



Local Government (Development and Finance) (Scotland) Act 1964

1964 CHAPTER 67

PART I

DEVELOPMENT

^{F1} **Power to develop land.**

- (1) A local authority may, for the benefit or improvement of their area, erect any building and construct or carry out works on land.
- (2) ^{F2}
- (4) Nothing in this section shall prevent the exercise by a local authority of power to develop land under section 19 of the ^{M1}Town and Country Planning (Scotland) Act 1945 (which gives power to develop land held under that Act for planning purposes).

Textual Amendments

- F1** S. 1 extended (8.9.2000) by 2000 asp 10, s. 9, **Sch. 3 para. 1(a)** (with s. 32); S.I. 2000/312, **art. 2**
F2 Ss. 1(2)(3), 5, 6(3), 15 repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

Marginal Citations

- M1** 1945 c. 33.

2 Additional power to develop land.

- (1) Notwithstanding anything contained in section 1 of this Act, a local authority may, for the purpose of—
 - (a) preserving or enhancing the natural beauty of land in their area, or

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(b) enabling land in their area to be brought into use or restoring or improving its appearance, where the land appears to them to be derelict, neglected or unsightly, or

[^{F3}(c) enabling members of the public to enjoy the countryside or engage in open-air recreation there,]

carry out such work as appears to them to be expedient.

(2) Without prejudice to the generality of the foregoing subsection, a local authority may—

- (a) for the purpose of enabling members of the public to enjoy the countryside,
- (i) provide on land in their area picnic places, footpaths, seats, shelters, public conveniences, view-point stances and indicators, and
 - (ii) provide passenger ferries;
- (b) for the purpose of enabling members of the public to engage in boating, fishing, water sports, or similar activities, provide piers, jetties, boatslips, landing places and landing stages.

Nothing in this subsection shall authorise the carrying out of any operation in contravention of section 34 of the ^{M2}Coast Protection Act 1949 (which provides for the restriction of works detrimental to navigation).

(3) In this section—

“footpath” includes gates, stiles, steps, bridges and other ancillary works;

“indicator” includes signposts, milestones, plaques, panoramic drawings and other means of indicating landmarks, together with any necessary mountings therefor;

“picnic places” includes equipment ancillary thereto;

“provide” includes maintain and improve.

Textual Amendments

F3 S. 2(1)(c) added by [Countryside \(Scotland\) Act 1967 \(c. 86\), s. 52\(1\)](#)

Modifications etc. (not altering text)

C1 S. 2 extended by [Countryside \(Scotland\) Act 1967 \(c. 86\), ss. 52\(2\)\(3\), 73\(1\)](#)

C2 S. 2 extended (8.9.2000) by [2000 asp 10, s. 9, Sch. 3 para. 1\(a\)](#) (with s. 32); [S.I. 2000/312, art. 2](#)

C3 S. 2(2) excluded by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 16, Sch. 3 para. 22\(2\)](#)

Marginal Citations

M2 [1949 c. 74.](#)

3 Powers supplementary to sections 1 and 2.

(1) The powers conferred by sections 1 and 2 of this Act—

- (a) may be exercised by a local authority either on land belonging to them, or, with the consent of all persons having an interest therein, on other land; and
- (b) shall include power to manage any land so far as relates to anything done thereon by or on behalf of the local authority and to maintain any works carried out under the said powers.

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- (2) Where a local authority exercise their powers under either of the said sections on land not belonging to them, any power conferred by those sections or by paragraph (b) of the foregoing subsection shall include power—
 - (a) to make arrangements by agreement for the exercise of the power on behalf of the local authority by some other person on such terms as may be specified in the agreement, and
 - (b) to make an agreement with persons having an interest in the land fixing the terms on which the local authority will exercise their said powers.
- (3) The terms mentioned in the last foregoing subsection shall include, where appropriate, provision for securing public access to the land on which any works will have been carried out or facilities provided under the said powers and generally for safeguarding the interest of the public in any such works or facilities.

^{F4}(4)

Textual Amendments

F4 S. 3(4) added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 9, **Sch. 1 Pt. II para. 1** and repealed (1.4.1996) by [S.I. 1996/974](#), art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

C4 S. 3 extended by [Countryside \(Scotland\) Act 1967 \(c. 86\)](#),s. 52(2)(3)

4 ^{F5}

Textual Amendments

F5 S. 4 repealed by [Litter Act 1983 \(c. 35, SIF 100:3\)](#), s. 12(3), **Sch. 2**

5 ^{F6}

Textual Amendments

F6 Ss. 1(2)(3), 5, 6(3), 15 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

6 Supplementary provisions.

- (1) A local authority may make contributions towards expenditure incurred or to be incurred by any other local authority or by any voluntary organisation in the doing of anything which could have been done under this Part of this Act by the first-mentioned local authority; and a local authority may receive from any other person contributions towards expenditure incurred or to be incurred by them under this Part of this Act.

In this subsection “voluntary organisation” means any body of persons, whether corporate or unincorporate, carrying on or proposing to carry on an undertaking otherwise than for profit [^{F7}and includes a community council within the meaning of the ^{M3}Local Government (Scotland) Act 1973].

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(2) Where any person having such an interest in any land as enables him to bind the land enters into any agreement relating to the land with a local authority acting in exercise of powers conferred on them by this Part of this Act, the agreement may be recorded in the Register of Sasines, and if so recorded shall be enforceable at the instance of the local authority against persons deriving title to the land from the person who entered into the agreement:

Provided that any such agreement shall not be enforceable against a third party who shall have in good faith and for value acquired right (whether completed by infetment or not) to the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.

(3) F8

Textual Amendments

F7 Words added by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 154**

F8 [Ss. 1\(2\)\(3\), 5, 6\(3\), 15](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

Marginal Citations

M3 [1973 c. 65.](#)

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Development and Finance) (Scotland) Act 1964, Part I.