

SCHEDULES

SCHEDULE 14

Section 133.

AMENDMENT OF ENACTMENTS RELATING TO ROADS

The Roads and Bridges (Scotland) Act 1878

1 Any reference in this Act to the county road trustees which by virtue of section 16 of the Local Government (Scotland) Act 1889 is construed as a reference to the county council and councillors shall be construed as a reference to the local highway authority.

2 In section 3 (interpretation), at the beginning of the definitions there shall be inserted the following—

“‘proper officer’, in relation to an authority, has the same meaning as in section 235(3) of the Local Government (Scotland) Act 1973;”

3 For section 11 (management and maintenance of highways) there shall be substituted the following section—

“11 Management of highways and bridges.

In each region or islands area the management and maintenance of the highways and bridges shall be vested in and incumbent on the local highway authority.”

4 In section 41 (list of highways to be made up), for the word “board” there shall be substituted the words “local highway authority”.

5 In section 42 (highways may cease to be such, and other roads may become highways)—

(a) for the words from the beginning to “recommending the same” there shall be substituted the words “The local highway authority may”;

(b) for the words “county road clerk” there shall be substituted the words “local highway authority”.

6 For section 45 (provision for footpaths) there shall be substituted the following section—

“45 Provision for footpaths.

A local highway authority may make, and if made, maintain footpaths on the side or sides of any highway.”

7 For section 47 (local authority to have management of roads within burghs) there shall be substituted the following section—

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“47 Local highway authority to have management of roads in former burghs.

The highways and bridges situated within any former burgh shall by virtue of this Act be transferred to and vested in the local highway authority, and such authority shall have the entire management and control of the same, and shall possess the same rights, powers, and privileges, and be subject to the same liabilities in reference to such highways and bridges (including the construction of new roads and bridges) as the local highway authority possess and are liable to in reference to roads, highways and bridges (including as aforesaid) under section 11 of this Act, including the right to any assets belonging thereto, and shall also have and may exercise with reference to the construction, maintenance, and repair of the roads, highways and bridges within such former burgh such and the like powers and authorities as they possess with reference to any streets within such former burgh.”

- 8 For section 58 (new roads and bridges may be constructed by the board, and assessed for upon proprietors) there shall be substituted the following section—

“58 Power to construct new roads.

The local highway authority may from time to time resolve to construct any new road or bridge that they may think requisite, or may enter into an agreement with any person or corporation (including another highway authority) for the construction of any new road or bridge, and all new roads and bridges so constructed shall be highways ; provided that where any such new bridge is not situated wholly within one region, the agreement for the construction thereof shall provide for the proportions in which the expense of the future maintenance of such bridge shall be divided between the regions in which the same is partly situated respectively ; and failing such agreement such expense shall be deemed to rest equally upon the regions within which such bridge is partly situated, as the case may be.”

- 9 In section 109 (books of former trustees to be evidence), after the word " whatsoever " there shall be inserted the words " affecting the local highway authority ".
- 10 In section 123 (incorporation of parts of General Turnpike Act), for the words from " and in any county " to the end there shall be substituted the words " and, in any region or islands area, shall extend and apply to all the highways made or to be made within such region or area, and, except in so far as inconsistent with the provisions of any general or local Act in force therein, within any former burgh or burghs situated or partly situated within the same ; and in the construction of the aforesaid sections of the said Act, with reference to this Act, the expression ' trustees under any Turnpike Act' or words having the like import, and the expression ' Turnpike Roads' shall mean and apply to the local highway authority and the roads, highways and bridges placed under their management by this Act, as the case may require, in so far as such application shall not be excluded by the context or any of the provisions of this Act. "
- 11 In section 124 (recovery and application of penalties), for the words " of the clerk of the trustees, or of the clerk to the burgh local authority " and " the treasurer of the trustees or of the burgh local authority " there shall be substituted the words " the proper officer of the local highway authority ".

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- 12 In Schedule (C)—
- (a) in section LXXXI (penalty on taking away materials provided for repairing turnpike roads), for any reference to turnpike trustees there shall be substituted a reference to local highway authority;
 - (b) in section LXXXIII (power to use adjoining ground as a temporary road), for any reference to trustees there shall be substituted a reference to local highway authority ;
 - (c) in section XCI (restriction on the erection of houses on the sides of turnpike road), for any reference to turnpike trustees there shall be substituted a reference to local highway authority and for the word " county " and the words " any one of the turnpike trustees or their clerk " there shall be substituted respectively the words " region or islands area " and the words " the local highway authority " ;
 - (d) in section XCII (power to water roads), for the words " trustees of any turnpike road " and " said trustees " there shall be substituted the words " local highway authority ";
 - (e) in section CII (proprietors to fence pits made near the roads), for the words " trustees or procurator fiscal " and the words "any two of the trustees of such road or the procurator fiscal of the shire within which the said pit or cut is situated" there shall be substituted respectively the words " local highway authority and " the local highway authority " ;"
 - (f) in section CIII (no animal to be pastured on the roads)—
 - (i) for the words from "any trustee of such road " to " authorised by them " there shall be substituted the words " the local highway authority or their proper officer ";
 - (ii) for the words " surveyor or other person ", wherever they occur, there shall be substituted the words " proper officer ";
 - (g) in section CV (gates to open inwards)—
 - (i) for the words "trustees of any turnpike road " there shall be substituted the words " local highway authority ";
 - (ii) for the words " their surveyor " and the words " the surveyor" there shall be substituted the words " the proper officer of the local highway authority ";
 - (h) in section CVI (weeds to be cut by trustees)—
 - (i) for the words " trustees of every turnpike road " and " said trustees" there shall be substituted the words " local highway authority ";
 - (ii) for the words " their clerk or surveyor " there shall be substituted the words " the local highway authority ".

The Local Government (Scotland) Act 1889

13 Section 16 (transfer of powers of county road trustees) shall cease to have effect.

14 Section 41 (savings) shall cease to have effect.

The Roads and Streets in Police Burghs (Scotland) Act 1891

15 The whole Act shall cease to have effect.

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The Roads and Bridges (Scotland) Amendment Act 1892

- 16 In section 4 (agreements for construction of new roads)—
- (a) for the words from " road board of a county " to " adjoining county " there shall be substituted the words " local highway authority enter into an agreement with another local highway authority ";
 - (b) for the words " latter county" and " former county", wherever they occur, there shall be substituted respectively the words " area of the latter authority " and " area of the former authority ".

The Barbed Wire Act 1893

- 17 In section 2 (interpretation) for the words from " Scotland " to " thereof" there shall be substituted the words " Scotland the expression ' local highway authority' means the regional or islands council ".
- 18 In section 3 (removal of barbed wire where nuisance to highway)
- (a) in subsection (1), for the words "the county or district of a local authority " and " such local" there shall be substituted respectively the words " a region or islands area " and " the local highway " ;
 - (b) in subsection (2), for the words " local authority " wherever they occur there shall be substituted the words " local highway authority ".
- 19 In section 4 (proceedings where local authority is occupier of the land) for the words " local authority " wherever they occur, and " district of the local authority " there shall be substituted respectively the words " local highway authority " and " region or islands area ".

The Local Government (Scotland) Act 1894

- 20 In section 29 (maintenance of public ways) for the words " parish council " wherever they occur and the word " parish " there shall be substituted respectively the words " local highway authority " and " region or islands area ".

The Development and Road Improvement Funds Act 1909

- 21 For section 10(2) (provision as to construction of new roads by highway authorities) there shall be substituted the following subsection—
- “(2) The new road referred to in subsection (1) above, when constructed, shall be a main road.”
- 22 In section 16 (application to Scotland)
- (a) for the words " county council or a town council " there shall be substituted the words " regional or islands council ";
 - (b) the words from " References to a county" to " respective powers and duties " shall cease to have effect.

The Roads Improvement Act 1925

- 23 For any reference in the Act to county council or other highway authority there shall be substituted a reference to local highway authority.
- 24 In section 6(2) (power to conduct experiments), for the words from " authority or person " to the end there shall be substituted the words " local highway authority ".

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25 In section 7 (joint exercise of powers), the words " between any of them respectively
" shall cease to have effect.

26 Section 8 (expenses) shall cease to have effect.

27 In section 12 (application to Scotland)—

- (a) in paragraph (b), for the words from " county council" to the end there shall be substituted the words " regional or islands council ";
- (b) in paragraph (d), for the words from " county ", where it first occurs, to " burgh " there shall be substituted the words " local highway authority in any highway or in any land forming part thereof unless the local highway authority for the area ";
- (c) in paragraph (e), for the words from " within a burgh " to the end there shall be substituted the words " within the area of a local authority shall not be served without the consent of such authority, and a building line affecting land within any such area shall not be prescribed by a local highway authority without the consent of the said local authority. "

The Roads and Streets in Police Burghs (Scotland) Act 1925

28 The whole Act shall cease to have effect.

The Bridges Act 1929

29 In section 15 (application to Scotland), in paragraph (a), for the words from " county " to " burgh " there shall be substituted the words " regional or islands council ".

The Road Traffic Act 1930

30 In section 60 (application to Scotland)—

- (a) before paragraph (c) there shall be inserted the following paragraph—
 - “(cc) in section 54(1), for the words ' highway authority' there shall be substituted the words ' local highway authority ' ;”;
- (b) for paragraph (e) there shall be substituted the following paragraphs—
 - “(e) section 53 of this Act shall have effect as if—
 - (i) for any reference to the council of a county, county borough or urban district there were substituted a reference to a local highway authority ;
 - (ii) for sub-paragraphs (i) and (ii) of subsection (2)(d) there were substituted the words ' shall become vested in and maintainable by such authority as a highway ';
 - (iii) in subsection (3), for the words ' an official arbitrator in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 ' there were substituted the words ' the Lands Tribunal for Scotland in accordance with the provisions of the Land Compensation (Scotland) Act 1963 ';
 - (iv) for any reference to council or councils in subsections (2)(b), (3), (4), (5) and (6) there were

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substituted respectively references to authority or authorities.”;

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

“(f) section 55 of this Act shall have effect as if for the words from ' council of an urban' to ' vested in them' where second occurring there were substituted the words ' local highway authority';

(g) ' local highway authority' means a regional or islands council.”

31 In section 119 (special provisions as to Scotland)—

(a) in subsection (3), for the words " county or town council" there shall be substituted the words " local highway authority ";

(b) in subsection (4), for the words from " county " to the end there shall be substituted the words " regional or islands council ".

32 In section 121(1) (interpretation), in the definition of " highway authority ", for the words from " authority " to the end there shall be substituted the words " local highway authority responsible for the maintenance of any road ".

The Road Traffic Act 1934

33 Section 23 (power of county councils to light roads) shall cease to have effect.

The Restriction of Ribbon Development Act 1935

34 In section 25(3) (application to Scotland), for the words " county or town" there shall be substituted the words " regional or islands ".

The Trunk Roads Act 1936

35 In section 3(2) (general provisions as to functions with respect to trunk roads)—

(a) in paragraph (b), the words from " shall not" to " aforesaid " shall cease to have effect;

(b) in paragraph (c), the words "shall not be exercisable by a county council in any borough or urban district and " shall cease to have effect.

36 In section 5 (delegation of roads functions to local authorities) in subsections (2) and (3), for the word " council ", wherever it occurs, there shall be substituted the words " local highway authority ".

37 In section 6 (miscellaneous provisions as to functions in connection with trunk roads), for any reference to a county council, council, or council of any county or large burgh there shall be substituted a reference to a local highway authority.

38 In section 7(5) (transfer of property and liabilities), for the word " council" there shall be substituted the words " local highway authority ".

39 In section 12 (application to Scotland)—

(a) in subsection (2)(a), for the words " large burgh as defined in the Local Government (Scotland) Act 1929 " there shall be substituted the words " local highway authority " and in the proviso, the words " subsection (2) of section 3 and " shall cease to have effect and for the word " burgh " there shall be substituted the words " regional or district council ";

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- (b) in subsection (2)(b), for the words from " the maintenance " to " 1929 " there shall be substituted the words " which the local highway authority ";
- (c) in subsection (2)(c), for the words " county or town council " there shall be substituted the words " local highway authority ";
- (d) in subsection (5), for the words " town council" there shall be substituted the words " local authority ";
- (e) in subsection (8), for any reference to a local authority there shall be substituted a reference to a local highway authority ;
- (f) in subsection (9), for the words "council of the county or large burgh " there shall be substituted the words " regional council for the area " and the proviso shall cease to have effect;
- (g) in subsection (10), for the substituted subsection (1) there shall be substituted the following subsection—

“(1) The Minister may by agreement with the local highway authority delegate to that authority all or any of his functions (including functions under the enactments mentioned in Part I of Schedule 3 to this Act) with respect to the maintenance, repair and improvement of, and other dealing with—

- (a) a trunk road within the area of the local highway authority ;
or
- (b) a trunk road within the area of another local highway authority if the council thereof consent.

For the purposes of this subsection any reference to a trunk road shall include a reference to land acquired by the Minister under this Act which does not form part of a trunk road.”;

- (h) for subsection (12) there shall be substituted the following subsection—

“(12) Any power conferred by any enactment on a local highway authority to delegate functions to any other authority shall, as regards functions delegated to or vested in a local highway authority by or under this Act, be exercisable with the consent of the Secretary of State but not otherwise.”

- 40 In section 13(1) (interpretation), in the definition of "former highway authority", for the word " council", wherever it occurs, there shall be substituted the words " local highway authority ".

The Trunk Roads Act 1946

- 41 In section 14 (application to Scotland)—
- (a) in subsection (3) for the words " large burgh " there shall be substituted the words " region or islands area ";
 - (b) for subsection (4) there shall be substituted the following subsection—

“(4) For section 2(3) there shall be substituted the following subsection—

“(3) Where any such order directs that a road shall cease to be a trunk road, then, as from the date specified in that behalf in the order, the regional or islands council shall become the highway authority for the road.””

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- (c) in subsection (6) for the words from " county borough " to the end of the subsection there shall be substituted the words " every county " to the end of the paragraph there were substituted the words " every region, islands area or district in which any road to which the order applies is situated. ".

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

- 42 In section 7(1) (interpretation), in the definition of " local authority " for the words from " county " to the end there shall be substituted the words " regional, islands or district council ".

The Town and Country Planning (Scotland) Act 1947

- 43 For section 45 (construction and improvement of private streets) there shall be substituted the following section—

“45 Construction and improvement of private streets.

The provisions of sections 133 to 135, 137 to 143, 150, 151 and 154 of the Burgh Police (Scotland) Act 1892 shall apply in relation to any land defined in a development plan as the site of a proposed road or as land acquired for the widening of an existing road.”

The Special Roads Act 1949

- 44 In section 3 (supplementary orders relating to special roads), in subsections (1)(e) and (4)(c), for the words " local authority", wherever they occur, there shall be substituted the words " regional council ".

- 45 In section 21(1) (interpretation)—
- (a) the definition of " large burgh " shall cease to have effect;
 - (b) for the definition of " local authority " there shall be substituted the following definition—

“" local authority " has the same meaning as in the Local Government (Scotland) Act 1973”.

- 46 In Schedule 1 (provisions as to schemes and orders)—
- (a) in paragraphs 2(a) and 8(b), for the words " county, burgh " there shall be substituted the words " region, islands area ";
 - (b) in paragraph 5 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 ".

The Highways (Provision of Cattle Grids) Act 1950

- 47 In section 1(8)(b) (provision of cattle grids and by-passes), for sub-paragraphs (i), (ii) and (iii) there shall be substituted the words " shall be the regional or islands council for the area in which the road lies ".

- 48 Section 16(4) (financial provisions) shall cease to have effect.

- 49 In section 17(1) (interpretation), in the definition of " highway authority " for the words from " council of a county " to the end there shall be substituted the words " regional or islands council ".

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- 50 In paragraph 3(8) of the Schedule (procedure for determination by appropriate authority of certain questions), for the words " subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act 1947" there shall be substituted the words " subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 ".

The Public Utilities Street Works Act 1950

- 51 In section 36 (application to Scotland)—
- (a) in subsection (2)—
 - (i) for the definition of " appropriate local authority " there shall be substituted the following definition—

“ appropriate local authority " means, in relation to any street, the regional or islands council”;
 - (ii) for the words "not vested in a local authority" there shall be substituted the words " not vested in a regional or islands council ";
 - (iii) for the words " town council" and " district council" there shall be substituted the words " regional or islands council ";
 - (iv) at the end there shall be added the words " for any reference to a county council there shall be substituted a reference to a regional or islands council. ";
 - (b) in subsection (3), for the words " county or town council" there shall be substituted the words " regional or islands council ";
 - (c) in subsection (14), for the words " local authority " there shall be substituted the words " regional or islands council ".

The Road Traffic Act 1956

- 52 In section 45(8) (provisions as to dual carriageways, roundabouts and street refuges), for the words " county or town council" there shall be substituted the words " local highway authority ", and in the substituted subsection (5) in that subsection, for the words " council of a county or a burgh as defined in the Local Government (Scotland) Act 1947 " there shall be substituted the words " local highway authority as defined in the Local Government (Scotland) Act 1973 ".

The Road Traffic Act 1960

- 53 In section 257(1) (general interpretation provisions), in the definition of " highway authority" for the words from " county council " to " therein " there shall be substituted the words " regional or islands council ".

The Local Government (Scotland) Act 1966

- 54 Section 28(5) (road grants and classifications) shall cease to have effect.
- 55 In section 30 (power of existing lighting authorities)—
- (a) in subsection (1), for the words " lighting authority " there shall be substituted the words " regional or islands council ";
 - (b) subsections (3) and (4) shall cease to have effect.
- 56 Section 31 (delegation of lighting functions of highway authority) shall cease to have effect.

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- 57 Section 32 (transfer of road lighting systems) shall cease to have effect.
- 58 In section 33 (special provisions as to footway lighting systems)—
- (a) subsection (2) shall cease to have effect;
 - (b) for subsection (3) there shall be substituted the following subsection—
- “(3) If, in the case of a road or part of a road in which a footway lighting system is maintained by a district council, the highway authority propose to provide a road lighting system (either as a separate system or by means of alteration to the footway lighting system), they may give notice to that effect to the district council.”
- The Road Traffic Regulation Act 1967*
- 59 In section 1(2)(a) (traffic regulation orders outside Greater London), for the words " county council or a town council" there shall be substituted the words " local highway authority ".
- 60 In section 5(1) (certain councils may make orders under sections 1 and 28 for purpose of general scheme of traffic control), for the words " county council or town council" there shall be substituted the words " local highway authority ".
- 61 In section 15(8)(b) (regulation of use of highways by public service vehicles), for the words from "in a burgh" to the end there shall be substituted the words " a regional or islands council ".
- 62 In section 20(8) (removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down) as set out in Schedule 1 to the Removal and Disposal of Vehicles (Alteration of Enactments) Order 1967, in the definition of "local authority", for the words "county council or town council of a burgh" there shall be substituted the words " local highway authority ".
- 63 In section 21 (schemes for establishment of pedestrian crossings on roads other than trunk roads)—
- (a) in subsection (1), for the words "their district" there shall be substituted the words " the whole or part of their area ";
 - (b) subsections (2) and (7) shall cease to have effect;
 - (c) in subsection (6), in paragraph (b), for the words from "council of a county" to the end of the paragraph there shall be substituted the words " local highway authority " , and the words from " and in relation to " to the end of the subsection shall cease to have effect.
- 64 In section 24(2) (arrangements for patrolling school crossings), for heads (i) and (ii) there shall be substituted the words " the regional or islands council ".
- 65 In section 26(9) (power of local authorities to prohibit traffic on roads to be used as playgrounds), for the words from " as regards roads" to the end there shall be substituted the words " by the local highway authority ".
- 66 In section 28 (power of local authorities to provide parking places), in subsection (6) (a), for the words " county council or town council" there shall be substituted the words " local highway authority ".
- 67 In section 35 (provision on highways of parking places where charge is made), in subsection (4), for the words "county council or town council" there shall be substituted the words " local highway authority ".

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- 68 In section 52 (charges for removing and storing vehicles), in subsection (4)(e), for the words " county council or town council" there shall be substituted the words " local highway authority ".
- 69 In section 65 (traffic signs: modifications as respects roads where parking permitted without lights), in subsection (2), for the words "county council or town council" there shall be substituted the words " local highway authority ".
- 70 In section 69 (bollards and other obstructions on roads outside Greater London)—
- (a) in subsections (1) and (3), for the words " authority who made the order" there shall be substituted the words " local highway authority ";
 - (b) in subsection (3), the words from " but, where " to the end shall cease to have effect.
- 71 In section 76 (provisions supplementary to sections 71 to 75)—
- (a) in subsection (2)(b), for the words from " county " to the end there shall be substituted the words " local highway authority ";
 - (b) subsection (3) shall cease to have effect.
- 72 In section 104(1) (general interpretation provisions), in the definition of " highway authority", for the words " county council or the town council of a burgh " there shall be substituted the words " regional or islands council ".
- 73 Section 105 (effect of certain references to Scottish local authorities) shall cease to have effect

The Transport Act 1968

- 74 In section 123 (power of highway and other authorities to contribute to cost of barriers, etc., at level crossings), the words from " and " at the end of subsection (1) (a) to the end of the section shall cease to have effect.
- 75 In section 124(4) (Board's obligations at level crossings with roads other than public carriage roads), for the words " county council and a town " there shall be substituted the words " regional or islands ".
- 76 In section 159(1) (general interpretation), in the definition of " highway authority", in paragraph (b)(ii), for the words from " county " to the end there shall be substituted the words " regional or islands council ".

The Roads (Scotland) Act 1970

- 77 In section 4(1)(d) (power of local authority to contribute to street works), the words " in special scavenging districts " shall cease to have effect.
- 78 In section 28(3) (use of appliances, etc., on footways and footpaths), the definition of " local authority " shall cease to have effect.
- 79 In section 50(1) (interpretation)—
- (a) in the definition of " highway authority ", for the words from " county " to " therein " there shall be substituted the words " regional or islands council ";
 - (b) in the definition of " local authority ", for the words " town council or a county " there shall be substituted the words " regional or islands ";
 - (c) in the definition of " local highway authority ", for the words "highway authority other than the Secretary of State" there shall be substituted the words " regional or islands council ".

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The Local Government (Footpaths and Open Spaces) (Scotland) Act 1970

- 80 In section 5 (interpretation), in the definition of "local authority ", for the words " town council or a county " there shall be substituted the words " regional or islands ".

The Chronically Sick and Disabled Persons Act 1970

- 81 In section 21(8) (badges for display on motor vehicles used by disabled persons), for the words " county or large burgh " there shall be substituted the words " region or islands area ".

The Road Traffic Act 1972

- 82 In section 31(7) (control of dogs on roads), for the words " county council or a town " there shall be substituted the words " regional or islands ".
- 83 In section 35(5)(b) (control of use of footpaths and bridleways for motor vehicle trials), for the words " county council or town " there shall be substituted the words " regional or islands ".
- 84 In section 38(5)(b) (powers of Secretary of State and local authorities as to giving road safety information and training), for the words " county council or town " there shall be substituted the words " regional or islands ".
- 85 In section 43 (tests of satisfactory condition of vehicles other than goods vehicles to which section 45 applies), in subsection (3), for the word " county " there shall be substituted the words " regional or islands area " and the words " or of a large burgh (within the meaning of the Local Government (Scotland) Act 1947)" shall cease to have effect "
- 86 In section 55(7), for the words " county or burgh " there shall be substituted the words " region or islands area ".
- 87 In section 196(1) (general interpretation provisions), in the definition of "highway authority", in paragraph (b), for the words from " county " to " therein " there shall be substituted the words " regional or islands council ".
- 88 Section 197 (effect of certain references to Scottish local authorities) shall cease to have effect.

The Town and Country Planning (Scotland) Act 1972

- 89 In section 242(1) (contributions by local authorities), for the words " local authorities " and " local authority ", where that expression first occurs, there shall be substituted respectively the words " regional or islands councils " and " regional or islands council", and for the words " district of the local authority " there shall be substituted the words " region or islands area ".