



I N S T R U M E N T S

1976 No. 340 (S. 26)**LOCAL GOVERNMENT, SCOTLAND****CHANGES IN LOCAL GOVERNMENT AREAS****The Lochar and Skye and Lochalsh Districts
(Boundaries) Order 1976**

<i>Made</i>	- - -	<i>2nd March 1976</i>
<i>Laid before Parliament</i>		<i>9th March 1976</i>
<i>Coming into Operation</i>		<i>1st April 1976</i>

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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