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**1982 No. 1397 (C. 43) (S. 163)**

**LOCAL GOVERNMENT, SCOTLAND  
TOWN AND COUNTRY PLANNING, SCOTLAND  
HOUSING, SCOTLAND  
COUNTRYSIDE  
WATER SUPPLY, SCOTLAND**

**The Local Government and Planning (Scotland) Act 1982  
(Commencement No. 2) Order 1982**

*Made - - - - - 28th September 1982*

In exercise of the powers conferred on me by section 69(2) of the Local Government and Planning (Scotland) Act 1982<sup>(a)</sup>, and of all other powers enabling me in that behalf, I hereby make the following order:—

1. This order may be cited as the Local Government and Planning (Scotland) Act 1982 (Commencement No. 2) Order 1982.
2. The provisions of the Local Government and Planning (Scotland) Act 1982 (hereinafter referred to as “the Act”) which are specified in Column 1 of Schedule 1 to this order and which relate to the subject matter specified in Column 2 thereof shall come into operation on 1st November 1982.
3. The provisions of the Act which are specified in Column 1 of Schedule 2 to this order and which relate to the subject matter specified in Column 2 thereof shall come into operation on 1st April 1983.

New St Andrew's House,  
Edinburgh.  
28th September 1982.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

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<sup>(a)</sup> 1982 c. 43.

LOCAL GOVERNMENT, SCOTLAND  
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## Article 2

## SCHEDULE 1

*Provisions coming into effect on 1st November 1982*

Column 1 Provisions of the Act	Column 2 Subject matter of provisions
In Part II:— Section 7 so far as it inserts the new section 154B into the Local Government (Scotland), Act 1973(a) Section 29. Section 32.	Code of practice for industrial promotion.  Power to repeal local statutory provisions which are superseded by provisions of the Act. Delegation of functions by sub-committees of local authorities.
In Part III:— Section 36. Section 37. Section 38. Section 39. Section 40. Section 42. Section 43. Section 45. Section 46. Section 47(b) and (c).  Section 48 so far as it relates to the provisions of Schedule 2 to the Act, which are specified below.	Secretary of State's discretion as regards public examination of structure plans. Proposals for alterations to structure plans. Inquiries with respect to local plans. Modification of local plans. Alteration of local plans. Notice of dangerous buildings orders affecting listed buildings. Power of regional planning authority to take enforcement action. Power of local authorities to recover cost of various orders. Power of planning authorities to vary planning permission. Restriction on further appeal following decision of Secretary of State on appeal under section 85 or 93 of the Town and Country Planning (Scotland) Act 1972(b). Further amendments of the Town and Country Planning (Scotland) Act 1972.
In Part IV:— Section 58. Section 59. Section 60.  Section 66(1) so far as it relates to the provisions of Schedule 3 to the Act which are specified below.	Power of water authority to require separate service pipes in cases of interference with water supply. Exemption from charges for water for fire fighting. Approved duties of councillors and allowances in respect thereof. Minor and Consequential Amendments.

(a) 1973 c. 65.

(b) 1972 c.52.

## SCHEDULE 1

Article 2

*Provisions coming into effect on 1st November 1982*

Column 1 Provisions of the Act	Column 2 Subject matter of provisions
<p>Section 66(2) so far as it relates to the provisions of Schedule 4 to the Act which are set out in the Appendix to this Schedule.</p> <p>In Schedule 2, paragraphs 1, 2, 3, 4, 6, 7, 13, 14, 15, 16, 21, 22, 24, 28 to 41, 43.</p> <p>In Schedule 3, paragraphs 4, 8, 9, 10, 11, 13, 14, 15, 22, 23, 25, 26, 27, 28, 34.</p>	Repeals.

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APPENDIX TO SCHEDULE 1

*Repeals coming into effect on 1st November 1982*

Chapter	Short title	Extent of repeal
1945 c. 43	The Requisitioned Land and War Works Act 1945.	Section 52.
1947 c. 22.	The Civic Restaurants Act 1947.	The whole Act.
1948 c. 17.	The Requisitioned Land and War Works Act 1948.	In the Schedule, paragraph 10.
1965 c. 46.	The Highlands and Islands Development (Scotland) Act 1965.	In section 10(1), the words "the Secretary of State or" and the words "or of the Secretary of State". In section 10(3), the words "the Secretary of State or" and the words " , as the case may be".
1967 c. 86.	The Countryside (Scotland) Act 1967.	In section 14(5), the words "or make". In section 34(5), the words "made under the next following section". Section 35A. In Schedule 3, paragraph 1(2); in paragraph 2, in sub-paragraph (1) the words "or make" and " , as the case may be," in sub-paragraph (2) the words "or making", "or make" and " , as the case may be," and in sub-paragraph (3) the words "or make" and "or the draft order prepared by him, as the case may be,"; and in paragraph 4, the words "or made" where they first occur, the words "or, in the case of an order made by the Secretary of State, the Secretary of State," and the words "or the Secretary of State (according as the notice or copy would require to be served by an authority or by the Secretary of State)".
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 6(1)(d).

## APPENDIX TO SCHEDULE 1

*Repeals coming into effect on 1st November 1982*

Chapter	Short title	Extent of repeal
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	<p>In section 12, in subsection (1), the words "section 10 of this Act and"; and in subsection (2), the word "generally".</p> <p>In section 37(1), the words "other than the Secretary of State".</p> <p>Section 54(2).</p> <p>Section 61(7).</p> <p>Section 84(6).</p> <p>In section 85(8), the words "or 80".</p> <p>In section 92(1), the words "subject to any directions given by the Secretary of State".</p> <p>Section 93(5)(b).</p> <p>In section 154(2), the words "(except subsection (5)(b) thereof)".</p> <p>Section 164(6).</p> <p>Section 167C(2)(b).</p> <p>In section 215(1), the words "other than the Secretary of State".</p> <p>In section 231, in subsection (1)(b), the words "except section 203(1)(a)"; and in subsection (3), in paragraph (f), the words "(1)(a), (f) or (g)".</p> <p>Section 262(2) and (3).</p> <p>In section 262A, subsection (3); and, in subsection (4), the words "or to an individual building so specified".</p> <p>Section 262B(3).</p> <p>In Schedule 10, in paragraph 11(1), the words from "; and (b)" to the end of paragraph (b).</p>
1973 c. 65.	The Local Government (Scotland) Act 1973.	<p>In section 49(2)(a), the words "or of any of its committees or sub-committees".</p> <p>Section 164.</p> <p>In Schedule 22, paragraphs 5, 8 and 9 of Part II.</p>
1975 c. 52.	The Safety of Sports Grounds Act 1975.	<p>In section 11, the words "or (d) the Secretary of State,".</p>

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APPENDIX TO SCHEDULE 1

*Repeals coming into effect on 1st November 1982*

Chapter	Short title	Extent of repeal
1975 c. 69.	The Scottish Development Agency Act 1975.	In section 10(1), the words "the Secretary of State or", and the words "or the Secretary of State".
1978 c. 3.	The Refuse Disposal (Amenity) Act 1978.	In section 8(1), the words "the Secretary of State or".
1980 c. 45	The Water (Scotland) Act 1980.	In paragraph 7(5) of Schedule 3, the word "either". Paragraph 23 of Schedule 4.
1981 c. 44	The Countryside (Scotland) Act 1981.	Section 5.

## SCHEDULE 2

## Article 3

*Provisions coming into effect on 1st April 1983*

Column 1 Provisions of the Act	Column 2 Subject matter of provisions
In Part II:—	
Section 6.	Effect of specific power or duty to incur expenditure at one tier of local government on exercise of general such power at different tier.
Section 7 so far as it inserts the new section 154A into the Local Government (Scotland) Act 1973.	Functions of local authority in relation to industrial promotion.
Section 9.	Re-allocation of responsibility for certain local authority functions relating to the countryside.
Section 10.	Re-allocation of responsibility for the establishment of nature reserves.
Section 11.	Islands or district council's functions in relation to tourism.
Section 12.	Regional or islands council's functions in affording assistance for rural bus services.
Section 13.	Local authorities' functions in relation to the provision of caravan sites.
Section 14.	Islands or district council's duties in relation to the provision of recreational, sporting, cultural and social facilities and activities.
Section 15.	Islands or district council's powers in relation to the provision of recreational, sporting, cultural and social facilities and activities.
Section 16.	Provisions supplementary to section 15 of the Act.
Section 17.	Power of regional council to contribute financially towards the provision of recreational, sporting, cultural and social facilities and activities.
Section 18.	Byelaws in relation to recreational, sporting, cultural and social activities.
Section 19.	Interpretation of and savings in relation to sections 14 to 18 of the Act.
Section 20.	Power of district council to acquire a harbour which is used wholly for sporting or recreational purposes.
Section 21.	Transfer of responsibility for flood warning systems from regional councils to river purification boards.
Section 22.	Re-allocation of responsibility for the enforcement of certain provisions of the Food and Drugs (Scotland) Act 1956(a).
Section 23.	General powers of local authority to assist community council.
Section 24.	Islands or district council's functions in relation to the provision of gardening assistance for the disabled and the elderly.

(a) 1956 c. 30.

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Article 3

## SCHEDULE 2

*Provisions coming into effect on 1st April 1983*

Column 1 Provisions of the Act	Column 2 Subject matter of provisions
Section 25.	Islands or district council's functions in relation to street cleansing.
Section 26.	Islands or district council's functions in relation to the provision of public conveniences.
Section 27.	Islands or district council's functions in relation to the provision of a market.
Section 28.	Islands or district council's functions in relation to the provision of clocks.
Section 30.	Power of islands and district councils to provide and maintain roadside seats.
Section 31.	Cessation of regional council's functions as regards war memorials.
In Part IV:—	
Section 52.	Grants where local authorities require provision of fire escapes for houses in multiple occupation.
Section 57.	Liability of water authorities etc for damage caused by escapes of water onto agricultural or forestry land.
Section 66(1) so far as it relates to the provisions of Schedule 3 to the Act which are specified below.	Minor and Consequential Amendments.
Section 66(2) so far as it relates to the provisions of Schedule 4 to the Act which are set out in the Appendix to this Schedule.	Repeals.
Schedule 1.	Re-allocation of functions relating to the countryside.
In Schedule 3, paragraphs 1, 2, 3(b), 12, 16, 21, 29, 32, 33(a), 37, 38, 41.	



**APPENDIX TO SCHEDULE 2**  
*Repeals coming into effect on 1st April 1983*

Chapter	Short title	Extent of repeal
1878 c. 8.	The Public Parks (Scotland) Act 1878.	The whole Act.
1892 c. 55.	The Burgh Police (Scotland) Act 1892.	Section 107 in so far as relating to streets and footways. Section 110. Section 112. Section 116. Section 277. Section 288. Sections 307 and 308.
1897 c. 38.	The Public Health (Scotland) Act 1897.	Section 29.
1903 c. 33.	The Burgh Police (Scotland) Act 1903.	In section 39, the first paragraph. Section 44.
1937 c. 46.	The Physical Training and Recreation Act 1937.	Section 4(1) to (4). Section 5. Section 7. Section 10(4) to (7) and (11).
1956 c. 30.	The Food and Drugs (Scotland) Act 1956.	In section 26(3), the words "regional councils".
1958 c. 36.	The Physical Training and Recreation Act 1958.	The whole Act.
1960 c. 62.	The Caravan Sites and Control of Development Act 1960.	Section 32(1)(h)(iii).
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 85.
1970 c. 40.	The Agriculture Act 1970.	Section 95. Section 96.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 55, the word "Regional". Section 91. Section 137(2). Section 139. Section 158. Section 162. Section 178. Section 219. Section 220. In Schedule 23, paragraph 2(a).
1974 c. 40.	The Control of Pollution Act 1974.	Sections 22 and 23. Schedule 4, in so far as relating to section 110, 112 or 116 of the Burgh Police (Scotland) Act 1892 or to section 39 of the Public Health (Scotland) Act 1897.

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APPENDIX TO SCHEDULE 2

*Repeals coming into effect on 1st April 1983*

Chapter	Short title	Extent of repeal
1980 c. 44.	The Education (Scotland) Act 1980.	In section 1, in subsection (3)(b) the words "without prejudice to the duty imposed on them by subsection (1) above, shall"; and in subsection (5)(b)(iii) the words "or as organised voluntary leisure-time occupation".
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 70(4), the definition of "gipsy" and the word "; and" immediately preceding that definition.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into operation on 1 November 1982 the following provisions of the Local Government and Planning (Scotland) Act 1982—

- (a) in Part II the provisions relating to the Code of practice for industrial promotion (section 7 (partially)), to the Secretary of State's power to repeal certain local statutory provisions (section 29), and to the delegation of functions by sub-committees (section 32);
- (b) in Part III the provisions relating to structure plans and local plans (sections 36 to 40), listed buildings affected by dangerous buildings notices (section 42), enforcement action by a regional planning authority (section 43), recovery of costs of making orders by local authorities (section 45), variation of planning permissions (section 46), restriction on further appeal following decisions of Secretary of State (in section 47 paragraphs (b) and (c) only);
- (c) in Part IV the provisions relating to the power of a water authority to require separate service pipes (section 58), the exemption from charges for water used for fire fighting (section 59), the right of councillors to opt for financial loss allowance and the circumstances in which allowances are payable to councillors (section 60); and
- (d) certain minor and consequential amendments and repeals contained in Schedules 2, 3 and 4 to the Act.

The Order also brings into operation on 1 April 1983 the following further provisions of the Act—

- (a) in Part II, provisions relating to the transfer of local authority functions (sections 6, 7 (partially) and 9 to 28, 30, 31 and Schedule 1);
- (b) in Part IV, grants for fire escapes required to be provided in houses in multiple occupation (section 52), liability of water authorities for damage caused by escapes of water onto agricultural or forestry land (section 57); and
- (c) certain minor and consequential amendments and repeals contained in Schedules 3 and 4 to the Act.

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This Note is not part of the Order.)*

The following provisions of the Act have been brought into force by the Commencement No. 1 Order (S.I. 1982/1137) made before the date of this Order—

- in Part I sections 1 to 5;
- in Part II sections 8 and 33 to 35;
- in Part IV sections 49 to 51, 53 to 56, 61 to 65, 66 (partially) and 67 to 68; Schedule 3 (partially) and Schedule 4 (partially).

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