
STATUTORY INSTRUMENTS

1995 No. 3326 (C.77) (S.246)

**LOCAL GOVERNMENT, SCOTLAND
PRISONS**

**The Local Government etc. (Scotland) Act 1994
(Commencement No.6 and Saving) Order 1995**

Made - - - - 15th December 1995

The Secretary of State, in exercise of the powers conferred on him by section 184(2) and (3) of the Local Government etc. (Scotland) Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Local Government etc. (Scotland) Act 1994 (Commencement No.6 and Saving) Order 1995.

(2) In this Order—

“the Act” means the Local Government etc. (Scotland) Act 1994.

Days appointed

2. Subject to article 4 below, 22nd December 1995 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) section 180(1), so far as it relates to the provision in Schedule 13 to the Act specified in paragraph (b) below;
- (b) in Schedule 13 to the Act, paragraph 162(1) and (2).

3. 1st April 1996 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) section 180, so far as it relates to the provisions of Schedules 13 and 14 to the Act specified in paragraphs (b) and (c) below;
- (b) in Schedule 13 to the Act, paragraph 162(3) and (4); and
- (c) the repeals in Schedule 14 to the Act specified in the Schedule to this Order.

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Saving

4. Notwithstanding article 2 above, until 1st April 1996 paragraph 162(2) of Schedule 13 to the Act shall not apply in relation to any visiting committee constituted before 22nd December 1995 by rules made under section 39, as read with section 8(1), of the Prisons (Scotland) Act 1989(2).

St Andrew's House,
Edinburgh
15th December 1995

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(2) 1989 c. 45; section 39 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), sections 24 and 25, Schedule 5, paragraph 6(6) and Schedule 7 and by the Criminal Justice and Public Order Act 1994 (c. 33), sections 116(4) and 130(4); section 39 is to be read with sections 8(1) and (2), 11(1), 12 (as amended by the 1993 Act, Schedule 5, paragraph 6(2)), 14(1) (as amended by the 1993 Act, Schedule 5, paragraph 6(3)), 19(3) and (4) (as amended by the 1993 Act, Schedule 5, paragraph 6(4)), 24 (which was repealed by the 1993 Act, Schedule 7 but was saved by Schedule 6 to that Act in relation to any "existing prisoner" within the meaning specified in paragraph 1 of Schedule 6) and 41; section 39 was extended by the Courts-Martial (Appeals) Act 1968 (c. 20), section 52 (as amended by the 1989 Act, Schedule 2, Paragraph 10).

SCHEDULE

Article 3(c)

REPEALS IN SCHEDULE 14 TO THE ACT COMING INTO FORCE ON 1ST APRIL 1996

Chapter	Short title	Extent of repeal
1989 c. 45	The Prisons (Scotland) Act 1989	In section 14(2), the words “region or islands”, where secondly occurring and, in section 16(2), the words “district or islands”, in both places where they occur.

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order provides for commencement on 22nd December 1995 of a provision in the Local Government etc. (Scotland) Act 1994 amending the Prisons (Scotland) Act 1989 in relation to visiting committees. It also provides for commencement on 1st April 1996 of other provisions of the said Act of 1989 consequential on the changes in local authorities on that date.

NOTE AS TO EARLIER COMMENCEMENT ORDERS*(This note is not part of the Order)*

The Local Government etc. (Scotland) Act 1994 (Commencement No.1) Order 1994 (S.I. [1994/2850](#)) provides for commencement of provisions in the Act as follows:—

- (a) on 8th November 1994, sections 1, 5, 7, 12, 57, 61, 97(6), 125, 137(1) (partially), 157, 177 (partially), 178, 181 (partially), 183(1) and 184 and Schedules 1 and 2; and
- (b) on 4th January 1995, sections 8 to 11, 13 to 17, 24, 34, 38, 40, 44, 47, 49, 50, 51(3), 60, 97 (so far as not in force), 101, 104, 113 to 115, 124, 126, 137 (so far as not in force), 141, 143, 146 to 151, 165 to 167, 170, 172, 173, 175, 179, 180 (partially) and 182, Schedule 5 and Schedules 13 and 14 (both partially).

The Local Government etc. (Scotland) Act 1994 (Commencement No.2) Order 1994 (S.I. [1994/3150](#)) provides for commencement of provisions in the Act as follows:—

- (a) on 31st December 1994, section 180 (partially) and Schedule 13 (partially);
- (b) on 4th January 1995, sections 153, 160, 161 and 180 (partially) and Schedule 14 (partially); and
- (c) on 1st April 1995, sections 152, 154, 155, 156, 158, 159, 162(1) and 180 (partially) and Schedules 13 and 14 (both partially).

The Local Government etc. (Scotland) Act 1994 (Commencement No.3) Order 1995 (S.I. [1995/702](#)) provides for commencement of provisions in the Act as follows:—

- (a) on 10th March 1995, sections 91 to 96 and Schedule 11;

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- (b) on 1st April 1995, sections 164(1) and (2), 168, and 180 (partially) and Schedules 13 and 14 (both partially);
- (c) on 6th April 1995, sections 2 to 4, 18, 19, 23, 25 to 29, 36, 39, 42, 43, 55, 56, 59, 127 (partially), 128 to 131, 133 to 136, 138, 169, 177 and 180 (both partially), 181 (so far as not in force) and 183(3) and (6), Schedules 3 and 12, and Schedule 13 (partially);
- (d) on 1st August 1995, section 58 (partially); and
- (e) on 1st April 1996, sections 20, 33 and 52, and Schedule 6.

The Local Government etc. (Scotland) Act 1994 (Commencement No.4) Order 1995 (S.I. [1995/1898](#)) provides for commencement on 17th July 1995 of the following provisions in the Act:—
sections 62 to 64, 65(2), 66, 73, 74, 76, 77, 79(1) to (3) and (5), 81, 83 to 90, 98, 116, 118(1), 120(1), 122, 123, 177 and 180 (both partially), Schedules 7 and 8, and Schedule 13 (partially).

The Local Government etc. (Scotland) Act 1994 (Commencement No.5) Order 1995 (S.I. [1995/2866](#)) provides for commencement of provisions in the Act as follows:—

- (a) on 30th October 1995, sections 67, 68(1), (4) and (5), 69, 70, 71, 171 (partially), 177 (partially) and Schedule 9; and
- (b) on 1st April 1996, sections 171 (so far as not in force) and 176.