STATUTORY INSTRUMENTS

1975 No. 629 (S. 80)

LOCAL GOVERNMENT, SCOTLAND

The Local Authorities etc. (Miscellaneous Provision) (Scotland) Order 1975

Made - - - -	14*th April* 1975
Laid before Parliament	23*rd April* 1975
Coming into Operation	16*th May* 1975

The Secretary of State for Scotland, and in relation only to Article 6 hereof, the Secretary of State for the Environment, in exercise of the powers conferred on them by section 215 of the Local Government (Scotland) Act 1973**(a)** and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Local Authorities etc. (Miscellaneous Provision) (Scotland) Order 1975 and shall come into operation on 16th May 1975.

Interpretation

2.—(1) The Interpretation Act 1889**(b)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order:—
"the Act" means the Local Government (Scotland) Act 1973.

Transfer of rights and liabilities

3.—(1) All rights, liabilities and obligations which, immediately before 16th May 1975, were rights, liabilities and obligations of an existing local authority shall on that date, by virtue of this order, be transferred to and vest in the new authority by whom the functions to which such rights, liabilities and obligations relate become exercisable on and after that date by virtue of the Act.

(2) Without prejudice to the generality of the foregoing provisions of this Article, where by the operation of any of those provisions any right, liability or obligation vests in a new local authority, that new authority and all other persons shall, on and after 16th May 1975, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal

(a) 1973 c. 65. (b) 1889 c. 63.

or other proceedings) for ascertaining, completing or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the new authority.

(3) Any legal or other proceedings to which an existing local authority are a party and which are pending on 16th May 1975 shall be continued on and after that date as if the new authority (by whom the function, to which the said proceedings relate, becomes exercisable as aforesaid) instead of the existing local authority, had been a party thereto.

(4) In this article "existing local authority" includes a joint committee, joint board, river purification board and a water board.

Miscellaneous amendments of regulations

4.—(1) In the Gaming Clubs (Permitted Areas) (Scotland) Regulations 1971**(a)** for paragraph (2) of Regulation 2 (which defines the areas in which a licensing authority shall refuse to grant or renew a licence for general gaming) there shall be substituted—

"(2) A licensing authority shall refuse to grant or renew a licence to which this regulation applies where the licence is to be in respect of premises situated, wholly or in part, outside any former county of a city as existing at 1st November 1974".

(2) In the Fourth Schedule to the Food (Meat Inspection) (Scotland) Regulations 1961**(b)** there shall be inserted before the word "landward", and before the word "areas" where second occurring the words "areas which prior to 16th May 1975 formed the".

(3) In Part I of the Third Schedule to the Food (Preparation and Distribution of Meat) (Scotland) Regulations 1963**(c)** there shall be inserted before the word "landward" the words "areas which prior to 16th May 1975 formed the".

The Patriotic Fund Reorganisation Act 1903

5.—(1) In paragraph 1(*b*) of the First Schedule to the Patriotic Fund Reorganisation Act 1903**(d)** for the word "counties" there shall be substituted the words "each region and islands area".

(2) In paragraph 1(*c*) of the said Schedule, for the word "county" where first appearing, there shall be substituted the words "region and islands area", and for the word "county" where second appearing, there shall be substituted the words "regional or islands".

(3) In paragraph 1(*e*) of the said Schedule, the words "and the Provost for the time being" to the end of that paragraph, shall be omitted.

Agreements in relation to excise and licensing functions

6.—(1) This Article has effect in relation to agreements made, by virtue of section 2(5) of the Vehicle and Driving Licenses Act 1969**(e)** between the Secretary of State for the Environment (in this Article referred to as "the Secretary of State") and the council of a county or a burgh, being an agreement in force

(a) S.I. 1971/1557 (1971 III, p. 4375).
(b) S.I. 1961/243 (1961 I, p. 395).
(c) S.I. 1963/2001 (1963 III, p. 4204).
(d) 1903 c. 20.
(e) 1969 c. 27.

immediately before 16th May 1975, under which the council exercise, on behalf of the Secretary of State, his functions under the Vehicles (Excise) Act 1971(a) and Part III of the Road Traffic Act 1972(b) of levying excise duty on vehicles, of the licensing and registration of vehicles and of the licensing of drivers.

(2) Where by virtue of paragraph (3) any agreement in relation to which this Article has effect comes to have effect as an agreement between the Secretary of State and the council of a region, islands area or district that council is hereby empowered to act in relation to the area in respect of which the agreement has effect notwithstanding that that area is in part outside the region or district.

(3) Any agreement in relation to which this Article has effect made between the Secretary of State and a council described in column (1) of the following table shall be of full force and effect as if made between the Secretary of State and the Council specified in respect of such council in column (2).

TABLE

(1)	(2)
The County Council of Caithness	The Caithness District Council
The County Council of Inverness	The Inverness District Council
The County Council of Nairn	The Nairn District Council
The County Council of Sutherland	The Sutherland District Council
The Burgh Council of Aberdeen	The City of Aberdeen District Council
The County Council of Aberdeen	The Grampian Regional Council
The County Council of Banff	The Banff and Buchan District Council
The County Council of Moray	The Moray District Council
The County Council of Kincardine	The Kincardine and Deeside District Council
The County Council of Angus	The Tayside Regional Council
The County Council of Kinross	The Tayside Regional Council
The County Council of Perth	The Tayside Regional Council
The Burgh Council of Dundee	The City of Dundee District Council
The County Council of Fife	The Fife Regional Council
The Burgh Council of Kirkcaldy	The Kirkcaldy District Council
The County Council of Selkirk	The Borders Regional Council
The County Council of Roxburgh	The Borders Regional Council
The County Council of Peebles	The Borders Regional Council
The County Council of Berwick	The Berwickshire District Council
The County Council of Clackmannan	The Central Regional Council
The County Council of Stirling	The Central Regional Council
The County Council of Bute	The Strathclyde Regional Council
The County Council of Argyll	The Strathclyde Regional Council
The County Council of Dunbarton	The Strathclyde Regional Council
The County Council of Lanark	The Strathclyde Regional Council
The County Council of Renfrew	The Strathclyde Regional Council
The County Council of Ayr	The Strathclyde Regional Council
The Burgh Council of Coatbridge	The Monklands District Council
The Burgh Council of Glasgow	The City of Glasgow District Council
The Burgh Council of Greenock	The Inverclyde District Council

(a) 1971 c. 10.

(b) 1972 c. 20.

(1)	(2)
The Burgh Council of Motherwell and Wishaw	The Motherwell District Council
The Burgh Council of Paisley	The Renfrew District Council
The County Council of Orkney	The Orkney Islands Council
The County Council of Shetland	The Shetland Islands Council
The County Council of Midlothian	The Lothian Regional Council
The Burgh Council of Edinburgh	The Lothian Regional Council
The County Council of East Lothian	The East Lothian District Council
The County Council of Wigtown	The Wigtown District Council
The County Council of Dumfries	The Dumfries and Galloway Regional Council
The County Council of Kirkcudbright	The Dumfries and Galloway Regional Council

8th April 1975

William Ross,
Secretary of State for Scotland

14th April 1975

Anthony Crosland,
Secretary of State for the Environment

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes miscellaneous provision incidental, consequential, transitional and supplementary to the Local Government (Scotland) Act 1973.

SI 1975/629
ISBN 0-11-050629-4

