
STATUTORY INSTRUMENTS

1996 No. 974 (S.105)

LOCAL GOVERNMENT, SCOTLAND

The Local Government (Translation
Amendments) (Scotland) Order 1996

Made - - - - 27th March 1996
Coming into force - - 1st April 1996

The Secretary of State, in exercise of the powers conferred on him by section 183(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 commencement

1. This Order may be cited as the Local Government (Translation Amendments) (Scotland) Order 1996 and shall come into force on 1st April 1996.

Amendments and repeals

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(2) The enactments mentioned in Schedule 2 to this Order are hereby repealed to the extent specified in the third column of that Schedule.

St Andrew's House,
Edinburgh
27th March 1996

George Kynoch
Parliamentary Under-Secretary of State, Scottish
Office

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SCHEDULE 1

Article 2(1)

PART I

amendments of enactments

1. In section 2 of the Forged Transfers Act 1891(2) (definitions), in the definition of “local authority”, for paragraph (aa), there shall be substituted—

“(aa) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

2. In section 1(5) of the Public Lavatories (Turnstiles) Act 1963(3) (abolition of turnstiles), for the words from “Scotland” to the end, there shall be substituted the words “Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”.

3. In section 56A(1) of the Countryside (Scotland) Act 1967(4) (control of engine noise in quiet areas) for the words “district and islands councils”, there shall be substituted the words “local authorities”.

4. In section 5 of the Local Government (Footpaths and Open Spaces) (Scotland) Act 1970(5) (interpretation), for the definition of “local authority”, there shall be substituted the following:—

““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

5. In section 16A(1) of the National Health Service (Scotland) Act 1978(6) (power to make payments towards expenditure on community services), for the words “regional, islands or district council”, there shall be substituted the words “local authority”.

6. In section 48(3) of the Civil Aviation Act 1982(7) (matters Secretary of State may include in order stopping up road)—

- (a) in paragraph (b)(ii), for the words “regional, islands or district council”, there shall be substituted the words “local authority”; and
- (b) in paragraph (c)(ii), for the word “council”, there shall be substituted the words “local authority”.

7. In the Transport Act 1985(8)—

- (a) in sections 7(15)(b) (meaning of “traffic authority” in Scotland) and 105(1) and (2) (travel concessions) for the words “region or islands”, there shall be substituted the words “local government”;
- (b) in section 63(7) (passenger transport in other areas), for the words from “(as” to “islands”, there shall be substituted the words “, in Scotland, a”;
- (c) in sections 63(9)(a) and (10)(b) (passenger transport in other areas) and 64(1)(a) (consultation on certain policies) for the words “regional or islands”, there shall be substituted the words “in Scotland”;

(2) 1891 c. 43; the definition of “local authority” in section 2 was substituted by S.I.1990/1285, Schedule, Part I, paragraph 2 and amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 1.

(3) 1963 c. 32; section 1(5) was repealed in part by 1981 SLR (c.19), Schedule 1, Part VII.

(4) 1967 c. 86; section 56A was added by the Countryside (Scotland) Act 1981 (c. 44), section 11.

(5) 1970 c. 28.

(6) 1978 c. 29; section 16A was substituted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 2 and was amended by the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2, paragraph 41 and the Local Government etc. (Scotland) Act 1994, Schedule 13, paragraph 112(2).

(7) 1982 c. 16.

(8) 1985 c. 67.

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- (d) in sections 66(1) (councils not empowered to run bus undertakings), 72(2)(a) and (5)(c) (public transport companies), 78(1) (provision of services for public transport companies) and 79(1), (4), (6), (8) and (10) (loans to public transport companies), for the words “regional council”, there shall be substituted the words “council (other than the council for Orkney Islands, Shetland Islands or Western Isles)”;
- (e) in section 75(1) and (4) (public transport companies: powers of investment and disposal), for the words “or a district or regional council”, there shall be substituted the words “, a district council or, in Scotland, a council (other than the council for Orkney Islands, Shetland Islands or Western Isles)”;
- (f) in section 84(1)(a) (compensation for loss of employment etc.), for the words “or regional council”, there shall be substituted the words “council or, in Scotland, a council (other than the council for Orkney Islands, Shetland Islands or Western Isles)”;
- (g) in section 137(1) (general interpretation), after the definition of “bus substitution service” there shall be inserted the following definition—

““council”, in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;
- (h) in paragraph 6(1) of Schedule 6, in the definition of “relevant authority”, for the words “, regional or islands”, there shall be substituted the words “council or, in Scotland, a”.

PART II

amendments of instruments

8. In paragraph 2(2) of the Schedule to the Local Government and Housing Act 1989 (Commencement No.11 and Savings) Order 1991⁽⁹⁾ (interpretation), for the words “regional, islands or district council”, there shall be substituted the words “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

9. In regulation 3(3) of the Public Works Contracts Regulations 1991⁽¹⁰⁾ (contracting authorities: application to Scotland), for the words “regional, islands or district council”, there shall be substituted the words “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

10. In regulation 2 of the Local Authorities (Members' Interests) Regulations 1992⁽¹¹⁾ (interpretation), in paragraph (ii) of the definition of “authority”, for the words “regional, islands or district council”, there shall be substituted the words “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

11. In regulation 3(3) of the Public Services Contracts Regulations 1993⁽¹²⁾ (contracting authorities: application to Scotland), for the words “regional, islands or district council”, there shall be substituted the words “council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”.

⁽⁹⁾ S.I. 1991/344.

⁽¹⁰⁾ S.I. 1991/2680, amended by S.I. 1992/3279.

⁽¹¹⁾ S.I. 1992/618.

⁽¹²⁾ S.I. 1993/3228.

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SCHEDULE 2

Article 2(2)

REPEALS

Column 1 Chapter	Column 2 Short title	Column 3 Extent of repeal
1964 c. 67	The Local Government (Development and Finance) (Scotland) Act 1964	Section 3(4)(13)
1985 c. 67	The Transport Act 1985	In sections 63(2) and (6), 83(4)(b), 93(8)(a) and 106(4)(d), the words “regional or islands”. In section 88(8)(c), the words “regional and islands”.

EXPLANATORY NOTE

(This note is not part of the Order)

As a result of local government reorganisation in Scotland, this Order substitutes for references to existing Scottish local authorities in certain enactments references to new unitary authorities.

(13) Section 3(4) was added by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 1, Part II, paragraph 1.