

SCHEDULES

SCHEDULE 28

AMENDMENTS OF BURGH POLICE (SCOTLAND) ACTS 1892 TO 1911

PART II

THE BURGH POLICE (SCOTLAND) ACT 1903

- 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 ",
 - (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 " .

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- 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 ",
 - (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 (1), 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,

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(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 ".

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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 die 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 ".