
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional and consequential provisions pursuant to local government reorganisation in Scotland as at 1st April 1996 in terms of the Local Government etc. (Scotland) Act 1994.

Articles 2 to 4 make transitional provision relating to the operation of district courts. Article 2 provides for references to a district court clerk in fixed penalty notices and conditional offers under Road Traffic legislation and conditional offers under section 56(1) of the Criminal Justice (Scotland) Act 1987 issued before 1st April 1996 to be construed as a reference to the clerk for the relevant area after that date.

Article 3 provides for warrants issued by Justices of the Peace to have continued effect where granted prior to 1st April 1996.

Article 4 provides for continuity of duty rotas for Justices of the Peace until the first rotas can be established by new authorities as is done annually as at 16th June in terms of section 16 of the District Courts (Scotland) Act 1975.

Article 5 deals with the position where a planning application has been made by a local authority which is not the planning authority but has not been determined at 1st April 1996 and, as result of reorganisation, the applicant becomes the planning authority itself. The application is deemed by that provision to have been withdrawn immediately before that date.

Article 6 deems councillors elected to the councils for islands areas to be elected under the said Act of 1994 in respect of the period up to the next ordinary election of councillors in 1999 to ensure the proper application to those councillors of sections 30 and 33 of the Local Government (Scotland) Act 1973 dealing with entitlement to be re-elected and validity of actings where an election is questioned.

Article 7 and Schedules 1 and 2 make consequential amendments to (and repeals of) various enactments mainly for the purpose of translating references to new authorities or new legislation. In particular, sections 30, 33 and 36 of the Local Government (Scotland) Act 1973 and sections 187, 188 and 210 of the Representation of the People Act 1983 are amended as elections to new local authorities are now held under the said Act of 1994 rather than the said Act of 1973.

The Licensing (Scotland) Act 1976 is amended to correct an erroneous cross-reference and the Airports Act 1986 is amended to reflect the repeal by the said Act of 1994 of section 202(13) of the Local Government (Scotland) Act 1973.

Article 8 and Schedule 3 revoke certain spent provisions.