

## SCHEDULES

### SCHEDULE 2

#### OTHER AMENDMENTS

##### *Civic Government (Scotland) Act 1982 (c.45)*

- 3 (1) Part V of the Civic Government (Scotland) Act 1982 (public processions) shall be amended in accordance with this paragraph.
- (2) In section 62 (notification of processions)—
- (a) in subsection (1)—
    - (i) after " below " there shall be inserted "(a)."; and
    - (ii) at the end there shall be inserted—  
“; and  
(b) to the chief constable.”;
  - (b) in subsection (2)—
    - (i) in paragraph (a), after " council" there shall be inserted "and to the office of the chief constable";
    - (ii) in paragraph (b), for " that office " there shall be substituted "those offices";
  - (c) in subsection (4)—
    - (i) after " area " there shall be inserted "(a)"; and
    - (ii) after " them " there shall be inserted—  
“; and  
(b) intimidated to the chief constable.”; and
  - (d) in subsection (12), in the definition of "public place", for "the Public Order Act 1936" there shall be substituted "Part II of the Public Order Act 1986".
- (3) In section 63 (functions of regional and islands councils in relation to processions)—
- (a) after subsection (1) there shall be inserted—  
“(1A) Where notice of a proposal to hold a procession has been given or falls to be treated as having been given in accordance with section 62(1) of this Act—
    - (a) if a regional or islands council have made an order under subsection (1) above they may at any time thereafter, after consulting the chief constable, vary or revoke the order and, where they revoke it, make any order which they were empowered to make under that subsection ;
    - (b) if they have decided not to make an order they may at any time thereafter, after consulting the chief constable, make

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*Status: This is the original version (as it was originally enacted).*

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- any order which they were empowered to make under that subsection.”;
- (b) in subsection (2) after " (1)" there shall be inserted "or (1A)";
- (c) in subsection (3)—
- (i) in paragraph (a)(i), after "(1)" there shall be inserted or (1A) above " ;
- (ii) in paragraph (a)(ii), for " such an order" there shall be substituted "an order under subsection (1) above or to revoke an order already made under subsection (1) or (1A) above";
- (iii) at the end of paragraph (a)(ii). for "and" there shall be substituted—  
“(iii) where they have, under subsection (1A) above, varied such an order, a copy of the order as varied and a written statement of the reasons for the variation ; and”;
- (iv) in paragraph (b), after " (1)" there shall be inserted "or (1A)", and after " made " where third occurring there shall be inserted "and, if the order has been varied under subsection (1A) above, that it has been so varied"; and
- (v) at the end of paragraph (b) there shall be inserted—  
“; and  
(c) where they have revoked an order made under subsection (1) or (1A) above in relation to a proposal to hold a procession, make such arrangements as will ensure that persons who might take or are taking part in that procession are made aware of the fact that the order has been revoked.”.
- (4) In section 64 (appeals against orders under section 63)—
- (a) in subsection (1) for the words from " against" to the end there shall be substituted—  
“against—  
(a) an order made under section 63(1) or (1A) of this Act; or  
(b) a variation under section 63(1A) of this Act of an order made under section 63(1) or (1A),  
  
in relation to the procession.”;
- (b) in subsection (4) after " make " there shall be inserted "or, as the case may be, to vary"; and
- (c) in subsection (7) after " order " there shall be inserted "or, as the case may be, the variation of whose order".
- (5) In section 65 (offences and enforcement)—
- (a) in paragraphs (b) and (c) of subsection (1), after " (1) " there shall be inserted "or (1A)"; and
- (b) in paragraphs (b) and (c) of subsection (2), after " (1) " there shall be inserted "or (1A)".
- (6) In section 66 (relationship with Public Order Act 1936)—

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- (a) for " the Public Order Act 1936 " there shall be substituted "Part II of the Public Order Act 1986";
- (b) in paragraph (a), for " or order made under section 3 " there shall be substituted "under section 12", and " or that order " shall be omitted ; and
- (c) in paragraph (b), " or order under the said section 3 " shall be omitted.