

SCHEDULES

SCHEDULE 6

Section 38(1).

ADAPTATION AND AMENDMENT OF ENACTMENTS

PART I

GENERAL ADAPTATION OF ENACTMENTS

- 1 Any reference in any enactment to an entry in the roll made by the Assessor of Public Undertakings (Scotland), however expressed, shall be construed as a reference to a direction given by the Assessor under section 5 of this Act.
- 2 Any reference in the Valuation Acts or in any enactment having effect by virtue of those Acts to " year ", however expressed, shall be construed as respects the year 1975-76 as a reference to a period commencing on 16th May 1975 and ending on 31st March 1976 and as respects any later year as a period of twelve months ending with 31st March.

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

The Lands Valuation (Scotland) Act 1854 (c. 91)

- 1 In section 7 (assessor may call for written statement of rent)—
 - (a) for the words from " within the county or burgh " to " such county or burgh " there shall be substituted the words " within his area for a return containing such particulars as may be reasonably required for the purpose of enabling him to value the lands and heritages ";
 - (b) for the words " of such yearly rent or value or other particulars as aforesaid " there shall be substituted the words " in such return ".
- 2 In section 24 (notice of valuation)—
 - (a) the words " in each year " shall cease to have effect;
 - (b) for the words " every entry in his valuation roll " there shall be substituted the words " the direction given by him under section 5 of the Local Government (Scotland) Act 1975 ";
 - (c) after the words " such valuation " there shall be inserted the words " as contained in the direction ".
- 3 In section 25 (appeal by parish, county or burgh interested in the valuation of any company), for the words from the beginning to " contained to " there shall be substituted the words " Any local authority having an interest in any entry in the valuation roll made in consequence of a direction given by the Assessor of Public

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Undertakings (Scotland) under section 5 of the Local Government (Scotland) Act 1975 may ".

- 4 For section 35 (valuation rolls preserved in the General Register House), there shall be substituted the following section—

“35 Preservation of valuation rolls by the Keeper of Records.

The assessor for each valuation area shall as soon as is reasonably practicable after a valuation roll has ceased to be in force transmit that roll to the Keeper of the Records of Scotland for preservation by him.”.

- 5 In section 42 (interpretation), in the definition of "machinery fixed or attached" (set out in section 1 of the Lands Valuation (Scotland) Amendment Act 1902) the words " save as herein provided " shall cease to have effect and at the end there shall be added the words " nor, after the year 1977-78, include any electric motor used in any industrial or trade process, whether in a building or not ".

The Sporting Lands Rating (Scotland) Act 1886 (c. 15)

- 6 In section 6 (valuation of shootings and deer forests), for the word " parish" wherever it occurs there shall be substituted the words " islands area or district ".

The Valuation of Lands (Scotland) Acts Amendment Act 1894 (c. 36)

- 7 In section 7 (extension of meaning of word company), for the words " the valuation roll to be made up " there shall be substituted the words " any valuation made ".

The Rating and Valuation (Apportionment) Act 1928 (c. 44)

- 8 In section 9(13) (application to Scotland), for the words from " (including " to " so amended " there shall be substituted the words " made up under the Valuation Acts as defined in section 37 of the Local Government (Scotland) Act 1975 ".

The Railways (Valuation for Rating) Act 1930 (c. 24)

- 9 In section 22(7) (amendment of other Acts), for the words "made up by the Assessor" there shall be substituted the words " in consequence of a direction given by the Assessor under section 5 of the Local Government (Scotland) Act 1975 ".

The Water (Scotland) Act 1946 (c. 42)

- 10 In Schedule 1 (procedure for making orders and making and confirming byelaws)—
- (a) in paragraph 25(b), for the words " local authority of every " there shall be substituted the words " council of every region or ";
 - (b) in paragraph 27, for the words from " exceeding " to the end there shall be substituted the words " 10p for every hundred words contained in the copy, as they may determine ";
 - (c) in paragraph 30, for the words from " exceeding " to the end there shall be substituted the words " 20p for every copy as the authority or board may determine ";
 - (d) in paragraph 31, for the words "clerk or secretary" there shall be substituted the words " proper officer ".

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The Civic Restaurants Act 1947 (c. 22)

- 11 In section 3 (financial provisions), in subsection (1) the words from " and the form of the account" to the end, and in subsection (2) the words from " and if the account" to the end shall cease to have effect.

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

- 12 In section 235 (rating authority may require power to furnish statement of lets)—
- (a) in subsection (1) the words " and of the rents for which the same are let " shall cease to have effect;
 - (b) in subsection (2), for the words " ten pounds " and " twenty pounds " there shall be substituted respectively the words " £50 " and " £100 ", and the words " or the rent for any of the said lands and heritages " shall cease to have effect.
- 13 In section 243 (occupiers' rates not to be levied in respect of unlet and unoccupied subjects)—
- (a) in subsection (1) for the words from "year from Whitsunday" to the end there shall be substituted the words " financial year, or, in the case of lands and heritages which are first entered in the valuation roll during the course of the financial year, throughout the whole of the period between the date when such entry becomes effective and the end of the financial year ";
 - (b) in subsection (2) for the words from " year from " to " fit" there shall be substituted the words " financial year, the rating authority shall ".

The Local Government Act 1948 (c. 26)

- 14 In section 100(3) (provisions as to making and division of payments for benefit of local authorities), for the words from " according to their" to the end there shall be substituted the words " among local authorities or any classes thereof in accordance with regulations made by him under section 111 of the Local Government (Scotland) Act 1973. ".

The Water (Scotland) Act 1949 (c. 31)

- 15 In section 2 (provisions as to liability for domestic water rate), at the end of subsection (1A) there shall be added the words " or which are occupied by a water authority for the purposes of a water undertaking or by a water development board ".
- 16 In section 20(1) (provisions as to levying of, and exemptions from, rates), after " requisitions)" there shall be inserted the words " Part VII of the Local Government (Scotland) Act 1973 and sections 7 to 10 of the Local Government (Scotland) Act 1975 ".

The Rating and Valuation (Scotland) Act 1952 (c. 47)

- 17 In section 3 (notice to rating authorities of Assessor's proposed valuation)—
- (a) in subsection (1), the words " in each year " shall cease to have effect, and for the words " entry proposed to be made by such Assessor in his valuation roll" there shall be substituted the words " direction proposed to be given by such Assessor under section 5 of the Local Government (Scotland) Act 1975 ";

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(b) in subsection (2), for the word " entry " wherever it occurs and for the words " his valuation roll" there shall be substituted respectively the words " direction " and " such direction " .

18 In section 4 (Assessor of Public Undertakings (Scotland) to amend his valuation roll to give effect to appeal), the word " roll" shall cease to have effect, and at the end there shall be added the words " and shall give a further direction under section 5 of the Local Government (Scotland) Act 1975 " .

The Pests Act 1954 (c. 68)

19 For section 6 (charges for inspection of ships), there shall be substituted the following section—

“6 Charges for inspection of ships.

A local authority within the meaning of the Public Health (Scotland) Act 1945 or a port local authority within the meaning of section 172 of the Public Health (Scotland) Act 1897 may impose such charges as appear to the authority to be appropriate for any inspection of a vessel made by an officer of the authority for the purposes of any Order in Council under section 23 of the Prevention of Damage by Pests Act 1949.”.

The Valuation and Rating (Scotland) Act 1956 (c. 60)

20 In section 13 (time for giving notices etc.)—

- (a) at the end of subsection (1) there shall be added the words " ; and an order under this section may relate to local authorities generally or to any class of local authority " ;
- (b) subsection (2) shall cease to have effect.

21 In section 43(1) (interpretation), in the definition of "the Valuation Acts " at the end there shall be added the words " and the Local Government (Scotland) Act 1975 " .

22 In Schedule 4 (rating of Gas Boards), in paragraph 10, for the words from " enter " to the end there shall be substituted the words " direct the local assessor under section 5 of the Local Government (Scotland) Act 1975 to enter the lands and heritages at such rateable values in the valuation roll and shall notify the amount of the rateable values to the rating authority concerned and to the Board before such date as may be prescribed " .

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

23 In section 7(4) (apportionment), for the words " the fifteenth day of March" there shall be substituted the words " the date prescribed by order under section 13 of the Act of 1956 " .

24 In section 9 (meaning of product of a rate of one penny in the pound and standard penny rate product)—

- (a) in subsection (3) for the words from " amount" to the end there shall be substituted the words " product of the weighted population of the district or islands area and the national standard amount per head for that year. " ;
- (b) subsection (4) shall cease to have effect;

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- (c) in subsection (5) after the word " area " there shall be inserted the words " and the national standard amount per head ".
- 25 In section 15 (proceedings before valuation appeal committees)—
- (a) in subsection (2) for the words " 5 of the Act of 1956 " there shall be substituted the words " 4 of the Local Government (Scotland) Act 1975 and the procedure in appeals and complaints to such committees ";
- (b) for subsection (3) there shall be substituted the following subsection—
- “(3) Regulations under this section may provide for the amendment or repeal of any enactment which is inconsistent with or superseded by any provision contained in the regulations.”.
- 26 In section 22 (miscellaneous amendments of Act of 1956 relating to valuation and rating), in paragraph (d) for the words from " in years " to the end there shall be substituted the words " as he may consider appropriate ".
- 27 In section 26(1) (interpretation), in the definition of " year of revaluation " for the words " 9 of the Act of 1956 " there shall be substituted the words " 37 of the Local Government (Scotland) Act 1975 ".

The Public Works Loans Act 1964 (c. 9)

- 28 In section 6(1) (re-borrowing powers of public authorities), for the words " section 277(1) of the Local Government (Scotland) Act 1947 " there shall be substituted the words " Schedule 3 to the Local Government (Scotland) Act 1975 ".

The Teaching Council (Scotland) Act 1965 (c. 19)

- 29 In Schedule 1 (constitution of the Council)—
- (a) in paragraph 1(1)(b) for items (i) and (ii) there shall be substituted the following item—
- “(i) four by the Convention of Scottish Local Authorities ;”;
- (b) in paragraph 4(1) for the words " paragraph 5(3)" there shall be substituted the words " paragraphs 5(3) and 5A ";
- (c) after paragraph 5 there shall be inserted the following paragraph—
- “5A On 16th May 1975 each person holding office as a member of the Council who has been appointed by the Association of County Councils in Scotland or by the Scottish Counties of Cities Association shall go out of office; and any person, appointed as a member of the Council by the Convention of Scottish Local Authorities by virtue of paragraph 1(1)(b)(i) of this Schedule in respect of the period of office of members of the Council current at the date of the commencement of paragraph 29 of Schedule 6 to the Local Government (Scotland) Act 1975, shall hold office until 31st January 1979 inclusive.”.

The Public Works Loans Act 1965 (c. 63)

- 30 In section 2 (new form of local loan and automatic charge for securing it)—
- (a) for subsection (1)(b) there shall be substituted the following paragraph—

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- “(b) in relation to Scotland, any local authority within the meaning of the Local Government (Scotland) Act 1973 and any joint board or joint committee of any such local authority”;
- (b) in subsection (3), for the words " Part XII of the said Act of 1947 " there shall be substituted the words " Schedule 3 to the Local Government (Scotland) Act 1975 ";
- (c) in subsection (5), for the words " section 261 of the Local Government (Scotland) Act 1947" there shall be substituted the words " paragraph 8 of Schedule 3 to the said Act of 1975 ".

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

- 31 In Schedule 7 (provisions as to local bonds), in paragraph 6 for the words " Part XII of the Local Government (Scotland) Act 1947 " there shall be substituted the words " Schedule 3 to the Local Government (Scotland) Act 1975 ".

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

- 32 In section 15 (valuation according to ' tone of roll), in subsection (1), for the words " for a year other than a year of revaluation " there shall be substituted the words " at any time the valuation roll is in force ".
- 33 In section 24 (liability to be rated in respect of certain unoccupied property)—
- (a) in subsections (1), (4) and (5) for the words " three months " there shall be substituted the words " six months ";
 - (b) subsections (2) and (3) shall cease to have effect.
- 34 In section 25 (provisions supplementary to section 24)—
- (a) subsection (2) shall cease to have effect;
 - (b) in subsection (3), for the words " three months " there shall be substituted the words " six months " and in paragraph (d) for the words " Minister of Public Building and Works " there shall be substituted the words " Secretary of State ".
- 35 In section 27 (notification of unoccupied dwelling-houses)—
- (a) in subsection (2), the words "subject to the next following subsection" and the words from " and no reduction " to the end shall cease to have effect;
 - (b) subsection (3) shall cease to have effect;
 - (c) in subsection (4) for the word " rating" there shall be substituted the word " local ".
- 36 In section 46(1) (general interpretation), in the definition of " year of revaluation " for the words " 9 of the Valuation and Rating (Scotland) Act 1956 " there shall be substituted the words " 37 of the Local Government (Scotland) Act 1975 ".
- 37 In Schedule 2 (valuation of water undertakings)—
- (a) in paragraph 1, the words " and shall enter such value in the valuation roll" shall cease to have effect;
 - (b) in paragraph 2, for the words "entered in the valuation roll referred to in" there shall be substituted the words " determined by the Assessor in accordance with ";

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- (c) in paragraph 4, for the words " 31st December " there shall be substituted the words " such date as may be prescribed ";
- (d) in paragraph 16, after the words " Assessor shall" there shall be inserted the words " give a direction under section 5 of the Local Government (Scotland) Act 1975 to the local assessor to ";
- (e) in paragraph 17, after the words " and shall" there shall be inserted the words " give a direction under section 5 of the Local Government (Scotland) Act 1975 to the local assessor to ";
- (f) in paragraph 19, for the words " 31st December " there shall be substituted the words " such date as may be prescribed ";
- (g) paragraph 23 and, in paragraph 27, the definition of " valuation roll " shall cease to have effect.

38 In Schedule 3 (rating of unoccupied property), in paragraph 3(6) for the words " 349 of the Local Government (Scotland) Act 1947 " there shall be substituted the words " 192 of the Local Government (Scotland) Act 1973 ".

The Water (Scotland) Act 1967 (c. 78)

39 In section 12 (calculation of amount to be requisitioned by regional water boards), in subsection (2)(b) for the words between " relevant financial year " and " authority, and " there shall be substituted the words " means, in the case of a requisition in respect of the financial year 1975-76, that year, and, in the case of a requisition in respect of any subsequent financial year, the financial year in respect of which the requisition is made or, if the water authority and the contributing authority agree, the financial year of the contributing authority immediately preceding the year in respect of which the requisition is made on the ".

The National Loans Act 1968 (c. 13)

40 In paragraph 1 of Schedule 4 (local loans), for the words " 379(1) of the Local Government (Scotland) Act 1947 " there shall be substituted the words " 235(1) of the Local Government (Scotland) Act 1973. ".

The Transport Act 1968 (c. 73)

41 In section 12(7)(b) (borrowing powers of Executive), for the words " section 278 of the Local Government (Scotland) Act 1947 " there shall be substituted the words " paragraph 26 of Schedule 3 to the Local Government (Scotland) Act 1975 ".

42 In section 19(1) (transfer of control of bus services to Executive), for the words from " Minister has received " to " a copy of " there shall be substituted the words " Authority for a designated area have caused to be published ".

The Post Office Act 1969 (c. 48)

43 In section 53(2) (rating in Scotland), for the words from " entered " to the end there shall be substituted the words " apportioned by the Assessor of Public Undertakings (Scotland) among rating areas in such manner as the Secretary of State may by order determine and the Assessor shall direct the local assessor under section 5 of the Local Government (Scotland) Act 1975 to enter the values as so apportioned in the valuation roll ".

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The Local Government (Footpaths and Open Spaces) (Scotland) Act 1970 (c. 28)

- 44 In section 5 (interpretation), in the definition of 'local authority', for the words " a town council or a county " there shall be substituted the words " , in sections 1 and 2, a regional or islands council, and in section 3, a regional, islands or district " .

The Breeding of Dogs Act 1973 (c. 60)

- 45 In section 1 (licensing)—
- (a) in subsection (2), for the words " Secretary of State may by order " there shall be substituted the words " local authority may ";
 - (b) subsection (3) shall cease to have effect.

The Local Government (Scotland) Act 1973 (c. 65)

- 46 In section 49 (application of sections 45 to 47 to certain bodies)—
- (a) subsection (1)(b) shall cease to have effect;
 - (b) after subsection (1) there shall be inserted the following subsection:—

“(1A) Sections 45 to 47 of this Act shall apply to any local valuation panel or valuation appeal committee but as if the payments referred to in those sections were made by the valuation authority.”.

- 47 In section 94 (capital expenses), after subsection (1) there shall be inserted the following subsection—
- “(1A) The giving of approval by a local authority as a Passenger Transport Authority to any proposal for expenditure referred to in section 15(1)(c) of the Transport Act 1968 shall be deemed for the purposes of this section to be an incurring of liability by the authority to meet capital expenses.”.

- 48 In section 97(6) (Commission for Local Authority Accounts in Scotland), after the words " includes ", " Audit," and " accountants, and " there shall be inserted respectively the words " (a) " , " (b)" and " (c)".

- 49 In section 113 (persons eligible for rate rebates)—
- (a) for paragraph (b) of subsection (1) there shall be substituted the following paragraph—

“(b) a person who is the occupier of lands and heritages which are not a dwelling-house, but who resides or is usually resident in a part of the lands and heritages which is used for the purposes of a private dwelling and has at the relevant date a rateable value which does not exceed any limit prescribed ;”;
 - (b) subsection (3) shall cease to have effect;
 - (c) in subsection (4) for the word " paragraph " there shall be substituted the words " paragraphs (b) and " and at the end there shall be added the words " ; but in determining any such question the sheriff shall have regard to any apportionment shown in the valuation roll " .

- 50 In section 125 (school and college councils), after subsection (3) there shall be inserted the following subsections—
- “(3A) Notwithstanding any rule of law, a person in minority shall be eligible to be appointed as a member of a school or college council.

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- (3B) Without prejudice to the entitlement of a member of a school or college council who is also a member of a body to which sections 45 and 46 of this Act apply to receive allowances under those sections, an education authority may pay to any member of such a council—
- (a) in respect of his attendance at a meeting of the council, or
 - (b) in respect of the doing by him of anything approved by the authority, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the council,
- such allowances, in the nature of those payable under those sections, other than subsection (1) of the said section 45, as they think fit, being payments of such reasonable amounts as they may determine in any particular case or class of case and not exceeding the amounts prescribed under subsection (4) of the said section 45 and specified under the said section 46 for the corresponding allowances under those sections.”.
- 51 In section 183(1) (directions relating to specialist advice), for paragraphs (b) and (c) there shall be substituted the following paragraph—
- “(b) under sections 262 and 262A of that Act (designation of, and control of demolition in, conservation areas ”).”
- 52 In section 194 (execution of deeds by local authority and use of seal), in subsection (1), for the words " this Act " there shall be substituted the words " any enactment ".
- 53 In section 202 (procedures, etc., for byelaws)—
- (a) in subsection (1), at the beginning there shall be inserted the words " Subject to subsection (1A) below ";
 - (b) after subsection (1) there shall be inserted the following subsection—
- “(1A) This section shall not apply to byelaws made under section 60 or 61 of the Water (Scotland) Act 1946 or section 63(7) of the Countryside (Scotland) Act 1967.”.
- 54 In Schedule 7 (meetings and proceedings of local authorities)—
- (a) in paragraph 2(4) after the words " a council" there shall be inserted the words " and any other business brought before that meeting as a matter of urgency in accordance with the council's standing orders ";
 - (b) in paragraph 5(1) after the word "Act" there shall be inserted the words " and to any provisions of standing orders relating to the suspension of such orders ";
 - (c) in paragraph 5(2) after the word " appointment" there shall be inserted the words " of a member of the council ".
- 55 In Schedule 14 (amendment of enactments relating to roads), paragraphs 55 and 56 shall cease to have effect.
- 56 In Schedule 17 (amendment of enactments relating to water)—
- (a) for paragraph 1 there shall be substituted the following paragraph—
- “1 (1) Notwithstanding any other provision of this Act or any order made thereunder, any reference in any enactment, order, scheme, regulations, award or byelaws passed or made before the coming into force of this Act—

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- (a) in unspecified terms to a regional water board or the region of such a board (or any expression construed as such a reference by virtue of paragraph 2 of Schedule 2 to the Water (Scotland) Act 1967) or to a constituent board shall be construed respectively as a reference to a water authority or to the limits of supply of such an authority or to a constituent water authority ;
- (b) to a particular regional water board or the region of such a board (or any expression construed as aforesaid) shall be construed respectively as a reference to the water authority responsible for the water undertaking to which the enactment relates or to the limits of supply of such an authority.

(2) If there is any doubt as to the identity of the water authority referred to in sub-paragraph (1)(b) above, that authority shall be taken to be such authority as may be specified in a direction given by the Secretary of State.”;

- (b) in paragraph 47 for the word " (c) " there shall be substituted the word " (a) ".

57 In Schedule 23 (amendment of enactments relating to planning), in paragraph 2(b) for the words from " a general" to the end there shall be substituted the words " an islands or district council ".

58 In Schedule 29 (repeals), the entry relating to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall cease to have effect and paragraph 9 of Schedule 1 to that Act is hereby revived, and in column 3 of the entry relating to the Local Government (Scotland) Act 1966 for the words " 30, subsections (3) and (4). Sections 31 and " there shall be substituted the words " 30(4) the words from ' section 149 ' to ' that Act'. Section ".

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

59 In section 3 (conditions for approval of applications for improvement grant), in subsection (2)(c)(ii), for the words "last authenticated prior to " there shall be substituted the words " in force on ".

The House of Commons Disqualification Act 1975 (c. 24)

60 In Part III of Schedule 1, in the entry relating to local government officers the words from " County clerk or " to the end of the entry shall cease to have effect.

61 In Part IV of Schedule 1, in the entry relating to Her Majesty's Lieutenant for a county in Great Britain for the words " Great Britain " there shall be substituted the words " England and Wales " , and after that entry there shall be inserted the following entries—

“Her Majesty's lord-lieutenant or lieutenant for a region in Scotland.

Any constituency comprising the whole or part of such part of the region as may be determined by Order in Council made by Her Majesty in which the lord-lieutenant holds office or in which the

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Her Majesty's lord-lieutenant or lieutenant for an islands area in Scotland.

lord-lieutenant or lieutenant discharges his functions.

Any constituency comprising the whole or part of the islands area for which the lord-lieutenant or lieutenant is appointed or for which the lord-lieutenant holds office.

Her Majesty's lord-lieutenant or lieutenant for the district of the city of Aberdeen, Dundee, Edinburgh or Glasgow.

Any constituency comprising the whole or part of the district in which the lord-lieutenant holds office or for which the lieutenant is appointed.”

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

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In Part III of Schedule 1, in the entry relating to local government officers the words from " County clerk or " to the end of the entry shall cease to have effect.