



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART XII **S**

MISCELLANEOUS, GENERAL AND TRANSITIONAL

Miscellaneous

209 Removal or relaxation of controls affecting certain local authority functions. **S**

- (1) For the purpose of removing or relaxing controls which affect the exercise by local authorities of certain functions, including limits imposed on the amount of the fees which may be charged by local authorities in connection with the issue of licences and the exercise of other functions, the enactments specified in Schedule 25 to this Act shall have effect subject to the amendments set out in that Schedule.
- (2) Without prejudice to subsection (1) above, the Secretary of State may by order made by statutory instrument make provision for the removal or relaxation of any control, including any such limit as is referred to in subsection (1) above, which affects the exercise of any function by a local authority and which is conferred by or under any enactment on a Minister of the Crown or a body constituted by or under any enactment.
- (3) An order made under this section may contain such incidental or consequential provisions as appear to the Secretary of State to be appropriate, including provisions amending or repealing or revoking, with or without savings, any enactment passed before this Act and any instrument made under any such enactment.
- (4) A statutory instrument containing an order under this section shall be of no effect unless approved by a resolution of each House of Parliament.
- (5) In this section “local authority” includes a Passenger Transport Executive.

210 Power to direct inquiries. **S**

- (1) Where any Minister is authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation,

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sanction or approval to any matter, or otherwise to act under this Act ^{F1} . . . , or where the Secretary of State is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, he may cause a local inquiry to be held.

- (2) Except as otherwise provided in any enactment, the Minister may appoint an officer of his Department or any other person to conduct the inquiry and to report thereon to him.
- (3) The person appointed to hold the inquiry shall cause notice of the time and place of the inquiry to be given to the bodies and persons appearing to him to be interested.
- (4) For the purpose of any such local inquiry, the person appointed to hold the inquiry may by notice in writing require any person to attend, at a time and place stated in the notice, to give evidence or to produce any books or other documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths:

Provided that—

- (a) no person shall be required, in obedience to such a notice, to attend to give evidence or to produce any such books or other documents, unless the necessary expenses of his attendance are paid or tendered to him; and
 - (b) nothing in this subsection shall empower the person holding the inquiry to require any person to produce any book or document or to answer any question which he would be entitled on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (5) Any person who refuses or wilfully neglects to attend in obedience to a notice under this section to give evidence or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section shall be liable on summary conviction to a fine not exceeding [^{F2}level 1 on the standard scale] or to imprisonment for a term not exceeding three months, or to both.
 - (6) The Minister causing the inquiry to be held may, if he thinks fit, pay such expenses of witnesses and such expenses of or concerning the production of any books or other documents as to him seems reasonable, and such expenses shall be deemed to be part of the expenses of the inquiry.

[^{F3}(7) The Minister may make orders as to the expenses incurred—

- (a) by the Minister in relation to—
 - (i) the inquiry;
 - (ii) arrangements made for an inquiry which does not take place; and
- (b) by the parties to the inquiry,

and as to the parties by whom any of the expenses mentioned in paragraphs (a) and (b) above shall be paid.

- (7A) What may be recovered by the Minister is the entire administrative expense of the inquiry, so that, in particular—
 - (a) there shall be treated as expenses incurred in relation to the inquiry such reasonable sum as the Minister may determine in respect of the general staff expenses and overheads of his department, and
 - (b) there shall be treated as expenses incurred by the Minister holding the inquiry any expenses incurred in relation to the inquiry by any other Minister or

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Government department and, where appropriate, such reasonable sum as that Minister or department may determine in respect of general staff expenses and overheads.

(7B) The Minister may by regulations prescribe for any description of inquiry a standard daily amount and where an inquiry of that description does take place what may be recovered is—

- (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the inquiry sits or the person appointed to hold the inquiry is otherwise engaged on work connected with the inquiry,
- (b) expenses actually incurred in connection with the inquiry on travelling or subsistence allowances or the provision of accommodation or other facilities for the inquiry, and
- (c) any expenses attributable to the appointment of an assessor to assist the person appointed to hold the inquiry, and
- (d) any legal expenses or disbursements incurred or made by or on behalf of the Minister in connection with the inquiry.]

[^{F4}(8) Where the Minister has made an order under subsection (7) of this section requiring any party to pay expenses to him he shall certify the amount of the expenses, and any amount so certified shall be a debt due by that party to the Crown and shall be recoverable accordingly.]

(9) This section shall not apply in the case of a local inquiry held under any enactment where the enactment contains provisions with regard to such inquiries.

Textual Amendments

- F1** Words repealed by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), [Sch. 7](#)
- 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. 210(7)(7A)(7B) substituted for s. 210(7)(8) by [Housing and Planning Act 1986 \(c. 63, SIF 81:2\)](#), [ss. 49, 53](#), [Sch. 11 Pt. II para. 39\(1\)](#)
- F4** S. 210(8) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 81:2\)](#), [ss. 49, 57\(2\)](#), [Sch. 11 Pt. II para. 39\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 210 applied (9.5.1991) by [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\)](#), [s. 1](#), [Sch. Pt. VI](#), [s. 45\(3\)](#), [Pt. VIII s.70](#)
S. 210 applied (temp. from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)
S. 210 applied (with modifications) (1.2.2000) by [S.I. 1999/3445](#), [reg. 9\(5\)](#)
- C2** S. 210(2)(4)-(8) applied (with modifications) (2.8.2004) by [The Justification of Practices Involving Ionising Radiation Regulations 2004 \(S.I. 2004/1769\)](#), [reg. 17\(2\)\(b\)](#)
- C3** S. 210(2)-(9) excluded by [Water \(Scotland\) Act 1980 \(c. 45\)](#), [s. 99\(2\)](#)
- C4** S. 210(2)-(8) applied (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), [ss. 160\(4\)\(5\)](#), 161(6), [Sch. 7 para. 4\(3\)](#) (with [ss. 25\(2\)](#), 167(4)(5)); [S.I. 1992/2990](#), [art. 2\(2\)](#), [Sch. 2](#)
S. 210(2)-(8) applied (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), [ss. 15\(7\)](#), 20(11), [Sch. 5 para. 6](#), [Sch. 8](#), [para. 2\(7\)](#); [S.I. 1991/2187](#), [art. 3](#), [Sch.](#)
S. 210(2)-(8) applied (27.8.1993) by [1993 c. 11](#), [ss. 59\(3\)](#), 68(2)
S. 210(2)-(8) applied (27.8.1993) by [1993 c. 12](#), [ss. 24\(3\)\(b\)](#), 51(2) (with [ss. 42](#), 46)
S. 210(2)-(8) applied (5.1.1994) by [1993 c. 44](#), [ss. 38\(7\)](#), 64(2), [Sch. 4 Pt. I para.6](#) (with [s. 30\(5\)](#))

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- S. 210(2)-(8) applied (18.11.1996) by 1996 c. 58, ss. 8(6), 48(6), **Sch. 2 Pt. III para. 11** (with s. 41, 43(1))
- S. 210(2)-(8) applied (1.4.1996) by 1995 c. 25, **s. 53(3)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- S. 210(2)-(8) applied (1.4.1996) by 1990 c. 43, **Sch. 1 paras. 8-10** (as inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 93(5)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**)
- S. 210(2)-(8) applied (8.9.2000) by 2000 asp 10, **s. 28(2)** (with s. 32); S.S.I. 2000/312, **art. 2**
- S. 210(2)-(8) applied (8.9.2000) by 2000 asp 10, **s. 5(2)** (with s. 32); S.S.I. 2000/312, **art. 2**
- S. 210(2)-(8) applied (1.10.2001) by 2001 asp 8, **s. 65(5)**; S.S.I. 2001/304, **art. 2(1)(a)**
- S. 210(2)-(8) applied (4.2.2002) by The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002 (S.S.I. 2002/6), regs. 3, **15(13)**
- S. 210(2)-(8) applied (1.10.2005) by Energy Act 2004 (c. 20), ss. 95, 198(2), **Sch. 16 para. 6(9)(b)** (with s. 38(2)); S.I. 2005/877, {art. 2(2)}, Sch. 2
- S. 210(2)-(8) applied (1.4.2006) by The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (S.S.I. 2005/348), **reg. 17(3)** (with reg. 50)
- S. 210(2)-(8) applied (with modifications) (1.1.2007) by The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006 (S.I. 2006/582), **reg. 17(13)**
- C5** S. 210(2)-(6) applied (with modifications) (1.10.2001) by 2001 asp 8, **s. 65(6)**; S.S.I. 2001/304 art. 2a
- C6** S. 210(2)(4)-(8) applied (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), **ss. 10(3), 30(4)**; S.S.I. 2007/516, **art. 2**)
- C7** S. 210(2)(4)-(8) applied by Pilotage Act 1987 (c. 21), s. 1A(6) (as inserted (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), **ss. 26, 30(4)**; S.S.I. 2007/516, **art. 2**)
- C9** S. 210(2)-(8) applied (31.3.2011) by The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (S.S.I. 2011/209), regs. 1(2), **20(3)** (with reg. 54)
- C10** S. 210(2)-(8) applied (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), **ss. 98(4), 134(7)**; S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- C11** S. 210(2)-(6) applied (with modifications) by 1978 c. 29, s. 10Z12(3)(4) (as inserted (1.10.2010 for specified purposes, 1.4.2011 for specified purposes, 1.4.2016 for specified purposes, 1.4.2017 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), **ss. 108, 134(7)**; S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.; S.S.I. 2016/22, art. 2(1), schs. 1, 2)
- C12** S. 210(2)-(6) applied (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), **s. 98(4)(5), 134(7)**; S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- C13** S. 210(2)-(8) applied (6.4.2011) by Marine (Scotland) Act 2010 (asp 5), **ss. 28(2), 168(1)** (with s. 162); S.S.I. 2011/58, art. 3(a)
- C14** S. 210(2)-(8) applied (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 70(4), 324(3)** (with ss. 76-81, 111); S.I. 2011/556, art. 3(2)(a)
- C15** S. 210(3)-(5) applied (with modifications) (15.11.2004) by Children Act 2004 (c. 31), **s. 6(6)**
- C16** S. 210(3)-(8) applied (with modifications) (1.4.1996) by 1995 c. 25, s. 114(4), **Sch. 20 para. 5(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- S. 210(3)-(8) applied (with modifications) (28.9.2000) by S.S.I. 2000/323 reg. 22(13), Sch. 8 para. 4(10)
- S. 210(3)-(8) applied (1.4.2001) by 2001 asp 2, **s. 52(6)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**
- S. 210(3)-(8) applied (with modifications) (31.3.2003) by The The Greenhouse Gas Emissions Trading Scheme Regulations 2003 (S.I. 2003/3311), reg. 28, **Sch. 3 para. 4(6)**
- S. 210(3)-(8) applied (with modifications) (15.11.2004) by Children Act 2004 (c. 31), **s. 6(9)**
- S. 210(3)-(8) applied (with modifications) (21.4.2005) by The Greenhouse Gas Emissions Trading Scheme Regulations 2005 (S.I. 2005/925), reg. 34(3), **Sch. 3 para. 4(6)** (with reg. 3)
- S. 210(3)-(8) applied (1.4.2006) by The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (S.S.I. 2005/348), reg. 49, **Sch. 9 para. 19** (with reg. 50)
- C17** S. 210(3)-(8) applied (with modifications) (17.9.2009) by The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009 (S.I. 2009/2301), regs. 1, 37(3), **Sch. 3 para. 4(6)**

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- C18** S. 210(3)-(8) applied (with modifications) (31.12.2009) by The Greenhouse Gas Emissions Data and National Implementation Measures Regulations 2009 (S.I. 2009/3130), regs. 1, 7(4), **Sch. 1 para. 3(11)**
- C19** S. 210(3)-(8) applied (with modifications) (31.3.2011) by The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (S.S.I. 2011/209), reg. 1(2), **sch. 9 para. 19** (with reg. 54)
- C20** S. 210(3)-(8) applied (with modifications) (1.1.2013) by The Greenhouse Gas Emissions Trading Scheme Regulations 2012 (S.I. 2012/3038), reg. 1, **Sch. 11 para. 13(5)** (with Sch. 1)
- C21** S. 210(3)-(8) applied (with modifications) (7.1.2013) by The Pollution Prevention and Control (Scotland) Regulations 2012 (S.S.I. 2012/360), reg. 1(2), **sch. 8 para. 4(10)** (with reg. 71)
- C22** S. 210(3)-(5) applied (14.1.2021) by Transport (Scotland) Act 2019 (asp 17), **ss. 12(4)**, 130(2) (with s. 126); S.S.I. 2020/429, **reg. 2(a)**
- C23** S. 210(3)-(5) applied (10.1.2022) by Transport (Scotland) Act 2019 (asp 17), **ss. 75(4)**, 130(2) (with s. 126); S.S.I. 2021/428, **reg. 2, sch.**
- C24** S. 210(4)-(8) applied (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 25, 59, **Sch. 2 para. 11**; S.S.I. 2004/495, **art. 2**
- C25** S. 210(4)(5): power to apply conferred (1.1.1995 for specified purposes and otherwise 1.8.1996) by 1967 c. 77, **s. 30(4)** (as substituted (1.1.1995 for specified purposes and otherwise 1.8.1996) by 1994 c. 29, **s. 55(1)**; S.I. 1994/3075, **art. 2, Sch.**; S.I. 1996/1646, **art. 2, Sch.** (with art. 3))
S. 210(4)(5) applied (19.11.1998) by 1998 c. 46, s. 1(5), **Sch. 1 para. 6(5)** (with s. 126(3)-(11))
S. 210(4)(5): power to apply (with modifications) conferred (27.7.2001) by 1993 c. 9, **s. 20(4A)** (as inserted by 2001 asp 7, ss. 4, 5(1)(c) (with **Sch. paras. 79-83**); S.S.I. 2001/274, **art. 3**)
S. 210(4)(5) applied (with modifications) (8.10.2001) by S.S.I. 2001/315, **rule 24**
S. 210(4)(5): power to apply (with modifications) conferred by Ministry of Defence Police Act 1987 (c. 4), s. 4A(4) (as inserted (9.3.2004) by Police Reform Act 2002 (c. 30) {ss. 79(2)}, 108(2)-(5)); S.I. 2004/636, **art. 2**
S. 210(4)(5) modified (1.4.2004) by Ministry of Defence Police Appeal Tribunals Regulations 2004 (S.I. 2004/652), **reg. 11**
S. 210(4)(5) applied by Scotland Act 1998 (c. 46), **Sch. 1 para. 11** (as substituted (22.7.2004 with effect as mentioned in s. 1(4) of the amending Act) by Scottish Parliament (Constituencies) Act 2004, s. 1(1), {Sch. 1})
- C26** S. 210(4)-(8) applied (30.10.1994) by The Conservation (Natural Habitats, etc.) Regulations 1994 (S.I. 1994/2716), **reg. 107(2)**
- C27** S. 210(4)-(8) applied (30.10.1994) by The Conservation (Natural Habitats, etc.) Regulations 1994 (S.I. 1994/2716), regs. 22(3), **Sch. 1 para. 4(3)**
- C28** S. 210(4)(5) applied (with modifications) (with application in accordance with rule 1(2) of the amending S.S.I.) by The Parole Board (Scotland) Rules 2022 (S.S.I. 2022/385), rules 1(1), **28(1)** (with rule 35)
- C29** S. 210(6)-(8) applied (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), **ss. 10(4)**, 30(4); S.S.I. 2007/516, **art. 2**
- C30** S. 210(6)-(8) applied by Pilotage Act 1987 (c. 21), s. 1A(7) (as inserted (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), **ss. 26**, 30(4); S.S.I. 2007/516, **art. 2**)
- C31** S. 210(6)(7)(8) applied (22.5.2008) by The Transport and Works (Scotland) Act 2007 (Access to Land on Application) Order 2008 (S.S.I. 2008/199), **art. 8(9)**
- C32** S. 210(6)(7)(8) applied (22.5.2008) by The Transport and Works (Scotland) Act 2007 (Access to Land by the Scottish Ministers) Order 2008 (S.S.I. 2008/200), **art. 7(9)**
- C33** S. 210(6)-(8) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), **s. 95(5)**, 241 (with s. 226); S.I. 2010/101, **art. 3(d)** (with art. 6)
- C34** S. 210(6)-(8) applied (with modifications) (1.3.2010) by Planning Act 2008 (c. 29), **s. 113(10)**, 241 (with s. 226); S.I. 2010/101, **art. 3(d)** (with art. 6)

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[^{F5}210A Recovery of expenses of local inquiry. S

- (1) The following provisions of this section apply where a Minister is authorised under or by virtue of any of the following statutory provisions to recover expenses incurred by him in relation to an inquiry— section 129(1)(d) of the ^{M1}Road Traffic Regulation Act 1984 (expenses of inquiry under that Act), any other statutory provision to which this section is applied by order of the Minister.
- (2) What may be recovered by the Minister is the entire administrative expense of the inquiry, so that, in particular—
 - (a) there shall be treated as expenses incurred in relation to the inquiry such reasonable sum as the Minister may determine in respect of the general staff expenses and overheads of his department, and
 - (b) there shall be treated as expenses incurred by the Minister holding the inquiry any expenses incurred in relation to the inquiry by any other Minister or Government department and, where appropriate, such reasonable sum as that Minister or department may determine in respect of general staff expenses and overheads.
- (3) The expense of an inquiry which does not take place may be recovered by the Minister from any person who would have been a party to the inquiry to the same extent, and in the same way, as the expense of an inquiry which does take place.
- (4) The Minister may by regulations prescribe for any description of inquiry a standard daily amount and where an inquiry of that description does take place what may be recovered is—
 - (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the inquiry sits or the person appointed to hold the inquiry is otherwise engaged on work connected with the inquiry,
 - (b) expenses actually incurred in connection with the inquiry on travelling or subsistence allowances or the provision of accommodation or other facilities for the inquiry,
 - (c) any expenses attributable to the appointment of an assessor to assist the person appointed to hold the inquiry, and
 - (d) any legal expenses or disbursements incurred or made by or on behalf of the Minister in connection with the inquiry.
- (5) An order or regulation under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order applying this section to a statutory provision may provide for the consequential repeal of so much of that provision, or any other provision, as restricts the sum recoverable by the Minister in respect of the services of any officer engaged in the inquiry or is otherwise inconsistent with the application of the provisions of this section.]

Textual Amendments

F5 S. 210A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 81:2\)](#), s. 49, [Sch. 11 Pt. II para. 39\(4\)](#)

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Marginal Citations

M1 1984 c. 27(107:1).

211 Provision for default of local authority. **S**

- (1) If a complaint is made to the Secretary of State or any appropriate Minister that a local authority have failed to do what is required of them by or under this Act or any other enactment or the Secretary of State or that Minister is of opinion that an investigation should be made as to whether a local authority have so failed, he may cause a local inquiry to be held into the matter.
- (2) If after such a local inquiry the Secretary of State or appropriate Minister is satisfied that there has been such a failure on the part of the authority in question, he may make an order declaring the authority to be in default and directing them for the purpose of remedying the default to take such steps and within such time or times as may be specified in the order.

[^{F6}(2A) If the Secretary of State or appropriate Minister—

- (a) is about to make an order under subsection (2) above; and
 - (b) is satisfied that the failure to which the order relates has continued or recurred,
- he may, in that order and without any local inquiry, declare the authority to be in default in respect of the continuance or recurrence of the failure and direct them for the purpose of remedying the default to take such steps and within such time or times as may be specified in the order.

(2B) The Secretary of State or appropriate Minister may, in an order under subsection (2) above, notify the local authority that any continuance or recurrence of the failure in respect of which the authority have been declared to be in default happening after the date of the order may be made the subject of an application to the Court of Session under subsection (3A) below.]

- (3) If the authority declared to be in default by such an order fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Court of Session may, on the application of the Lord Advocate on behalf of the Secretary of State or appropriate Minister, order specific performance of the functions in respect of which there has been default, and do otherwise as to the court appears to be just.

[^{F7}(3A) If—

- (a) a local authority have been notified under subsection (2B) above; and
- (b) there has been any such continuance or recurrence as is mentioned in that subsection of the failure to which the notification relates,

the Court of Session may, on the application of the Lord Advocate on behalf of the Secretary of State or appropriate Minister, order specific performance of the functions in respect of which there has been such continuance or recurrence of the failure and do otherwise as to the court appears to be just.]

- (4) Nothing in this section shall affect the provisions of any other enactment relating to the enforcement of a statutory duty whether under that enactment or otherwise.

[^{F8}(5) The provisions of this section shall apply to a joint board as they apply to a local authority.]

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[^{F9}(6) In this section any reference to an enactment includes a reference to the Transport (Scotland) Act 2001 (asp 2).]

Textual Amendments

- F6** S. 211(2A)(2B) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), **s. 159(2)**
F7 S. 211(3A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), **s. 159(3)**
F8 S. 211(5) inserted (1.4.1996) by [1994 c. 39, s. 21](#) (with s. 7(2)); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
F9 S. 211(6) inserted (1.7.2001) by [2001 asp 2, s. 83, Sch. 2 para. 2](#) (with s. 66); S.S.I. 2001/132 art. 2(3), Sch. Pt II

Modifications etc. (not altering text)

- C35** S. 211 extended by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), **ss. 78(4), 335**

212 Limitation of liability of certain owners. **S**

Where a local authority claim to recover any sum in respect of rates or otherwise under or in pursuance of any provision of this Act from a person as being the owner of premises and that person proves that he—

- (a) is receiving the rent merely as trustee, tutor, curator, factor or agent for some other person; and
- (b) has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability should be limited to the total amount of the money which he has or has had in his hands as aforesaid.

213 Tweed Fisheries Commissioners. **U.K.**

^{F10}(1)

^{X1}(3) The said Act of 1969 shall have effect subject to the amendments set out in Schedule 26 to this Act.

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

- F10** S. 213(1)-(2) repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), **Sch. 1 Pt. VII**

Changes to legislation: Local Government (Scotland) Act 1973, Part XII is up to date with all changes known to be in force on or before 29 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) View outstanding changes

General

214 Consequential and minor modifications and amendments. **S**

- (1) As from 16th May 1975 Part I of Schedule 27 to this Act shall have effect for the purpose of making general adaptations of enactments, being adaptations which are consequential on the foregoing provisions of this Act.
- (2) As from that date the enactments specified in Part II of that Schedule shall have effect subject to the modifications and amendments set out in the said Part II, being modifications and amendments which are consequential on the foregoing provisions of this Act and minor amendments.

215 Consequential and supplementary provisions. **S**

- (1) The Secretary of State or any appropriate Minister may at any time, whether before or after 16th May 1975, by order make such incidental, consequential, transitional or supplementary provisions as may appear to him—
 - (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
 - (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act;and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) An order under this section may in particular make provision, in the case of any body, person, funds or matter affected by this Act, for the transition from the provisions of any enactment to the provisions of this Act, but nothing in that order shall be inconsistent with any provision of this Act.

^{F11}(3)

^{F11}(4)

^{F11}(5)

^{F11}(6)

^{F11}(7)

- (8) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F11 S. 215(3)-(7) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**

Modifications etc. (not altering text)

C36 S. 215 extended by Value Added Tax Act 1983 (c. 55), **Sch. 10 para. 7**

Changes to legislation: Local Government (Scotland) Act 1973, Part XII is up to date with all changes known to be in force on or before 29 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) View outstanding changes

216 Transfer of officers. **S**

(1) An order or regulations under section 24, or an order under section 215, of this Act may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.

(2) ^{F12}

(3) Any such order or regulations as is or are referred to in subsection (1) . . . ^{F13} above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—

(a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the order or regulations and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and

(b) the said new terms and conditions are such that—

(i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and

(ii) the other terms and conditions of his employment,

are not less favourable than those which he enjoyed immediately before the date of transfer.

(4) ^{F12}

Textual Amendments

F12 Ss. 216(2)(4)(5), 218–221, 224(1)–(4) repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

F13 Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

217 Continuity of employment in cases of voluntary transfer. **S**

(1) This section applies to a person if—

(a) at some time before 16th May 1975, or on that date but otherwise than by virtue of provision made by an order under section 216 above, he enters the employment of a new local authority (in this section referred to as “his new employment”), and

(b) had he continued until 16th May 1975 in the employment (in this section referred to as “his previous employment”) which he last held before he entered his new employment or (if he did so continue) had he then ceased to be in that employment by reason only of Part I of this Act, provision would have been made by an order under section 216(2) of this Act for his transfer on that date to the employment of a specified local authority.

(2) Where this section applies to a person, then for the purposes of [^{F14}paragraph 10 of Part II of Schedule 1 to the ^{M2}Trade Union and Labour Relations Act 1974] (qualifying

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period for protection from unfair dismissal) and [^{F15}section 49 of the ^{M3}Employment Protection (Consolidation) Act 1978] (minimum periods of notice)—

- (a) the period of employment in his previous employment shall count as a period of employment in his new employment, and
- (b) the change of employment shall not break the continuity of the period of employment.

Textual Amendments

F14 Words substituted by virtue of Trade Union and Labour Relations Act (c. 52), Sch. 4 para. 7

F15 Words substituted by virtue of [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), [Sch. 15 para. 4](#)

Marginal Citations

M2 1974 c. 52.

M3 1978 c. 44.

218— ^{F16} **S**
221.

Textual Amendments

F16 Ss. 216(2)(4)(5), 218–221, 224(1)–(4) repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

^{F17}**222** **S**

Textual Amendments

F17 S. 222 repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(b)(d), [Sch. 2](#)

^{F18}**223** **S**

Textual Amendments

F18 S. 223 repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(b)(d), [Sch. 2](#) (subject to art. 4(2))

^{F19}**224** **S**

Textual Amendments

F19 S. 224 repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(b)(d), [Sch. 2](#)

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225 Local Acts and instruments. **S**

(1) Subject to subsections (2)

and (8) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—

- (a) notwithstanding the changes of administrative areas and local authorities effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 16th May 1975 to, but only to, the area, things or persons to which or to whom it applies before that date;
- (b) have effect subject to any necessary modifications and to the modifications made by subsection (3) below;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

(2) Subsection (1)

above shall have effect subject to the provisions of—

- (a) this Act, other than Part I of Schedule 27;
- (b) any Act passed after this Act and before 16th May 1975; and
- (c) any order made under section 215 of this Act or the following provisions of this section.

(3) Any local statutory provision to which this section applies and which relates to functions exercisable by a local authority of any description by virtue of any public general enactment shall have effect as if for any reference to the authority by whom the functions are exercised immediately before 16th May 1975 there were substituted a reference to the authority by whom those functions are exercisable on and after that date.

(4) Subsection (3)

above shall not come into force until 16th May 1975 and shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this section applies and exclude the operation of that subsection where it would otherwise conflict with any provision of the order.

(5) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 215 of this Act, the Secretary of State or any appropriate Minister may by that order, or in the case of a provision continued as aforesaid, by an order under this subsection—

- (a) extend the provision throughout the new local government area in which it is continued in force;
- (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;

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- (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area;
 - (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State or that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
 - (e) transfer to any authority appearing to the Secretary of State or that Minister to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provisions of this Act except section 215 of this Act and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act;
 - (f) with prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State or that Minister to be expedient.
- (6) [^{F20}Subject to sections 134(2), 135 and 137 of the ^{M4}Civic Government (Scotland) Act 1982 and any order under these sections,] All local statutory provisions to which this subsection applies shall cease to have effect at the end of [^{F21}1984], but—
- (a) the Secretary of State or any appropriate Minister may by order exempt any such provision from the foregoing provision of this subsection;
 - (b) the Secretary of State may from time to time by order postpone the date on which all local statutory provisions applying to the whole or part of any local government area, so far as they so apply, are to cease to have effect under this subsection.
- (7) An instrument containing an order under subsection (5)
- or (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Any local statutory provision relating to valuation or the determination, levying, collection or recovery of rates shall cease to have effect:
- Provided that this subsection shall not affect the operation of section 19(2) of the ^{M5}Water (Scotland) Act 1949 (domestic water rate payable at reduced rate in certain cases).
- (9) This section applies to any local statutory provision in force immediately before 16th May 1975 and not expressly repealed or revoked by this Act, and subsection (6) above applies to the following statutory provisions—
- (a) a provision of a local Act, the Bill for which was promoted by a local authority;
 - (b) a provision of an Act confirming a provisional order made on the application of a local authority;
 - (c) a provision of an order made on such an application which was subject to special parliamentary procedure;
- not being a provision relating to a statutory undertaking or a protective provision for the benefit of any person.

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(10) In subsection (9)

above “local authority” means—

- (a) a council of a county, county of city, burgh or district;
- (b) any body which immediately after the coming into force of the enactment which constituted the body exercised functions which immediately before 16th May 1975, were exercised by one of the councils referred to in paragraph (a) above;

and “statutory undertaking” means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power, water or district heating.

Textual Amendments

- F20** Words inserted by [Civic Government \(Scotland\) Act 1982 \(c. 45\), s. 134\(1\)](#)
- F21** Words substituted by [Civic Government \(Scotland\) Act 1982 \(c. 45\), s. 134\(1\)](#)

Modifications etc. (not altering text)

- C37** [S. 225\(6\)](#) amended by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 29\(2\)](#) and [Civic Government \(Scotland\) Act 1982 \(c. 45\), ss. 134, 135](#)

Marginal Citations

- M4** [1982 c. 45.](#)
- M5** [1949 c. 31.](#)

F22²²⁶ **S**

Textual Amendments

- F22** [S. 226](#) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\), Sch. 13 para. 92\(64\), Sch. 14](#); [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)\(d\), Sch. 2](#)

227 Abolition of Dean of Guild Court. S

On 16th May 1975 all dean of guild courts shall cease to exist, and unless otherwise provided, all powers, duties and responsibilities conferred on a dean of guild or a dean of guild court by or under any enactment shall thereafter be exercised by the authority responsible for building control in the area concerned.

228 Abolition of fiars courts for counties, etc. S

- (1) The courts for striking the fiars prices for the counties of Scotland shall no longer be held, and accordingly no payment becoming due after the appointed day shall be calculated by reference to fiars prices.
- (2) Subject to the provisions of section 12 of the ^{M6}[Conveyancing \(Scotland\) Act 1924](#) (abolition and commutation of grain, etc. feuduties) the amount of any periodical payment becoming due after the appointed day which would, if it had become due

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immediately before that day, have fallen to be ascertained by reference to fiars prices, shall be a sum in money representing the average value of the payment due during the last three years before that day.

(3) In the event of the parties failing to reach agreement as to the commutation into money of any payment by reference to subsection (2) above, either party may apply to the sheriff for a decree declaring the commuted value in money of the payment.

(4) Where any payment, the amount of which falls to be ascertained by reference to subsection (2) above, is exigible from any person by virtue of an interest in land, the title to which may be recorded in the Register of Sasines, any agreement relative thereto and any decree pronounced under subsection (3) above shall, on being duly recorded in the appropriate register, be binding upon all persons having interest.

^{F23}(5)

(6) In this section “the appointed day” means the day appointed under section 238 of this Act for the coming into operation of this section.

Textual Amendments

F23 S. 228(5) repealed (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), **Sch. 13**, Pt. I (with s. 45(3), Sch. 12 paras. 1-3).

Marginal Citations

M6 1924 c. 27.

^{F24}**229** **S**

Textual Amendments

F24 S. 229 repealed (5.11.1993) by 1993 c. 50, s. 1(1) **Sch. 1**, Pt. X Group1

^{F25}**230** **S**

Textual Amendments

F25 S. 230 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(65), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(c)(d), **Sch. 2**

231 Application to sheriff in cases of difficulty. **S**

(1) Where, from failure to observe any of the provisions of this Act or from any other cause, a difficulty arises in carrying into effect any of the provisions of this Act, or where in any case any question arises as to the procedure to be followed, or where any question arises in connection with the election of members of a local authority and no provision is made in this Act for meeting such difficulty or determining such question, it shall be lawful for the local authority or any seven local government electors for the area of the authority or the proper officer of the authority, or in the case of a question

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relating to an election of members of a local authority for the returning officer at the election, to make application to the sheriff setting forth the circumstances and after such intimation and inquiry as to the sheriff seems proper, the sheriff may give such directions as in his judgment will enable the provisions of this Act to be complied with as nearly as possible or determine the question as the case may be, and may make such order as seems proper to him with reference to the expenses in connection with the application and the persons by whom such expenses are payable.

- (2) Subject to any order made by the sheriff, all expenses incurred in connection with any application under the preceding subsection shall be defrayed as part of the general expenses of the authority.

Modifications etc. (not altering text)

C38 S. 231 applied (4.1.1995) by 1994 c. 39, s. 60 (with s. 7(2)); S.I. 1994/2850, art. 3(a), Sch. 2
 S. 231 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

232 Provisions regarding applications to court. S

- (1) Where any application to the sheriff under this Act is dealt with in the first instance by a sheriff other than the sheriff principal, it shall be competent to appeal to the sheriff principal against the decision of the sheriff within fourteen days after the date thereof, but subject thereto the decision of the sheriff principal or sheriff shall, except where otherwise specifically provided, be final.
- (2) Where the area of a local authority is situated within more than one sheriffdom, any application to the sheriff under this Act shall be presented to the sheriffs principal of the sheriffdoms in which the area of the authority is situated.
- (3) Where any application is presented to two or more sheriffs principal under this Act and they are unable to reach a unanimous decision, they shall state a case for the Court of Session and the Court may pronounce any deliverance which it would have been competent for the sheriffs to make.

Modifications etc. (not altering text)

C39 S. 232 applied (4.1.1995) by 1994 c. 39, s. 60 (with s. 7(2)); S.I. 1994/2850, art. 3(a), Sch. 2
 S. 232 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

233 Orders, rules and regulations. S

- (1) Any power to make orders, rules or regulations conferred on any Minister by any provision of this Act, other than section 104(1), [F²⁶210(7)] 211 or 221 shall be exercisable by statutory instrument.
- (2) Any order under this Act may be varied or revoked by a subsequent order made in the like manner and subject to the same provisions.
- (3) An order made by a Minister under this Act may contain such incidental, consequential and supplemental provisions as appear to the Minister by whom the order is made to be necessary or proper for bringing the order into operation and giving full effect thereto.

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Textual Amendments

F26 “210(7)” inserted by [Housing and Planning Act 1986 \(c. 63, SIF 81:2\)](#), s. 49, [Sch. 11 Pt. II para. 39\(3\)](#)

234 Expenses. **S**

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

235 General provisions as to interpretation. **S**

(1) In this Act, except where the context otherwise requires—

“appropriate Minister”, with respect to any matter, means the Minister in charge of any Government Department concerned with that matter; but the validity of any order or regulation purporting to be made by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

^{F27}

...

^{F27}

...

“education authority”, “educational establishment”, “further education” and “school” have the same meanings as in [^{F28}the ^{M7}Education (Scotland) Act 1980];

^{F27}

...

[^{F29}“electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994;]

“enactment” includes an order, regulation, rule or other instrument having effect by virtue of an Act;

“existing”, in relation to any authority, means that authority as they existed immediately before the passing of this Act;

“financial year” has [^{F30}, except in section 98,] the meaning assigned to it by section 96(5) of this Act;

“joint board” means a body corporate, constituted for the purposes of a combination of local authorities under this Act or by or under any other enactment, consisting exclusively of persons appointed by the local authorities;

“joint committee” means a body, not being a body corporate, constituted for the purpose of a combination of local authorities under this Act or by or under any other enactment, consisting exclusively of persons appointed by the local authorities;

“land” includes land covered with water and any interest right or servitude in or over land;

[^{F31}“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of an existing local government area or a

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provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act; “new”, in relation to any authority, means that authority as established by or under this Act;

“1947 Act” means the ^{M8}Local Government (Scotland) Act 1947;

“prescribed” means prescribed by regulations made by the Secretary of State;

“rating authority” [^{F32}shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994];

^{F33}
 . . .

- (2) Any reference in this Act to a regional, islands or district council includes a reference to any combination of those councils.
- (3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.
- (4) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

Textual Amendments

- F27** S. 235(1): definitions of
 “area”
 ,
 “college council”
 ,
 “school council”
 and
 “education committee”
 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(66)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(c)(d), **Sch. 2**
- F28** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a) and Education (Scotland) Act 1980 (c. 44), **Sch. 3 para. 1**
- F29** S. 235(1): definition of
 “electoral ward”
 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(66)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F30** S. 235(1): words in definition of
 “financial year”
 inserted (29.4.1996 with effect first in relation to the period from 1.4.1997 to 31.10.1997) by 1996 c. 10, s. 4(2)(3); S.I. 1997/1979, **art. 2**
- F31** S. 235(1): definition of
 “local authority”
 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(66)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F32** S. 235(1): words in definition of
 “rating authority”
 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(66)(d)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F33** S. 235(1): definition of
 “water authority”
 repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**

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Marginal Citations

- M7** 1980 c. 44.
M8 1947 c. 43.

236 Savings. **S**

- (1) ^{F34}
- (2) ^{F35} . . . Nothing in sections 70 to 78 of this Act shall affect any provision relating to the acquisition by agreement or compulsorily, appropriation, letting or disposal of land, the erection of buildings or the execution of works by a local authority contained in any of the following enactments or any instrument made thereunder—
- ^{F36}(a)
 - (b) The Military Lands Acts 1892 to 1903;
 - ^{F36}(c)
 - (d) The Housing (Scotland) [^{F37} Act 1987];
 - ^{F38}(e)
 - (f) The Education (Scotland) Acts 1939 to 1973;
 - ^{F39}(g)
 - (h) Any local Act.
- (3) Any enabling provision contained in this Act shall be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of her royal prerogative.

Textual Amendments

- F34** S. 236(1) repealed by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F35** Words in s. 236(2) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F36** S. 236(2)(a)(c) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016](#) (asp 20), s. 112(2), **sch. 2** (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)
- F37** Words substituted by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 20(3)**
- F38** S. 236(2)(e) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F39** S. 236(2)(g) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012](#) (asp 8), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

237 Repeals. **S**

- (1) The enactments specified in Schedule 29 to this Act (which include enactments that were obsolete, spent or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.
- (2) Without prejudice to [^{F40}section 17(2) of the ^{M9}Interpretation Act 1978], where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes or applies some other enactment making corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and in particular subject to any instrument under section 215, 216, 219 or 225 of this Act references in any enactment other than this

Changes to legislation: Local Government (Scotland) Act 1973, Part XII is up to date with all changes known to be in force on or before 29 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) View outstanding changes

Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

Textual Amendments

F40 Words substituted by virtue of [Interpretation Act 1978 \(c. 63\)](#), **s. 25(2)**

Modifications etc. (not altering text)

C40 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(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.

Marginal Citations

M9 1978 c. 30.

238 Short title, commencement and extent. S

- (1) This Act may be cited as the Local Government (Scotland) Act 1973.
- (2) This Act (except this section) shall come into operation on the appointed day, being such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different provisions of this Act or for different purposes, or for the purposes of the same provision in relation to different cases.
- (3) This Act, except sections 92, 146(5) and 213 and paragraph 64 of Schedule 17 and Schedule 26^{F41} . . . extends to Scotland only.

Textual Amendments

F41 Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3**

Modifications etc. (not altering text)

C41 Power of appointment conferred by s. 238(2) fully exercised: [S.I. 1973/1886](#), 2181

Changes to legislation:

Local Government (Scotland) Act 1973, Part XII is up to date with all changes known to be in force on or before 29 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.

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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](#)