1976 No. 340 (S. 26)

LOCAL GOVERNMENT, SCOTLAND

CHANGES IN LOCAL GOVERNMENT AREAS

The Lochaber and Skye and Lochalsh Districts (Boundaries) Order 1976

Made - - -	*2nd March* 1976
Laid before Parliament	*9th March* 1976
Coming into Operation	*1st April* 1976

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Whereas the Local Government Boundary Commission for Scotland, in accordance with a direction issued by the Secretary of State for Scotland on 22nd August 1974 under the provisions of section 20 and Schedule 5 to the Local Government (Scotland) Act 1973(a), made proposals to the Secretary of State for Scotland for the transfer within the Highland Region of two areas of the Lochaber District and the Sandaig Islands in the Sound of Sleat, the island of Eilean Liath in Kyle Rhea and all islands in Loch Hourn to the Skye and Lochalsh District.

Now therefore the Secretary of State for Scotland, in exercise of the powers conferred on him by section 17(2) of the said Act and of all other powers enabling him in that behalf, hereby makes the following order:—

PART I

GENERAL

Title and commencement

1. This order may be cited as the Lochaber and Skye and Lochalsh Districts (Boundaries) Order 1976 and shall come into operation on 1st April 1976.

(a) 1973 c. 65.

Interpretation

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

(2) In this order except where the context otherwise requires—

"the Act" means the Local Government (Scotland) Act 1973;

"the maps" means the maps numbered 1 to 10 signed and sealed with reference to this order and marked "The Lochaber and Skye and Lochalsh Districts (Boundaries) Order 1976" and "the map" shall be interpreted accordingly;

"the appointed day" means 1st April 1976;

"the transferred areas" means those parts of the administrative area of Lochaber District hatched blue together with the Sandaig Islands in the Sound of Sleat, the island of Eilean Liath in Kyle Rhea, and all islands in Loch Hourn shown circled in blue on map 1, as defined in the Schedule.

Maps

3. (1) The maps referred to in the order shall be deposited in the office of the Secretary of State for Scotland.

(2) A certified copy of each map shall be deposited with the chief executives of the Lochaber District and the Skye and Lochalsh District Councils and of the Highland Regional Council and shall at all reasonable times be open to inspection by any person affected by the order, and on payment of a reasonable fee to be determined by the district council any such person shall be entitled to a copy of or an extract from the maps, certified by the proper officer of the district council to be a true copy or extract, which shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the maps as regards the changes of areas made by the order.

(3) In addition—

One copy of the maps shall be supplied to—

the office of the Clerk of the Parliament, House of Lords

the Votes and Proceedings Office of the House of Commons

the Scottish Office, London

the Director General, Ordnance Survey.

(4) If there is any discrepancy between the said maps and the description in the Schedule to this order the said maps shall be deemed to be correct and shall prevail.

Changes of areas

4.—(1) Areas 1 and 2. Those parts of the administrative district of Lochaber which are shown hatched blue on map 1 shall be transferred to the administrative district of Skye and Lochalsh.

(2) There shall be included in the areas to be transferred from the administrative district of Lochaber to the administrative district of Skye and Lochalsh the Sandaig Islands in the Sound of Sleat, the island of Eilean Liath in Kyle Rhea and all islands in Loch Hourn shown circled in blue on map 1.

(3) The boundaries established by this order as described in the Schedule and shown outlined in red on the maps numbered 2 to 10 shall be mered by Ordnance Survey.

(**a**) 1889 c. 63.

General continuance of matters

5. Subject to the other provisions of this order, any of the following things done or treated by virtue of any enactment as having been done by, or to, or in relation to, the Lochaber District Council in respect of any area transferred by the order in connection with the discharge of any of their functions in relation to such area, that is to say—

any written agreement or other instrument in writing or any determination or declaration made or treated as made by;

any notice or direction given or treated as given by, or to;

any licence, permission, consent, approval, exemption, dispensation or relaxation granted or treated as granted by, or to;

any application, proposal or objection made or treated as made by, or to;

any condition or requirement imposed or treated as imposed by, or on; or any appeal allowed by or in favour of, or against;

the Lochaber District Council, shall, as from the appointed day, be treated as having been done by, to, or in relation to, the Skye and Lochalsh District Council on and after that day by virtue of the order, and any such thing shall as from that day have effect as if any reference therein to the Lochaber District Council were a reference to the Skye and Lochalsh District Council.

Arrangements for discharge of functions

6. Any arrangements made under section 56 of the Act for the discharge of the functions of one authority by another authority which would apart from the changes of areas affected by the order be in force on and after the appointed day throughout any relevant area altered by the order shall be in force throughout the area as altered.

In this article "relevant area" means a district.

Local government electors

7.—(1) Where in relation to any election for any electoral area consisting of or comprising any area altered by this order the register of local government electors has not been prepared and published on the basis that any changes of such electoral area, specified in the direction made under sub-paragraphs (1) and (3) of Schedule 2 to the Act as a consequence of the changes of areas made by the order, had become operative, the registration officer shall make such alterations to the register as may be proper for the purpose of such election.

(2) Any necessary expenses incurred by the registration officer solely in the alteration of the register under this regulation shall be defrayed by the council who appointed him.

Councillors

8.—(1) Any person in office at the appointed day as councillor for any electoral area which is altered by the direction made under sub-paragraphs (1) and (3) of Schedule 2 to the Act as a consequence of the changes of area made by the order shall represent the area as altered until the date on which he would have retired if the order had not been made. Any casual vacancy which exists at the coming into operation of the order or occurs before the appointed day in the office of councillor for any such area shall be deemed to have arisen in the representation of the area as altered.

(2) In relation to the qualification of any person to be elected and to be a member of any district council, or of any committee, joint board or joint committee, the order shall be deemed, for the purposes of section 29 of the

Act, to have been in operation during the whole of the twelve months preceding the day on which he is nominated as a candidate within the meaning of that section.

(3) No person who remains in office after the appointed day as a member of any district council, or of any committee, joint board or joint committee shall, during the term for which he remains in office, lose his qualification for being a member by reason of the changes of areas made by this order.

PART II

PROPERTY AND HOUSING

Property

9.—(1) For the purposes of this article "property" means any property, heritable or moveable and all interests, rights and liabilities in or relating to property, and includes any property held for historic or ceremonial purposes but excludes any security or balance in a fund and any property held on trust.

(2) Without prejudice to any agreement under paragraph (4) hereof all property vested in Lochaber District Council by virtue of the Local Authorities (Property etc.) (Scotland) Order 1975(**a**) within the transferred areas shall, on 1st April 1976, be transferred to and vest in Skye and Lochalsh District Council. Where on that date, because of any dispute or for any other reason, ownership of that property has not been permanently settled between Lochaber District Council and Highland Regional Council such ownership shall be determined between Skye and Lochalsh District Council and Highland Regional Council and failing such determination any dispute relating to a function for which property was used or assigned for use as described in article 4(*a*)(i) or (ii) of the aforementioned order shall be determined by the Property Commission for Scotland and in any other case may be determined by such arbiter as may be agreed upon by the said Skye and Lochalsh District Council and Highland Regional Council or failing such agreement by an arbiter to be appointed by the Secretary of State.

(3) Property other than property referred to in paragraph (2) of this article, vested in Lochaber District Council which is wholly or mainly used for the discharge of functions within the transferred areas, shall, on 1st April 1976 be transferred to and vest in Skye and Lochalsh District Council. Any dispute arising from the operation of this paragraph may be referred to an arbiter agreed upon by the said Councils or failing such agreement by an arbiter to be appointed by the Secretary of State.

(4) Notwithstanding the provisions of paragraphs (2) and (3) of this article, property described therein may be transferred in accordance with section 25 of the Act.

(5) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by or to Lochaber District Council in respect of any property transferred by this order shall as from 1st April 1976 be of full force and effect in favour of, or against Skye and Lochalsh District Council in whom the property is vested by virtue of this order.

(6) Any action or proceedings, or any cause of action or proceeding pending or existing at 31st March 1976 by or against Lochaber District Council in respect of any property, shall not be prejudicially affected by this article and

(**a**) S.I. 1975 659 (1975 I, p. 2360).

may be continued, prosecuted and enforced by or against Skye and Lochalsh District Council in whom the property is vested by virtue of this order.

(7) Any power belonging to Lochaber District Council to appoint any person to any body shall in so far as it relates to the discharge of functions within the transferred areas, transfer to Skye and Lochalsh District Council.

(8) (*a*) Where accommodation in any property transferred to and vested in Skye and Lochalsh District Council by this order is used by Lochaber District Council otherwise than temporarily, for the purpose of the said Lochaber District exercising any functions outwith the transferred areas, Lochaber District Council shall be entitled to the use of such accommodation, or as the case may be, the part thereof, which serves for the discharge of the said functions.

(*b*) Where by sub-paragraph (*a*) any right to the use of any accommodation is ensured for Lochaber District Council, the fittings, furniture, equipment and stores in such accommodation which have been provided exclusively for the purposes of the functions described in the sub-paragraph shall, unless otherwise agreed by Skye and Lochalsh District Council, remain vested in Lochaber District Council.

(*c*) The use of any property by virtue of this paragraph shall be for such period and on such terms as may be agreed between Lochaber District Council and Skye and Lochalsh District Council failing which agreement as determined by an arbiter agreed upon by the said Councils or failing such agreement by an arbiter to be appointed by the Secretary of State.

(9) All property which, by virtue of this order is transferred to or vested in Skye and Lochalsh District Council and is not required by the said Council shall not be disposed of—

(*a*) before 16th May 1977 without first being offered free of financial consideration to any other local authority carrying out the functions within the transferred areas; and

(*b*) before 16th May 1980 without the said Council first intimating to any other local authority carrying out functions within the transferred areas or to Lochaber District Council if that Council has or has had user rights in that property their intention to dispose of the property.

(10) (*a*) Any byelaws in force for the regulation of any property transferred by this order shall have effect as if they have been made by Skye and Lochalsh District Council.

(*b*) Any provision of any local Act or of any order made under or confirmed by any Act which applies to any property transferred by this order shall have effect with the substitution for any references to (or having effect as reference to) Lochaber District Council of references to Skye and Lochalsh District Council.

(11) Any excise licence, operator's licence, public service vehicle licence, road service licence, plating certificate or other document issued in respect of any vehicle transferred by this order shall have effect as if it had been issued to Skye and Lochalsh District Council and any reference to Lochaber District Council in any such licence or certificate or in any registration book or other document issued in respect of such vehicle shall have effect as a reference to Skye and Lochalsh District Council.

(12) Unless otherwise referred for determination in terms of paragraph (2) or (3) hereof or in consequence of the Local Authorities (Property etc.) (Scotland) Order 1975, any dispute as to the interpretation of paragraphs (1) to (11) inclusive of this article may be referred to the Secretary of State for decision.

Property held in trust

10.—(1) Where immediately before the appointed day any property is held in trust by the Lochaber District Council, or a councillor or specified officer thereof, and where by reason of the boundary changes effected by this order it is appropriate, having regard to the purposes of the trusts, that that property should be held in trust by another local authority, or a councillor or a specified officer of that other local authority, the Secretary of State may direct that the property be so held.

(2) Where immediately before the appointed day any power in respect of any trust is vested in the Lochaber District Council, or a councillor or specified officer thereof, and where by reason of the boundary changes effected by this order it is appropriate, having regard to the purposes of the trust, that that power should be vested in another local authority, or a councillor or specified officer of that other local authority, the Secretary of State may direct that the power shall so vest.

Housing

11. Any thing whatsoever done under the Small Dwellings Acquisition (Scotland) Acts 1899–1923(**a**) and the Housing (Scotland) Acts 1966–1975(**b**) by, to, or in relation to the Lochaber District Council in respect of any house, building or land including any proposed house or building, in the transferred areas shall be treated as having been done by, to, or in relation to the Skye and Lochalsh District Council and any such thing shall have effect as if any references therein to the Lochaber District Council or its houses, buildings or land were references to the Skye and Lochalsh District Council or its houses, buildings or land respectively.

PART III

TRANSFER AND PROTECTION OF STAFF

Scheme for transfer

12.—(1) A scheme for the allocation of officers for transfer to Skye and Lochalsh District Council on the basis of duties carried out referable to, and which meet the likely needs of, services to be provided by that Council in the transferred areas on and after 1st April 1976 shall be made by Lochaber District Council.

(2) Notwithstanding the provisions of paragraph (1) of this article a scheme for the allocation of officers for transfer to Skye and Lochalsh District Council may be made by the Lochaber District Council in any other circumstances relative to the described area as may be agreed by the said Councils.

(3) In any scheme made under paragraph (1) or (2) of this article any arrangements made under section 56 of the Act shall be taken into account.

(4) Before making a scheme referred to in paragraph (1) or (2) of this article Lochaber District Council shall—

(*a*) consult and agree its terms with Skye and Lochalsh District Council; and any other local authority appearing to them to be concerned;

(*b*) consult bodies representative of officers appearing to them to be concerned;

(*c*) inform all officers likely to be allocated for transfer of such likelihood and advise them of the provisions of this order; and

(*d*) take into consideration any representation by any officer referred to in sub-paragraph (*c*).

(**a**) 1899 c. 44; 1919 c. 60; 1923 c. 24.

(**b**) 1966 c. 49; 1968 c. 31; 1969 c. 34; 1972 c. 46; 1974 c. 45; 1975 c. 28.

(5) Upon making the scheme Lochaber District Council shall—

(*a*) transmit copies thereof to Skye and Lochalsh District Council, and any other local authority and bodies representative of officers appearing to them to be concerned;

(*b*) notify not later than fourteen days before 1st April 1976 all officers allocated for transfer of their allocation and, unless already notified, of the provisions of this order.

(6) If notice is given by either of the Councils referred to in paragraph (1) of this article that they have failed to reach agreement on a scheme in terms of paragraph (1) or (2) of this article the matter shall be determined by the Secretary of State or a person appointed by him for the purpose.

Upon any determination which will result in the variation of the allocation of officers Lochaber District Council shall notify the officers concerned of the effect of the determination.

(7) An appeal may be made within twenty-one days of the notification referred to in paragraph (4)(*b*) of this article by any officer affected by a scheme made in terms of paragraph (1) or (2) of this article and shall be determined by the Secretary of State or a person appointed by him for the purpose.

(8) A scheme made in terms of paragraph (1) or (2) of this article shall not extend to any officer who will by virtue of any agreement between him and Skye and Lochalsh District Council enter into the employment of that Council before 1st April 1976 or to any officer whose employment is to be terminated by Lochaber District Council otherwise than by virtue of the said scheme.

Transfer

13.—(1) Subject to paragraph (4) of this article every officer allocated by a scheme made under paragraph (1) or (2) of article 12 shall, to the extent of the allocation, be transferred to the employment of Skye and Lochalsh District Council not later than 1st April 1976.

(2) Any transfer effected by this order of an officer not in the whole time employment of Lochaber District Council shall be limited to the extent of his employment with that Council.

(3) Where any officer allocated by a scheme made under paragraph (1) or (2) of article 12 is absent from his normal duties at the date of transfer for the purpose of undergoing training he shall be transferred to Skye and Lochalsh District Council as if it was part of the arrangements under which he is so absent that at the completion of such training he should be transferred to the employment of that Council.

(4) Where any appeal under paragraph (7) of article 12 has been determined before 1st April 1976 in such a manner that a transfer of the officer to Skye and Lochalsh District Council is appropriate he shall be transferred not later than that date to the said Council in accordance with the determination; and where such appeal is determined on or after 1st April 1976 in such manner that a transfer of the officer is appropriate he shall be transferred within twenty-eight days from the date of the determination or such other date as may be agreed by the Councils and the officer.

Protection of officers transferred

14.—(1) Every officer transferred by this order to the employment of Skye and Lochalsh District Council shall so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing referring to this order and specifying new terms and conditions of employment,

enjoy terms and conditions of employment not less favourable than those which he enjoyed in the employment of Lochaber District Council immediately before the date of transfer.

(2) A statement of new terms and conditions of employment shall be served on every officer transferred by this order before 1st April 1977.

(3) If after service of a statement of new terms and conditions of employment upon him an officer appeals in terms of paragraph (7) or (8) of this article, the statement shall cease to have effect, paragraph (1) of this article shall have effect as if the statement had not been served and no new statement shall be served until the determination of the appeal has been notified.

(4) The new terms and conditions of employment shall be such that—

(*a*) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer the scale of his salary or remuneration is not less favourable than that which he enjoyed immediately before that date; and

(*b*) the other terms and conditions of his employment are not less favourable than those which he enjoyed immediately before the date of transfer.

(5) Where between the date of transfer and the service of the statement of new terms and conditions of employment upon any officer the scale of the salary or remuneration which such officer enjoyed immediately before the date of transfer is improved, paragraph (4)(*a*) shall have effect as if the scale as improved had been so enjoyed.

(6) Where the new terms and conditions of employment involve any diminution of the scale of the salary or remuneration of an officer they shall not come into effect until the date, not being a date earlier than the expiration of three months from the service of the statement thereof, specified in that statement.

(7) Any question by an officer whether duties are reasonably comparable within the meaning of paragraph (4) of this article shall be determined by the Secretary of State or a person appointed by him for the purpose.

(8) An officer may appeal in respect of new terms and conditions of employment and such appeal shall be determined as in paragraph (7) of this article.

(9) Any statement of new terms and conditions of employment shall contain a statement of the provisions of paragraphs (7) and (8) of this article.

(10) In this order "terms and conditions of employment" includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

(11) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1972(**a**) shall not be regarded as a statement of new terms and conditions of employment for the purposes of this article unless the statement so indicates.

Secondary transfers

15. Any officer transferred as mentioned in paragraph (1) of article 13 may, before 1st April 1977 or the expiration of two months from the service upon him of the statement of new terms and conditions of employment under paragraph (2) of article 14 whichever is the later, be transferred by the Skye and Lochalsh District Council, to any other local authority with the agreement of such authority and the said officer and the provisions of article 14 shall thereupon apply to him.

(**a**) 1972 c. 53.

Apprenticeships

16. Any contract of apprenticeship entered into between any officer and Lochaber District Council shall have effect as a contract entered into between such officer and Skye and Lochalsh District Council or such other authority to which he may be transferred by virtue of article 15 hereof.

Saving for training arrangements

17. Where any officer transferred by this order is undergoing training under arrangements which have not been discharged before the date of transfer those arrangements shall continue to apply with the substitution, for Lochaber District Council of the Council of Skye and Lochalsh District or such other authority to which he may be transferred by virtue of article 15 hereof.

Saving for dispensations

18. Any dispensation from the requirements of any regulations granted to Lochaber District Council shall have effect in relation to any officer transferred by this order, as if it had been granted to Skye and Lochalsh District Council or such other authority to which he may be transferred by virtue of article 15 hereof.

Saving for extensions of service

19. Any extension of service under regulation 13 of the Local Government Superannuation (Scotland) Regulations 1974(**a**) effective on the date of transfer in relation to an officer transferred by this order shall continue to have effect as if it had been made by Skye and Lochalsh District Council or by such other authority to which he may be transferred by virtue of article 15 hereof.

Travelling and removal expenses

20. Any additional travelling expenses, and any removal or incidental expenses, reasonably incurred by any officer in consequence of being transferred by this order shall be reimbursed by the Skye and Lochalsh District Council or by such other authority to which he may be transferred by virtue of article 15 hereof.

Commencing points on scales

21. Where, in relation to any officer transferred by this order—

(*a*) on the scale of salary or remuneration applicable to him immediately before the date of transfer he would have become entitled to an increment on that date; and

(*b*) by reason of any appointment effective as from the date of transfer made by Skye and Lochalsh District Council, any other scale of salary or remuneration becomes applicable to him as from that date,

any term of his employment as to his commencing point on such other scale shall be applicable as if his employment before, and on and after, the said date were continuous employment.

Notices to terminate contracts of employment

22.—(1) This article applies to contracts of employment resulting from the operation of this order or a determination given on an appeal against a particular transfer.

(2) Notice to terminate any contract of employment to which this order applies may, with his consent, be given to any officer before the date of transfer by Skye and Lochalsh District Council.

(**a**) S.I. 1974/812 (1974 II, p. 3093).

(3) A notice to terminate any contract of employment to which this article applies given by reason of the fact that the officer to whom it is given has become redundant in consequence of this order on the date of transfer shall not, unless the officer to whom it is given otherwise agrees, come into operation earlier than the expiration of three months from the service thereof.

Discretionary powers

23. Where immediately before an employee is transferred as a result of this order it is the prevailing practice of the body employing him to exercise beneficially (that is to say, to secure the payment of gratuities, allowances or pensions, or of increased pensions or lump sum benefits) any discretionary power exercisable by them in relation to him by virtue of any enactment relating to pensions, it shall be the duty of the new employing body in relation to that employee to exercise any corresponding discretionary power under any enactment relating to pensions for the time being in force in a way which is no less beneficial than that practice; and Part H of the Local Government Superannuation (Scotland) Regulations 1974 shall apply to any questions arising under this article.

Continuity of employment

24. Where an employee is transferred as a result of this order he shall be treated for the purposes of the Local Government Superannuation (Scotland) Regulations 1974 and 1975(**a**) as if his new employment and his former employment were one continuous employment and in particular his status as a pensionable or non-pensionable employee at the date of such transfer shall not thereby be affected.

Certain liabilities of former authority

25. Where as a result of the provisions of—

(*a*) the Local Government Superannuation (Scotland) Regulations 1974 and 1975;

(*b*) the former regulations as defined in the Local Government Superannuation (Scotland) Regulations 1974; or

(*c*) the Local Government (Compensation) (Scotland) Regulations 1975 as amended(**b**)

a payment other than from a superannuation fund is or becomes due to be made to, or in respect of, a former employee and that person when last employed by a local authority had been employed wholly or mainly in connection with any function of that authority relating to the transferred areas, the liability to meet that payment shall pass from that authority to the local authority to whom, by this order, the responsibility for the exercise of that function in that area is transferred.

PART IV

FINANCE AND VALUATION

Security for loans

26. Any liability or part of a liability relating to the transferred areas which is secured on the whole funds, rates and revenues of Lochaber District Council, shall, as from the appointed day, be secured instead on the whole funds, rates and revenues of Skye and Lochalsh District Council.

(**a**) S.I. 1974/812, 1975/638 (1974 II, p. 3093, 1975 I, p. 2284).

(**b**) S.I. 1975/734, 1864 (1975 II, p. 2682; p. 7052).

Liabilities to certain funds

27.—(1) Where, prior to the appointed day, advances from a loans fund have been used by Lochaber District Council in relation to any part of the transferred areas for any purpose, the liability to pay the sums which become due and owing in respect thereof shall as from the appointed day transfer to Skye and Lochalsh District Council who shall make payments in respect thereof to Lochaber District Council.

(2) Where, prior to the appointed day, in relation to any part of the transferred areas any monies from a fund established under paragraph 22 of Schedule 3 to the Local Government (Scotland) Act 1975(**a**) or under any other enactment have been advanced to Lochaber District Council for any purpose, any outstanding balance of such monies shall as from the appointed day be transferred to Skye and Lochalsh District Council who may treat such balance as forming part of a fund established by them under the said paragraph 22 and make such repayments to that fund as they consider appropriate but otherwise any liability to make repayment in respect thereof shall cease.

(3) Where, prior to the appointed day, in relation to any part of the transferred areas monies forming part of a fund to which paragraph 25 of Schedule 3 to the Local Government (Scotland) Act 1975 applies have been used by Lochaber District Council for any purpose for which that paragraph provides, the provisions of sub-paragraph (2) of the said paragraph shall as from the appointed day apply to Skye and Lochalsh District Council in relation to the repayment of the said monies to that fund of Lochaber District Council.

Valuation of water undertakings

28. For the purposes of the apportionment of the cumulo rateable value of a water undertaking among rating areas under paragraphs 17 to 21 of Schedule 2 to the Local Government (Scotland) Act 1966(**b**) for the financial year beginning on the appointed day and any subsequent financial year the change of areas made by this order shall be deemed to have been operative from 16th May 1974.

Valuation roll

29. The Assessor shall cause such alteration to be made in the valuation roll as may be necessary as a result of the change of areas made by this order.

Valuation of Post Office telecommunications services

30. For the purposes of the apportionment of the aggregate rateable value of the Post Office telecommunications services in Scotland for the year 1976–77 determined by the Secretary of State under section 53 of the Post Office Act 1969(**c**) the change of areas made by this order shall be deemed to have been operative from 16th May 1975.

PART V

MISCELLANEOUS

Registration

31.—(1) Subject to paragraph (2), in this article—

"register" means any register under any enactment, rule, order or regulation;

"registration" means inclusion in any register; and

"exemption" means exemption from any obligation in respect of registration.

(2) This article does not extend to—

(*a*) any register of Parliamentary and local government electors;

(*b*) any register of births, marriages or deaths.

(**a**) 1975 c. 30. (**b**) 1966 c. 51. (**c**) 1969 c. 48.

(3) As soon as may be after the appointed day the proper officer of the Lochaber District Council shall send to the proper officer of the Skye and Lochalsh District Council a copy of every entry in any register of the authority by whom he is employed which is appropriate for the register of that other authority; and every entry so incorporated or included shall continue in force as fully and effectively as if it had originally been made in the register in which it is incorporated or included.

(4) Any application made before the appointed day for registration in any register, or for exemption from any obligation in respect of inclusion in such register, which concerns or has effect in relation to any area transferred from the Lochaber District Council or to any person, property, matter or thing therein, shall be treated as having been made to the Skye and Lochalsh District Council.

(5) Any order, decision, notice or certificate made, taken, given or issued before the appointed day by the Lochaber District Council in relation to—

any entry in any register of that authority; or

any application for registration or exemption,

which concerns or has effect in relation to any area transferred from that authority shall have effect as if it had been made, taken, given or issued by the Skye and Lochalsh District Council.

Inspection of district authority books etc.

32. Any person shall at all times be entitled to the rights to which he would have been entitled if the order had not been made of inspecting and making extracts from the public books, writings and papers of the Lochaber District Council and the Skye and Lochalsh District Council (including any photographic copies thereof) and all documents directed by law to be kept therewith.

Food and drugs

33. Anything done before the appointed day in the transferred areas by, to, or in relation to the Lochaber District Council or an authorised officer of that authority in the exercise of any function under the Food and Drugs (Scotland) Act 1956(**a**) or regulations having effect thereunder shall be deemed to have been done by, to, or in relation to the Skye and Lochalsh District Council or, as the case may be, an authorised officer of that authority, and any instrument made in the exercise of such functions in force immediately before the appointed day shall continue in force on and after that day until varied or revoked in relation to the transferred areas in the exercise of such functions by the Skye and Lochalsh District Council.

Milk and dairies

34. Anything done before the appointed day in the transferred areas by, to, or in relation to the Lochaber District Council or an authorised officer of such authority in the exercise of any function under the Milk and Dairies (Scotland) Acts 1914 to 1949(**b**) or any order having effect thereunder shall be deemed to have been done by, to, or in relation to the Skye and Lochalsh District Council or, as the case may be, an authorised officer of such authority.

Licensing

35. After the appointed day the licensing court and the licensing court of appeal for the Skye and Lochalsh District shall have under the Licensing (Scotland) Acts 1959(**c**) and 1962(**d**) as amended by the Act the same functions

(**a**) 1956 c. 30. (**b**) 1949 c. 34. (**c**) 1959 c. 51.
(**d**) 1962 c. 51.

in relation to the transferred areas as in relation to the rest of that district and the licensing court and court of appeal for the Lochaber District shall cease to have any functions in relation to the transferred areas.

Burial grounds

36. Nothing in the order shall affect any right of burial, or any right to construct any chapel, vault or place of burial or any right of erecting and placing any monument, gravestone, tablet or monumental inscription which any person may have acquired before the appointed day or affect the amount of any fee payable by him in respect of any such right.

District courts

37.—(1) Except as provided in paragraph (2) hereof the district court for the District of Skye and Lochalsh shall, after the appointed day, be treated in respect of the transferred areas as having succeeded the district court for the District of Lochaber.

(2) Where proceedings with regard to a matter arising in or related to the transferred areas have been instituted before the appointed day in the district court for the District of Lochaber and have not been completed by that date, it shall be competent for these proceedings to be continued in the said court as if this order had not been made.

(3) Where proceedings with regard to a matter arising in or related to the transferred areas before the appointed day have not been instituted before that day in the district court for the District of Lochaber, it shall be competent for those proceedings to be instituted in the district court for the District of Skye and Lochalsh.

Justices of the peace

38. Any justice of the peace who immediately before the appointed day holds office by virtue of the provisions of the District Courts (Scotland) Act 1975(**a**) for the commission area of Lochaber and resides in the transferred areas shall on and after the appointed day hold office as a justice of the peace for the commission area of Skye and Lochalsh.

Honorary freedoms

39. Nothing in this order shall affect the status of any person who is immediately before the appointed day an honorary freeman of any place which is an islands area or district or of any body which at such time enjoys privileges of similar nature to honorary freedom of such place.

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

New St. Andrew's House,
Edinburgh.
2nd March 1976.

(a) 1975 c. 20.

SCHEDULE

Boundaries of Transferred Areas

Note: In the following descriptions a reference to a river or burn shall, where the context so admits, be construed as a reference to the centre line thereof.

Area 1

Commencing at a point where the northern boundary of the Lochaber District meets the shore of Kyle Rhea (being Low Water Springs), thence generally southeastwards following the said boundary to the summit of Sgurr na Sgine (3,098 feet), thence southwestwards in a straight line to the source of the Allt a' Choire Dhuibh burn, thence southwestwards following the said burn to the Allt Coire Mhalagain burn, thence generally southwestwards and westwards following the said burn and its continuation, the Abhainn Ghleann Dubh Lochain burn to Dubh Lochain, thence northwestwards, southwestwards, southeastwards and generally westwards following the eastern and southern shores of Dubh Lochain to the River Arnisdale, thence westwards, southwards and southwestwards following the said river to the Eigin Allt burn, thence southeastwards following the said burn to its source, thence southwestwards in a straight line to a point the Grid reference No. of which is NG 8869/0815 thence southeastwards in a straight line to the source of the unnamed burn which flows into Loch Hourn at a point to the east of the Allt Carn nan Gad burn and to the west of the Allt Grannda burn, thence generally southwards following the said unnamed burn to the western boundary of the Lochaber District along the north shore of Loch Hourn (being Low Water Springs), thence generally westwards, northwestwards and northeastwards following the western boundary of the said District to the point of commencement.

Area 2

Commencing at a point (Low Water Springs) on the western boundary of the Lochaber District where the Allt Coire Mhicrail burn meets the south shore of Loch Hourn thence southeastwards following the said burn to its source, thence southwestwards following the water shed between the area draining to Loch Hourn and the area draining to Loch Coire Shubh to a point near the summit of Sgurr nan Eugallt (2,934 feet) the Grid reference No. of which is NG 9313/0445, thence southeastwards following the said water shed to a point the Grid reference No. of which is NG 9357/0391, thence generally southwestwards following the water shed between the area draining to Loch Hourn and the area draining to Loch Quoich to the summit of Sgurr a' Choire-bheithe (2,994 feet), thence continuing generally southwestwards following the water shed between the area draining to Loch Hourn and the area draining to the River Carnach to the summit of Luinne Bheinn (3,083 feet) thence generally northwestwards following the water shed between the area draining to Loch Hourn and the area draining to Loch an Dubh-Lochain passing through the summit of Bachd Mhic an Tosaich (2,126 feet) to the summit of Aonach Sgoilte (2,786 feet), thence generally northwestwards, southwestwards and northwestwards following the water shed between the area draining to Loch Hourn and the area draining to the Amhain Inbhir Ghuiscrein passing through a point near the summit of Ladhar Bheinn (3,343 feet) the Grid reference No. of which is NG 8256/0392, and through the summits of Beinn na Caillich (2,573 feet), Meall Coire an t-Searraich (2,227 feet), Na Cruachan (1,912 feet) to the summit of Meall na Coille Duibhe (1,119 feet), thence generally westwards and southwestwards following the water shed between the area draining to Loch Hourn and the area draining to the Sound of Sleat to a point the Grid reference No. of which is NG 7442/0809 on the shore of the Sound of Sleat, thence due west to the western boundary of the Lochaber District (being Low Water Springs), thence northeastwards following the said boundary along the shore of the Sound of Sleat, thence generally eastwards, southeastwards and eastwards following the said boundary along the south shore of Loch Hourn to the point of commencement.

There shall be included in the areas to be transferred the Sandaig Islands in the Sound of Sleat, the island of Eilean Liath in Kyle Rhea and all islands in Loch Hourn.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order makes provision for the transfer within the Highland Region of two areas of the Lochaber District and the Sandaig Islands in the Sound of Sleat, the island of Eilean Liath in Kyle Rhea and all islands in Loch Hourn to the Skye and Lochalsh District and makes consequential provisions resulting therefrom including provisions dealing with property and housing (Part II), transfer and protection of staff (Part III), finance and valuation (Part IV), and various other matters (Part V).

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