# Local Government etc. (Scotland) Act 1994

**1994 CHAPTER 39**

## PART V

GENERAL AND SUPPLEMENTARY

*General*

### 179 Savings.

(1) The repeal by this Act of—

(a) sections 65, 66 and 67;

(b) the words from "; and section 65" to the end in section 76H(8); and

(c) the words ", save in sections 64 to 67," in the definition of "owner" in section 109(1),

of the 1980 Act, shall not affect the operation of the said sections 65, 66 and 67 as respects—

(i) any charging order made before 1st April 1996 under subsection (1) or (3) of section 65 (including any charging order so made by virtue of the said section 76H(8));

(ii) any order made before that date under subsection (2) of section 66; or

(iii) any right conferred by those sections to recover expenditure provided that the expenditure was incurred before that date.

(2) The repeal by this Act of the said section 65 shall not affect that section's application, under subsection (4) of section 75 of the Agricultural Holdings (Scotland) Act 1991, to such charging orders as are mentioned in subsection (2) or (3) of the said section 75.

(3) The repeal by this Act—

(a) of section 47 of the 1968 Act shall not affect the operation of that section as respects—

(i) any charging order made before 1st April 1996 under subsection (1) of that section; or

(ii) any right conferred by that section to recover expenditure provided that the expenditure was incurred before that date;

(b) of the said sections 65, 66 and 67 shall not affect those sections' application, under subsection (2) or (3) of the said section 47, to such charging orders as are mentioned in sub-paragraph (i) of paragraph (a) above or, as the case may be, for the purpose of the right of recovery mentioned in sub-paragraph (ii) of that paragraph.

(4) Without prejudice to subsection (4) of section 72 of the 1980 Act (certain byelaws to cease to have effect at expiration of a specific period unless extended), or to that subsection as it applies by virtue of section 63(10) of the [M1]Countryside (Scotland) Act 1967 (byelaws as respects recreational use of waterway or land), a byelaw made by the Board or by any other transferor as water authority, or having effect, immediately before the transfer date, as if so made by virtue of section 73(3) of the 1980 Act (power of Secretary of State to require making of byelaws), shall on and after that date have effect, though only within the area in which it had effect immediately before that date, as if made by the transferee as water authority, with any reference in the byelaws to the transferor being construed, in so far as the context admits, as a reference to the transferee.

(5) In subsection (4) above, "transferor" and "transferee" mean the transferor and transferee in a transfer scheme; and for the purposes of that subsection the transferee where the transferor is the Board shall be taken to be the East of Scotland Water Authority only.

(6) Section 125 of this Act applies for the interpretation of subsections (1) to (5) above as that section applies for the interpretation of Part II of this Act.

**Marginal Citations**

**M1** 1967 c. 86.

**Changes to legislation:**
There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 179.