



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VI **U.K.**

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1** Pt. VI modified (2.8.2014) by *City of Edinburgh Council (Portobello Park) Act 2014* (asp 15), ss. 1, 5
C2 Pt. VI applied (24.2.2016) by *National Galleries of Scotland Act 2016* (asp 6), ss. 1, 4

Subsidiary powers

69 Subsidiary powers of local authorities. **S**

- (1) Without prejudice to any powers exercisable apart from this section but subject to the provisions of this Act and any other enactment passed before or after this Act, a local authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- (2) A local authority shall not by virtue of this section raise money, whether by means of rates or borrowing, or lend money except in accordance with the enactments relating to those matters respectively.
- (3) Without prejudice to section 53 of the ^{M1}Countryside (Scotland) Act 1967 (contributions by or to local authorities), two or more local authorities may make arrangements for defraying any expenditure incurred by one of them in exercising any functions exercisable by both or all of them.

^{F1}(4)

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F1 S. 69(4) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

Modifications etc. (not altering text)

C3 S. 69 modified (24.7.2006) by *Waverley Railway (Scotland) Act 2006 (asp 13)*, s. **39** (with ss. 50(2), 51)

Marginal Citations

M1 1967 c. 86.

Land transactions

70 Acquisition of land by agreement. **S**

- (1) For the purposes of—
 - (a) any of their functions under this or any other enactment, or
 - (b) the benefit, improvement or development of their area,
 a local authority may acquire by agreement any land, whether situated inside or outside their area.
- (2) A local authority may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land, notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the authority's functions.
- (3) For the purpose of the purchase of land by agreement by a local authority, the Lands Clauses Acts (except so much thereof as relates to the acquisition of land otherwise than by agreement, and the provisions relating to access to the special Act, and except sections 120 to 125 of the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845), and section 6 and sections 70 to 78 of the ^{M3}Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the ^{M4}Mines (Working Facilities and Support) Act 1923) are hereby incorporated with this section, and, in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking or company, as the case may require.
- (4) Where two or more local authorities acting together would have power to acquire any land by agreement by virtue of this section, nothing in any enactment shall prevent one of those authorities from so acquiring the land on behalf of both or all of them in accordance with arrangements made between them, including arrangements as to the subsequent occupation and use of the land.
- (5) References in the foregoing provisions of this section to acquisition are references to acquisition by purchase, feu, lease or excambion.

Modifications etc. (not altering text)

C4 S. 70 extended by *Housing (Scotland) Act 1987 (c. 26, SIF 61)*, ss. **10(1)**, 335

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C5** S. 70 amended (*temp.* from 4.1.1995 until 1.4.1996) by 1994 c. 39, s. **182(1)(a)**; S.I. 1994/2850, art. 3(a), **Sch. 2**
- C6** S. 70(1) modified (28.12.2016) by Burial and Cremation (Scotland) Act 2016 (asp 20), **ss. 101**, 112(2) (with s. 111); S.S.I. 2016/417, reg. 2, sch.

Marginal Citations

- M2** 1845 c. 19.
M3 1845 c. 33.
M4 1923 c. 20.

71 Acquisition of land compulsorily. **S**

- (1) Subject to subsection (2) below, for the purposes of any of their functions under this or any other enactment, a local authority may be authorised by the Minister concerned with the function in question to purchase compulsorily any land, whether situated inside or outside their area.
- (2) A local authority may not be authorised under subsection (1) above to purchase land compulsorily for any purpose in relation to which their power of acquisition is by any enactment expressly limited to acquisition by agreement.
- (3) Where one or more local authorities propose, in exercise of the power conferred by subsection (1) above, to acquire any land for more than one purpose, the Minister or Ministers whose authorisation is required for the exercise of that power shall not be concerned to make any apportionment between those purposes nor, where there is more than one local authority, between those authorities, and—
- (a) the purposes shall be treated as a single purpose and the compulsory acquisition shall be treated as requiring the authorisation of the Minister, or the joint authorisation of the Ministers, concerned with those purposes; and
- (b) where there is more than one local authority concerned, the authorities may nominate one of them to acquire the land on behalf of them all and the authority so nominated shall accordingly be treated as the acquiring authority for the purposes of any enactment relating to the acquisition.
- (4) The ^{M5}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) above as if that subsection were contained in an Act in force immediately before the commencement of that Act.

Modifications etc. (not altering text)

- C7** S. 71 amended (*temp.* from 4.1.1995 until 1.4.1996) by 1994 c. 39, s. **182(1)(b)**; S.I. 1994/2850, art. 3(a), **Sch. 2**
- C8** S. 71 applied (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), ss. 4, 90, **Sch. 1 para. 2(2)** (with s. 77); S.S.I. 2005/392, **art. 2(k)**
- C9** S. 71(1) modified (28.12.2016) by Burial and Cremation (Scotland) Act 2016 (asp 20), **ss. 101**, 112(2) (with s. 111); S.S.I. 2016/417, reg. 2, sch.

Marginal Citations

- M5** 1947 c. 42.

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

72 Title to land. **S**

The title to all land acquired by a local authority shall be taken in the corporate name of the authority.

73 Appropriation of land. **S**

- (1) Subject to Part II of the ^{M6}Town and Country Planning (Scotland) Act 1959 and to the following provisions of this section, a local authority may appropriate for the purpose of any function, whether statutory or otherwise, land vested in them for the purpose of any other such function.
- (2) A local authority may ^{F2}... exercise their power of appropriation under subsection (1) above with respect to any land specified in subsection [^{F3}(3)] below [^{F4}subject to sections 117 and 118 of the Community Empowerment (Scotland) Act 2015].
- (3) The land to which subsection (2) above applies is [^{F5}land which] is held for use as allotments [^{F6}(within the meaning of section 107 of that Act)].

Textual Amendments

- F2** Word in s. 73(2) repealed (1.4.2018) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **sch. 4 para. 5(a)(i)**; S.S.I. 2017/458, art. 2, sch. (with art. 4)
- F3** Word substituted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 2 para. 33(a)**
- F4** Words in s. 73(2) substituted (1.4.2018) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **sch. 4 para. 5(a)(ii)**; S.S.I. 2017/458, art. 2, sch. (with art. 4)
- F5** Words substituted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 2 para. 33(b)**
- F6** Words in s. 73(3) inserted (1.4.2018) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), **sch. 4 para. 5(a)(iii)**; S.S.I. 2017/458, art. 2, sch. (with art. 4)

Marginal Citations

- M6** 1959 c. 70.

74 Disposal of land. **S**

- (1) Subject to Part II of the ^{M7}Town and Country Planning (Scotland) Act 1959 and to subsection (2) below, a local authority may dispose of land held by them in any manner they wish.
- (2) Except [^{F7}in accordance with regulations under subsection (2C) below,] a local authority shall not dispose of land under subsection (1) above for a consideration less than the best that can reasonably be obtained.

[^{F8}(2A) Subsection (2) does not extend to a disposal where—

- (a) the best consideration that can reasonably be obtained is less than the threshold amount; or
- (b) the difference between that consideration and the proposed consideration is less than the marginal amount.

(2B) The Scottish Ministers shall, by regulations, fix the threshold amount and the marginal amount for the purposes of subsection (2A) above.

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2C) The Scottish Ministers may, by regulations, provide as to the circumstances in which and procedure by which local authorities may, under this section, dispose of land for a consideration less than the best that can reasonably be obtained.
- (2D) Those regulations may include provision—
- (a) requiring a local authority proposing to dispose of land at less than the best consideration that can reasonably be obtained to appraise and compare the costs and other disbenefits and the benefits of the proposal;
 - (b) requiring the local authority, before deciding in favour of the proposal, to be satisfied that so deciding would be reasonable; and
 - (c) setting out factors to which the local authority must have regard when considering whether its decision would be reasonable.
- (2E) References in this section to the best consideration that can reasonably be obtained by a local authority are references to that consideration as assessed by a suitably qualified valuer.
- (2F) In appointing and instructing a suitably qualified valuer for the purposes of subsection (2E) above, the local authority shall have regard to any guidance provided by the Scottish Ministers on—
- (a) what are suitable qualifications;
 - (b) what factors are to be or not to be taken into account by the valuer in assessing the consideration referred to in that subsection.
- (2G) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (2H) Before making such regulations, the Scottish Ministers shall consult such associations of local authorities and such other persons as they think fit.]

^{F9}(3)

Textual Amendments

- F7** Words in s. 74(2) substituted (20.4.2010 for certain purpose, otherwise 1.6.2010) by Local Government in [Scotland Act 2003 \(asp 1\)](#), **ss. 11(1)(a)**, 62(2); S.S.I. 2010/119, {arts. 2, 3} (with art. 4)
- F8** [S. 74\(2A\)-\(2H\)](#) inserted (20.4.2010 for certain purposes, otherwise 1.6.2010) by Local Government in [Scotland Act 2003 \(asp 1\)](#), **ss. 11(1)(b)**, 62(2); S.S.I. 2010/119, {arts. 2, 3} (with art. 4)
- F9** [S. 74\(3\)](#) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

Modifications etc. (not altering text)

- C10** [S. 74](#) applied with modifications by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), **ss. 12(9)(10)**, 335
- C11** [S. 74](#) excluded by [Self Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), **s. 43(4)**
- C12** [S. 74](#) excluded (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), **s. 28(6)** (with s. 30(2)); S.I. 1992/817, art. 3(2), **Sch. 1**.
- C13** [S. 74\(2\)](#) excluded by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), **s. 26(5)(a)**
- C14** [S. 74\(2\)-\(2H\)](#) applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 4, 54(2)**, **Sch. 1 para. 2(2)**; S.S.I. 2005/454, {art. 2 Table}, Sch. 2

Marginal Citations

- M7** 1959 c. 70.

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

74A ^{F10} **S**

Textual Amendments

F10 S. 74A repealed by Local Government, Planning and Land Act 1980 (c. 65), **Sch. 34 Pt. XIII**

75 **Disposal, etc., of land forming part of the common good.** **S**

- (1) The provisions of this Part of this Act with respect to the appropriation or disposal of land belonging to a local authority shall apply in the case of land forming part of the common good of an authority with respect to which land no question arises as to the right of the authority to alienate.
- (2) Where a local authority desire to [^{F11}appropriate or] dispose of land forming part of the common good with respect to which land a question arises as to the right of the authority to alienate, they may apply to the Court of Session or the sheriff to authorise them to [^{F11}appropriate or] dispose of the land, and the Court or sheriff may, if they think fit, authorise the authority to [^{F11}appropriate or] dispose of the land subject to such conditions, if any, as they may impose, and the authority shall be entitled to [^{F11}appropriate or] dispose of the land accordingly.
- (3) The Court of Session or sheriff acting under subsection (2)

above may impose a condition requiring that the local authority shall provide in substitution for the land proposed to be [^{F12}appropriated or] disposed of other land to be used for the same purpose for which the former land was used.

Textual Amendments

F11 Words in s. 75(2) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 77(2)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), sch.

F12 Words in s. 75(3) inserted (28.6.2016) by Land Reform (Scotland) Act 2016 (asp 18), **ss. 77(3)**, 130(1) (with s. 128); S.S.I. 2016/193, reg. 2(1), sch.

76 **Special provisions as to land acquired for public recreation from heir of entail.** **S**

Where an heir of entail in possession of land disposes of land to a local authority for the purpose of public recreation under the provisions of this Act or any other enactment (not being land within a quarter of a mile of the mansion house in the natural possession of the heir of entail or part of any garden, orchard or enclosure adjacent to the mansion house which has usually been in the natural possession of the proprietor) and such land does not exceed in all twenty acres, and where the persons in right of heritable securities or other charges affecting such land refuse to consent to such disposal, such lands shall be disburdened of the said heritable securities and charges if the sheriff, upon the application of the heir of entail in possession duly intimated to the said persons who shall be entitled to appear and object, finds that the lands comprised in the heritable securities or charges other than the land being acquired by the local authority afford adequate security.

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

77 **Payment of purchase or compensation money by one local authority to another.** **S**

Any purchase money or compensation payable in pursuance of this Part of this Act by a local authority in respect of land acquired from another local authority which would but for this section be required to be paid into court in manner provided by the Lands Clauses Acts may, if the Minister concerned with the purpose for which the land was held by the last mentioned authority consents, instead of being paid into court, be paid and applied as that Minister may determine, and the decision of that Minister shall be final.

Buildings, contracts, etc.

78 **Power to erect buildings, etc.** **S**

- (1) Subject to subsection (2) below and section 94 of this Act, a local authority may, for the purpose of any of their functions or for the benefit or improvement of their area, erect buildings or execute any other works on any land belonging to them or, where they are satisfied that the terms of the lease of land are such as to make it prudent for them to do so, on land leased by them, or convert, alter, enlarge or improve any existing building or other works belonging to them or, where they consider it prudent, any existing building or other works let to them.
- (2) Subsection (1) above shall not of itself authorise a local authority to do anything contrary to the conditions contained in the title to or lease of any such land or building or other works or authorise land held for one purpose to be used for another purpose.

Modifications etc. (not altering text)

C15 Ss. 78-81 applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. 4, 54(2), [Sch. 1 para. 16\(1\)\(c\)](#); S.S.I. 2005/454, [art. 2](#), [Sch. 2](#)

79 **Provision of offices, etc.** **S**

A local authority may acquire or provide and furnish and maintain halls, offices and other buildings, whether within or without the area of the authority, to be used for the purpose of transacting the business of the authority or the business of any other body for which the authority are required or authorised by or under any enactment to provide accommodation, or for the purpose of public meetings or assemblies.

Modifications etc. (not altering text)

C16 Ss. 78-81 applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. 4, 54(2), [Sch. 1 para. 16\(1\)\(c\)](#); S.S.I. 2005/454, [art. 2](#), [Sch. 2](#)

C17 S. 79 applied (with modifications) (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)

80 **Interpretation of “functions”.** **S**

For the purposes of the foregoing provisions of this Part of this Act, the functions of a local authority shall be deemed to include the provision of accommodation for

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

any committee, court or other body which the authority are required or authorised to provide, notwithstanding that the committee, court or body may exercise functions not vested in the authority.

Modifications etc. (not altering text)

C18 Ss. 78-81 applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. 4, 54(2), [Sch. 1 para. 16\(1\)\(c\)](#); S.S.I. 2005/454, [art. 2](#), Sch. 2

81 Contracts of local authorities. S

- (1) A local authority may make standing orders with respect to the making of contracts by them or on their behalf.
- (2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
- (3) Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
- (4) A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.
- (5) In this section the expression “contracts” includes, in relation to the execution of works, arrangements for the execution of those works by persons employed by the local authority.

Modifications etc. (not altering text)

C19 Ss. 78-81 applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. 4, 54(2), [Sch. 1 para. 16\(1\)\(c\)](#); S.S.I. 2005/454, [art. 2](#), Sch. 2

C20 S. 81 applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)

Private legislation

82 Power of local authority to promote or oppose private legislation. S

- (1) Subject to the provisions of this Act, where a local authority are satisfied that it is expedient to promote or oppose any private legislation^{F13} . . . , the local authority may, in accordance with the procedure provided by this section, promote or oppose the same accordingly and may defray the expenses incurred in relation thereto.
- (2) A resolution of a local authority to promote or oppose private legislation under subsection (1) above shall be—

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after ten clear days' notice of the meeting and of its purpose has been given by advertisement in one or more newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority; and
- (b) in the case of the promotion of private legislation, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after
- [^{F14}(i)] the draft of the provisional order has been submitted to the Secretary of State in accordance with the provisions of the Act of 1936 [^{F14} ; or
- (ii) the Bill has been introduced in the Scottish Parliament]
- and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the same.
- (3) Where under section 2 of the Act of 1936, the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons are of opinion that provisions contained in a draft provisional order ought to be dealt with by private Bill and not by provisional order, the determination of the Chairmen shall forthwith be reported to the local authority concerned, and unless the authority resolve to proceed with the promotion of a private Bill dealing with the matters to which the said provisions relate or any of them, such a private Bill shall not be promoted, but if such a private Bill is to be promoted, the proceedings of the authority with respect to the promotion of a provisional order under this section shall be deemed to apply to the promotion of such a Bill.
- (4) In ascertaining for the purpose of this section the whole number of members of a local authority, no account shall be taken of any vacancy which may at the time exist in the membership of the authority.
- (5) No payment shall be made by a local authority to a member of the authority for acting as counsel or agent in promoting or opposing private legislation under this section.
- (6) Nothing in this section shall affect the right of any local authority connected with the locality to which any draft provisional order referred to Commissioners under the Act of 1936 relates to make a report to the Commissioners respecting the provisions of the draft order.
- (7) In this section—
- “Act of 1936” means the ^{M8}Private Legislation Procedure (Scotland) Act 1936;
- “provisional order” means a provisional order under the Act of 1936;
- [^{F15}“private legislation” includes—
- (a) a provisional order and the confirmation Bill relating thereto under the Act of 1936;
- (b) any local or personal Bill in Parliament; and
- (c) any private Bill in the Scottish Parliament.]

Textual Amendments

- F13** Words in s. 82(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. 1 para. 53(2)(a), Pt IV; S.I. 1998/3178, art. 3

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F14** Words in s. 82(2)(b) inserted (1.7.1999) by S.I. 1999/1820, art. 1(2), 4, **Sch. 2 Pt. 1 para. 53(2)(b)**;
 S.I. 1998/3178, **art. 3**
- F15** Words in S. 82(7) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. 1 para. 53(2)(c)**;
 S.I. 1998/3178, **art. 3**

Marginal Citations

- M8** 1936 c. 52.

Miscellaneous

83 Power of local authorities to incur expenditure for certain purposes not otherwise authorised. S

- (1) ^{F16}
- (2) ^{F16}
- ^{F17}(2A)
- ^{F17}(2B)
- (2C) ^{F16}
- (2D) ^{F16}
- (3) A local authority may, ^{F18} ... incur expenditure on contributions to any of the following funds, that is to say—
 - (a) the funds of any charitable body in furtherance of its work in the United Kingdom; or
 - (b) the funds of any body which provides any public service in the United Kingdom otherwise than for the purposes of gain; or
 - (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by a [^{F19}convener of a local authority, a convener] of a community council, a lord-lieutenant or by a body of which any of these persons is a member [^{F20}or by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972].
- ^{F21}(3A)
- (4) ^{F16}
- (4AA) ^{F16}
- (4A) ^{F16}
- (4B) ^{F16}
- (5) ^{F16}
- (7) ^{F16}

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F16** S. 83(1)(2)(2C)(2D)(4)-(7) repealed (1.4.2003) by Local Government in Scotland Act 2003 (asp 1), **ss. 60(1)(a)**, 62; S.S.I. 2003/134, **art. 2(1)**, Sch.
- F17** S. 83(2A)(2B) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(19)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F18** Words in s. 83(3) repealed (1.4.2003) by Local Government in Scotland Act 2003 (asp 1), **ss. 60(1)(a)**, 62; S.S.I. 2003/134, **art. 2(1)**, Sch.
- F19** Words in s. 83(3)(c) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(19)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F20** Words added by Local Government and Housing Act 1989 (c. 42, SIF 81:2), **s. 36(9)**
- F21** S. 83(3A) repealed (1.4.1996) by 1994 c. 39, s. 164(3), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(d), Schs. 1, 2

Modifications etc. (not altering text)

- C21** S. 83 amended by Local Authorities (Expenditure Powers) Act 1983 (c. 52), **s. 1(1)(b)**
- C22** S. 83 amended by Local Authorities (Expenditure Powers) Act 1983 (c. 52, SIF 81:2), **s. 1(1)(b)**

84 Powers of local authorities with respect to emergencies or disasters. S

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a local authority are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the authority may—
- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
 - (b) make grants or loans to other persons or bodies on conditions determined by the authority in respect of any such action taken by those persons or bodies.

^{F22}(2)

- (3) The power conferred by subsection (1)

above shall be in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.

^{F23}(4)

Textual Amendments

- F22** S. 84(2) repealed (4.1.1995) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(20), **Sch. 14**; S.I. 1994/2850, art. 3(c)(vii)(d), **Sch. 3**
- F23** S. 84(4) repealed (4.1.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/2850, art. 3(d), **Sch. 3**

85 Acceptance of gifts of property. S

A local authority may accept, hold and administer—

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) for the purpose of discharging any of their functions, gifts of property, whether heritable or moveable, made for that purpose; or
- (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose;

and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Modifications etc. (not altering text)

C23 S. 85 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

86 Insurance by local authorities against accidents to members. S

- (1) A local authority may enter into a contract with any person whereby, in consideration of payments by the authority by way of premium or otherwise, that person undertakes to pay to the authority such sums as may be provided in the contract in the event of any member of the authority meeting with a personal accident, whether fatal or not, while he is engaged on the business of the authority.
- (2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member concerned.
- (3) The provisions of the ^{M9}Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed for the purposes of [^{F24}the Financial Services and Markets Act 2000] to be a policy of insurance upon the happening of personal accidents.
- (4) In this section, the expression “member of the authority” includes a member of a committee or sub-committee of the authority who is not a member of that authority.

Textual Amendments

F24 Words in s. 86(3) substituted (1.12.2001) by S.I. 2001/3649, art. 219

Modifications etc. (not altering text)

C24 S. 86 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3
S. 86 applied (with modifications) (1.4.1996) by S.I. 1995/3026, arts. 1(2), 14

Marginal Citations

M9 1774 c. 48.

87 Research and the collection of information. S

- (1) A [^{F25}local authority] may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning their area or any part thereof and may make, or assist in the making of arrangements whereby any such information and the results of any such investigation are made available to ^{F26}. . . any government department or the public.

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) The appropriate Minister with respect to any matter may require [^{F27}a local authority] to provide him with any information with respect to that matter which is in the possession of, or available to, that [^{F28}local authority] in consequence of the exercise of any power conferred by or under any enactment; ^{F29}

^{F30}(3)

Textual Amendments

- F25** Words in s. 87(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(21)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F26** Words in s. 87(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(21)(a)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F27** Words in s. 87(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(21)(b)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F28** Words in s. 87(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(21)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F29** Words in s. 87(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(21)(b)(iii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F30** S. 87(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(21)(c), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

88 Provision of information, etc., relating to matters affecting local government. **S**

(1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities [^{F31}mentioned in subsection (1B) below] or by government departments, or by charities and other voluntary organisations, and other information [^{F32}relating to the functions of the authority].

[^{F33}(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.]

[^{F34}(1B) The other authorities referred to above are any other local authority and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local authorities.]

(2) A local authority may—

- (a) arrange for the publication within their area of information [^{F35}relating to the functions of the authority]; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters; and
- (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters; and
- (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

[^{F36}(3) A local authority may assist voluntary organisations to provide for individuals—

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) information and advice concerning those individuals' rights and obligations; and
- (b) assistance, either by the making or receiving of communications or by providing representation to or before any person or body, in asserting those rights or fulfilling those obligations.]

Textual Amendments

- F31** Words inserted by [Local Government Act 1986 \(c. 10, SIF 81:1\)](#), **ss. 3(1)(a)**, 6
- F32** Words substituted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **Pt. II ss. 3(1)(a)**, 6
- F33** [S. 88\(1A\)](#) inserted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **ss. 3(1)(b)**, 6
- F34** [S. 88\(1B\)](#) inserted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **ss. 3(2)**, 6
- F35** Words substituted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), **ss. 3(1)(c)**, 6
- F36** [S. 88\(3\)](#) inserted (1.4.1996) by [1994 c. 39, s. 140](#); [S.I. 1996/323](#), art. 4(1)(a), **Sch. 1**

89 Subscriptions to local government associations. **S**

A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—

- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
- (b) of any association of officers or members of local authorities which was so formed.

Modifications etc. (not altering text)

- C25** [S. 89](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), art. 2, **Sch. para. 3**

[^{F37}90 Powers of local authority to carry on tourism-related activities. **S**

- (1) A local authority may—
- (a) provide, or encourage any other person to provide, facilities for leisure, conferences, trade fairs and exhibitions or improve, or encourage any other person to improve, any existing facilities for those purposes;
 - (b) promote, by advertisement or otherwise, facilities provided by that local authority (whether such facilities are owned by the authority or otherwise);
 - (c) organise, or assist others in the organisation of, and promote, by advertisement or otherwise, conferences, trade fairs and exhibitions;
 - (d) ^{F38}
- (2) Subject to subsection (3) below, a local authority shall not have power to—
- (a) encourage persons, by advertisement or otherwise (and whether inside or outside the United Kingdom)—
 - (i) to visit their area for purposes relating to leisure; or
 - (ii) to hold conferences, trade fairs or exhibitions within their area;
 - (b) provide information about accommodation and facilities and services relating to leisure in their area or provide a booking service for such accommodation, to persons visiting their area;

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) carry on such other activities relating to those mentioned in paragraphs (a) and (b) above as the Secretary of State may by regulations specify.
- (3) A local authority shall have power to do any of the things mentioned in paragraphs (a) to (c) of subsection (2) above—
 - (a) in so far as it is necessary to do any of those things for the purposes of carrying on the activities mentioned in paragraphs (a) and (b) of subsection (1) above; or
 - (b) where the Secretary of State has given his prior consent (subject to such conditions as he considers necessary or expedient) in writing.
- (4) A local authority shall not, for the purposes of carrying on activities relating to tourism other than—
 - (a) those such as are mentioned in paragraphs (a) to [F39(c)] of subsection (1) above; or
 - (b) by virtue of subsection (3) above, those such as are mentioned in subsection (2) above,form, acquire or join with any person or body corporate.
- (5) Without prejudice to subsection (1) above, a local authority may contribute towards expenses incurred by any person—
 - (a) doing anything mentioned in paragraph (a) of that subsection; or
 - (b) organising and holding a conference, trade fair or exhibition.
- (6) A local authority may appoint officers for the purposes of enabling the authority to carry out any of their powers under this section; and section 65 of this Act shall apply in relation to any officers appointed under this subsection subject to the following [F40 modification]—
 - (a) ^{F41}
 - (b) in subsection (2), the words from “but” to the end shall be omitted.
- (7) A statutory instrument containing regulations under subsection (2)(c) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) ^{F42}]

Textual Amendments

- F37** S. 90 substituted (1.4.1996) by 1994 c. 39, s. 176; S.I. 1995/2866, art. 3(b)
- F38** S. 90(1)(d) repealed (1.4.2007) by Tourist Boards (Scotland) Act 2006 (asp 15), ss. 4, 5(1), Sch. 2 para. 2(a); S.S.I 2007/47, {art. 2}
- F39** Word in s. 90(4) substituted (1.4.2007) by Tourist Boards (Scotland) Act 2006 (asp 15), ss. 4, 5(1), Sch. 2 para. 2(b); S.S.I 2007/47, {art. 2}
- F40** Word in s. 90(6) substituted (1.4.2007) by Tourist Boards (Scotland) Act 2006 (asp 15), ss. 4, 5(1), Sch. 2 para. 2(c)(i); S.S.I 2007/47, {art. 2}
- F41** S. 90(6)(a) and word repealed (1.4.2007) by Tourist Boards (Scotland) Act 2006 (asp 15), ss. 4, 5(1), Sch. 2 para. 2(c)(ii); S.S.I 2007/47, {art. 2}
- F42** S. 90(8) repealed (1.4.2007) by Tourist Boards (Scotland) Act 2006 (asp 15), ss. 4, 5(1), Sch. 2 para. 2(d); S.S.I 2007/47, {art. 2}

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F43 S. 90A repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

91

..... **F44** **S**

Textual Amendments

F44 S. 91 repealed by **Local Government and Planning (Scotland) Act 1982 (c. 43)**, **Sch. 4 Pt. I**

92 **Transfer of securities on alteration of area, etc.** **U.K.**

(1) Where any securities are standing in the books of a company in the name of a local authority the following provisions shall have effect—

- (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name;
- (b) if by virtue of anything done under any provision of this Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of that other authority or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority;
- (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the Court of Session may on the petition of that other authority make an order vesting in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be.

(2) In this section, the expression—

“company” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed;

F45
 . . .

[**F46**(3) “Securities” means—

- (a) shares;
- (b) instruments creating or acknowledging indebtedness;
- (c) government and public securities;
- (d) instruments giving entitlements to investments;
- (e) certificates representing securities;
- (f) units in a collective investment scheme;

Changes to legislation: Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (g) rights to, or interests in, any security of the kind mentioned in paragraphs (a) to (f);
 - (h) rights (whether actual or contingent) to money lent to, or deposited with—
 - (i) a society registered under the Industrial and Provident Societies Act 1965, or
 - (ii) a building society within the meaning of the Building Societies Act 1986.
- (4) Subsection (3) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.]

Textual Amendments

F45 Words in s. 92(2) repealed (1.12.2001) by S.I. 2001/3649, art. 220(2)

F46 s. 92(3)(4) inserted (1.12.2001) by S.I. 2001/3649, art. 220(3)

Modifications etc. (not altering text)

C26 S. 92(3) extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), reg. 15, Sch. 2 para. 8(2)(c)

Changes to legislation:

Local Government (Scotland) Act 1973, Part VI is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)