STATUTORY INSTRUMENTS

1974 No. 653 (S. 59)

LOCAL GOVERNMENT, SCOTLAND

The Local Government (New Councils etc.) (Scotland) Order 1974

Made - - -	*29th March* 1974
Laid before Parliament	*16th April* 1974
Coming into Operation	*7th May* 1974

In exercise of the powers conferred on me by section 215 of the Local Government (Scotland) Act 1973(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation, commencement and interpretation

1. This order may be cited as the Local Government (New Councils etc.) (Scotland) Order 1974 and shall come into operation on 7th May 1974.

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;

"Local authority" means a regional, islands or district council.

Admission to meetings

3. For the purpose of securing the admission of representatives of the Press and other members of the public to the meetings of local authorities from the coming into office of councillors thereof until 16th May 1975, such local authorities shall be bodies to which the Public Bodies (Admission to Meetings) Act 1960(c) applies.

Allowances to members

4. For the purpose of securing that financial loss, travelling and subsistence allowances are payable, and that the expenses of certain visits and conferences can be defrayed, in respect of members of local authorities or of committees of joint committees thereof, including in either case sub-committees, from their coming into office until 16th May 1975, Part VI of the Local Government Act 1948(d) (Allowances to Members of Local Authorities and other Bodies) as amended by section 36 of the Local Government (Scotland) Act 1966(e) shall apply until the said date as if the said local authorities were local authorities to which the said Part VI applied.

Term of office of provosts, magistrates, etc.

5. Any councillor holding the office of provost, bailie, honorary treasurer, judge of police or dean of guild of a burgh who but for this order would have ceased to hold that office on 6th May 1975 shall continue in office until 16th May 1975.

(a) 1973 c. 65.
(b) 1889 c. 63.
(c) 1960 c. 67.
(d) 1948 c. 26.
(e) 1966 c. 51.

Appointment of officers before 16th May 1975

6. Where a local authority before 16th May 1975 appoint to hold any office or employment before or as from that date any person (hereinafter referred to as "the officer") who but for the appointment would be transferred on 16th May 1975 under section 216 of the Act to the employment of any local authority, the appointment shall be on such terms and conditions that—

(*a*) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointment, the scale of his salary or remuneration; and

(*b*) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before the appointment.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

29th March 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision (Articles 3 and 4)—

(*a*) for the application of the Public Bodies (Admission to Meetings) Act 1960 to the new regional, islands or district councils;

(*b*) for the payment of allowances under the Local Government Act 1948 and the expenses of certain visits and conferences, in respect of members of such councils,

in both cases from the coming into office of the councillors until 16th May 1975, when the provisions of the Local Government (Scotland) Act 1973 will be applicable.

This Order also makes transitional provision (Articles 5 and 6)—

(*a*) for the extension of the term of office of any office-bearer in a burgh between 7th May 1975 and 16th May 1975; and

(*b*) for the protection of officers appointed to hold office before or as from 16th May 1975.

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