

LOCAL GOVERNMENT IN SCOTLAND ACT 2003

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 4 – Enforcement and Scrutiny

Section 24 – Enforcement directions

72. **Section 24** provides the Scottish Ministers with the power to direct a local authority to take action to ensure that it complies with its obligations under sections 1, 13, 15 and 17. **Subsection (1)** provides that it is only after considering the local authority's response to the preliminary notice, or after the deadline for offering such a response has expired that the Scottish Ministers will have the power to issue an enforcement direction. Such a direction must be subsequent to the preliminary notice described in section 23, but does not have to be made. **Subsection (2)** provides that the Scottish Ministers may specify in the direction the action required of the local authority to remedy or prevent the recurrence of its failure to comply with its obligations. **Subsection (3)** allows the Scottish Ministers to place conditions on the continued exercise of certain of the local authority's functions. The Scottish Ministers may subsequently amend the direction without having to repeat the preliminary notice procedure described in section 23, and may revoke the direction at any time. **Subsection (4)** provides that the direction may include a direction for the local authority to rectify inaccuracies in its financial accounts.
73. **Subsection (8)** places local authorities under a duty to follow any direction made to them by the Scottish Ministers.
74. **Subsection (9)** provides that in addition to or in place of any enforcement direction the Scottish Ministers may make recommendations to any persons they think appropriate. Such recommendations could be made, for example, to the local authority or to any inspection or regulatory body who may have an interest.
75. **Subsection (10)** provides that if the Scottish Ministers use their power to direct (or to vary or revoke an enforcement direction) then they must prepare a report on that use and lay any such report before the Scottish Parliament.