
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 458

**The Community Empowerment (Scotland)
Act 2015 (Commencement No. 10, Saving,
Transitional and Transitory Provisions) Order 2017**

PART 3

Saving provisions

Saving provisions

3.—(1) Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far as relating to the repeal of section 6 of the 1892 Act (management of allotments), section 6(3) and (4) of the 1892 Act continue to have effect in relation to each local authority—

- (a) in the circumstances mentioned in paragraph (2); and
- (b) for the purposes mentioned in paragraph (3).

(2) The circumstances mentioned in this paragraph are where, before the day on which the first regulations made by the local authority in question under regulation 115(1) of the Act come into force, that local authority has, in accordance with section 6(3) of the 1892 Act, appointed and not removed from office allotment managers.

(3) The purposes mentioned in this paragraph are—

- (a) the continuation in force of section 6(3) of the 1892 Act in relation to the continuing appointment of, and power to remove from office, allotment managers; and
- (b) the continuation in force of section 6(4) of the 1892 Act in relation to allotment managers mentioned in paragraph (2), until such time as all such allotment managers appointed by the local authority in question have been removed from office.

4.—(1) Notwithstanding the commencement of section 144(1) and schedule 4 of the Act, so far as relating to the provisions of schedule 4 of the Act mentioned in paragraph (2), the amendments made by those provisions do not have effect in relation to each local authority until the day on which the first regulations made by the local authority in question under section 115(1) of the Act come into force.

(2) The provisions of schedule 4 of the Act mentioned in this paragraph are—

- (a) paragraph 2 (Compensation (Defence) Act 1939);
- (b) paragraph 4(3)(b) to (d) (Opencast Coal Act 1958); and
- (c) paragraph 5(a) (Local Government (Scotland) Act 1973).

5.—(1) Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far as relating to the repeal of the 1892 Act, subject to article 3, the provisions of the 1892 Act mentioned in paragraph (2) continue to have effect in relation to each local authority until the day on which the first regulations made by the local authority in question under section 115(1) of the Act come into force.

(2) The provisions mentioned in this paragraph are—

- (a) section 1;
- (b) section 6;
- (c) section 7(4), (5) and (6);
- (d) section 8(2);
- (e) section 16; and
- (f) section 17.

6.—(1) Notwithstanding the commencement of 144(2) and schedule 5 of the Act, so far as relating to the repeal of the Land Settlement (Scotland) Act, 1919, the provisions of the Land Settlement (Scotland) Act, 1919 mentioned in paragraph (2) continue to have effect in relation to each local authority until the day on which the first regulations made by the local authority in question under section 115(1) of the Act come into force.

(2) The provisions mentioned in this paragraph are—

- (a) section 23; and
- (b) section 24.

7.—(1) Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far as relating to the repeal of the Allotments (Scotland) Act 1922, the provisions of the Allotments (Scotland) Act 1922 mentioned in paragraph (2) continue to have effect in relation to each local authority until the day on which the first regulations made by the local authority in question under section 115(1) of the Act come into force.

(2) The provisions mentioned in this paragraph are—

- (a) section 1;
- (b) section 2;
- (c) section 3;
- (d) section 4;
- (e) section 6(1)(b), (d) and (e);
- (f) section 19; and
- (g) section 21.

8.—(1) Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far as relating to the repeal of the Allotments (Scotland) Act 1950, the provisions of the Allotments (Scotland) Act 1950 mentioned in paragraph (2) continue to have effect in relation to each local authority until the day on which the first regulations made by the local authority in question under section 115(1) of the Act come into force.

(2) The provisions mentioned in this paragraph are—

- (a) section 1;
- (b) section 2;
- (c) section 3;
- (d) section 4;
- (e) section 5;
- (f) section 7;
- (g) section 8;

- (h) section 9;
- (i) section 10;
- (j) section 13; and
- (k) section 15.

9. Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far as relating to the partial repeal of paragraph 10(h) of the Eighth Schedule of the Opencast Coal Act 1958, paragraph 10(h) of that Eighth Schedule continues to have effect without that partial repeal in relation to each local authority until the day on which the first regulations made by the authority in question under section 115(1) of the Act come into force.

10. Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far as relating to the repeal of paragraphs 16 to 20, 54 and 58 to 60 of schedule 27 of the Local Government (Scotland) Act 1973, paragraphs 16 to 20, 54 and 58 to 60 of that schedule 27, continue to have effect in relation to each local authority until the day on which the first regulations made by the authority in question under section 115(1) of the Act come into force.

11. Notwithstanding the commencement of section 144(2) and schedule 5 of the Act, so far relating to the repeal of paragraphs 6, 12 and 35 of schedule 13 of the Local Government etc. (Scotland) Act 1994, paragraphs 6, 12 and 35 of that schedule 13 continue to have effect in relation to each local authority until the day on which the first regulations made by the authority in question under section 115(1) of the Act come into force.