



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART VIII

#### FUNCTIONS

##### *The environment*

#### 133 Roads.

<sup>F1</sup>(1) .....

(2) The powers and duties vested in the council of each county in relation to roads by virtue of section 11 of the <sup>M1</sup>Local Government (Scotland) Act 1889 shall be transferred to and vested in the [<sup>F2</sup>local roads authority].

#### Textual Amendments

**F1** S. 133(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(32), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

**F2** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 73**

#### Marginal Citations

**M1** 1889 c. 50.

#### 134 Building.

<sup>F3</sup>(1) .....

<sup>X1</sup>(2) The <sup>M2</sup>Building (Scotland) Act 1959 shall have effect subject to the amendments specified in Part I of Schedule 15 to this Act, and Part II shall have effect for making amendments to other enactments relating to building.

Status: Point in time view as at 01/10/2009.

Changes to legislation: Local Government (Scotland) Act 1973, Cross Heading: The environment is up to date with all changes known to be in force on or before 30 June 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)

**Editorial Information**

X1 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes In Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Textual Amendments**

F3 S. 134(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(33), Sch. 14; S.I. 1996/323, art. 4(1)(c)(d), Sch. 2

**Marginal Citations**

M2 1959 c. 24.

<sup>F4</sup>135 .....

**Textual Amendments**

F4 S. 135 repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117, Sch. 23 para. 6); S.I. 1996/186, art. 3(xiii)

<sup>F5</sup>135A .....

**Textual Amendments**

F5 S. 135A repealed (1.4.1996) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3(xiii)

[<sup>F6</sup>136 **Deposit of poisonous waste.**

- (1) The local authority for the purposes of the <sup>M3</sup>Deposit of Poisonous Waste Act 1972 shall be an islands council or a district council; and accordingly in section 5(1)(b) of that Act for the words “county councils and town” there shall be substituted the words “ islands councils and district ”.
- (2) In section 3(5), 4(3) and 5(3) of that Act for any reference to a river purification board there shall be substituted a reference to a river purification authority.
- (3) In section 7 of that Act after the definition of “refuse tip” there shall be inserted the following definition “ “river purification authority” has the same meaning as in section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951, but shall not include an islands council. ”]

**Textual Amendments**

F6 S. 136 repealed (prosp.) by Control of Pollution Act 1974 (c. 40), s. 109(2), Sch. 4

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### Marginal Citations

M3 1972 c. 21.

## 137 Flood prevention and flood warning systems.

<sup>F7</sup>(1) .....

<sup>F8</sup>(2) .....

### Textual Amendments

**F7** S. 137(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(36), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

**F8** S. 137(2) repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 4 Pt. I**

## 138 Coast protection.

<sup>F9</sup>(1) .....

<sup>X2</sup>(2) In the said Act of 1949 the following amendments shall be made—

(a) for section 1(1) (coast protection authorities), there shall be substituted the following subsection—

“(1) The council of a region any part of which adjoins the sea or of an islands area shall be the coast protection authority for that region or area, as the case may be.”;

(b) in section 20(5) (contributions towards expenses of coast protection) for the word “burgh” there shall be substituted the word “ district ”;

(c) in section 22 (power to use for incidental purposes land acquired for coast protection)—

(i) in subsection (2), for the words “burgh or county” there shall be substituted the words “ region or islands area ”.

(ii) in subsection (3), for the reference to the <sup>M4</sup>Local Government (Scotland) Act 1947 there shall be substituted a reference to the Local Government (Scotland) Act 1973;

(d) in section 30 (transfer and compensation of officers, and superannuation rights), at the end there shall be added the following subsection—

“(4) This section shall not apply to Scotland.”;

(e) in section 45(1)(b) (service of notices and other documents), for the words “or burgh” there shall be substituted the words “ or in Scotland the council of a region, islands area or district ”;

(f) in section 46(4) (local inquiries), for the words from “subsection (2)” to “1947” there shall be substituted the words “ subsection (2) and subsections (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 ”;

(g) in Schedule 1 (procedure for making orders), for paragraph 8(b) there shall be substituted the following sub-paragraph—

“(b) for references to the London Gazette and to a county or county district there shall be substituted respectively

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references to the Edinburgh Gazette and to a region, islands area or district”.

**Editorial Information**

**X2** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes In Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Textual Amendments**

**F9** S. 138(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(37), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

**Marginal Citations**

**M4** 1947 c. 43.

**F10** 139 .....

**Textual Amendments**

**F10** S. 139 repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 4 Pt. I**

**F11** 140 .....

**Textual Amendments**

**F11** S. 140 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(38), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

**141 Public conveniences.**

The local authority for the purposes of section 5 of the <sup>M5</sup>Chronically Sick and Disabled Persons Act 1970 (public conveniences) shall be a local authority within the meaning of this Act, and accordingly in subsection (3) of that section, for the word “1947” there shall be substituted the word “ 1973 ”.

**Marginal Citations**

**M5** 1970 c. 44.

**F12** 142 .....

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**Textual Amendments**

**F12** S. 142 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(39), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

**F13** **143** .....

**Textual Amendments**

**F13** S. 143 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(40), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

**144** <sup>X3</sup>† **Diseases of animals, and plant health.**

**F14**(1) .....

(3) A competent authority under the <sup>M6</sup>Plant Health Act 1967 shall no longer have certain powers of direction, and accordingly, in section 5(2) of that Act (records of proceedings), the words from “in such manner” to “direct” shall be omitted, and, in section 6(3) of that Act (publication of orders), the words from “in such”(where first occurring) to “direction” shall cease to have effect.

**Editorial Information**

**X3** Unreliable marginal note.

**Textual Amendments**

**F14** S. 144(1)(2) repealed by **Animal Health Act 1981 (c. 22)**, **Sch. 6**

**Marginal Citations**

**M6** 1967 c. 8.

**145** **Ordnance Survey.**

(1) The <sup>M7</sup>Ordnance Survey Act 1841 (in this section referred to as “the 1841 Act”) shall have effect subject to the modifications set out in this section.

(2) An application under section 1 as read with section 17 of the 1841 Act shall be made to the proper officer of the [<sup>F15</sup>local authority], and where such an application is made, the function of appointing a person to assist in examining, ascertaining and marking out reputed boundaries shall be exercisable by the [<sup>F16</sup>authority] to whose proper officer the application was made.

**F17**(3) .....

(4) (a) References, in whatever terms in the 1841 Act, to the sheriff by whom a person is appointed under section 1 as read with section 17 of that Act shall be construed as references to the [<sup>F18</sup>local authority].

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- (b) References in the 1841 Act to the sheriff clerk or sheriff clerk depute shall be construed as references to the proper officer of the [<sup>F18</sup>local authority].
- (5) References in the 1841 Act to a county shall be construed as references to [<sup>F19</sup>the area of a local authority], including the electoral areas thereof and other places therein.

#### Textual Amendments

- F15** Words in s. 145(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(41)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F16** Word in s. 145(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(41)(a)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F17** S. 145(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1
- F18** Words in s. 145(4)(a)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(41)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F19** Words in s. 145(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(41)(c)**; S.I. 1996/323, **art. 4(1)(c)**

#### Marginal Citations

- M7** 1841 c. 30.

**Status:**

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