



# Planning etc. (Scotland) Act 2006

## 2006 asp 17

### PART 9

#### BUSINESS IMPROVEMENT DISTRICTS

##### *Miscellaneous*

#### **45 Duration of BID arrangements etc.**

- (1) BID arrangements are to have effect for such period (not exceeding 5 years) as may be specified in the arrangements.
- (2) BID arrangements may be renewed for one or more periods each of which must not exceed 5 years, but only if the renewal of the arrangements on that or each occasion is approved by a ballot.
- (3) The renewal of BID arrangements is not to be regarded as approved by a ballot held for the purposes of subsection (2) unless the conditions which applied to the approval of the BID proposals (by virtue of section 40 and, where relevant, section 41) are satisfied in relation to the renewal of the arrangements.
- (4) The Scottish Ministers may by regulations made by statutory instrument make provision—
  - (a) as to the alteration of BID arrangements, and
  - (b) as to the termination of BID arrangements.
- (5) The provision which may be made by virtue of subsection (4)(a) or (b) includes provision preventing or restricting the alteration or early termination of BID arrangements.
- (6) Nothing in subsection (5) is to be taken as limiting the power conferred by subsection (4).

#### **46 Regulations about ballots**

- (1) The Scottish Ministers may by regulations made by statutory instrument make provision in relation to ballots.

- (2) The provision which may be made by regulations under this section includes provision—
- (a) as to the timing of ballots,
  - (b) as to the persons entitled to vote in a ballot held for the purposes of section 45(2),
  - (c) as to the question to be asked in a ballot,
  - (d) as to the allocation of votes to those persons entitled to vote in a ballot,
  - (e) as to the form that ballots may take,
  - (f) as to the persons who are to hold ballots,
  - (g) as to the conduct of ballots,
  - (h) conferring power on the Scottish Ministers to declare ballots void in cases of material irregularity,
  - (i) for or in connection with enabling a local authority to recover the costs of a ballot from such persons and in such circumstances as may be prescribed.
- (3) Nothing in subsection (2) is to be taken as limiting the power conferred by subsection (1).
- (4) In this section (except in subsection (2)(b)) “ballot” means a ballot held for the purposes of section 38(1) or 45(2).

#### **47 Further provision as to regulations under Part 9**

- (1) Subject to subsections (2) and (3), a statutory instrument containing regulations made under this Part is subject to annulment in pursuance of a resolution of the Parliament.
- (2) A statutory instrument containing regulations made under section 39(8) or 42(5) is not made unless a draft of the instrument has been laid before, and approved by a resolution of, the Parliament.
- (3) On the first occasion on which regulations are made under section 40(9), the statutory instrument containing the regulations is not made unless a draft of the instrument has been laid before, and approved by a resolution of, the Parliament.

#### **48 Crown application of Part 9**

This Part binds the Crown.

#### **49 Interpretation of Part 9**

In this Part—

- “BID arrangements” has the meaning given by section 33;
- “BID proposals” has the meaning given by section 38;
- “business improvement district” has the meaning given by section 33;
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and
- “prescribed” means prescribed by regulations made by statutory instrument by the Scottish Ministers.