

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Local Government (Scotland) Act 1973, Schedule 28 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)

## SCHEDULES

### SCHEDULE 28

Section 229.

#### AMENDMENTS OF BURGH POLICE (SCOTLAND) ACTS 1892 TO 1911

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

- C1** The text of Schs. 9, 12, 13, 14, 15, 17(2)–(64), 18, 23, 24, 25, 27 Pt. II, 28, 29 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### PART I

#### THE <sup>M1</sup>BURGH POLICE (SCOTLAND) ACT 1892

##### Marginal Citations

- M1** 1892 c. 55.

- 1 In the provisions set out in the following table, for the word “commissioners”, in each place where it occurs, there shall be substituted the words “islands or district council”.
- 2 In the provisions set out in the following table, for the word “magistrate” or “magistrates”, in each place where either of them occurs, there shall be substituted the words “islands or district council”.
- 3 In the provisions set out in the following table, for the word “commissioners”, in each place where it occurs, there shall be substituted the words “local highway authority”.

##### Textual Amendments

- F1** Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

- 4 In sections 210 to 213, and 233, 416 and 417, for the word “commissioners”, in each place where it occurs, there shall be substituted the words “regional or islands council”.

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- 5 In the provisions set out in the following table, for the word “commissioners”, in each place where it occurs, there shall be substituted the words “regional, islands or district council, as the case may be”.
- 6 In section 4, the following amendments shall be made—
- (a) subsections (8) and (9) shall cease to have effect;
  - (b) after subsection (13) there shall be inserted the following subsection—  
“(13A) “local highway authority” shall mean the regional or islands council.”;
  - (c) after subsection (28) there shall be inserted the following subsection—  
“(28A) “proper officer” and any reference to a specified officer which is, under the Local Government (Scotland) Act 1973, to be construed as such, shall have the same meaning as in section 235(3) of the said Act of 1973.”.
- 7 Section 15 shall cease to have effect.
- 8 In section 20, for the word “commissioners”, where it second occurs, there shall be substituted the words “appropriate authority”.
- 9 In section 27(2), for the words “town council” there shall be substituted the words “appropriate authority”.
- 10 Section 42 shall cease to have effect.
- 11 In section 55, for the word “commissioners” there shall be substituted the words “appropriate authority”.
- 12 Sections 100 and 101 shall cease to have effect.
- 13 In section 105, for the words “their inspector of lighting, or any other officer or servant” there shall be substituted the words “the proper officer”, and for the words “inspector of lighting, or any other officer or servant” there shall be substituted the words “proper officer”.
- 14 In section 115, for the words “sanitary inspector” there shall be substituted the words “proper officer of the islands or district council”.
- 15 In section 117, for the words “sanitary inspector”, in both places where they occur, there shall be substituted the words “proper officer of the islands or district council”.

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- 16 In section 118, for the words from “burgh surveyor” to “sanitary inspector” there shall be substituted the words “proper officer of the islands or district council”, and for the words “surveyor, medical officer or inspectors”, in both places where they occur, there shall be substituted the words “proper officer”.
- 17 In section 119, for the words “sanitary inspector” there shall be substituted the words “proper officer of the islands or district council”.
- 18 In section 120, for the words “inspector of cleansing or sanitary inspector” there shall be substituted the words “proper officer of the islands or district council”, and for the words “burgh general assessment” there shall be substituted the words “general or district rate”.
- 19 In section 121, for the words “inspector of cleansing or sanitary inspector” there shall be substituted the words “proper officer of the islands or district council”, and for the words “the inspector”, where they second occur, there shall be substituted the words “such officer”.
- 20 In section 123, for the words from “the chief” to “sanitary inspector”, where they first occur, there shall be substituted the words “their proper officer”, and for the words from “inspector of cleansing”, where they second occur, to “authorised by” there shall be substituted the words “proper officer of”.
- 21 In section 126, for the words “sanitary inspector” there shall be substituted the words “proper officer of the islands or district council”, and for the word “magistrate” there shall be substituted the words “such council”.
- 22 In section 128, the words from “of the Roads” to “1891, and” shall cease to have effect, and for the words “town council” in both places where they occur, there shall be substituted the words “local highway authority”.
- 23 In section 133, for the word “council”, in each place where it occurs, there shall be substituted the words “local highway authority”.
- 24 In section 134, for the word “council”, in each place where it occurs, there shall be substituted the words “local highway authority”.
- 25 In section 138, for the word “council”, in both places where it occurs, there shall be substituted the words “local highway authority”.
- 26 In section 145, for the words “burgh general assessment” there shall be substituted the words “general or district rate”.

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- 27 In section 150, the words “the Dean of Guild Court or” shall cease to have effect.
- 28 In section 151, for the word “treasurer” there shall be substituted the words “local highway authority”.
- 29 In section 154, the following amendments shall be made—
- (a) for the word “commissioners”, where it first occurs, there shall be substituted the words “local highway authority”,
  - (b) for the words “and they may also” there shall be substituted the words “and the islands or district council may”,
  - (c) for the word “commissioners”, where it occurs second and third, there shall be substituted the words “islands or district council”, and
  - (d) for the word “commissioners”, where it last occurs, there shall be substituted the words “local highway authority and the islands and district council”.
- 30 In section 168, for the word “council” there shall be substituted the words “islands or district council”.
- 31 In section 186, for the word “commissioners”, in both places where it occurs, there shall be substituted the words “the local highway authority, or, where appropriate, the islands or district council”.
- 32 Section 201 shall cease to have effect.
- 33 Section 207 shall cease to have effect.
- 34 In section 210, the words “of the clerk” shall cease to have effect.
- 35 Section 223 shall cease to have effect.
- 36 In section 248, for the words “burgh surveyor” there shall be substituted the words “proper officer of the islands or district council”.
- 37 In section 250, the words “any of” and “or any one of them” shall cease to have effect.
- 38 Section 257 shall cease to have effect.

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## Textual Amendments

**F2** Sch. 28 Pt. I para. 39 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. Pt. XI

- 40 Sections 296 and 297 shall cease to have effect.
- 41 in section 305, for the words “commissioners or magistrates” there shall be substituted the words “islands or district council”.
- 42 In section 306, after the words “two thirds”, in both places where they occur, there shall be inserted the words “of the members”.
- 43 In section 307, for the word “commissioners”, where it first and second occurs, there shall be substituted the words “islands or district council”, and for the words “the commissioners”, where they last occur, there shall be substituted the words “any authority”.
- 44 Section 310 shall cease to have effect.
- 45 In section 312, for the word “officers” there shall be substituted the words “proper officer”.
- 46 In section 316, for the word “commissioners”, where it first occurs, there shall be substituted the words “islands or district council”, and in head A, in subsection (8) for the word “burgh” where it second occurs, there shall be substituted the word “district” and for the words from “magistrates” to “burgh”, where it last occurs, there shall be substituted the words “council of that district”.
- 47 In section 325, after the word “their”, in both places where it occurs, there shall be inserted the word “proper”.
- 48 In section 330, for the words “burgh general assessment” there shall be substituted the words “general or district rate”.
- 49 In section 339, the words “the clerk to” shall cease to have effect, and for the word “him” there shall be substituted the word “them”.
- 50 In section 341, the words from “and the commissioners” to “within the burgh” shall cease to have effect.

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- 51 In section 365, for the words “town council” there shall be substituted the words “regional, islands or district council, as the case may be”.
- 52 In section 367, for the words “collector in any burgh” there shall be substituted the words “proper officer of a regional, islands or district council”.
- 53 In section 369, after the words “any two” there shall be inserted the words “of the members”.
- 54 In section 372, for the words “the general expenses of the town council.” there shall be substituted the words “their general expenses”.
- 55 In section 381, in subsection (10), for the words “commissioners or other lawful authority” there shall be substituted the words “appropriate authority”, and in subsections (29) and (49), for the word “commissioners” there shall be substituted the words “to appropriate authority”.
- 56 In section 385, for the word “magistrates” there shall be substituted the words “local highway authority”, and for paragraph (4) there shall be substituted the words “and the islands or district council may from time to time make byelaws and issue notices and orders prohibiting or regulating public processions.”.
- 57 Section 411 shall cease to have effect.
- 58 Section 428 shall cease to have effect.
- 59 Section 432 shall cease to have effect.
- 60 In Schedule V, in paragraph (2)(d), after the words “one of” there shall be inserted the words “the members of”.

## PART II

### THE <sup>M2</sup>BURGH POLICE (SCOTLAND) ACT 1903

**Marginal Citations**

**M2** 1903 c. 33.

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- 61 In sections 5 to 20, for the words “town council”, in each place where they occur, there shall be substituted the words “local highway authority”.
- 62 In section 6, the words “of the town clerk or other public office” shall cease to have effect, and after the words “town council,”, where they first occur, there shall be inserted the words “or their proper officer”.
- 63 In section 8, for the words “town clerk” there shall be substituted the words “proper officer of the local highway authority”, for the words “such official as”, there shall be substituted the words “the proper officer of”, and the words “may from time to time appoint” shall cease to have effect.
- 64 In section 9,  
(a) the words from “to the dean” to “such court”,  
(b) the words from “or dean” to “may be”, and  
(c) the words from “and any deliverance” onwards, shall cease to have effect.
- 65 In section 11, for the words “dean of guild court” there shall be substituted the words “islands or district council, or, in the Highland, Borders or Dumfries and Galloway region, the regional council”.
- 66 Section 13 shall cease to have effect.
- 67 In section 16, the words “dean of guild court or” shall cease to have effect.
- 68 In section 21, for the words “town council” there shall be substituted the words “islands or district council, or, in the Highland, Borders or Dumfries and Galloway region, the regional council”.
- 69 In section 23, for the words “town council” there shall be substituted the words “islands or district council”.
- 70 In section 30, for the words “town council” there shall be substituted the words “planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973”.
- 71 In section 31, for the words “burgh surveyor” in each place where they occur, there shall be substituted the words “proper officer of the islands or district council, or, in the Highland, Borders, or Dumfries and Galloway region, the regional council”, and the words from “and may further” onwards shall cease to have effect.

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- 72 In section 35, for the words “burgh surveyor”, in both places where they occur, there shall be substituted the words “proper officer of the regional or islands council”, and for the words from “the dean”, where they first occur, to “of the matter” there shall be substituted the words “regional or islands council who shall be bound to dispose of the matter”.
- 73 Section 37 shall cease to have effect.
- 74 Section 39 shall cease to have effect.
- 75 In section 41, the following amendments shall be made—
- (a) for the words “town council”, in each place where they occur, there shall be substituted the words “local highway authority”,
  - (b) in subsection (1), in paragraph (a), the words from “or the dean” to “may be”, in paragraph (b), the words “the dean of guild court” and in paragraph (c), the words from “or the dean” to “may be” shall cease to have effect,
  - (c) in subsection (2), the words “the dean of guild court” shall cease to have effect,
  - (d) in subsection (3), the words “dean of guild court, as the case may be” shall cease to have effect, and
  - (e) in subsection (4), the words from “or where” to “it out” shall cease to have effect.
- 76 Section 43 shall cease to have effect.
- 77 In section 44, for the words “town council” there shall be substituted the words “islands or district council”.
- 78 Sections 56 and 57 shall cease to have effect.
- 79 In section 58, for the words “town council” in both places where they occur, there shall be substituted the words “regional, islands or district council, as the case may be”.
- 80 In section 59, the following amendments shall be made—
- (a) for the word “burgh”, in each place where it occurs, there shall be substituted the word “district”.
  - (b) for the word “town” where first occurring, there shall be substituted the word “district”,
  - (c) for the words from “county council”, where they first occur, to “county or” there shall be substituted the words “council of the”,



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- (d) for the word “magistrates” there shall be substituted the word “district council”, and
  - (e) for the words “county council or town council” where they second occur, there shall be substituted the words “other district council concerned”.
- 81 In section 61, the following amendments shall be made—
- (a) in subsections (2) and (4), for the words “town council” there shall be substituted the words “local highway authority”.
  - (b) in subsection (6), for the words “council of a burgh” there shall be substituted the words “local highway authority” and for the words “such burgh” there shall be substituted the words “the area of such authority”.
- 82 In sections 64, 67, 68, 79, 80 and 82, for the words “town council” in each place where they occur, there shall be substituted the words “islands or district council”.
- 83 In the said section 79, in subsection (2), after the words “constable or” there shall be inserted the word “proper”.
- 84 In section 81, for the word “magistrates” there shall be substituted the words “islands or district council.”.
- 85 In section 93 the following amendments shall be made—
- (a) for the words “town council”, where they first occur, there shall be substituted the words “local highway authority”,
  - (b) there shall be inserted after paragraph (11) the following unnumbered paragraph—

“The islands or district council may, from time to time, make byelaws and repeal, alter or amend any byelaws so made, for the protection of trees, shrubbery or ornamental or pleasure grounds in or adjacent to streets.”.
  - (c) paragraph (12) shall cease to have effect, and
  - (d) for the words “the town council”, where they last occur, there shall be substituted the words “a competent authority”.
- 86 Section 97 shall cease to have effect.
- 87 In section 98, the following amendments shall be made—
- (a) in subsection (2), for the words “town council” where they first occur, there shall be substituted the words “appropriate regional, islands or district council exercising functions in any such burgh”, and for the words “a town council” there shall be substituted the words “any such appropriate council”.

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- (b) in subsection (3), for the words “town council” there shall be substituted the words “appropriate council”, and the proviso shall cease to have effect,
- (c) in subsection (4), for the words “a town council” there shall be substituted the words “an appropriate council”, and the words “ “Hollow squares”” shall cease to have effect, and
- (d) subsection (8) shall cease to have effect.

88 Section 99 shall cease to have effect.

89 Section 101 shall cease to have effect.

90 In section 103, the following amendments shall be made—

- (a) in paragraph (5), for the words from “or local” to “commissioners” there shall be substituted the words “Act or local enactment by the local highway authority”, and for the words “town council”, where they second and third occur, there shall be substituted the words “said authority”,
- (b) in paragraph (9), for the words “dean of guild court or town council” there shall be substituted the words “local highway authority”.
- (c) in paragraph (12),
  - (i) the word “Guild” shall cease to have effect,
  - (ii) in sub-paragraph (l), for the words “town council” there shall be substituted the words “regional, islands or district council, as the case may be”, and the words “dean of guild court” shall cease to have effect,
  - (iii) in sub-paragraph (m), for the words from “dean”, where it first occurs, to “burgh surveyor” there shall be substituted the words “local highway authority or their proper officer”.

91 In section 104(2), the following amendments shall be made—

- (a) in paragraph (g), for the words “town council” there shall be substituted the words “local highway authority”, and
- (b) for the words from “town council”, where they second occur, to “guild court” there shall be substituted the words “regional, islands or district council, as the case may be”, and
- (c) for the words “town council”, where they last occur, there shall be substituted the words “any such council”.

### PART III

#### THE <sup>M3</sup>BURGH PLOICE (SCOTLAND) AMENDMENT ACT 1911

#### Marginal Citations

M3 1911 c. 51.

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- 92 In section 1,
- (a) in subsection (4), the words from “and, where” onwards shall cease to have effect,
  - (b) in subsection (5),
    - (i) for the word “county”, where it first and second occurs, there shall be substituted the words “islands area or district”,
    - (ii) for the words “county council” there shall be substituted the word “sheriff”.
  - (c) in subsection (6), the words “or under section seventy six of the <sup>M4</sup>Licensing (Scotland) Act 1903” shall cease to have effect.

**Marginal Citations**

**M4** 1903 c. 25.

- 93 In section 2,
- (a) for the words from “magistrates” to “of a county” there shall be substituted the words “members of the council of an islands area or district council”,
  - (b) for the words “burgh or the county” there shall be substituted the words “area of the said council”.
- 94 In section 3, for the words “a town council” there shall be substituted the words “an islands or district council”.

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