme made under section 20 of this Act.”;

(b) in subsection (2)(a), at the end insert “ or for the creation of any new combination of police areas; ”;

(c) in subsection (2)(c) and (e), for the words “joint police committee”, in both places where they occur, substitute “ joint police board ”; and

(d) in subsection (2)(c), for the words “such committee” substitute “ such police board ”.

(8) In section 22(1) and (2), for the words “joint police committee”, in each place where they occur, substitute “ joint police board ”.

(9) In section 23(6), for the words “joint police committee” substitute “ joint police board ”.

(10) In section 26A(2) (power to give directions to police authority after adverse report), for the words “joint police committee” substitute “ joint police board ”.

(11) In section 26B (police efficiency: allocation of funds), for the words “joint police committee” substitute “ joint police board ”.

(12) In section 26C (duty of compliance), for the words “joint police committee” substitute “ joint police board ”.

(13) In section 32 (police grant)—

(a) in subsection (1), for the words “joint police committees” substitute “ joint police boards ”; and

(b) in subsection (2), for the words—

(i) “joint police committee” substitute “ joint police board ”; and

(ii) “committee” substitute “ board ”.

(14) In section 32A(1) (grants for expenditure on safeguarding national security), for the words “joint police committee” substitute “ joint police board ”.

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (15) In section 36(5) (common services), for the words “joint police committee” and “committee” substitute “joint police board” and “board” respectively.
- (16) In section 51(1) (interpretation)—
- (a) in the definition of “amalgamation scheme”, for the words “21A” substitute “21B”; and
- (b) for the definition of “constituent authority” substitute—
- ““constituent authority” means a police authority whose area is included in a combined area by virtue of an amalgamation scheme;”.
- (17) In paragraph 4 of Schedule 2, for the words “joint police committee” substitute “joint police board”.

#### Commencement Information

- 16** Sch. 13 para. 71 wholly in force at 1.4.1996; Sch. 13. para. 71 not in force at Royal Assent see s. 184(2); Sch. 13. para. 71(1)(6) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(v); Sch. 13 para. 71 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Countryside (Scotland) Act 1967 (c.86)*

- 72 (1) The Countryside (Scotland) Act 1967 shall be amended in accordance with this paragraph.
- (2) In section 46(2) (repair and maintenance of public rights of way), after “being a” insert “public”.
- (3) In section 48A (regional parks)—
- (a) in subsection (2)—
- (i) for “Regional councils” substitute “Local authorities”;
- (ii) for “region”, where it first occurs, substitute “area”;
- (iii) for “council” substitute “authority”;
- (iv) after “into” insert “the area of”;
- (v) for “region”, where it secondly occurs, substitute “local authority”;
- and
- (vi) for “regional councils” substitute “authorities”; and
- (b) in subsection (4)(c), for “council or councils” substitute “local authority or authorities”.
- (4) In section 49 (camping and caravan sites), subsection (5) shall cease to have effect.
- (5) In section 50(3) (provision of accommodation, meals etc.), for the words from “means” to the end substitute “includes a planning authority”.
- (6) In section 54(5) (byelaws), for the words from “means” to the end substitute “includes a planning authority”.
- (7) In section 63 (provision of recreational facilities by water authorities)—
- (a) in subsection (1), for “local water authority within the meaning of the<sup>M9</sup>Water (Scotland) Act 1980” substitute “water authority”; and

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**Changes to legislation:** *Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) in subsection (11), the words from “and any reference” to the end shall cease to have effect.
- (8) In section 65(5) (authorities which may appoint rangers as respects waterways etc.)—
- (a) paragraph (c);
- (b) in paragraph (f), the words “within the meaning of section 109(1) of the <sup>M10</sup>Water (Scotland) Act 1980”; and
- (c) paragraph (g),
- shall cease to have effect.
- (9) In section 78(1) (interpretation)—
- (a) in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) after the definition of “statutory undertakers” and “statutory undertakings” insert—
- ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

#### Commencement Information

**I7** Sch. 13 para. 72 wholly in force at 1.4.1996; Sch. 13 para. 72 not in force at Royal Assent see s. 184(2); Sch. 13 para. 72(1)(2) in force at 1.4.1995 by S.I. 1995/702, art. 3(d)(i); Sch. 13 para. 72 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M9** 1980 c. 45.  
**M10** 1980 c. 45.

#### *The New Towns (Scotland) Act 1968 (c.16)*

- 73 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1A(1)(b) (reduction of designated areas), for “any regional council, district council and islands council” substitute “ the local authority ”.
- (3) In section 35(2) (power of development corporation to transfer their undertakings)—
- (a) for the words from “council of” to “which” substitute “ local authority in whose area ”; and
- (b) for “council”, where it secondly occurs, substitute “ local authority ”.
- (4) In section 36(2)(b) (winding up of development corporation), for the words from “council” to “which” substitute “ local authority in whose area ”.
- (5) In section 47(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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*Changes to legislation:* Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) In paragraph 2 of Schedule 1 (procedure for designating site of new town), for the words from “council” to “district in which” substitute “ local authority in whose area ”.

*The Health Services and Public Health Act 1968 (c.46)*

- 74 (1) The Health Services and Public Health Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 63(2)(c) (activities in respect of which instruction may be provided etc.), for the words from “or”, where it fourthly occurs, to the end substitute “ or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 65(6) (financial and other assistance by local authorities to certain voluntary organisations)—
- (a) in substituted subsection (2A)—
- (i) for “district and islands council” substitute “ local authority ”; and
- (ii) for “council”, where it secondly and thirdly occurs, substitute “ local authority ”; and
- (b) in substituted subsection (2B)(a), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Sewerage (Scotland) Act 1968 (c.47)*

- 75 (1) The Sewerage (Scotland) Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 1 (duty of local authority to provide for sewerage in their area)—
- (a) in subsection (1), for “every local authority” substitute “ each of the sewerage authorities ”;
- (b) for subsection (2) substitute—
- “(2) Without prejudice to the generality of subsection (1) above—
- (a) a sewerage authority shall, subject to paragraph (b) below, take their public sewers to such point or points as will enable the owners of premises which are to be served by the sewers to connect their drains or private sewers with the public sewers at reasonable cost;
- (b) where the sewerage authority have agreed with some other person (in this section referred to as the “private provider”) that he will take a private sewer to such point or points as will enable owners to make such connection as is mentioned in paragraph (a) above, that paragraph shall not apply while the agreement subsists.”;
- (c) in subsection (3), for “local” substitute “ sewerage ”;
- (d) in subsection (4)—
- (i) for “public sewers” substitute “ a public sewer, or under an agreement such as is mentioned in paragraph (b) of subsection (2) above the private sewer of a private provider, ”;

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- (ii) for “local authority concerned” substitute “ sewerage authority, or as the case may be private provider, concerned ”; and
- (iii) for “local authority”, where those words secondly occur, substitute “ authority or private provider ”; and
- (e) after subsection (4) add—
  - “(5) The Secretary of State may by regulations make provision as respects the procedure to be followed as respects a request under subsection (4) above.
  - (6) The power to make regulations under subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) In section 2 (maintenance of public sewers and other works)—
  - (a) for “every local authority” substitute “ each of the sewerage authorities ”; and
  - (b) after “this Act” insert “ or of Part II of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 3 (construction etc. of public sewers and public sewage treatment works)—
  - (a) in each of subsections (1), (2) and (4), for “local”, in each place it occurs, substitute “ sewerage ”; and
  - (b) in subsection (3), after “notices”—
    - (i) where it secondly occurs, insert “ served by a sewerage authority ”; and
    - (ii) where it thirdly occurs, insert “ served by a local authority ”.
- (5) In section 4 (power of local authority to close or alter public sewers etc.)—
  - (a) for “local” substitute “ sewerage ”; and
  - (b) after “this Act” insert “ or of Part II of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In each of sections 6 (functions outwith area of local authority), 8(1) (agreements as to provision of sewers etc. for new premises) and 9 (loan of temporary sanitary conveniences), for “local”, wherever it occurs, substitute “ sewerage ”.
- (7) In section 7 (agreements between local authorities and the Secretary of State as respects provision, management, maintenance or use of sewers or drains to take water from surface of trunk road etc.)—
  - (a) in subsection (1)—
    - (i) for “the Secretary of State” substitute “ a roads authority ”;
    - (ii) for “local” substitute “ sewerage ”; and
    - (iii) for “trunk roads” substitute “ a road ”;
  - (b) in subsection (2)—
    - (i) for “the Secretary of State” substitute “ a roads authority ”; and
    - (ii) for “local”, in both places where it occurs, substitute “ sewerage ”;
  - (c) in subsection (3)—
    - (i) for “The Secretary of State or a local” substitute “ A roads authority or a sewerage ” and
    - (ii) for “local”, where it secondly occurs, substitute “ sewerage ”; and

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(d) at the end add—

“(3A) In the foregoing provisions of this section, “roads authority” has the same meaning as in the <sup>M11</sup>Roads (Scotland) Act 1984.”.

(8) In section 11 (keeping of map showing public sewers etc.)—

(a) for subsection (1) substitute—

“(1) A sewerage authority shall keep deposited at their principal office a map showing and distinguishing so far as is reasonably practicable all sewers, drains and sewage treatment works which are vested in them by virtue of this Act or of Part II of the Local Government etc. (Scotland) Act 1994 or in respect of which they have made a determination under section 3A(2) of this Act; and the authority shall provide reasonable facilities at that office for inspection of the map by any person and shall permit a copy of the map, or of an extract of it, to be taken by a person on his paying such reasonable amount as the authority may determine.”;

(b) in subsection (2), for “local” substitute “sewerage”; and

(c) at the end add—

“(3) A sewerage authority shall keep deposited at such of their offices, other than their principal office, as they consider appropriate, a copy relevant to the office in question of part of the map mentioned in subsection (1) above; and the authority shall provide the like facilities and permission in relation to the copy part, at the office at which that copy is deposited, as, under subsection (1) above, they do in relation to the map mentioned in that subsection at their principal office.

(4) For the purposes of subsection (3) above, a copy is relevant to an office if it is of such part of the map mentioned in subsection (1) above as appears to the sewerage authority to be appropriate having regard to the geographical location of that office.”.

(9) In each of sections 12(1), (3), (4), (6), (7) and (8) (rights of owners and occupiers to connect with and drain into public sewers etc.), for “local”, wherever it occurs, substitute “sewerage”.

(10) In section 13 (rights of owners and occupiers to connect with and drain into public sewers etc. of other authority)—

(a) in each of subsections (1) and (2), for “local”, wherever it occurs, substitute “sewerage”; and

(b) in paragraph (a) of the proviso to subsection (1), after “effect to the” insert “sewerage”.

(11) In section 14 (direction by local authority as to manner of construction of works)—

(a) in subsection (1), for “the local” substitute “a sewerage”;

(b) in each of subsections (2), (4) and (6), for “local” substitute “sewerage”.

(12) In section 15 (owner or occupier to remedy defects in drains and other works)—

(a) in subsection (1)—

(i) after “local authority” insert “or a sewerage authority”;

(ii) after “vested in the” insert “sewerage”; and

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- (iii) for “they” substitute “ the authority in question ”;
  - (b) in subsection (3), for “local authority”—
    - (i) where those words first occur, substitute “ authority which served the notice ”; and
    - (ii) where they occur in the proviso, substitute “ authority in question ”; and
  - (c) in subsection (4)—
    - (i) for the words from “the medical” to “local authority” substitute “ a local authority or a sewerage authority that immediate action is required to remedy a defect ”; and
    - (ii) in paragraph (c), after “authority” insert “ which served the notice ”.
- (13) In section 16 (vesting of sewers and other works)—
- (a) in subsection (1)—
    - (i) for the words from the beginning to “vest in them” substitute “ There shall vest in a sewerage authority ”; and
    - (ii) for paragraph (c) substitute—
      - “(c) subject to any determination notified under subsection (2) of section 3A of this Act, all private sewers connecting with their sewers or sewage treatment works;
      - (cc) where they enter into an agreement under subsection (2) of the said section 3A or under subsection (2) of section 16A of this Act (and subject to the terms of that agreement), all private sewers, or as the case may be parts of sewers, to which the agreement relates;”;
  - (b) in subsection (2), for “the commencement of this section shall vest in the local” substitute “ 1st April 1996 shall vest in the sewerage ”; and
  - (c) in subsection (3), for “local” substitute “ sewerage ”.
- (14) After section 16 insert—

**“16A Vesting of certain private sewers.**

- (1) Subject to any agreement entered into under subsection (2) below, there shall vest in a person authorised, under subsection (1) of section 3A of this Act, by a sewerage authority to construct a sewer not connecting with their sewers or sewage treatment works the sewer constructed; and any sewer vested in a person by this subsection or by a determination under subsection (2) of that section shall be his property and he solely responsible for its management, maintenance and renewal.
  - (2) Notwithstanding subsection (1) above, the sewerage authority may, on such terms and conditions as they think fit, at any time enter into an agreement under which the sewer, or any part of it, shall vest in them.”.
- (15) In each of sections 17(1), (2), (3) and (4) (taking over of private sewage treatment works), 24(1) and (2) (right to discharge into public sewers), 25 (meaning of new discharge), 26 (new discharge only with consent), 27 (1) and (4)(a) (procedure on application for consent to new discharge), 28(1) (time to dispose of application), 29(1) (decision on application), 30(1) (intimation of decision), 31 (appeal against

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refusals and conditions), 32(1) and (2) (review of consents, conditions and refusals), 33(2) (disputes as to meaning of “existing discharge”), 34 (right to continue existing discharge), 35 (furnishing of information), 36(1) and (2) (review of continuation of existing discharge) and 37(1), (3), (4) and (6) (agreements as respects trade premises), for “local”, wherever it occurs, substitute “sewerage”.

(16) Section 18 (expenses of local authorities and dissolution of drainage districts) shall cease to have effect.

(17) In section 20 (compensation for loss etc, resulting from exercise of powers under Part I)—

- (a) in subsection (1), for “local” substitute “sewerage”;
- (b) in subsection (3), for “12” substitute “24”;
- (c) in subsection (4), for “local” in both places where it occurs substitute “sewerage”; and
- (d) at the end add—

“(5) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to a sewerage authority constructing a sewer under section 3(1), of this Act.”.

(18) In section 21(1) (buildings not to interfere with sewers)—

- (a) for “local” substitute “sewerage”;
- (b) after “erected” insert “or embankment constructed”;
- (c) at the end add “or in respect of which they have made a determination under section 3A(2) of this Act”.

(19) In section 22 (protection for statutory undertakers)—

- (a) in each of subsections (1) and (3), for “local” substitute “sewerage”; and
- (b) after subsection (2) insert—

“(2A) The foregoing provisions of this section shall apply to a person constructing a sewer by virtue of having been authorised to do so under section 3A(1), as they would apply to a sewerage authority constructing a sewer under section 3(1), of this Act.”.

(20) In section 23 (restriction on working minerals), for the words from “any public” to the end substitute “—

- (a) any public sewers, public sewage treatment works or public drains; and
- (b) any sewers, sewage treatment works or drains not vested in a sewerage authority but forming (or forming part of) any such system as is mentioned in section 98(1)(b) of the Local Government etc. (Scotland) Act 1994,

to which they do not already apply, with the substitution—

- (i) for references to the railway, of references to the sewers, works or drains; and
- (ii) for references to the company, of references to the sewerage authority, or as the case may be to the person other than a sewerage authority, in whom the sewers, works or drains are vested.”.

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- (21) In section 38 (power to extend certain provisions to certain effluents), in each of subsections (1) and (3), for “local” substitute “sewerage”.
- (22) In each of sections 39 (right to sewage), 41 (breaking open of roads, etc.), 42 (execution of works for authorities by other persons), 44 (power to require information as to ownership etc. of premises) and 45(1) (production of plans and furnishing of information), for “local”, wherever it occurs, substitute “sewerage”.
- (23) Sections 40 (powers of local authorities as to research and publicity) and 47 (recovery of expenses by local authority) shall cease to have effect.
- (24) In section 48 (powers of entry)—
- (a) in subsection (1)—
    - (i) for “an authorised officer of a local authority” substitute “any person duly authorised by a sewerage authority (whether or not an employee of the authority and whether such authorisation is special or general)”;
    - (ii) in paragraph (d), at the end add “or which may be authorised by them under section 3A of this Act”;
    - (iii) after paragraph (d) insert—
      - “(dd) inspecting, maintaining, repairing, cleansing, emptying, ventilating or renewing any sewer which is not a public sewer but forms part of any such system as is mentioned in section 98(1)(b) of the Local Government etc. (Scotland) Act 1994;”;
    - (iv) in paragraph (f), for the words from “the sewers” to the end substitute “—
      - (i) public sewers or public sewage treatment works; or
      - (ii) sewers or sewage treatment works not vested in a sewerage authority but forming (or forming part of) any such system as is mentioned in the said section 98(1)(b).”;
  - (b) in subsection (3)—
    - (i) for “entering” substitute “entry is made”;
    - (ii) for “local authority” substitute “the authorised person, or the sewerage authority on his behalf”;
  - (c) in subsection (10), for “local authority” substitute “person who carried it out”.
- (25) In section 51 (procedure on appeal to Secretary of State)—
- (a) in each of subsections (2) and (4), for “local” substitute “sewerage”;
  - (b) after subsection (6) add—
    - “(7) The Secretary of State may by regulations make further provision as respects the procedure to be followed in any such appeal.
    - (8) The power to make regulations under subsection (7) above shall be exercisable by statutory instrument, which shall be subject

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to annulment in pursuance of a resolution of either House of Parliament.”.

(26) Section 52 (exemption from stamp duties) shall cease to have effect.

(27) In each of sections 53 (notices etc. to be in writing) and 55(2) (application of the Act to Crown premises), for “local” substitute “sewerage”.

(28) In section 59(1) (interpretation)—

(a) after the definition of “appointed day” insert—

““area”, in relation to a sewerage authority, shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;

(b) the definitions of “authorised officer” and “local authority” shall cease to have effect;

(c) in the definition of “private sewage treatment works”, for “local” substitute “sewerage”;

(d) in the definition of “public drain”, at the end add “ or a sewerage authority ”;

(e) in each of the definitions of “public sewage treatment works” and “ public sewer ”, for “local” substitute “sewerage”;

(f) after the definition of “sewer” insert—

““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;

(g) the definition of “trunk road” shall cease to have effect.

#### Commencement Information

**I8** Sch. 13 para. 75 wholly in force at 1.4.1996; Sch. 13. para. 75 not in force at Royal Assent see s. 184(2); Sch. 13. para. 75(1)(2)(b)(d)(e)(13)(a)(ii)(14)(17)(d)(18)(c)(19)(b)(20)(24) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(vi); Sch. 13 para. 75(25)(b) in force at 17.7.1995 by S.I. 1995/1898, art. 2(d); Sch. 13 para. 75 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M11** 1984 c. 54.

#### *The Social Work (Scotland) Act 1968 (c.49)*

76 (1) The Social Work (Scotland) Act 1968 shall be amended in accordance with this paragraph.

(2) In section 1(2) (local authorities for the administration of the Act), for the words “regional and islands councils” substitute the words “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

(3) In section 5 (powers of Secretary of State)—

(a) in subsection (1A) for the words “section 2(2) of this Act” there shall be substituted the words “ subsection (1B) below ”; and

(b) after subsection (1A) there shall be added—

“(1B) The enactments referred to in subsection (1A) above are—

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- (a) this Act as read with sections 1 and 2(1) of the <sup>M12</sup>Chronically Sick and Disabled Persons Act 1970 and the <sup>M13</sup>Disabled Persons (Services, Consultation and Representation) Act 1986;
  - (b) Part IV of the <sup>M14</sup>Children and Young Persons (Scotland) Act 1937;
  - (c) section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the <sup>M15</sup>National Assistance Act 1948;
  - (d) the Disabled Persons (Employment) Act 1958;
  - (e) sections 10 to 12 of the <sup>M16</sup>Matrimonial Proceedings (Children) Act 1958, and sections 11 and 12 of the <sup>M17</sup>Guardianship Act 1973;
  - (f) sections 23, 24, 297 and 329 of the <sup>M18</sup>Criminal Procedure (Scotland) Act 1975;
  - (g) the Children Act 1975;
  - (h) the Adoption Act 1976;
  - (i) the Adoption (Scotland) Act 1978;
  - (j) sections 21 to 23 of the <sup>M19</sup>Health and Social Services and Social Security Adjudications Act 1983;
  - (k) the Mental Health (Scotland) Act 1984;
  - (l) the Foster Children (Scotland) Act 1984;
  - (m) sections 38(b) and 235 of the <sup>M20</sup>Housing (Scotland) Act 1987;
  - (n) the Access to Personal Files Act 1987; and
  - (o) section 19 and Part X of the <sup>M21</sup>Children Act 1989.”; and
- (c) in subsection (2), for paragraph (c) there shall be substituted—
- “(c) the performance of the functions of local authorities under any of the enactments mentioned in paragraphs (b), (d), (e), (g), (h), (i), (l) and (o) of subsection (1B) above”.
- (4) In section 5A(3) (local authority plans for community care services)—
- (a) paragraph (b) shall cease to have effect; and
  - (b) in paragraph (c), for “section 2(2)” substitute “ 5(1B) ”.
- (5) In section 5B(1) (complaints procedure), for “referred to in section 2(2)” substitute “ mentioned in section 5(1B) ”.
- <sup>F4</sup>(6) .....
- (7) In section 10(1) (making of grants and loans for social work), for the words from “enactments” to “of this Act” substitute “ mentioned in paragraphs (b), (d), (e), (g), (h), (i) and (l) of section 5(1B) of this Act ”.
- (8) In section 20A(1) (powers of local authority in course of review of child in care) for “their reporter” substitute “ the Principal Reporter ”.
- (9) In section 27(3)(c) (content of probation, community service and supervised attendance scheme etc.), for the words from “the social” to the end substitute “ a committee or sub-committee of such authorities ”.



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- F<sup>4</sup>(10) .....
- F<sup>4</sup>(11) .....
- F<sup>4</sup>(12) .....
- F<sup>4</sup>(13) .....
- F<sup>4</sup>(14) .....
- F<sup>4</sup>(15) .....
- F<sup>4</sup>(16) .....
- F<sup>4</sup>(17) .....
- F<sup>4</sup>(18) .....
- F<sup>4</sup>(19) .....
- F<sup>4</sup>(20) .....
- F<sup>4</sup>(21) .....
- F<sup>4</sup>(22) .....
- F<sup>4</sup>(23) .....
- F<sup>4</sup>(24) .....
- F<sup>4</sup>(25) .....

(26) For “reporter”, wherever occurring, substitute “ Principal Reporter ”.

(27) Sub-paragraph (26) above does not affect any of the particular amendments made by this paragraph.

**Textual Amendments**

F<sup>4</sup> Sch. 13 para. 76(6)(10)-(25) repealed (1.4.1997) by 1995 c. 36, s. 105(5), Sch. 24; S.I. 1996/3201, art. 3(7)

**Marginal Citations**

- M12 1970 c. 44.
- M13 1986 c. 33.
- M14 1937 c. 37.
- M15 1948 c. 29.
- M16 1958 c. 40.
- M17 1973 c. 29.
- M18 1975 c. 21.
- M19 1983 c. 41.
- M20 1987 c. 26.
- M21 1989 c. 41.

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*The Theatres Act 1968 (c.54)*

- 77 In section 18(1) of the Theatres Act 1968 (interpretation), for “the islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Gaming Act 1968 (c.65)*

- 78 (1) The Gaming Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 44(3) (local authority not to maintain or contribute to premises licensed under Part II), for “regional council, islands council or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 2 (grant, renewal, cancellation and transfer of licences), in paragraph 2(2), in the definition of “the appropriate local authority”, for from the word “(i)” to “district” substitute “ the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In Schedule 9 (permits under section 34), in paragraph 1(d), for the words “of the islands area or district in which” substitute “ constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area ”.

*The Medicines Act 1968 (c.67)*

- 79 In section 109 of the Medicines Act 1968 (enforcement in Scotland)—
- (a) in subsection (2)(d), for the words from “regional” to the end substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and the area of such a council ”; and
- (b) in subsection (2A), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Transport Act 1968 (c.73)*

- 80 (1) The Transport Act 1968 shall be amended in accordance with this paragraph.
- (2) In section 9(1) (Passenger Transport Areas, Authorities and Executives)—
- (a) in paragraph (a), for sub-paragraph (ii) substitute—
- “(ii) in Scotland, such area to be known as the Strathclyde Passenger Transport Area as the Minister may designate for the purposes of section 40 of the Local Government etc. (Scotland) Act 1994;”;
- (b) in paragraph (b), for sub-paragraph (ii) substitute—
- “(ii) in relation to the Strathclyde Passenger Transport Area, the Strathclyde Passenger Transport Authority”; and
- (c) in paragraph (c)—
- (i) after “be” insert—
- “(i) in England and Wales”; and

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- (ii) after “passenger transport area”, where secondly occurring, insert  
“and  
    - (ii) in Scotland, the Strathclyde Passenger Transport Executive”.
- (3) In section 9A(9)(b) (general functions of Passenger Transport Authorities and Executives), the words “regional or islands” shall cease to have effect.
- (4) In section 9B(1)(a) (consultation and publicity with respect to policies as to services), for “regional council” substitute “ council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”.
- (5) In section 10(6) (application of Part I of Harbours, Piers and Ferries (Scotland) Act 1937 to Executive), for the words from “that area” to “that region” substitute “ the Executive were within the meaning of that Act a local authority for that area ”.
- (6) In section 34 (assistance for rural bus or ferry service)—
  - (a) in subsection (2) for the words from “regional” to “jointly” substitute “ council or two or more councils acting jointly ”;
  - (b) in subsection (3), for “any of the councils aforesaid” substitute “ a council ”;
  - (c) in subsection (4)—
    - (i) for “regional or islands councils” substitute “ a council ”; and
    - (ii) for “such a” substitute “ that ”; and
  - (d) after subsection (4) insert—

“(5) In this section “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.
- (7) In section 56 (assistance by Secretary of State or local authority towards capital expenditure on public transport facilities)—
  - (a) in subsection (2B), in the definition of “relevant local authority”, in paragraph (c), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in subsection (4)(b), the words “regional or islands” shall cease to have effect; and
  - (c) in subsection (6)(d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- <sup>F5</sup>(8) .....
- (9) Section 115(3) (as substituted by paragraph 19 of Schedule 18 to the 1973 Act) shall cease to have effect and after subsection (3) of section 115 (interpretation of Part VII) insert—

“(3A) In sections 109, 112, 113 and 114 of this Act, “local authority” means, as respects Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (10) In section 123(2) (power of certain authorities to contribute to cost of barriers etc. at level crossings), for “county council and a town council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (11) In section 124(4) (Board’s obligations at level crossings with certain roads), for the words from “Scotland” to “council” substitute “ Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (12) In Schedule 5 (Passenger Transport Authorities and Executives), in Part II, in paragraph 2—
- (a) for “regional council”, where it first occurs, substitute “ council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) ”; and
  - (b) for “the regional”, where secondly occurring, substitute “ such ”.

#### Textual Amendments

**F5** Sch. 13 para. 80(8) repealed (1.1.1996) by 1995 c. 23, s. 60(2), Sch. 8 Pt. I (with ss. 54, 55); S.I. 1995/2181, art. 2

#### *The Mines and Quarries (Tips) Act 1969 (c.10)*

- 81 In section 11(3)(b) of the Mines and Quarries (Tips) Act 1969 (meaning of “local authority” for purposes of Part II), for the words from “general” to “1973” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Post Office Act 1969 (c.48)*

- 82 In section 86(1) of the Post Office Act 1969 (interpretation of Part III), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Employers’ Liability (Compulsory Insurance) Act 1969 (c.57)*

- 83 In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (authorities exempted from insurance)—
- (a) for the words from “a”, where it thirdly occurs, to “in”, where it secondly occurs, substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in ”; and
  - (b) after “such council” insert “ the Strathclyde Passenger Transport Authority ”.

#### *The Local Authorities (Goods and Services) Act 1970 (c.39)*

- 84 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of “local authority”—
- (a) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) for “those” substitute “ two or more such councils ”.

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*The Agriculture Act 1970 (c.40)*

- 85 (1) The Agriculture Act 1970 shall be amended in accordance with this paragraph.
- (2) For subsection (2) of section 67 (enforcement authorities and appointment of inspectors and analysts) substitute—
- “(2) In Scotland it shall be the duty of every council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 to enforce this Part of this Act within their area.”.
- (3) In section 92 (provision of flood warning systems)—
- <sup>F6</sup>(a) . . . . .
- (b) in the proviso to subsection (1)—
- <sup>F6</sup>(i) . . . . .
- (ii) for the words from “region” to “within which” substitute “ local authority within whose area ”; and
- (c) in subsection (2)(b), for “regional or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and “area”, in relation to such an authority, shall be construed in accordance with the provisions of Part I of that Act ”.
- <sup>F6</sup>(4) . . . . .

**Textual Amendments**

**F6** Sch. 13 para. 85(3)(a)(b)(i)(4) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

**Commencement Information**

**I9** Sch. 13 para. 85 partly in force; Sch. 13 para. 85 not in force at Royal Assent see s. 184(2); Sch. 13 para. 85(1)(2)(3)(b)(ii)(c) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

*The Chronically Sick and Disabled Persons Act 1970 (c.44)*

- 86 In section 21(8) of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons), for the words from “the council”, where they thirdly occur, to “Scotland” substitute “ , in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Fire Precautions Act 1971 (c.40)*

- 87 In section 43(1) of the Fire Precautions Act 1971, in the definition of “local authority”, in paragraph (b), for “islands or district council” substitute “ council for a local government area ”.

*The Town and Country Planning (Amendment) Act 1972 (c.42)*

- <sup>F788</sup> . . . . .

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### Textual Amendments

**F7** Sch. 13 para. 88 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

#### *The Poisons Act 1972 (c.66)*

- 89 In section 11(2) of the Poisons Act 1972 (interpretation), in the definition of “local authority”, in paragraph (b), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Employment Agencies Act 1973 (c.35)*

- 90 In section 13(1) of the Employment Agencies Act 1973 (interpretation), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Breeding of Dogs Act 1973 (c.60)*

- 91 In section 5(2) of the Breeding of Dogs Act 1973 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Local Government (Scotland) Act 1973 (c.65)*

- 92 (1) The 1973 Act shall be amended in accordance with this paragraph.
- (2) In section 14(1) (duty of the Boundary Commission to review local government areas), for—
- (a) “ten”, in both places where it occurs, substitute “ eight ”;
  - (b) “fifteen”, in both places where it occurs, substitute “ twelve ”; and
  - (c) “16th May 1975” substitute “ 1st April 1996 ”.
- (3) In section 16(2) (duty of the Boundary Commission to review electoral arrangements), for—
- (a) “ten”, in both places where it occurs, substitute “ eight ”;
  - (b) “fifteen”, in both places where it occurs, substitute “ twelve ”; and
  - (c) “initial” substitute “ first ”.
- (4) For section 20 (initial review of areas and electoral arrangements) substitute—

#### **“20 First review of electoral arrangements.**

Schedule 5 to this Act shall have effect with respect to the first review of electoral arrangements for local government areas after 1st April 1996.”.

- (5) For section 23 (change of name of local government area) substitute—

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### **“23 Change of name of local government area.**

- (1) The council of a local government area may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, change the name of the area.
- (2) Notice of any change of name made under this section—
  - (a) shall be sent by the council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General of Births, Deaths and Marriages for Scotland; and
  - (b) shall be published in such manner as the Secretary of State may direct.
- (3) A change of name made in pursuance of this section shall not affect any rights or obligations of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.”.
- (6) In section 24(5) (provision which may be included in orders under Part II)—
  - (a) in each of paragraphs (c) and (d), for “areas”, wherever it occurs, substitute “wards”; and
  - (b) in paragraph (f)—
    - (i) the words “regional, islands or district” shall cease to have effect; and
    - (ii) for “area” substitute “ward”.
- (7) In section 28 (supplementary provision to Part II)—
  - (a) in subsection (1)—
    - (i) in the definition of “electoral arrangements”, for “areas” and, where it fourthly occurs, “area” substitute “wards” and “ward” respectively; and
    - (ii) for the definition of “local government area” substitute—

““local government area” means the area of a local authority;”; and
  - (b) in subsection (2), for the words “this Act”, where they thirdly occur, substitute “the Local Government etc. (Scotland) Act 1994.”.
- (8) In section 31 (disqualification for nomination etc.)—
  - (a) for the words “chairman or vice-chairman”, in both places where they occur, substitute “convener or depute convener”; and
  - (b) after subsection (3) insert—

“(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.”; and
  - (c) subsection (4) shall cease to have effect.
- (9) In section 38 (disability of members from voting etc.), in subsection (4) for the words “chairman or vice-chairman” substitute “convener or depute convener”.

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- (10) In section 47 (allowances for attending conferences and meetings)—
- (a) in subsection (4), the words “, other than a water development board within the meaning of the <sup>M22</sup>Water (Scotland) Act 1980,”; and
  - (b) subsection (5),
- shall cease to have effect.
- (11) In section 50B (access to agenda and connected reports), in subsection (4)(b), for the word “chairman” substitute “ convener ”.
- (12) In section 50K(2)(b) (interpretation), for “the enactment” substitute “ either of the enactments ”.
- (13) In section 55 (assistance to community councils), for “islands and district councils” substitute “ councils for local government areas ”.
- (14) In section 56 (arrangements for discharge of functions by local authorities)—
- (a) in subsection (6), paragraphs (a) and (c) shall cease to have effect; and
  - (b) in subsection (9)—
    - (i) in paragraph (b), for “21 and 21A” substitute “ and 21 ”;
    - (ii) paragraph (c) shall cease to have effect; and
    - <sup>F8</sup>(iii) .....
- (15) In section 63 (application of Part V to police authorities)—
- (a) in subsection (2) the words “or a district council” shall cease to have effect;
  - (b) in subsection (3), after paragraph (b) insert—
 

“(c) sections 62A to 62C.”;
  - (c) in subsections (4) and (5), for the words “joint police committee”, in each place where they occur, substitute “ joint police board ”;
  - (d) in subsection (5)(a), the words “or district council” shall cease to have effect; and
  - (e) in subsection (5)(b) for the word “committee” substitute “ board ”.
- (16) After section 63 insert—

**“63A Sections 62A to 62C not to apply to fire authority.**

Sections 62A to 62C of this Act shall not apply to a local authority in relation to their functions as a fire authority.”.

- (17) In section 64(5) (excepted enactments for purposes of section 64(4))—
- (a) paragraphs (c) and (f) shall cease to have effect; and
  - (b) in paragraph (e), for “directors of social work” substitute “ chief social work officers ”.
- (18) In section 67 (members of authorities not to be appointed as officers), for the words “chairman or vice-chairman” substitute “ convener or depute convener ”.
- (19) In section 83 (power of local authorities to incur expenditure for certain purposes)—
- (a) subsections (2A) and (2B) shall cease to have effect; and
  - (b) in subsection (3)(c), for the words “chairman of a regional, islands or district council, a chairman” substitute “ convener of a local authority, a convener ”.



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- (20) In section 84 (powers of local authorities with respect to emergencies), subsection (2) shall cease to have effect.
- (21) In section 87 (research and the collection of information)—
- (a) in subsection (1)—
    - (i) for “council” substitute “local authority”; and
    - (ii) the words “any other local authority in the area,” shall cease to have effect;
  - (b) in subsection (2)—
    - (i) for “a council” substitute “a local authority”;
    - (ii) for the words from “council or” to “the council”, where they first occur, substitute “local authority”; and
    - (iii) the words from “and where” to the end shall cease to have effect; and
  - (c) subsection (3) shall cease to have effect.
- (22) In section 92(2) (meanings of certain expressions for purposes of section), in the definition of “securities”, for the words from “has” to the end substitute “means—
- (a) investments falling within any of paragraphs 1 to 6 of Schedule 1 to the <sup>M23</sup>Financial Services Act 1986 or, so far as relevant to any of those paragraphs, paragraph 11 of that Schedule; or
  - (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any society registered under the <sup>M24</sup>Industrial and Provident Societies Act 1965 or any building society within the meaning of the <sup>M25</sup>Building Societies Act 1986.”.
- (23) In section 93 (general fund), for subsection (2)(b) substitute—
- “(b) which relate to the common good of the council;”.
- (24) In section 94 (capital expenses), for subsection (1A) substitute—
- “(1A) The provisions of this section shall apply to the Strathclyde Passenger Transport Authority as they apply to a local authority; and the giving of approval by the Strathclyde Passenger Transport Authority to any proposal for expenditure referred to in section 15(1)(c) of the <sup>M26</sup>Transport Act 1968 shall be deemed for the purposes of this section to be an incurring of liability by the Authority to meet capital expenses.”.
- (25) In section 100 (auditor’s right of access to documents)—
- (a) after subsection (1A) insert—
    - “(1B) Without prejudice to subsection (1) above, the auditor shall be entitled to require any officer, former officer, member or former member of an authority or body whose accounts are required to be audited in accordance with this Part of this Act to give him such information or explanation as he thinks necessary for the purposes of the audit and, if he thinks it necessary, to require any of the persons mentioned above to attend before him in person to give the information or explanation.”;
  - (b) in subsection (2), for “subsection (1)” substitute “subsections (1) and (1B)”; and
  - (c) in subsection (3)—

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- (i) after “(1)” insert “ or (1B) ”; and
  - (ii) the words from “and to an additional fine” to the end shall cease to have effect.
- (26) In subsection (3) of section 102 (reports to Commission by Controller of Audit), for the words “the audit” substitute “ any matter arising out of the auditing ”.
- (27) In section 103 (action by Commission for local authority accounts), for subsection (6) (b) substitute—
- “(b) may require the attendance of members or officers, or former members or officers, of any local authority to give oral evidence to the Commission; and
  - (c) may pay to any person attending a hearing under this section such expenses as they think fit.”.
- (28) For section 123 (education authorities) substitute—

**“123 Education authorities.**

The education authority for the purposes of the <sup>M27</sup>Education (Scotland) Act 1980 and any other enactment conferring functions on the education authority shall be a local authority.”.

- (29) For section 126 (disqualification for membership of education committees etc.) substitute—

**“126 Disqualification for membership of committees appointed by education authorities.**

Notwithstanding the provisions of section 59 of this Act, a person shall not, by reason of his being a teacher employed in an educational establishment under the management of an education authority, be disqualified for being a member of—

- (a) a committee such as is mentioned in subsection (1) of section 124 of this Act;
  - (b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or
  - (c) any sub-committee of such a committee or joint committee.”.
- (30) In section 128 (educational endowments), in Table B, in subsection (2), for the words “Chairman of council” substitute “ Convener of council ”.
- (31) In section 130 (housing)—
- (a) in subsection (1), for “an islands or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) for subsection (2) substitute—
- “(2) Before any local authority exercise outwith their area any power under Part I of the <sup>M28</sup>Housing (Scotland) Act 1987 (provision of housing accommodation) the authority shall give notice of their intention to do so to the local authority in whose area they propose

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to exercise the power, but failure to give any such notice shall not invalidate the exercise of the power.”.

(32) In section 133 (roads), subsection (1) shall cease to have effect.

(33) Section 134(1) (building) shall cease to have effect.

<sup>F9</sup>(34) . . . . .

(35) . . . . .

(36) Section 137(1) (flood prevention) shall cease to have effect.

(37) Section 138(1) (coast protection) shall cease to have effect.

(38) Section 140 (allotments) shall cease to have effect.

(39) Section 142 (public health) shall cease to have effect.

(40) Sections 143 (transfer of functions under 1968 Act) and 148(1) (transfer of functions of regional water boards to water authorities) shall cease to have effect.

(41) In section 145 (Ordnance Survey)—

(a) in subsection (2)—

(i) for “regional, islands or district council” substitute “ local authority ”; and

(ii) for “council”, where it secondly occurs, substitute “ authority ”;

(b) in subsection (4), for “regional, islands or district council, as the case may be”, in both places where it occurs, substitute “ local authority ”; and

(c) in subsection (5), for the words from “a region” to “may be” substitute “ the area of a local authority ”.

(42) In section 146(5) (police), for the words “regions” and “region”, in each place where either occurs, substitute respectively “ areas ” and “ area ”.

(43) For section 150 (public transport) substitute—

**“150 Schedule 18 to continue to have effect.**

Schedule 18 to this Act (amendment of certain enactments relating to transport) shall continue to have effect.”.

(44) In section 153 (ferries)—

(a) in subsection (1)—

(i) for “local authorities” substitute “ regional or islands councils ”; and

(ii) the words “regional or islands” shall cease to have effect;

(b) in subsection (2)—

(i) the words “regional or islands” shall cease to have effect; and

(ii) the word “such”, wherever it occurs, shall cease to have effect;

(c) in subsection (3)—

(i) the words “regional or islands” shall cease to have effect; and

(ii) the word “such”, where it first occurs, shall cease to have effect; and

(d) in subsection (5), after “this section” insert “—

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“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and”.

- (45) In section 154 (piers and harbours)—
- (a) in subsection (1)—
    - (i) the words “Subject to subsection (3A) below” shall cease to have effect;
    - (ii) for “local authorities” substitute “ regional, islands or district councils ”;
    - (iii) for “those authorities” substitute “ regional, islands or district councils ”; and
    - (iv) the words “regional or islands” shall cease to have effect;
  - (b) in subsection (2), the word “regional”, in both places where it occurs, shall cease to have effect;
  - (c) in subsection (3), the words—
    - (i) “regional or islands”; and
    - (ii) “such”,
 shall cease to have effect;
  - (d) subsections (3A) and (3B) shall cease to have effect; and
  - (e) in subsection (7), after “this section” insert “—
 

“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and”.
- (46) Section 155(1) (district council for purposes of Factories Act 1961) shall cease to have effect.
- (47) Section 156(1) (local authority responsible for enforcing provisions of Offices, Shops and Railway Premises Act 1963) shall cease to have effect.
- (48) Section 157 (local authority responsible for enforcing provisions of Shops Act 1950) shall cease to have effect.
- (49) Section 159 (local authority not subject to requirements of Employers’ Liability (Compulsory Insurance) Act 1969) shall cease to have effect.
- (50) In section 163 (public libraries, museums and art galleries)—
- (a) subsection (1);
  - (b) in subsection (2), the words “as aforesaid”; and
  - (c) subsection (3),
- shall cease to have effect.
- (51) Section 168 (census) shall cease to have effect.
- (52) In section 169(1) (functions in relation to burial grounds etc.)—
- (a) for “councils”, where it first occurs, substitute “ islands or district councils ”; and
  - (b) for “islands or district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (53) In section 170(1) (war memorials), for “islands or district council” substitute “ local authority within the meaning of this Act ”.

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(54) In section 170A(5) (application of certain provisions of the 1980 Act to pipes and works for conveying heat etc.)—

- (a) paragraph (a) shall cease to have effect; and
- (b) for paragraphs (c) and (d) substitute—

“and

- (c) for any reference to a water authority there were substituted a reference to the local authority in question, whether acting alone or jointly with some other person.”.

(55) In section 170B(2) (provisions supplementary to section 170A)—

- (a) the words “or water development boards” where they first occur shall cease to have effect; and
- (b) for the words “water authorities or water development boards” substitute “a water authority”.

(56) Section 171(1) and (2) (local authority for the purposes of certain enactments) shall cease to have effect.

<sup>F10</sup>(57) . . . . .

(58) For section 188 (miscellaneous licensing, registration and related matters) substitute—

**“188 Part III of Schedule 24 to continue to have effect.**

Part III of Schedule 24 to this Act (miscellaneous licensing, registration and related matters) shall continue to have effect.”.

(59) In section 190 (service of legal proceedings), for the word “chairman”, in both places where it occurs, substitute “convener”.

<sup>F11</sup>(60) . . . . .

(61) In section 201(1) (byelaws for good rule and government), for the words from “the region” to “be” substitute “their area”.

(62) In section 202 (procedure, etc., for byelaws), subsection (13) shall cease to have effect.

(63) In section 206 (admission of honorary freemen)—

- (a) in subsection (1)—
  - (i) for “An islands or district council” substitute “A local authority”;
  - (ii) for “council” substitute “authority”;
  - (iii) for “the islands area or district”, in both places where it occurs, substitute “their area”;
- (b) in subsection (2), for “islands or district council” substitute “local authority”.

(64) Section 226 (transitional provision for joint boards existing before 16th May 1975) shall cease to have effect.

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- (65) Section 230 (transitional establishment of committees of local authorities) shall cease to have effect.
- (66) In section 235(1) (interpretation)—
- (a) the definitions of “area”, “college council”, “school council” and “education committee” shall cease to have effect;
  - (b) for the definition of “electoral area” substitute—
 

““electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) for the definition of “local authority” substitute—
 

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;” and
  - (d) in the definition of “rating authority”, for the words from “has” to “Act” substitute “ shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994. ”.
- (67) For Schedule 5 (initial review of local government areas and electoral arrangements) substitute—

“SCHEDULE 5

Section 20.

FIRST REVIEW OF ELECTORAL ARRANGEMENTS

- 1 As soon as practicable after 1st April 1996 the Boundary Commission shall—
    - (a) review the electoral arrangements for all local government areas for the purpose of considering future electoral arrangements for those areas; and
    - (b) formulate proposals for those arrangements.
  - 2 The provisions of Part II of this Act shall apply to a review under paragraph 1 above as they apply to a review under section 16 of this Act except that section 17 of this Act shall have effect as if it required—
    - (a) the Boundary Commission to submit a report on any review before such date as the Secretary of State may direct; and
    - (b) the Secretary of State to make an order under the said section 17 giving effect to the proposals of the Commission under the said paragraph 1 (whether as submitted to him or with modifications).”.
- (68) For heads (a) to (c) of paragraph 1(2) of Schedule 6 (electoral arrangements) substitute “, the number of local government electors shall be, as nearly as may be, the same in every electoral ward of that local government area. ”.
- (69) In Schedule 7 (meetings and proceedings of local authorities)—
- (a) in paragraphs 1(4), 3(1), 3(2) and 3(3), for the word “chairman” substitute “ convener ”;
  - (b) in paragraphs 3(2) and (3), for the words “vice-chairman” substitute “ depute convener ”; and
  - (c) in paragraph 5(1), after “such orders” insert “ or to the procedure for early removal from office of the convener or depute convener ”.

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- (70) In paragraph 4(1) of Schedule 8 (provision as to Commission for local authority accounts), after “Commission” where it first occurs insert “, including any hearing under section 103 of this Act, ”.
- (71) Schedule 13 (amendments of the Rent (Scotland) Act 1971) shall cease to have effect.
- (72) Schedule 14 (amendments of enactments relating to roads) shall cease to have effect.
- (73) In Schedule 17, in paragraph 1(1)(a) (general construction of certain references), the words “or to a constituent board” and “or to a constituent water authority” shall cease to have effect.
- (74) Schedule 22 (planning functions) shall cease to have effect.

#### Textual Amendments

- F8** Sch. 13 para. 92(14)(b)(iii) repealed (1.4.1997) by 1995 c. 36, s. 105(5), **Sch. 5**; S.I. 1996/3201, **art. 3(7)**
- F9** Sch. 13 para. 92(34)(35) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**
- F10** Sch. 13 para. 92(57) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F11** Sch. 13 para. 92(60) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(3), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

#### Commencement Information

- I10** Sch. 13 para. 92 partly in force; Sch. 13. para. 92 not in force at Royal Assent see s. 184(2); Sch. 13. para. 92(1)(20)(22)(26)(27)(60)(70) in force at 4.1.1995 by S.I. 1994/2850, **art. 3(c)(vii)**; Sch. 13 para. 92(25) in force at 1.4.1995 by S.I. 1995/702, **art. 3(d)(ii)**; Sch.13 para. 92 (other than sub-paragraphs (34)(35)(48)) in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, **art. 4(1)(c)**

#### Marginal Citations

- M22** 1980 c. 45.
- M23** 1986 c. 60.
- M24** 1965 c. 12.
- M25** 1986 c. 53.
- M26** 1968 c. 73.
- M27** 1980 c. 44
- M28** 1987 c. 26.

#### *The Health and Safety at Work etc. Act 1974 (c.37)*

- 93 (1) The Health and Safety at Work etc. Act 1974 shall be amended in accordance with this paragraph.

<sup>F12</sup>(2) .....

- (3) In section 53(1) (interpretation), in the definition of “local authority”, in paragraph (b), for the words from “regional” to “county council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Textual Amendments

- F12** Sch. 13 para. 93(2) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(7)**

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**Changes to legislation:** *Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

**III** Sch. 13 para. 93 partly in force; Sch. 13 para. 93 not in force at Royal Assent see s. 184(2); Sch. 13 para. 93(1)(3) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Consumer Credit Act 1974 (c.39)*

- 94 In section 189(1) of the Consumer Credit Act 1974 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Control of Pollution Act 1974 (c.40)*

- 95 (1) The Control of Pollution Act 1974 shall be amended in accordance with this paragraph.

<sup>F13</sup>(2) .....

- (3) In section 36 (provisions supplementary to sections 34 and 35)—

(a) in subsection (1)(b) after “area”—

(i) where it first occurs, insert “ , and to each water authority within whose limits of supply, ”; and

(ii) where it secondly occurs, insert “ , or within whose limits of supply, ”; and

(b) in subsection (2), for “regional or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

<sup>F13</sup>(4) .....

- (5) In section 56 (interpretation of Part II)—

(a) for the definition of “sewage effluent” substitute—

““sewage effluent” includes any effluent from sewage disposal, or sewerage, works vested in a sewerage authority;

“sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;

(b) for the definition of “water authority” substitute—

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

- (6) In section 62(2)(a) (certain exemptions as respects offences relating to noise), after “water authority” insert “ (“water authority” being construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994) ”.

- (7) In section 73(1) (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

<sup>F13</sup>(8) .....

<sup>F13</sup>(9) .....



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- (10) In Schedule 1A (orders designating nitrate sensitive areas: Scotland), in paragraph 8, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### Textual Amendments

- F13** Sch. 13 para. 95(2)(4)(8)(9) repealed (1.2.1996) by [Environment 1995 \(c. 25\)](#), s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); [S.I. 1996/186](#), [art. 3\(7\)](#)

#### Commencement Information

- I12** Sch. 13 para. 95 partly in force; Sch. 13. para. 95 not in force at Royal Assent see s. 184(2); Sch. 13. para. 95(1)(2)(a)(b)(d) in force at 4.1.1995 by [S.I. 1994/2850](#), [art. 3\(c\)\(viii\)](#); Sch. 13 para. 95(3)(5)-(7) (10) in force at 1.4.1996 by [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#)

#### *The District Courts (Scotland) Act 1975 (c.20)*

- 96 (1) The District Courts (Scotland) Act 1975 shall be amended in accordance with this paragraph.
- (2) In section 1A(4) (further provisions as to establishment and disestablishment of district courts), for “district or islands council” substitute “ local authority ”.
- (3) Section 7(3) (officer of regional council may act as clerk of district court) shall cease to have effect.
- (4) In subsection (1) of section 12 (disqualification in certain cases of justices who are members of local authorities), for “Local Government (Scotland) Act 1973” substitute “ Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 26 (interpretation), for the definition of—
- (a) “commission area” substitute—
- ““commission area” means the area of a local authority;”; and
- (b) “local authority” substitute—
- ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Criminal Procedure (Scotland) Act 1975 (c.21)*

- 97 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended in accordance with this paragraph.
- (2) In—
- (a) sections 168 and 364 (power of court, in respect of certain offences, to refer child to reporter), for the words “reporter of the local authority in whose area the child resides” wherever they occur; and
- (b) sections 173(1)(a) and (b) and (3) and 372(1)(a) and (b) and (3) and 373 (reference and remit of children’s and young persons’ cases by courts to children’s hearings), for the words “reporter of the local authority”, wherever they occur,
- substitute the words “ Principal Reporter ”.

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- (3) In each of sections 186(1)(b) and (c) and 387(1)(b) and (c) (persons who may give information on oath as respects failure to comply with probation order), for “director of social work”, wherever it occurs, substitute “ chief social work officer ”.
- (4) In section 296(3) (action to be taken where child detained by police) for the words from “reporter” to “detained” where the latter word second occurs substitute the words “ Principal Reporter ”.
- (5) In section 413(3) (detention of children), in the definition of “the appropriate local authority”, in each of paragraphs (a) and (b), for “regional or islands council” substitute “ local authority ”.
- (6) In section 462 (interpretation) the definition of “reporter” shall cease to have effect.
- (7) In Schedule 5 (discharge and amendment of probation orders), in paragraph 2(4)(b)
  - (a) for “director of social work” substitute “ chief social work officer ”; and
  - (b) for “director”, where it secondly and thirdly occurs, substitute “ chief social work officer ”.
- (8) For the word “reporter”, wherever occurring, substitute the words “ Principal Reporter ”.
- (9) Sub-paragraph (8) above does not affect any of the particular amendments made by this paragraph.

*The Reservoirs Act 1975 (c.23)*

- 98 In section 2(1) of the Reservoirs Act 1975 (local authorities for purposes of the Act), for “regional and islands councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The House of Commons Disqualification Act 1975 (c.24)*

- 99 In Part IV of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for particular constituencies)—
- (a) in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for a region in Scotland—
    - (i) for the words “a region” substitute “ an area ”; and
    - (ii) for the words from “such part” to “Majesty” substitute “ the area ”;
  - (b) the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for an islands area in Scotland shall cease to have effect; and
  - (c) in the entry relating to Her Majesty’s Lord-Lieutenant or Lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh, or Glasgow—
    - (i) the words “the district of” shall cease to have effect; and
    - (ii) for “district” substitute “ city ”.

*The Local Government (Scotland) Act 1975 (c.30)*

- 100 (1) The 1975 Act shall be amended in accordance with this paragraph.

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- (2) In section 2(1)(e) (alterations to valuation roll which is in force)—
- (a) after “consequence of” insert “—  
(i)”;  
and
  - (b) after “1970” insert “or  
(ii) the making of regulations under section 42 of the <sup>M29</sup>Lands Valuation (Scotland) Act 1854;”.
- (3) In section 7A (provisions as to setting of non-domestic rates)—
- (a) for subsection (2) substitute—  
“(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—  
(a) in accordance with section 7 of this Act; or  
(b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”; and
  - (b) subsection (3) shall cease to have effect.
- (4) For subsection (2) of section 7B (provisions as to setting of non-domestic rates) substitute—
- “(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—
- (a) in accordance with section 7 of this Act; or
  - (b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”.

(5) In subsection (4) of section 8 (payment of rates by instalments), for from “the ground” to “1947” substitute “account of hardship under section 25A of the <sup>M30</sup>Local Government (Scotland) Act 1966 ”.

(6) In section 23 (authorities subject to investigation by the Commissioner for Local Government in Scotland)—

    - (a) in subsection (1) <sup>F14</sup> . . . after paragraph (i) insert —  
“(j) the Strathclyde Passenger Transport Authority”.; and
    - (b) in subsection (2)—
      - (i) for paragraph (a) substitute—  
“(a) any joint board constituted by an administration scheme under section 36 of the <sup>M31</sup>Fire Services Act 1947 or section 147 of the Act of 1973”;
      - (ii) in paragraph (b), for “committee” substitute “board ”;
      - (iii) paragraph (c) shall cease to have effect; and
      - <sup>F15</sup>(iv) . . . . .

(7) In subsection (2) of section 28 (reports on investigations), for the word “chairman” substitute “convener ”.

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- (8) In section 37(1) (interpretation), in the definition of “material change of circumstances”, for the word “for” substitute “the members of which are drawn from the valuation appeal panel serving”.
- (9) In Schedule 3 (borrowing and lending by local authorities)—
- (a) for paragraph 8(3) substitute—
- “(3) Sub-paragraphs (1) and (2) above shall not apply in the case of money borrowed for the purpose of the common good, nor shall the security created by those sub-paragraphs include the common good or the revenues thereof.”;
- (b) in paragraphs 12(1), 13(1), 13(2) and 14, for “16th May 1975”, in each place where it occurs, substitute “1st April 1996”;
- (c) after paragraph 12(1) insert—
- “(1A) Sub-paragraph (1) above, so far as it relates to the establishment of a loans fund, does not apply to the councils of Orkney Islands, Shetland Islands and Western Isles, whose loans funds will continue in existence.”;
- (d) for paragraph 12(2) substitute—
- “(2) A loans fund shall not apply to money borrowed for the common good.”;
- (e) in paragraph 13(1), for the words “section 128 of the Act of 1973 or which is referred to in section 222(2) or 223 of that Act” substitute “section 17 of the Local Government etc. (Scotland) Act 1994 or which is referred to in section 15(5) or 16 of that Act”;
- (f) in paragraph 22—
- (i) in sub-paragraph (1), after head (b) insert—
- “(ba) an insurance fund, to be used for the following purposes, namely—
- (i) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk;
- (ii) paying premiums on a policy of insurance against a risk.”; and
- (ii) in sub-paragraph (2), after “repair fund” insert “or the insurance fund”.
- (g) in paragraph 24(1), after “repair fund” insert “, or an insurance fund,”;
- (h) in paragraph 28—
- (i) in sub-paragraph (1), after “money,” insert “the Strathclyde Passenger Transport Authority”; and
- (ii) in sub-paragraph (2), for the words from “Schedule to” to the end insert—
- “(a) the aforesaid boards, either generally or to any particular board or class of board; and
- (b) the Strathclyde Passenger Transport Authority”;
- (i) for paragraph 30 substitute—

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- “30 Nothing in this Schedule shall affect the power of a council having a common good to borrow on the security of the common good or any loan secured thereon.”; and
- (j) for paragraph 31 substitute—

- “31 In this Schedule, unless the context otherwise requires—
- “statutory borrowing power” means any power to borrow money conferred on a local authority by or under any enactment, but does not include the power of a council to borrow for the purposes of the common good; and
- “trustee securities” means any security in which trustees are for the time being authorised by law to invest trust money.”.

#### Textual Amendments

**F14** Words in Sch. 13 para. 100(6)(a) repealed (21.5.1997) by 1997 c. 35, ss. 10, 11(2), Sch.

**F15** Sch. 13 para. 100(6)(b)(iv) repealed (1.4.1997) by 1995 c. 36, s. 105(5), Sch. 5; S.I. 1996/3201, art. 3(7)

#### Commencement Information

**I13** Sch. 13 para. 100 partly in force; Sch. 13. para. 100 not in force at Royal Assent see s. 184(2); Sch. 13. para. 100(1)(9)(f)(g) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(ix); Sch. 13 para. 100(2)(4)(5) in force at 1.4.1995 by S.I. 1994/3150, art. 4(c)(iii); Sch. 13 para. 100(6)(a)(i) in force at 6.4.1995 by S.I. 1995/702, art. 4(1), Sch. 2; Sch. 13 para. 100(9)(h) in force at 31.3.1996 by S.I. 1996/323, art. 3(b); Sch. 13 para. 100(6)-(8)(9)(a)-(i) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M29** 1854 c. 91.

**M30** 1966 c. 51.

**M31** 1947 c. 41.

#### *The Guard Dogs Act 1975 (c.50)*

- 101 In section 7 of the Guard Dogs Act 1975 (interpretation), in the definition of “local authority”, for “an islands council or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Safety of Sports Grounds Act 1975 (c.52)*

- 102 In section 17(1) of the Safety of Sports Grounds Act 1975 (interpretation), in the definition of “local authority”, in paragraph (d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Children Act 1975 (c.72)*

- <sup>F16</sup>103 .....

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F16** Sch. 13 para. 103 repealed (1.4.1997) by 1995 c. 36, s. 105(5), Sch. 5; S.I. 1996/3201, art. 3(7)

#### *The Lotteries and Amusements Act 1976 (c.32)*

- 104 (1) The Lotteries and Amusements Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 23(1) (interpretation), in the definition of “local authority”, in paragraph (c), for “regional council, an islands council and a district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 1 (registration of societies), in paragraph 1(2)(c), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In Schedule 3 (permits for commercial provision of amusements with prizes), in paragraph 1(2), in the definition of “local authority”, in paragraph (c), for “an islands council and a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Dangerous Wild Animals Act 1976 (c.38)*

- 105 In section 7(4) of the Dangerous Wild Animals Act 1976 (interpretation), in the definition of “local authority”, for “an islands council or a district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Licensing (Scotland) Act 1976 (c.66)*

- [<sup>F17</sup>106(1) The Licensing (Scotland) Act 1976 shall be amended in accordance with this paragraph.
- (2) In section 1 (licensing boards)—
- (a) in subsection (2)(a) for the words—
- (i) “each district and islands area” substitute “ the area of each council ”; and
- (ii) “subsection (3) below” substitute “ section 46(1) of the Local Government etc. (Scotland) Act 1994 ”;
- (b) subsection (3) shall cease to have effect;
- (c) in subsection (4), the words “district or islands” shall cease to have effect;
- (d) in subsection (5)—
- (i) for the words “a district or islands area” substitute “ the area of a council ”; and
- (ii) the words “or electoral division” shall cease to have effect;
- (e) for subsections (6) and (7) substitute—
- “(6) On 1st April 1996, the members of a licensing board shall be—

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- (a) for an area or, as the case may be, a licensing division of an area which was, immediately before that date, an islands area, the members in office immediately before that date; and
  - (b) for any other area or, as the case may be licensing division of such area, the members elected by the council for the area in pursuance of section 46 of the Local Government etc. (Scotland) Act 1994.
- (7) Subsequent elections of the members of a licensing board for any area or, as the case may be, a licensing division of such area shall be held—
  - (a) except in so far as paragraph (b) below otherwise provides, at the first meeting of the council held after each ordinary election of that council which takes place after 1st April 1996; and
  - (b) where a determination under subsection (3) above is made, either—
    - (i) at the meeting at which the determination is made; or
    - (ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above.”;
- (f) in subsection (8), for the words from “with” to “above” substitute “ on 1st April 1996 ”; and
- (g) in subsection (9)—
  - (i) for the word “authority”, where it first occurs, substitute “ council ”; and
  - (ii) for the words “the council of that authority” substitute “ that council ”.
- (3) In section 3(2) (expenses of members of licensing boards), the words “of the district or islands area” shall cease to have effect.
- (4) In section 5(8) (council to provide accommodation etc. for licensing board), the words “district or islands” shall cease to have effect.
- (5) In section 7 (clerk of licensing boards)—
  - (a) in subsection (1), the words “district and islands”; and
  - (b) subsection (2),shall cease to have effect.
- (6) In section 23(7) (meaning of “appropriate authority” for certain purposes), for the words from “in”, where it secondly occurs, to the end substitute “ the appropriate authority is the council ”.
- (7) In section 105 (procedure on application for grant or renewal of certificate of registration)—
  - (a) in subsection (2)(b), for the words from “of” to “which” substitute “ within whose area ”; and
  - (b) in subsection (3)(c), after “1973” insert “ or section 22 of the Local Government etc. (Scotland) Act 1994 ”.

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- (8) In section 120(6) (consequences of conviction for sale or supply of liquor in unregistered club), for the words from “district” to “in which” substitute “ council within whose area ”.
- (9) In section 139(1) (interpretation), after the definition of “contravene” insert—
- ““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and references to the area of a council shall be construed accordingly;”.]

#### Textual Amendments

**F17** Sch. 13 para. 106 repealed (1.5.2007 in regard to para. 106(2)(3)(5) and 1.9.2009 at 5.00 a.m. otherwise) by Licensing (Scotland) Act 2005 (asp 16), ss. 149, 150, Sch. 7 (with s. 143); S.S.I. 2007/129, art. 3, Sch.; S.S.I. 2007/472, art. 3

#### *The Supplementary Benefits Act 1976 (c.71)*

- 107 (1) Schedule 5 to the Supplementary Benefits Act 1976 (re-establishment courses and resettlement units) shall be amended in accordance with this paragraph.
- (2) In paragraph 2(2) (Secretary of State may require councils to exercise functions of providing and maintaining resettlement units)—
- (a) the words—
- (i) “and of”;
- (ii) “, regions, islands areas”; and
- (iii) “and”, where it thirdly occurs,
- shall cease to have effect; and
- (b) after “of London” insert “ and any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In paragraph 4(2) (local authorities to whom grants may be paid for certain purposes) —
- (a) the words—
- (i) “, a region, an islands area”; and
- (ii) “or”, where it secondly occurs,
- shall cease to have effect; and
- (b) after “of London” insert “ or a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Race Relations Act 1976 (c.74.)*

- 108 In section 71 of the Race Relations Act 1976 (local authorities: general statutory duty), the existing wording shall become subsection (1) of that section and after that subsection there shall be added—
- “(2) In this section, “local authority”, in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (“the 1994 Act”) and includes—



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- (a) a joint board and a joint committee within the meaning of the <sup>M32</sup>Local Government (Scotland) Act 1973;
- (b) the staff commission established by virtue of section 12 of the 1994 Act;
- (c) a water and sewerage authority within the meaning of the 1994 Act; and
- (d) the Strathclyde Passenger Transport Authority.”.

#### Marginal Citations

M32 1973 c. 65.

#### *The Refuse Disposal (Amenity) Act 1978 (c.3)*

- 109 In section 11(1) of the Refuse Disposal (Amenity) Act 1978 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The European Parliamentary Elections Act 1978 (c.10)*

- 110 (1) The European Parliamentary Elections Act 1978 shall be amended in accordance with this paragraph.
- (2) In Schedule 1 (simple majority system (for Great Britain) with S T V (for Northern Ireland)), in paragraph 4—
- (a) in sub-paragraph (2), for the words “region or islands”, in each place where they occur, substitute “ local government ”; and
  - (b) in sub-paragraph (5)(b), for “a region, islands area or district” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In Schedule 2 (European Parliamentary constituencies in Great Britain), in paragraph 5A(4), in the definition of “local authority”, in paragraph (b), for “the council of a region, islands area or district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

#### *The Adoption (Scotland) Act 1978 (c.28)*

- 111 (1) The Adoption (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2 (local authorities’ social work), for the words from “which stand” to “committee” substitute the words “ under any of the enactments mentioned in subsection (1B) of section 5 of the <sup>M33</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments) ”.
- (3) In section 65(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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**Marginal Citations**

**M33** 1968 c. 49.

*The National Health Service (Scotland) Act 1978 (c.29)*

- 112 (1) The National Health Service (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 16A (power to make payments towards expenditure on community services), in subsection (1)—
- (a) in paragraph (a), for the words from “relating” to the end substitute “ under any of the enactments mentioned in section 5(1B) of the <sup>M34</sup>Social Work (Scotland) Act 1968 (power of Secretary of State to issue directions to local authorities in respect of their functions under certain enactments), other than section 3 of the Disabled Persons (Employment) Act 1958; ”;
  - (b) in paragraph (b), the words “of a regional or islands council’s” shall cease to have effect;
  - (c) in paragraph (c), the words “of a district or islands council’s” shall cease to have effect; and
  - (d) in paragraph (d), the words “of a regional or islands council’s” shall cease to have effect.
- (3) In section 108(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Marginal Citations**

**M34** 1968 c. 49.

*The Community Service by Offenders (Scotland) Act 1978 (c.49)*

- 113 (1) The Community Service by Offenders (Scotland) Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 2(3)(b) (persons to whom copy of community service order to be sent), for “director of social work” substitute “ chief social work officer ”.
- (3) In section 12(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Inner Urban Areas Act 1978 (c.50)*

- 114 (1) The Inner Urban Areas Act 1978 shall be amended in accordance with this paragraph.
- (2) In section 1(2) (meaning of “designated district authority”), the words “or region” shall cease to have effect.
- (3) In section 2(1) (loans for acquisition of land etc.), the words “or region”, in both places where they occur, shall cease to have effect.

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- (4) In section 7(1)(a) (power to enter into arrangements), the words “or region” shall cease to have effect.

*The Bail etc. (Scotland) Act 1980 (c.4)*

- 115 In section 10(3) of the Bail etc. (Scotland) Act 1980 (sittings of district courts), for “district or islands council” substitute “local authority”.

*The Reserve Forces Act 1980 (c.9)*

- 116 (1) The Reserve Forces Act 1980 shall be amended in accordance with this paragraph.

- (2) In section 131 (lieutenancies in Scotland)—

- (a) for subsection (1) substitute—

“(1) Her Majesty—

- (a) shall appoint a lord-lieutenant for each area of Scotland; and  
(b) may appoint lieutenants for each area of Scotland.

(1A) For the purposes of the provisions of this Act relating to lieutenancies, Her Majesty—

- (a) shall by Order in Council divide Scotland into such areas as She thinks fit; and  
(b) may in such an Order make such provision with respect to deputy lieutenants as is mentioned in subsection (1B) below.

(1B) Where an Order in Council is made under subsection (1A) above, any deputy lieutenant holding office immediately before the date on which the Order is made shall (without prejudice to any power of removal or directing removal from any office) continue to hold office on and after that date as deputy lieutenant of the area or city in which he resides or of such other area or city as may be specified in the Order.”;

- (b) in subsection (2)—

- (i) the words “the district of” shall cease to have effect; and  
(ii) for “such district” substitute “such city”;

- (c) subsections (3) and (4) shall cease to have effect; and

- (d) in subsection (5)—

- (i) for “region” substitute “area”; and  
(ii) the words “the districts of” shall cease to have effect.

<sup>F18</sup>(3) .....

- (4) In subsection (1) of section 156 (interpretation), immediately before the definition of “home defence service” insert—

““area”, in the application to Scotland of the provisions of this Act relating to the lieutenancies, shall be construed in accordance with section 131(1A) of this Act;”.

<sup>F18</sup>(5) .....

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(6) For paragraph 14(2) of Schedule 8 (saving and transitional provisions) substitute—

“(2) Subject to any power of removal or of directing removal from any office, where, immediately before the date on which paragraph 116 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 comes into force—

- (a) any lord-lieutenant or lieutenant held office in Scotland, Her Majesty may by Order in Council provide that he shall continue to hold office on and after that date as lord-lieutenant or lieutenant respectively for such area as may be specified in the Order;
- (b) any deputy lieutenant held office in Scotland, he shall continue to hold office on and after that date as deputy lieutenant for the area or city in which he resides or such other area or city as may be specified by the Secretary of State in an order made under this paragraph.”.

#### Textual Amendments

**F18** Sch. 13 para. 116(3)(5) repealed (1.4.1997) by 1996 c. 14, s. 131(2), **Sch. 11** (with s. 72(5)); S.I. 1997/305, art. 2

#### Commencement Information

**I14** Sch. 13 para. 116 partly in force; Sch. 13 para. 116 not in force at Royal Assent see s. 184(2); Sch. 13 para. 116(1)-(5) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(c)

#### *The Slaughter of Animals (Scotland) Act 1980 (c.13)*

117 In section 22 of the Slaughter of Animals (Scotland) Act 1980 (interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### *The Education (Scotland) Act 1980 (c.44)*

- 118 (1) The Education (Scotland) Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 4 (duty of education authorities to provide psychological service), the words “regional or island authority” shall cease to have effect.
- (3) In section 6 (social activities etc.)—
- (a) in subsection (2)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b),
 shall cease to have effect; and
  - (b) subsection (3) shall cease to have effect.
- (4) Section 78 (appointment of director of education) shall cease to have effect.
- (5) In section 86 (admissibility of documents)—
- (a) in paragraph (a), the words from “or” to “authority”; and

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- (b) in paragraph (e), the words “or by the director of education”, shall cease to have effect.
- (6) In subsection (3A) of section 112 (reorganisation schemes), for “Schedule 10 to” substitute “Section 56 of”.
- (7) In section 122 (interpretation of Part VI), in the definition of “governing instrument”, after the words “provisional order”, where they first appear, insert “or made under section 17 of the Local Government etc. (Scotland) Act 1994, ”.
- (8) In subsection (3) of section 129 (establishment of Board to conduct examinations, etc.), for “directors of education” substitute “persons employed by education authorities in an administrative capacity as respects the discharge of their education functions”.
- (9) In subsection (1) of section 135 (interpretation), in the definition of “education authority”, for the words “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (10) In Schedule A1 (appeal committees)—
- (a) in paragraph 3—
- (i) in sub-paragraph (a), for the words “the education committee of the authority” there shall be substituted the words “any committee appointed by the authority whose purposes include advising the authority on any matter relating to the discharge of any of their functions as education authority or discharging any of those functions on behalf of such authority”;
- (ii) in sub-paragraph (b), for the words “the education committee of the authority” there shall be substituted the words “any such committee”; and
- (iii) for the words from “as” to “adviser”, where it thirdly occurs, there shall be substituted the words “in an administrative or advisory capacity as respects the discharge of their education functions.”;
- (b) in paragraph 4, for the words “the education committee of the authority” there shall be substituted the words “any committee such as is mentioned in paragraph 3 above”; and
- (c) in paragraph 5, for the words “the education committee of the authority” there shall be substituted the words “any committee such as is mentioned in paragraph 3 above”.

*The Water (Scotland) Act 1980 (c.45)*

- 119 (1) The 1980 Act shall be amended in accordance with this paragraph.
- (2) Sections 3 to 5 (water authorities and their areas, alterations of limits of supply and maps of such limits) shall cease to have effect.
- (3) In section 6(3) (questions arising as respects water authority’s duty to provide supply of wholesome water)—
- (a) for “10 or more local government electors in the limits of supply of the water authority” substitute “any person aggrieved”; and

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- (b) for “consulting the authority” substitute “consultation with that person and with the water authority concerned”.
- (4) In section 9A (prohibition on any charge for water taken to extinguish fires etc.)—
- (a) for the words from the beginning to “49” substitute “Notwithstanding anything in section 9”;
  - (b) the existing words as so amended shall be subsection (1) of the section; and
  - (c) after that subsection add—
    - “(2) Subsection (1) above shall not have the effect, where any water is used or made available for any of the purposes mentioned in paragraph (a) or (b) of that subsection, of requiring a reduction in the charges imposed in respect of the provision for other purposes of the supply from which the water is taken.”.
- (5) In section 10 (compensation for damage resulting from exercise of powers)—
- (a) in subsection (1)—
    - (i) for “district council” substitute “local authority”; and
    - (ii) the words “or water development board” shall cease to have effect;
  - (b) in subsection (1A)—
    - (i) the words “onto agricultural land or forestry land” and “or as the case may be water development board’s” shall cease to have effect; and
    - (ii) after “communication” insert “or supply”;
  - (c) in subsection (3), for “12” substitute “24”;
  - (d) in subsection (5)(e), for “26 of the said Act of 1950” substitute “141 of the said Act of 1991”; and
  - (e) subsection (6) shall cease to have effect.
- (6) In section 11 (power of Secretary of State on default of water authority or water development board)—
- (a) in subsection (1)—
    - (i) in paragraph (a), the words “or a water development board”; and
    - (ii) in paragraph (b), the words “or board”;
  - (b) in subsection (2), the words “or board”;
  - (c) in subsection (3), the words “or board” wherever they occur;
  - (d) in subsection (4), the words “or board” wherever they occur and “or “the transferee board””; and
  - (e) in subsections (5) to (7), the words “or board” wherever they occur, shall cease to have effect.
- (7) In section 13 (supply of water in bulk)—
- (a) in subsection (1), the words “or water development board”, in both places where they occur, “or board”, in both places where they occur, and “or area” shall cease to have effect;
  - (b) in subsection (2), the words “or water development board”, “or board” wherever they occur, “or area” and “or boards” shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “or water development board” and “or area, as the case may be,” shall cease to have effect; and
    - (ii) for “streets” substitute “roads”; and

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- (d) in subsection (6), the words “or water development board” shall cease to have effect.
- (8) Section 15 (power to acquire land), shall cease to have effect.
- (9) In section 16 (power to survey land and search for water)—
  - (a) in subsection (1) the words “or water development board”; and
  - (b) in each of subsections (2), (3) and (8), the words “or board” wherever they occur,shall cease to have effect.
- (10) In section 17 (acquisition of water rights)—
  - (a) in subsection (1), the words “or water development board”;
  - (b) in subsection (2), the words “or water development board” and “or board”;
  - (c) in subsection (3), the words “or water development board” and, in both places where they occur, “or board”; and
  - (d) in subsection (4), the words “or water development board”,shall cease to have effect.
- (11) In section 18(1) (compulsory acquisition of land for water works)—
  - (a) the words “or board”, in both places where they occur, shall cease to have effect; and
  - (b) for “15” substitute “99 of the Local Government etc. (Scotland) Act 1994”.
- (12) Section 20 (power to hold and dispose of land), shall cease to have effect.
- (13) In section 22 (power to break open roads), the words “or water development board” shall cease to have effect.
- (14) In section 23 (power to lay mains)—
  - (a) in subsection (1), the words “or water development board” shall cease to have effect;
  - (b) in subsection (2), the words “or board” shall cease to have effect;
  - (c) in subsection (3)—
    - (i) the words “or water development board” shall cease to have effect; and
    - (ii) for “street” substitute “road”; and
  - (d) in subsection (4), for “(1)” substitute “(1)(a)”.
- (15) In section 25 (power to provide public wells)—
  - (a) in subsection (1)—
    - (i) for “district council” substitute “local authority”; and
    - (ii) for “district”, where it secondly occurs, substitute “area”; and
  - (b) in subsection (2)—
    - (i) for “An islands or district council” substitute “A local authority”;
    - (ii) the words “or district”, where they secondly occur, shall cease to have effect;
    - (iii) after “but” insert “where the Secretary of State is the roads authority”;
    - (iv) for “the district council” substitute “the local authority”; and
    - (v) for “the roads authority’s” substitute “his”.

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- (16) In section 26 (power to close, or restrict use of, wells)—
- (a) for “district council” substitute “ local authority ”; and
  - (b) in paragraph (a), for “district” substitute “ area ”.
- (17) In section 27 (power to close, or restrict use of water from, polluted source)—
- (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “ a local authority ”;
    - (ii) the words “or district”, where they secondly occur, shall cease to have effect; and
    - (iii) for “the council” substitute “ they ”; and
  - (b) in subsection (2), for “council” substitute “ local authority ”; and
  - (c) in subsection (3)—
    - (i) for “council”, where that word first occurs, substitute “ local authority ”; and
    - (ii) for “the council”, where those words secondly and thirdly occur, in each case substitute “ them ”.
- (18) In section 28 (water works code)—
- (a) in subsection (1), the words “or a water development board”; and
  - (b) in subsection (2), the words “or water development board”, shall cease to have effect.
- (19) In section 29 (applications of enactments by order)—
- (a) in subsection (2), the words “or water development board”; and
  - (b) in subsection (3), the words “or board”, shall cease to have effect.
- (20) Section 30 (exemption from stamp duty) shall cease to have effect.
- (21) In section 32 (power of water undertakers to supply water to water authorities)—
- (a) in subsection (1)(b), the words “subject to subsection (2),”; and
  - (b) subsection (2), shall cease to have effect.
- (22) In section 33 (temporary discharge of water into watercourses)—
- (a) in subsection (1), the words “or water development board”, “or their area, as the case may be” and “or board”;
  - (b) in subsection (3), the words “or water development board” in both places where they occur; and
  - (c) in each of subsections (4), (6)(b), (7) to (9) and (11), the words “or board” wherever they occur, shall cease to have effect.
- (23) Section 35(4) (charge for water fittings) shall cease to have effect.
- (24) In section 38(1) (entry to premises), the words “or water development board” and, in each of paragraphs (a), (c) and (d), “or board”, shall cease to have effect.
- (25) Sections 40 (non-domestic water rate) and 41 (levy of non-domestic water rate) shall cease to have effect.



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- (26) Sections 42 (levy of non-domestic water rate on water works etc.), 43 (levy of non-domestic water rate on shootings and fishings) and 46 (transport hereditaments) shall cease to have effect.
- (27) In section 47 (provision as regards certain pre-existing obligations etc.)—
- (a) for subsection (1) substitute—
- “(1) Subject to section 41A of this Act, no charge shall be fixed, demanded or recovered for a supply of water to premises to which a water authority were, immediately before 16th May 1949, by virtue of any enactment or agreement, under an obligation to provide such a supply free of charge.”;
- (b) in subsection (2)—
- (i) for “leviable in any area specified in the local enactment” substitute “, for a period specified in that enactment, leviable in any area so specified”;
- (ii) for “specified therein” substitute “ so specified ”; and
- (iii) for the words from “the non-domestic water rate” to the end of the proviso substitute—
- “any charge payable in the area in question for a supply of water in any period commencing after 31st March 1996 (the
- “transfer date” for the purposes of Part II of the Local Government etc. (Scotland) Act 1994 and of this subsection) shall, during the period so specified, bear the same proportion to the charge which (but for this subsection) would be payable for that supply under a charges scheme, as the non-domestic water rate payable there as at the transfer date by virtue of the local enactment and of this subsection (as it had effect on the transfer date) bore to the non-domestic water rate which would otherwise have been payable.”;
- (c) in subsection (3)—
- (i) for the words from the beginning to “such a supply” substitute — “ Where, by virtue of any enactment or agreement in force immediately before 16th May 1949, a water authority were under an obligation to provide a supply of water to any premises ”; and
- (ii) the word “and”, where it first occurs, shall cease to have effect; and
- (d) for subsection (7) substitute—
- “(7) Nothing in subsection (1) shall be construed as continuing any exemption, and nothing in subsection (3) as continuing any advantage, where under the enactment or agreement in question the obligation which gives rise to the exemption or advantage ceases to exist.”.
- (28) Sections 48 (levying of, and exemption from, rates) and 49 (payment for supplies by meter) shall cease to have effect.
- (29) In section 54 (register of meter to be evidence)—
- (a) subsection (2); and
- (b) in subsection (3)(b), the words from “and in the case” to the end, shall cease to have effect.

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- (30) In section 55 (terms and conditions on which water supplied)—
- (a) in subsection (1), after “conditions” insert “, other than as respects charges,”; and
  - (b) in subsection (4), after “at the” insert “ principal ”.
- (31) In section 58 (termination of right to supply of water on special terms)—
- (a) in subsection (3), for the words from “under section 49” to “may be,” substitute “ for a supply of water ”;
  - (b) in subsection (4), for “district council” substitute “ local authority ”;
  - (c) in subsection (6), the words “or the district of a district council” and “or by that district council” shall cease to have effect; and
  - (d) subsection (8) shall cease to have effect.
- (32) Sections 60 (requisitions) and 61 (calculation of amount to be requisitioned) shall cease to have effect.
- (33) In section 63 (provision of water supply to new buildings and houses)—
- (a) after subsection (1) insert—
    - “(1A) In determining adequacy for the purposes of subsection (1), the local authority shall consult, and have regard to the views of, the water authority within whose limits of supply the building is being erected.”;
  - (b) in subsection (5), after “section,” insert “ except section (1A), ”; and
  - (c) subsection (6) shall cease to have effect.
- (34) Sections 64 to 67 (provisions as respects duty of house owners to provide supply of wholesome water for domestic purposes, execution of works on failure to do so, recovery of expenses of such execution and limitation of liability for such expenses) shall cease to have effect.
- (35) In section 68 (agreements as to drainage)—
- (a) in subsection (1)—
    - (i) the words “or water development board” and (both in the subsection and its proviso) “or board” shall cease to have effect; and
    - (ii) in paragraph (b), for “regional, islands or district council” substitute “ local authority ”; and
  - (b) subsection (3) shall cease to have effect.
- (36) In section 69(1) (power to restrict use of hosepipes)—
- (a) for “within the meaning of section 117(1) of the <sup>M35</sup>Road Traffic Act 1960” substitute “ as defined in section 1 of the <sup>M36</sup>Public Passenger Vehicles Act 1981 ”; and
  - (b) for “within the meaning of section 196 of the <sup>M37</sup>Road Traffic Act 1972” substitute “ as defined in section 192(1) of the <sup>M38</sup>Road Traffic Act 1988 ”.
- (37) In section 70 (byelaws for preventing misuse of water)—
- (a) in subsection (1), the words “or water development board”;
  - (b) in subsection (2), the words “or board”; and
  - (c) in subsection (4), the words “or water development board”; and

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- (d) in the proviso to subsection (4), the words “, or as the case may be the Board,”,  
shall cease to have effect.
- (38) In section 71 (byelaws for preventing pollution of water)—
- (a) in subsection (1), the words “or water development board” shall cease to have effect;
  - (b) in subsection (2), for “authority or board” substitute “ water authority ”;
  - (c) in subsection (3)—
    - (i) for “authority or board” substitute “ water authority ”; and
    - (ii) for “regional, islands or district council”, in both places where those words occur, substitute “ local authority ”;
  - (d) in subsection (4), for “authority or board” and “regional, islands or district council” in each case substitute “ local authority ”;
  - (e) in subsection (5)—
    - (i) for “authorities or boards”, where those words first occur, substitute “ water authorities ”; and
    - (ii) the words “or board” and, where they secondly occur, “or boards”, shall cease to have effect; and
  - (f) in subsection (6), the words “or boards” shall cease to have effect.
- (39) In section 72(2) (duty to enforce byelaws), the words “and water development board” shall cease to have effect.
- (40) In section 73 (power of Secretary of State to require the making of byelaws)—
- (a) in subsection (1), the words “or water development board” and “or board”; and
  - (b) in each of subsections (2) and (3), the words “or board” wherever they occur, shall cease to have effect.
- (41) In section 76 (acquisition of land for protection of water)—
- (a) in subsection (1)—
    - (i) after “Act” insert “, or of the Local Government etc. (Scotland) Act 1994, ”
    - (ii) the words “or water development board” and “or board” shall cease to have effect; and
    - (iii) after “undertaking” insert “ or functions ”;
  - (b) in subsection (2), the words “or water development board” and (wherever they occur, both in the subsection and its proviso) “or board” shall cease to have effect;
  - (c) in subsection (3), the words “or water development board”, “or their area” and “or board” shall cease to have effect; and
  - (d) in the proviso to subsection (3), the words “or board” and “or the area of that board”, shall cease to have effect.
- (42) In section 76F(5) (supplementary regulations in relation to water quality)—
- (a) at the beginning insert “ Without prejudice to subsection (7) below, ”; and
  - (b) after “supplementing the” insert “ foregoing ”.
- (43) In section 76H (effect, confirmation and variation of notice under section 76G)—

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- (a) in subsection (5), for the words from “may” to the end substitute—
- “—
- (a) may, except where the case is one to which paragraph (b) below applies, take that step themselves in accordance with any applicable provision having effect by virtue of section 76I below; and
- (b) may, in a case to which this paragraph applies, take that step themselves and for that purpose exercise the powers which a water authority may, under this Act, exercise for the purpose of their water undertaking.”;
- (b) after subsection (5) insert—
- “(5A) Paragraph (b) of subsection (5) above applies to any case where the local authority are satisfied that the failure arose because the person was unable on reasonable terms to acquire any necessary rights—
- (a) to take water from a suitable source;
- (b) to lay pipes through any land not belonging to him; or
- (c) to do any other work.”; and
- (c) in subsection (8), the words from “; and section 65” to the end shall cease to have effect.
- (44) In section 76I (incidental powers of local authorities)—
- (a) in subsection (1), for “subsection (5)” substitute “ subsections (5) and (6) ”;
- (b) in subsection (2), at the beginning insert “Subject to subsection (6) below,”; and
- (c) after subsection (5) add—
- “(6) The foregoing provisions of this section do not apply as respects, but are without prejudice to the exercise of, a power conferred by section 76H(5)(b) above.”.
- (45) In section 76J(1) (regulations as to standards of wholesomeness), for “Part” substitute “ Act ”.
- (46) In section 76L(1) (interpretation of Part VIA), the definitions of “local authority” and “wholesome” shall cease to have effect.
- (47) Sections 80 to 92 (provisions as regards water development boards) shall cease to have effect.
- (48) In section 100 (power to make orders), for subsection (2) substitute—
- “(2) Before making, on his own initiative, an order under section 107, the Secretary of State shall consult all water authorities whose limits of supply would be affected by the order.”.
- (49) In section 103 (requirement for notices to be in writing)—
- (a) for “regional, island or district council” substitute “ local authority ”;
- (b) the words “or water development board”, in both places where they occur, shall cease to have effect; and
- (c) for “regional, islands or district council” substitute “ local authority ”.

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- (50) In section 104(1) (appeal against decision of sheriff on any application under the Act), after “Act” insert “ (other than an application under section 23(1A)) ”.
- (51) In section 106(4) (recording of awards in arbitration etc.), for “the said Acts” substitute “ this Act ”.
- (52) In section 107 (repeal, amendment and adaptation of local enactments)—
- (a) in subsection (1)(b), the words “or a water development board” and “or board”; and
  - (b) in subsection (5), the words “or a water development board”, shall cease to have effect.
- (53) In section 109 (interpretation)—
- (a) in subsection (1)—
    - (i) the definitions of “the 1992 Act”, “apportionment scheme”, “apportionment note”, “Central Board”, “constituent water authority”, “contributing authority”, “council water charge”, “net annual value” and “part residential subjects” shall cease to have effect;
    - (ii) after the definition of “agricultural lands and heritages” insert—

““area”, in relation to a water authority, shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
    - (iii) for the definition of “limits of supply” substitute—

““limits of supply”, in relation to a water authority, means the area of the water authority (as construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994);”;
    - (iv) in the definition of “owner”, the words “, save in sections 64 to 67,” shall cease to have effect;
    - (v) for the definition of “water authority” substitute—

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
    - (vi) at the end add—

““wholesome” and cognate expressions shall be construed subject to the provisions of any regulations made under section 76J”; and
  - (b) in subsection (3), the words “and water development board” shall cease to have effect.
- (54) In Schedule 1 (procedure for making orders and making and confirming bylaws)—
- (a) in paragraph 2—
    - (i) in sub-paragraph (i), for “regional council, district council and water development board” substitute “ and local authority ”; and
    - <sup>F19</sup>(ii) .....
  - (b) in paragraph 3, the words “and the area of the water development board” shall cease to have effect;
  - (c) in paragraph 11—
    - (i) for “regional council, district council and water development board” substitute “ and local authority ”; and

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- (ii) the words “where the river purification authority are not the same authority as the water authority” shall cease to have effect;
  - (d) in paragraph 12, the words “and the area of the board” shall cease to have effect;
  - (e) in paragraph 13, the words “not exceeding 10 pence” shall cease to have effect;
  - (f) in paragraph 14, the words “or board” shall cease to have effect;
  - (g) in paragraph 17, the words “or board” and “or boards” shall cease to have effect;
  - (h) in paragraph 19—
    - (i) the words “or water development board”, in both places where they occur and “or area” shall cease to have effect;
    - (ii) for “regional council, district council and water development board” substitute “ and local authority ”; and
    - <sup>F19</sup>(iii) .....
  - (i) in paragraph 20, the words “or water development board” shall cease to have effect;
  - (j) in paragraph 23, the words “or board” and “or boards” shall cease to have effect;
  - (k) in each of paragraphs 24, 26 and 27, the words “or water development board” shall cease to have effect;
  - (l) in paragraph 25(b), for “council of every region or district” substitute “ local authority for any area ”;
  - (m) in paragraph 30, the words “or water development board” and “or board” shall cease to have effect; and
  - (n) in paragraph 31—
    - (i) for “the proper” substitute “ a duly authorised ”; and
    - (ii) the words “or board”, in both places where they occur, shall cease to have effect.
- (55) In Schedule 2 (orders authorising compulsory acquisition of land), in each of paragraphs 4 and 6, the words “or water development board” wherever they occur shall cease to have effect.
- (56) In Schedule 3 (provisions as to breaking open roads and laying communication and supply pipes)—
- (a) in paragraph 1, the words “and water development board”, “within their limits of supply or area” and from “and outside” to “removing mains” where they secondly occur, shall cease to have effect;
  - (b) in paragraph 2(2), the words “or board”, in both places where they occur, shall cease to have effect;
  - (c) in paragraph 4(1), the words “within their limits of supply” and “within the said limits” shall cease to have effect;
  - (d) in paragraph 5—
    - (i) the words “within the limits of supply” shall cease to have effect; and
    - (ii) for the words “the authority”, where they first occur, substitute “ any water authority ”; and
  - (e) paragraph 8 shall cease to have effect.

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(57) In Schedule 4 (provisions to be incorporated in orders relating to water undertakings)

- (a) in section 24(2)—
  - (i) for “regional islands or district council or roads” substitute “local”; and
  - (ii) at the end add “or, in relation to roads for which the Secretary of State is roads authority, between the Secretary of State and the undertakers”;
- (b) in section 40, for “24” substitute “48”; and
- (c) in section 46, for “clerk of the local authority of every district” substitute “local authority for every area”.

(58) Schedules 7 (procedure for making certain orders) and 8 (further provisions as regards water development boards) shall cease to have effect.

#### Textual Amendments

**F19** Sch. 13 para. 119(54)(a)(ii)(h)(iii) repealed (1.2.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(7)

#### Commencement Information

**I15** Sch. 13 para. 119 partly in force; Sch. 13. para. 119 not in force at Royal Assent see s. 184(2); Sch. 13. para. 119(1)(5)(d)(7)(c)(ii)(34)(36)(42)-(45)(51)(53)(a)(iv)(vi) in force and Sch. 13 para. 119(46) in force for specified purposes at 4.1.1995 by S.I. 1994/2850, art. 3(c)(x); Sch. 13 para. 119 (other than sub-paragraphs (54)(a)(ii)(h)(iii)) in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M35** 1947 c. 41.  
**M36** 1981 c. 14.  
**M37** 1972 c. 20.  
**M38** 1988 c. 52.

#### *The Local Government, Planning and Land Act 1980 (c.65)*

120 (1) The Local Government, Planning and Land Act 1980 shall be amended in accordance with this paragraph.

(2) In section 2(1) (duty of authorities to publish information)—

- (a) in paragraph (g), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”;
- (b) in paragraph (h)—
  - (i) for “committee” substitute “board”; and
  - (ii) after “that Act” insert “ or section 147 of the <sup>M39</sup>Local Government (Scotland) Act 1973 ”; and
- (c) in paragraph (k)—
  - (i) for “committee” substitute “board”; and
  - (ii) for “or 21A” substitute “ , 20 or 21B ”.

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- (3) In section 8(1) (meaning of “functional work”), in paragraph (b)(iv), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 20(1) (interpretation of Part III), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 120(3) (compulsory acquisition: exclusion of special parliamentary procedure), in the definition of “local authority”, in paragraph (c), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 148 (planning control)—
  - (a) in subsection (1), for the words from “regional” to “areas” substitute “ planning authority within whose area ”; and
  - (b) in subsection (2), the words “exercising district planning functions” shall cease to have effect.
- (7) In section 165(9)(b) (power to transfer undertaking), for “a regional council and a district council” substitute “ any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 other than the councils for Orkney Islands, Shetland Islands and Western Isles ”.

**Marginal Citations**

**M39** 1973 c. 65.

*The Public Passenger Vehicles Act 1981 (c.14)*

- 121 (1) The Public Passenger Vehicles Act 1981 shall be amended in accordance with this paragraph.
- (2) In section 5(3) (publication of information by traffic commissioners), in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In section 14A(4)(b) (objections to application for PSV operator’s licence), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (4) In section 82(1) (interpretation), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (5) In Schedule 1 (public service vehicles: conditions affecting status or classification), in paragraph 2(2)(b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Animal Health Act 1981 (c.22)*

- 122 In section 50(3) of the Animal Health Act 1981 (local authorities for purposes of Act), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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*The Finance Act 1981 (c.35)*

- 123 In section 107(3)(b) of the Finance Act 1981 (sale of houses at discount by local authorities etc.), for “regional, district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Zoo Licensing Act 1981 (c.37)*

- 124 In section 1(3)(b) of the Zoo Licensing Act 1981 (licensing of zoos by local authorities), for “islands councils and district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Wildlife and Countryside Act 1981 (c.69)*

- 125 (1) The Wildlife and Countryside Act 1981 shall be amended in accordance with this paragraph.
- (2) In section 27(1) (interpretation of Part I), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 36(7) (marine nature reserves), in the definition of “local authority”, in paragraph (b), for “regional council, an islands council or a district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Aviation Act 1982 (c.16)*

- 126 (1) The Civil Aviation Act 1982 shall be amended in accordance with this paragraph.
- (2) In section 30 (provision of aerodromes and facilities at aerodromes by local authorities)—
- (a) in subsection (1)—
- (i) the words “, other than a district council in Scotland,”; and
- (ii) the words from “and a” to “above”,
- shall cease to have effect; and
- (b) in subsection (2), the words “, other than a district council in Scotland,” shall cease to have effect.
- (3) In section 36(4)(b) (meaning of “relevant authority” for purposes of section), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 88(10) (application and interpretation of section), the words “, other than a district council in Scotland,” shall cease to have effect.
- (5) In section 105(1) (general interpretation), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Stock Transfer Act 1982 (c.41)*

- 127 In Schedule 1 to the Stock Transfer Act 1982 (specified securities), in paragraph 7(2), for head (b) substitute—
- “(b) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Local Government and Planning (Scotland) Act 1982 (c.43)*

- 128 (1) The Local Government and Planning (Scotland) Act 1982 shall be amended in accordance with this paragraph.
- (2) For section 9 (re-allocation of responsibility for certain local authority functions relating to the countryside) substitute—

**“9 Part II of Schedule 1 to continue to have effect.**

Part II of Schedule 1 to this Act (amendment of certain enactments relating to the countryside) shall continue to have effect.”.

- (3) In section 14 (islands or district council’s duties in relation to the provision of recreational, sporting, cultural and social facilities and activities)—
- (a) in subsection (1), for “an islands or district council” substitute “ a local authority ”;
- (b) in subsection (2), the words “regional or islands council as” shall cease to have effect; and
- (c) after that subsection add—
- “(3) In subsection (2) above, “water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”.
- (4) In section 15(2) (local authority’s powers in relation to provision of recreational, sporting etc. facilities), for “An islands or district council” substitute “ A local authority ”.
- (5) In section 16 (provisions supplementary to section 15)—
- (a) in subsection (1)—
- (i) for “an islands or district council” substitute “ a local authority ”;
- (ii) for paragraph (b) substitute—
- “(b) maintain a body for the promotion of a recreational, sporting, cultural or social activity;”;
- (iii) in each of paragraphs (c), (g)(ii) and (k)(ii), for “council”, wherever it occurs, substitute “ authority ”; and
- (b) in subsection (2)—
- (i) for “an islands or district council” substitute “ a local authority ”; and
- (ii) in paragraph (a), for “council” substitute “ authority ”.
- (6) For section 17 (power of regional council to contribute towards provision of recreational etc. facilities) substitute—

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### **“17 Power of local authority to contribute towards provision of cultural activities and facilities.**

- (1) A local authority may contribute by way of grant or loan towards the expenses of any organisation or body which, in the opinion of the authority, provides or promotes the provision of cultural activities or facilities whether inside or outside the area of the local authority concerned.
- (2) Without prejudice to the generality of subsection (1) above, the power conferred by that subsection includes power to make such contribution as will support or promote music, theatre, dance, opera, visual art or other art forms and museums and galleries.”.
- (7) In section 18 (byelaws in relation to recreational, sporting etc. activities)—
  - (a) in subsection (1)—
    - (i) for “an islands or district council” substitute “ a local authority ”; and
    - (ii) for “council” substitute “ authority ”;
  - (b) in subsection (2)(b), for “council” substitute “ local authority ”; and
  - (c) in subsection (3), for “council”—
    - (i) where it first occurs, substitute “ local authority ”; and
    - (ii) where it secondly occurs, substitute “ authority ”.
- (8) In section 24(1) (provision of gardening assistance for certain persons), for “An islands or district council” substitute “ A local authority ”.
- (9) In section 25 (local authority’s functions in relation to cleansing of land)—
  - (a) in subsection (2), for “An islands or district council” substitute “ A local authority ”; and
  - (b) in subsection (3), for “islands or as the case may be district council” substitute “ local authority ”.
- (10) In section 26(1) (local authority’s functions in relation to the provision of public conveniences), for “An islands or district council” substitute “ A local authority ”.
- (11) In section 27 (local authority’s functions in relation to provision of a market)—
  - (a) in subsection (1)—
    - (i) for “An islands or district council” substitute “ A local authority ”; and
    - (ii) in paragraph (b)(i), for “council” substitute “ authority ”;
  - (b) in subsection (3), for “An islands or district council” substitute “ A local authority ”; and
  - (c) in subsection (4), the words from “Without” to “Act” shall cease to have effect.
- (12) In section 28 (local authority’s functions in relation to the provision of clocks)—
  - (a) for “An islands or district council” substitute “ A local authority ”; and
  - (b) in paragraph (b), for “council” substitute “ authority ”.
- (13) In section 30(1), for the words from “an islands” to “may”, where it first occurs, substitute “ a local authority may, with the consent of the roads authority ”.

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(14) In section 67 (interpretation), immediately before the definition of “the 1972 Act” insert—

“ “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; ”.

(15) Part I of Schedule 1 (which re-allocates certain functions relating to the countryside) shall cease to have effect.

*The Civic Government (Scotland) Act 1982 (c.45)*

129 (1) The Civic Government (Scotland) Act 1982 shall be amended in accordance with this paragraph.

(2) In section 2 (licensing authorities)—

- (a) in subsection (1), for “each district and islands area” substitute “ the area of each local authority ”; and
- (b) in each of subsections (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”.

(3) In section 45 (control of sex shops)—

- (a) in subsection (1), for “district or islands council” substitute “ local authority ”; and
- (b) in subsection (2)—
  - (i) for “district or islands council” substitute “ local authority ”; and
  - (ii) for “council’s” substitute “ authority’s ”.

(4) In section 62 (notification of processions)—

- (a) in subsection (1)—
  - (i) for “regional or islands council” substitute “ local authority ”; and
  - (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
- (b) in each of subsections (2), (4), (7), (9) and (11), for “regional or islands council”, wherever it occurs, substitute “ local authority ”;
- (c) in subsection (6)—
  - (i) for “regional or islands council” substitute “ local authority ”; and
  - (ii) for “council”, where it secondly occurs, substitute “ authority ”; and
- (d) in subsection (12), in the definition of “chief constable”—
  - (i) for “regional or islands council” substitute “ local authority ”; and
  - (ii) for “council”, where it secondly occurs, substitute “ authority ”.

(5) In section 63 (functions of authorities in relation to processions), in each of subsections (1), (1A)(a), (3) and (4), for “regional or islands council”, wherever it occurs, substitute “ local authority ”.

(6) In section 64 (appeals against orders under section 63)—

- (a) in subsection (4), for “regional or islands council” substitute “ local authority ”;
- (b) in subsection (6)—
  - (i) in paragraph (a)(i), for “regional or islands council” substitute “ local authority ”; and

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- (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”; and
  - (c) in subsection (7), for “council” substitute “ authority ”.
- (7) In section 87 (local authorities’ powers in relation to buildings in need of repair), subsection (6) shall cease to have effect.
- (8) In section 89 (safety of platforms etc.), subsection (10) shall cease to have effect.
- (9) In section 90 (lighting of common stairs etc.)—
  - (a) in each of subsections (2), (3), (4), (5), (6), (7), (8) and (9), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in each of subsections (8) and (9), for “council”, where it secondly occurs, substitute “ authority ”.
- (10) In section 91 (installation of lights in private property)—
  - (a) in subsection (1)—
    - (i) for “district or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”;
  - (b) in subsection (2), for “district or islands council” substitute “ local authority ”; and
  - (c) in subsection (3)—
    - (i) for “district or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly and thirdly occurs, substitute “ authority ”.
- (11) In section 92 (cleaning and painting of common stairs etc.)—
  - (a) in each of subsections (2), (3), (4), (6), (7) and (8), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (8), for “council”, where it secondly and thirdly occurs, substitute “ authority ”.
- (12) In section 94 (disused petrol containers)—
  - (a) in subsection (2), for “regional or islands council” substitute “ local authority ”; and
  - (b) in subsection (3)—
    - (i) for “regional or islands council” substitute “ local authority ”; and
    - (ii) for “council”, where it secondly occurs, substitute “ authority ”.
- (13) In section 95 (private open spaces), in each of subsections (2) and (3)(b), for “district or islands council” substitute “ local authority ”.
- (14) In section 96(1) (statues and monuments)—
  - (a) for “district or island council” substitute “ local authority ”; and
  - (b) for “council”, where it secondly occurs, substitute “ authority ”.
- (15) In section 97 (street names and house numbers), for “district or islands council” substitute “ local authority ”.
- (16) In section 119 (regulation of charitable collections)—
  - (a) in each of subsections (1), (3), (4), (5), (6), (7), (8), (9), (10)(a) and (b) and (12), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and

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- (b) in subsection (3), for “council”, where it secondly occurs, substitute “ authority ”.
- (17) In section 120 (savings for Crown and other rights), for “district or islands council” substitute “ local authority ”.
- (18) In section 121 (control of the seashore, adjacent waters and inland waters)—
- (a) in each of subsections (1), (3), (4), (5)(a) and (c), (6), (7), (8), (9), (10) and (11), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (b) in subsection (7), for “council”, where it secondly occurs, substitute “ authority ”.
- (19) In section 122 (power to execute works on seashore)—
- (a) in each of subsections (1), (3), (4) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (b) in subsection (2)—
    - (i) in paragraph (a), for “council” substitute “ local authority ”; and
    - (ii) in paragraph (b)—
      - (A) after sub-paragraph (i) insert “ and ”;
      - (B) in sub-paragraph (ii), for “the district council” substitute “ any local authority other than the authority for Orkney Islands, Shetland Islands or Western Isles ”; and
      - (C) sub-paragraph (iii) and the word “and” immediately preceding it shall cease to have effect;
  - (c) in subsection (5), for “council”, where it secondly occurs, substitute “ local authority ”.
- (20) In section 123 (interpretation of sections 120 to 122)—
- (a) in subsection (1), in the definition of “adjacent waters”, in paragraph (b), for “district council” substitute “ local authority ”; and
  - (b) in subsection (2), after the words “purposes of”, where they secondly occur, insert “ giving notice or, as the case may be, ”.
- (21) In section 133 (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (22) In Schedule 2 (control of sex shops)—
- (a) in each of paragraphs 3, 4, 5(1), (3), (4), (5), (6), (7) and (8), 7(2), (7), (8) and (10) and 8(1), (2), (3), (4), (5), (6), (7) and (8), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (b) in paragraph 6—
    - (i) in sub-paragraph (1), for “district or islands council” substitute “ local authority ”; and
    - (ii) in sub-paragraph (6), for “islands or district council” substitute “ local authority ”;
  - (c) in paragraph 9—
    - (i) in sub-paragraphs (1), (2), (4) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and

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- (ii) in sub-paragraphs (3)(g) and (h), for “council”, in each place where it occurs, substitute “ local authority ”;
- (d) in paragraph 10—
  - (i) in sub-paragraphs (1), (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (ii) in sub-paragraph (3), for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
- (e) in paragraph 12(1), (2)(b), (3), (4) and (6) for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (f) in paragraph 13—
  - (i) in sub-paragraphs (1), (2), (4), (5), (6), (7), (8), (9) and (10), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (ii) in sub-paragraphs (6) and (9), for “council”, where it secondly occurs in each of those paragraphs, substitute “ authority ”;
- (g) in paragraph 14—
  - (i) in sub-paragraph (1), for “islands or district council” substitute “ local authority ”; and
  - (ii) in sub-paragraphs (2), (3), (4), (5), (6) and (7), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (h) in paragraph 15—
  - (i) in sub-paragraphs (1), (2), (3) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (2)(b), for “council” substitute “ authority ”; and
  - (iii) in sub-paragraph (3), for “council”, where it secondly occurs, substitute “ local authority ”;
- (i) in paragraph 16(1), (2), (3) and (4), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (j) in paragraph 17—
  - (i) in sub-paragraphs (1), (2) and (4), for “district or islands council”, wherever it occurs, substitute “ local authority ”; and
  - (ii) in sub-paragraph (4), for “council”, where it secondly occurs, substitute “ authority ”;
- (k) in paragraph 18—
  - (i) in sub-paragraphs (1) and (2), for “district or islands council” substitute “ local authority ”;
  - (ii) in sub-paragraph (1), for “council”, where it secondly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (2), for “council”, where it secondly and thirdly occurs, substitute “ authority ”;
- (l) in each of paragraphs 19(8) and 20(1), (3) and (5), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
- (m) in paragraph 22—
  - (i) for “district or islands council” substitute “ local authority ”; and
  - (ii) for “its” substitute “ their ”;
- (n) in paragraph 23—
  - (i) in sub-paragraphs (1), (2) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”;

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- (ii) in sub-paragraph (2), for “council”, where it secondly occurs, substitute “ authority ”; and
- (iii) in sub-paragraph (4)(c), for “council” substitute “ local authority ”;
- (o) in paragraph 24—
  - (i) in sub-paragraphs (1), (2)(a), (3), (6), (7) and (9), for “district or islands council”, wherever it occurs, substitute “ local authority ”;
  - (ii) in sub-paragraph (6), for “council”, where it secondly, thirdly and fourthly occurs, substitute “ authority ”; and
  - (iii) in sub-paragraph (9)(b), for “council” substitute “ authority ”; and
- (p) in paragraph 25(1) and (3), for “district or islands council”, wherever it occurs, substitute “ local authority ”.

#### Commencement Information

**I16** Sch. 13 para. 129 wholly in force at 1.4.1996; Sch. 13. para. 129 not in force at Royal Assent see s. 184(2); Sch. 13. para. 129(1)(20)(b) in force at 4.1.1995 by S.I. 1994/2850, art. 3(e)(xi); Sch. 13 para. 129 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### *The Representation of the People Act 1983 (c.2)*

- 130 (1) The Representation of the People Act 1983 shall be amended in accordance with this paragraph.
- (2) In section 8 (registration officers), for subsection (3) substitute—
- “(3) In Scotland, every local authority shall appoint an officer of the authority for their area or for any adjoining area, or an officer appointed by any combination of local authorities, to be registration officer for any constituency or part of a constituency which is situated within their area.”.
- (3) In section 25 (returning officers: Scotland)—
- (a) in subsection (1)—
    - (i) for “region or islands”, in both places where it occurs, substitute “ local government ”; and
    - (ii) for “regional or islands council” substitute “ local authority for that area ”;
  - (b) in subsection (2)—
    - (i) for the words from “The council” where they first occur, to “area”, where it first occurs, substitute “ Every local authority ”;
    - (ii) for “that region or islands” substitute “ their ”; and
    - (iii) for “council”, where it secondly occurs, substitute “ authority ”; and
  - (c) subsection (3) shall cease to have effect.
- (4) In section 31(2) (polling districts in Scotland)—
- (a) for “regional or islands”, where it first occurs, substitute “ local authority ”;
  - (b) for “regional or islands council” substitute “ local authority ”;
  - (c) for “division” substitute “ ward ”; and
  - (d) the words from “and for” to “polling district”, where it secondly occurs, shall cease to have effect.



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- (5) In section 52(4)(b) (provision of officers of local authority to assist registration officer), for the words from “the” to “area” substitute “ every local authority ”.
- (6) In section 82(4)(b) (declaration as to election expenses), for “regional, islands or district council” substitute “ local authority ”.
- (7) In section 96(3)(b) (meeting rooms for local election meetings), for the words from “the council” to “district” substitute “ a local authority ”.
- (8) In section 204 (general application to Scotland)—
  - (a) in the definition of “electoral area”, the words “division or” shall cease to have effect;
  - (b) for the definition of “local authority” substitute—

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
  - (c) for the definition of “local government area” substitute—

““local government area” means the area of a local authority;”.
- (9) In Schedule 5 (use for parliamentary election meetings of rooms in school premises and of meeting rooms), in paragraph 6(b), for “the council of every islands area and district” substitute “ every local authority ”.

*The Level Crossings Act 1983 (c.16)*

- 131 In section 1(11) of the Level Crossings Act 1983 (safety arrangements at level crossings: interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Litter Act 1983 (c.35)*

- 132 (1) The Litter Act 1983 shall be amended in accordance with this paragraph.
- (2) In section 4 (consultation and proposals for abatement of litter), for subsection (4) substitute—
- “(4) In Scotland, it shall be the duty of each local authority to consult from time to time with such voluntary bodies as the local authority consider appropriate and as agree to participate in the consultations about the steps which the authority and each of the bodies with which they consulted are to take for the purpose of abating litter in the authority’s area; and it shall be the duty of the local authority—
- (a) to prepare and from time to time revise a statement of the steps which the authority and each of the bodies agree to take for the purpose,
  - (b) to take such steps as in their opinion will give adequate publicity in their area to the statement, and
  - (c) to keep a copy of the statement available at their principal office for inspection by the public free of charge at all reasonable hours.
- (4A) In subsection (4) above “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

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- (3) In section 8(7) (interpretation of sections 7 and 8), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Telecommunications Act 1984 (c.12)*

- 133 (1) The Telecommunications Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 97(3)(b) (contributions by local authorities towards provision of facilities: interpretation), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 98(9) (interpretation of section)—
- (a) in the definition of “public sewer”, in paragraph (b), for “regional or islands council” substitute “ sewerage authority ”;
  - (b) after that definition insert—  
“sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) in the definition of “water authority”, in paragraph (b), for the words from “means” to “1980” substitute “ shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994 ”.

*The Road Traffic Regulation Act 1984 (c.27)*

- 134 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 19(3)(b) (local authority in Scotland empowered to regulate use of roads by public service vehicles), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 26 (arrangements for patrolling school crossings)—
- (a) in subsection (2), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) in subsection (4)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b) and the word “and” immediately before it,
shall cease to have effect; and
  - (c) in subsection (5)—
    - (i) the letter “(a)”; and
    - (ii) paragraph (b) and the word “or” immediately before it; and
    - (iii) the words “or, in Scotland, the district council”,
shall cease to have effect.
- (4) In section 32(4)(a) (meaning of certain expressions for purposes of sections 33 to 41), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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- (5) In section 37(1)(b) (orders made by local authorities in Scotland for purposes of general scheme of traffic control), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (6) In section 44(1)(b) (control of off-street parking), for the words from “regions” to “council” substitute “local authority areas, by the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for the area”.
- (7) In section 45(7)(c) (meaning of “local authority” for purposes of sections 45 to 55), for “the regional or islands council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (8) In section 100(5)(c) (meaning of “local authority” in Scotland for purposes of section), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (9) In section 121A(4) (traffic authorities), for “regional or islands council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

*The Roads (Scotland) Act 1984 (c.54)*

- 135 (1) The Roads (Scotland) Act 1984 shall be amended in accordance with this paragraph.
- (2) In section 9(1)(e) (supplementary orders relating to special roads)—
    - (a) for “regional council”, in both places where it occurs, substitute “local authority”; and
    - (b) after “that”, where it secondly occurs, insert “special road”.
  - (3) In section 55(3) (arrangements for provision of meals etc. on picnic sites), for “regional, islands or district council” substitute “local authority”.
  - (4) In section 93(3)(a) (protection of road users from dangers near a road), for the words from “ratepayer” to “islands” substitute “person, being a ratepayer or person liable to pay council tax within their”.
  - (5) In section 95(2) (recovery of expenses by road authority where contravention of section), the words “or by the district council” shall cease to have effect.
  - (6) In section 97(6) (trading: meanings of certain expressions)—
    - (a) in the definition of “relevant public market”, in paragraph (b), for “regional, islands, or district council” substitute “local authority”; and
    - (b) in the proviso to that definition, for “council”, in both places where it occurs, substitute “local authority”.
  - (7) In section 113(1)(c) (transfer of property and liabilities in connection with special roads etc.), for “regional council” substitute “local authority”.
  - (8) In section 135 (restriction on powers of authority in which sewers and sewage disposal works are vested), in each of subsections (1) and (2), for “local” substitute “sewerage”.
  - (9) In section 143(2)(a)(ii) (procedure for orders), after “section 8” insert “113A”.

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(10) In section 151 (interpretation)—

- (a) in subsection (1)—
  - (i) in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (ii) in the definition of “maintenance”, in paragraph (b), for “an islands or district council” substitute “ a local authority ”;
  - (iii) in the definition of “roads authority”—
- (A) for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
- (B) for “council”, where it secondly occurs, substitute “ local authority ”;
  - (iv) after the definition of “roads authority” insert—
    - ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
  - (v) in the definition of “water authority”, for “3 of the <sup>M40</sup>Water (Scotland) Act 1980” substitute “ 62 of the Local Government etc. (Scotland) Act 1994 ”; and
- (b) in subsection (3)(c), for “an islands or district council” substitute “ a local authority ”.

(11) In Schedule 1 (procedures for making or confirming certain orders and schemes)—

- (a) in paragraph 3, in the Table—
  - (i) in entry (i), in column 2, for the words from “The council” to “in which” substitute “ Every local authority in whose area ”;
  - (ii) in entry (iii), in column 2, for the words from “The council” to “district” substitute “ Every local authority ”;
  - (iii) in entry (v), in column 2, for the words from “The council” to “which” substitute “ Every local authority in whose area ”; and
  - (iv) in entry (vii), in column 2, for the words from “The council” to “which” substitute “ Every local authority in whose area ”; and
- (b) in paragraph 10(a), for the words from “the council” to “district” substitute “ every local authority ”.

**Marginal Citations**

**M40** 1980 c. 45.

*The Foster Children (Scotland) Act 1984 (c.56)*

- 136 In section 21(1) of the Foster Children (Scotland) Act 1984 (interpretation), in the definition of “local authority”, for the words from “the” to “area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Rent (Scotland) Act 1984 (c. 58)*

- 137 (1) The Rent (Scotland) Act 1984 shall be amended in accordance with this paragraph.

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In section 5(2) (no protected or statutory tenancy where landlord's interest belongs to local authority etc.)—
- (a) in paragraph (a) for—
- (i) “regional, islands or district council”, in both places where it occurs; and
- (ii) “an islands or district council”, substitute “ local authority ”; and
- (b) after paragraph (a) insert—
- “(aa) a water authority or sewerage authority;”.
- (3) In section 43(1) (registration areas for purposes of Part V), for “districts and islands areas” substitute “ areas of local authorities ”.
- (4) In section 62(1) (registration areas for purposes of Part VII), for “districts and islands areas” substitute “ areas of local authorities ”.
- (5) In section 63(4) (bodies for purposes of subsection (3)(b)), for paragraph (a) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;
- (aa) a water authority or sewerage authority;”.
- (6) In section 115(1) (interpretation)—
- (a) in the definition of “local authority”, for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
- (b) after the definition of “rent assessment committee” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (c) after the definition of “tenant” insert—
- ““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”.

*The Cinemas Act 1985 (c.13)*

- 138 In section 21(1) of the Cinemas Act 1985 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Child Abduction and Custody Act 1985 (c.60)*

- 139 In section 27(3)(b) of the Child Abduction and Custody Act 1985 (interpretation), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*The Water (Fluoridation) Act 1985 (c.63)*

- 140 (1) The Water (Fluoridation) Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 1 (fluoridation of water supplies at request of health authority)—
- (a) in subsection (6), after “conferred by” insert “ subsections (1) to (5) of ”; and
  - (b) in subsection (7), for “water undertaker in exercise of the power conferred by section 87 of the <sup>M41</sup>Water Industry Act 1991” substitute “ water undertaker (within the meaning of the Water Industry Act 1991) in exercise of the power conferred by section 87 of that Act; and where a water undertaker (within that meaning) is operating a fluoridation scheme by virtue of Schedule 7 to that Act, subsection (6) shall apply in relation to the scheme as that subsection applies, by virtue of the foregoing provisions of this subsection, to fluoridation in exercise of the power so conferred. ”.
- (3) Section 3 (continuity of existing fluoridation schemes) shall cease to have effect.
- (4) In section 4 (publicity and consultation)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute “ to make or withdraw an application ”;
  - (b) in subsection (2), for paragraph (b), substitute—
    - (b) give notice of the proposal to—
      - (i) the Customers Council; and
      - (ii) every local authority whose area falls wholly or partly within the area affected by the proposal.”;
  - (c) in subsection (3), for “local authorities (if any) to whom they are required by subsection (2)(b)” substitute “ bodies to whom they are required by subsection (2)(b)(i) and (ii) ”; and
  - (d) in subsection (6), the words “or to terminate a preserved scheme” and in subsection (7) the words “or terminate a preserved scheme” shall cease to have effect.
- (5) In section 5 (interpretation)—
- (a) for the definition of “appropriate authority” substitute—
 

““Customers Council” means the Scottish Water and Sewerage Customers Council;”;
  - (b) for the definition of “local authority” (and the word “and” immediately following that definition) substitute—
 

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;
  - (c) for the definition of “statutory water undertaker” substitute—
 

““statutory water undertaker” means a water authority; and

“water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

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*Changes to legislation:* Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Marginal Citations

**M41** 1991 c. 56.

#### *The Transport Act 1985 (c.67)*

- 141 In section 93 of the Transport Act 1985 (travel concession schemes)—
- (a) in subsection (8)(b)—
    - (i) after “also” insert “—  
(i)”;  
and
    - (ii) after “authority” insert “; and  
(ii) in relation to Scotland, Strathclyde  
Passenger Transport Authority”; and
  - (b) in subsection (9)—
    - (i) in paragraph (a), after “paragraph (b)” insert “ or (c) ”; and
    - (ii) in paragraph (b), after “jointly” insert “; or  
(c) where the authority or one of the authorities  
concerned in establishing the scheme are  
Strathclyde Passenger Transport Authority, to  
Strathclyde Passenger Transport Executive or (as  
the case may require) to that Executive and the  
other authority or authorities so concerned acting  
jointly.”.

#### *The Housing Act 1985 (c.68)*

- 142 (1) The Housing Act 1985 shall be amended in accordance with this paragraph.
- <sup>F20</sup>(2) .....
- (3) In Schedule 4 (qualifying period for right to buy and discount)—
- (a) in paragraph 7(2), for “regional, islands or district council” substitute “  
council constituted under section 2 of the Local Government etc. (Scotland)  
Act 1994 ”; and
  - (b) in paragraph 7A(1)(b), for “an islands or district council” substitute “ a local  
housing authority ”.

### Textual Amendments

**F20** Sch. 13 para. 142(2) repealed (20.1.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. VIII; S.I. 1996/2959, art.2

#### *The Housing Associations Act 1985 (c.69)*

- 143 (1) The Housing Associations Act 1985 shall be amended in accordance with this paragraph.
- (2) In section 59(1) and (2) (powers of local authorities to promote and assist housing associations: Scotland), the words “or regional council”, wherever they occur, shall cease to have effect.

**Status:** Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** *Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) In section 104 (local housing authorities)—
- (a) in subsection (1)(b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in subsection (2)(b), for the words from “islands” to “be” substitute “ area of a council mentioned in subsection (1)(b) above ”.
- (4) In section 106(2) (minor definitions), in the definition of “local authority”, for “an islands council or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Weights and Measures Act 1985 (c.72)*

- 144 In section 69(3) of the Weights and Measures Act 1985 (local weights and measures authorities: Scotland), for the words from “each” to “council” substitute “ the area of each council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 shall be the council for that area ”.

*The Local Government Act 1986 (c.10)*

- 145 In section 6(2)(b) of the Local Government Act 1986 (interpretation and application of Part II), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Civil Protection in Peacetime Act 1986 (c.22)*

- 146 In section 1(1) of the Civil Protection in Peacetime Act 1986 (application of Act)—
- (a) after “that Act” insert “ including, by virtue of section 4A of that Act, any two or more local authorities jointly and a joint board and joint committee ”; and
  - (b) after “authority”, where it thirdly occurs, insert “ or, as the case may be, the local authorities, joint board or joint committee ”.

*The Airports Act 1986 (c.31)*

- 147 In section 12(1) of the Airports Act 1986 (interpretation of Part II), in the definition of—
- (a) “local authority”, in paragraph (b), for the words from “has” to “1973” substitute “ means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) “principal council”, in paragraph (b), for “regional or islands council” substitute “ local authority ”.

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 148 (1) The Disabled Persons (Services, Consultation and Representation) Act 1986 shall be amended in accordance with this paragraph.
- (2) In section 2(9) (rights of authorised representatives of disabled persons: definitions), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.



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- (3) In section 16 (interpretation), in the definition of “local authority”, in paragraph (b)—
- (a) for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
  - (b) the words “, as read with section 2,” shall cease to have effect; and
  - (c) after “Act” insert “ or any of the enactments mentioned in section 5(1B) of that Act ”.

*The Parliamentary Constituencies Act 1986 (c.56)*

- 150 In section 6(4)(b) of the Parliamentary Constituencies Act 1986 (definitions for purposes of section 6(2)), for the words from “the” to “district” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Debtors (Scotland) Act 1987 (c. 18)*

- 151 (1) The Debtors (Scotland) Act 1987 shall be amended in accordance with this paragraph.
- (2) In each of sections 1(5)(e) (competence of time to pay direction) and 5(4)(e) (competence of time to pay order), after sub-paragraph (ii) (and before the word “or” immediately following that sub-paragraph), insert—
- “(ia) a collecting authority (within the meaning of section 79 of the Local Government etc. (Scotland) Act 1994) in respect of any charges payable to them by virtue of that section;”.
- (3) In section 106 (interpretation), for the definition of “summary warrant” substitute—
- ““summary warrant” means a summary warrant granted under or, as the case may be, by virtue of—
- (a) paragraph 7 of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987;
  - (b) paragraph 2 of Schedule 8 to the <sup>M42</sup>Local Government Finance Act 1992;
  - (c) paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994; or
  - (d) any of the enactments mentioned in Schedule 4 to this Act;”.
- (4) In paragraph 35 of Schedule 5 (interpretation), in the definition of “creditor”, after paragraph (e) add—
- “; and
- (f) for the purposes of paragraph 2 of Schedule 10 to the Local Government etc. (Scotland) Act 1994, the collecting authority (within the meaning of section 79 of that Act).”.

**Marginal Citations**

M42 1992 c. 14.

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*The Housing (Scotland) Act 1987 (c.26)*

- 152 (1) The Housing (Scotland) Act 1987 shall be amended in accordance with this paragraph.
- (2) In section 61 (secure tenant’s right to purchase)—
- (a) in subsection (2)(a), for sub-paragraphs (i) and (ii) substitute—
- “(i) a local authority, or a joint board or joint committee of two or more local authorities, or the common good of a local authority or any trust under the control of a local authority; or
- (ii) a water authority or sewerage authority;”;
- (b) in subsection (11)(a)—
- (i) for “a regional, islands or district council” substitute “ any local authority ”;
- (ii) the words “council or”, where they first occur, shall cease to have effect; and
- (iii) for “council”, where it thirdly and fourthly occurs, substitute “ authority ”; and
- (c) in subsection (11)(1), after “a water authority” insert “ or sewerage authority ”.
- (3) In section 64(6) (conditions of sale: houses in designated rural areas), for “islands or district council”, in both places where it occurs, substitute “ local authority ”.
- (4) In section 70 (power to refuse to sell certain houses required for educational purposes)—
- (a) in subsection (1), for “an islands” substitute “ a ”; and
- (b) after subsection (2) insert—
- “(3) In this section “council” means the local authority for Orkney Islands, Shetland Islands or Western Isles.”.
- (5) In section 212(4) (authorities empowered to give rent increase notices)—
- (a) in paragraph (a), for “regional, islands or district council” substitute “ local authority ”; and
- (b) in paragraph (e), the words “or a water development board” shall cease to have effect.
- (6) In section 300(1)(a) (meaning of “public sector authority”), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 338(1) (interpretation)—
- (a) for the definition of “local authority” substitute—
- ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and the district of a local authority means the area of such a council;”;
- (b) after the definition of “a service charge” insert—

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- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;” and
- (c) for the definitions of “water authority” and “water development board” substitute—

““water authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

- (8) In Part I of Schedule 3 (grounds on which court may order recovery of possession), in paragraph 15(a), for “an islands council” substitute “ the council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994) for Orkney Islands, Shetland Islands or Western Isles ”.

*The Fire Safety and Safety of Places of Sport Act 1987 (c.27)*

- 153 In section 41 of the Fire Safety and Safety of Places of Sport Act 1987 (interpretation), in the definition of “local authority”, in paragraph (d), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Access to Personal Files Act 1987 (c.37)*

- 154 In Schedule 2 to the Access to Personal Files Act 1987 (accessible personal information: Scotland)—
- (a) in paragraph 1, in the table, in the entry relating to “Social work authority”, for “section 2(2)” substitute “ section 5(1B) ”; and
- (b) in paragraph 2(2), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Income and Corporation Taxes Act 1988 (c.1)*

- 155 In section 842A(3) of the Income and Corporation Taxes Act 1988 (local authorities)—
- (a) for paragraphs (a), (b) and (c) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
- (b) in paragraph (e), for the words from “falling” to the end substitute “ such as is mentioned in paragraph (a) above ”.

*The Gas Act 1986 (c.44)*

PROSPECTIVE

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F21** Sch. 13 para. 149 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

### *The Local Government Act 1988 (c.9)*

- 156 (1) The Local Government Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 1 (interpretation)—
- (a) in subsection (1)—
    - (i) after paragraph (h) insert “ and ”; and
    - (ii) paragraph (k) and the word “and” immediately preceding it shall cease to have effect; and
  - (b) in subsection (3)(a) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 2 (defined activities), after subsection (9) insert—
- “(10) Without prejudice to his powers to make orders or regulations under any other provision of this Part of this Act, the Secretary of State may by order provide that, from 31st March 1995 or such later date as may be specified in the order until such date as may be so specified, being a date not later than 31st December 2001, the provisions of this Part of this Act shall apply in relation to local authorities subject to such modifications as may be so specified.”.
- (4) In section 15 (orders, regulations etc.), in each of subsections (2) and (5), after “section 2(9)” insert “ or 2(10) ”.
- (5) In section 24(6) (interpretation of Part III of Act), in the definition of—
- (a) “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) “local housing authority”, in paragraph (b), for “an islands or district council” substitute “ a local authority ”.
- (6) In Schedule 2 (public supply or works contracts: the public authorities)—
- (a) after the entry relating to the Peak Park Joint Planning Board insert— “ The Strathclyde Passenger Transport Authority. ”; and
  - (b) for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

### Commencement Information

**I17** Sch. 13 para. 156 partly in force; Sch. 13. para. 156 not in force at Royal Assent see s. 184(2); Sch. 13. para. 156(1)(3)(4) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(xii); Sch. 13 para. 156 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

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*The Housing (Scotland) Act 1988 (c.43)*

- 157 (1) The Housing (Scotland) Act 1988 shall be amended in accordance with this paragraph.
- (2) In section 43(3)(a) (certain tenancies secure where interest of landlord belongs to local authority etc.), for sub-paragraphs (i) and (ii) substitute—
- “(i) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
- (ia) a water authority or sewerage authority;”.
- (3) In section 45(4) (transfer of existing tenancies: public bodies), for paragraphs (a) and (b) substitute—
- “(a) it belongs to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council; or
- (aa) it belongs to a water authority or sewerage authority;”.
- (4) In section 55(1) (interpretation of Part II of the Act)—
- (a) after the definition of “prescribed” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”;
- (b) the word “and”, where it occurs immediately after the definition of “tenancy”, shall cease to have effect; and
- (c) after the definition of “tenant” insert—
- “; and
- “water authority” shall be construed in accordance with the said section 62.”.
- (5) In section 56 (right conferred by Part III)—
- (a) in subsection (3), for paragraph (a) substitute—
- “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council”;
- (b) in subsection (5)(c), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”;
- (c) in subsection (6)(a), for “an islands council” substitute “ the council for Orkney Islands, Shetland Islands or Western Isles ”; and
- (d) in subsection (9)(a), for “islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 57(1) (persons by whom right may be exercised)—

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- (a) the word “neither” shall cease to have effect;
- (b) the words from “nor” to “council”, where it thirdly occurs, shall cease to have effect; and
- (c) after “may” insert “ not ”.

(7) In Schedule 4 (tenancies which cannot be assured tenancies), in paragraph 11—

- (a) for sub-paragraph (a) substitute—
  - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a joint board or joint committee of two or more such councils, or the common good of such a council or any trust under the control of such a council;
  - (aa) a water authority or sewerage authority;”;
- (b) for the word “and”, where it occurs immediately after sub-paragraph (e), substitute “ or ”.

*The School Boards (Scotland) Act 1988 (c.47)*

158 (1) The School Boards (Scotland) Act 1988 shall be amended in accordance with this paragraph.

(2) In section 5 (persons entitled to attend Board meetings, etc.)—

- (a) in subsection (1), for the words from “The Director” to “purpose” substitute the words “ An officer of an education authority ”; and
- (b) in subsection (2), for the words from “The regional” to “division” substitute the words “ The councillor for the electoral ward ”.

(3) In subsection (2) of section 22 (interpretation)—

- (a) after the definition of “co-opted members” insert—
  - ““councillor” means a councillor elected under section 5 of the Local Government etc. (Scotland) Act 1994”;
- (b) for the definition of “electoral division” substitute—
  - ““electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994”; and
- (c) the definitions of “islands councillor” and “regional councillor” shall cease to have effect.

(4) In Schedule 2 (application of 1973 Act to appointment committees)—

- (a) in paragraph 5 the words “Schedule 10 to” and “and Schedule 10 to” shall cease to have effect;
- (b) in paragraph 14(a) for the words “Director of Education” substitute the words “ education authority ”; and
- (c) in paragraph 15 for the words from “The Director” to “purpose” substitute the words “ An officer of the education authority ”.

*The Road Traffic Act 1988 (c.52)*

159 (1) The Road Traffic Act 1988 shall be amended in accordance with this paragraph.

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- (2) In section 27(7)(b) (local authorities who may designate roads, etc.), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 33(5)(b) (local authorities who may authorise certain motor vehicle trials), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 39(4)(b) (powers of local authorities as to giving road safety information etc.), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (5) In section 45(3)(c) (inspectors appointed by designated councils to carry out vehicle tests), for “the council of a region or islands area” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 67B(2) (tests to check whether defects have been remedied), for “a region or islands area” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 124(2) (exemption of police instructors from prohibition imposed by section 123), in the definition of “local authority”, in paragraph (b), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 144(2)(a)(ii) (local authority exempt from requirement for third-party insurance or security), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (9) In Schedule 2 (deferred tests of condition of vehicles), in paragraph 1(b), for “an islands area or district” substitute “ the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Electricity Act 1989 (c.29)*

- 160 (1) Schedule 5 to the Electricity Act 1989 (water rights for hydro-electric generating stations in Scotland) shall be amended in accordance with this paragraph.
- (2) In paragraph 8(a)—
    - (a) after “authority;” insert “ and ”;
    - (b) for “regional and district councils or the islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
    - (c) the words “; and (iii) the water development board” shall cease to have effect.
  - (3) In paragraph 9, the words “and the water development board” shall cease to have effect.
  - (4) In paragraph 14, the words “, or the area of any water development board,” shall cease to have effect.

**Status:** Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** *Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Local Government and Housing Act 1989 (c.42)*

- 161 (1) The Local Government and Housing Act 1989 shall be amended in accordance with this paragraph.
- (2) In section 2(6) (politically restricted posts)—
- (a) in paragraph (a), the words “or director of education” and the words from “or section” to “1980” shall cease to have effect; and
  - (b) in paragraph (c), for “director of social work” substitute “ chief social work officer ”.
- (3) In section 4 (designation and reports of head of paid service)—
- (a) in subsection (5), the words “, or Schedule 10 or 20 to,” shall cease to have effect; and
  - (b) in subsection (6)(b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 5(5) (reports of monitoring officer etc.), the words “, or Schedule 10 or 20 to,” shall cease to have effect.
- (5) In section 8(5)(b) (local authorities to adopt standing orders with respect to staff), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (6) In section 9 (assistants for political groups)—
- (a) in subsection (8)(b), the words “, or Schedule 10 or 20 to,” shall cease to have effect; and
  - (b) in subsection (11), in the definition of “relevant authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (7) In section 14 (voting rights of members of certain committees: Scotland)—
- (a) subsections (2) and (3) shall cease to have effect;
  - (b) in subsection (4), for the words “subsections (1) to (3)” substitute “ subsection (1) ”;
  - <sup>F22</sup>(c) .....
  - (d) for subsection (6) substitute—
 

“(6) Nothing in this section shall prevent the appointment as a voting member of—

    - (a) a committee such as is mentioned in subsection (1) of section 124 of the <sup>M43</sup>Local Government (Scotland) Act 1973 (committees appointed by education authority); or
    - (b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or
    - (c) any sub-committee of such a committee or joint committee, of a person such as is mentioned in subsection (4) of the said section 124.”;
  - (e) in subsection (8), after paragraph (a) insert—



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*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(aa) section 124(5);” and

(f) in subsection (9), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

(8) In section 21(2) (interpretation of Part I), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

(9) In section 31(8) (National Code of Local Government Conduct), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

(10) In section 151(4) (power to amend provisions about charges), for paragraphs (b) and (c) substitute—

“or

(b) it is a charge amounting to local taxation.”

(11) In section 152(3) (application of certain provisions as respects Scotland)—

(a) for paragraphs (a), (b) and (c) substitute—

“(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and

(b) for paragraphs (e) and (f) substitute—

“and

(e) a joint board or joint committee within the meaning of section 235(1) of the Local Government (Scotland) Act 1973.”

(12) In section 155(5) (emergency financial assistance to local authorities)—

(a) for paragraphs (a), (b) and (c) substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and

(b) the letter “(d)” shall cease to have effect.

(13) In section 157(6) (commutation of, and interest on, periodic payments of grants etc. to local authorities), for “regional, islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

(14) In section 170(9) (authorities empowered to provide services etc. for owners or occupiers of houses as respects certain works), for “regional, islands or district council” substitute “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### Textual Amendments

**F22** Sch. 13 para. 161(7)(c) repealed (1.4.1997) by 1995 c. 36, s. 105(5), Sch. 24; S.I. 1996/3201, art. 3(7)

#### Marginal Citations

**M43** 1973 c. 65.

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Prisons (Scotland) Act 1989 (c.45)*

- 162 (1) The Prisons (Scotland) Act 1989 shall be amended in accordance with this paragraph.
- (2) In section 8(1) (visiting committees), for “regional, island and district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 14 (legalised police cells)—
- (a) in subsection (2)—
    - (i) for “any region or islands area” substitute “ the area of a council ”; and
    - (ii) the words “region or islands”, where they secondly occur, shall cease to have effect;
  - (b) in subsection (5), for “any region or islands area” substitute “ the area of a council ”;
  - (c) in subsection (6), for “islands area of Orkney or of Shetland” substitute “ areas of the councils for Orkney Islands and Shetland Islands ”;
  - (d) in subsection (7)—
    - (i) for “the council of a region or islands area” substitute “ a council ”; and
    - (ii) for “committee” substitute “ board ”; and
  - (e) after subsection (8) insert—
 

“(9) In this section, “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.
- (4) In section 16 (discharge of prisoners)—
- (a) in subsection (2), the words “district or islands”, in both places where they occur, shall cease to have effect; and
  - (b) after subsection (2) insert—
 

“(3) In this section, “area” means the area of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

**Modifications etc. (not altering text)**

**C1** Sch. 13 para. 162(2) excluded (*temp.* until 1.4.1996) by S.I. 1995/3326, art. 4

**Commencement Information**

**I18** Sch. 13 para. 162 wholly in force at 1.4.1996; Sch. 13 para. 162 not in force at Royal Assent see s. 184(2); Sch 13 para. 162(1)(2) in force at 22.12.1995 and Sch. 13 para. 162(3)(4) in force at 1.4.1996 by S.I. 1995/3326, arts. 2(b), 3(b) (with saving in art. 4)

*The Food Safety Act 1990 (c.16)*

- 163 (1) The Food Safety Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 5(2) (food authorities in Scotland), for “islands or district councils” substitute “ councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Status:** Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In section 27(1) (appointment of public analysts), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In section 28(1) (provision of facilities for examinations), for “regional council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Enterprise and New Towns (Scotland) Act 1990 (c.35)*

- 164 (1) The Enterprise and New Towns (Scotland) Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 21 (areas of operation of Highlands and Islands Enterprise)—
- (a) in subsection (1)—
    - (i) for paragraph (a) substitute—

“(a) the local government areas of Highland, Western Isles, Orkney Islands, Shetland Islands and that part of Argyll and Bute which is the area of the former Argyll and Bute District Council and the islands of Arran, Great Cumbrae and Little Cumbrae;” and
    - (ii) in paragraph (b), for “Moray District” substitute “ local government area of Moray, ”; and
  - (b) after subsection (4) insert—

“(5) In this section references to local government areas are references to the new local government areas within the meaning of Part I of the Local Government etc. (Scotland) Act 1994.”.
- (3) In section 36(1) (interpretation), in the definition of “local authority”, for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40)*

- 165 (1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 shall be amended in accordance with this paragraph.
- (2) In section 62(6) (local authorities for purposes of supervised attendance orders), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In Schedule 6 (supervised attendance orders), in paragraph 2(3)(b), for “director of social work” substitute “ chief social work officer ”.

*The Broadcasting Act 1990 (c.42)*

- 166 In Schedule 2 to the Broadcasting Act 1990 (restrictions on the holding of licences), in paragraph 1(1), in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Environmental Protection Act 1990 (c.43)*

167 (1) The Environmental Protection Act 1990 shall be amended in accordance with this paragraph.

<sup>F23</sup>(2) .....

(3) In section 30 (authorities for purposes of Part II), in each of subsections <sup>F24</sup> . . . (2)(g) and (3)(c), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

<sup>F23</sup>(4) .....

<sup>F23</sup>(5) .....

(6) In section 45(10) (application to Scotland of certain sections of the 1968 Act for purposes connected with the collection of controlled waste), for paragraphs (a) and (b) substitute—

- “(a) the said section 2 conferred a power on a waste collection authority rather than a duty on a sewerage authority;
- (b) in the said section 3—
  - (i) references to a sewerage authority were references to a waste collection authority; and
  - (ii) in references to public sewers and public sewage works the word “public” were omitted;
- (c) in the said section 4, the reference to a sewerage authority were a reference to a waste collection authority and the words from “by virtue” to the end were omitted; and
- (d) in the said section 41, the reference to a sewerage authority were a reference to a waste collection authority.”.

<sup>F23</sup>(7) .....

(8) In section 53 (duties of authorities as respects disposal of waste collected: Scotland)

- (a) in subsection (4)—
  - (i) the words “(other than an islands council)” shall cease to have effect; and
  - (ii) in paragraphs (a) and (b), for “regional council”, wherever it occurs, substitute “ Sewerage authority ”;
- (b) in subsection (5)—
  - (i) for “regional council”, in both places where it occurs, substitute “ sewerage authority ”; and
  - (ii) for “council”, where it thirdly occurs, substitute “ sewerage authority ”; and
- (c) after subsection (5) insert—
  - “(5A) In this section “sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994.”

<sup>F23</sup>(9) .....

*Status: Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (10) In section 86 (preliminary provisions relating to litter)—
- (a) in subsection (3), for paragraphs (a) and (b) substitute—
    - “(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”; and
  - (b) in subsection (10)—
    - (i) for “its” substitute “their”; and
    - (ii) for the words from “the district” to the end substitute “the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (11) In section 88(9) (“litter authorities” for purposes of section)—
- (a) in paragraph (a), the words “, a regional council”; and
  - (b) in paragraph (b), the words “, regional council”,
- shall cease to have effect.
- (12) In section 90(3) (power to designate litter control areas), the words “, regional council” shall cease to have effect.
- (13) In section 92(1) (summary proceedings by litter authorities), the words “, regional council” shall cease to have effect.
- (14) In section 93(1) (street litter control notices), the words “, regional council” shall cease to have effect.
- (15) In section 95(1) (public registers), the words “, regional council” shall cease to have effect.
- (16) In section 99(5)(e) (local authority in Scotland having powers in relation to abandoned trolleys), for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (17) In section 149(11) (seizure of stray dogs: interpretation), in the definition of “local authority”, for “an islands or district council” substitute “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

#### Textual Amendments

- F23** Sch. 13 para. 167(2)(4)(5)(7)(9) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(7)**
- F24** Words in Sch. 13 para. 167(3) repealed (1.2.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(7)**

#### Commencement Information

- I19** Sch. 13 para. 167 partly in force; Sch. 13 para. 167 not in force at Royal Assent see s. 184(2); Sch. 13 para. 167(1)(3)(6)(8)(10)-(17) in force at 1.4.1996 by S.I. 1996/323, **art. 4(1)(c)**

#### *The New Roads and Street Works Act 1991 (c.22)*

- 168 (1) The New Roads and Street Works Act 1991 shall be amended in accordance with this paragraph.

**Status:** Point in time view as at 27/05/1997. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** *Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In section 108(6)(a) (relevant authorities in relation to road works including the breaking up or opening in the road of a sewer), for “the local authority, that local” substitute “ a sewerage authority, that ”.
- (3) In each of sections 109(6)(a) (notice before granting permission to execute certain road works), 117(3)(a) (notice restricting certain road works) and 149(4)(a) (responsible authority as respects reinstatement of sewers, drains or tunnels) and of paragraphs 7(3)(b) and 9 of Schedule 6 (roads with special engineering difficulties), for “local” substitute “ sewerage ”.
- (4) In section 148 (particular and general provisions as respects sewers)—
- (a) in each of subsections (1) and (4), for “local” substitute “ sewerage ”; and
  - (b) for subsection (3) substitute—
    - “(3) References in this Part to an undertaker having apparatus shall, where the apparatus is a sewer, drain or tunnel, be construed—
    - (a) in the case of apparatus vested in a sewerage authority, as references to that authority; and
    - (b) in any other case, as references to the authority, body or person having the management or control of the apparatus.”.
- (5) In section 153 (power of road works authority to undertake road works)—
- (a) in subsection (1), the words—
    - (i) “or district council”; and
    - (ii) “or council”,
 shall cease to have effect; and
  - (b) in subsection (3), the words “or council” shall cease to have effect.
- (6) In section 164(1) (interpretation), after the definition of “reinstatement” insert—
- ““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994;”.

*The Children and Young Persons (Protection from Tobacco) Act 1991 (c.23)*

- 169 In section 6(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 (enforcement action by local authorities in Scotland), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Natural Heritage (Scotland) Act 1991 (c.28)*

- 170 (1) The Natural Heritage (Scotland) Act 1991 shall be amended in accordance with this paragraph.
- (2) In section 20 (making of drought orders), for subsection (3) substitute—
- “(3) A drought order may only be made on the application of a water authority.”.
- (3) In section 22(1) (interpretation), in the definition of “compensation water”, the words “or water development board” shall cease to have effect.
- (4) In section 24 (rights of entry and inspection)—
- (a) in subsection (1)—

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**Changes to legislation:** Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) for “, a water authority or a water development board” substitute “ or a water authority ”; and
    - (ii) in paragraph (a), the words “or board” shall cease to have effect; and
  - (b) in subsection (9)—
    - (i) for “, water authority or water development board” substitute “ or water authority ”; and
    - (ii) in paragraph (a), the words “or board” shall cease to have effect.
- (5) In Schedule 7 (further provisions regarding drought orders)—
- (a) in paragraph 5—
    - (i) in sub-paragraph (1), the words “or a water development board” and (in head (a)) “or board”;
    - (ii) in sub-paragraph (2), the words “or water development board”; and
    - (iii) in sub-paragraph (3), the words “or water development board” and “or board”,shall cease to have effect;
  - (b) in paragraph 6, the words from “, including” to the end shall cease to have effect; and
  - (c) in paragraph 7, the words “or a water development board” shall cease to have effect.
- (6) In Schedule 8 (procedure for making drought orders), in paragraph 1(3), in the second column of the Table—
- (a) for “regional, islands or district council”, wherever it occurs, substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in paragraph (a) of the entry relating to “All Orders”, the words “or water development board (not being the applicant)” shall cease to have effect.

*The Road Traffic Act 1991 (c.40)*

- 171 In Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside London), in paragraphs 1(1)(d) and 2(1)(c), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Coal Mining Subsidence Act 1991 (c.45)*

- 172 In section 47(6)(b) of the Coal Mining Subsidence Act 1991 (notices to local authorities), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Criminal Justice Act 1991 (c.53)*

- 173 In Schedule 3 to the Criminal Justice Act 1991 (reciprocal enforcement of certain orders), in paragraph 1, in subsection (1A) in sub-paragraph (1), in sub-paragraph (2)(b) and in sub-paragraph (3)(a), and in paragraphs 3(3)(b) and 6(8), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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*The Social Security Contributions and Benefits Act 1992 (c.4)*

- 174 (1) The Social Security Contributions and Benefits Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 28(6)(d) (“local education authority” in Scotland), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (3) In section 58(4) (incapacity for work: work as councillor to be disregarded), in the definition of “councillor”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
- (4) In sections 123(4) and 130(2) for the words “levying authority” substitute “ local authority in Scotland ”.
- (5) In section 137(1) (interpretation), the definition of “levying authority” shall cease to have effect.

*The Social Security Administration Act 1992 (c.5)*

- 175 (1) The Social Security Administration Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 15A(3) (“qualifying lenders” for purposes of section)—
- (a) in paragraph (d), the words “, islands council” shall cease to have effect; and
- (b) after paragraph (e) insert—
- “(ee) any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.
- (3) For the words “levying authority” or “levying authorities” where they appear in sections 76(1), 77(1), 128(1), (2), and (3), <sup>F25</sup> . . . , substitute “ local authority in Scotland ” or “ local authorities in Scotland ” respectively.
- <sup>F26</sup>(4) . . . . .
- (5) In section 191 (interpretation)—
- (a) the definition of “levying authority” shall cease to have effect;
- (b) in the definition of “local authority”, for the words “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994. ”; and
- (c) in the definition of “rating authority”, for the words from “the meaning” to “1973” substitute “ shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994 ”.

**Textual Amendments**

**F25** Words in Sch. 13 para. 175(3) repealed (1.4.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. VI; S.I. 1997/618, art. 2(1)

**F26** Sch. 13 para. 175(4) repealed (1.4.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. VI; S.I. 1997/618, art. 2(1)



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*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Local Government Finance Act 1992 (c.14)*

- 176 (1) The Local Government Finance Act 1992 shall be amended in accordance with this paragraph.
- (2) In section 70 (council tax in respect of dwellings), for subsection (1)(a) substitute—  
“(a) shall be known as the council tax of the council which set it;”.
- (3) In section 78 (basic amounts payable)—  
(a) for “levying” substitute “local”; and  
(b) for the definition of “A” substitute—  
““A” is the amount which, for the financial year in which the day falls and for dwellings in the valuation band listed for the dwelling, has been imposed by the local authority in whose area the dwelling is situated;”.
- (4) In section 80 (reduced amounts)—  
(a) in subsections (1)(a) and (8)(c), for “levying” substitute “local”; and  
(b) for subsection (5)(c)(i) substitute—  
“(i) relating to the local authority whose council tax constitutes the amount referred to in subsection (1) above;”.
- (5) In section 81 (appeal to valuation appeal committee), in subsections (1)(a) and (b) and (5), for “levying” substitute “local”.
- (6) In section 84 (compilation and maintenance of valuation lists), for subsection (10) substitute—  
“(10) In this Part “local assessor” means the assessor appointed under section 27 (appointment of assessors) of the Local Government etc. (Scotland) Act 1994 for each valuation area; and any depute assessor appointed under that section shall have all the functions of a local assessor under this Part.”.
- (7) In section 90 (information about properties), in subsection (8) for “levying” substitute “local”.
- (8) In section 91 (information about lists), in subsections (2) and (3) for “levying” substitute “local”.
- (9) In section 94 (substituted and reduced settings) in subsection (8), for “levying” substitute “local”.
- (10) In section 97 (levying and collection of council tax)—  
(a) for subsection (1) substitute—  
“(1) A local authority shall levy and collect the council tax set by them in respect of their area.”; and  
(b) subsection (2) shall cease to have effect.
- (11) In subsection (1) of section 98 (information required by Secretary of State), for “levying” substitute “local”.
- (12) In section 99 (interpretation of Part II)—  
(a) the definition of “levying authority” shall cease to have effect;  
(b) for the definition of “local authority” substitute—

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*Changes to legislation: Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and “council” shall be construed accordingly;”;

- (c) in the definition of “housing body”, paragraph (a) shall cease to have effect; and
- (d) for the definition of “valuation appeal committee” substitute—

““valuation appeal committee” means a valuation appeal committee established under section 29 of the Local Government etc. (Scotland) Act 1994;”.

- (13) In section 107 (water and sewerage charges)—

- (a) subsection (1) shall cease to have effect; and
- (b) in subsection (2), for “that Schedule” substitute “ Schedule 11 to this Act ”.

- (14) In section 109(1) (council tax grants), for “levying” substitute “ local ”.

- (15) In section 111 (references to rateable values), after subsection (10) insert—

“(10A) For the purposes of subsection (10) above, on and after 1st April 1996 the valuation roll which an assessor for a valuation area constituted under section 27 of the Local Government etc. (Scotland) Act 1994 is required to retain shall be the valuation roll for every valuation area existing before that date any part of which lies within his valuation area.”.

- (16) In Schedule 2 (administration)—

- (a) in paragraph 1(2), for “a levying” substitute “ , in Scotland, a local ”;
- (b) in paragraph 12(1), for “levying” substitute “ local ”;
- (c) in paragraph 13, for “levying”, in each place where it occurs, substitute “ local ”; and
- (d) in paragraph 19—
  - (i) for “levying”, in each place where it occurs, substitute “ local ”; and
  - (ii) for sub-paragraph (3) substitute—

“(3) Arrangements made under this paragraph for the exercise of functions under Schedule 8 to this Act may not include arrangements for the exercise of functions under paragraph 2(1)(a) of that Schedule.”.

- (17) In Schedule 3, in paragraph 2, for “levying” in each place where it occurs, substitute “ local ”.

- (18) In Schedule 8 (enforcement: Scotland), in paragraphs 1, 2, 3, 4 and 6, for “levying”, in each place where it occurs, substitute “ local ”.

- (19) In Schedule 12 (payments to local authorities by Secretary of State: Scotland)—

- (a) in paragraph 10(1) for “levying” substitute “ local ”;
- (b) in paragraph 10(3)(a)—
  - (i) for sub-head (i) substitute—
    - “(i) section 24A (lands and heritages partly unoccupied for a short time) of the <sup>M44</sup>Local Government (Scotland) Act 1966;” and
  - (ii) for sub-head (ii) substitute—

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“(ii) section 25A (remission of rates on account of hardship) of that Act;”;

(c) for paragraph 11(2) substitute—

“(2) Before such date in relation to each financial year as the Secretary of State may direct, each relevant authority shall calculate the amount of their non-domestic rating contribution for that year, and shall inform the Secretary of State of the amount so calculated in respect of them; and, for the purposes of this paragraph, “relevant authority” means, in relation to any financial year prior to and including the financial year 1995-96, a regional or islands council and, in relation to financial years after that year, a local authority.”; and

(d) in paragraph 11(3), for “notified to them” substitute “ notified by them ”.

#### Commencement Information

**I20** Sch. 13 para. 176 wholly in force at 1.4.1996; Sch. 13. para. 176 not in force at Royal Assent see s. 184(2); Sch. 13. para. 176(1)(19)(c)(d) in force at 4.1.1995 by S.I. 1994/2850, art. 3(c)(xiii); Sch. 13 para. 176(1)(19)(b) in force at 31.12.1994 by S.I. 1994/3150, art. 2(a); Sch. 13 para. 176(2)(10)(12)(b)(16)(a)-(c) in force at 19.2.1996 by S.I. 1996/323, art. 2(1)(c); Sch. 13 para. 176 in force at 1.4.1996 insofar as not already in force by S.I. 1996/323, art. 4(1)(c)

#### Marginal Citations

**M44** 1966 c. 51.

#### *The Local Government Act 1992 (c.19)*

177 In subsection (4)(c) of section 30 of the Local Government Act 1992 (extent), for the words from “Schedule” to “Part II” there shall be substituted the words “ Part II of Schedule 4, apart from so much of that Part ”.

#### *The Tribunals and Inquiries Act 1992 (c.53)*

178 In Part II of Schedule 1 to the Tribunals and Inquiries Act 1992, in paragraph 58 (the entry relating to rates) for the words from “section 4” to the end substitute “ section 29 of the Local Government etc. (Scotland) Act 1994. ”.

#### *The Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9)*

179 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 shall be amended in accordance with this paragraph.

(2) In section 18(6) (statement on oath by appropriate officer where supervised release order breached etc.)—

(a) in paragraph (b), for “director of social work” substitute “ chief social work officer ”; and

(b) in paragraph (c), for “director” substitute “ chief social work officer ”.

(3) In section 27(1) (interpretation), in the definition of “local authority”, for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

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**Changes to legislation:** *Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Clean Air Act 1993 (c.11)*

- 180 In section 64(1) of the Clean Air Act 1993 (interpretation), in the definition of “local authority”, in paragraph (b), for “an islands or district council” substitute “ a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Radioactive Substances Act 1993 (c.12)*

- 181 In section 47(1) of the Radioactive Substances Act 1993 (interpretation)—
- (a) in the definition of “local authority”, in paragraph (b), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”; and
  - (b) in the definition of “relevant water body”, in paragraph (b), for “a water authority within the meaning of the <sup>M45</sup>Water (Scotland) Act 1980” substitute “ a water and sewerage authority established by section 62 of the Local Government etc. (Scotland) Act 1994 ”.

**Marginal Citations**

**M45** 1980 c. 45.

*The Local Government (Overseas Assistance) Act 1993 (c.25)*

- 182 In section 1(9)(b) of the Local Government (Overseas Assistance) Act 1993 (local authorities empowered to provide advice and assistance), for “regional, islands or district council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Noise and Statutory Nuisance Act 1993 (c.40)*

- 183 (1) The Noise and Statutory Nuisance Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 8(5)(b) (local authorities in Scotland who may consent to the operation of loudspeakers in roads), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In section 9(7) (interpretation of certain expressions for purposes of section), in the definition of “local authority”, in paragraph (b), for “district or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

*The Railways Act 1993 (c.43)*

- 184 (1) The Railways Act 1993 shall be amended in accordance with this paragraph.
- (2) In section 136(3) (grants and subsidies), in paragraph (d)(i), for “regional or islands council” substitute “ council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.
  - (3) In section 151(1) (general interpretation), in the definition of “local authority”—
    - (a) the words “regional council, islands council” shall cease to have effect;

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- (b) for “London or” substitute “ London, ”; and
- (c) after “Scilly” insert “ or any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ”.

**Status:**

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**Changes to legislation:**

Local Government etc. (Scotland) Act 1994, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.