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**1984 No. 918 (S. 89)**

**COUNTRYSIDE**

**The Nature Conservancy Council (Byelaws)  
(Scotland) Regulations 1984**

<i>Made</i>	- - - -	27th June 1984
<i>Laid before Parliament</i>		12th July 1984
<i>Coming into Operation</i>		2nd August 1984

In exercise of the powers conferred on me by section 106(1) and (4) of the National Parks and Access to the Countryside Act 1949(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Nature Conservancy Council (Byelaws) (Scotland) Regulations 1984, and shall come into operation on 2nd August 1984.

*Adaptations of enactments*

2. Sections 202, 202A, 202B, 202C, 203 and 204 of the Local Government (Scotland) Act 1973(b) (which relate to making, keeping under review, keeping a register of, and revocation of byelaws, the penalties for offences against byelaws, and evidence of byelaws in legal proceedings) shall, in relation to byelaws made by the Nature Conservancy Council under the National Parks and Access to the Countryside Act 1949 have effect subject to the adaptations contained in the Schedule to these regulations.

*Revocation and savings*

3.—(1) The Nature Conservancy Council (Byelaws) (Scotland) Regulations 1975(c) are hereby revoked.

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(a) 1949 c. 97; section 106 was amended by the Nature Conservancy Council Act 1973 (c. 54), Schedule 1, paragraph 2(2), and by the Local Government (Scotland) Act 1973 (c. 65), Schedule 27, paragraph 105.

(b) 1973 c. 65; section 202 was amended by the Local Government (Scotland) Act 1975 (c. 30), Schedule 6, paragraph 53, by the Water (Scotland) Act 1980 (c. 45), Schedule 10 and by the Civic Government (Scotland) Act 1982 (c. 45), section 110(2); sections 202A, 202B and 202C were inserted by the Civic Government (Scotland) Act 1982, section 110(3).

(c) S.I. 1975/1543.

(2) Nothing in this revocation shall affect the operation of any byelaws made under the National Parks and Access to the Countryside Act 1949 prior thereto and such byelaws shall continue in force and have effect as if made in accordance with sections 201 to 204 of the Local Government (Scotland) Act 1973 as applied by way of section 106 of the said 1949 Act subject to the adaptations contained in these regulations so far as they are applicable.

New St Andrew's House,  
Edinburgh.  
27th June 1984.

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

*Regulation 2*

SCHEDULE

ADAPTATIONS OF SECTIONS 202, 202A, 202B, 202C, 203 AND 204 OF  
THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

1. For the references in sections 202, 202A, 202B, 202C and 203 of the Local Government (Scotland) Act 1973 to a local authority, the proper officer of the authority and to the offices of the local authority by whom the byelaws are made, there shall be substituted references to the Nature Conservancy Council, to any member or officer of the Council authorised by the Council under Schedule 3 to the Nature Conservancy Council Act 1973 **(a)** to authenticate the application of its seal, and to the Headquarters Office in Scotland of the Nature Conservancy Council, respectively.

2. For sub-section (5) of the said section 202 there shall be substituted—

“(5) An officer duly authorised by the Nature Conservancy Council for that purpose shall, at least one month before application for confirmation is made, send a copy of the byelaws to the proper officer of every local authority within whose area or any part thereof the byelaws are to apply and the proper officer shall cause the copy to be at all reasonable hours open to public inspection without payment. A copy of the byelaws shall in like manner be deposited for public inspection at the Headquarters Office in Scotland of the Nature Conservancy Council.”.

3. For sub-section (13) of the said section 202 there shall be substituted—

“(13) An officer duly authorised by the Nature Conservancy Council for that purpose shall send a copy of the byelaws when confirmed to the proper officer of every local authority within whose area or any part thereof the byelaws are to apply, and the proper officer shall cause the copy to be at all reasonable hours open to public inspection without payment. A copy of the byelaws shall in like manner be deposited for public inspection at the Headquarters Office in Scotland of the Nature Conservancy Council.”.

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**(a)** 1973 c. 54; the amendments to Schedule 3 are not relevant to the subject matter of these regulations.

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4. For sub-section (2) of the said section 202C there shall be substituted—
- “(2) An officer duly authorised by the Nature Conservancy Council for that purpose shall, at least one month before the revocation under this section of any byelaws, give notice of the proposed resolution revoking them—
- (i) in a newspaper circulating in the area to which the byelaws apply, and
  - (ii) to the proper officer of every local authority within whose area or any part thereof the byelaws apply.”.

5. For section 204 there shall be substituted—

“**204.** The production of a copy of a byelaw purporting to be made by the Nature Conservancy Council upon which is endorsed a certificate purporting to be signed by an officer duly authorised by the Nature Conservancy Council for that purpose stating—

    - (a) that the byelaw was made by the Nature Conservancy Council;
    - (b) that the copy is a true copy of the byelaw;
    - (c) that on a specified date the byelaw was confirmed by the Secretary of State or, as the case may require was sent to the Secretary of State and has not been disallowed;
    - (d) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaw;

shall be sufficient evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.”.

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#### EXPLANATORY NOTE

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

Section 106 of the National Parks and Access to the Countryside Act 1949 applies the provisions of sections 201 to 204 of the Local Government (Scotland) Act 1973 to byelaws made under the 1949 Act by, among other bodies, the Nature Conservancy Council, subject in the case of byelaws made by the Nature Conservancy Council to such adaptations as may be prescribed by regulations made by the Secretary of State.

These regulations re-enact the Nature Conservancy Council (Byelaws) (Scotland) Regulations 1975. The change of substance is the inclusion of appropriate adaptations to sections 202A, 202B and 202C of the 1973 Act which were inserted into the 1973 Act by section 110 of the Civic Government (Scotland) Act 1982 and which relate to the regular review of byelaws, the keeping of a register of byelaws, and the revocation of byelaws by resolution.

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