



# Planning etc. (Scotland) Act 2006

## 2006 asp 17

### PART 9

#### BUSINESS IMPROVEMENT DISTRICTS

##### *Procedure*

#### **41 Approval in ballot – alternative conditions**

- (1) This section applies where the persons who have drawn up the BID proposals so specify when submitting those proposals to the local authority in advance of a ballot being held for the purposes of section 38(1).
- (2) Section 40(1) shall have effect in respect of that ballot subject to either or both of the following—
  - (a) the substitution of the condition set out in subsection (3) below for that set out in subsection (3) of section 40,
  - (b) the substitution of the condition set out in subsection (4) below for that set out in subsection (4) of section 40.
- (3) The condition is that the number of votes cast in favour of the BID proposals must exceed the number of votes cast against those proposals by such number or percentage as may be specified by the persons who have drawn up the BID proposals.
- (4) The condition is that A must exceed B by such amount or percentage as may be specified by the persons who have drawn up the BID proposals.
- (5) In subsection (4), “A” and “B” have the same meanings as in subsections (7) and (8) of section 40 or, in the case referred to in subsection (9) of that section, as in regulations under subsection (9).