STATUTORY INSTRUMENTS

1975 No. 233 (S. 21)

RIVER, SCOTLAND

The Solway River Purification Board (Establishment) Order 1975

Made - - - - 21*st February* 1975

Coming into Operation 7*th March* 1975

In exercise of the powers conferred on me by section 135 of the Local Government (Scotland) Act 1973(a) and by sections 6 and 7 of the Rivers (Prevention of Pollution) (Scotland) Act 1951(b) and of all other powers enabling me in that behalf, after consultation with all local authorities and river purification boards whose areas are wholly or partly within the area affected by this order and having complied with the provisions of Schedule 3 to the Water (Scotland) Act 1967(c), as applied by subsection (7) of the said section 135, I hereby make the following order:—

1. This order may be cited as the Solway River Purification Board (Establishment) Order 1975 and shall come into operation on 7th March 1975.

2.—(1) In this order, unless the context otherwise requires—

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

"the Act of 1947" means the Local Government (Scotland) Act 1947(d);

"the Act of 1951" means the Rivers (Prevention of Pollution) (Scotland) Act 1951;

"the Board" means the Solway River Purification Board established by article 3 of this order;

"proper officer" means in relation to any purpose, an officer appointed for that purpose by the Board;

"Solway River Purification Board Area" means the area so described and defined in the River Purification Board Areas (Scotland) Order 1975(e).

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

3.—(1) There shall be a river purification board for the Solway River Purification Board Area which shall be a body corporate and shall be known as the Solway River Purification Board.

(2) The Board shall have a common seal and may hold land and may sue and be sued in their own name.

(a) 1973 c. 65.
(b) 1951 c. 66.
(c) 1967 c. 78.
(d) 1947 c. 43.
(e) S.I. 1975/No. 231.
(f) 1889 c. 63.

(3) The Board shall consist of 15 members, of whom the Secretary of State shall appoint 5 in accordance with the provisions of section 135(5)(*b*) of the Act and each local authority or group of authorities specified in column (1) below shall appoint from among their members such number of members as are specified opposite and in relation to that local authority in column (2)—

(1)	(2)
Regional Council of Dumfries and Galloway Region	5
District Council of Wigtown District	1
District Council of Stewartry District	1
District Councils of Annandale and Eskdale District and Roxburgh District	1
District Council of Nithsdale District	1
District Councils of Kyle and Carrick District and Cumnock and Doon Valley District and Lanark District	1

(4)(*a*) Members of the Board appointed by the local authorities as specified in paragraph (3) above shall be appointed within one month after the coming into operation of this order and thereafter within one month of each ordinary election of councillors and shall serve on the Board for their terms of office as councillors in accordance with the provisions of section 4 of the Act;

(*b*) upon a person appointed by a local authority or group of local authorities ceasing to be a member of the Board otherwise than on the expiry of his term of membership under subparagraph (*a*) above, the council or councils by which he was appointed shall appoint a member in his stead; provided that such appointment need not be made if it falls to be made within 6 months of the date of the next ordinary election;

(*c*) members of the Board will be eligible for re-appointment;

(*d*) for any member appointed by a council or councils under paragraph (3) above a substitute member may also be appointed by that council or councils and such a substitute member may attend any meeting and shall have the same voting powers as the member whose place he has been appointed to occupy.

4.—(1) The first meeting of the Board shall be held not later than 6 weeks after the coming into operation of this order and shall be convened by the Chief Executive of the district of Nithsdale.

(2) Each authority or group of authorities appointing members under article 3(3) above, immediately after making the appointments, shall inform the Chief Executive of the district of Nithsdale of the names of their appointed members.

5.—(1) The provisions of sections 260 to 296 of the Act of 1947 (which relate to borrowing by local authorities) shall, in their application by virtue of section 7 of the Act of 1951 to borrowing by the Board, have effect subject to the modifications specified in column (2) in Part I of the Schedule to this order and in the next succeeding paragraph.

(2) Except where the context otherwise requires, any reference in the said sections—

(*a*) to the Act of 1947, shall be construed as a reference to that Act as modified by this order;

(*b*) to Part XII of the Act of 1947, shall be construed as a reference to section 7 of the Act of 1951 and to the said sections 260 to 296 as modified by this order;

(*c*) to a local authority, shall be construed as a reference to the Board;

(*d*) to the clerk or treasurer of a local authority, shall be construed as a reference to the proper officer of the Board.

6. The provisions of the Act set out in column (1) in Part II of the Schedule to this order shall apply in relation to the Board subject to the modifications, specified opposite and in relation thereto in column (2) of the said Part and, except in the application of section 65 and where the context otherwise requires, for any reference to a local authority, authority, or council in the said provisions there shall be substituted a reference to the Board.

7.—(1) For the purposes of section 6(1) of the Act of 1951, the Board's expenses shall be defrayed by the councils of the regions whose areas are comprised wholly or partly in the river purification board area and shall be apportioned and allocated among the said regions in the proportion which the product of a rate of one penny in the pound or the standard penny rate product, whichever is the higher, estimated in accordance with the provisions of section 12 of the Local Government (Scotland) Act 1966(**a**) for so much of the area of each of the said regions as lies within the area of the Board, bears to the sum of the said rate products of one penny in the pound or standard penny rate products as the case may be for all the said areas of the said regions.

(2) The Board shall issue requisitions to the councils for the payment of the amount apportioned to the said councils.

8.—(1) All the rights and liabilities other than those in or relating to property of the Solway River Purification Board established by the Solway River Purification Board (Area and Establishment) Order 1953(**b**) shall be transferred to and vest in the Board with effect from 16th May 1975, without the necessity of any conveyance or other process of law.

(2) Where any such right or liability vests in the Board, the Board and all other persons shall have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal or other proceedings) for ascertaining, completing or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board.

(3) Any legal or other proceedings to which the said Solway River Purification Board is a party and which are pending on 16th May 1975 may be continued on and after that day as if the Board instead of the said Solway River Purification Board had been a party thereto.

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

St Andrew's House,
EDINBURGH.

21st February 1975.

(**a**) 1966 c. 51.

(**b**) S.I. 1953/No. 314.

SCHEDULE

PART I

Article 5

Modifications of Sections 260 to 296 of the Act of 1947

(1) *Section*	(2) *Modifications*
260 (Modes of borrowing)	Subsection (1) shall apply as if the word "rates" and paragraph (*e*) were deleted.
261 (Security for money borrowed and ranking thereof)	Subsections (1) and (2) shall apply as if the word "rates" were omitted.
267 (Forms of mortgage, transfer, renewal and discharge thereof)	Subsection (1) shall apply as if the word "rates" were omitted.

PART II

Article 6

Application of provisions of the Act

(1) *Section*	(2) *Modifications*
23 (Change of name of region, islands area or district)	For the words "council of a region islands area or district" and "region, islands area or district" there shall be substituted the words "the Board" and in subsection (2) the words "and to the Registrar General of Births, Deaths and Marriages for Scotland" shall be omitted.
31 (Disqualifications for nomination, election and holding office as a member of a local authority)	Subsection (1) shall apply as if the words "nominated as a candidate for election as, or for being elected, or for being" were omitted; and the words "or of a committee appointed by the Board" were inserted after the words "local authority". Subsection (4) shall not apply.
38 (Disability of members of authorities for voting on account of interest in contracts, etc.)	—
39 (Pecuniary interests for purposes of section 38)	—
40 (General notices and recording of disclosures for purposes of section 38)	—
41 (Removal or exclusion of disability, etc.)	—
42 (Interpretation of sections 39 and 41)	—
43 (Meetings and proceedings of local authorities)	—
44 (Admission of public and press to local authority meetings)	—
48 (Payment of expenses of official and courtesy visits, etc.)	—

(1) *Section*	(2) *Modifications*
57 (Appointment of committees)	In subsection (1) for the words "functions of a local authority in pursuance of arrangements made under section 56 of this Act" there shall be substituted the words "their functions under the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 and the Control of Pollution Act 1974"(a); and for the words in paragraph (*b*) "two or more local authorities" and "those authorities" there shall be substituted "the Board and any other board" and "those boards". In subsection (2) for "appointing authority or authorities" there shall be substituted "the Board, or in the case of a joint committee, the boards". In subsection (3) for "appointing authority or authorities" there shall be substituted "the Board or joint committee" and for the words "that authority or those authorities" there shall be substituted "that Board or that joint committee". In subsection (4) for the words "two or more local authorities may join in appointing a committee" there shall be substituted the words "may join with any other board in appointing a joint committee"; and for the words "appointing authority or authorities" wherever they occur there shall be substituted the words "the Board or, in the case of a joint committee, the boards". In subsection (5) for the words "the appointing authority or one of the appointing authorities" and "that authority" there shall be substituted the words "the Board or, in the case of a joint committee, of one of the boards" and "that board" respectively.
62 (Standing orders, etc.)	For the words "local authorities" there shall be substituted "the Board and any other board".
64 (Appointment, etc. of staff)	Subsections (1), (2) and (4) to (7) shall be omitted.
65 (Placing of staff of local authorities at disposal of other local authorities)	Between the words "a local authority" and "may" there shall be inserted the words "or river purification board"; for the words "another local authority" where they twice occur and "that other local authority" there shall be substituted the words "the Board"; and for "local authorities' " there shall be substituted "the Board's".

(a) 1974 c. 40.

(1) *Section*	(2) *Modifications*
66 (Security to be taken in relation to officers)	—
67 (Members of local authority not to be appointed as officers)	—
68 (Disclosure by officers of interest in contracts)	—
69 (Subsidiary powers of local authorities)	Subsection (1) shall apply as if "or" were inserted between "expenditure" and "borrowing"; and in subsection (1) the words "or lending" and in subsection (2) the words "whether by means of rates or borrowing, or lend money" shall not apply.
81 (Contracts of local authorities)	—
83 (Power of local authorities to incur expenditure for certain purposes not otherwise authorised)	Subsection (1) shall apply as if the words "subject to the provisions of this section" were omitted and the words "subject to the approval of the Secretary of State" were substituted. Subsections (2) to (6) shall not apply.
86 (Insurance by local authorities against accidents to members)	—
87 (Research and the collection of information)	In subsection (1) after the word "other" there shall be inserted "board". In subsection (2) the words after "that council" shall not apply.
88 (Provision of information, etc., relating to matters affecting local government)	In subsection (1) for the words "provided either by the authority" there shall be substituted the words "provided by the authority" and the words from "or by other authorities" to the end of the subsection shall not apply. In subsection (2) for the words "local government" there shall be substituted the words "river purification and related matters".
89 (Subscriptions to local government associations)	For the words "local authorities" where they occur there shall be substituted the words "river purification boards".
189 (Legal proceedings)	In subsection (1) for the words "or protection of the interests of the inhabitants of their area or any part thereof" there shall be substituted the words "of the interests of river purification in their area".
190 (Service of legal proceedings, notices, etc., on local authorities)	—
191 (Claims in sequestrations and liquidations)	—
193 (Authentication of documents)	—
194 (Execution of deeds by local authority and use of seal)	—
195 (Public notices)	—
196 (Misnomers, etc., not to affect validity of notices etc.)	After the words "this Act" shall be inserted the words "or of the Control of Pollution Act 1974".

(1) *Section*	(2) *Modifications*
197 (Inspection and deposit of documents)	In subsection (1) paragraphs (*b*) and (*c*) shall not apply and the words "or joint board", where they occur, shall be omitted and for the words "any of the local authorities" there shall be substituted "the Board and of any other board". Subsections (2), (3), (4) and (5) shall not apply.
198 (Photographic copies of documents)	—
199 (Reports and returns)	For the words "every" there shall be substituted "the" and "or joint board" shall be omitted.
215(3) and (5) (Consequential and supplementary provisions)	Subsections (3) and (5) shall apply as though for the words in subsection (3), "an existing local authority" and "a specified existing local authority" there were substituted the words "the Solway River Purification Board established by the Solway River Purification Board (Area and Establishment) Order 1953"; for the words "such an authority" wherever they occur there were substituted "the said board"; and for the words "new local authority" there were substituted "Board".
216 (Transfer of officers)	In subsection (2), for the words "local authorities" there shall be substituted the words "river purification boards"; the words "who are or include an authority", the words "Part I of", and the words "the said Part I of" shall be omitted; and for the words "local authority" there shall be substituted the words "river purification board". In subsection (3), for the word "authority" wherever it occurs there shall be substituted the words "river purification board".
Schedule 7 (Meetings and proceedings of local authorities)	—

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order establishes a river purification board to be known as the Solway River Purification Board for the area defined in the River Purification Board Areas (Scotland) Order 1975. It specifies the total number of members for the Board and details the number of members who are to be appointed respectively by the councils of the regions and of the districts which fall wholly or partly within the area, and specifies their term of office.

The Order also makes arrangements for the calling of the first meeting of the Board and for the financing of the Board. It also applies to the Board, with modifications, certain provisions of the Local Government (Scotland) Act 1973 and transfers to the Board the rights and liabilities of the Solway River Purification Board as established by the Solway River Purification Board (Area and Establishment) Order 1953.

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