



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VIII

FUNCTIONS

[^{F1} Heating and electricity

Textual Amendments

F1 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.
- (3) Except in such cases as may be prescribed, [^{F2}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.

Changes to legislation: Local Government (Scotland) Act 1973, Cross Heading: Heating and electricity is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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 ^{M1}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—
- ^{F3}(a)
 - (b) for the reference to the special Act in paragraph 2(3) of that Schedule there were substituted a reference to this subsection; [^{F4}and
 - (c) for any reference to [^{F5}Scottish Water] there were substituted a reference to the local authority in question, whether acting alone or jointly with some other person.]
- (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

- F2** Words in s. 170A(3) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 13**; S.I. 1991/1042, **art. 2**
- F3** S. 170A(5)(a) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(54)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F4** S. 170A(5)(c) and preceding word substituted (1.4.1996) for s. 170A(5)(c)(d) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(54)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F5** Words in s. 170A(5)(c) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), ss. 71(2), 72, **Sch. 7 para. 6(2)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Marginal Citations

- M1** 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 ^{M2}Water (Scotland) Act 1980 (which relates to the entry of premises by authorised officers of [^{F6}Scottish Water]^{F7} . . .) 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 [^{F8}Scottish Water] there were substituted a reference to the local authority and as if in subsection (1) of that section—
 - (a) for [^{F9}paragraphs (aa) to (ac)] 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 ^{M3}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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Textual Amendments

- F6** Words in s. 170B(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), ss. 71(2), 72, **Sch. 7 para. 6(3)(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F7** Words in s. 170B(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(55)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F8** Words in s. 170B(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), ss. 71(2), 72, **Sch. 7 para. 6(3)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F9** Words in s. 170B(2)(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), ss. 71(2), 72, **Sch. 7 para. 6(3)(c)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Marginal Citations

- M2** 1980 c. 45 (130).
- M3** 1973 c. 65 (81:2).

171 Miscellaneous functions, etc.

- F10**(1)
- F10**(2)
- F11**(3)

Textual Amendments

- F10** S. 171(1)(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(56), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F11** S. 171(3) repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XII**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)