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*Changes to legislation:* There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Paragraph 100. (See end of Document for details)

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## SCHEDULE 13

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Local Government (Scotland) Act 1975 (c.30)*

- 100 (1) The 1975 Act shall be amended in accordance with this paragraph.
- (2) In section 2(1)(e) (alterations to valuation roll which is in force)—
- (a) after “consequence of” insert “—
    - (i)”;  
and
  - (b) after “1970” insert “or
    - (ii) the making of regulations under section 42 of the <sup>M1</sup>Lands Valuation (Scotland) Act 1854;”.
- (3) In section 7A (provisions as to setting of non-domestic rates)—
- (a) for subsection (2) substitute—

“(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—

    - (a) in accordance with section 7 of this Act; or
    - (b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”; and
  - (b) subsection (3) shall cease to have effect.
- (4) For subsection (2) of section 7B (provisions as to setting of non-domestic rates) substitute—
- “(2) Non-domestic rates shall be levied by each rating authority in respect of lands and heritages in their area—
- (a) in accordance with section 7 of this Act; or
  - (b) where the lands and heritages fall within a class of lands and heritages prescribed under section 153 of the Local Government etc. (Scotland) Act 1994, in accordance with those regulations.”.
- (5) In subsection (4) of section 8 (payment of rates by instalments), for from “the ground” to “1947” substitute “account of hardship under section 25A of the <sup>M2</sup>Local Government (Scotland) Act 1966 ”.
- <sup>F1</sup>(6) .....
- <sup>F1</sup>(7) .....
- (8) In section 37(1) (interpretation), in the definition of “material change of circumstances”, for the word “for” substitute “the members of which are drawn from the valuation appeal panel serving ”.
- (9) In Schedule 3 (borrowing and lending by local authorities)—
- (a) for paragraph 8(3) substitute—

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- “(3) Sub-paragraphs (1) and (2) above shall not apply in the case of money borrowed for the purpose of the common good, nor shall the security created by those sub-paragraphs include the common good or the revenues thereof.”;
- (b) in paragraphs 12(1), 13(1), 13(2) and 14, for “16th May 1975”, in each place where it occurs, substitute “ 1st April 1996 ”;
- (c) after paragraph 12(1) insert—
- “(1A) Sub-paragraph (1) above, so far as it relates to the establishment of a loans fund, does not apply to the councils of Orkney Islands, Shetland Islands and Western Isles, whose loans funds will continue in existence.”;
- (d) for paragraph 12(2) substitute—
- “(2) A loans fund shall not apply to money borrowed for the common good.”;
- (e) in paragraph 13(1), for the words “section 128 of the Act of 1973 or which is referred to in section 222(2) or 223 of that Act” substitute “ section 17 of the Local Government etc. (Scotland) Act 1994 or which is referred to in section 15(5) or 16 of that Act ”;
- (f) in paragraph 22—
- (i) in sub-paragraph (1), after head (b) insert—
- “(ba) an insurance fund, to be used for the following purposes, namely—
- (i) where the authority could have insured against a risk but have not done so, defraying any loss or damage suffered, or expenses incurred, by the authority as a consequence of that risk;
- (ii) paying premiums on a policy of insurance against a risk.”; and
- (ii) in sub-paragraph (2), after “repair fund” insert “ or the insurance fund ”.
- (g) in paragraph 24(1), after “repair fund” insert “ , or an insurance fund, ”;
- (h) in paragraph 28—
- (i) in sub-paragraph (1), after “money,” insert “ the Strathclyde Passenger Transport Authority ”; and
- (ii) in sub-paragraph (2), for the words from “Schedule to” to the end insert—
- “(a) the aforesaid boards, either generally or to any particular board or class of board; and
- (b) the Strathclyde Passenger Transport Authority”;
- (i) for paragraph 30 substitute—
- “30 Nothing in this Schedule shall affect the power of a council having a common good to borrow on the security of the common good or any loan secured thereon.”; and
- (j) for paragraph 31 substitute—
- “31 In this Schedule, unless the context otherwise requires—

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“statutory borrowing power” means any power to borrow money conferred on a local authority by or under any enactment, but does not include the power of a council to borrow for the purposes of the common good; and  
“trustee securities” means any security in which trustees are for the time being authorised by law to invest trust money.”.

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#### Textual Amendments

- F1** Sch. 13 para. 100(6)(7) repealed (23.10.2002) by 2002 asp 11, s. 25, **Sch. 6 para. 15**; S.S.I. 2002/467, **art. 2**

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#### Commencement Information

- I1** Sch. 13 para. 100 partly in force; Sch. 13. para. 100 not in force at Royal Assent see s. 184(2); Sch. 13. para. 100(1)(9)(f)(g) in force at 4.1.1995 by S.I. 1994/2850, **art. 3(c)(ix)**; Sch. 13 para. 100(2)(4)(5) in force at 1.4.1995 by S.I. 1994/3150, **art. 4(c)(iii)**; Sch. 13 para. 100(6)(a)(i) in force at 6.4.1995 by S.I. 1995/702, **art. 4(1)**, **Sch. 2**; Sch. 13 para. 100(9)(h) in force at 31.3.1996 by S.I. 1996/323, **art. 3(b)**; Sch. 13 para. 100(6)-(8)(9)(a)-(i) in force at 1.4.1996 by S.I. 1996/323, **art. 4(1)(c)**

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#### Marginal Citations

- M1** 1854 c. 91.  
**M2** 1966 c. 51.

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