

*These notes relate to the Local Government in Scotland Act  
2003 (asp 1) which received Royal Assent on 11 February 2003*

# LOCAL GOVERNMENT IN SCOTLAND ACT 2003

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### **Part 7 – Finance**

#### *Section 39 – Provisions supplementary to section 35 to 38*

102. This section provides a definition of capital expenditure, which includes a reference to the definition of “proper accounting practice” in section 12. It provides that the new arrangements in sections 35 to 38 apply to those bodies within the audit remit of the Accounts Commission (as specified by section 106 (1)(b) of the 1973 Act). The Scottish Ministers may also apply sections 35 to 38 by order to any other persons they think fit, if it is on the grounds that such persons have functions similar to those of local authorities.
103. *Subsections (5) and (6)* provide that regulations and orders under sections 35 or 39, shall be made after consultation and subject to Parliamentary approval. *Section 40 – Power of local authorities to invest money*