



# Local Government (Miscellaneous Provisions) (Scotland) Act 1981

## 1981 CHAPTER 23

### PART IV

#### MISCELLANEOUS

PROSPECTIVE

#### **37 Further provision as regards the needs of the disabled.**

- (1) In each of sections 4(1), 5(1), 6(2), 8(1) and 8A(1) of the Chronically Sick and Disabled Persons Act 1970 (which impose on persons undertaking the provision of public buildings etc. certain duties as regards the needs of the disabled)—
- (a) for the words “provision, in so far as it is in the circumstances both practicable and reasonable” there shall be substituted the words “ appropriate provision ”; and
  - (b) at the end there shall be added the words “ unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made. ”.
- (2) After the said section 4(1) there shall be inserted the following subsection—
- “(1A) In subsection (1) above “appropriate provision” in relation to any case means provision conforming with so much of the Code of Practice for Access for the Disabled to Buildings as is relevant to that case and “prescribed” means prescribed by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and in the foregoing provisions of this subsection “the Code of Practice for Access for the Disabled to Buildings” means the British Standards Institution code of practice referred to as BS 5810: 1979.”.

*Status: This version of this provision is prospective.*

**Changes to legislation:** *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, Section 37. (See end of Document for details)*

(3) After the said section 5(1) the following words shall be inserted as section 5(1A)—  
“ Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section. ”;

and the same words shall be inserted as sections 6(2A), 8(1A) and 8A(1A) of the said Act of 1970.

(4) In section 28 of the said Act of 1970 (which empowers the Secretary of State to define certain expressions appearing therein), after the word “Parliament” there shall be inserted “—(a) ” and at the end there shall be added the words “; or

(b) amend the definition of “the Code of Practice for Access for the Disabled to Buildings” in section 4(1A) of this Act.”.

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

**C1** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, Section 37.