



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART VIII

#### FUNCTIONS

##### *Miscellaneous functions*

#### 146 Police

- (1) The 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 "

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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—

**“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

<i>Combined area</i>	<i>Police areas comprised</i>
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,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.

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(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 ".
- (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.

#### **147 Fire services**

- (1) Subject to the provisions of the 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 an ' 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

<i>Combined area</i>	<i>Regions and islands areas comprised</i>
South-eastern	Borders and Lothian.
Northern	Highland and the Islands Areas."

- (3) Not later than 1st January 1975 every new fire authority shall prepare and submit to the Secretary of State for his approval an establishment scheme for their area or combined area under section 19 of the said Act of 1947 to come into force on 16th May 1975, and the Secretary of State may approve the scheme as submitted to him or subject to such modifications as he may direct.
- (4) Without prejudice to subsection (3) above, 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;
  - (b) in subsection (2), the words between " Secretary of State" and " for any reference to a combination scheme " shall cease to have effect;
  - (c) in subsection (6), for the words from the beginning to " subsection (3) of this section" there shall be substituted the words " If the councils of the regions and islands areas comprised in one of the combined areas set out in the Table at the end of subsection (3) of this section fail to submit within the time limited by that subsection " ;
  - (d) in subsection (8) for the words "the areas specified in the Fourth Schedule to this Act" there shall be substituted the words " any area or combined area ";
  - (e) in subsection (15), in the substituted section 4, for the words from the beginning to " or burgh " there shall be substituted the words " Subject to the provisions of this Act, as from 16th May 1975, the fire authority shall be a regional or islands council ";
  - (f) in subsection (19), for the words " (9) of section three hundred and fifty-five of the Local Government (Scotland) Act 1947 " there shall be substituted the words " (8) of section 210 of the Local Government (Scotland) Act 1973 ".
- (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 Fire Services Act 1959 (establishment schemes) shall cease to have effect.

## **148 Water**

- (1) Regional water boards established under the Water (Scotland) Act 1967 are hereby dissolved and their functions are hereby transferred to water authorities.
- (2) Subject to subsection (3) below, the water authority for any area shall be the regional or islands council for that area.
- (3) For any area specified in column 1 of the following table the water authority shall be the regional council specified in relation to that area in column 2 of that table.

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TABLE

Area	Regional council to whose limits of supply the area in column 1 is to be added
1	2
The whole of the former County of Kinross.	Fife
That part of the former Counties of Stirling and Dunbarton which lies within both the Strathclyde Region and the region of the Mid-Scotland Water Board.	Central

- (4) The area within which a water authority are to exercise their functions by virtue of this section shall comprise the limits of supply of that authority.
- (5) Notwithstanding section 57 of this Act, where—
- (a) a water authority have arranged under section 56 of this Act for the discharge of their functions relating to water by a committee, and
  - (b) the limits of supply of that authority include an added area,
- then the members of that committee shall be appointed both by that authority and by the other water authority; and the number of such members to be appointed by each of those authorities shall be such number as may be agreed between them or in default of agreement as the Secretary of State may by order specify.
- (6) A member of such a committee who represents the other water authority shall not be entitled to exercise a deliberative vote or to submit a motion or, except with the leave of the committee, to take part in a discussion except in respect of a matter relating solely or, in the opinion of the person presiding at the meeting of the committee, mainly to the exercise of any of the functions of the water authority of whose committee he is a member.
- (7) Where the limits of supply of a water authority include an added area but the authority propose to make an arrangement for the discharge of their functions relating to water other than such an arrangement as is referred to in subsection (5)(a) above, then the proposed arrangement shall require the consent of the Secretary of State, who shall not give such consent unless he is satisfied that the interests of the other water authority will be adequately safeguarded by the proposed arrangement.
- (8) Schedule 17 to this Act shall have effect for making amendments to the enactments relating to water.
- (9) In this section—
- " added area " means an area specified in column 1 of the table set out at the end of subsection (3) above or in that column as amended or extended by an order under section 5(1)(d) of the Water (Scotland) Act 1967 ;
- " the other water authority " means the authority in whose region the added area is situated.

## **149 Local weights and measures authorities**

- (1) The local weights and measures authority for the purposes of the Weights and Measures Act 1963 shall be a regional or islands council; and accordingly for section 36 of that Act there shall be substituted the following section—

### **“36 Local weights and measures authorities in Scotland.**

In Scotland, the local weights and measures authority shall be a regional or islands council.”

- (2) Without prejudice to the powers of local authorities under Parts V and VI of this Act and under the Local Authorities (Goods and Services) Act 1970, section 37 of the Weights and Measures Act 1963 (power for local weights and measures authorities to combine) shall cease to have effect.
- (3) In section 39(5) of the said Act of 1963 (inquiries), for the reference to subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 there shall be substituted a reference to subsections (2) to (8) of section 210 of this Act.
- (4) Sections 40(2) and 47 of the said Act of 1963 (compensation of officers and general administrative regulations) shall cease to have effect.
- (5) Paragraph 5(2) of Schedule 6 to the said Act (byelaws relating to sale of solid fuel) shall have effect as if—
- (a) for the words from " by the authority " to " measures authority " there were substituted the words " by the local weights and measures authority for the area where they have effect ";
  - (b) at the end there were added the following proviso—
- “Provided that where the byelaws have effect in the areas of two or more local weights and measures authorities, they may be revoked by any of the authorities to the extent that they have effect in their area, and when so revoked the byelaws shall continue in force in any other area until revoked to the extent that they have effect in that area.”
- (6) A local weights and measures authority may make, or assist in the making of, arrangements to provide advice to or for the benefit of consumers of goods and services within the area of the authority.

## **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 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) In section 16(1) of the Finance Act 1970 (exclusion of amounts precepted under section 13 of the Transport Act 1968 and certain grants in computing profits chargeable to corporation tax of a Passenger Transport Executive), for paragraph (a) there shall be substituted the following paragraph—
  - “(a) any grants made to Passenger Transport Executives under section 13 of the Transport Act 1968;”.

## **151 Co-operation and assistance regarding public transport**

- (1) As respects any area of a local authority, other than an area which has been designated for the purposes of Part II of the Transport Act 1968 by an order under section 9(1) of that Act, it shall be the duty—
  - (a) of the local authority, acting in consultation with persons providing bus services within their area and, so far as appropriate, with the Railways Board, to develop policies which will promote the provision of a coordinated and efficient system of public passenger transport to meet the needs of their area and, for that purpose, to take such steps to promote the coordination, amalgamation and re-organisation of road passenger transport undertakings in their area as appear to the local authority to be desirable; and
  - (b) of each of the persons providing bus services within such an area and of the Railways Board to co-operate with one another and the local authority concerned in the exercise of their respective functions for the purpose of co-ordinating the passenger transport services within the area and to afford to one another and to the local authority such information as to proposed changes in their services as may be reasonably required for that purpose.
- (2) For the purpose of such co-operation as is referred to in subsection (1)(b) above, the Railways Board and each of the persons providing bus services as aforesaid shall have power to enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient, including arrangements for the establishment under the Companies Acts of, and the transfer of assets to, one or more companies controlled (severally or jointly) by the parties to the arrangements.
- (3) A local authority may make grants towards any costs incurred by persons carrying on public passenger transport services (whether by land, water or air) wholly or partly in the area of the authority.
- (4) A local authority may, in respect of any financial year—
  - (a) make a contribution out of rates towards the expenditure which they estimate they will incur in that year in discharging functions relating to public passenger transport services under any enactment or instrument made thereunder; and



- (b) notwithstanding the provisions of any such enactment or instrument, take into account the amount of such contribution in fixing for that year the fares and charges for the public passenger transport services in respect of which the contribution is made.
- (5) In this section " local authority" means a regional or islands council and other expressions have the same meaning as in the Transport Act 1968.

## **152 Aerodromes**

The functions of local authorities in relation to aerodromes under the Civil Aviation Acts 1949 to 1971 shall be transferred to regional, islands and district councils in accordance with the amendments to those Acts set out in Part II of Schedule 27 to this Act.

## **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) 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.
- (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.
- (4) If a local authority so elects and notifies the Secretary of State accordingly, Part III of the 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 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 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.

**155 Factories**

- (1) The district council for the purposes of the 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".
- (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) In section 94(3) (annual holidays), the words " in burghs " shall cease to have effect, and for the word " town " there shall be substituted the word " district ".
- (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 ".

#### **156 Offices, shops and railway premises**

- (1) The local authority responsible for enforcing the provisions of the 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 ".

#### **157 The Shops Act 1950**

The local authority responsible for enforcing the provisions of the 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 ".

#### **158 Food and drugs**

- (1) It shall be the duty of the authorities specified in the first column of the Table below to enforce and execute the provisions of the Food and Drugs (Scotland) Act 1956 which are specified in relation to them respectively in the second column of that Table.

TABLE

Authorities	Provisions to be enforced and executed
Regional and islands councils	(a) Sections 1, 2 and 6; (b) Section 18.
Islands and district councils	(a) Sections 8 to 11; (b) Section 12;

Authorities	Provisions to be enforced and executed
	(c) Sections 14 and 15; (d) Section 17; (e) Section 19; (f) Section 24; (g) Section 34; (h) Section 38.

- (2) Notwithstanding subsection (1) above, a district council may execute and enforce the provisions of section 2 of the said Act of 1956 if the offence alleged relates to food which is alleged to contain some extraneous matter.

### **159 Employers liability**

Regional, islands and district councils shall not require to effect any insurance under the 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 ".

### **160 Employment of young persons**

The local authority for the purposes of Part I of the Young Persons (Employment) Act 1938 shall be an islands council or a district council; and accordingly in section 10(2) of that Act (application to Scotland) for the words from " the county council" to " or a town council" there shall be substituted the words " an islands council or a district council, and any expenses incurred by the council ".

### **161 Social work**

- (1) For the purposes of the 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, 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 subcommittee 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 Act of 1968 " means the Social Work (Scotland) Act 1968.

## **162 Physical training and recreation**

- (1) The functions of local authorities under the Physical Training and Recreation Acts 1937 and 1958 shall be exercisable by local authorities within the meaning of this Act and accordingly in section 10(4) of the Physical Training and Recreation Act 1937 (application to Scotland), for the words " town, county " there shall be substituted the words " regional, islands ".
- (2) Regional councils shall have a duty, in consultation with district councils within their region, to ensure that there is an adequate provision of facilities for the inhabitants of their region for the purposes of the said Acts of 1937 and 1958.

## **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 Public Libraries Consolidation (Scotland) Act 1887 in its application to museums and art galleries shall be a local authority within the meaning of this Act, but each regional council shall have a duty, in consultation

with district councils within their region, to ensure that there is an adequate provision of facilities for the purposes of the said Act in that application for the inhabitants of their region.

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

#### **164 Civic restaurants**

The civic restaurant authority for the purposes of the Civic Restaurants Act 1947 shall be an islands or district council.

#### **165 Spray irrigation**

The functions of river purification boards under the 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 ".

#### **166 Registration of births, deaths and marriages**

- (1) The local registration authority for any registration district for the purposes of the 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.

#### **167 Authorised registrars**

The Registrar General shall consult with local authorities as to the number of registrars required for their areas under the Marriage (Scotland) Act 1939, and accordingly in section 1(6) of that Act (authorised registrars), for the words from " at least" to " county councils" there shall be substituted the words " such number of registrars as he may, after consultation with the local authorities, ", and in section 7 (interpretation), for the

words from " the expressions " to " 1929 " there shall be substituted the words " local authorities " means regional or islands councils ;".

#### **168 Census**

The local authorities for the purposes of the 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;”.

#### **169 Burial grounds, churchyards etc.**

- (1) The functions of councils under the Burial Grounds (Scotland) Act 1855 and the Cremation Acts 1902 and 1952 shall be transferred to and vest in islands or district councils.
- (2) The functions of councils under the 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.

#### **170 War memorials**

- (1) The local authority for the purposes of the War Memorials (Local Authorities' Powers) Act 1923 as extended to Scotland by section 133(3) of the Local Government Act 1948 shall be a local authority within the meaning of this Act; and the powers conferred on a local authority by section 1 of the said Act of 1923 as so extended with 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.”

#### **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 Riotous Assemblies (Scotland) Act 1822 (compensation for damage by riot);
  - (b) section 10 of the Protection of Birds Act 1967 (publicising of effect of Protection of Birds Acts);
  - (c) section 67 of the Agriculture Act 1970 (enforcement of standards for fertilisers and feedingstuffs).

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*Status: This is the original version (as it was originally enacted).*

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- (2) For the purposes of section 13 of the Protection of Birds Act 1954 (orders) the administrative area shall be the region, islands area or district.
- (3) For the purposes of section 15 of the Finance Act 1949 (transfer of duties on moneylenders' and pawnbrokers' licences) the local authority shall be an islands or district council.