
STATUTORY INSTRUMENTS

1996 No. 739

The Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996

Citation and commencement

1. This Order may be cited as the Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996 and shall come into force on 1st April 1996.

District courts—fixed penalties and conditional offers

2. Any reference to a clerk of a district court in—

- (a) any fixed penalty notice as mentioned in section 52(1) of the Road Traffic Offenders Act 1988(1) made before 1st April 1996;
- (b) any conditional offer as mentioned in section 75(4) of that Act made before 1st April 1996; or
- (c) any conditional offer as mentioned in section 56(1) of the Criminal Justice (Scotland) Act 1987(2) made before 1st April 1996,

shall be construed, for all purposes, on and after that date as a reference to the clerk of the district court for the commission area in which there is situated the court originally referred to in that notice or, as the case may be, offer and any such notice or offer shall, on or after that date, have effect accordingly.

Continued effect of certain warrants

3. Subject to section 47 of the Local Government etc. (Scotland) Act 1994 and without prejudice to section 16 of the Interpretation Act 1978(3), any warrant or other order granted or made by a Justice of the Peace before 1st April 1996 shall have the same effect, on and after that date, as it had before that date.

Court Rota for Justices

4. Notwithstanding the terms of section 16 of the District Courts (Scotland) Act 1975(4), the duty rota of justices for a commission area shall, from 1st April 1996 until such time as the commencement of a duty rota of justices approved by the justices' committee for that commission area, be determined by the clerk of the peace for that commission area.

Planning applications by local authorities

5. Where, by virtue of the operation of section 181(3) and (4) of the Local Government etc. (Scotland) Act 1994, an application for planning permission under Part III of the Town and

(1) 1988 c. 53.
(2) 1987 c. 41.
(3) 1978 c. 30.
(4) 1975 c. 20.

Country Planning (Scotland) Act 1972⁽⁵⁾, made to the planning authority before 1st April 1996 by a regional or district council, would on and after that date fall to be determined by a planning authority which would also fall to be treated as having made that application, it shall be deemed to have been withdrawn immediately before that date.

Provision in respect of councillors for islands areas

6. For the purposes of sections 30 and 33 of the Local Government (Scotland) Act 1973⁽⁶⁾, a councillor for the local government area of Orkney Islands, Shetland Islands or Western Isles who is elected for that area under the said Act of 1973 prior to 1st April 1996 shall be deemed to have been elected under section 5 of the Local Government etc. (Scotland) Act 1994.

Consequential amendments and repeals

7.—(1) The enactments and instruments mentioned in Schedule 1 to this Order shall have effect subject to the amendments specified therein.

(2) The enactments mentioned in Schedule 2 to this Order are hereby repealed to the extent specified in the third column of that Schedule.

Revocations

8. The Orders specified in Schedule 3 to this Order are hereby revoked.

St Andrew's House,
Edinburgh
11th March 1996

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(5) 1972 c. 52.
(6) 1973 c. 65.