
STATUTORY INSTRUMENTS

1995 No. 702 (C.18) (S.60)

**LOCAL GOVERNMENT, SCOTLAND
WATER SUPPLY, SCOTLAND**

**The Local Government etc. (Scotland) Act
1994 (Commencement No.3) Order 1995**

Made - - - - 8th March 1995

The Secretary of State, in exercise of the powers conferred on him by section 184 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.3) Order 1995.

(2) In this Order, “the Act” means the Local Government etc. (Scotland) Act 1994.

Days appointed

2. 10th March 1995 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) section 91 (transfer of property, rights and liabilities to new authorities);
- (b) section 92 (transfer schemes: general);
- (c) section 93 (preparations for transfer of functions etc. to new authorities);
- (d) section 94 (power to require provision of information and assistance as respects transfer schemes);
- (e) section 95 (supplementary provision as to transfer schemes);
- (f) section 96 (transfer schemes: exemption from stamp duty and stamp duty reserve tax); and
- (g) Schedule 11 (water and sewerage transfer schemes).

3. Subject to article 8 below, 1st April 1995 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) section 164(1) and (2) (power of authorities to incur expenditure not otherwise authorised);

- (b) section 168 (Direct Labour Organisation/Direct Services Organisation Accounts);
- (c) section 180, so far as it relates to the provisions of Schedules 13 and 14 to the Act specified in paragraphs (d) and (e) below;
- (d) in Schedule 13 (minor and consequential amendments)—
 - (i) paragraph 72(1) and (2); and
 - (ii) paragraph 92(25); and
- (e) the repeals in Schedule 14 to the Act specified in Schedule 1 to this Order.

4.—(1) Subject to paragraph (2) and article 7 below, 6th April 1995 is the day appointed for the coming into force of the provisions of the Act specified in Schedule 2 to this Order.

- (2) The commencement of section 127(1) of the Act by paragraph (1) above shall not extend to—
 - (a) the transfer of functions referred to therein; or
 - (b) the provision that section 36(1) of the Social Work (Scotland) Act 1968(2) shall cease to have effect.

5.—(1) Subject to paragraph (2) below, 1st August 1995 is the day appointed for the coming into force of section 58 of the Act.

(2) The commencement of section 58 by virtue of paragraph (1) above is only for the purpose of enabling a new local authority to enter into an agreement thereunder with any other new local authority for the carrying out of an activity or service on and after 1st April 1996.

- (3) In this article, “new local authority” means—
 - (a) a council in respect of which an ordinary election of councillors takes place on 6th April 1995 in terms of section 5(2) of the Act;
 - (b) an Islands Council;
 - (c) a residuary body; and
 - (d) a joint board.

6. 1st April 1996 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) section 20 (joint committees and joint boards);
- (b) section 33 (structure plans);
- (c) section 52 (Tweed Fisheries Commissioners); and
- (d) Schedule 6 (New Schedule 1 to the Tweed Fisheries Act 1969(3)).

Saving and transitional provision

7. The amendments made to sections 36 and 38 of the Fire Services Act 1947(4) by section 147(5) and (6) of the Local Government (Scotland) Act 1973(5) shall, notwithstanding the commencement of section 36 of the Act by virtue of article 4(1) above, continue to have effect.

(2) 1968 c. 49.

(3) 1969 c.xxiv.

(4) 1947 c. 41; section 36 was also amended by the Water (Scotland) Act 1980 (c. 45), Schedule 10; section 38 was also amended by the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 34(5) and by the New Roads and Street Works Act 1991 (c. 22); Schedule 8, paragraph 99(3).

(5) 1973 c. 65.

8. A DLO reserve fund established by a local authority under paragraph 22(1)(c) of Schedule 3 to the Local Government (Scotland) Act 1975⁽⁶⁾ which is in existence on 31st March 1995 shall be treated for all purposes as if it were a DLO/DSO fund established by that authority at 1st April 1995 under section 15A of the said Act of 1975, inserted by section 168 of the Act and commenced by virtue of article 3 above.

St Andrew's House,
Edinburgh
8th March 1995

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(6) 1975 c. 30. Paragraph 22(1)(c) of Schedule 3 was inserted by the Local Government Act 1988 (c. 9), Schedule 6, paragraph 11(2)(b).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 3(e)

REPEALS IN SCHEDULE 14 TO THE ACT COMING INTO FORCE ON 1ST APRIL 1995

| Chapter | Short title | Extent of Repeal |
|-------------|--|---|
| 1973 c. 65 | The Local Government (Scotland) Act 1973 | In section 83(4B)(d), the word “Economic”. In section 96(5), the words from “; so however that” to “31st March 1976”. In section 100(3), the words from “and to an additional fine” to the end. |
| 1975 c. 21. | The Criminal Procedure (Scotland) Act 1975 | In Schedule 7D, paragraph 59. |
| 1975 c. 30 | The Local Government (Scotland) Act 1975 | In Schedule 3, in paragraph 22, in sub-paragraph (1), head (c) and paragraph 24A. |
| 1988 c. 9 | The Local Government Act 1988 | In Schedule 6, in paragraph 11, the words from “and”, where it first occurs, to the end. |
| 1992 c. 14 | The Local Government Finance Act 1992 | In Schedule 7, paragraph 1(6). |

SCHEDULE 2

Article 4(1)

PROVISIONS OF THE ACT COMING INTO FORCE ON 6TH APRIL 1995

1. Section 2 (constitution of councils).
2. Section 3 (Orkney, Shetland and Western Isles).
3. Section 4 (convener and depute convener).
4. Section 18 (residuary bodies).
5. Section 19 (property commission)
6. Section 23 (duty to prepare decentralisation schemes).
7. Section 25 (financing of new authorities prior to 1st April 1996).
8. Section 26 (valuation lists).
9. Section 27 (valuation areas and authorities and appointment of assessors etc.).
10. Section 28 (valuation rolls).
11. Section 29 (valuation appeal panels and committees).
12. Section 36 (fire services).
13. Section 39 (roads authority for boundary bridges).

14. Section 42 (power to secure management of traffic control system).
15. Section 43 (guidance as to exercise of traffic powers).
16. Section 55 (restrictions on disposal of assets and entering into contracts by existing authorities).
17. Section 56 (duty of existing authorities and assessors to provide information to new authorities).
18. Section 59 (local Acts and instruments).
19. Section 127 (the Principal Reporter).
20. Section 128 (the Scottish Children's Reporter Administration).
21. Section 129 (appeal against dismissal of Principal Reporter and other officers).
22. Section 130 (annual report of Principal Reporter).
23. Section 131 (delegation of Principal Reporter's functions).
24. Section 133 (ancillary powers of Administration).
25. Section 134 (directions by the Secretary of State).
26. Section 135 (government grants to the Administration).
27. Section 136 (reports, accounts etc. of the Administration).
28. Section 138 (property etc. : application of Chapter 3 of Part I).
29. Section 169 (Statements of support services costs).
30. Subsections (1) and (2) of section 177 so far as those subsections relate to the entry in Part II of Schedule 1 to the House of Commons Disqualification Act 1975(7) concerning the Scottish Children's Reporter Administration and section 177(1) and (3), so far as relating to those parts of section 177(3) not already in force (Parliamentary disqualification).
31. Section 180, so far as it relates to the provisions of Schedule 13 to the Act specified in paragraph 36 below.
32. Section 181, so far as not already in force (consequential and supplementary provisions).
33. Section 183(3) and (6) (translation of references).
34. Schedule 3 (residuary bodies).
35. Schedule 12 (status, constitution and proceedings of the Scottish Children's Reporter Administration).
36. In Schedule 13 (minor and consequential amendments)—
 - (a) paragraph 27(3)(p); and
 - (b) paragraph 100(6)(a)(i).

(7) 1975 c. 24.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the commencement of various provisions in the Local Government etc. (Scotland) Act 1994 on 10th March 1995 (article 2), 1st April 1995 (article 3 and Schedule 1), 6th April 1995 (article 4 and Schedule 2), 1st August 1995 (article 5) and 1st April 1996 (article 6). Article 7 saves from repeal provisions in section 147 of the Local Government (Scotland) Act 1973 (c. 65) which amended earlier legislation. Section 36 of the 1994 Act provides for the substitution of a new section 147 of the 1973 Act.

Transitional provision is made in consequence of the commencement of section 168 in connection with certain existing local authority funds (article 8).

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, 114, 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).