

2010 No. 119 (C. 4)

LOCAL GOVERNMENT

**The Local Government in Scotland Act 2003 (Commencement
No. 5 and Saving) Order 2010**

Made - - - -

18th March 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 62(2) and (3) of the Local Government in Scotland Act 2003(a) and all other powers enabling them to do so.

Citation

1. This Order may be cited as the Local Government in Scotland Act 2003 (Commencement No. 5 and Saving) Order 2010.

Appointed days

2. The day appointed for the coming into force of section 11(b) (disposal of land by local authorities for less than full value) of the Local Government in Scotland Act 2003 (“the Act”) for the purpose only of conferring power to make regulations is 20th April 2010.

3. The day appointed for the coming into force of that section for all other purposes is 1st June 2010.

Saving

4. The provision of the Act brought into force by this Order shall have no effect in relation to an application made before 1st June 2010 for any such consent as is mentioned in section 74(2) of the Local Government (Scotland) Act 1973(c).

JOHN SWINNEY
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
18th March 2010

(a) 2003 asp 1.

(b) Section 11(2) was repealed by paragraph 1 of schedule 4 to the Fire (Scotland) Act 2005 (asp 5).

(c) 1973 c.65.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 20th April 2010 and 1st June 2010 as the days on which section 11 of the Local Government in Scotland Act 2003 (“the Act”) shall come into force, for the purpose first of conferring power to make regulations, then for all other purposes.

The effect of the coming into force of section 11 will be that local authorities will no longer require Scottish Ministers’ consent for disposals of land at less than the best consideration that can reasonably be obtained. In future, such disposals may take place in the circumstances set out in section 75(2A) of the Local Government (Scotland) Act 1973 or in accordance with regulations to be made under section 74 of that Act, as amended by section 11.

Article 4 of the Order preserves the current consent regime for all disposals in relation to which an application is made prior to 1st June 2010.

The Act received Royal Assent on 11th February 2003. Sections 42(1), 42(2), 50 and 62 came into force on Royal Assent.

The provisions of the Act remaining to be commenced after the making of this Order are sections 8(2)(c)(ii) and 9. Section 8(2)(a)(v) and (2)(d)(i) has been commenced for limited purposes only and remains to be commenced for all other purposes.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 7, 8 (partially), 10, 12 to 34, 35 (partially), 37 to 39, 41, 42 (partially), 43 to 46, 48, 49, 51 to 59, 60 (partially), 61	1.4.2003	2003/134
Section 60(1)(g)	1.5.2003	2003/134
Sections 35(2) to (4) and 36	30.1.2004	2004/28
Section 60(1)(b)	1.4.2004	2004/28
Section 47(2) to (6)	20.3.2006	2006/89
Section 47(1) and (7)	3.7.2006	2006/89
Section 40	8.9.2009	2009/275

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