



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Legal Proceedings, Notices, etc.

189 Legal proceedings.

- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area or any part thereof, they may institute, defend or appear in any legal proceedings or represent the inhabitants at any local inquiry held by or on behalf of any Minister or public body under any enactment.
- (2) Any member or officer of a local authority, who is authorised in that behalf by the authority, shall be entitled to institute, defend or appear in proceedings before a court of summary jurisdiction although he is not a practising solicitor.

Modifications etc. (not altering text)

- C1 S. 189 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3
- C2 S. 189 applied (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 4, 54(2), Sch. 1 para. 13(1); S.S.I. 2005/454, art. 2, Sch. 2

190 Service of legal proceedings, notices, etc., on local authorities.

Any legal proceedings against a local authority shall be deemed to have been duly served on the authority if served on the proper officer of the authority, and any notice, order or other document required or authorised by any enactment or any instrument made under an enactment to be sent, delivered or served to or upon a local authority or to or upon the proper officer or [F1 convener] of a local authority, shall be addressed to the local authority or to the proper officer or [F1 convener] as the case may be, and left at, or sent by post in a prepaid letter to, the offices of the local authority.

Status: Point in time view as at 14/09/2006.

Changes to legislation: Local Government (Scotland) Act 1973, Part XI is up to date with all changes known to be in force on or before 05 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)

Textual Amendments

- F1** Words in s. 190 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(59)**; S.I. 1996/323, **art. 4(1)(b)(c)**

Modifications etc. (not altering text)

- C3** S. 190 applied (10.10.2005) by **Transport (Scotland) Act 2005 (asp 12)**, ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2**, Sch. 2

191 Claims in sequestrations and liquidations.

The proper officer of a local authority or any other officer authorised by the authority for the purpose may sign on behalf of the authority any claim in any sequestration, liquidation or other such proceedings in which the authority are entitled to make a claim, and may act on behalf of the authority in connection with that claim in all respects.

Modifications etc. (not altering text)

- C4** Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, **art. 2**, **Sch. para. 3**
C5 S. 191 applied (10.10.2005) by **Transport (Scotland) Act 2005 (asp 12)**, ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2**, Sch. 2

192 Service of notices, etc., by local authority.

- (1) Any documents to which this section applies may be served—
- (a) by being sent by post in a prepaid letter or delivered to or at the residence or place of business of the person to whom it is addressed:

Provided that in the case of a person employed on any ship or vessel it shall be delivered to some person on board thereof and connected therewith; or

- (b) in the case of an incorporated company or body by being sent by post in a prepaid letter addressed to the secretary or clerk of the company or body at their registered or principal office or by delivering it to him at that office; or
- (c) where the notice or other document relates to premises and the owner thereof resides beyond the area of the local authority, by being sent by post in a prepaid letter or delivered to or at the place of business of his known factor or agent or the person drawing the rents of the premises; or
- (d) where the notice or other document relates to premises and the local authority are unable after reasonable inquiry to ascertain the address of the person upon whom it should be served, by addressing it to him—
 - (i) by name, if his name is known; or
 - (ii) if his name is not known, by the description of “owner” or “occupier” of the premises (naming them) to which it relates;

and by delivering it to some person on the premises, or if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

- (2) Service of a copy of a document to which this section applies shall be deemed to be service of the principal document.

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- (3) Service of any document to which this section applies may be proved by a certificate under the hand of the person who posted or delivered or affixed the same attested by one witness who was present at such posting, delivery or affixing.
- (4) Where any document to which this section applies relates to premises and the local authority are unable after reasonable inquiry to ascertain the name and address of the owner of the premises, then if there is no known factor, agent or person drawing the rents, such document may be addressed to the occupier or any of the occupiers of the premises, and such occupier shall in all respects take burden for the owner, so however that he shall not be liable to make payment under this section of any sum in excess of the sum which he is liable to pay in respect of rent of the premises nor shall he be required to make payment of any sum before the sum in respect of rent is due and payable, and any sum so paid by the occupier shall be deemed to be a payment to account of rent.
- (5) For the purpose of enabling any document to be served on the owner of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully mis-states the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding [^{F2}level 1 on the standard scale].
- (6) This section applies to any notice, order or other document which is required or authorised by an enactment (including any enactment in this Act) or any instrument made under an enactment to be served by or on behalf of a local authority, or by an officer of a local authority, not being a document to the service of which the provisions of some enactment other than this section or some instrument made under an enactment are applicable.
- [^{F3}(7) Without prejudice to subsections (1) to (6) above, a rating authority may use the method specified in subsection (8) below or that specified in subsection (9) below in order to—
 - (a) issue a demand note under section 237 of the 1947 Act ^{F4};
 - (b) supply information which requires to be supplied when such a demand note is issued.
- (8) The method specified in this subsection is to send the demand note or information by electronic communication to an address notified to the authority for the purposes of this subsection by the recipient of the demand note or information, and an electronic communication under this subsection must be—
 - (a) capable of being accessed by the recipient;
 - (b) legible in all other material respects; and
 - (c) sufficiently permanent to be used for subsequent reference.
- (9) The method specified in this subsection is to publish the demand note or information on a website in a case where—
 - (a) the rating authority have agreed with a person that demand notes or information will be issued or supplied to that person by this method;
 - (b) the demand note or information falls within the terms of that agreement; and
 - (c) the authority notify that person, in a manner agreed between them of—
 - (i) the address of the website on which the demand note or information has been published; and

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- (ii) the place on the website where the demand note or information may be accessed and how it may be accessed.
- (10) In subsection (8)(b) above, “legible in all other material respects” means that the information contained in the electronic communication shall be available to the recipient to no lesser extent than it would be if that information had been contained in a document in printed form.
- (11) Unless the contrary is proved—
- (a) a demand note issued under subsection (8) above shall be regarded for the purposes of any legal proceedings as having been issued on the second working day after the day on which the electronic communication containing it was sent;
 - (b) a demand note issued under subsection (9) above shall be regarded for the purposes of any legal proceedings as having been issued on the second working day after the day on which notification was given under paragraph (c) of that subsection.
- (12) A person who has notified an address for the purposes of subsection (8) above may subsequently give notice to the rating authority of a different address for those purposes and such a notice shall take effect from the date specified in it, being a date not less than three working days after the date on which the notice is given.
- (13) Where a person has agreed to receive demand notes or information by a method specified in subsection (8) or (9) above, that person may at any time withdraw from that agreement by giving notice to the rating authority and such a notice shall take effect from the date specified in it, being a date not less than seven working days after the date on which the notice is given.
- (14) In this section—
- “address”, in relation to electronic communications, means any number or address used for the purposes of such communications;
- “electronic communication” has the meaning given by section 15(1) of the Electronic Communications Act 2000; and
- “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971^{F5}, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.]

Textual Amendments

- F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)
- F3** [S. 192\(7\)-\(14\)](#) inserted (1.4.2006) by [The Non-Domestic Rating \(Electronic Communications\) \(Scotland\) Order 2006 \(S.S.I. 2006/201\)](#), **art. 2**
- F4** [The Local Government \(Scotland\) Act 1947 \(c. 43\)](#).
- F5** 1971 c. 80.

Modifications etc. (not altering text)

- C6** [S. 192](#) extended by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 137**
[S. 192](#) extended (with modifications) (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), **s. 83(1)**, **Sch. 6 para. 3**

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- C7** S. 192 applied (19.12.1991) by City of Edinburgh District Council Order Confirmation Act 1991 (c. xix), s. 1, **Sch. Pt. XII**, s. 47
S. 192 applied (1.4.2002) by Water (Scotland) Act 1980 (c. 45), s. 23(1ZA) (as inserted by Water Industry (Scotland) Act 2002 (asp 3), ss. 71(1), 72, **Sch. 6 para. 18(3)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**)
S. 192 applied (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2**, Sch. 2
- C8** S. 192(1)-(4) applied (with modifications) (1.5.2005) by Building (Scotland) Act 2003 (asp 8), **ss. 37(2)**, 59; S.S.I. 2004/404, **art. 2(1)** (with arts. 3, 4)

193 Authentication of documents.

- (1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the proper officer of the authority, and may be withdrawn by a notice similarly authenticated.
- (2) Any document purporting to bear the signature of the proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

In this subsection the word “signature” includes a facsimile of a signature by whatever process reproduced.

- (3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.

Modifications etc. (not altering text)

- C9** S. 193 applied (19. 12. 1991) by City of Edinburgh District Council Order Confirmation Act 1991 (c. xix), s. 1, **Sch. Pt. XII**, s.47
Ss. 191-199 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 3**
- C10** S. 193 applied (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2**, Sch. 2

^{F6}194 Execution of deeds by local authority and use of seal.

- (1)
- (1A)
- (1B)

- (2) The seal of a council may be affixed to a deed or other document if authority to affix the seal to the deed or other document has been given at a meeting of the council, or has been given otherwise in accordance with standing orders of the council:

Provided that a person entering into any transaction with any such council shall not be bound to inquire whether authority to affix the seal has been given in accordance with the provisions of this subsection, and all deeds executed by such a council if otherwise

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valid shall have full force and effect notwithstanding that such authority may not have been given.

Textual Amendments

F6 S. 194 (except s. 194(2)) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3))

Modifications etc. (not altering text)

C11 Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

195 Public notices.

Save as otherwise expressly provided, a public notice required to be given by a local authority shall be given—

- (a) by displaying the notice conspicuously at or near the principal entrance to the offices of the authority; and
- (b) by posting the notice in some conspicuous place or places within the area of the authority or by inserting a copy of the notice in a newspaper circulating in the area of the authority; and
- (c) in such other manner, if any, as appears to the authority to be desirable for giving publicity to the notice.

Modifications etc. (not altering text)

C12 Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3
 S. 195 applied (with modifications) (1.4.1996) by S.I. 1995/3026, arts. 1(2), 14

C13 S. 195 applied (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 4, 54(2), Sch. 1 para. 13(1); S.S.I. 2005/454, art. 2, Sch. 2

196 Misnomers, etc., not to affect validity of notices, etc.

No misnomer or inaccurate description of any person or place, omission, mistake or informality in any notice or other document under or for the purposes of this Act shall affect the full operation of the notice or other document if the person or place mentioned is so designated as to be commonly understood, and such omission, mistake or informality is not such as to defeat the object of the notice or other document or cause substantial injustice to any person affected thereby.

Modifications etc. (not altering text)

C14 S. 196 applied (19. 12. 1991) by City of Edinburgh District Council Order Confirmation Act 1991 (c. xix), s. 1, Sch. Pt. XII, s.47

Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

197 Inspection and deposit of documents.

^{F7}(1)

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- (2) In any case in which a document of any description is deposited with the proper officer of a local authority, pursuant to the standing orders of either House of Parliament or to any enactment or instrument, the proper officer shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or instrument, and shall make such notes or endorsements on, and give such acknowledgements and receipts in respect of, the document as may be so directed.
- (3) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any such map, plan or other document as is mentioned in subsection (2) above, may, at all reasonable hours, inspect and make copies thereof or abstracts therefrom on payment to the person having custody thereof of a fee not exceeding 10p for every such inspection, and of a further fee not exceeding 10p for every hour during which such inspection continues after the first hour.
- (4) If a person having the custody of any such document—
 - (a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract,
 - (b) refuses to give copies or extracts to any person entitled to obtain copies or extracts,he shall be liable on summary conviction to a fine not exceeding [^{F8}level 1 on the standard scale].
- (5) A local authority may remit any fee chargeable under this section.

Textual Amendments

- F7** S. 197(1) repealed by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), s. 3, [Sch. 3](#)
- F8** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), ss. **289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), s. **54**)

Modifications etc. (not altering text)

- C15** Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), art. 2, [Sch. para. 3](#)
- C16** S. 197 applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. 4, 54(2), [Sch. 1 para. 13\(1\)](#); [S.S.I. 2005/454](#), art. 2, Sch. 2

198 Photographic copies of documents.

- (1) Subject to subsection (3) below, any requirement imposed by any enactment that a local authority shall keep a document of any description shall be satisfied by their keeping a photographic copy of the document.
- (2) Subject to subsection (3) below, any requirement imposed by any enactment that a document of any description in the custody or under the control of a local authority shall be made available for inspection shall be satisfied by their making available for inspection a photographic copy of the document.
- (3) A photographic copy of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.

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Modifications etc. (not altering text)

- C17** Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 3**
C18 S. 198 applied (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2, Sch. 2**

199 Reports and returns.

Every local authority and every joint committee or joint board shall, within such period as the appropriate Minister may require, make to that Minister such reports and returns and give him such information with respect to their functions as the Minister may require, or as may be required by either House of Parliament.

Modifications etc. (not altering text)

- C19** Ss. 191-199 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 3**
C20 S. 199 applied (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2, Sch. 2**

F⁹200

Textual Amendments

- F9** S. 200 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3(xiii)**

Byelaws

F¹⁰201 Byelaws for good rule and government.

- (1) A local authority may make byelaws for the good rule and government of the whole or any part of the [^{F11}their area], and for the prevention and suppression of nuisances therein.
- (2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.
- (3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

Textual Amendments

- F10** S. 201 amended (27.8.1993) by 1993 c. 12, ss. 40, 51(2), **Sch. 3 Pt. II para. 15** (with ss. 42, 46)
F11 Words in s. 201(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(61)**; S.I. 1996/323, **art. 4(1)(b)(c)**

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Modifications etc. (not altering text)

- C21** Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**
- C22** S. 201(1) extended by **Civic Government (Scotland) Act 1982 (c. 45), s. 112(3)**
- C23** S. 201(3) excluded by **Civic Government (Scotland) Act 1982 (c. 45), s. 112(3)**

202 Procedure, etc., for byelaws.

- (1) ^{F12} . . . The following provisions of this section shall apply to byelaws to be made by a local authority—
- (a) under this Act,
 - (b) under any other enactment whenever passed, and whether local or otherwise, conferring on a local authority a power to make byelaws, or
 - (c) under any enactment which incorporates or applies any of the following enactments—
 - (i) section 57 of the ^{M1}Local Government (Scotland) Act 1889;
 - ^{F13}(ii) the ^{M2}Civic Government (Scotland) Act 1982;]
 - (iii) sections 183 to 187 of the ^{M3}Public Health (Scotland) Act 1897;
 - (iv) sections 301 to 303 of the 1947 Act.

^{F14}(1A)

- (2) Unless the enactment under which the byelaws are made specifically provides otherwise, any such byelaws may apply only to a part of the area of a local authority, and different byelaws may apply to different parts of the area.
- (3) The byelaws shall be authenticated by being sealed with the common seal of the local authority and signed by the proper officer of the authority, and shall not have effect until they are confirmed by the confirming authority.
- (4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation, of the place where a copy of the byelaws may be inspected and of the authority to whom objections may be notified shall be given in a newspaper circulating in the area to which the byelaws are to apply or in such other manner as the confirming authority on the application of the local authority may determine to be sufficient in the circumstances.
- (5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the local authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment.
- (6) The local authority by whom the byelaws are made shall on application furnish to any person a copy of the byelaws or of any part thereof on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.
- (7) Any person aggrieved by any byelaws may, within one month after notice has been published in accordance with the provisions of subsection (4) above, notify in writing his objection and the ground of his objection to the confirming authority.
- (8) Before confirming byelaws, the confirming authority shall take into consideration any objections received by them and may, if they consider it necessary or desirable, hold a local inquiry or cause a local inquiry to be held.

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- (9) Unless the Secretary of State shall otherwise direct, every inquiry with respect to byelaws made under any provision of this Act or of the [F15M4Civic Government (Scotland) Act 1982] shall be held by the sheriff.
- (10) The confirming authority may confirm with or without modification or refuse to confirm any byelaws submitted under this section for confirmation and may fix the date on which the byelaws are to come into operation, and if no date is so fixed the byelaws shall come into operation at the expiration of one month from the date of their confirmation.
- (11) The local authority shall, as soon as practicable after receiving intimation of the confirmation of the byelaws by the confirming authority, cause a notice of such confirmation, of the date on which the byelaws are to come into operation, and of the place where a copy of the byelaws as confirmed may be inspected, to be given in a newspaper circulating in the area to which the byelaws are to apply or in such other manner as the confirming authority on the application of the local authority may determine to be sufficient in the circumstances.
- (12) A copy of the byelaws when confirmed shall be printed and deposited at the offices of the local authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall on application be furnished to any person on payment of such sum not exceeding 20p for every copy as the authority may determine.
- F16(13)
- (14) The provisions of this section shall apply, subject to any necessary modifications, in the case of byelaws made by any authority other than a local authority under any enactment passed before the coming into force of this Act and incorporating or applying any of the enactments set out in subsection (1)(c) above.
- (15) In this section “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified, means the Secretary of State:

Provided that, notwithstanding that a local Act specifies otherwise, the confirming authority in relation to byelaws made under any local Act shall be the Secretary of State.

Textual Amendments

- F12** Words in s. 202(1) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F13** S. 202(1)(c)(ii) substituted by Civic Government (Scotland) Act 1982 (c. 45), s. 110(1)(2)(a)
- F14** S. 202(1A) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F15** Words substituted by Civic Government (Scotland) Act 1982 (c. 45), s. 110(1)(2)(b)
- F16** S. 202(13) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(62), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(c)(d), **Sch. 2**

Modifications etc. (not altering text)

- C24** S. 202 modified by S.I. 1984/918, **reg. 2**

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- C25** Ss. 202-204 applied (with modifications) (8.9.2000) by 2000 asp 10, s. 9, **Sch. 2 para. 9(3)** (with s. 32); S.S.I. 2000/312, **art. 2**
Ss. 202-204 applied (with modifications) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 12(4)-(8), 100(3)(4)**; S.S.I. 2005/17, **art. 2**
- C26** S. 202 applied (with modifications) (9.5.1991) by Tay Road Bridge Order Confirmation Act 1991 (c. iv), s. 1, **Sch. Pt. VII**, s. 58(2)
Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**
S. 202 applied (with modifications) (1.4.1996) by 1995 c. 25, **s. 29** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- C27** S. 202(4)(5)(6)(7)(8)(10)(12) applied (with modifications) (18.11.1990) by S.I. 1991/43, **art. 8(1)(2)**.
S. 202(4)-(8)(10)(12) applied (with modifications) (25.2.1991) by S.I. 1991/1082, **art. 9(1)(2)**.
S. 202(4)-(8)(10)(12) applied (with modifications) (5.11.1991) by S.I. 1991/2513, **art. 15(1)(2)**.
S. 202(4)-(8)(10)(12) applied (with modifications) (9.7.1992) by S.I. 1992/1975, **art. 8**.
S. 202(4)-(8)(10)-(12) applied (with modifications) (16.7.1992) by Peterhead Harbours Order Confirmation Act 1992 (c. xii), **s. 42(3)**.
S. 202(4)-(8)(10)(12) applied (with modifications) (8.2.1993) by S.I. 1993/321, **art. 10(1)**
S. 202(4)-(8)(10)(12) applied (with modifications) (23.12.1999) by S.S.I. 1999/199, **art. 19(1)(2)**
S. 202(4)-(8)(10)(12) applied (with modifications) (23.12.1999) by S.S.I. 1999/202, **art. 19(1)(2)**
- C28** S. 202(4)-(8)(10)(12) applied (15.6.2005) by The Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005 (S.I. 2005/353), **art. 22(1)**

Marginal Citations

- M1** 1889 c. 50.
M2 1982 c. 45.
M3 1897 c. 38.
M4 1982 c. 45.

[^{F17}202A Review of byelaws.

A local authority shall, not later than 10 years from whichever is the later of the following times—

- (a) the coming into force of a byelaw which they have the power to revoke or amend;
- (b) the coming into force of this section;

review that byelaw and do so thereafter at intervals of not more than 10 years.]

Textual Amendments

- F17** Ss. 202A—202C inserted (1.7.1984) by Civic Government (Scotland) Act 1982 (c. 45), **ss. 110(3), 137(2)**

Modifications etc. (not altering text)

- C29** Ss. 202-204 applied (with modifications) (8.9.2000) by 2000 asp 10, s. 9, **Sch. 2 para. 9(3)** (with s. 32); S.S.I. 2000/312 art. 2
Ss. 202-204 applied (with modifications) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 12(4)-(8), 100(3)(4)**; S.S.I. 2005/17, **art. 2**
- C30** Ss. 202A, 202B, 202C modified by S.I. 1984/918, **reg. 2**
- C31** Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**

Status: Point in time view as at 14/09/2006.

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202B Register of byelaws.

- (1) A local authority shall, in accordance with this section, keep a register of all byelaws which they have power to revoke or amend.
- (2) The register kept under subsection (1) above shall contain—
 - (a) a description of the byelaws, including a description of any offences created and penalties imposed by the byelaws;
 - (b) the date or dates when the byelaws and any amendments to them were confirmed;
 - (c) the date or dates when the byelaws and any amendments to them came or come into operation; and
 - (d) the date when the byelaws and any amendments to them were last reviewed under section 202A of this Act.
- (3) The register kept under subsection (1) above shall at such reasonable times and places as the local authority may determine be open to public inspection and any member of the public may make a copy of or extract from anything in it.
- (4) No payment shall be charged or taken by the local authority for any inspection or the making of any copy or extract under subsection (3) above.
- (5) The local authority may, on payment of such reasonable fee as they may determine, issue a certified true copy of an entry in the register; and any document purporting to be certified by the proper officer of the local authority as a true copy of an entry shall be sufficient evidence of the terms of the original entry.

Modifications etc. (not altering text)

- C32** Ss. 202A, 202B, 202C modified by S.I. 1984/918, **reg. 2**
- C33** Ss. 202-204 applied (with modifications) (8.9.2000) by 2000 asp 10, s. 9, **Sch. 2 para. 9(3)** (with s. 32); S.S.I. 2000/312, **art. 2**
 Ss. 202-204 applied (with modifications) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 12(4)-(8), 100(3)(4)**; S.S.I. 2005/17, **art. 2**
- C34** Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**

202C Revocation of byelaws by resolution.

- (1) Byelaws may be revoked in accordance with this section by resolution of the local authority having power (apart from this section) to revoke them.
- (2) At least one month before the revocation under this section of any byelaws, notice of the proposed resolution revoking them shall be given in a newspaper circulating in the area to which the byelaws apply.
- (3) The local authority shall not decide the question whether or not to revoke byelaws under this section without taking into account any objections made to them in response to the notice given by them under subsection (2) above.

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- (4) Byelaws revoked under this section shall cease to have effect on the date of their revocation or on such later date as may be specified in the resolution revoking them.
- (5) It shall not be competent under this section to revoke, separately from the set of byelaws or byelaw containing it any byelaw or, as the case may be, any part of a byelaw which was inserted into the set of byelaws or, as the case may be, the byelaw by, or otherwise wholly or substantially derives from, a modification made by the confirming authority on the making or any amendment of the set of byelaws or, as the case may be, the byelaw.
- (6) It shall not be competent under this section to revoke any byelaw or any part of any byelaw if the effect of the revocation would be to widen the scope of any other byelaw or, as the case may be, the remaining part of the byelaw.

Modifications etc. (not altering text)

- C35** Ss. 202A, 202B, 202C modified by S.I. 1984/918, **reg. 2**
- C36** Ss. 202-204 applied (with modifications) (8.9.2000) by 2000 asp 10, s. 9, **Sch. 2**, para. 9(3) (with s. 32); S.S.I. 2000/312, **art. 2**
Ss. 202-204 applied (with modifications) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 12(4)-(8)**, 100(3)(4); S.S.I. 2005/17, **art. 2**
- C37** Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**
S. 202C applied (with modifications) (1.4.1996) by 1995 c. 25, **s. 29** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

203 Offences against byelaws.

Byelaws made by a local authority, and for which specific provision is not otherwise made, may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of [^{F18}level 2 on the standard scale], and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof.

Textual Amendments

- F18** “level 2 on the standard scale” substituted for “£20”, except in relation to s. 203 as applied to byelaws made under any provision contained in a local or private Act other than by a local authority, by Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 289C(2)(3)** (as inserted by Criminal Law Act 1977 (c. 45), **Sch. 11 para. 5**) and by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**) and by 1995 c. 40, ss. 3(1), 7(2), **Sch. 1 paras. 3(2)**, **12(2)** it is provided that s. 203 shall have effect as if for any reference to £20 there shall be substituted a reference to £50 except as applied to byelaws made under any provision contained in a local or private Act other than by a local authority

Modifications etc. (not altering text)

- C38** S. 203 excluded by Civil Aviation Act 1982 (c. 16), **s. 32(4)**
- C39** S. 203 excluded by Airports Act 1986 (c. 31, SIF 9), **s. 63(8)**
- C40** Ss. 202-204 applied (with modifications) (8.9.2000) by 2000 asp 10, s. 9, **Sch. 2 para. 9(3)** (with s. 32); S.S.I. 2000/312 art. 2

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- Ss. 202-204 applied (with modifications) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 12(4)-(8), 100(3)(4); S.S.I. 2005/17, art. 2**
- C41** S. 203 applied (with modifications) (18. 11. 1990) by S.I. 1991/43, **art. 8(1)**.
 S. 203 applied (with modifications) (25. 02. 1991) by S.I. 1991/1082, **art. 9(1)**.
 S. 203 applied (with modifications) (05. 11. 1991) by S.I. 1991/2513, **art. 15(1)**.
 S. 203 applied (with modifications) (9. 5. 1991) by Tay Road Bridge Order Confirmation Act 1991 (c. iv), s. 1, **Sch. Pt. VII**, s. 58(2)
 S. 203 applied (with modifications) (9.7.1992) by S.I. 1992/1975, **art.8**.
 S. 203 applied (with modifications) (8.2.1993) by S.I. 1993/321, **art. 10(1)**
 Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**
 S. 203 applied (with modifications) (23.12.1999) by S.S.I. 1999/199, **art. 19(1)**
 S. 203 applied (with modifications) (23.12.1999) by S.S.I. 1999/202. art. 19(1)
 S. 203 applied (15.6.2005) by The Caledonian MacBrayne Limited (Kennacraig) Harbour Empowerment Order 2005 (S.I. 2005/353), **art. 22(1)**

204 Evidence of byelaws.

The production of a copy of a byelaw purporting to be made by a local authority upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be sufficient evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

Modifications etc. (not altering text)

- C42** S. 204 modified by S.I. 1984/918, **reg. 2**
 S. 204 applied (with modifications) (16.7.1992) by Peterhead Harbours Order Confirmation Act 1992 (c. xii), **s. 42(3)**.
- C43** Ss. 202-204 applied (with modifications) (8.9.2000) by 2000 asp 10, s. 9, **Sch. 2 para. 9(3)** (with s. 32); S.S.I. 2000/312 art. 2
 Ss. 202-204 applied (with modifications) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), **ss. 12(4)-(8), 100(3)(4); S.S.I. 2005/17, art. 2**
- C44** S. 204 applied (with modifications) (9. 5. 1991) by Tay Road Bridge Order Confirmation Act 1991 (c. iv), s. 1, **Sch. Pt. VII**, s. 58(2)
 Ss. 201-204 applied (30.10.1994) by S.I. 1994/2716, **reg. 94**
 S. 204 applied (with modifications) (1.4.1996) by 1995 c. 25, **s. 29** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

Miscellaneous provisions

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Textual Amendments

F19 S. 205 repealed by [Reserve Forces Act 1980 \(c. 9\)](#), [Sch. 10 Pt. II](#)

206 Admission of honorary freemen.

- (1) [^{F20}A local authority] may, by resolution passed by not less than two-thirds of the members voting thereon at a meeting of the [^{F20}authority] the notice of which specifies the proposed admission as an item of business, admit to be honorary freemen of [^{F21}their area] persons of distinction and any persons who have rendered eminent service to [^{F21}their area].
- (2) An officer designated for the purpose by [^{F22}local authority] shall keep a roll containing the names of persons admitted to be freemen under this section.

Textual Amendments

F20 Words in s. 206(1) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 92\(63\)\(a\)\(i\)\(ii\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)

F21 Words in s. 206(1) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 92\(63\)\(a\)\(iii\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)

F22 Words in s. 206(2) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 92\(63\)\(b\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)

207 Limitation of rights of freemen.

Nothing in this Part of this Act shall—

- (a) confer any right of membership or any right or interest in the properties, funds, revenues or privileges of any guild or incorporation of crafts; or
- (b) confer any right or interest in any burgess acres or any grazing rights connected therewith, or affect the law or practice existing at the commencement of this Act with reference to the use, enjoyment and administration of any such burgess acres or grazing rights.

208 Provisions as to Sundays etc.

- (1) Where the day or the last day on which anything is required or permitted by or in pursuance of this Act to be done is a Sunday, Christmas Day, New Year's Day, Good Friday, bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned, but, save as aforesaid or as otherwise expressly provided in this Act, in reckoning a number of days for the purposes of this Act, the days before specified shall not be excluded.
- (2) Where under the foregoing provisions of this section an election is postponed, the day on which the election is held shall be treated as the day of election for all purposes of this Act relating to that election:

Provided that where a day is declared to be a bank holiday or day of public thanksgiving or mourning, nothing in this subsection shall affect the validity of any act done in relation to an election before or on the date of the declaration.

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Modifications etc. (not altering text)

C45 S. 208 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, **Sch. para. 3**

Status:

Point in time view as at 14/09/2006.

Changes to legislation:

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