



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART VIII

#### FUNCTIONS

##### *Education*

#### **123 Education authorities.**

The education authority for the purposes of the Education (Scotland) Acts 1939 to 1973 shall be a regional or islands council.

#### **124 Education committees.**

- (1) Every education authority shall appoint a committee, which shall be known as the education committee, to which (subject to any arrangement under section 127 of this Act, as read with section 56 of this Act, for the discharge by the education committee of any function) all their functions as such authority shall stand referred.

In this subsection, “referred” means remitted to the committee for consideration and report to the authority but without power to the committee to discharge any function on behalf of the authority.

- (2) Subject to the provisions of section 59 of this Act, an education authority shall appoint to their education committee persons who are not members of the authority, but at least half of the members appointed to the committee shall be members of the authority.
- (3) The persons appointed under subsection (2)
- above who are not members of the education authority shall include—
- (a) at least three persons interested in the promotion of religious education, and the persons appointed in terms of this paragraph shall include—

*Status: Point in time view as at 01/02/1991.*

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- (i) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church; and
  - (ii) in the case of the education authority for the area of a region, one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church;
  - (iii) one person, or, in the case of the education authority for an islands area, two persons, in the selection of whom the authority shall have regard (taking account of the representation of churches under subparagraphs (i) and (ii) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there;
- (b) at least two teachers employed in educational establishments under the management of the authority, nominated in such manner as may be determined by the authority.
- (4) The number of members of an education committee and their term of office shall be fixed by the appointing authority.
- (5) Every member of an education committee who at the time of his appointment was a member of the appointing authority shall, upon ceasing to be a member of that authority, also cease to be a member of the committee and of any sub-committee thereof; but for the purposes of this subsection a member of an education authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.
- (6) Paragraphs 2, 8, 9 and 10 of Schedule 10 to this Act shall, subject to any necessary modifications, apply in relation to an education committee and to the standing reference of functions to that committee under subsection (1) above as they apply in relation to the discharge of functions by arrangements made in accordance with that Schedule.

<sup>F1</sup>125 .....

**Textual Amendments**

**F1** S. 125 repealed by [Self-Governing Schools Etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(2), [Sch. 11](#) (subject to savings in s. 54(7) of that Act whereby s. 125 remains in force in relation to any college council appointed under the said section 125 for so long as that council remains in existence)

**126 Disqualification for membership of education committees, etc.**

Notwithstanding the provisions of section 59 of this Act . . . <sup>F2</sup> a person shall not, by reason of his being a teacher employed in an educational establishment under the management of an education authority, be disqualified for being a member of the education committee of that authority, of any sub-committee of that committee . . . <sup>F2</sup> . . . <sup>F3</sup> college council appointed by that authority, or for being a representative of that authority on a joint committee relating to their functions as an education authority;

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F4

#### Textual Amendments

- F2** Words repealed by [Self Governing Schools Etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(2), [Sch. 11](#) (subject to a saving in s. 54(7))
- F3** Words repealed by [School Boards \(Scotland\) Act 1988 \(c. 47, SIF 41:2\)](#), s. 23(3), [Sch. 4 para. 4](#)
- F4** Paragraph (b) and the proviso to paragraph (b) repealed by [Self Governing Schools Etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(2), [Sch. 11](#) (subject to a saving in s. 54(7))

### 127 Discharge of education authority functions.

- (1) In relation to the discharge by a local authority of their functions as an education authority, Schedule 10 to this Act shall have effect in place of subsections (1) to (5) of section 56 and section 57 of this Act, and references in the remaining provisions of section 56 to that section shall include references to that Schedule.
- (2) Sections 58 and 68 of this Act shall apply in relation to a joint committee appointed under this section as they apply in relation to a joint committee appointed under Part V of this Act.

### 128 Educational endowments.

- (1) Where, immediately before 16th May 1975, any educational endowment is to any extent vested in the existing local authority for an area specified in the first column of Table A below, that endowment shall on that day to that extent be transferred to and vest for the same purposes in the appropriate new local authority for the area specified in relation thereto in the second column of that Table.

TABLE A

Existing area	New area
County	Region or islands area
County of a city	
Large burgh	District or islands area
Small burgh	
District	

- (2) Where, immediately before 16th May 1975, any educational endowment is to any extent to be vested, by virtue of his office, in the holder of any office connected with an existing local authority specified in the first column of Table B below, that endowment shall on that day to that extent be transferred to and vest for the same purposes in the holder of the office, specified in relation thereto in the second column of that Table, of the appropriate new local authority as determined by reference to subsection (1) above.

TABLE B

Existing office-holder	New office-holder
Lord Provost	Chairman of council

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Provost	
Convener of county	
Chairman of district council	
Magistrate	Councillor, or any other person
Councillor	nominated by the council
Chairman of or member of a committee	
Any specified officer	The corresponding officer or (if there is no such officer) the proper officer

- (3) Where, immediately before 16th May 1975, any power with respect to an educational endowment is vested in an existing local authority, or (by virtue of his office) in the holder of an office connected with such an authority, that power shall on that day be transferred to and vest in the appropriate new local authority or (as the case may be) in the new office-holder of that authority, as ascertained by reference to subsections (1) and (2) above.
- (4) Subject to the provisions of the governing instrument of an educational endowment, where, as the result of the election of a local authority occurring after 16th May 1975, it is necessary for a person to be nominated by the authority or by a committee thereof to be vested (to any extent) with the endowment, in terms of subsection (2) above, or to be vested with any power, in terms of subsection (3) above, that person shall be so nominated at the first meeting of the authority or committee held after it has been elected or appointed; and in such a case the person who (to the said extent) was last vested with the endowment or, as the case may be, who was last vested with the power, before the meeting shall continue therein until the date of the meeting.
- (5) In this section, unless the context otherwise requires, expressions used in Part VI of the <sup>M1</sup>Education (Scotland) Act 1962 have the same meaning as in that Part, and “the appropriate new local authority” means, in relation to an existing local authority, the new authority whose area comprises the whole or the greater part of the area of the existing authority: and if, in any case, there is a dispute as to such appropriate authority, or as to the person or persons corresponding to an existing office-holder or office-holders for the purposes of this section, it shall be taken to be such new local authority or, as the case may be, person or persons as the Secretary of State may direct.
- (6) Nothing in this section shall affect any other power to reorganise any educational endowment or otherwise to alter the provisions of any trust.

**Modifications etc. (not altering text)**  
**C1** S. 128 excluded by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 16, Sch. 3 para. 13\(1\)](#)

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**Marginal Citations**  
**M1** 1962 c. 47.

<sup>F5</sup>129 .....

**Textual Amendments**  
**F5** S. 129 repealed by [Education \(Scotland\) Act 1980 \(c. 44\), Sch. 5](#)

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## Housing

### 130 Housing.

- (1) Subject to the provisions of this and the next following section, the local authority for the purposes of the Housing (Scotland) Act [F6 1987] shall be an islands or a district council.
- (2) Before the council of a district exercise outside the district any power under Part [F7] of the Housing (Scotland) Act [F7 1987] (provision of housing accommodation), the council shall give notice of their intention to do so to the council of the region in which the district is situated and also, if they propose to exercise the power outside that region, to the council of the region in which they propose to exercise the power, but failure to give any such notice shall not invalidate the exercise of the power.
- (3) The enactments relating to housing specified in Schedule 12 to this Act shall be amended in accordance with the provisions of that Schedule.

#### Textual Amendments

- F6** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), [Sch. 23 para. 20\(1\)\(a\)](#)
- F7** Figure substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), [Sch. 23 para. 20\(1\)\(b\)](#)

#### Modifications etc. (not altering text)

- C2** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 131 Powers of regional council in relation to housing.

- (1) A regional council may enter into an agreement with a district council whether within or outwith their region whereby, in consideration of the provision of housing accommodation by the district council, the regional council shall make such payment to the district council as shall be specified in the agreement; but any agreement under this subsection shall be subject to the approval of the Secretary of State.
- (2) ..... F8
- (3) ..... F9

#### Textual Amendments

- F8** S. 131(2) repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), [Sch. 23 para. 20\(2\)\(3\)](#), [Sch. 24](#)
- F9** S. 131(3) repealed by [Housing Act 1974 \(c. 44\)](#), [Sch. 15](#)

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### 132 Functions under the Rent Acts.

- (1) The local authority for the purposes of the <sup>M2M3</sup>Rent (Scotland) Acts 1971 and 1972 shall be an islands council or district council.
- (2) The <sup>M4</sup>Rent (Scotland) Act 1971 shall have effect subject to the amendments set out in Schedule 13 to this Act.

#### Modifications etc. (not altering text)

**C3** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6) (7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M2** 1971 c. 28.  
**M3** 1972 c. 46.  
**M4** 1971 c. 28.

### *The environment*

### 133 Roads.

- (1) The [<sup>F10</sup>local roads authority] for the purposes of this Act and any other enactment (whether passed or made before or after the passing of this Act) shall be a regional or islands council; and the enactments set out in Schedule 14 to this Act shall have effect subject to the amendments specified in that Schedule.
- (2) The powers and duties vested in the council of each county in relation to roads by virtue of section 11 of the <sup>M5</sup>Local Government (Scotland) Act 1889 shall be transferred to and vested in the [<sup>F10</sup>local roads authority].

#### Textual Amendments

**F10** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 73](#)

#### Marginal Citations

**M5** 1889 c. 50.

### 134 Building.

- (1) The jurisdiction and functions of buildings authorities and functions of masters of works conferred on them by the <sup>M6M7</sup>Building (Scotland) Acts 1959 and 1970 shall be transferred to the councils of islands areas and districts, except that in the case of districts situated within the Highland, Borders and Dumfries and Galloway regions they shall be transferred to the councils of those regions.
- (2) The <sup>M8</sup>Building (Scotland) Act 1959 shall have effect subject to the amendments specified in Part I of Schedule 15 to this Act, and Part II shall have effect for making amendments to other enactments relating to building.

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#### **Modifications etc. (not altering text)**

- C4** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6) (7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

- M6** 1959 c. 24.  
**M7** 1970 c. 38.  
**M8** 1959 c. 24.

### **135 Prevention of river pollution.**

- (1) River purification boards established under Part II of the Rivers (Prevention of Pollution) <sup>M9</sup>(Scotland) Act 1951 are hereby dissolved and sections 2 to 5 of the said Act shall cease to have effect.
- (2) On and after 16th May 1975 the functions of river purification authorities under the <sup>M10</sup>Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 shall be exercised by river purification boards established under the following provisions of this section and by islands councils.
- (3) The Secretary of State shall, by order, divide Scotland, other than islands areas, into areas (to be known as “river purification board areas”)
- (4) An order made under subsection (3)  
above shall define each river purification board area either by reference to a map or to the line of any watershed or to the boundary of any local government area existing immediately before the making of the order, or partly by one method and partly by another.
- (5) For each river purification board area the Secretary of State shall by order establish the river purification board and the said order shall provide—
  - (a) that the river purification board shall consist of such number of members as may be specified in the order not being more than three times the number of districts wholly or partly within the river purification board area,
  - (b) that one third of the members of the river purification board shall be appointed from among their own members by such of the regional councils wholly or partly within the area of the river purification board and in such proportions, as may be so specified; that one third of the members of the river purification board shall be appointed from among their own members by such of the district councils wholly or partly within the area of the river purification board and in such proportions as may be so specified; and that one third of the members of the river purification board shall be appointed by the Secretary of State, after consultation with such bodies as he thinks fit, to represent the interests of persons concerned with the carrying on of agriculture, fisheries or industry in the river purification board area or any other interests which, in the opinion of the Secretary of State, should be represented on the board,
  - (c) that the river purification board shall be a body corporate with such name as may be specified in the order, and that the board shall have a common seal and may hold land and may sue and be sued in the name so specified.

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(6) An order made under subsection (5)

above may make provision with regard to the following matters—

- (a) the arrangements for the calling of the first meeting of the river purification board;
- (b) the preparation of a scheme with respect to the administrative arrangements for the discharge of the functions of the river purification board;
- (c) the tenure of office of members of the river purification board and the filling of casual vacancies among such members;
- (d) the mode of defraying the expenses of the board and in particular the proportions of those expenses which are to be borne severally by regional councils and for issue of requisitions to the said councils for the payment of the amounts apportioned to these councils;
- (e) the transfer to the river purification board of rights or liabilities (other than those in or relating to property) or of the services of any officer or servant of any existing river purification authority, the functions of which, on and after 16th May 1975, shall be exercised by the river purification board in terms of subsection (2) of this section;
- (f) the application to the board, subject to any necessary modifications, of any of the provisions of this Act;
- (g) any other matter incidental to or consequential on the establishment of the river purification board or any provision contained in the order.

(7) Before making an order under subsection (3)

or (5) above the Secretary of State shall consult all local authorities (including in the case of an order made before 16th May 1975, councils of counties and large burghs) and river purification boards whose areas are wholly or partly within the area affected by the order, and the provisions of [<sup>F11</sup>Schedule 7 to the <sup>M11</sup>Water (Scotland) Act 1980] shall apply to the making of such an order as they apply to the making of an order under [<sup>F11</sup>section 82 of that Act] with the substitution of a reference to this subsection for the reference to [<sup>F11</sup>section 100(2) of that Act].

- (8) Any reference in the <sup>M12</sup><sup>M13</sup>Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 to the councils of counties or of large burghs and to their districts shall be read as references to regional, islands or district councils and to their areas.
- (9) The provisions of section 216 of the 1947 Act (which relate to the issue of requisitions by joint committees and joint boards) shall, subject to any necessary modifications, apply to a requisition by a river purification board in terms of an order under this section as they apply to requisitions by a joint committee or joint board, and the provisions of section 106 of this Act shall, subject to any necessary modifications, apply with respect to a river purification board as they apply to a water development board within the meaning of [<sup>F11</sup>the <sup>M14</sup>Water (Scotland) Act 1980].
- (10) The Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965 shall have effect subject to the amendments specified in Schedule 16 to this Act.

**Textual Amendments**

**F11** Words substituted by virtue of [Water \(Scotland\) Act 1980 \(c. 45\)](#), [Sch. 9 para. 3](#)



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#### Modifications etc. (not altering text)

- C5** S. 135 extended by [Local Government \(Scotland\) Act 1975 \(c. 30\), s. 23\(1\)](#)
- C6** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M9** 1951 c. 66.  
**M10** 1965 c. 13.  
**M11** 1980 c. 45.  
**M12** 1951 c. 66.  
**M13** 1965 c. 13.  
**M14** 1980 c. 45.

### [135A <sup>F12</sup>Variation of composition of river purification boards.

- (1) The power to make an order under subsection (5) of section 135 of this Act includes power to vary the composition of any river purification board, in accordance with the provisions of this section, in a subsequent order.
- (2) Such a variation order shall provide—
- (a) that any river purification board shall consist of such number of members as may be specified in the order;
- [  
<sup>F13</sup>(b) that one half of the members of the board shall be appointed from among their members by such of the councils wholly or partly within the area of the board and in such proportions as may be so specified;]  
(d) that one half of the members of the board shall be appointed by the Secretary of State, after consultation with such bodies as he thinks fit, to represent the interests of persons concerned with the carrying on of agriculture, fisheries or industry in the board's area or any other interests which, in the opinion of the Secretary of State, should be represented on the board.
- (3) Such a variation order may make such transitional provisions with regard to the termination and appointment of members, including members appointed by regional or district councils, as the Secretary of State thinks appropriate.

#### Textual Amendments

- F12** S. 135A inserted (1. 10. 1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\), s. 27\(1\), Sch. 10 para. 6; S.I. 1991/2187, art. 3, Sch.](#)
- F13** S. 135A(b) substituted (*prosp.*) for s. 135A(b)(c) by [1994 c. 39, ss. 180\(1\), 184\(2\), Sch. 13 para. 92\(35\)](#) (which amending provision was repealed (1.2.1996) by [1995 c. 25, s. 120\(3\), Sch. 24](#) (with. ss. 7(6), 115, 117); [S.I. 1996/186, art. 2](#))

#### Modifications etc. (not altering text)

- C7** S. 135A extended (*prosp.*) by [1994 c. 39, ss. 37\(1\), 184\(2\)](#) (which amending provision was repealed (1.4.1996) by [1995 c. 25, s. 120\(3\), Sch. 24](#) (with. ss. 7(6), 115, 117); [S.I. 1996/186, art. 3\(xiii\)](#))

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### [<sup>F14</sup>136 Deposit of poisonous waste.

- (1) The local authority for the purposes of the <sup>M15</sup>Deposit of Poisonous Waste Act 1972 shall be an islands council or a district council; and accordingly in section 5(1)(b) of that Act for the words “county councils and town” there shall be substituted the words “islands councils and district”.
- (2) In section 3(5), 4(3) and 5(3) of that Act for any reference to a river purification board there shall be substituted a reference to a river purification authority.
- (3) In section 7 of that Act after the definition of “refuse tip” there shall be inserted the following definition ““river purification authority” has the same meaning as in section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951, but shall not include an islands council.”]

#### Textual Amendments

**F14** S. 136 repealed (prosp.) by [Control of Pollution Act 1974 \(c. 40\)](#), s. 109(2), [Sch. 4](#)

#### Marginal Citations

**M15** 1972 c. 21.

### 137 Flood prevention and flood warning systems.

- (1) All functions of town and county councils under the <sup>M16</sup>Flood Prevention (Scotland) Act 1961 are hereby transferred to regional and islands councils, and accordingly for section 1(2) of that Act there shall be substituted the following subsection—

“(2) This section applies to all regional and islands councils, and in this Act any reference to a local authority is a reference to a council to whom this section applies.”

- (2) ..... <sup>F15</sup>

#### Textual Amendments

**F15** S. 137(2) repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

#### Marginal Citations

**M16** 1961 c. 41.

### 138 Coast protection.

- (1) The coast protection authority for the purposes of the <sup>M17</sup>Coast Protection Act 1949 shall be the council of a region any part of which adjoins the sea, or an islands council.
- (2) In the said Act of 1949 the following amendments shall be made—
  - (a) for section 1(1) (coast protection authorities), there shall be substituted the following subsection—

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

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- (b) in section 20(5) (contributions towards expenses of coast protection) for the word “burgh” there shall be substituted the word “district”;
- (c) in section 22 (power to use for incidental purposes land acquired for coast protection)—
  - (i) in subsection (2), for the words “burgh or county” there shall be substituted the words “region or islands area”.
  - (ii) in subsection (3), for the reference to the <sup>M18</sup>Local Government (Scotland) Act 1947 there shall be substituted a reference to the Local Government (Scotland) Act 1973;
- (d) in section 30 (transfer and compensation of officers, and superannuation rights), at the end there shall be added the following subsection—
  - “(4) This section shall not apply to Scotland.”;
- (e) in section 45(1)(b) (service of notices and other documents), for the words “or burgh” there shall be substituted the words “or in Scotland the council of a region, islands area or district”;
- (f) in section 46(4) (local inquiries), for the words from “subsection (2)” to “1947” there shall be substituted the words “subsection (2) and subsections (4) to (8) of section 210 of the Local Government (Scotland) Act 1973”;
- (g) in Schedule 1 (procedure for making orders), for paragraph 8(b) there shall be substituted the following sub-paragraph—
  - “(b) for references to the London Gazette and to a county or county district there shall be substituted respectively references to the Edinburgh Gazette and to a region, islands area or district”.

**Modifications etc. (not altering text)**

**C8** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6) (7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M17** 1949 c. 74.  
**M18** 1947 c. 43.

**F16** 139 .....

**Textual Amendments**

**F16** S. 139 repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

**140 Allotments.**

The functions of local authorities under the Allotments (Scotland) Acts 1892 to 1950 shall be exercised by islands and district councils.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Local Government (Scotland) Act 1973, Part VIII is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 141 Public conveniences.

The local authority for the purposes of section 5 of the <sup>M19</sup>Chronically Sick and Disabled Persons Act 1970 (public conveniences) shall be a local authority within the meaning of this Act, and accordingly in subsection (3) of that section, for the word “1947” there shall be substituted the word “1973”.

### Marginal Citations

**M19** 1970 c. 44.

## 142 Public health.

- (1) For the purposes of the enactments to which this section applies, the local authority and sanitary authority shall be an islands or district council.
- (2) This section applies to the following enactments—
  - (a) The <sup>M20</sup>Public Health (Scotland) Act 1897;
  - [<sup>F17</sup>(b) The <sup>M21</sup>Alkali, Etc., Works Regulation Act 1906;]
  - (c) The <sup>M22</sup>Public Health (Scotland) Act 1945;
  - (d) Part I of the <sup>M23</sup>Prevention of Damage by Pests Act 1949;
  - (e) The <sup>M24</sup>Rag, Flock and Other Filling Materials Act 1951;
  - (f) The <sup>M25</sup><sup>M26</sup>Clean Air Acts 1956 and 1968;
  - (g) The <sup>M27</sup>Noise Abatement Act 1960;
  - (h) The <sup>M28</sup>Health Services and Public Health Act 1968, except section 65 thereof.

### Textual Amendments

**F17** S. 142(2)(b) repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162(2), 164(3), **Sch. 16 Pt. I**

### Marginal Citations

**M20** 1897 c. 38.  
**M21** 1906 c. 14.  
**M22** 1945 c. 15.  
**M23** 1949 c. 55.  
**M24** 1951 c. 63.  
**M25** 1956 c. 52.  
**M26** 1968 c. 62.  
**M27** 1960 c. 68.  
**M28** 1968 c. 46.

## 143 Sewerage.

The functions of local authorities under the <sup>M29</sup>Sewerage (Scotland) Act 1968 shall be transferred to regional and islands councils.

*Status: Point in time view as at 01/02/1991.*

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**Marginal Citations**

**M29** 1968 c. 47.

**144** <sup>X1</sup>† **Diseases of animals, and plant health.**

<sup>F18</sup>(1) . . . . .

(3) A competent authority under the <sup>M30</sup>Plant Health Act 1967 shall no longer have certain powers of direction, and accordingly, in section 5(2) of that Act (records of proceedings), the words from “in such manner” to “direct” shall be omitted, and, in section 6(3) of that Act (publication of orders), the words from “in such”(where first occurring) to “direction” shall cease to have effect.

**Editorial Information**

**X1** Unreliable marginal note.

**Textual Amendments**

**F18** S. 144(1)(2) repealed by [Animal Health Act 1981 \(c. 22\)](#), [Sch. 6](#)

**Marginal Citations**

**M30** 1967 c. 8.

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

(1) The <sup>M31</sup>Ordnance Survey Act 1841 (in this section referred to as “the 1841 Act”) shall have effect subject to the modifications set out in this section.

(2) An application under section 1 as read with section 17 of the 1841 Act shall be made to the proper officer of the regional, islands or district council, and where such an application is made, the function of appointing a person to assist in examining, ascertaining and marking out reputed boundaries shall be exercisable by the council to whose proper officer the application was made.

(3) The newspapers in which copies of an application under section 1 as read with section 17 of the 1841 Act are to be inserted shall be those circulating in the area of the council to whose proper officer the application was made.

(4) (a)

References, in whatever terms in the 1841 Act, to the sheriff by whom a person is appointed under section 1 as read with section 17 of that Act shall be construed as references to the regional, islands or district council, as the case may be.

(b) References in the 1841 Act to the sheriff clerk or sheriff clerk depute shall be construed as references to the proper officer of the regional, islands or district council, as the case may be.

(5) References in the 1841 Act to a county shall be construed as references to a region, islands area or district, as the case may be, including the electoral areas thereof and other places therein.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Local Government (Scotland) Act 1973, Part VIII is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Marginal Citations

**M31** 1841 c. 30.

## Miscellaneous functions

### 146 Police.

- (1) The <sup>M32</sup>Police (Scotland) Act 1967 shall be amended in accordance with subsections (2) to (9) below.
- (2) For section 1(1) of that Act (police areas) there shall be substituted the following subsection—
  - “(1) Subject to the provisions of any amalgamation scheme, a police force shall be maintained for every region and for every islands area, and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof.”
- (3) In section 2(1) (police authorities), for the words from the beginning to “police authority” there shall be substituted the words “For every police area which is a region, the regional council, and for every police area which is an islands area the islands council, shall be the police authority”.
- (4) Section 4(3) of that Act (same person may be chief constable of more than one police force) shall cease to have effect on 16th May 1975.
- (5) Section 18 of that Act (jurisdiction of constables as respects execution of warrants in border counties of England and Scotland) shall be amended as follows—
  - (a) in subsection (1) for the words from “Scotland” to “Dumfries” there shall be substituted the words “any one of the border regions of Scotland, that is to say, the counties of Northumberland or Cumbria, or the regions of the Borders or Dumfries and Galloway”, and after the word “counties” or “county” wherever it occurs there shall be inserted respectively the words “or regions” or “or region”;
  - (b) in subsection (2) for paragraph (b) there shall be substituted the following paragraph—
    - “(b) references to the region of the Borders or Dumfries and Galloway shall be construed as including references to a combined area within the meaning of this Act comprising either of those regions.”
- (6) In sections 20(5) (power of Secretary of State to make amalgamation schemes) and 29(3) (local inquiries) of that Act, for the reference to subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 there shall be substituted a reference to subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973.
- (7) After section 21 of that Act there shall be inserted the following section—

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### **“21A Alteration of local government areas.**

- (1) Subject to subsection (2) below, an amalgamation scheme may be approved or made under this Act with respect to two or more police areas—
  - (a) to be established by the Local Government (Scotland) Act 1973,
  - (b) which are proposed to be altered by an order under section 17 of the Local Government (Scotland) Act 1973,and subject to subsection (3) below, may be so approved or made before the relevant date.
- (2) The Secretary of State shall make an amalgamation scheme under this Act before the relevant date for the police areas comprised in each of the combined areas set out in the following table—

TABLE

<b>Combined area</b>	<b>Police areas comprised</b>
South-eastern	Borders and Lothian
Northern	Highland and the Islands Areas.

- (3) A scheme under this section shall not come into force before the relevant date except so far as it relates to the constitution of the joint police committee and to the performance by that committee of functions necessary for bringing the scheme into full operation on that date.
  - (4) In relation to an amalgamation scheme to be approved or made by virtue of this section, sections 19, 20 and 21 of this Act shall apply subject to any necessary modifications except that subsections (2) to (5) of the said section 20 shall not apply where the scheme is made by the Secretary of State before 16th May 1975 by virtue of subsection (2) above.
  - (5) In this section “the relevant date” means, in relation to an amalgamation scheme approved or made as mentioned in paragraph (a) of subsection (1) or in subsection (2) above, 16th May 1975, and, in relation to an amalgamation scheme approved or made as mentioned in paragraph (b) of subsection (1) above, the date on which the order mentioned in that paragraph comes into force.”
- (8) For section 23 of that Act there shall be substituted the following section—

### **“23 Chief constables affected by amalgamations or local government reorganisations.**

- (1) If the chief constable of a police force which ceases to exist in consequence of an amalgamation scheme, or an order under section 216 of the Local Government (Scotland) Act 1973, is not appointed as from the date when that police force ceases to exist—
  - (a) chief constable of the new force, or
  - (b) constable of any rank in any other police force which exists on that date,

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he shall on that date become a constable of the new force (or, if there is more than one new force established by the amalgamation scheme or order, of such one of them as may be provided by the scheme or order) by virtue of this subsection.

- (2) While a person is a constable of a police force by virtue only of subsection (1) above he shall hold the rank of assistant chief constable, but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist.
- (3) A chief constable who becomes a constable of a police force by virtue of subsection (1) above shall, subject to regulations under Part II of this Act, cease to be a constable thereof at the expiration of three months unless he has then accepted and taken up an appointment in that force in some other capacity.
- (4) The provision to be made by regulations under section 24 of the Superannuation Act 1972 or section 219 of the Local Government (Scotland) Act 1973 with respect to the chief constable of a police force who, after becoming a constable of another police force by virtue of subsection (1) above, ceases to be a constable of that force without having accepted and taken up an appointment in that force in a capacity other than that of chief constable shall, if he was the chief constable of a police force on 15th May 1975, be not less favourable than any provision by way of pension that would have been payable to or in respect of him by virtue of the Police Pensions Act 1948 had the first-mentioned police force been combined with another force by an amalgamation scheme under the Police (Scotland) Act 1956 and he had neither been transferred to the combined force nor agreed to continue to serve therein in a capacity other than that of chief constable within three months; and section 2(1)(b) of the Police Pensions Act 1948 shall not apply to a constable who is first appointed a chief constable on or after 16th May 1975 and who is affected by this section.
- (5) The relevant authority shall offer the chief constable of a police force which ceases to exist on 16th May 1975 (other than a chief constable who has been appointed the chief constable of a new force) an appointment to take effect not later than 16th August 1975 at the rank of assistant chief constable in the relevant new force.
- (6) In this section—
  - “new force” has the same meaning as it has for the purposes of Schedule 2 to this Act;
  - “relevant authority” means the police authority or, as the case may be, the joint police committee responsible for the appointment of the chief constable of the relevant new force;
  - “relevant new force” means the new force to which the majority of the constables of a police force which ceases to exist on 16th May 1975 are transferred.”
- (9) In section 51 (1) (general interpretation), in the definition of “amalgamation scheme”, for the words “or section 20” there shall be substituted the words “section 20 or section 21A”.



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- (10) Sections 24 and 25 of the said Act of 1967 and Schedule 2 thereto shall, subject to any necessary modifications, apply to an order under section 215 of this Act as they apply to an amalgamation scheme under that Act.

**Modifications etc. (not altering text)**

- C9** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M32** 1967 c. 77.

**147 Fire services.**

- (1) Subject to the provisions of the <sup>M33</sup>Fire Services Act 1947 as amended by this section, the fire authority for the purposes of the Fire Services Acts 1947 to 1959 shall be a regional or islands council.
- (2) For section 36(3) (administration scheme) of the said Act of 1947 there shall be substituted the following subsection—
- “(3) It shall be the duty of the councils of the regions and islands areas comprised in either of the combined areas set out in the Table at the end of this subsection to prepare and submit to the Secretary of State, not later than 1st January 1975 or such later date as the Secretary of State may in special circumstances allow, a scheme (hereafter referred to as “administration scheme”) for the provision in the combined area of the services required by section 1 of this Act, and the Secretary of State may by order approve any scheme so submitted to him.

TABLE

Combined area	Police areas comprised
South-eastern	Borders and Lothian
Northern	Highland and the Islands Areas.”

- (3) ..... <sup>F19</sup>
- (4) <sup>F20</sup> every fire authority, in respect of whose area or combined area the Secretary of State has approved or made an administration scheme under section 36 of the said Act of 1947, shall prepare and submit to the Secretary of State for his approval an establishment scheme for the combined area under the said section 19, and the Secretary of State may approve the scheme as submitted to him or subject to such modifications as he may direct.
- (5) The following further amendments shall be made to section 36 of the said Act of 1947—
- (a) for any reference to counties and burghs or counties or burghs there shall be substituted respectively references to regions and islands areas or regions or islands areas;

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(b) ..... F21

(6) In section 38(1) of the said Act of 1947 (interpretation), after the definition of “appointed day” there shall be inserted the following definition—

““combined area”, in relation to Scotland, means an area for which a combined fire brigade is established by an administration scheme under section 36 of this Act;”.

(7) Schedule 4 to the said Act of 1947 (combined areas in Scotland) shall cease to have effect.

(8) Section 7(2) of the <sup>M34</sup>Fire Services Act 1959 (establishment schemes) shall cease to have effect.

**Textual Amendments**

**F19** S. 147(3) repealed by Statute Law (Repeals) Act 1981 (c. 19), Sch. 1 Pt. VII

**F20** Words repealed by Statute Law (Repeals) Act 1981 (c. 19), Sch. 1 Pt. VII

**F21** S. 147(5)(b)–(f) amends Fire Services Act 1947 (c. 41), s. 36(2)(6)(8)(15)(19)

**Modifications etc. (not altering text)**

**C10** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6) (7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M33** 1947 c. 41.

**M34** 1959 c. 44

**148 Water.**

(1) Regional water boards established under the <sup>M35</sup>Water (Scotland) Act 1967 are hereby dissolved and their functions are hereby transferred to water authorities.

(2) ..... F22

(8) Schedule 17 to this Act shall have effect for making amendments to the enactments relating to water.

(9) ..... F22

**Textual Amendments**

**F22** S. 148(2)–(7), (9) repealed by Water (Scotland) Act 1980 (c. 45), Sch. 11

**Marginal Citations**

**M35** 1967 c. 78.

<sup>F23</sup> 149 .....

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F23** S. 149 repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, [Sch. 13 Pt. I](#)

**150 Public transport.**

- (1) Subject to the provisions of Schedule 18 to this Act, all functions relating to transport under the enactments specified in that Schedule shall be exercised by regional or islands councils and those enactments shall have effect subject to the amendments specified in that Schedule.
- (2) The Strathclyde Regional Council shall be the Passenger Transport Authority for the Greater Glasgow Passenger Transport Area for the purposes of Part II of the <sup>M36</sup>Transport Act 1968, and accordingly the Greater Glasgow Passenger Transport Authority established by virtue of the said Part II is hereby dissolved and its property and functions transferred to the Strathclyde Regional Council.
- (3) In consequence of subsection (2)  
above, the Secretary of State may by order amend any local enactment or any order made under Part II of the said Act of 1968 or any provision of the said Part II in its application to the Greater Glasgow Passenger Transport Area, being an area which has been designated for the purposes of that Part by an order under section 9(1) of that Act, and a statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) References in this section to the Greater Glasgow Passenger Transport Area and the Greater Glasgow Passenger Transport Authority include references to that Area or Authority as varied by an order made under section 9 of the said Act of 1968.
- (5) ..... <sup>F24</sup>

**Textual Amendments**

**F24** S. 150(5) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), Sch. 3 para. 26, [Sch. 8](#) and [S.I. 1986/414](#), art. 2, [Sch.](#)

**Marginal Citations**

**M36** 1968 c. 73.

<sup>F25</sup>**151** .....

**Textual Amendments**

**F25** S. 151 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), Sch. 3 para. 27, [Sch. 8](#)

<sup>F26</sup>**152** .....

*Status: Point in time view as at 01/02/1991.*

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### Textual Amendments

**F26** S. 152 repealed by [Civil Aviation Act 1982 \(c. 16\)](#), s. 109(3), [Sch. 16](#)

## 153 Ferries.

- (1) All rights which are presently vested in local authorities in relation to ferries, all functions relating thereto, and all liabilities to which those authorities are subject in that connection, are hereby transferred to the regional or islands council within whose area the ferry is situated.
- (2) A regional or islands council or any two or more such councils acting in combination may acquire, provide, maintain, improve and operate any ferry situated wholly or partly within their area or areas, but such a council or councils acting in combination may only exercise those powers as respects a ferry situated partly within their area or areas and partly within the area of another such council if the agreement of that other council has first been obtained.
- (3) A regional or islands council or any two or more such councils acting in combination may
  - (a) incur capital expenditure and borrow money for the purposes of exercising their powers under subsection (2) above;
  - (b) lease or hire a ferry to or from another person on such conditions as they think fit;
  - (c) enter into arrangements with another person for the operation of a ferry by that person on their behalf; and
  - (d) from time to time fix fares and charges for the use of any ferry operated by virtue of this section, and adequate publicity as to those fares and charges shall be given by them within their area.
- (4) If in any year the revenue received by a council, or by two or more councils acting in combination, in respect of a ferry operated by virtue of this section is insufficient to defray the expenditure incurred in operating and maintaining in an efficient state any such ferry and any sums required to meet interest, sinking fund or other loan charges, the deficiency shall be met out of rates by the council in whom the ferry is vested, or in the case of a ferry vested in two or more councils in combination, by those councils in such proportions as may be fixed by the combination agreement.
- (5) In this section “ferry” includes all rights pertaining thereto (including rights of access) and all boats, vessels, landing stages, plant and apparatus used in connection with the ferry, but does not include a harbour transferred by virtue of section 154 of this Act.

## 154 Piers and Harbours.

- (1) [<sup>F27</sup>Subject to subsection (3A) below,] all rights which are presently vested in local authorities in relation to harbours, piers, boatslips and jetties, all functions relating thereto, and all liabilities to which those authorities are subject in that connection, are hereby transferred to the regional or islands council within whose area the harbour, pier, boatslip or jetty is situated, and the enactments specified in Schedule 19 to this Act shall have effect subject to the amendments set out in that Schedule.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Local Government (Scotland) Act 1973, Part VIII is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Where a harbour is situated partly within the area of one regional council and partly within the area of another regional council, all such rights, functions and liabilities as aforesaid shall be transferred to those councils jointly.
- (3) A regional or islands council or any two or more such councils acting in combination may acquire by agreement, or, if so authorised by the Secretary of State, may acquire compulsorily—
- (a) land for the purpose of constructing, re-constructing, extending or improving a marine work;
  - (b) any harbour whose acquisition is considered by the council to be desirable in the interests of their area and
    - (i) whose maintenance is to be discontinued by its owner, or
    - (ii) which is considered by the council to be in a poor state of repair,
- and sections 70(2) to (5) and 71(3) and (4) of this Act shall apply respectively to acquisition by agreement or compulsorily under this subsection as they apply for the purposes of those sections.

[<sup>F28</sup>(3A) A district council may acquire by agreement any—

- (a) harbour;
- (b) pier;
- (c) boatslip; or
- (d) jetty,

which is situated within their district and which is used (or is to be used) wholly for sporting or recreational purposes; and on such acquisition there shall vest in them the powers and duties of improving, maintaining and managing the harbour, pier, boatslip or, as the case may be, jetty.

- (3B) Subsections (3) and (5) of section 70 of this Act shall apply to acquisition under subsection (3A) above as they apply for the purposes of that section.]
- (4) If a local authority so elects and notifies the Secretary of State accordingly, Part III of the <sup>M37</sup>Harbours, Piers and Ferries (Scotland) Act 1937 shall apply to any harbour transferred to or acquired by them under this section which is not a marine work as if it were a marine work.
- (5) A local authority may make loans to a harbour authority for a harbour wholly or partly situated within their area, on such terms as may be agreed between the local authority and the harbour authority, for the purpose of enabling the harbour authority to do anything which they have power to do.
- (6) Where provisions of the <sup>M38</sup>Harbours, Docks and Piers Clauses Act 1847 have been incorporated with any enactment, the amendments made by this Act in that Act shall be so incorporated.
- (7) In this section “harbour authority” and “marine work” have the same meanings as in section 57(1) of the <sup>M39</sup>Harbours Act 1964 and so has “harbour” except that it does not include a ferry within the meaning of section 153(5) of this Act

#### Textual Amendments

**F27** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 20\(a\)](#)

**F28** [S. 154\(3A\), \(3B\)](#) inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 20\(b\)](#)

*Status: Point in time view as at 01/02/1991.*

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#### **Modifications etc. (not altering text)**

- C11** S. 154 certain functions transferred (18.11.1990) by S.I. 1991/43, **art. 3(1)**.  
 S. 154 certain functions transferred (25.2.1991) by S.I. 1991/1082, **art. 3(1)**.  
 S. 154 certain functions transferred (8.2.1993) by S.I. 1993/321, **art. 3(1)**

#### **Marginal Citations**

- M37** 1937 c. 28.  
**M38** 1847 c. 27.  
**M39** 1964 c. 40.

### [<sup>F29</sup> 154A Industrial promotion.

- (1) Subject to the following provisions of this section, a local authority may engage in industrial promotion; that is to say in promotion having as its aims the establishment or development of, or the procuring of investment in, or the effecting of measures to provide or safeguard employment in, industry.
- (2) Without prejudice to any power which they may have under section 90 of this Act, no local authority shall engage in industrial promotion other than under subsection (1) above.
- (3) In engaging in industrial promotion under subsection (1)

above a regional or islands council may do anything, whether in Scotland or elsewhere, which appertains to or is conducive or incidental to such promotion; but the powers of a district council under that subsection shall be limited to—

- (a) within their own area, doing anything which appertains to or is conducive or incidental to such promotion;
- (b) in any part of the United Kingdom, but only as regards specific industrial sites or premises (being sites or premises owned by them) and such services and other facilities as are or will be available in relation to such sites or premises, doing anything mentioned in, or incidental to anything mentioned in, paragraph (a) or (d) of the definition of “promotion” in subsection (4) below; and
- (c) at the invitation of—
  - (i) the Secretary of State;
  - (ii) the regional council within whose area of the district council is; or
  - (iii) a body designated, by order, for the purposes of this paragraph by the Secretary of State,

contributing financially to, or participating in, any such promotion engaged in by the inviter or inviters:

Provided that for a regional or islands council to engage in, for a district council to participate in, or for any local authority to contribute financially to, industrial promotion outside the United Kingdom it shall be necessary for them either to have the express consent of the Secretary of State or to be acting in accordance with a general consent given by him.

- (4) In the foregoing provisions of this section, unless the context otherwise requires—
 

“industry” has the same meaning as in the <sup>M40</sup>Industry Act 1975; and  
 “promotion” includes—

*Status: Point in time view as at 01/02/1991.*

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- (a) advertising; and preparing and disseminating information;
  - (b) participating in trade or investment missions;
  - (c) holding or taking part in such activities as seminars, exhibitions and symposiums; and
  - (d) carrying on correspondence and holding meetings with persons who are (or are potential or prospective) developers, investors or employers.
- (5) The exercise by a local authority of any power which they have—
- (a) under section 7 of the <sup>M41</sup>Local Government (Development and Finance) (Scotland) Act 1964 (power to make advances for erection of buildings);
  - (b) by virtue of section 102 (compulsory acquisition of land in connection with development and for other planning purposes) or under section 109 (acquisition of land by agreement) of the <sup>M42</sup>Town and Country Planning (Scotland) Act 1972; or
  - (c) under section 70, 74 or 78 of this Act,
- shall be subject to the foregoing provisions of this section.]

#### Textual Amendments

**F29** Ss. 154A, 154B inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 7](#)

#### Marginal Citations

**M40** 1975 c. 68.

**M41** 1964 c. 67.

**M42** 1972 c. 52.

### 154B Code of practice for industrial promotion.

- (1) Subject to subsection (2)

below, the Secretary of State may issue (or arrange for there to be issued) a code of recommended practice as to the discharge of functions under section 154A of this Act by local authorities.

- (2) Before issuing (or arranging for the issue of)

a code under subsection (1) above the Secretary of State shall consult any association of local authorities which appears to him to represent the interests of local authorities in Scotland.

- (3) The Secretary of State may by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament, make regulations requiring local authorities to conform to any code issued under subsection (1) above.

### 155 Factories.

- (1) The district council for the purposes of the <sup>M43</sup>Factories Act 1961 shall be an islands or a district council and accordingly in section 176(1) of that Act (interpretation), in the definition of “district council”, for the words from “the Council of a county” onwards there shall be substituted the words “an islands or a district council”.

*Status: Point in time view as at 01/02/1991.*

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- (2) In section 46(6) (bye-laws), for the words “301 to 303” there shall be substituted the words “201 to 204” and for the word “1947”, where it twice occurs, there shall be substituted the word “1973”.
- (3) In section 47(1) (means of escape), the word “either” and the words from “or, where” to the end shall cease to have effect.
- (4) . . . . . F30
- (5) In section 153(3) (provisions as to councils), the words “a county council and” shall cease to have effect.
- (6) Section 181(3) (definition of “district council” for certain purposes), shall cease to have effect.
- (7) In section 182 (application to Scotland), subsection (2) shall cease to have effect, and in subsection (9) for the words “county and town” there shall be substituted the words “islands and district”.

#### Textual Amendments

**F30** S. 155(4) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), [Sch. 7 Pt. II](#)

#### Modifications etc. (not altering text)

**C12** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6) (7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M43** 1961 c. 34.

## 156 Offices, shops and railway premises.

- (1) The local authority responsible for enforcing the provisions of the <sup>M44</sup>Offices, Shops and Railway Premises Act 1963 shall be an islands or a district council, and accordingly in section 90(1) of that Act (interpretation), in the definition of “local authority” for the words “the council of a county or” onwards there shall be substituted the words “an islands or district council and in section 52(3) of this Act includes a regional council”.
- (2) In section 52(3) of that Act (enforcement authorities), paragraph (a) and in paragraph (c), the words “the council of a county” shall cease to have effect.
- (3) In section 62(3) (local inquiries), for the words from “(3)” to “1947” there shall be substituted the words “(2) to (8) of section 210 of the Local Government (Scotland) Act 1973”.

#### Modifications etc. (not altering text)

**C13** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6) (7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is



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**Marginal Citations**

**M44** 1963 c. 41.

**157 The Shops Act 1950.**

The local authority responsible for enforcing the provisions of the <sup>M45</sup>Shops Act 1950 shall be an islands council or, as the case may be, a district council, and accordingly in section 73(4) of that Act (local authorities), for the words “a county or town” there shall be substituted the words “an islands or a district”.

**Marginal Citations**

**M45** 1950 c. 28.

<sup>F31</sup>**158** .....

**Textual Amendments**

**F31** Ss. 158, 162, 164 repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 4 Pt. I

**159 Employers liability.**

Regional, islands and district councils shall not require to effect any insurance under the <sup>M46</sup>Employers Liability (Compulsory Insurance) Act 1969, and accordingly in section 3(2) of that Act (employers exempted from insurance), for the words “county, town” there shall be substituted the words “regional, islands”.

**Modifications etc. (not altering text)**

**C14** S. 159 applied (with modifications) (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

**Marginal Citations**

**M46** 1969 c. 57.

<sup>F32</sup>**160** .....

**Textual Amendments**

**F32** S. 160 repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), Sch. 7 Pt. II

*Status: Point in time view as at 01/02/1991.*

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## 161 Social work.

- (1) For the purposes of the <sup>M47M48</sup>Social Work (Scotland) Acts 1968 and 1972, the local authority shall be a regional or islands council.
- (2) In relation to the discharge by a local authority of their social work functions, Schedule 20 to this Act shall have effect in place of subsections (1) to (5) and (10) of section 56 and section 57 of this Act, and references in the remaining provisions of section 56 to that section shall include references to that Schedule.
- (3) Where a local authority have made an arrangement under Schedule 20 to this Act for the discharge by their social work committee of any of their social work functions, that function shall not, during the subsistence of such arrangement, stand referred to that committee under section 2 of the Act of 1968, and the committee may themselves discharge the function in accordance with the arrangement.
- (4) Paragraphs 2, 7, 8 and 9 of Schedule 20 to this Act shall, subject to any necessary modifications, apply in relation to a social work committee and to the standing reference of functions to that committee under section 2 of the Act of 1968 as they apply in relation to the discharge of functions by arrangements made in accordance with that Schedule.
- (5) The number of members of a social work committee and their term of office shall be fixed by the appointing authority.
- (6) A social work committee may, subject to section 59 of this Act, include persons who are not members of the appointing authority, [<sup>F33</sup>but at least two-thirds of the members appointed to the committee shall be members of that authority.]
- (7) Every member of a social work committee who at the time of his appointment was a member of the appointing authority shall, upon ceasing to be a member of that authority, also cease to be a member of the committee and of any sub-committee thereof; but for the purposes of this subsection a member of a social work committee shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.
- (8) Sections 58 and 68 of this Act shall apply in relation to a joint committee appointed under Schedule 20 to this Act as they apply in relation to a joint committee appointed under Part V of this Act.
- (9) This section shall be without prejudice to the provisions of Schedule 3 to the Act of 1968 relating to Children’s Panel Advisory Committees.
- (10) In this section—
  - (a) “social work committee” means a committee appointed under section 2(1) of the Act of 1968;
  - (b) “social work functions” means the functions referred to in section 2(2) of the Act of 1968;
  - (c) “the <sup>M49</sup>Act of 1968” means the Social Work (Scotland) Act 1968.

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**Textual Amendments**

**F33** Words repealed (16.1.1990 to the extent mentioned in S.I. 1989/2445, **art. 4**, otherwise (*prosp.*)) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 14(6)(8)(b), 194(4), 195(2), **Sch. 12 Pt. II**

**Marginal Citations**

**M47** 1968 c. 49.

**M48** 1972 c. 24.

**M49** 1968 c. 49.

<sup>F34</sup> **162** .....

**Textual Amendments**

**F34** Ss. 158, 162, 164 repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), **Sch. 4 Pt. I**

**163 Public libraries, museums and art galleries.**

(1) The local authority for the purposes of the Public Libraries (Scotland)

Acts 1887 to 1955 in their application to libraries shall be an islands or district council, except that within the Highland, Borders and Dumfries and Galloway regions such authority shall be the appropriate regional council.

(2) A local authority as aforesaid shall have a duty to secure the provision of adequate library facilities for all persons resident in their area.

(3) The local authority for the purposes of the <sup>M50</sup>Public Libraries Consolidation (Scotland) Act 1887 in its application to museums and art galleries shall be [<sup>F35</sup>an islands or district council.]

(4) Schedule 21 to this Act shall have effect for making amendments to the enactments relating to public libraries, museums and art galleries.

**Textual Amendments**

**F35** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), **Sch. 3 para. 21**

**Marginal Citations**

**M50** 1887 c. 42.

<sup>F36</sup> **164** .....

*Status: Point in time view as at 01/02/1991.*

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### Textual Amendments

**F36** Ss. 158, 162, 164 repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

## 165 Spray irrigation.

The functions of river purification boards under the <sup>M51</sup>Spray Irrigation (Scotland) Act 1964 shall be exercisable by river purification authorities, and accordingly in that Act, for the words “board” and “boards”, wherever they occur, there shall be substituted respectively the words “ authority ” and “ authorities ”.

### Marginal Citations

**M51** 1964 c. 90.

## 166 Registration of births, deaths and marriages.

- (1) The local registration authority for any registration district for the purposes of the <sup>M52</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965 shall be the regional or islands council within whose area the registration office for the registration district concerned is located immediately before the commencement of this Act.
- (2) Accordingly the following amendments shall be made in that Act—
  - (a) in section 5(3) (authority for registration districts), for the words from “responsible” onwards there shall be substituted the words “ascertained in accordance with section 166 of the Local Government (Scotland) Act 1973”;
  - (b) in section 6(4) (local inquiries), for the words from “subsections” to “1947” there shall be substituted the words “subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973”;
  - (c) in section 8(5) (custody of keys), the words from “by their” to “town clerk” shall cease to have effect;
  - (d) in section 9(2) (combination of local authorities), for the words from “section”, where last occurring, to “1947” there shall be substituted the words “sections 56 to 58 of the Local Government (Scotland) Act 1973”;
  - (e) for section 15(4) (finding of infant children), there shall be substituted the following subsection—
 

“(4) In this section “local authority” means a regional or islands council.”;
  - (f) in section 56(1) (interpretation), the definition of “local authority” shall cease to have effect.

### Modifications etc. (not altering text)

**C15** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M52** 1965 c. 49.

<sup>F37</sup> **167** .....

**Textual Amendments**

**F37** S. 167 repealed by Statute Law (Repeals) Act 1981 (c. 19), Sch. 1 Pt. VII

**168 Census.**

The local authorities for the purposes of the <sup>M53</sup>Census Act 1920, including section 6 of that Act, shall be local authorities within the meaning of this Act, and accordingly for section 9(2) of that Act (application to Scotland), there shall be substituted the following subsection—

“(2) “local authority” means a regional, islands or district council;”.

**Marginal Citations**

**M53** 1920 c. 41.

**169 Burial grounds, churchyards etc.**

- (1) The functions of councils under the <sup>M54</sup>Burial Grounds (Scotland) Act 1855 and the <sup>M55</sup>Cremation Acts 1902 <sup>M56</sup> and 1952 shall be transferred to and vest in islands or district councils.
- (2) The functions of councils under the <sup>M57M58</sup>Church of Scotland (Property and Endowments) Acts 1925 and 1933 shall be transferred to and vest in islands and district councils in accordance with the amendments to those Acts set out in Part II of Schedule 27 to this Act.

**Marginal Citations**

**M54** 1855 c. 68.

**M55** 1902 c. 8.

**M56** 1952 c. 31.

**M57** 1925 c. 33.

**M58** 1933 c. 44.

**170 War memorials.**

- (1) The local authority for the purposes of the <sup>M59</sup>War Memorials (Local Authorities' Powers) Act 1923 as extended to Scotland by section 133(3) of the <sup>M60</sup>Local Government Act 1948 shall be a [<sup>F38</sup>islands or district council]; and the powers conferred on a local authority by section 1 of the said Act of 1923 as so extended with

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regard to war memorials shall apply to any war memorial outside as well as within their area.

- (2) In consequence of subsection (1) above the said section 133(3) shall have effect as if—
- (a) after the word “modifications” there were inserted the following head—
    - “(ia) in section 1, for the words “within their district” there shall be substituted the words “whether within or outside their area”;
  - (b) for head (ii) there were substituted the following head—
    - “(ii) “local authority” means a regional, islands or district council.”

#### Textual Amendments

**F38** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [s. 31](#)

#### Modifications etc. (not altering text)

**C16** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M59** 1923 c. 18.

**M60** 1948 c. 26.

*[<sup>F39</sup> Heating and electricity]*

#### Textual Amendments

**F39** Ss. 170A, 170B inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 102, 112(3), Sch. 13, [Sch. 17 para. 35\(1\)](#)

### 170A Production and supply of heat and electricity etc. by local authorities.

- (1) Subject to subsections (2) and (3) of this section, a local authority may—
- (a) produce heat or electricity or both;
  - (b) establish and operate such generating stations and other installations as the authority think fit for the purpose of producing heat or electricity or both;
  - (c) buy or otherwise acquire heat;
  - (d) use, sell or otherwise dispose of heat produced or acquired, or electricity produced, by the authority by virtue of this section;
  - (e) without prejudice to the generality of the preceding paragraph, enter into and carry out agreements for the supply by the authority, to premises within or outside the authority’s area, of such heat as is mentioned in the preceding paragraphs and steam produced from and air and water heated by such heat.
- (2) Nothing in subsection (1) of this section shall be construed as exempting a local authority from the requirements of Part I of the Electricity Act 1989.

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- (3) Except in such cases as may be prescribed, [<sup>F40</sup>or in cases where it is produced from waste,] a local authority shall not be entitled to sell electricity which is produced otherwise than in association with heat.
- (4) A local authority may—
- (a) construct, lay and maintain pipes and associated works for the purpose of conveying heat produced or acquired by the authority by virtue of this section and steam produced from and air and water heated by such heat;
  - (b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works which are connected with pipes provided by the authority in pursuance of the preceding paragraph.
- (5) Parts I and II of Schedule 3 to the <sup>M61</sup>Water (Scotland) Act 1980 (which relate to the breaking open of roads and the laying of communication and supply pipes etc.) shall apply in relation to pipes and associated works provided or to be provided in pursuance of paragraph (a) of the preceding subsection as those Parts apply in relation to water mains and pipes but as if—
- (a) in paragraph 1 of that Schedule the words “which they are authorised to lay” were omitted;
  - (b) for the reference to the special Act in paragraph 2(3) of that Schedule there were substituted a reference to this subsection;
  - (c) for any reference to a water authority or a water development board there were substituted a reference to the local authority in question, whether acting alone or jointly with some other person; and
  - (d) for any reference to the limits of supply or area of a water authority or a water development board there were substituted a reference to the area of the local authority.
- (6) It shall be the duty of a local authority by whom an installation for producing heat is operated in pursuance of this section in any financial year to furnish to the Secretary of State, as soon as practicable after the end of that year, such particulars relating to the installation and heat produced at the installation as are prescribed.
- (7) In this section “associated works” in relation to pipes, means any of the following connected with the pipes, namely, any valve, filter, stopcock, pump, meter, inspection chamber and manhole and such other works as are prescribed.
- (8) Nothing in this section (except the restrictions imposed by subsection (3)) shall be construed as prejudicing any power exercisable by a local authority apart from this section.
- (9) Regulations under subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F40** Words inserted (*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **ss. 162(1), 164(3)** Sch. 15 para. 13

#### Marginal Citations

**M61** [1980 c. 45 \(\(130\).\)](#).

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## **170B Provisions supplementary to s. 170A.**

- (1) A local authority who supply or propose to supply heat, hot air, hot water or steam in pursuance of the preceding section may make byelaws—
  - (a) with respect to the works and apparatus to be provided or used by persons other than the authority in connection with the supply;
  - (b) for preventing waste and unauthorised use of the supply and unauthorised interference with works and apparatus used by the authority or any other person in connection with the supply;
  - (c) providing for any specified contravention of the byelaws to be an offence punishable on summary conviction with a fine of such an amount, not exceeding level 3 on the standard scale, as is specified in the byelaws.
- (2) Subsections (1) to (7) of section 38 of the <sup>M62</sup>Water (Scotland) Act 1980 (which relates to the entry of premises by authorised officers of water authorities or water development boards) shall have effect for the purpose of authorising the entry of premises by authorised officers of a local authority who provide or propose to provide such a supply as is mentioned in the preceding subsection as if for any reference to water authorities or water development boards there were substituted a reference to the local authority and as if in subsection (1) of that section—
  - (a) for paragraph (a) there were substituted the following paragraph—
    - (a) for the purpose of installing, examining, adjusting, removing or reading any meter used or to be used by the local authority for measuring the heat, hot air, hot water or steam supplied or to be supplied by that authority;”;
  - (b) for the words from “this Act” onwards in paragraph (b) there were substituted the words “byelaws in force by virtue of section 170B of the <sup>M63</sup>Local Government (Scotland) Act 1973”; and
  - (c) for the words “this Act” in paragraphs (c) and (d) there were substituted the words “section 170A of that Act”.
- (3) Regulations may repeal or alter subsection (1) of this section or any provision of byelaws in force by virtue of that subsection and may make any modification of the preceding subsection which the Secretary of State considers is appropriate in consequence of the repeal or alteration.
- (4) An instrument containing regulations under subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Section 80 of the Health and Safety at Work etc. Act 1974 (which among other things provides that regulations under subsection (1) of that section may repeal or modify any provision to which that subsection applies if it appears to the authority making the regulations that it is expedient to do so in consequence of any provision made by or under Part I of that Act) shall have effect as if the provisions to which subsection (1) of that section applies included subsection (1) of this section and byelaws in force by virtue of subsection (1) of this section.
- (6) The accounts of a local authority by whom expenditure is incurred under any of the provisions of the preceding section and this section shall include a separate account of that expenditure and of any income connected with functions conferred on the authority by those provisions.



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**Marginal Citations**

**M62** 1980 c. 45 (130).

**M63** 1973 c. 65 (81:2).

**171 Miscellaneous functions, etc.**

- (1) For the purposes of the following enactments the local authority shall be a regional or islands council—
- (a) section 10 of the <sup>M64</sup>Riotous Assemblies (Scotland) Act 1822 (compensation for damage by riot);
  - (b) section 10 of the <sup>M65</sup>Protection of Birds Act 1967 (publicising of effect of Protection of Birds Acts);
  - (c) section 67 of the <sup>M66</sup>Agriculture Act 1970 (enforcement of standards for fertilisers and feedingstuffs).
- (2) For the purposes of section 13 of the <sup>M67</sup>Protection of Birds Act 1954 (orders) the administrative area shall be the region, islands area or district.
- (3) ..... <sup>F41</sup>

**Textual Amendments**

**F41** S. 171(3) repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XII**

**Marginal Citations**

**M64** 1822 c. 33.

**M65** 1967 c. 46.

**M66** 1970 c. 40.

**M67** 1954 c. 30.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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