



Local Government (Miscellaneous Provisions) (Scotland) Act 1981

1981 CHAPTER 23

PART I

VALUATION AND RATING

1 Power to change year of revaluation

In section 37 of the 1975 Act (which makes provision as regards the interpretation of that Act), at the end there shall be added the following subsections—

“(3) The Secretary of State may by order amend the definition of " year of revaluation " in subsection (1) above by substituting, for the financial year for the time being specified in that definition by reference to two calendar years, a different financial year so specified.

(4) An order under subsection (3) above shall have no effect until approved by resolution of each House of Parliament”.

2 Power to exclude certain lands and heritages from valuation or revaluation

In section 1 of the 1975 Act (which among other things requires an assessor for a valuation area to make such arrangements as are necessary to secure the valuation or revaluation of all lands and heritages in his area in respect of each year of revaluation)

—
(a) at the end of paragraph (a) of subsection (3) there shall be added the following proviso—

“: Provided that—

(i) the Secretary of State may by order determine in respect of every new valuation roll being made up under this section that only such classes of lands and heritages as may be specified in the order shall be so valued or revalued; and

- (ii) where an order is made under sub-paragraph (i) above, the net annual value of any lands and heritages not falling within a class specified in the order shall, for the purposes of the new valuation roll, be taken to be—
- the same as was entered in the old valuation roll (that is, in the valuation roll in force immediately before the coming into force of the new valuation roll); or
 - if no such value was so entered, the value which would properly fall to be entered in the old valuation roll in respect of them if that roll were still in force and were altered in accordance with section 2 of this Act;”;
- (b) after subsection (6) there shall be inserted the following subsections—
- “(6A) Where the Secretary of State makes an order under sub-paragraph (i) of the proviso to subsection (3)(a) above, he may prescribe by order under this subsection (either or both)—
- (a) a method whereby the net annual value of the specified lands and heritages shall be adjusted for the purposes of ascertaining their rateable value;
 - (b) such a method as regards the unspecified lands and heritages; and the order may prescribe different such methods as regards different valuation areas.
- (6B) Any method prescribed under subsection (6A) above shall be such as in the opinion of the Secretary of State will preserve the ratio which he estimates will exist immediately before the coming into force of the new valuation roll between, as regards each valuation area, the rateable values of specified lands and heritages and those of unspecified lands and heritages.
- (6C) Before prescribing a method under subsection (6A) above, the Secretary of State shall consult the Scottish Valuation Advisory Council and any association of local authorities which appears to him to represent the interests of local authorities in Scotland.
- (6D) The Secretary of State may by order under this subsection—
- (a) repeal or amend any enactment (including this Act) in so far as that enactment relates to the valuation of lands and heritages and such valuation is affected by an order under sub-paragraph (i) of the proviso to subsection (3)(a), or under subsection (6A), above;
 - (b) as regards a valuation so affected, apply, restrict or modify the enactments relating to appeals or complaints in connection with the valuation roll.
- (6E) An order under—
- (a) sub-paragraph (i) of the proviso to subsection (3)(a), or under subsection (6D), above shall have no effect until approved by resolution of each House of Parliament ;
 - (b) subsection (6A) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”; and
- (c) at the end of subsection (7) there shall be added the following words—

“;

" specified lands and heritages " means lands and heritages of such classes as are mentioned in sub-paragraph (i) of the proviso to subsection (3)(a) above ; and " unspecified lands and heritages " means such lands and heritages as are mentioned in sub-paragraph (ii) of that proviso.”.

3 Valuation of non-industrial buildings other than dwelling-houses

In subsection (2) of section 6 of the 1956 Act (which provides for ascertainment of the gross annual value of lands and heritages consisting of dwelling-houses or other non-industrial buildings) the words " or other non-industrial buildings" and " or buildings " shall, for the purpose of making up any valuation roll after this section comes into force, cease to have effect.

4 Power of Secretary of State to amend table of deductions from gross annual value

In subsection (6) of section 6 of the 1956 Act (which provides for deductions from gross annual value to ascertain the net annual value of such lands and heritages as are mentioned in subsection (2) of that section), at the end there shall be added the words " ; but the Secretary of State may by order amend the said table as it applies to such lands and heritages " ; and for subsection (7) of the said section there shall be substituted the following subsection—

“(7) Any order under subsection (6) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

5 Relaxation of provisions relating to notification for rate relief for charitable organisations

In section 4 of the Local Government (Financial Provisions etc.) (Scotland) Act 1962—

(a) in subsection (2) (which provides for notification to the rating authority of use of lands and heritages for charitable purposes)—

(i) the words " not later than the thirtieth day of June in any year " shall cease to have effect; and

(ii) for the words " any period, beginning not earlier than the year in which the notice is given," there shall be substituted the words " a relevant period " ; and

(b) after subsection (2) there shall be inserted the following subsection—

“(2A) In subsection (2) of this section " relevant period " means—

(a) in a case where the occupation and use, or as the case may be the holding, commenced on or after the first day of the financial year immediately preceding the financial year in which the notice is given, any period after that commencement;

(b) in any other case, that first day and any period thereafter.”.

6 Remission of rates in respect of lands and heritages unoccupied and unfurnished for any period of three months

For subsection (2) of section 243 of the Local Government (Scotland) Act 1947 (which provides for remission of rates in respect of lands and heritages unoccupied and unfurnished for three months in a financial year) there shall be substituted the following subsection—

“(2) Where lands and heritages are unoccupied and unfurnished for a continuous period of not less than three months, the rating authority shall grant a remission of the rates in respect of such lands and heritages to an extent corresponding, in each financial year, to the proportion which so much of the period as occurs in that financial year bears to the whole financial year.”.

7 Restriction on payment of rates by instalments

In section 8 of the 1975 Act (which provides for payment of rates by instalments), after subsection (7) there shall be inserted the following subsections—

“(7A) In any case where a demand note for rates, chargeable for a year or part only of a year, is for an amount (after any remission, rebate or other deduction to which the rate is subject) less than the prescribed sum the rates shall not be payable in accordance with subsection (1) above but shall be payable in full on or before the date specified by the rating authority in the demand note.

(7B) In subsection (7A) above, " the prescribed sum " means £20 or such lesser sum as the rating authority may fix.

(7C) The Secretary of State may by order, made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend subsection (7B) above by substituting for the amount for the time being specified in that subsection such other amount as appears to him to be justified.”.

8 Alteration in amount of rates payable while valuation appeal is pending

In section 9(1) of the 1975 Act (which limits the amount of rates payable while a valuation appeal is pending), for the words " the total amount of rates levied on those lands and heritages for the year immediately preceding the year in which the appeal was lodged increased by three-quarters of the difference between that amount and " there shall be substituted the words " nine tenths of ".

9 Effect of alteration to valuation roll as regards increase in value of dwelling-house delayed

In section 2(2)(c) of the 1975 Act (which relates to the effect of an alteration to the valuation roll), after the word " shall " where it first occurs there shall be inserted the following words—

“—

- (i) in a case where the alteration gives effect to an increase in the value of such lands and heritages as are mentioned in section 6(2) of the Valuation and Rating (Scotland) Act 1956, have effect only as from the beginning of the year immediately

- subsequent to the year in which occurred the event by reason of which the alteration is made;
- (ii) in any other case”.

10 Valuation of underground railways

In Schedule 1 to the 1975 Act (which specifies lands and heritages as regards which there may be valuation by formula)—

- (a) after paragraph 2 there shall be inserted the following paragraph—

“2A (1) Any lands and heritages occupied by a Passenger Transport Executive for any purpose concerned with, or supplementary or incidental to, the carriage of passengers by underground railway; but such lands and heritages do not include office premises not situated on operational land of the Executive.

- (2) In sub-paragraph (1) above—

" office premises " has the same meaning as in paragraph 2(1) of this Schedule; "operational land" has the same meaning in relation to the Executive as it has in the said paragraph 2(1) in relation to any of the bodies specified in sub-paragraph (1) (a), (b) or (c) of that paragraph; and
" railway " includes a tramway undertaking.”; and

- (b) in paragraph 4A, after the words " or (c)," there shall be inserted the words " 2A(1), ".

11 New constitution of Scottish Valuation Advisory Council

In section 3(1) of the 1956 Act (which provides for the constitution of the Scottish Valuation Advisory Council), for the word " eight" there shall be substituted the word " six ".

12 Diminution of powers of officers of court as regards actings for recovery of rates,

In section 247(2) (a) of the Local Government (Scotland) Act 1947 (which as regards actings for recovery of rates empowers officers of court to poind, seize, remove or secure property belonging to or in the lawful possession of the debtor) the words " or in the lawful possession of " shall cease to have effect.

13 Effect of sections 4 to 10

Sections 4 to 10 of this Act have no effect as regards any financial year earlier than that immediately subsequent to the financial year in which this Act is passed.

PART II

RATE SUPPORT GRANTS

14 Reduction of rate support grant where local authority's estimated expenditure excessive and unreasonable

In section 5 of the 1966 Act (which among other things provides that an element of rate support grant payable to a local authority may be reduced where the Secretary of State is satisfied that the expenditure of that authority has been excessive and unreasonable)

- (a) in subsection (1)—
- (i) after paragraph (b) there shall be inserted the following words—
- “; or
- (c) subject to subsection (1A)(b) below, that in respect of any local authority the total estimated expenses mentioned in section 108(2) of the Local Government (Scotland) Act 1973 are excessive and unreasonable, regard being had to the financial and other relevant circumstances of the area of the authority ;”;
- (ii) after the word " expenditure " where it occurs for the second time there shall be inserted the words " or estimated expenses "; and
- (iii) after the words " a constituent authority of the joint board " there shall be inserted the words " , as the case may be "; and
- (b) after subsection (1) there shall be inserted the following subsection—
- “(1A) In determining, for the purposes of paragraph (c) of subsection (1) above, whether, in relation to any year, total estimated expenses of a local authority are excessive and unreasonable the Secretary of State—
- (a) may (in addition to the matters to which in terms of that paragraph regard must be had) have regard—
- (i) to expenditure or estimated expenses, in that or any preceding year, of other local authorities which the Secretary of State is satisfied are closely comparable (or as closely comparable as is practicable) with the local authority concerned ;
- (ii) to general economic conditions; and
- (iii) to such other financial, economic, demographic, geographical and like criteria as he considers appropriate; and
- (b) may leave out of account such categories of estimated expenses as he thinks fit.”.

15 Redetermination and lowering of regional, general or district rate

In the 1973 Act, after section 108 there shall be inserted the following section—

“108A Power of local authority to determine, new regional, general or district rate.

- (1) Where a local authority have in respect of any financial year determined a rate under section 108 of this Act but the Secretary of State makes and causes to be laid before Parliament, for the reasons mentioned in paragraph (c) of section 5(1) of the Local Government (Scotland) Act 1966, a report as regards them under section 5(1) (reduction of rate support grant because of excessive and unreasonable total estimated expenses), or they have reason to believe that such report may be so laid they may, at any time before the Secretary of State informs them that the reduction specified in such report has been made, reassess the total estimated expenses mentioned in subsection (2) of section 108 and subject to that subsection determine under this subsection in respect of the financial year a rate lower than that determined under section 108.
- (2) If a local authority determine a rate under subsection (1) above, that rate and not the rate determined under the said section 108 shall be their regional, general or district rate (as the case may be) for the financial year and shall be levied accordingly.
- (3) The Secretary of State may by order under this subsection repeal or amend any enactment (including this Act) in so far as that enactment relates to the determination, levy or payment of a regional, general or district rate and such determination, levy or payment is affected by a determination under subsection (1) above.
- (4) An order made under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.
- (5) A reference in this Act (except this section and subsection (1) of section 108) and in any other enactment, whether passed or made before or after the passing of this Act, to such rates as are determined under section 108 of this Act shall be construed as including a reference to such rates as are determined under subsection (1) above.”.

16 Local authority's estimated expenditure relevant factor in calculating amount of resources element payable to them

In Part II of Schedule 1 to the 1966 Act (which among other things specifies the method of calculating the amount, if any, of the resources element payable to a local authority), in sub-paragraph (a) of paragraph 2 (which, for the purposes of the said calculation allows the Secretary of State, if he is of the opinion that the rate fixed by the local authority is unnecessarily high, to use as multiplicand a lesser figure than the number of pence in the pound of that rate) for the words " of the opinion that the local authority have fixed an unnecessarily high rate, such " there shall be substituted the words—

“, as regards the local authority, satisfied—

- (i) that they have fixed a rate higher than that required to provide the sufficient moneys mentioned in section 108(2) of the Local Government (Scotland) Act 1973 ; or
- (ii) as is mentioned in subsection (1)(c), as read with subsection OA), of section 5 of this Act,

such”.

17 Effect of sections 14 to 16

The amendments made by sections 14 to 16 of this Act have effect as regards rate support grants payable for the year 1981-82 or for any year thereafter.

18 Prohibition of using sums from loans fund to offset reduction of rate support grant or diminution in amount of resources element

- (1) Where under section 5(1) of the 1966 Act the Secretary of State reduces an element of rate support grant payable to a local authority, or where the authority anticipates such a reduction thereunder, the authority shall neither wholly nor partially offset the reduction (or anticipated reduction) with sums advanced from their loans fund:

Provided that such offsetting may nevertheless be permitted by the Secretary of State in any case on such terms and conditions as he considers appropriate.

- (2) Where by virtue of paragraph 2(a) of Part II of Schedule 1 to the 1966 Act the amount of the resources element payable to a local authority is less, or where the authority anticipates that it will thereby be less, than the product of the regional, general or district rate (as the case may be) and the difference between the rate products mentioned in paragraph 1 of that Part, the authority shall neither wholly nor partially offset such effect (or anticipated effect) of the operation of the said paragraph 2(a) with sums advanced from their loans fund ; but the proviso to subsection (1) above shall apply for the purposes of this subsection as that proviso applies for the purposes of that subsection.
- (3) If the Secretary of State is of the opinion that subsection (1) or (2) above, or any term or condition imposed under the proviso thereto, has been contravened the local authority shall, on such opinion being intimated to them, reimburse their loans fund forthwith or within such time as the Secretary of State may allow.
- (4) If an amount was, on or after 23rd. March 1981 but before the coming into force of this section, advanced from the loans fund of a local authority and the Secretary of State is of the opinion that the advance was for a purpose such that there would have been a contravention of subsection (1) or (2) above had those subsections and sections 14, 16 and 17 of this Act been in force, the local authority shall, on such opinion being intimated to them, reimburse their loans fund forthwith or within such time as the Secretary of State may allow.
- (5) In the foregoing provisions of this section, " loans fund " means the loans fund established under Schedule 3 to the 1975 Act.

19 Failure of local authority to supply information timeously

Where under section 199 of the 1973 Act (which provides for reports and returns being made by local authorities and others) the Secretary of State requires a local authority to give information for the purposes of his functions in relation to rate support grants payable for the year 1981-82 or for any year thereafter, but that information is not given timeously, he may make an estimate as regards any element of the required information; and, without prejudice to section 211 of that Act (which makes general

provision concerning failure by a local authority to do what is required of them), for the said purposes such estimate shall be deemed information given by the local authority.

20 Interpretation of Part II

In the foregoing provisions of this Part of this Act " year ", and " year " followed by a reference to two calendar years, have the same meanings as in the Local Government (Financial Provisions) (Scotland) Act 1963.

PART III

HOUSING SUPPORT GRANTS

21 Method of fixing aggregate amount of housing support grants

- (1) In section 1 of the 1978 Act (which among other things provides that, for the purpose of fixing the aggregate amount of housing support grants, an aggregate of the eligible expenditure of all local authorities in Scotland shall be estimated as shall an aggregate of their relevant income)—
- (a) in subsection (2)—
 - (i) at the beginning there shall be inserted the words " Subject to subsection (4A) below, "; and
 - (ii) for paragraph (b) there shall be substituted the following paragraph—
 - “(b) the aggregate amount of relevant income (other than housing support grants) which could reasonably be expected to be credited to the local authorities' housing revenue accounts for that year.”;
 - (b) after subsection (4) there shall be inserted the following subsections—
 - “(4A) In estimating the amounts mentioned in paragraphs (a) and (b) of subsection (2) above the Secretary of State may leave out of account the eligible expenditure and relevant income of a local authority if (either or both)—
 - (a) he estimates that the amount of that income will exceed the amount of that expenditure ;
 - (b) he determines, under section 2 of this Act, that no proportion of the aggregate amount of the housing support grants is to be apportioned to that authority.
 - (4B) In subsection (4) above, " local authorities " does not include an authority whose eligible expenditure was, for the purpose of the estimate, left out of account under subsection (4A) above.”; and
 - (c) in subsection (7), in the definition of " relevant income ", for the words " and any rate fund contribution " there shall be substituted the words " , payments, contributions (including any rate fund contribution) and receipts ".
- (2) The 1978 Act shall be deemed for all purposes to have had effect as if originally enacted as amended by subsection (1)(a)(ii) and (c) above.

22 Power to exclude local authority from apportionment of housing support grants

In section 2 of the 1978 Act (which among other things provides for a proportion of the aggregate amount of the housing support grants being apportioned to each local authority)—

- (a) in subsection (1), after the word " proportion " there shall be inserted the words " , if any, ";
- (b) in subsection (2) for the words from " the estimated " to the end there shall be substituted the following words—

“in respect of each local authority, for the year in question—

- (a) the estimated amount of grant payable to that local authority;
or
- (b) if no amount of grant is so payable, that fact”; and
- (c) in subsection (3), for the words " mentioned in subsection (1) above " there shall be substituted the words " , if any, of the aggregate amount of the housing support grants ".

23 Effect of sections 21 and 22

- (1) Subject to subsection (2) of section 21 of this Act, amendments made by that section and by section 22 of this Act have effect as regards housing support grants payable for the year 1982-83 or for any year thereafter.
- (2) In subsection (1) above, " year " has the same meaning as in the 1978 Act.

PART IV

MISCELLANEOUS

24 Powers of Commissioner for Local Administration in Scotland

The 1975 Act shall, as regards the powers of the Commissioner for Local Administration in Scotland, have effect subject to the amendments specified in Schedule 1 to this Act.

25 Relaxation of controls over local authorities

The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments which lessen the degree of control exercised over local and other authorities by the Treasury, Secretary of State or other persons.

26 Consent to local authority incurring liability to meet capital expenses etc.

In section 94 of the 1973 Act (which requires a local authority to obtain the consent of the Secretary of State to their incurring liability to meet capital expenses)—

- (a) after subsection (1A) there shall be inserted the following subsection—

“(1B) The Secretary of State may—

Status: This is the original version (as it was originally enacted).

- (a) withdraw, or vary the terms of, a consent which he has, under subsection (1) above, given; or
 - (b) withdraw or vary any condition to which the giving of such consent was subject,
- where, or in so far as, the local authority have not, by binding contract, incurred the liability to which the consent relates.”; and
- (b) after subsection (2) there shall be added the following subsections—
 - “(3) The Secretary of State may by order (either or both)—
 - (a) amend the definition of " capital expenses " in subsection (2) above;
 - (b) provide that subsection (1) above shall, in the same manner as it applies to capital expenses, apply to such other expenses, incurred in relation to a lease (or other contract, or arrangement, of a like nature), as may be specified in the order and, for the purposes of such application, prescribe a method for assigning a capital value to those other expenses.
 - (4) An order made under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.”.

27 Consent to certain local authority borrowing

For sub-paragraph (2) of paragraph 1 of Schedule 3 to the 1975 Act (which empowers a local authority to borrow sums required to meet certain expenses where the local authority are satisfied that the expenses should be so met and repayment spread over a term of years) there shall be substituted the following sub-paragraph—

“(2) With the consent of the Secretary of State, a local authority may borrow, on such terms and conditions as to repayment as the Secretary of State may in so consenting allow, such sums as are required to meet expenses, other than expenses to which sub-paragraph (1) above relates, which the authority have power to incur in the exercise of any of their functions (excluding functions relating to a public utility undertaking); but the Secretary of State shall give such consent only if satisfied that the expenses are of such a nature that they should be met by such borrowing.”.

28 Repeal of special licensing provisions in respect of new towns

Part IV of, and Schedule 3 to, the Licensing (Scotland) Act 1976 (which make special provision for new towns as regards licensing with respect to alcoholic liquor) shall cease to have effect.

29 Abolition of Advisory Council on Social Work

The Advisory Council on Social Work is hereby abolished ; and accordingly, in the Social Work (Scotland) Act 1968, section 7 (which relates to the appointment, constitution and functions etc. of the Council) shall cease to have effect.

30 Abolition of Scottish Food Hygiene Council

The Scottish Food Hygiene Council is hereby abolished; and accordingly, in the Food and Drugs (Scotland) Act 1956, section 25 (which relates to the appointment, constitution and functions of the Council) shall cease to have effect.

31 Abolition of Scottish River Purification Advisory Committee

The Scottish River Purification Advisory Committee is hereby abolished; and accordingly, in the Rivers (Prevention of Pollution) (Scotland) Act 1951, subsections (2), (3) and (4) of section 1 (which relate to the appointment, constitution and functions of that committee) shall cease to have effect.

32 Abolition of advisory committee on conservation and provision of water supplies etc.

The advisory committee appointed under section 1 of the Water (Scotland) Act 1946 (a section which among other things provided that the Secretary of State was to appoint such a committee to advise him as regards matters concerning the conservation and provision of water supplies etc. and which is re-enacted as section 1 of the Water (Scotland) Act 1980) is hereby abolished; and accordingly paragraph (c) of section 1 of the said Act of 1980 shall cease to have effect.

33 Power of water authority or water development board to relax or dispense with byelaw relating to misuse of water

In section 70 of the Water (Scotland) Act 1980 (which empowers a water authority or water development board to make byelaws for preventing waste, undue consumption, misuse or contamination of water supplied by them), after subsection (3) there shall be added the following subsection—

“(4) Where a water authority or water development board consider that a byelaw made by them under this section ought not to operate in relation to any particular case or class of cases they may, with the consent of the Secretary of State, relax the requirements of, or dispense with compliance with, that byelaw accordingly:

Provided that the authority, or as the case may be the Board, shall, in such manner and to such person, if any, as the Secretary of State may direct, give notice of any such proposed relaxation or dispensation; and the Secretary of State—

- (a) shall not give his consent before the expiration of one month from the giving of the notice; and
- (b) shall, before giving his consent, take into consideration any relevant objection which may have been received by him.”.

34 Conditions of improvement grant not to include requirement as to letting

- (1) Subject to subsection (2) below, subsection (3) of section 9 of the Housing (Scotland) Act 1974 (which provides that it may be a condition of an improvement grant that the house, at all times at which it is not occupied by the applicant or any of his family, be let or kept available for letting), shall cease to have effect; and, notwithstanding any record made under subsection (9) of that section, there shall no

longer be any requirement to observe a condition which has been imposed under the said subsection (3).

- (2) Subsection (1) above, paragraphs 29 and 31 of Schedule 3 to this Act, and, in so far as relating to the said Act of 1974, Schedule 4 to this Act have no effect as regards the operation of that Act in relation to a breach of a condition if that breach occurred before the coming into force of this section.

35 Vesting in landlord to bring into being tenant's right to purchase dwelling-house

In the Tenants' Rights, Etc. (Scotland) Act 1980, after section 1 there shall be inserted the following section—

“1A Vesting in landlord by order.

- (1) Subject to subsection (2) below where, but for the fact that a landlord is not the heritable proprietor of land on which dwelling-houses have been let (or made available for letting) by it, one or more of its tenants would have a right to purchase under section 1 of this Act, the Secretary of State may by order made by statutory instrument provide that the whole of the heritable proprietor's interest in the land shall vest in the landlord.
- (2) An order under this section shall only be made where—
- (a) the heritable proprietor is a body mentioned in any of paragraphs (a), (b), (c) and (f) of section 10(2) of this Act; and
 - (b) the Secretary of State is of the opinion, after consultation with the heritable proprietor and with the landlord that the order is necessary if the right to purchase is to come into being.
- (3) An order under this section shall have the same effect as a declaration under section 278 of the Town and Country Planning (Scotland) Act 1972 (general vesting declarations) except that in relation to such an order, the enactments mentioned in Schedule A1 to this Act shall have effect subject to the modifications specified in that Schedule.
- (4) Compensation under the Land Compensation (Scotland) Act 1963, as applied by subsection (3) above and Schedule A1 to this Act, shall be assessed by reference to values current on the date the order under this section comes into force.
- (5) An order under this section shall have no effect until approved by resolution of each House of Parliament.
- (6) An order under this section which would, apart from the provisions of this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (7) An order under this section may include such incidental, consequential or supplementary provisions as may appear to the Secretary of State to be necessary or expedient for the purposes of this Act.”

36 Planning applications and consideration of the needs of the disabled

In section 26 of the Town and Country Planning (Scotland) Act 1972 (which provides for the determination by planning authorities of applications for planning permission) the following subsection shall be inserted after subsection (4)—

“(4A) When granting an application for planning permission as regards any building or premises in relation to which a duty is imposed by any of sections 4, 5 and 7 to 8A of the Chronically Sick and Disabled Persons Act 1970 (facilities at premises open to the public to include, where reasonable and practicable, provision for the needs of the disabled etc.) the planning authority shall ensure that the applicant is aware of such duty.”.

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.”.

(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.”.

38 Postponement of effect of section 127(3) and (4) of the Education (Scotland) Act 1980

(1) In Schedule 6 to the Education (Scotland) Act 1980 (which lists provisions thereof whose commencement is postponed until such day as the Secretary of State may by order appoint), at the end there shall be added the following paragraph (which relates to provisions requiring, among other things, a written summary of such vocational advice as a school leaver has received to be given to that school leaver)—

“16 Section 127(3) and (4).”.

(2) Without prejudice to the validity of—

(a) any actings of an education authority before the coming into force of this section ; or

(b) any expenses incurred in connection with such actings,

the said Act of 1980 shall be deemed to have had effect as if originally enacted as amended by subsection (1) above.

PART V**GENERAL****39 Expenses**

There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

40 Minor and consequential amendments

The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

41 Repeals

The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

42 Interpretation

In this Act—

" the 1956 Act " means the Valuation and Rating (Scotland) Act 1956;

" the 1966 Act" means the Local Government (Scotland) Act 1966;

" the 1973 Act" means the Local Government (Scotland) Act 1973;

" the 1975 Act" means the Local Government (Scotland) Act 1975; and

" the 1978 Act" means the Housing (Financial Provisions) (Scotland) Act 1978.

43 Short title, commencement and extent

- (1) This Act may be cited as the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.
- (2) Section 11 of this Act shall come into force on 1st January 1982.
- (3) Sections 4 to 10 of this Act and, in so far as relating to section 4(2) of the Local Government (Financial Provisions etc.) (Scotland) Act 1962, Schedule 4 to this Act shall come into force on 1st April 1982.
- (4) Sections 29 and 37 of this Act and, in so far as relating to section 7 of the Social Work (Scotland) Act 1968, Schedule 4 to this Act shall come into force on such date as the Secretary of State may appoint by order made by statutory instrument.
- (5) This Act extends to Scotland only.