

SCHEDULE 1

PART I

amendments of enactments

Church of Scotland (Property and Endowments) Act 1925

1.—(1) The Church of Scotland (Property and Endowments) Act 1925(1) shall be amended as follows.

(2) In section 22 (burgh churches)—

(a) for subsection (2A) substitute—

“(2A) References in any scheme made under this section of this Act and in subsection (2) above to the magistrates or the town council of a burgh and to the burgh within which a burgh church is situated shall, on and after 1st April 1996, be construed as references to the council and to the council area within which that burgh church is situated.”;

(b) in subsection (3)—

(i) for the words “of the district in which” substitute the words “in whose area”; and
(ii) for the words “the district” substitute the word “that”;

(c) in subsection (4), for the word “districts”, substitute the word “areas”; and

(d) after subsection (6) add—

“(7) In this section, except in subsection (6), “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(3) In section 26 (parish churches, manses, glebes and churchyards), for the words “district councils”, substitute the words “councils (constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”.

(4) In section 32 (transfer of parish churchyards)—

(a) in subsection (1) before the word “: Provided” where it first occurs, insert the words—

“and shall on 1st April 1996 and without the necessity for further conveyance be transferred to and vested in the council within whose area that churchyard is situated, subject to the provisions aftermentioned”;

(b) the words “islands or district”, except where they first occur in subsection (1), shall cease to have effect;

(c) in subsection (5)(a) and (b) the words “, as the case may be,” shall cease to have effect; and

(d) after subsection (5) add—

“(6) In this section “council”, except where it firstly and secondly occurs in subsection (1), means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

(5) In section 33 (preservation of monuments etc., in churches and churchyards)—

(a) for the words “islands or district council”, where they first occur, substitute the words “council (constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”; and

(1) 1925 c. 33; sections 22, 26, 32 and 33 were amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 27, Part II, paragraphs 63, 64, 66 and 67.

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

- (b) for the words “the islands or district”, where they secondly occur, substitute the word “that”.

Transport Act 1968

2. In section 9(5) of the Transport Act 1968(2) (powers of councils, the Authority and the Executive), for the words from “of each” to “situated”, substitute the words “constituted under section 2 of the Local Government etc.(Scotland) Act 1994 whose area (or any part of whose area) falls within the Strathclyde Passenger Transport Area”.

Local Government (Scotland) Act 1973

3.—(1) The Local Government (Scotland) Act 1973 shall be amended as follows.

(2) In sections 30 (re-election to office), 33 (validity of acts done by unqualified persons) and 36 (casual vacancies), for the words “this Act” substitute in each case the words “the Local Government etc. (Scotland) Act 1994”.

(3) In section 50G(1)(a) (local authorities to publish additional information)(3), the words “division or” shall cease to have effect.

Licensing (Scotland) Act 1976

4. In section 1(7)(b) of the Licensing (Scotland) Act 1976(4) (procedure for election of members of licensing board), for the words “subsection (3) above”, substitute the words “section 46 of the Local Government etc. (Scotland) Act 1994”.

Representation of the People Act 1983

5.—(1) The Representation of the People Act 1983(5) shall be amended as follows.

(2) In section 187(2)(6) (application of Act to certain local elections), after the word “Act”, insert the words “or the Local Government (Scotland) Act 1973”.

(3) In section 188 (Parts II and III of the Act as to local elections in Scotland), for the words “Local Government (Scotland) Act 1973”, substitute the words “Local Government etc. (Scotland) Act 1994”.

(4) In section 204(1) (general application to Scotland), in the definition of “local government Act”, for the words “Local Government (Scotland) Act 1973”, substitute the words “Local Government etc. (Scotland) Act 1994”.

(5) In Schedule 1 (Parliamentary elections rules)—

(a) in rule 10(3), for the words “district” and “districts” wherever they appear, substitute the words “local government area” and “local government areas” respectively; and

(b) in rule 25(4), for the word “districts” wherever it appears, substitute the words “local government areas”.

(6) In Schedule 3 (return and declarations as to election expenses)—

(a) in the Form of Return, after the words “district of”, insert the words “local government area of”; and

(2) 1968 c. 73; section 9(5) was amended by the Local Government (Scotland) Act 1973, Schedule 18, paragraph 1(e).

(3) Section 50G was inserted by the Local Government (Access to Information) Act 1985 (c. 43), section 2(1).

(4) 1976 c. 66; section 1 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 106(2).

(5) 1983 c. 2.

(6) Section 187(2) was amended by the Representation of the People Act 1985 (c. 50), Schedule 4, paragraph 64(b).

- (b) in the Form of Declarations⁽⁷⁾, after the words “district of”, insert the words “local government area of”.

Representation of the People Act 1985

6. In sections 6(2A)(d) (absent vote at elections for an indefinite period) and 9(5)(d) (voting as proxy) of the Representation of the People Act 1985⁽⁸⁾ for the word “division”, substitute in both cases the word “ward”.

Airports Act 1986

7. In section 63(8) of the Airports Act 1986⁽⁹⁾ (airport byelaws)—
- (a) the words “and section 202(13) of the Local Government (Scotland) Act 1973” shall cease to have effect; and
 - (b) for the words “the Act of 1972 and section 203 of the Act of 1973” substitute the words “that Act and section 203 of the Local Government (Scotland) Act 1973”.

Value Added Tax Act 1994

8. In section 96(4) of the Value Added Tax Act 1994⁽¹⁰⁾ (interpretation-meaning of “local authority”), for the words from “regional” to the end substitute the words “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, any two or more such councils and any joint committee or joint board within the meaning of section 235(1) of the Local Government (Scotland) Act 1973”.

(7) The Form of Declarations was amended by the Representation of the People Act 1985, Schedule 4, paragraph 88.

(8) 1985 c. 50; section 6(2A)(d) was inserted by the Representation of the People Act 1990 (c. 32), section 1(b).

(9) 1986 c. 31.

(10) 1994 c. 23.