



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VIII

FUNCTIONS

Miscellaneous functions

146 Police.

- (1) The ^{M1}Police (Scotland) Act 1967 shall be amended in accordance with subsections (2) to (9) below.
- ^{X1}(2) For section 1(1) of that Act (police areas) there shall be substituted the following subsection—
- “(1) Subject to the provisions of any amalgamation scheme, a police force shall be maintained for every region and for every islands area, and the provisions of this Act shall have effect in relation to any police force so maintained and to the constables thereof.”
- ^{X1}(3) In section 2(1) (police authorities), for the words from the beginning to “police authority” there shall be substituted the words “For every police area which is a region, the regional council, and for every police area which is an islands area the islands council, shall be the police authority”.
- ^{X1}(4) Section 4(3) of that Act (same person may be chief constable of more than one police force) shall cease to have effect on 16th May 1975.
- ^{X1}(5) Section 18 of that Act (jurisdiction of constables as respects execution of warrants in border counties of England and Scotland) shall be amended as follows—
- (a) in subsection (1) for the words from “Scotland” to “Dumfries” there shall be substituted the words “any one of the border [^{F1}areas] of Scotland, that is to say, the counties of Northumberland or Cumbria, or the [^{F1}areas] of the Borders or Dumfries and Galloway”, and after the word “counties” or

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“county” wherever it occurs there shall be inserted respectively the words “ or [F1areas] ” or “ or [F1area] ”;

(b) in subsection (2) for paragraph (b) there shall be substituted the following paragraph—

“(b) references to the [F1area] of the Borders or Dumfries and Galloway shall be construed as including references to a combined area within the meaning of this Act comprising either of those [F1areas].”

X1(6) In sections 20(5) (power of Secretary of State to make amalgamation schemes) and 29(3) (local inquiries) of that Act, for the reference to subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 there shall be substituted a reference to subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973.

F2(7)

X1(8) For section 23 of that Act there shall be substituted the following section—

“23 Chief constables affected by amalgamations or local government reorganisations.

(1) If the chief constable of a police force which ceases to exist in consequence of an amalgamation scheme, or an order under section 216 of the Local Government (Scotland) Act 1973, is not appointed as from the date when that police force ceases to exist—

- (a) chief constable of the new force, or
- (b) constable of any rank in any other police force which exists on that date,

he shall on that date become a constable of the new force (or, if there is more than one new force established by the amalgamation scheme or order, of such one of them as may be provided by the scheme or order) by virtue of this subsection.

(2) While a person is a constable of a police force by virtue only of subsection (1) above he shall hold the rank of assistant chief constable, but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist.

(3) A chief constable who becomes a constable of a police force by virtue of subsection (1) above shall, subject to regulations under Part II of this Act, cease to be a constable thereof at the expiration of three months unless he has then accepted and taken up an appointment in that force in some other capacity.

(4) The provision to be made by regulations under section 24 of the Superannuation Act 1972 or section 219 of the Local Government (Scotland) Act 1973 with respect to the chief constable of a police force who, after becoming a constable of another police force by virtue of subsection (1) above, ceases to be a constable of that force without having accepted and taken up an appointment in that force in a capacity other than that of chief constable shall, if he was the chief constable of a police force on 15th May 1975, be not less favourable than any provision by way of pension that would have been payable to or in respect of him by virtue of the Police Pensions Act

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1948 had the first-mentioned police force been combined with another force by an amalgamation scheme under the Police (Scotland) Act 1956 and he had neither been transferred to the combined force nor agreed to continue to serve therein in a capacity other than that of chief constable within three months; and section 2(1)(b) of the Police Pensions Act 1948 shall not apply to a constable who is first appointed a chief constable on or after 16th May 1975 and who is affected by this section.

(5) The relevant authority shall offer the chief constable of a police force which ceases to exist on 16th May 1975 (other than a chief constable who has been appointed the chief constable of a new force) an appointment to take effect not later than 16th August 1975 at the rank of assistant chief constable in the relevant new force.

(6) In this section—

“new force” has the same meaning as it has for the purposes of Schedule 2 to this Act;

“relevant authority” means the police authority or, as the case may be, the joint police committee responsible for the appointment of the chief constable of the relevant new force;

“relevant new force” means the new force to which the majority of the constables of a police force which ceases to exist on 16th May 1975 are transferred.”

^{X1}(9) In section 51 (1) (general interpretation), in the definition of “amalgamation scheme”, for the words “or section 20” there shall be substituted the words “ section 20 or section 21A ”.

(10) Sections 24 and 25 of the said Act of 1967 and Schedule 2 thereto shall, subject to any necessary modifications, apply to an order under section 215 of this Act as they apply to an amalgamation scheme under that Act.

Editorial Information

X1 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 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

Textual Amendments

F1 S. 146(5)(a)(b): words "areas" and "area" substituted (S.) (1.4.1996) for the words "regions" and "region" respectively by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(42)**; S.I. 1996/323, **art. 4(1)(c)**

F2 S. 146(7) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, **art. 4(1)(d)**, **Sch. 2**

Marginal Citations

M1 1967 c. 77.

147 Fire services.

F3

Changes to legislation: Local Government (Scotland) Act 1973, Cross Heading: Miscellaneous functions is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F3 S. 147 repealed (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), ss. 89(2), 90, **Sch. 4** (with ss. 5(1), 77); S.S.I. 2005/392, **art. 2(k)**

148 Water.

^{F4}(1)

^{F5}(2)

(8) Schedule 17 to this Act shall have effect for making amendments to the enactments relating to water.

^{F5}(9)

Textual Amendments

F4 S. 148(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(40), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F5 S. 148(2)–(7), (9) repealed by Water (Scotland) Act 1980 (c. 45), **Sch. 11**

^{F6}**149**

Textual Amendments

F6 S. 149 repealed by Weights and Measures Act 1985 (c. 72, SIF 131), s. 98, **Sch. 13 Pt. I**

[^{F7}**150** **Schedule 18 to continue to have effect.**

Schedule 18 to this Act (amendment of certain enactments relating to transport) shall continue to have effect.]

Textual Amendments

F7 S. 150 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(43)**; S.I. 1996/323, **art. 4(1)(c)**

^{F8}**151**

Textual Amendments

F8 S. 151 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 3 para. 27, **Sch. 8**

^{F9}**152**

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Textual Amendments

F9 S. 152 repealed by [Civil Aviation Act 1982 \(c. 16\)](#), s. 109(3), [Sch. 16](#)

153 Ferries.

- (1) All rights which are presently vested in [^{F10}regional or islands councils] in relation to ferries, all functions relating thereto, and all liabilities to which those authorities are subject in that connection, are hereby transferred to the ^{F11} . . . council within whose area the ferry is situated.
- (2) A ^{F12} . . . council or any two or more ^{F13} . . . councils acting in combination may acquire, provide, maintain, improve and operate any ferry situated wholly or partly within their area or areas, but ^{F13} . . . a council or councils acting in combination may only exercise those powers as respects a ferry situated partly within their area or areas and partly within the area of another such council if the agreement of that other council has first been obtained.
- (3) A ^{F14} . . . council or any two or more ^{F15} . . . councils acting in combination may
 - (a) incur capital expenditure and borrow money for the purposes of exercising their powers under subsection (2) above;
 - (b) lease or hire a ferry to or from another person on such conditions as they think fit;
 - (c) enter into arrangements with another person for the operation of a ferry by that person on their behalf; and
 - (d) from time to time fix fares and charges for the use of any ferry operated by virtue of this section, and adequate publicity as to those fares and charges shall be given by them within their area.
- (4) If in any year the revenue received by a council, or by two or more councils acting in combination, in respect of a ferry operated by virtue of this section is insufficient to defray the expenditure incurred in operating and maintaining in an efficient state any such ferry and any sums required to meet interest, sinking fund or other loan charges, the deficiency shall be met out of rates by the council in whom the ferry is vested, or in the case of a ferry vested in two or more councils in combination, by those councils in such proportions as may be fixed by the combination agreement.
- (5) In this section [^{F16}—]

^{F16}“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and]

“ferry” includes all rights pertaining thereto (including rights of access) and all boats, vessels, landing stages, plant and apparatus used in connection with the ferry, but does not include a harbour transferred by virtue of section 154 of this Act.

Textual Amendments

F10 Words in s. 153(1) substituted (1.4.1996) by [1994 c. 39](#), s. 180(1), [Sch. 13 para. 92\(44\)\(a\)\(i\)](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#)

F11 Words in s. 153(1) repealed (1.4.1996) by [1994 c. 39](#), s. 180(1)(2), [Sch. 13 para. 92\(44\)\(a\)\(ii\)](#), [Sch. 14](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)\(d\)](#), [Sch. 2](#)

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- F12** Words in s. 153(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(44)(b)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F13** Words in s. 153(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(44)(b)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F14** Words in s. 153(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(44)(c)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F15** Word in s. 153(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(44)(c)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F16** Definition of "council" in s. 153(5) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(44)(d)**; S.I. 1996/323, art. 4(1)(c)

154 Piers and Harbours.

- (1) ^{F17} . . . , all rights which are presently vested in [^{F18}regional, islands or district councils] in relation to harbours, piers, boatslips and jetties, all functions relating thereto, and all liabilities to which [^{F19}regional, islands or district councils] are subject in that connection, are hereby transferred to the ^{F20} . . . council within whose area the harbour, pier, boatslip or jetty is situated, and the enactments specified in Schedule 19 to this Act shall have effect subject to the amendments set out in that Schedule.
- (2) Where a harbour is situated partly within the area of one ^{F21} . . . council and partly within the area of another ^{F21} . . . council, all such rights, functions and liabilities as aforesaid shall be transferred to those councils jointly.
- (3) A ^{F22} . . . council or any two or more ^{F23} . . . councils acting in combination may acquire by agreement, or, if so authorised by the Secretary of State, may acquire compulsorily—
- (a) land for the purpose of constructing, re-constructing, extending or improving a marine work;
 - (b) any harbour whose acquisition is considered by the council to be desirable in the interests of their area and
 - (i) whose maintenance is to be discontinued by its owner, or
 - (ii) which is considered by the council to be in a poor state of repair,
 and sections 70(2) to (5) and 71(3) and (4) of this Act shall apply respectively to acquisition by agreement or compulsorily under this subsection as they apply for the purposes of those sections.
- ^{F24}(3A)
- ^{F24}(3B)
- (4) If a local authority so elects and notifies the Secretary of State accordingly, Part III of the ^{M2}Harbours, Piers and Ferries (Scotland) Act 1937 shall apply to any harbour transferred to or acquired by them under this section which is not a marine work as if it were a marine work.
- (5) A local authority may make loans to a harbour authority for a harbour wholly or partly situated within their area, on such terms as may be agreed between the local authority and the harbour authority, for the purpose of enabling the harbour authority to do anything which they have power to do.
- (6) Where provisions of the ^{M3}Harbours, Docks and Piers Clauses Act 1847 have been incorporated with any enactment, the amendments made by this Act in that Act shall be so incorporated.

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(7) In this section [^{F25}—]

[^{F25}“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and]

“harbour authority” and “marine work” have the same meanings as in section 57(1) of the ^{M4}Harbours Act 1964 and so has “harbour” except that it does not include a ferry within the meaning of section 153(5) of this Act

Textual Amendments

- F17** Words in s. 154(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(a)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F18** Words in s. 154(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(45)(a)(ii)**; S.I. 1996/323, art. 4(1)(c)
- F19** Words in s. 154(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(45)(a)(iii)**; S.I. 1996/323, art. 4(1)(c)
- F20** Words in s. 154(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(a)(iv), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F21** Words in s. 154(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F22** Words in s. 154(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(c)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F23** Words in s. 154(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(c)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F24** S. 154(3A)(3B) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(45)(d), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F25** Definition of “council” in s. 154(7) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(45)(e)**; S.I. 1996/323, art. 4(1)(c)

Modifications etc. (not altering text)

- C1** S. 154 certain functions transferred (18.11.1990) by S.I. 1991/43, **art. 3(1)**.
S. 154 certain functions transferred (25.2.1991) by S.I. 1991/1082, **art. 3(1)**.
S. 154 certain functions transferred (8.2.1993) by S.I. 1993/321, **art. 3(1)**

Marginal Citations

- M2** 1937 c. 28.
M3 1847 c. 27.
M4 1964 c. 40.

^{F26} 154A.....

Textual Amendments

- F26** S. 154A repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

^{F27} 154B.....

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Textual Amendments

F27 S. 154B repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

155 Factories.

F28(1)

X2(2) In section 46(6) (bye-laws), for the words “301 to 303” there shall be substituted the words “ 201 to 204 ” and for the word “1947”, where it twice occurs, there shall be substituted the word “ 1973 ”.

X2(3) In section 47(1) (means of escape), the word “either” and the words from “or, where” to the end shall cease to have effect.

F29(4)

X2(5) In section 153(3) (provisions as to councils), the words “a county council and” shall cease to have effect.

X2(6) Section 181(3) (definition of “district council” for certain purposes), shall cease to have effect.

X2(7) In section 182 (application to Scotland), subsection (2) shall cease to have effect, and in subsection (9) for the words “county and town” there shall be substituted the words “ islands and district ”.

Editorial Information

X2 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 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

Textual Amendments

F28 S. 155(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13** para. 92(46), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F29 S. 155(4) repealed by **Employment Act 1989** (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**

156 Offices, shops and railway premises.

F30(1)

X3(2) In section 52(3) of that Act (enforcement authorities), paragraph (a) and in paragraph (c), the words “the council of a county” shall cease to have effect.

X3(3) In section 62(3) (local inquiries), for the words from “(3)” to “1947” there shall be substituted the words “ (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 ”.

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Editorial Information

X3 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 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

Textual Amendments

F30 S. 156(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(47), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F31 **157**

Textual Amendments

F31 S. 157 repealed (1.12.1994) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3037, **art. 2(e)(v)** and expressed to be repealed (prosp.) by 1994 c. 39, ss. 180(1)(2), 184(2), Sch. 13 para. 92(48), **Sch. 14**

F32 **158**

Textual Amendments

F32 Ss. 158, 162, 164 repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 4 Pt. I**

F33 **159**

Textual Amendments

F33 S. 159 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(49), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F34 **160**

Textual Amendments

F34 S. 160 repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. II**

F35 **161**

Changes to legislation: Local Government (Scotland) Act 1973, Cross Heading: Miscellaneous functions is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F35 S. 161 repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

^{F36}**162**

Textual Amendments

F36 Ss. 158, 162, 164 repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 4 Pt. I**

163 Public libraries, museums and art galleries.

^{F37}(1)

(2) A local authority ^{F38}... shall have a duty to secure the provision of adequate library facilities for all persons resident in their area.

^{F39}(3)

(4) Schedule 21 to this Act shall have effect for making amendments to the enactments relating to public libraries, museums and art galleries.

Textual Amendments

F37 S. 163(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(50)(a), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F38 Words in s. 163(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(50)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

F39 S. 163(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(50)(c), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

^{F40}**164**

Textual Amendments

F40 Ss. 158, 162, 164 repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 4 Pt. I**

165 Spray irrigation.

The functions of river purification boards under the ^{M5}Spray Irrigation (Scotland) Act 1964 shall be exercisable by river purification authorities, and accordingly in that Act, for the words “board” and “boards”, wherever they occur, there shall be substituted respectively the words “ authority ” and “ authorities ”.

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Marginal Citations

M5 1964 c. 90.

166 Registration of births, deaths and marriages.

^{F41}(1)

^{X4}(2) Accordingly the following amendments shall be made in that Act—

- ^{F42}(a)
- (b) in section 6(4) (local inquiries), for the words from “subsections” to “1947” there shall be substituted the words “ subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 ”;
- (c) in section 8(5) (custody of keys), the words from “by their” to “town clerk” shall cease to have effect;
- (d) in section 9(2) (combination of local authorities), for the words from “section”, where last occurring, to “1947” there shall be substituted the words “ sections 56 to 58 of the Local Government (Scotland) Act 1973 ”;
- ^{F42}(e)
- ^{F42}(f)

Editorial Information

X4 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 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

Textual Amendments

- F41** S. 166(1) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**
- F42** S. 166(2)(a)(e)(f) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(d), **Sch. 2**

^{F43}**167**

Textual Amendments

- F43** S. 167 repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. VII**

^{F44}**168**

Textual Amendments

- F44** S. 168 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(51), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

Changes to legislation: *Local Government (Scotland) Act 1973, Cross Heading: Miscellaneous functions is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

169 Burial grounds, churchyards etc.

^{F45}(1)

- (2) The functions of councils under the ^{M6M7}Church of Scotland (Property and Endowments) Acts 1925 and 1933 shall be transferred to and vest in islands and district councils in accordance with the amendments to those Acts set out in Part II of Schedule 27 to this Act.

Textual Amendments

F45 S. 169(1) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), [sch. 2](#) (with s. 111); [S.S.I. 2018/380](#), [reg. 2](#), [sch.](#) (with [reg. 8](#))

Marginal Citations

M6 1925 c. 33.

M7 1933 c. 44.

170 War memorials.

- (1) The local authority for the purposes of the ^{M8}War Memorials (Local Authorities' Powers) Act 1923 as extended to Scotland by section 133(3) of the ^{M9}Local Government Act 1948 shall be a [^{F46}local authority within the meaning of this Act]; and the powers conferred on a local authority by section 1 of the said Act of 1923 as so extended with regard to war memorials shall apply to any war memorial outside as well as within their area.

^{X5}(2) In consequence of subsection (1) above the said section 133(3) shall have effect as if—

- (a) after the word “modifications” there were inserted the following head—

“(ia) in section 1, for the words “within their district” there shall be substituted the words “ whether within or outside their area ”;”

- (b) for head (ii) there were substituted the following head—

“(ii) “local authority” means a regional, islands or district council.”

Editorial Information

X5 The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)-(9), 147(2)(6)-(8), 155(2)(3)(5)-(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2-12 and Sch. 26 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

Textual Amendments

F46 Words in s. 170(1) substituted (1.4.1996) by [1994 c. 39](#), s. 180(1), [Sch. 13 para. 92\(53\)](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#)

Marginal Citations

M8 1923 c. 18.

M9 1948 c. 26.

Changes to legislation:

Local Government (Scotland) Act 1973, Cross Heading: Miscellaneous functions is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)