



Local Government (Miscellaneous Provisions) (Scotland) Act 1981

CHAPTER 23

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ELIZABETH II



Local Government (Miscellaneous Provisions) (Scotland) Act 1981

1981 CHAPTER 23

An Act to make further provision as regards local government in Scotland; to amend the Housing (Scotland) Acts 1966 to 1980; to postpone the effect of certain provisions of the Education (Scotland) Act 1980; to amend the Chronically Sick and Disabled Persons Act 1970 in its application to Scotland; and for connected purposes. [11th June 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

VALUATION AND RATING

1. In section 37 of the 1975 Act (which makes provision as regards the interpretation of that Act), at the end there shall be added the following subsections—

(3) The Secretary of State may by order amend the definition of "year of revaluation" in subsection (1) above by substituting, for the financial year for the time being specified in that definition by reference to two calendar years, a different financial year so specified.

(4) An order under subsection (3) above shall have no effect until approved by resolution of each House of Parliament."

Power to change year of revaluation.

1975 c. 30.

PART I

Power to
exclude
certain lands
and heritages
from
valuation or
revaluation.
1975 c. 30.

2. In section 1 of the 1975 Act (which among other things requires an assessor for a valuation area to make such arrangements as are necessary to secure the valuation or revaluation of all lands and heritages in his area in respect of each year of revaluation)—

(a) at the end of paragraph (a) of subsection (3) there shall be added the following proviso—

“ : Provided that—

(i) the Secretary of State may by order determine in respect of every new valuation roll being made up under this section that only such classes of lands and heritages as may be specified in the order shall be so valued or revalued ; and

(ii) where an order is made under sub-paragraph (i) above, the net annual value of any lands and heritages not falling within a class specified in the order shall, for the purposes of the new valuation roll, be taken to be—

the same as was entered in the old valuation roll (that is, in the valuation roll in force immediately before the coming into force of the new valuation roll) ; or

if no such value was so entered, the value which would properly fall to be entered in the old valuation roll in respect of them if that roll were still in force and were altered in accordance with section 2 of this Act ;” ;

(b) after subsection (6) there shall be inserted the following subsections—

“ (6A) Where the Secretary of State makes an order under sub-paragraph (i) of the proviso to subsection (3)(a) above, he may prescribe by order under this subsection (either or both)—

(a) a method whereby the net annual value of the specified lands and heritages shall be adjusted for the purposes of ascertaining their rateable value ;

(b) such a method as regards the unspecified lands and heritages ;

and the order may prescribe different such methods as regards different valuation areas.

(6B) Any method prescribed under subsection (6A) above shall be such as in the opinion of the Secretary of State will preserve the ratio which he estimates will exist immediately before the coming into force of the new valuation roll between, as regards each valuation area, the rateable values of

specified lands and heritages and those of unspecified lands and heritages.

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(6C) Before prescribing a method under subsection (6A) above, the Secretary of State shall consult the Scottish Valuation Advisory Council and any association of local authorities which appears to him to represent the interests of local authorities in Scotland.

(6D) The Secretary of State may by order under this subsection—

- (a) repeal or amend any enactment (including this Act) in so far as that enactment relates to the valuation of lands and heritages and such valuation is affected by an order under sub-paragraph (i) of the proviso to subsection (3)(a), or under subsection (6A), above ;
- (b) as regards a valuation so affected, apply, restrict or modify the enactments relating to appeals or complaints in connection with the valuation roll.

(6E) An order under—

- (a) sub-paragraph (i) of the proviso to subsection (3)(a), or under subsection (6D), above shall have no effect until approved by resolution of each House of Parliament ;
 - (b) subsection (6A) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.” ; and
- (c) at the end of subsection (7) there shall be added the following words—

“ ; “ specified lands and heritages ” means lands and heritages of such classes as are mentioned in sub-paragraph (i) of the proviso to subsection (3)(a) above ; and “ unspecified lands and heritages ” means such lands and heritages as are mentioned in sub-paragraph (ii) of that proviso.”.

3. In subsection (2) of section 6 of the 1956 Act (which provides for ascertainment of the gross annual value of lands and heritages consisting of dwelling-houses or other non-industrial buildings) the words “ or other non-industrial buildings ” and “ or buildings ” shall, for the purpose of making up any valuation roll after this section comes into force, cease to have effect.

Valuation of non-industrial buildings other than dwelling-houses.

1956 c. 60.

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Power of Secretary of State to amend table of deductions from gross annual value.
1956 c. 60.

4. In subsection (6) of section 6 of the 1956 Act (which provides for deductions from gross annual value to ascertain the net annual value of such lands and heritages as are mentioned in subsection (2) of that section), at the end there shall be added the words “; but the Secretary of State may by order amend the said table as it applies to such lands and heritages”; and for subsection (7) of the said section there shall be substituted the following subsection—

“(7) Any order under subsection (6) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

Relaxation of provisions relating to notification for rate relief for charitable organisations.
1962 c. 9.

5. In section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962—

(a) in subsection (2) (which provides for notification to the rating authority of use of lands and heritages for charitable purposes)—

(i) the words “not later than the thirtieth day of June in any year” shall cease to have effect; and

(ii) for the words “any period, beginning not earlier than the year in which the notice is given,” there shall be substituted the words “a relevant period”; and

(b) after subsection (2) there shall be inserted the following subsection—

“(2A) In subsection (2) of this section “relevant period” means—

(a) in a case where the occupation and use, or as the case may be the holding, commenced on or after the first day of the financial year immediately preceding the financial year in which the notice is given, any period after that commencement;

(b) in any other case, that first day and any period thereafter.”.

Remission of rates in respect of lands and heritages unoccupied and unfurnished for any period of three months.
1947 c. 43.

6. For subsection (2) of section 243 of the Local Government (Scotland) Act 1947 (which provides for remission of rates in respect of lands and heritages unoccupied and unfurnished for three months in a financial year) there shall be substituted the following subsection—

“(2) Where lands and heritages are unoccupied and unfurnished for a continuous period of not less than three months, the rating authority shall grant a remission of the rates in respect of such lands and heritages to an extent corresponding, in each financial year, to the proportion which so much of the period as occurs in that financial year bears to the whole financial year.”.

7. In section 8 of the 1975 Act (which provides for payment of rates by instalments), after subsection (7) there shall be inserted the following subsections—

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Restriction
on payment
of rates by
instalments.
1975 c. 30.

“(7A) In any case where a demand note for rates, chargeable for a year or part only of a year, is for an amount (after any remission, rebate or other deduction to which the rate is subject) less than the prescribed sum the rates shall not be payable in accordance with subsection (1) above but shall be payable in full on or before the date specified by the rating authority in the demand note.

(7B) In subsection (7A) above, “the prescribed sum” means £20 or such lesser sum as the rating authority may fix.

(7C) The Secretary of State may by order, made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend subsection (7B) above by substituting for the amount for the time being specified in that subsection such other amount as appears to him to be justified.”

8. In section 9(1) of the 1975 Act (which limits the amount of rates payable while a valuation appeal is pending), for the words “the total amount of rates levied on those lands and heritages for the year immediately preceding the year in which the appeal was lodged increased by three-quarters of the difference between that amount and” there shall be substituted the words “nine tenths of”.

Alteration in
amount of
rates payable
while
valuation
appeal is
pending.

9. In section 2(2)(c) of the 1975 Act (which relates to the effect of an alteration to the valuation roll), after the word “shall” where it first occurs there shall be inserted the following words—

Effect of
alteration to
valuation
roll as regards
increase in
value of
dwelling-house
delayed.

“(—
(i) in a case where the alteration gives effect to an increase in the value of such lands and heritages as are mentioned in section 6(2) of the Valuation and Rating (Scotland) Act 1956, have effect only as from the beginning of the year immediately subsequent to the year in which occurred the event by reason of which the alteration is made ;

1956 c. 60.

(ii) in any other case”.

10. In Schedule 1 to the 1975 Act (which specifies lands and heritages as regards which there may be valuation by formula)—
(a) after paragraph 2 there shall be inserted the following paragraph—

Valuation of
underground
railways.

“2A.—(1) Any lands and heritages occupied by a Passenger Transport Executive for any purpose

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concerned with, or supplementary or incidental to, the carriage of passengers by underground railway; but such lands and heritages do not include office premises not situated on operational land of the Executive.

(2) In sub-paragraph (1) above—

“office premises” has the same meaning as in paragraph 2(1) of this Schedule; “operational land” has the same meaning in relation to the Executive as it has in the said paragraph 2(1) in relation to any of the bodies specified in sub-paragraph (1) (a), (b) or (c) of that paragraph; and “railway” includes a tramway undertaking; and

(b) in paragraph 4A, after the words “or (c),” there shall be inserted the words “2A(1),”.

New
constitution
of Scottish
Valuation
Advisory
Council.
1956 c. 60.

11. In section 3(1) of the 1956 Act (which provides for the constitution of the Scottish Valuation Advisory Council), for the word “eight” there shall be substituted the word “six”.

Diminution
of powers
of officers
of court as
regards
actings for
recovery
of rates.
1947 c. 43.

12. In section 247(2)(a) of the Local Government (Scotland) Act 1947 (which as regards actings for recovery of rates empowers officers of court to poind, seize, remove or secure property belonging to or in the lawful possession of the debtor) the words “or in the lawful possession of” shall cease to have effect.

Effect of
sections 4 to 10.

13. Sections 4 to 10 of this Act have no effect as regards any financial year earlier than that immediately subsequent to the financial year in which this Act is passed.

PART II

RATE SUPPORT GRANTS

Reduction of
rate support
grant where
local
authority's
estimated
expenditure
excessive and
unreasonable.
1966 c. 51.

14. In section 5 of the 1966 Act (which among other things provides that an element of rate support grant payable to a local authority may be reduced where the Secretary of State is satisfied that the expenditure of that authority has been excessive and unreasonable)—

(a) in subsection (1)—

(i) after paragraph (b) there shall be inserted the following words—

“; or

(c) subject to subsection (1A)(b) below, that in respect of any local authority the total estimated expenses mentioned in section 108(2) of the Local Government (Scotland) Act 1973 are excessive and unreasonable, regard being had to the financial and other relevant circumstances of the area of the authority ;” ;

1973 c. 65.

(ii) after the word “expenditure” where it occurs for the second time there shall be inserted the words “or estimated expenses” ; and

(iii) after the words “a constituent authority of the joint board” there shall be inserted the words “, as the case may be” ; and

(b) after subsection (1) there shall be inserted the following subsection—

“(1A) In determining, for the purposes of paragraph (c) of subsection (1) above, whether, in relation to any year, total estimated expenses of a local authority are excessive and unreasonable the Secretary of State—

(a) may (in addition to the matters to which in terms of that paragraph regard must be had) have regard—

(i) to expenditure or estimated expenses, in that or any preceding year, of other local authorities which the Secretary of State is satisfied are closely comparable (or as closely comparable as is practicable) with the local authority concerned ;

(ii) to general economic conditions ; and

(iii) to such other financial, economic, demographic, geographical and like criteria as he considers appropriate ; and

(b) may leave out of account such categories of estimated expenses as he thinks fit.”.

15. In the 1973 Act, after section 108 there shall be inserted the following section—

“ Power of local authority to determine new regional, general or district rate.

108A.—(1) Where a local authority have in respect of any financial year determined a rate under section 108 of this Act but the Secretary of State makes and causes to be laid before Parliament, for the reasons mentioned in paragraph (c) of section 5(1) of the Local Government (Scotland) Act 1966, a report as regards them under section 5(1) (reduction of rate

Redetermination and lowering of regional, general or district rate.

1966 c. 51

PART II

support grant because of excessive and unreasonable total estimated expenses), or they have reason to believe that such report may be so laid they may, at any time before the Secretary of State informs them that the reduction specified in such report has been made, reassess the total estimated expenses mentioned in subsection (2) of section 108 and subject to that subsection determine under this subsection in respect of the financial year a rate lower than that determined under section 108.

(2) If a local authority determine a rate under subsection (1) above, that rate and not the rate determined under the said section 108 shall be their regional, general or district rate (as the case may be) for the financial year and shall be levied accordingly.

(3) The Secretary of State may by order under this subsection repeal or amend any enactment (including this Act) in so far as that enactment relates to the determination, levy or payment of a regional, general or district rate and such determination, levy or payment is affected by a determination under subsection (1) above.

(4) An order made under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.

(5) A reference in this Act (except this section and subsection (1) of section 108) and in any other enactment, whether passed or made before or after the passing of this Act, to such rates as are determined under section 108 of this Act shall be construed as including a reference to such rates as are determined under subsection (1) above.”

Local authority's estimated expenditure relevant factor in calculating amount of resources element payable to them.
1966 c. 51.

16. In Part II of Schedule 1 to the 1966 Act (which among other things specifies the method of calculating the amount, if any, of the resources element payable to a local authority), in sub-paragraph (a) of paragraph 2 (which, for the purposes of the said calculation allows the Secretary of State, if he is of the opinion that the rate fixed by the local authority is unnecessarily high, to use as multiplicand a lesser figure than the number of pence in the pound of that rate) for the words “ of the opinion that the local authority have fixed an unnecessarily high rate, such ” there shall be substituted the words—

“ , as regards the local authority, satisfied—

(i) that they have fixed a rate higher than that required to provide the sufficient moneys mentioned in section 108(2) of the Local Government (Scotland) Act 1973 ; or

1973 c. 65.

(ii) as is mentioned in subsection (1)(c), as read with subsection (1A), of section 5 of this Act, such ”.

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17. The amendments made by sections 14 to 16 of this Act have effect as regards rate support grants payable for the year 1981-82 or for any year thereafter.

Effect of sections 14 to 16.

18.—(1) Where under section 5(1) of the 1966 Act the Secretary of State reduces an element of rate support grant payable to a local authority, or where the authority anticipates such a reduction thereunder, the authority shall neither wholly nor partially offset the reduction (or anticipated reduction) with sums advanced from their loans fund:

Prohibition of using sums from loans fund to offset reduction of rate support grant or diminution in amount of resources element.

Provided that such offsetting may nevertheless be permitted by the Secretary of State in any case on such terms and conditions as he considers appropriate.

1966 c. 51.

(2) Where by virtue of paragraph 2(a) of Part II of Schedule 1 to the 1966 Act the amount of the resources element payable to a local authority is less, or where the authority anticipates that it will thereby be less, than the product of the regional, general or district rate (as the case may be) and the difference between the rate products mentioned in paragraph 1 of that Part, the authority shall neither wholly nor partially offset such effect (or anticipated effect) of the operation of the said paragraph 2(a) with sums advanced from their loans fund; but the proviso to subsection (1) above shall apply for the purposes of this subsection as that proviso applies for the purposes of that subsection.

(3) If the Secretary of State is of the opinion that subsection (1) or (2) above, or any term or condition imposed under the proviso thereto, has been contravened the local authority shall, on such opinion being intimated to them, reimburse their loans fund forthwith or within such time as the Secretary of State may allow.

(4) If an amount was, on or after 23rd. March 1981 but before the coming into force of this section, advanced from the loans fund of a local authority and the Secretary of State is of the opinion that the advance was for a purpose such that there would have been a contravention of subsection (1) or (2) above had those subsections and sections 14, 16 and 17 of this Act been in force, the local authority shall, on such opinion being intimated to them, reimburse their loans fund forthwith or within such time as the Secretary of State may allow.

(5) In the foregoing provisions of this section, “loans fund” means the loans fund established under Schedule 3 to the 1975 Act.

1975 c. 30.

PART II
Failure of
local authority
to supply
information
timeously.
1973 c. 65.

19. Where under section 199 of the 1973 Act (which provides for reports and returns being made by local authorities and others) the Secretary of State requires a local authority to give information for the purposes of his functions in relation to rate support grants payable for the year 1981-82 or for any year thereafter, but that information is not given timeously, he may make an estimate as regards any element of the required information; and, without prejudice to section 211 of that Act (which makes general provision concerning failure by a local authority to do what is required of them), for the said purposes such estimate shall be deemed information given by the local authority.

Interpretation
of Part II.
1963 c. 12.

20. In the foregoing provisions of this Part of this Act "year", and "year" followed by a reference to two calendar years, have the same meanings as in the Local Government (Financial Provisions) (Scotland) Act 1963.

PART III

HOUSING SUPPORT GRANTS

Method of
fixing
aggregate
amount of
housing
support grants.
1978 c. 14.

21.—(1) In section 1 of the 1978 Act (which among other things provides that, for the purpose of fixing the aggregate amount of housing support grants, an aggregate of the eligible expenditure of all local authorities in Scotland shall be estimated as shall an aggregate of their relevant income)—

(a) in subsection (2)—

(i) at the beginning there shall be inserted the words "Subject to subsection (4A) below,"; and

(ii) for paragraph (b) there shall be substituted the following paragraph—

"(b) the aggregate amount of relevant income (other than housing support grants) which could reasonably be expected to be credited to the local authorities' housing revenue accounts for that year,";

(b) after subsection (4) there shall be inserted the following subsections—

"(4A) In estimating the amounts mentioned in paragraphs (a) and (b) of subsection (2) above the Secretary of State may leave out of account the eligible expenditure and relevant income of a local authority if (either or both)—

(a) he estimates that the amount of that income will exceed the amount of that expenditure;

(b) he determines, under section 2 of this Act, that no proportion of the aggregate amount of the housing support grants is to be apportioned to that authority.

(4B) In subsection (4) above, "local authorities" does not include an authority whose eligible expenditure was, for the purpose of the estimate, left out of account under subsection (4A) above." ; and

(c) in subsection (7), in the definition of "relevant income", for the words "and any rate fund contribution" there shall be substituted the words ", payments, contributions (including any rate fund contribution) and receipts".

(2) The 1978 Act shall be deemed for all purposes to have 1978 c. 14. had effect as if originally enacted as amended by subsection (1)(a)(ii) and (c) above.

22. In section 2 of the 1978 Act (which among other things provides for a proportion of the aggregate amount of the housing support grants being apportioned to each local authority)—
Power to exclude local authority from apportionment of housing support grants.

(a) in subsection (1), after the word "proportion" there shall be inserted the words ", if any,";

(b) in subsection (2) for the words from "the estimated" to the end there shall be substituted the following words—

"in respect of each local authority, for the year in question—

(a) the estimated amount of grant payable to that local authority ; or

(b) if no amount of grant is so payable, that fact" ; and

(c) in subsection (3), for the words "mentioned in subsection (1) above" there shall be substituted the words ", if any, of the aggregate amount of the housing support grants".

23.—(1) Subject to subsection (2) of section 21 of this Act, amendments made by that section and by section 22 of this Act have effect as regards housing support grants payable for the year 1982-83 or for any year thereafter.
Effect of sections 21 and 22.

(2) In subsection (1) above, "year" has the same meaning as in the 1978 Act.

PART IV

MISCELLANEOUS

Powers of
Commissioner
for Local
Administra-
tion in
Scotland.
1975 c. 30.

24. The 1975 Act shall, as regards the powers of the Commissioner for Local Administration in Scotland, have effect subject to the amendments specified in Schedule 1 to this Act.

Relaxation
of controls
over local
authorities.

25. The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments which lessen the degree of control exercised over local and other authorities by the Treasury, Secretary of State or other persons.

Consent to
local
authority
incurring
liability to
meet capital
expenses etc.
1973 c. 65.

26. In section 94 of the 1973 Act (which requires a local authority to obtain the consent of the Secretary of State to their incurring liability to meet capital expenses)—

(a) after subsection (1A) there shall be inserted the following subsection—

“ (1B) The Secretary of State may—

(a) withdraw, or vary the terms of, a consent which he has, under subsection (1) above, given ; or

(b) withdraw or vary any condition to which the giving of such consent was subject,

where, or in so far as, the local authority have not, by binding contract, incurred the liability to which the consent relates.” ; and

(b) after subsection (2) there shall be added the following subsections—

“ (3) The Secretary of State may by order (either or both)—

(a) amend the definition of “ capital expenses ” in subsection (2) above ;

(b) provide that subsection (1) above shall, in the same manner as it applies to capital expenses, apply to such other expenses, incurred in relation to a lease (or other contract, or arrangement, of a like nature), as may be specified in the order and, for the purposes of such application, prescribe a method for assigning a capital value to those other expenses.

(4) An order made under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.”.

PART IV

27. For sub-paragraph (2) of paragraph 1 of Schedule 3 to the 1975 Act (which empowers a local authority to borrow sums required to meet certain expenses where the local authority are satisfied that the expenses should be so met and repayment spread over a term of years) there shall be substituted the following sub-paragraph—

Consent to certain local authority borrowing.
1975 c. 30.

“ (2) With the consent of the Secretary of State, a local authority may borrow, on such terms and conditions as to repayment as the Secretary of State may in so consenting allow, such sums as are required to meet expenses, other than expenses to which sub-paragraph (1) above relates, which the authority have power to incur in the exercise of any of their functions (excluding functions relating to a public utility undertaking) ; but the Secretary of State shall give such consent only if satisfied that the expenses are of such a nature that they should be met by such borrowing.”.

28. Part IV of, and Schedule 3 to, the Licensing (Scotland) Act 1976 (which make special provision for new towns as regards licensing with respect to alcoholic liquor) shall cease to have effect.

Repeal of special licensing provisions in respect of new towns.
1976 c. 66.

29. The Advisory Council on Social Work is hereby abolished ; and accordingly, in the Social Work (Scotland) Act 1968, section 7 (which relates to the appointment, constitution and functions etc. of the Council) shall cease to have effect.

Abolition of Advisory Council on Social Work.
1968 c. 49.

30. The Scottish Food Hygiene Council is hereby abolished ; and accordingly, in the Food and Drugs (Scotland) Act 1956, section 25 (which relates to the appointment, constitution and functions of the Council) shall cease to have effect.

Abolition of Scottish Food Hygiene Council.
1956 c. 30.

31. The Scottish River Purification Advisory Committee is hereby abolished ; and accordingly, in the Rivers (Prevention of Pollution) (Scotland) Act 1951, subsections (2), (3) and (4) of section 1 (which relate to the appointment, constitution and functions of that committee) shall cease to have effect.

Abolition of Scottish River Purification Advisory Committee.
1951 c. 66.

PART IV
Abolition
of advisory
committee on
conservation
and provision
of water
supplies etc.
1946 c. 42.
1980 c. 45.

32. The advisory committee appointed under section 1 of the Water (Scotland) Act 1946 (a section which among other things provided that the Secretary of State was to appoint such a committee to advise him as regards matters concerning the conservation and provision of water supplies etc. and which is re-enacted as section 1 of the Water (Scotland) Act 1980) is hereby abolished; and accordingly paragraph (c) of section 1 of the said Act of 1980 shall cease to have effect.

Power of
water
authority
or water
development
board to
relax or
dispense with
byelaw
relating to
misuse of
water.

33. In section 70 of the Water (Scotland) Act 1980 (which empowers a water authority or water development board to make byelaws for preventing waste, undue consumption, misuse or contamination of water supplied by them), after subsection (3) there shall be added the following subsection—

“(4) Where a water authority or water development board consider that a byelaw made by them under this section ought not to operate in relation to any particular case or class of cases they may, with the consent of the Secretary of State, relax the requirements of, or dispense with compliance with, that byelaw accordingly:

Provided that the authority, or as the case may be the Board, shall, in such manner and to such person, if any, as the Secretary of State may direct, give notice of any such proposed relaxation or dispensation; and the Secretary of State—

- (a) shall not give his consent before the expiration of one month from the giving of the notice; and
- (b) shall, before giving his consent, take into consideration any relevant objection which may have been received by him.”

Conditions of
improvement
grant not to
include
requirement
as to letting.
1974 c. 45.

34.—(1) Subject to subsection (2) below, subsection (3) of section 9 of the Housing (Scotland) Act 1974 (which provides that it may be a condition of an improvement grant that the house, at all times at which it is not occupied by the applicant or any of his family, be let or kept available for letting), shall cease to have effect; and, notwithstanding any record made under subsection (9) of that section, there shall no longer be any requirement to observe a condition which has been imposed under the said subsection (3).

(2) Subsection (1) above, paragraphs 29 and 31 of Schedule 3 to this Act, and, in so far as relating to the said Act of 1974, Schedule 4 to this Act have no effect as regards the operation of that Act in relation to a breach of a condition if that breach occurred before the coming into force of this section.

35. In the Tenants' Rights, Etc. (Scotland) Act 1980, after section 1 there shall be inserted the following section—

PART IV

“ Vesting in
landlord
by order.

Vesting in
landlord to
bring into
being tenant's
right to
purchase
dwelling-
house.

1980 c. 52.

1A.—(1) Subject to subsection (2) below where, but for the fact that a landlord is not the heritable proprietor of land on which dwelling-houses have been let (or made available for letting) by it, one or more of its tenants would have a right to purchase under section 1 of this Act, the Secretary of State may by order made by statutory instrument provide that the whole of the heritable proprietor's interest in the land shall vest in the landlord.

(2) An order under this section shall only be made where—

- (a) the heritable proprietor is a body mentioned in any of paragraphs (a), (b), (c) and (f) of section 10(2) of this Act; and
- (b) the Secretary of State is of the opinion, after consultation with the heritable proprietor and with the landlord that the order is necessary if the right to purchase is to come into being.

(3) An order under this section shall have the same effect as a declaration under section 278 of the Town and Country Planning (Scotland) Act 1972 (general vesting declarations) except that in relation to such an order, the enactments mentioned in Schedule A1 to this Act shall have effect subject to the modifications specified in that Schedule.

1972 c. 52.

(4) Compensation under the Land Compensation (Scotland) Act 1963, as applied by subsection (3) above and Schedule A1 to this Act, shall be assessed by reference to values current on the date the order under this section comes into force.

1963 c. 51.

(5) An order under this section shall have no effect until approved by resolution of each House of Parliament.

(6) An order under this section which would, apart from the provisions of this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.

(7) An order under this section may include such incidental, consequential or supplementary provisions as may appear to the Secretary of State

PART IV

to be necessary or expedient for the purposes of this Act.”.

Planning applications and consideration of the needs of the disabled.

1972 c. 52.
1970 c. 44.

36. In section 26 of the Town and Country Planning (Scotland) Act 1972 (which provides for the determination by planning authorities of applications for planning permission) the following subsection shall be inserted after subsection (4)—

“(4A) When granting an application for planning permission as regards any building or premises in relation to which a duty is imposed by any of sections 4, 5 and 7 to 8A of the Chronically Sick and Disabled Persons Act 1970 (facilities at premises open to the public to include, where reasonable and practicable, provision for the needs of the disabled etc.) the planning authority shall ensure that the applicant is aware of such duty.”.

Further provision as regards the needs of the disabled.

37.—(1) In each of sections 4(1), 5(1), 6(2), 8(1) and 8A(1) of the Chronically Sick and Disabled Persons Act 1970 (which impose on persons undertaking the provision of public buildings etc. certain duties as regards the needs of the disabled)—

(a) for the words “provision, in so far as it is in the circumstances both practicable and reasonable” there shall be substituted the words “appropriate provision”; and

(b) at the end there shall be added the words “unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made.”.

(2) After the said section 4(1) there shall be inserted the following subsection—

“(1A) In subsection (1) above “appropriate provision” in relation to any case means provision conforming with so much of the Code of Practice for Access for the Disabled to Buildings as is relevant to that case and “prescribed” means prescribed by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and in the foregoing provisions of this subsection “the Code of Practice for Access for the Disabled to Buildings” means the British Standards Institution code of practice referred to as BS 5810: 1979.”.

(3) After the said section 5(1) the following words shall be inserted as section 5(1A)—

PART IV

“ Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section.” ;
and the same words shall be inserted as sections 6(2A), 8(1A) and 8A(1A) of the said Act of 1970.

(4) In section 28 of the said Act of 1970 (which empowers the Secretary of State to define certain expressions appearing therein), after the word “ Parliament ” there shall be inserted “ —(a) ” and at the end there shall be added the words “ ; or

(b) amend the definition of “ the Code of Practice for Access for the Disabled to Buildings ” in section 4(1A) of this Act.”.

38.—(1) In Schedule 6 to the Education (Scotland) Act 1980 (which lists provisions thereof whose commencement is postponed until such day as the Secretary of State may by order appoint), at the end there shall be added the following paragraph (which relates to provisions requiring, among other things, a written summary of such vocational advice as a school leaver has received to be given to that school leaver)—

Postponement of effect of section 127(3) and (4) of the Education (Scotland) Act 1980.
1980 c. 44.

“ 16. Section 127(3) and (4).”.

(2) Without prejudice to the validity of—

(a) any actings of an education authority before the coming into force of this section ; or

(b) any expenses incurred in connection with such actings,
the said Act of 1980 shall be deemed to have had effect as if originally enacted as amended by subsection (1) above.

PART V

GENERAL

39. There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment. Expenses.

40. The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act. Minor and consequential amendments.

PART V
Repeals.

41. The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Interpretation.

42. In this Act—

- 1956 c. 60. “the 1956 Act” means the Valuation and Rating (Scotland) Act 1956 ;
- 1966 c. 51. “the 1966 Act” means the Local Government (Scotland) Act 1966 ;
- 1973 c. 65. “the 1973 Act” means the Local Government (Scotland) Act 1973 ;
- 1975 c. 30. “the 1975 Act” means the Local Government (Scotland) Act 1975 ; and
- 1978 c. 14. “the 1978 Act” means the Housing (Financial Provisions) (Scotland) Act 1978.

Short title,
commence-
ment and
extent.

43.—(1) This Act may be cited as the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

(2) Section 11 of this Act shall come into force on 1st January 1982.

(3) Sections 4 to 10 of this Act and, in so far as relating to section 4(2) of the Local Government (Financial Provisions etc.) (Scotland) Act 1962, Schedule 4 to this Act shall come into force on 1st April 1982.

(4) Sections 29 and 37 of this Act and, in so far as relating to section 7 of the Social Work (Scotland) Act 1968, Schedule 4 to this Act shall come into force on such date as the Secretary of State may appoint by order made by statutory instrument.

(5) This Act extends to Scotland only.

1962 c. 9.

1968 c. 49.

SCHEDULES

SCHEDULE 1

Section 24.

POWERS OF COMMISSIONER FOR LOCAL ADMINISTRATION IN SCOTLAND

In the 1975 Act—

1975 c. 30.

- (a) in section 21(4)(a) (submission of general report by Commissioner) after the word “body” there shall be inserted the words “and arrange for the publication of such report;”;
- (b) section 22(2) of the 1975 Act (designated body to arrange for publication of Commissioner’s report) shall cease to have effect;

(c) in section 28—

(i) in subsection (4) (availability of reports on investigations by Commissioner) for the words from “for inspection” to the end there shall be substituted the words—

“—

(a) without charge, for inspection and the taking of copies thereof or extracts therefrom; and

(b) at a reasonable charge, for purchase,

by any person at all reasonable hours at one or more of the authority’s offices.”;

(ii) in subsection (5) (advertising availability of report) for the words “one week” there shall be substituted the words “two weeks”; the words “for inspection” shall cease to have effect; and after the word “date”, in the second place where it occurs, there shall be inserted the words “not more than one week”;

(iii) in subsection (6) (obstructing availability of report) the words “for inspection” shall cease to have effect; and after the word “inspect” there shall be inserted the words “or purchase”;

(d) in section 29—

(i) in subsection (2) (further report by Commissioner) for the words “any such notification” there shall be substituted the words “notification under subsection (1) above or (2A) below”; and

(ii) after subsection (2) there shall be inserted the following subsection—

“(2A) It shall be the duty of the authority concerned to consider a report made under subsection (2) above, and to notify the Commissioner of the action which the authority have taken, or propose to take.”; and

(e) in section 30(1)(a) (absolute privilege in certain communications) after the word “member” there shall be inserted the words “or officer”.

SCHEDULE 2

RELAXATION OF CONTROLS OVER LOCAL AND OTHER AUTHORITIES

The Burial Grounds (Scotland) Act 1855 (c. 68)

1. In section 24 (fixing of payments for interments in burial ground) the words “, subject to the approval of the sheriff of the county,” and the words from “; and a table” to the end shall cease to have effect.

The Public Health (Scotland) Act 1897 (c. 38)

2. In section 36 (complaints of nuisance arising from offensive trade) the words “and, if required by the Board shall,” shall cease to have effect.

The Cremation Act 1902 (c. 8)

3. In section 9 (fees for cremation) the words “any such” and the words “as may be authorised by any table approved by the Local Government Board,” shall cease to have effect.

The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (c. 48)

4. In each of sections 1(1)(iii) (restrictions on sale of methylated spirits) and 2(1) (lists of persons entitled to sell such spirits), for the words “in the prescribed form” there shall be substituted the words “(in such form as may be prescribed by the local authority)”.

5. In section 6 (interpretation) the definition of the expression “prescribed” shall cease to have effect.

The Acquisition of Land (Authorisation Procedure)
(Scotland) Act 1947 (c. 42)

6. For sub-paragraph (4) of paragraph 19 of Schedule 1 (control of confirming Minister over use of procedure for serving documents where name or address of person to be served unknown) there shall be substituted the following sub-paragraph—

“(4) Where the maker of the order in connection with which the document is to be served is satisfied, after reasonable inquiry, that it is not practicable to ascertain (either or both)—

(a) the name ;

(b) the address,

of a person to be served, the document shall be taken to be duly served if, being addressed to that person either by name or by the description of “the owner”, “the lessee” or “the occupier” of the land (describing it) to which the order relates, as the case may be, and being plainly identifiable as a document of importance, it is delivered to some person on the land, or, if there is no such person thereon to whom it may be delivered, it (or a copy of it) is affixed to some conspicuous part of the land.”.

The Highways (Provision of Cattle-Grids) Act 1950 (c. 24)

7. Section 11 (regulations as to construction of cattle-grids) shall cease to have effect.

The Food and Drugs (Scotland) Act 1956 (c. 30)

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8. Section 35(2) (transmission to Secretary of State of public analysts' quarterly reports) shall cease to have effect.

The Town and Country Planning (Scotland) Act 1959 (c. 70)

9. After subsection (2) of section 24 (requirement of consent of Secretary of State etc. to certain appropriations of land by local and other authorities) there shall be inserted the following subsection—

“(2A) Before exercising any power of appropriation in relation to land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed appropriation; and
- (b) shall consider any objections to that appropriation which may be made to them.”.

10. After subsection (2) of section 27 (requirement of consent of Secretary of State etc. to certain disposals of land by local and other authorities) there shall be inserted the following subsection—

“(2A) Before disposing of any land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed disposal; and
- (b) shall consider any objections to that disposal which may be made to them.”.

The Housing (Scotland) Act 1966 (c. 49)

11. In each of sections 127(3) (interest on certain local authority expenditure) and 130(10) (interest on expenditure recoverable from dispossessed proprietor), for the words “the rate for the time being fixed for the purposes of section 25(1) of the Housing (Scotland) Act 1969 c 34. 1969” there shall be substituted the words “such reasonable rate as the local authority may determine.”.

The Police (Scotland) Act 1967 (c. 77)

12. In section 2(2) (pay, allowances and reimbursement of expenses) the words “, being expenses of a kind approved either generally or in particular cases by the Secretary of State” shall cease to have effect.

13. Section 46(2) (restriction on aggregate amount of rewards) shall cease to have effect.

The Social Work (Scotland) Act 1968 (c. 49)

14. Subsections (3) and (4) of section 3 (Secretary of State's involvement in appointment of any director of social work) shall cease to have effect.

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The Housing (Scotland) Act 1969 (c. 34)

15. For subsection (3) of section 25 (interest payable by local authority) there shall be substituted the following subsection—

“(3) Any interest payable under subsection (1) or subsection (2) of this section shall be at such reasonable rate as the local authority may determine.”.

The Town and Country Planning (Scotland) Act 1972 (c. 52)

16. In section 4—

- (a) in subsection (2) (planning authority's fresh survey of their district), the words “ and shall, if directed to do so by the Secretary of State, ” ;
- (b) in subsection (3)(e) (certain matters to be kept under review by planning authority), the words “ or as the Secretary of State may in a particular case direct ” ; and
- (c) in subsection (5) (construction), the words “ , and for the Secretary of State to direct them to institute, ” ,

shall cease to have effect.

17. In section 5—

- (a) in subsection (2) (estimate of certain changes to be included in report of planning authority's survey of their district), for the words from “ during ” to the end there shall be substituted the words “ , during such period as the planning authority consider appropriate, in the matters mentioned in section 4(3) of this Act. ” ;
- (b) in subsection (3)(c) (content of structure plan), the words “ or as the Secretary of State may in any particular case direct ” shall cease to have effect ;
- (c) in subsection (4) (planning authority to have regard to certain matters in formulating policy etc. in structure plan), paragraph (c) shall cease to have effect ; and
- (d) in subsection (6) (explanation and illustration of structure plan), the words “ , or as may in any particular case be specified in directions given by the Secretary of State ” shall cease to have effect.

18. In section 9—

- (a) in subsection (3)(b) (requirement as regards local plan) the words “ or as the Secretary of State may in any particular case direct ” shall cease to have effect ;
- (b) in subsection (5) (explanation and illustration of local plan), the words “ , or as may in any particular case be specified in directions given by the Secretary of State ” shall cease to have effect ;
- (c) in subsection (8) (time for Secretary of State to give any directions as regards local plan)—

(i) for the words “ either before or after ” there shall be substituted the words “ only before ” ; and

(ii) the words “ ; but no such directions shall require a planning authority to take any steps to comply therewith until the structure plan has been approved by him ” shall cease to have effect ; and

(d) in subsection (9) (planning authority to have regard to certain matters in formulating proposals in local plan), the words “, or which the Secretary of State may in any particular case direct them to take into account” shall cease to have effect.

19. In section 10—

(a) in subsection (2) (places where local plan may be inspected), for the words “as may be prescribed” there shall be substituted the words “as appear to them to be appropriate”; and

(b) subsections (4) and (5) (power of Secretary of State to direct planning authority not to take steps to adopt local plan) shall cease to have effect.

20. In section 13(2) (power of Secretary of State to require proposals for alteration, repeal or replacement of local plan)—

(a) after the word “if” there shall be inserted the word “before”;

(b) after the word “State” there shall be inserted the words “approves the structure plan for their district he”; and

(c) after the words “of the” there shall be inserted the word “local”.

21. Section 48 (appeal to independent tribunal as regards decision relating to design or external appearance of building etc.) shall cease to have effect.

22.—(1) In section 58 (planning authority may make tree preservation order)—

(a) in subsection (4) for the words from “Except” to “expedient” there shall be substituted the following words—

“Subject to section 59 of this Act, a tree preservation order shall not take effect until it is confirmed by the planning authority; and the planning authority may confirm any such order either without modification or subject to such modification as they consider expedient”; and

(b) in subsection (5), in paragraph (a) for the words “submitted to the Secretary of State for confirmation” there shall be substituted the words “confirmed by the planning authority”; in paragraph (b) for the words “Secretary of State” there shall be substituted the words “planning authority”; and paragraph (c), and the words “the Secretary of State or” in paragraph (d), shall cease to have effect.

(2) Sub-paragraph (1) above and, in so far as relating to section 58(5), Schedule 4 to this Act have no effect as regards a tree preservation order made before the coming into force of this paragraph.

23.—(1) In section 59—

(a) in paragraph (b) of subsection (2) (date until which provisional tree preservation order has effect) the words from “or” to the end of the paragraph; and

SCH. 2 (b) paragraph (b) of subsection (3) (regulations to be made as regards tree preservation orders), shall cease to have effect.

(2) Sub-paragraph (1) above and, in so far as relating to the provisions mentioned in that sub-paragraph, Schedule 4 to this Act have no effect as regards a tree preservation order made before the coming into force of this paragraph.

24. In section 91—

- (a) subsection (1) (Secretary of State may direct that application for established use certificate be referred to him);
- (b) in subsection (3) (power of Secretary of State to deal with application or appeal to him as regards established use certificate), the words “an application referred to him under subsection (1) of this section or on”;
- (c) in subsection (4) (opportunity to appear at hearing in respect of such application or appeal), the words “application or”, “applicant or” and “(as the case may be)”;
- (d) in subsection (5) (power of Secretary of State to grant applicant or appellant as regards established use certificate planning permission in respect of such use), the words “applicant or”;

shall cease to have effect.

25. After section 198 (Secretary of State may authorise stopping up or diversion of highway if satisfied it is necessary to do so to enable development to be carried out) there shall be inserted the following section—

“Highways affected by development: orders by planning authorities. 198A.—(1) Subject to section 206 of this Act and to subsection (5) below, a planning authority may by order authorise the stopping up or diversion of any highway which is not—

(a) a trunk road within the meaning of section 50 of the Roads (Scotland) Act 1970; or

(b) a special road provided by the Secretary of State in pursuance of a scheme under section 1 of the Special Roads Act 1949,

if they are satisfied as mentioned in section 198(1) of this Act.

(2) An order under this section—

- (a) may make such provision as appears to the planning authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) and may direct that any highway so provided or improved shall be maintained and managed by the highway authority;

1970 c. 20.

1949 c. 32.

(b) may contain such incidental and consequential provisions as appear to the planning authority to be necessary or expedient, including in particular—

(i) provision for authorising the planning authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of section 198 of this Act ;

(ii) such provision as is mentioned in paragraph (b) of that subsection.

(3) An order may be made under this section authorising the stopping up or diversion of any highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) which is temporarily stopped up or diverted under any other enactment.

(4) The provisions of this section shall have effect without prejudice to any power conferred on the planning authority by any other enactment to authorise the stopping up or diversion of a highway.

(5) The planning authority shall not make an order under this section without consulting the highway authority (in a case where they are themselves not that authority).”.

26. In section 200 (Secretary of State may authorise the stopping up or diversion of highway crossing or entering route of proposed new highway)—

(a) in subsection (1), after the words “Secretary of State” where they occur for the second time there shall be inserted the words “or, subject to section 206 of this Act, the highway authority” ;

(b) after the words “Secretary of State” where they occur for the third time there shall be inserted the words “, or as the case may be to them,” ; and

(c) at the end there shall be added the following proviso—

“ : Provided that a highway authority shall not, under this subsection, authorise the stopping up or diversion of—

(i) a trunk road such as is mentioned in paragraph (a) of subsection (1) of section 198A of this Act ; or

(ii) a special road such as is mentioned in paragraph (b) of that subsection.” ;

(d) in subsection (2), after the word “section” where it occurs for the second time there shall be inserted the words “by the Secretary of State” ; and

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(e) after subsection (2) there shall be added the following subsection—

“(3) Subsections (2) to (4) of section 198A of this Act shall apply to an order under this section by the highway authority as those subsections apply to an order, as respects a highway, under that section by a planning authority.”.

27.—(1) In section 201 (power of Secretary of State to make order extinguishing right to use vehicles on a highway)—

(a) in subsection (2), for the words “The Secretary of State may, on an application made by a competent authority,” there shall be substituted the words “Subject to section 206 of this Act and to subsection (9) of this section, the competent authority may”;

(b) in subsection (3), for the words “Secretary of State” there shall be substituted the words “competent authority”;

(c) in subsection (8)—

(i) for the words “Secretary of State may, on an application made by a competent authority,” there shall be substituted the words “competent authority may, subject to section 206 of this Act and to subsection (9) of this section”;

(ii) for the word “him” there shall be substituted the word “them”;

(d) in subsection (9), for the words from “before” to the end there shall be substituted the words “a competent authority shall not make an order under subsection (2) or (8) of this section—

(a) if they are not the authority exercising district planning functions, without consulting that authority; and

(b) if they are not the highway authority, without obtaining the consent of that authority.”; and

(e) for subsection (10) there shall be substituted the following subsections—

“(10) An order under this section—

(a) may make such provision as appears to the competent authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of section 198A(1) of this Act), and may direct that any highway so provided or improved shall be maintained and managed by the highway authority;

(b) may contain such incidental and consequential provisions as appear to the competent authority to be necessary or expedient, including in particular—

(i) provision for authorising the competent authority, or requiring any other authority or

person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of section 198 of this Act ;

(ii) such provision as is mentioned in paragraph (b) of that subsection.

(11) The provisions of this section shall have effect without prejudice to—

(a) any power conferred on the competent authority by any other enactment to authorise the stopping up or diversion of a highway ; or

(b) the provisions of section 203(1)(b) of this Act. ”.

(2) Sub-paragraph (1) above has no effect as regards the operation of section 201 in relation to an extinguishment for which application was, before the coming into force of this paragraph, made to the Secretary of State, under subsection (2) of that section.

28. In section 203(1)(b) (power of local authority to extinguish a public right of way over land held for planning purposes if that right of way is a footpath or bridleway) the words “, being a footpath or bridleway,” shall cease to have effect.

The Local Government (Scotland) Act 1973 (c. 65)

29. In subsection (6) of section 3 (titles of chairmen of councils), for the words from “the chairman”, where they occur for the second time, to the end there shall be substituted the words “and the chairman of each other regional, islands or district council shall be known by such title as that council may decide.”.

30.—(1) In section 23 (change of name of region, islands area or district)

(a) in subsection (1)—

(i) the words “Subject to subsection (4) below,” shall cease to have effect ; and

(ii) for the words “a majority of the whole number of the members of the council” there shall be substituted the words “not less than two-thirds of the members voting thereon” ; and

(b) subsection (4) shall cease to have effect.

(2) Sub-paragraph (1) above and, in so far as relating to section 23, Schedule 4 to this Act have no effect as regards a case where consent to a change of name has, before the coming into force of this paragraph, been applied for, for the purposes of the said subsection (4).

31.—(1) For subsections (2) to (4) of section 53 (amendment of community councils scheme) there shall be substituted the following subsections—

“(2) The local authority shall consider any representations made under subsection (1) above and may amend the scheme in accordance with—

(a) the notified proposals ; or

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(b) those proposals as amended to take account of any such representations :

Provided that the scheme shall not be amended under paragraph (b) of this subsection unless public notice of the amendments to the proposals has been given with a further invitation to make representations under subsection (1) above.

(3) A decision of the local authority—

(a) to review, under subsection (1) above ; or

(b) to amend, under subsection (2) above,

a scheme, shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.”.

(2) Sub-paragraph (1) above and, in so far as relating to section 53, Schedule 4 to this Act have no effect as regards the operation of section 53 in relation to proposals which, before the coming into force of this paragraph, were submitted to the Secretary of State, under subsection (3) of that section.

32. Section 54 (default powers of Secretary of State as regards community councils scheme) shall cease to have effect.

33. In section 73 (local authority's power to appropriate for the purpose of any function land vested in them for the purpose of any other function)—

(a) in subsection (2), for the words from “(3)(a)” to “(3)(b)” there shall be substituted the word “(3)” ; and

(b) in subsection (3), for the words from “—(a)” to “space, or” there shall be substituted the words “land which”.

34. Section 121 (involvement of Treasury in determining rates of interest in relation to certain sums due to local authorities) shall cease to have effect.

The Housing (Scotland) Act 1974 (c. 45)

35. In section 6(3) (interest payable on improvement grant) for the words from “a rate” to “authorities)” there shall be substituted the words “such reasonable rate as the local authority may determine”.

36. In paragraph 9(a) of Schedule 2 (meaning of “interest”) for the words from “the rate” to “authorities)” there shall be substituted the words “such reasonable rate as the local authority may determine”.

The Slaughter of Animals (Scotland) Act 1980 (c. 13)

37. In section 8(1) (byelaws as to slaughterhouses) the words “, and if required by the Secretary of State shall,” shall cease to have effect.

The Water (Scotland) Act 1980 (c. 45)

38. Section 2 (power to require surveys and formulation of proposals) shall cease to have effect.

39. Section 19 (transfer of part of water undertaking) shall cease to have effect. SCH. 2

40. In section 58(1) (termination of right to supply of water on special terms) the words “, with the approval of the Secretary of State,” shall cease to have effect.

41. In section 65(10) (form of charging order for expenses of executing works) at the end there shall be added the words “by the islands or district council”.

42. In section 66(3) (interest payable on certain expenses)—
- (a) after the word “such” where it first occurs there shall be inserted the words “reasonable rate”; and
 - (b) the proviso shall cease to have effect.

SCHEDULE 3

Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government (Scotland) Act 1947 (c. 43)

1. In section 238(1) (fixing of dates for lodging and hearing appeals against rates), at the end there shall be added the following proviso—
- “: Provided that, if and in so far as required by virtue of a determination under section 108A(1) of the Local Government 1973 c. 65. (Scotland) Act 1973, new such dates shall be so fixed.”.

The Town and Country Planning (Scotland) Act 1959 (c. 70)

2. In section 24(2) (requirement of consent of Secretary of State etc. to certain appropriations of land by local and other authorities), for the words from “following” to the end there shall be substituted the words “provision that land which is held for use as allotments shall not be appropriated except with the consent of the Secretary of State.”.

3. In section 27—

- (a) in subsection (2) (requirement of consent of Secretary of State etc. to certain disposals of land by local and other authorities), for the words from “—(a)” to the end there shall be substituted the words “of land held for use as allotments, if it is a disposal which apart from this section could not be effected except with the consent of a Minister, shall not be effected except with the consent of the Secretary of State.”; and
- (b) subsection (3) (provisions ancillary to subsection (2)) shall cease to have effect.

4. In the fourth Schedule (authorities to whom Part II of the Act applies), after paragraph 3 there shall be inserted the following paragraph—

- “3A. A water development board as defined in section 109 (1) of the Water (Scotland) Act 1980.”.

1980 c. 45.

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*The Local Government (Financial Provisions)
(Scotland) Act 1963 (c. 12)*

1975 c. 30.

5. In section 20 (repayment of rates paid in error), after the word "Where" there shall be inserted the words " , notwithstanding section 2(2)(d) of the Local Government (Scotland) Act 1975 or any entry in a valuation roll which is no longer in force,".

6.—(1) In section 26(2) (interpretation), for the definition of "year" (and "year" followed by a reference to two calendar years) there shall be substituted the following definition—

" "year" means the financial year of a local authority ; and "year" followed by a reference to two calendar years means the financial year beginning in the first of those calendar years ; '.

(2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from the coming into operation of section 18 of the Local Government (Scotland) Act 1975 (financial year of local authorities).

The Land Compensation (Scotland) Act 1963 (c. 51)

7. In paragraph 2 of Schedule 2 (compensation for houses acquired as being unfit for human habitation), at the end there shall be added the following sub-paragraph—

1956 c. 60.

' (7) In the application of this paragraph to any lands and heritages whose net annual value is ascertained under subsection (8) of section 6 of the Valuation and Rating (Scotland) Act 1956 (and for which there is therefore no gross annual value shown in the valuation roll)—

(a) in sub-paragraph (2) above, for the word "gross" there shall be substituted the words "1.25 times the net" ; and

(b) in sub-paragraph (4) above, for the word "gross", wherever it occurs, there shall be substituted the word "net".'. .

The Housing (Scotland) Act 1966 (c. 49)

8. In section 125 (periodical payments to dispossessed proprietor) at the end there shall be added the following subsection—

' (6) In the application of this section to any lands and heritages whose net annual value is ascertained under subsection (8) of section 6 of the Valuation and Rating (Scotland) Act 1956 (and for which there is therefore no gross annual value shown in the valuation roll)—

(a) in subsection (1) above, for the words "one half of the gross" there shall be substituted the words "0.625 of the net" ; and

(b) in each of subsections (4) and (5) above, for the word "gross", wherever it occurs, there shall be substituted the word "net".'. .

1969 c. 34.

9. In section 127(3) (interest on certain local authority expenditure), for the words "the said section 25(1)" there shall be substituted the words "section 25(1) of the Housing (Scotland) Act 1969".

10.—(1) In section 177(1) (local authority to have regard to amenities of locality), at the end there shall be added the words “artistic interest”.

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(2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 3rd October 1980.

The Local Government (Scotland) Act 1966 (c. 51)

11. After section 5 there shall be inserted the following section—

“Redistribution and restoration of amounts by which rate support grant reduced.

5A.—(1) Subject to subsections (2) and (3) below, where an element of rate support grant payable to a local authority has been reduced under section 5 of this Act, the Secretary of State may—

- (a) restore to the local authority some or all of the reduction if he considers that their subsequent conduct has been such as to merit such restoration ;
- (b) in respect of the year to which the failure or the excessive and unreasonable expenditure or estimated expenses relates, determine by order that an amount not greater than the reduction shall be distributed—
 - (i) on such basis ; and
 - (ii) among such other local authorities, as he thinks fit, by means of an increase in the needs element payable to each of those other authorities :

Provided that, in a case where an amount is restored under paragraph (a) above, an amount distributed under this paragraph shall not exceed the difference between the reduction and the amount so restored.

(2) An order under subsection (1) above shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(3) After the Secretary of State has, under regulation 9(3) of the Rate Support Grant (Scotland) Regulations S.I. 1975 1975, (or any regulation making like provision), made No. 653. and given due notification of a conclusive calculation of amounts which include the amount reduced—

- (a) no restoration relating to the reduction shall take place under paragraph (a) of subsection (1) above ; and
- (b) no order, under paragraph (b) of that subsection, so relating shall be made, amended or (until spent) revoked.”.

12. In Part II of Schedule 4 (variation of fees for licences etc.), after paragraph 4 there shall be inserted the following paragraph—

“4A. Section 5(3) of the *Pedlars Act 1871.* The Secretary of State.”.

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The Post Office Act 1969 (c. 48)

13. In paragraph 93(1) (xxxiv) of Schedule 4 (Post Office deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of certain provisions of the Town and Country Planning (Scotland) Act 1972), after the words "205," there shall be inserted the words "205A,".

1972 c. 52.

The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)

14.—(1) In section 42(3)(bb) (requirements in certain rent agreements), after the words "increase in" there shall be inserted the words "the rent".

(2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 1st December 1980.

The Town and Country Planning (Scotland) Act 1972 (c. 52)

15. In section 10(3) (statement as regards planning authority's consultations etc.), after the word "State" there shall be inserted the words " , or made available for inspection,".

16. After section 205 (procedure by Secretary of State in anticipation of planning permission) there shall be added the following section—

" Further
procedure in
anticipation
of planning
permission,
etc.

205A.—(1) Where—

- (a) a planning authority would, if planning permission for any development had been granted under Part III of this Act, have power to make an order under section 198A of this Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out ; or
- (b) a highway authority would, if planning permission for constructing or improving a highway had been granted under Part III of this Act, have power to make an order under section 200 of this Act authorising the stopping up or diversion of any other highway,

then, notwithstanding that such permission has not been granted, the relevant authority may, in the circumstances specified in subsections (2) to (4) of this section, publish notice of the draft of such an order in accordance with the provisions of Schedule 18 to this Act ; but nothing in the said schedule shall be construed as authorising the relevant authority to make the order in anticipation of such permission.

(2) The relevant authority may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission.

(3) The relevant authority may publish such a notice as aforesaid where—

- (a) the relevant development is to be carried out by a local authority, statutory undertakers or the

National Coal Board and requires, by virtue of an enactment, the authorisation of a government department ; and

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- (b) the developers have made an application to the department for that authorisation and also requested a direction under section 37 of this Act, or, in the case of the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.

1958 c. 69.

(4) The planning authority may publish such a notice as aforesaid where they have begun to take such steps, in accordance with regulations made by virtue of section 256 of this Act, as are requisite in order to enable them to obtain planning permission for the relevant development.

(5) In the foregoing provisions of this section "relevant authority" means the planning authority mentioned in paragraph (a) of subsection (1) above or, as the case may be, the highway authority mentioned in paragraph (b) of that subsection ; and "relevant development" means the development mentioned in the said paragraph (a) or, as the case may be, the construction or improvement mentioned in the said paragraph (b)."

17. In section 206 (confirmation of orders)—

- (a) for subsection (1) there shall be substituted the following subsection—

"(1) An order made under section 198A or 199 of this Act by a planning authority, section 200 thereof by a highway authority, section 201 thereof by a competent authority or section 203(1)(b) thereof by a local authority, shall not take effect unless confirmed—

(a) by the Secretary of State in a case where the order is opposed ;

(b) in any other case by the authority making the order." ;

- (b) in subsection (2), after the word "section" there shall be inserted the words "198A (or that section as applied by section 200(3))" ;

- (c) in subsection (3), after paragraph (a) there shall be inserted the following paragraphs—

"(aa) in an order under section 198A or 200 as the time from which a highway is to be stopped up or diverted ; or

(ab) in an order under section 201 as the time from which a right is to be extinguished ; or " ; and

- (d) in subsection (4)—

(i) for the words "199" there shall be substituted the words "198A, 199, 200, 201" ; and

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(ii) at the end there shall be added the words "The Schedule has no application as regards orders made by the Secretary of State."

18. In section 207(1) (compulsory acquisition of land in connection with highways)—

- (a) in paragraph (a), after the words "198," there shall be inserted the words "198A,"; and
- (b) in paragraph (b), after the words "203(1)(a)" there shall be inserted the words "or (b)".

19. In section 208 (concurrent proceedings in connection with highways)—

- (a) in subsection (1), after the words "198," there shall be inserted the words "198A,"; and
- (b) in subsection (2), after the words "203(1)(a)" there shall be inserted the words "or (b)".

20. In section 209 (provisions as to telegraphic lines)—

- (a) in subsection (1), after the words "198," there shall be inserted the words "198A,";
- (b) in subsection (3)—

(i) for the words "203(1)(a)" there shall be substituted the words "203(1)(b)";

(ii) for the words "on the application of a planning authority" there shall be substituted the words "by a local authority";

(iii) for the words "204(1) of" there shall be substituted the words "206(4) of, and Schedule 18 to,"; and

(iv) for the words "planning authority" in each of paragraphs (a), (b), (d) and (e) there shall be substituted the words "local authority"; and

(c) in subsection (4)—

(i) for the words "203(1)(a)" there shall be substituted the words "203(1)(b)"; and

(ii) for the words "Secretary of State" there shall be substituted the words "local authority".

1951 c. 60.

21. In section 210 (construction of section 32 of Mineral Workings Act 1951)—

(a) in subsection (1)—

(i) in paragraph (a), for the words "section 199" there shall be substituted the words "sections 198A and 199";

(ii) in paragraph (b), after the words "a reference to" there shall be inserted the words "subsection (2)(b) of the said section 198A or, as the case may be, to"; and

(iii) in paragraph (c), for the word "section" there shall be substituted the words "sections 198A and"; and

(b) in subsection (2), for the words "a reference to section 200" there shall be substituted the words "references to sections 198A and 200".

22. In section 273(5) (statutory instruments containing orders made under certain sections to be subject to annulment in pursuance of a resolution of either House of Parliament), for the words "18(4)(a)" there shall be substituted the words "181(4)(a)".

23. In Schedule 18 (procedure in connection with orders relating to footpaths and bridleways)—

(a) in each of paragraphs 1(1), 5 and 6, for the words "199" there shall be substituted the words "198A, 199, 200, 201";

(b) in paragraph 3, in each of sub-paragraphs (1) and (2), for the words "199" there shall be substituted the words "198A, 199 or 200"; and

(c) in paragraph 4(1), for the words "199" there shall be substituted the words "198A, 199, 200 or 201".

The Local Government (Scotland) Act 1973 (c. 65)

24. In section 74 (disposal of land by local authority), at the end there shall be added the following subsection—

"(3) The foregoing provisions of this section shall apply in relation to a disposal of land by a water development board (as defined in section 109(1) of the Water (Scotland) Act 1980) as they apply in relation to any such disposal by a local authority."

25. In section 108(1) (determination and levy of regional, district and general rates), after the words "district rate; and" there shall be inserted the words ", subject to subsection 108A of this Act."

26. In section 109(2) (intimation of district rate to rating authority), for the words "the district rate" there shall be substituted the words "such district rate as is".

27. In section 111(1) (regulations with respect to rates), at the end there shall be added the following paragraph—

" ; (f) providing, as regards a rate determined under section 108A(1) of this Act by a local authority—

(i) for the repayment of sums paid in respect of a rate determined by them under section 108 thereof; and

(ii) for the cost of levying and collecting to be borne by them."

28. In section 236(2) (savings), at the beginning there shall be inserted the words "Subject to section 74(3) of this Act and to section 20 of the Water (Scotland) Act 1980,".

The Housing (Scotland) Act 1974 (c. 45)

29. In section 9(6) (requirements as to conditions relating to improvement grants) for the words "subsections (2) and (3)" there shall be substituted the words "subsection (2)".

30.—(1) In section 10A(2) (approval of application for repairs grant) after the words "accommodation for" there shall be inserted the words "such period".

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(2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 3rd October 1980.

31. In Schedule 2 (consequences of breach of conditions of improvement grant)—

(a) in paragraph 1, for the words “3 to 5” there shall be substituted the words “4 and 5”; and

(b) in paragraph 7, for the words “paragraphs 3 or 5” there shall be substituted the words “paragraph 5”.

The Local Government (Scotland) Act 1975 (c. 30)

1963 c. 12. 32. In section 2(2)(d) (effect of correction to valuation roll), after the word “shall” where it first occurs there shall be inserted the words “, subject to section 20 of the Local Government (Financial Provisions) (Scotland) Act 1963,”.

33. In section 8(3) (times at which instalments of rates are payable), for the word “the” where it occurs for the second time there shall be substituted the word “a”.

34. In section 14(1)(b) (termination of certain existing grants in respect of rural bus and ferry services)—

(a) for the words “section 34(2)” there shall be substituted the words “subsection (3) of section 34”; and

(b) for the word “and” where it first occurs, there shall be substituted the words “) or under subsection (4) of that section (towards expenditure incurred”.

35. In section 16 (which gives effect to a schedule relating to borrowing and lending by local authorities etc.), after the word “shall” there shall be inserted the words “, subject to section 18 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981,”.

36. In Schedule 3 (the schedule mentioned in paragraph 35 above)—

(a) in paragraph 15(1), after the word “below” there shall be inserted the words “and to sub-paragraph (2) of paragraph 1 above”; and

(b) in paragraph 31, in the definition of “fixed period”, after the words “case or” there shall be inserted the words “, from time to time, for any class of cases or”.

The Licensing (Scotland) Act 1976 (c. 66)

37. In section 1 (appointment of licensing board by council of district or islands area)—

(a) in subsection (3), after the word “divided” there shall be inserted the words “(or continue to be divided)”;

(b) in each of subsections (6) and (7)—

(i) after the word “elections”, there shall be inserted the words “of those members—

(a) except in so far as paragraph (b) below otherwise provides,”; and

(ii) at the end there shall be added the words “ ; and SCH. 3

(b) where a determination under subsection (3) above is made (whether or not at such meeting of the council as is mentioned in paragraph (a) above), either—

(i) at the meeting at which the determination is made ; or

(ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above.” ; and

(c) in subsection (11), for the words “ a fresh ” there shall be substituted the word “ an ”.

The Water (Scotland) Act 1980 (c. 45)

38. In section 20 (power to hold and dispose of land)—

(a) after the word “ may ”, where it occurs for the second time, there shall be inserted the words “ , under section 74 of the Local Government (Scotland) Act 1973, ” ; and

1973 c. 65.

(b) the proviso shall cease to have effect.

39. In section 109 (interpretation), after subsection (4) there shall be added the following subsection—

“ (5) For the purposes of section 29(2) of the Land Registration (Scotland) Act 1979 (construction of reference to Register of Sasines etc.) this Act shall be deemed to be an enactment passed before that Act.” 1979 c. 33.

The Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52)

40. In section 2—

(a) in subsection (6) (time within which offer to sell dwelling-house may be accepted by tenant)—

(i) after the word “ shall ” there shall be inserted the words “ , subject to subsection (8) below, ” ; and

(ii) in sub-paragraph (iv), for the words from “ section ” to “ offer ” there shall be substituted the words “ subsection (2)(a)(i) of section 5 of this Act has been served on the landlord, the service of a relative offer, or refusal ” ;

(b) in subsection (8) (notice of wish to have fixed price option), at the end there shall be added the following proviso—

“ : Provided that where, as regards the dwelling-house, the tenant has served a loan application in accordance with subsection (2)(a)(ii) of section 5 of this Act, he shall be entitled (even if the said period of 2 years has expired) to serve a notice of acceptance on the landlord within 2 months of whichever is the later of—

(a) the service of a relative offer, or refusal, of loan ;
or

(b) where section 5(7) of this Act is invoked, the decision of the court.” ; and

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(c) for subsection (10) (restriction on tenant's re-application to purchase dwelling-house) there shall be substituted the following subsection—

“(10) Where an offer to sell has been served on the tenant, he shall not be entitled to make an application to purchase under this Part of this Act again until 12 months after the last date on which he has, under either of subsections (6) and (8) above, any entitlement to serve a relative notice of acceptance.”

41. In section 5 (loan to assist tenant in purchase of dwelling-house)—

(a) in paragraph (a) of subsection (2), the existing words from “within” to the end shall be sub-paragraph (i) of the paragraph and after that sub-paragraph there shall be inserted the word “or” and the following sub-paragraph—

“(ii) within one year and ten months after service of the application to purchase if the tenant has, in terms of section 2(8) of this Act, a fixed price option as regards the dwelling-house;”; and

(b) in subsection (5), after the words “2(6)” there shall be inserted the words “or (8)”.

42. For subsection (4) of section 6 (recovery of discount on early re-sale) there shall be substituted the following subsection—

“(4) Where as regards a dwelling-house or part of a dwelling-house there is, within the period mentioned in subsection (1) above, more than one disposal to which that subsection would (apart from the provisions of this subsection) apply, that subsection shall apply only in relation to the first such disposal of the dwelling-house, or as the case may be part.”

43. In section 14(2)(b) (restriction as regards proceedings for recovery of possession), after the word “raised” there shall be inserted the words “on or”.

44. In section 15(1) (power of sheriff to adjourn proceedings for recovery of possession), for the word “6” there shall be substituted the word “7”.

45. In section 27 (duty to publish rules governing housing lists etc.)—

(a) after subsection (1) there shall be inserted the following subsection—

“(1A) It shall be the duty of every registered housing association (within the meaning of the Housing Act 1974)—

(a) to send—

(i) to the Housing Corporation; and

(ii) to every islands, or district, council within whose area there are dwelling-houses let or to be let by the association under secure tenancies; and

- (b) to publish in accordance with subsections (2) and (2A) below,

within 6 months of the coming into force of paragraph 45 of Schedule 3 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and within 6 months of any alteration of the rules, any rules which it may have governing such matters as are mentioned in paragraphs (a) to (d) of subsection (1) above.”;

- (b) in each of subsections (2) and (3), after the words “subsection (1)” there shall be inserted the words “or (1A)”;

- (c) in subsection (2)—

(i) after the word “times” there shall be inserted the words “—

(i) in a case where the body is an islands or district council or a Development Corporation,”; and

(ii) at the end there shall be added the words “; and

(ii) in any other case, at its principal and other offices.”; and

- (d) after subsection (2) there shall be added the following subsection—

“(2A) Rules sent to a council in accordance with subsection (1A)(a)(ii) above shall be available for perusal at all reasonable times at its principal offices.”.

46. The following Schedule shall be inserted before Schedule 1—
“Section 1A(3)

SCHEDULE A1

VESTING ORDER UNDER SECTION 1A: MODIFICATION OF ENACTMENTS

The Town and Country Planning (Scotland) Act 1972 (c. 52)

1. Paragraphs 1(2), 6 to 13 and 16 to 39 of Schedule 24 only shall apply and in them any reference to a general vesting declaration shall be treated as a reference to an order under section 1A of this Act.

2. The references, in paragraphs 6, 7 and 37 of that Schedule, to the end of the period specified in a general vesting declaration shall be treated as references to the date on which such an order comes into force and the reference in paragraph 9 thereof to the acquiring authority having made a general vesting declaration shall be treated as a reference to such order having come into force.

3. In paragraph 6 of that Schedule—

(a) the reference to every person on whom, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, 1845 c. 19. the acquiring authority could have served a notice to treat, shall be treated as a reference to every person whose interest in the land to which such order relates is vested by the order in the landlord; and

(b) sub-paragraph (a) shall be omitted.

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4. The reference in paragraph 20(2) of that Schedule to the date on which the notice required by paragraph 4 thereof is served on any person shall be treated as a reference to the date on which such an order comes into force.

5. In paragraph 29 of that Schedule—

(a) sub-paragraph (1)(a) shall be omitted ; and

(b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which such order came into force.

The Land Compensation (Scotland) Act 1963 (c. 51)

6. Any reference to the date of service of a notice to treat shall be treated as a reference to the date on which an order under section 1A of this Act comes into force.

7. Section 25(2) shall be treated as if for the words 'the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority' there were substituted the words 'an order under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 vesting the land in which the interest subsists in the landlord has come into force, or an agreement has been made for the sale of the interest to the Landlord'.

8. In section 30—

(a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words ' ; or

(d) where an order has been made under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 vesting the land in which the interest subsists in the landlord.' ; and

(b) subsection (3) shall be treated as if in paragraph (a) the words ' or (d) ' were inserted after the words ' subsection (2)(b) '.

9. Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under the said section 1A.

10. In Schedule 2, paragraph 1(2)(a) shall be treated as if the words ' or the coming into force of an order under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 for the vesting of the land in the landlord ' were inserted after the word ' land ' .".

1980 c. 52.

SCHEDULE 4

Section 41.

REPEALS

Chapter	Short title	Extent of repeal
18 & 19 Vict. c. 68.	The Burial Grounds (Scotland) Act 1855.	In section 24, the words “, subject to the approval of the sheriff of the county,”; and the words from “; and a table” to the end.
60 & 61 Vict. c. 38.	The Public Health (Scot- land) Act 1897.	In section 36, the words “ and, if required by the Board shall,”.
2 Edw. 7. c. 8.	The Cremation Act 1902.	In section 9, the words “ any such ” and “ as may be authorised by any table approved by the Local Government Board,”.
1 Edw. 8 & 1 Geo. 6. c. 28.	The Harbours, Piers and Ferries (Scotland) Act 1937.	Section 21(1). In section 21(3), the words “ by a local authority or ”.
1 Edw. 8 & 1 Geo. 6. c. 48.	The Methylated Spirits (Sale by Retail) (Scot- land) Act 1937.	In section 6, the definition of the expression “ prescribed ”.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act 1947.	In section 247(2)(a), the words “ or in the lawful possession of ”.
14 Geo. 6. c. 24.	The Highways (Provision of Cattle-Grids) Act 1950.	Section 11.
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act 1951.	Section 1(2) to (4). In section 16(3), the words “ not exceeding one shilling for every copy ”.
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act 1956.	Section 25. Section 35(2).
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act 1956.	In section 6, in subsection (2) the words “ or other non- industrial buildings ” and “ or buildings ”; and in subsection (11) the definition of “ non- industrial building ”.
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	Section 27(3). Section 30(5).
10 & 11 Eliz. 2. c. 9.	The Local Government (Financial Provisions etc.) (Scotland) Act 1962.	In section 4(2), the words “ not later than the thirtieth day of June in any year ”.
1966 c. 51.	The Local Government (Scotland) Act 1966.	Section 25(4). In section 26(2), in each of paragraphs (a) and (b), the words “ or of such shorter period as the Secretary of State authorises in any par- ticular case ”.

Sch. 4

Chapter	Short title	Extent of repeal
1966 c. 51. —cont.	The Local Government (Scotland) Act 1966. —cont.	In section 27, in subsection (1) the words “Subject to subsection (3) below,”; and in subsection (4) the words from “or which” to the end.
1967 c. 77.	The Police (Scotland) Act 1967.	In section 2(2), the words “, being expenses of a kind approved either generally or in particular cases by the Secretary of State”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 46(2).
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	Section 3(3) and (4).
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	Section 7. Section 16(5).
		In section 4, in subsection (2) the words “and shall, if directed to do so by the Secretary of State,”; in subsection (3)(e), the words from “or as” to “direct”; and in subsection (5) the words “, and for the Secretary of State to direct them to institute,”.
		In section 5, in subsection (3) the words “or as the Secretary of State may in any particular case direct”; in subsection (4) the words “; and (c) to such other matters as the Secretary of State may direct them to take into account”; and in subsection (6) the words “; or as may in any particular case be specified in directions given by the Secretary of State”.
		In section 9(3)(b), the words “or as the Secretary of State may in any particular case direct”; in subsection (5) the words “; or as may in any particular case be specified in directions given by the Secretary of State”; in subsection (8) the words from “; but no” to the end; and in subsection (9), the words “or which the Secretary of State may in any particular case direct them to take into account”.

Chapter	Short title	Extent of repeal
1972 c. 52. —cont.	The Town and Country Planning (Scotland) Act 1972—cont.	<p>In section 10, subsections (4) and (5). Section 48. In section 58(5), paragraph (c); and in paragraph (d) the words “the Secretary of State or”. In section 59, in paragraph (b) of subsection (2), the words from “or” to the end of the paragraph; and in subsection (3) the words from “; and (b)” to the end. In section 91, subsection (1); in subsection (3), the words “an application referred to him under subsection (1) of this section or on”; in subsection (4) the words “application or”, “applicant or”, and “(as the case may be)”; and in subsection (5), the words “applicant or”. Sections 111 and 112. Section 113(4). In section 203(1)(b) the words “, being a footpath or bridleway,”. In section 204(1), the words “, 201”. In section 260, subsections (6) and (7).</p>
1973 c. 65.	The Local Government (Scotland) Act 1973.	<p>In section 23(1), the words “Subject to subsection (4) below,”. Section 23(4). Section 53(4). Section 54. Section 121.</p>
1974 c. 45.	The Housing (Scotland) Act 1974.	<p>In section 9, subsections (3), (4) and (5). In Schedule 2, paragraphs 3 and 9(b).</p>
1975 c. 30.	The Local Government (Scotland) Act 1975.	<p>Section 22(2). In section 28, in each of subsections (5) and (6), the words “for inspection”.</p>
1976 c. 66.	The Licensing (Scotland) Act 1976.	<p>Section 2(7). Part IV. In section 59(1)(b), paragraph (ii) of the proviso. Section 140(3). Schedule 3. In Schedule 5, the entry relating to section 50(6).</p>
1980 c. 13.	The Slaughter of Animals (Scotland) Act 1980.	<p>In section 8(1), the words “, and if required by the Secretary of State shall,”.</p>

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Chapter	Short title	Extent of repeal
1980 c. 45.	The Water (Scotland) Act 1980.	<p>In section 1, the words “; and (c) to appoint an advisory committee to advise him on those matters”.</p> <p>Section 2.</p> <p>Section 19.</p> <p>In section 20, the proviso.</p> <p>In section 58(1), the words “, with the approval of the Secretary of State,”.</p> <p>Section 62.</p> <p>In section 66(3), the proviso.</p> <p>In Schedule 1, in paragraph 4, the words “not exceeding 10 pence”; paragraphs 9 and 18; in paragraph 27, the words “, not exceeding 10 pence for every 100 words contained in the copy,”; and in paragraph 30, the words “, not exceeding 20 pence for every copy”.</p>

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