

SCHEDULES

SCHEDULE 3

Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government (Scotland) Act 1947 (c. 43)

- 1 In section 238(1) (fixing of dates for lodging and hearing appeals against rates), at the end there shall be added the following proviso—

“: Provided that, if and in so far as required by virtue of a determination under section 108A(1) of the Local Government (Scotland) Act 1973, new such dates shall be so fixed.”.

The Town and Country Planning (Scotland) Act 1959 (c. 70)

- 2 In section 24(2) (requirement of consent of Secretary of State etc. to certain appropriations of land by local and other authorities), for the words from " following " to the end there shall be substituted the words " provision that land which is held for use as allotments shall not be appropriated except with the consent of the Secretary of State. ".

- 3 In section 27—

- (a) in subsection (2) (requirement of consent of Secretary of State etc. to certain disposals of land by local and other authorities), for the words from "— (a)" to the end there shall be substituted the words " of land held for use as allotments, if it is a disposal which apart from this section could not be effected except with the consent of a Minister, shall not be effected except with the consent of the Secretary of State. "; and
- (b) subsection (3) (provisions ancillary to subsection (2)) shall cease to have effect.

- 4 In the fourth Schedule (authorities to whom Part II of the Act applies), after paragraph 3 there shall be inserted the following paragraph—

“3A A water development board as defined in section 109 (1) of the Water (Scotland) Act 1980.”.

The Local Government (Financial Provisions) (Scotland) Act 1963 (c. 12)

- 5 In section 20 (repayment of rates paid in error), after the word " Where " there shall be inserted the words " , notwithstanding section 2(2)(d) of the Local Government (Scotland) Act 1975 or any entry in a valuation roll which is no longer in force, ".

- 6 (1) In section 26(2) (interpretation), for the definition of " year " (and " year " followed by a reference to two calendar years) there shall be substituted the following definition—

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“" year " means the financial year of a local authority; and " year" followed by a reference to two calendar years means the financial year beginning in the first of those calendar years;”.

- (2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from the coming into operation of section 18 of the Local Government (Scotland) Act 1975 (financial year of local authorities).

The Land Compensation (Scotland) Act 1963 (c. 51)

- 7 In paragraph 2 of Schedule 2 (compensation for houses acquired as being unfit for human habitation), at the end there shall be added the following sub-paragraph—

“(7) In the application of this paragraph to any lands and heritages whose net annual value is ascertained under subsection (8) of section 6 of the Valuation and Rating (Scotland) Act 1956 (and for which there is therefore no gross annual value shown in the valuation roll)—

- (a) in sub-paragraph (2) above, for the word " gross " there shall be substituted the words " 1.25 times the net "; and
 (b) in sub-paragraph (4) above, for the word " gross ", wherever it occurs, there shall be substituted the word " net ".”.

The Housing (Scotland) Act 1966 (c. 49)

- 8 In section 125 (periodical payments to dispossessed proprietor) at the end there shall be added the following subsection—

“(6) In the application of this section to any lands and heritages whose net annual value is ascertained under subsection (8) of section 6 of the Valuation and Rating (Scotland) Act 1956 (and for which there is therefore no gross annual value shown in the valuation roll)—

- (a) in subsection (1) above, for the words " one half of the gross " there shall be substituted the words " 0.625 of the net "; and
 (b) in each of subsections (4) and (5) above, for the word "gross", wherever it occurs, there shall be substituted the word " net ".”.

- 9 In section 127(3) (interest on certain local authority expenditure), for the words "the said section 25(1)" there shall be substituted the words " section 25(1) of the Housing (Scotland) Act 1969 ".

- 10 (1) In section 177(1) (local authority to have regard to amenities of locality), at the end there shall be added the words " artistic interest ".

- (2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 3rd October 1980.

The Local Government (Scotland) Act 1966 (c. 51)

- 11 After section 5 there shall be inserted the following section—

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

“5A Redistribution and restoration of amounts by which rate support grant reduced.

(1) Subject to subsections (2) and (3) below, where an element of rate support grant payable to a local authority has been reduced under section 5 of this Act, the Secretary of State may—

(a) restore to the local authority some or all of the reduction if he considers that their subsequent conduct has been such as to merit such restoration ;

(b) in respect of the year to which the failure or the excessive and unreasonable expenditure or estimated expenses relates, determine by order that an amount not greater than the reduction shall be distributed—

(i) on such basis ; and

(ii) among such other local authorities,

as he thinks fit, by means of an increase in the needs element payable to each of those other authorities:

Provided that, in a case where an amount is restored under paragraph (a) above, an amount distributed under this paragraph shall not exceed the difference between the reduction and the amount so restored.

(2) An order under subsection (1) above shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(3) After the Secretary of State has, under regulation 9(3) of the Rate Support Grant (Scotland) Regulations 1975, (or any regulation making like provision), made and given due notification of a conclusive calculation of amounts which include the amount reduced—

(a) no restoration relating to the reduction shall take place under paragraph (a) of subsection (1) above; and

(b) no order, under paragraph (b) of that subsection, so relating shall be made, amended or (until spent) revoked.”.

12 Part II of Schedule 4 (variation of fees for licences etc.), after paragraph 4 there shall be inserted the following paragraph—

“4A. Section 5(3) of the Pedlars Act 1871. The Secretary of State.”.

The Post Office Act 1969 (c. 48)

13 In paragraph 93(1) (xxxiv) of Schedule 4 (Post Office deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of certain provisions of the Town and Country Planning (Scotland) Act 1972), after the words " 205," , there shall be inserted the words " 205A, " .

The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)

14 (1) In section 42(3)(bb) (requirements in certain rent agreements), after the words "increase in" there shall be inserted the words " the rent " .

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- (2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 1st December 1980.

The Town and Country Planning (Scotland) Act 1972 (c. 52)

15 In section 10(3) (statement as regards planning authority's consultations etc.), after the word " State " there shall be inserted the words " , or made available for inspection, ".

16 After section 205 (procedure by Secretary of State in anticipation of planning permission) there shall be added the following section—

“205A Further procedure in anticipation of planning permission, etc.

(1) Where—

- (a) a planning authority would, if planning permission for any development had been granted under Part III of this Act, have power to make an order under section 198A of this Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out; or
- (b) a highway authority would, if planning permission for constructing or improving a highway had been granted under Part III of this Act, have power to make an order under section 200 of this Act authorising the stopping up or diversion of any other highway,

then, notwithstanding that such permission has not been granted, the relevant authority may, in the circumstances specified in subsections (2) to (4) of this section, publish notice of the draft of such an order in accordance with the provisions of Schedule 18 to this Act; but nothing in the said schedule shall be construed as authorising the relevant authority to make the order in anticipation of such permission.

- (2) The relevant authority may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission.
- (3) The relevant authority may publish such a notice as aforesaid where—
 - (a) the relevant development is to be carried out by a local authority, statutory undertakers or the National Coal Board and requires, by virtue of an enactment, the authorisation of a government department; and
 - (b) the developers have made an application to the department for that authorisation and also requested a direction under section 37 of this Act, or, in the case of the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.
- (4) The planning authority may publish such a notice as aforesaid where they have begun to take such steps, in accordance with regulations made by virtue of section 256 of this Act, as are requisite in order to enable them to obtain planning permission for the relevant development.
- (5) In the foregoing provisions of this section " relevant authority " means the planning authority mentioned in paragraph (a) of subsection (1) above or,

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as the case may be, the highway authority mentioned in paragraph (b) of that subsection ; and " relevant development" means the development mentioned in the said paragraph (a) or, as the case may be, the construction or improvement mentioned in the said paragraph (b).”.

- 17 In section 206 (confirmation of orders)—
- (a) for subsection (1) there shall be substituted the following subsection—
 - “(1) An order made under section 198A or 199 of this Act by a planning authority, section 200 thereof by a highway authority, section 201 thereof by a competent authority or section 203(1)(b) thereof by a local authority, shall not take effect unless confirmed—
 - (a) by the Secretary of State in a case where the order is opposed ;
 - (b) in any other case by the authority making the order.”;
 - (b) in subsection (2), after the word "section" there shall be inserted the words " 198A (or that section as applied by section 200(3)) ";
 - (c) in subsection (3), after paragraph (a) there shall be inserted the following paragraphs—
 - “(aa) in an order under section 198A or 200 as the time from which a highway is to be stopped up or diverted ; or
 - (ab) in an order under section 201 as the time from which a right is to be extinguished ; or”;
 - (d) in subsection (4)—
 - (i) for the words " 199" there shall be substituted the words " 198A, 199, 200, 201 "; and
 - (ii) at the end there shall be added the words " The Schedule has no application as regards orders made by the Secretary of State. ",
- 18 In section 207(1) (compulsory acquisition of land in connection with highways)—
- (a) in paragraph (a), after the words " 198," there shall be inserted the words " 198A, "; and
 - (b) in paragraph (b), after the words " 203(1)(a) " there shall be inserted the words
- 19 In section 208 (concurrent proceedings in connection with highways)—
- (a) in subsection (1), after the words " 198," there shall be inserted the words " 198A, " or (b) ". ; and
 - (b) in subsection (2), after the words " 203(1)(a)" there shall be inserted the words " or (b) ".
- 20 In section 209 (provisions as to telegraphic lines)—
- (a) in subsection (1), after the words " 198," there shall be inserted the words " 198A, ";
 - (b) in subsection (3)—
 - (i) for the words " 203(1)(a)" there shall be substituted the words " 203(1)(b) ";
 - (ii) for the words " on the application of a planning authority " there shall be substituted the words " by a local authority ";
 - (iii) for the words " 204(1) of" there shall be substituted the words " 206(4) of, and Schedule 18 to, "; and

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- (iv) for the words " planning authority " in each of paragraphs (a), (b), (d) and (e) there shall be substituted the words " local authority "; and
 - (c) in subsection (4)—
 - (i) for the words " 203(1)(a)" there shall be substituted the words " 203(1)(b) "; and
 - (ii) for the words " Secretary of State " there shall be substituted the words " local authority ".
- 21 In section 210 (construction of section 32 of Mineral Workings Act 1951)—
- (a) in subsection (1)—
 - (i) in paragraph (a), for the words " section 199 " there shall be substituted the words " sections 198A and 199 ";
 - (ii) in paragraph (b), after the words " a reference to " there shall be inserted the words " subsection (2)(b) of the said section 198A or, as the case may be, to "; and
 - (iii) in paragraph (c), for the word "section" there shall be substituted the words " sections 198A and "; and
 - (b) in subsection (2), for the words "a reference to section 200 " there shall be substituted the words " references to sections 198A and 200 ".
- 22 In section 273(5) (statutory instruments containing orders made under certain sections to be subject to annulment in pursuance of a resolution of either House of Parliament), for the words " 18(4)(a)" there shall be substituted the words " 181(4)(a) ".
- 23 In Schedule 18 (procedure in connection with orders relating to footpaths and bridleways)—
- (a) in each of paragraphs 1(1), 5 and 6, for the words " 199 " there shall be substituted the words " 198A, 199, 200, 201 ";
 - (b) in paragraph 3, in each of sub-paragraphs (1) and (2), for the words " 199 " there shall be substituted the words " 198A, 199 or 200 "; and
 - (c) in paragraph 4(1), for the words " 199 " there shall be substituted the words " 198A, 199, 200 or 201 ".
- The Local Government (Scotland) Act 1973 (c. 65)*
- 24 In section 74 (disposal of land by local authority), at the end there shall be added the following subsection—
- “(3) The foregoing provisions of this section shall apply in relation to a disposal of land by a water development board (as defined in section 109(1) of the Water (Scotland) Act 1980) as they apply in relation to any such disposal by a local authority.”.
- 25 In section 108(1) (determination and levy of regional, district and general rates), after the words " district rate ; and " there shall be inserted the words " , subject to subsection 108A of this Act, ".
- 26 In section 109(2) (intimation of district rate to rating authority), for the words " the district rate " there shall be substituted the words " such district rate as is ".
- 27 In section 111(1) (regulations with respect to rates), at the end there shall be added the following paragraph—

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“;

- (f) providing, as regards a rate determined under section 108A(1) of this Act by a local authority—
 - (i) for the repayment of sums paid in respect of a rate determined by them under section 108 thereof; and
 - (ii) for the cost of levying and collecting to be borne by them.”.

28 In section 236(2) (savings), at the beginning there shall be inserted the words " Subject to section 74(3) of this Act and to section 20 of the Water (Scotland) Act 1980, "

The Housing (Scotland) Act 1974 (c. 45)

29 In section 9(6) (requirements as to conditions relating to improvement grants) for the words "subsections (2) and (3)" there shall be substituted the words " subsection (2) ".

30 (1) In section 10A(2) (approval of application for repairs grant) after the words " accommodation for " there shall be inserted the words " such period ".

(2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 3rd October 1980.

31 In Schedule 2 (consequences of breach of conditions of improvement grant)—

- (a) in paragraph 1, for the words "3 to 5 " there shall be substituted the words " 4 and 5 "; and
- (b) in paragraph 7, for the words " paragraphs 3 or 5 " there shall be substituted the words " paragraph 5 ".

The Local Government (Scotland) Act 1975 (c. 30)

32 In section 2(2)(d) (effect of correction to valuation roll), after the word " shall" where it first occurs there shall be inserted the words " , subject to section 20 of the Local Government (Financial Provisions) (Scotland) Act 1963, "

33 In section 8(3) (times at which instalments of rates are payable), for the word " the " where it occurs for the second time there shall be substituted the word " a ".

34 In section 14(1)(b) (termination of certain existing grants in respect of rural bus and ferry services)—

- (a) for the words "section 34(2)" there shall be substituted the words " subsection (3) of section 34 "; and
- (b) for the word " and " where it first occurs, there shall be substituted the words ") or under subsection (4) of that section (towards expenditure incurred ".

35 In section 16 (which gives effect to a schedule relating to borrowing and lending by local authorities etc.), after the word " shall" there shall be inserted the words " , subject to section 18 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, "

36 In Schedule 3 (the schedule mentioned in paragraph 35 above)—

- (a) in paragraph 15(1), after the word " below " there shall be inserted the words " and to sub-paragraph (2) of paragraph 1 above "; and

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- (b) in paragraph 31, in the definition of "fixed period", after the words "case or" there shall be inserted the words " , from time to time, for any class of cases or ".

The Licensing (Scotland) Act 1976 (c. 66)

- 37 In section 1 (appointment of licensing board by council of district or islands area)—
- (a) in subsection (3), after the word " divided " there shall be inserted the words " (or continue to be divided) ";
 - (b) in each of subsections (6) and (7)—
 - (i) after the word " elections", there shall be inserted the words “of those members—
 - (a) except in so far as paragraph (b) below otherwise provides,”; and
 - (ii) at the end there shall be added the words “; and
 - (b) where a determination under subsection (3) above is made (whether or not at such meeting of the council as is mentioned in paragraph (a) above), either—
 - (i) at the meeting at which the determination is made ; or
 - (ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above”;
 - (c) in subsection (11), for the words " a fresh " there shall be substituted the word " an ".

The Water (Scotland) Act 1980 (c. 45)

- 38 In section 20 (power to hold and dispose of land)—
- (a) after the word " may ", where it occurs for the second time, there shall be inserted the words " , under section 74 of the Local Government (Scotland) Act 1973, "; and
 - (b) the proviso shall cease to have effect.
- 39 In section 109 (interpretation), after subsection (4) there shall be added the following subsection—
- “(5) For the purposes of section 29(2) of the Land Registration (Scotland) Act 1979 (construction of reference to Register of Sasines etc.) this Act shall be deemed to be an enactment passed before that Act.”.

The Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52)

- 40 In section 2—
- (a) in subsection (6) (time within which offer to sell dwelling-house may be accepted by tenant)—
 - (i) after the word " shall" there shall be inserted the words " , subject to subsection (8) below, "; and
 - (ii) in sub-paragraph (iv), for the words from "section" to "offer" there shall be substituted the words " subsection (2)(a)(i) of section 5 of

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- this Act has been served on the landlord, the service of a relative offer, or refusal ”;
- (b) in subsection (8) (notice of wish to have fixed price option), at the end there shall be added the following proviso—
- “: Provided that where, as regards the dwelling-house, the tenant has served a loan application in accordance with subsection (2)(a) (ii) of section 5 of this Act, he shall be entitled (even if the said period of 2 years has expired) to serve a notice of acceptance on the landlord within 2 months of whichever is the later of—
- (a) the service of a relative offer, or refusal, of loan ; or
- (b) where section 5(7) of this Act is invoked, the decision of the court.”; and
- (c) for subsection (10) (restriction on tenant's re-application to purchase dwelling-house) there shall be substituted the following subsection—
- “(10) Where an offer to sell has been served on the tenant, he shall not be entitled to make an application to purchase under this Part of this Act again until 12 months after the last date on which he has, under either of subsections (6) and (8) above, any entitlement to serve a relative notice of acceptance.”.
- 41 In section 5 (loan to assist tenant in purchase of dwelling-house)—
- (a) in paragraph (a) of subsection (2), the existing words from "within" to the end shall be sub-paragraph (i) of the paragraph and after that sub-paragraph there shall be inserted the word " or " and the following sub-paragraph—
- “(ii) within one year and ten months after service of the application to purchase if the tenant has, in terms of section 2(8) of this Act, a fixed price option as regards the dwelling-house ;”; and
- (b) in subsection (5), after the words " 2(6)" there shall be inserted the words " or (8) ".
- 42 For subsection (4) of section 6 (recovery of discount on early re-sale) there shall be substituted the following subsection—
- “(4) Where as regards a dwelling-house or part of a dwelling-house there is, within the period mentioned in subsection (1) above, more than one disposal to which that subsection would (apart from the provisions of this subsection) apply, that subsection shall apply only in relation to the first such disposal of the dwelling-house, or as the case may be part.”.
- 43 In section 14(2)(b) (restriction as regards proceedings for recovery of possession), after the word " raised " there shall be inserted the words " on or ".
- 44 In section 15(1) (power of sheriff to adjourn proceedings for recovery of possession), for the word " 6 " there shall be substituted the word " 7 ".
- 45 In section 27 (duty to publish rules governing housing lists etc.)—
- (a) after subsection (1) there shall be inserted the following subsection—
- “(1A) It shall be the duty of every registered housing association (within the meaning of the Housing Act 1974)—
- (a) to send—
- (i) to the Housing Corporation ; and

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- (ii) to every islands, or district, council within whose area there are dwelling-houses let or to be let by the association under secure tenancies; and
- (b) to publish, in accordance with subsections (2) and (2A) below,
 - within 6 months of the coming into force of paragraph 45 of Schedule 3 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and within 6 months of any alteration of the rules, any rules which it may have governing such matters as are mentioned in paragraphs (a) to (d) of subsection (1) above.”;
- (b) in each of subsections (2) and (3), after the words " subsection (1)" there shall be inserted the words " or (1A) ";
- (c) in subsection (2)—
 - (i) after the word " times " there shall be inserted the words “—
 - (i) in a case where the body is an islands or district council or a Development Corporation,”; and
 - (ii) at the end there shall be added the words “; and
 - (ii) in any other case, at its principal and other offices.”; and
- (d) after subsection (2) there shall be added the following subsection—
 - “(2A) Rules sent to a council in accordance with subsection (1A)(a)(ii) above shall be available for perusal at all reasonable times at its principal offices.”.

46 The following Schedule shall be inserted before Schedule 1—

“SCHEDULE
A1

Section 1A(3)

VESTING ORDER UNDER SECTION
IA: MODIFICATION OF ENACTMENTS

The Town and Country Planning (Scotland) Act 1972 (c. 52)

- 1 Paragraphs 1(2), 6 to 13 and 16 to 39 of Schedule 24 only shall apply and in them any reference to a general vesting declaration shall be treated as a reference to an order under section 1A of this Act.
- 2 The references, in paragraphs 6, 7 and 37 of that Schedule, to the end of the period specified in a general vesting declaration shall be treated as references to the date on which such an order comes into force and the reference in paragraph 9 thereof to the acquiring authority having made a general vesting declaration shall be treated as a reference to such order having come into force.
- 3 In paragraph 6 of that Schedule—
 - (a) the reference to every person on whom, under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, the acquiring authority could have served a notice to treat, shall be treated as a reference to every person whose interest in the land to which such order relates is vested by the order in the landlord ; and

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- (b) sub-paragraph (a) shall be omitted.
- 4 The reference in paragraph 20(2) of that Schedule to the date on which the notice required by paragraph 4 thereof is served on any person shall be treated as a reference to the date on which such an order comes into force.
- 5 In paragraph 29 of that Schedule—
- (a) sub-paragraph (1)(a) shall be omitted ; and
 - (b) the reference in sub-paragraph (1)(b) to the date on which a person first had knowledge of the execution of the general vesting declaration shall be treated as a reference to the date on which such order came into force.

The Land Compensation (Scotland) Act 1963 (c. 51)

- 6 Any reference to the date of service of a notice to treat shall be treated as a reference to the date on which an order under section 1A of this Act comes into force.
- 7 Section 25(2) shall be treated as if for the words 'the authority proposing to acquire it have served a notice to treat in respect thereof, or an agreement has been made for the sale thereof to that authority' there were substituted the words ' an order under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 vesting the land in which the interest subsists in the landlord has come into force, or an agreement has been made for the sale of the interest to the Landlord'.
- 8 In section 30—
- (a) subsection (2) shall be treated as if at the end of paragraph (c) there were added the words “; or
 - (d) where an order has been made under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 vesting the land in which the interest subsists in the landlord.”; and
 - (b) subsection (3) shall be treated as if in paragraph (a) the words ' or (d)' were inserted after the words ' subsection (2)(b)'.
- 9 Any reference to a notice to treat in section 45(2) shall be treated as a reference to an order under the said section 1A.
- 10 In Schedule 2, paragraph 1(2)(a) shall be treated as if the words ' or the coming into force of an order under section 1A of the Tenants' Rights, Etc. (Scotland) Act 1980 for the vesting of the land in the landlord' were inserted after the word ' land'.”.