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STATUTORY INSTRUMENTS

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**1995 No. 1878 (S.125)**

**LOCAL GOVERNMENT, SCOTLAND**

**The Local Government (Transitional Provisions) (Scotland) Order 1995**

<i>Made</i>	- - - -	<i>13th July 1995</i>
<i>Laid before Parliament</i>		<i>25th July 1995</i>
<i>Coming into force</i>	- -	<i>15th August 1995</i>

The Secretary of State, in exercise of the powers conferred on him by section 181(1) and (2) of the Local Government etc. (Scotland) Act 1994<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Local Government (Transitional Provisions) (Scotland) Order 1995 and shall come into force on 17th August 1995.

(2) In this Order, “new local authority” means a council in respect of which an ordinary election of councillors took place on 6th April 1995 in terms of section 5(2) of the Local Government etc. (Scotland) Act 1994.

**Transitional provision— tourism**

2.—(1) A new local authority may, prior to 1st April 1996, participate in an area tourist board whose area includes the area of that new local authority.

(2) In this article—

“area tourist board” means a board established by virtue of an order made under section 172 or 173 of the Local Government etc. (Scotland) Act 1994; and

“participate” means participation by a new local authority or any person representative of that authority being a member of an area tourist board.

**Transitional provision— licensing**

3. In relation to the period prior to 1st April 1996, section 9 of the Civic Government (Scotland) Act 1982(2) shall apply to a new local authority as it applies to a licensing authority within the meaning of section 2(2) of the said Act of 1982, subject to the following modifications of subsection (9):—

- (a) after the words “this section”, where they first occur, there shall be inserted the words “made by a district council”;
- (b) for the words “subsequent resolution”, there shall be substituted the words “resolution made by a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in respect of that part of the area of that district council which falls within the area of that council constituted under the said Act of 1994”; and
- (c) at the end there shall be added the words “and not earlier than 1st April 1996.”.

**Transitional provision— VAT**

4. In relation to the period prior to 1st April 1996, section 33 of the Value Added Tax Act 1994(3) shall apply to a new local authority as it applies to a local authority within the meaning of section 96(4) of that Act.

St Andrew’s House,  
Edinburgh  
13th July 1995

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

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(2) 1982 c. 45. Section 9 was amended by the Fire Safety and Safety of Places of Sport Act 1987 (c. 27), section 44.  
(3) 1994 c. 23.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes certain transitional provisions in respect of the reorganisation of local government in Scotland, as at 1st April 1996.

The Order—

- (a) empowers new local authorities whose members were elected on 6th April 1995 or their representatives to participate, in the period up to 1st April 1996, in new area tourist boards to be created as a result of that reorganisation;
- (b) enables those new local authorities before 1st April 1996 to take steps to apply or rescind after that date the optional licensing provisions specified in section 9 of the Civic Government (Scotland) Act 1982; and
- (c) applies section 33 of the Value Added Tax Act 1994 so as to enable those new local authorities to recover VAT in certain transactions carried out prior to 1st April 1996.