

## SCHEDULES

### SCHEDULE 2

Section 25.

#### RELAXATION OF CONTROLS OVER LOCAL AND OTHER AUTHORITIES

##### *The Burial Grounds (Scotland) Act 1855 (c. 68)*

- 1 In section 24 (fixing of payments for interments in burial ground) the words ", subject to the approval of the sheriff of the county," and the words from " ; and a table " to the end shall cease to have effect.

##### *The Public Health (Scotland) Act 1897 (c. 38)*

- 2 In section 36 (complaints of nuisance arising from offensive trade) the words " and, if required by the Board shall," shall cease to have effect.

##### *The Cremation Act 1902 (c. 8)*

- 3 In section 9 (fees for cremation) the words " any such " and the words " as may be authorised by any table approved by the Local Government Board," shall cease to have effect.

##### *The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (c. 48)*

- 4 In each of sections 1(1)(iii) (restrictions on sale of methylated spirits) and 2(1) (lists of persons entitled to sell such spirits), for the words " in the prescribed form " there shall be substituted the words " (in such form as may be prescribed by the local authority) " .
- 5 In section 6 (interpretation) the definition of the expression " prescribed " shall cease to have effect.

##### *The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)*

- 6 For sub-paragraph (4) of paragraph 19 of Schedule 1 (control of confirming Minister over use of procedure for serving documents where name or address of person to be served unknown) there shall be substituted the following sub-paragraph—

“(4) Where the maker of the order in connection with which the document is to be served is satisfied, after reasonable inquiry, that it is not practicable to ascertain (either or both)—

- (a) the name;
- (b) the address,

of a person to be served, the document shall be taken to be duly served if, being addressed to that person either by name or by the description of " the owner ", " the lessee " or " the occupier " of the land (describing it) to

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which the order relates, as the case may be, and being plainly identifiable as a document of importance, it is delivered to some person on the land, or, if there is no such person thereon to whom it may be delivered, it (or a copy of it) is affixed to some conspicuous part of the land.”.

*The Highways (Provision of Cattle-Grids) Act 1950 (c. 24)*

7 Section 11 (regulations as to construction of cattle-grids) shall cease to have effect.

*The Food and Drugs (Scotland) Act 1956 (c. 30)*

8 Section 35(2) (transmission to Secretary of State of public analysts' quarterly reports) shall cease to have effect.

*The Town and Country Planning (Scotland) Act 1959 (c. 70)*

9 After subsection (2) of section 24 (requirement of consent of Secretary of State etc. to certain appropriations of land by local and other authorities) there shall be inserted the following subsection—

“(2A) Before exercising any power of appropriation in relation to land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed appropriation; and
- (b) shall consider any objections to that appropriation which may be made to them.”.

10 After subsection (2) of section 27 (requirement of consent of Secretary of State etc. to certain disposals of land by local and other authorities) there shall be inserted the following subsection—

“(2A) Before disposing of any land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed disposal; and
- (b) shall consider any objections to that disposal which may be made to them.”.

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

11 In each of sections 127(3) (interest on certain local authority expenditure) and 130(10) (interest on expenditure recoverable from dispossessed proprietor), for the words " the rate for the time being fixed for the purposes of section 25(1) of the Housing (Scotland) Act 1969 " there shall be substituted the words " such reasonable rate as the local authority may determine. ".

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*The Police (Scotland) Act 1967 (c. 77)*

- 12 In section 2(2) (pay, allowances and reimbursement of expenses) the words " , being expenses of a kind approved either generally or in particular cases by the Secretary of State" shall cease to have effect.
- 13 Section 46(2) (restriction on aggregate amount of rewards) shall cease to have effect.

*The Social Work (Scotland) Act 1968 (c. 49)*

- 14 Subsections (3) and (4) of section 3 (Secretary of State's involvement in appointment of any director of social work) shall cease to have effect.

*The Housing (Scotland) Act 1969 (c. 34)*

- 15 For subsection (3) of section 25 (interest payable by local authority) there shall be substituted the following subsection—
- “(3) Any interest payable under subsection (1) or subsection (2) of this section shall be at such reasonable rate as the local authority may determine.”.

*The Town and Country Planning (Scotland) Act 1972 (c. 52)*

- 16 In section 4—
- (a) in subsection (2) (planning authority's fresh survey of their district), the words " and shall, if directed to do so by the Secretary of State, " ;
  - (b) in subsection (3)(e) (certain matters to be kept under review by planning authority), the words " or as the Secretary of State may in a particular case direct" ; and
  - (c) in subsection (5) (construction), the words " , and for the Secretary of State to direct them to institute," ,
- shall cease to have effect.
- 17 In section 5—
- (a) in subsection (2) (estimate of certain changes to be included in report of planning authority's survey of their district), for the words from " during" to the end there shall be substituted the words " , during such period as the planning authority consider appropriate, in the matters mentioned in section 4(3) of this Act. ";
  - (b) in subsection (3)(c) (content of structure plan), the words " or as the Secretary of State may in any particular case direct" shall cease to have effect;
  - (c) in subsection (4) (planning authority to have regard to certain matters in formulating policy etc. in structure plan), paragraph (c) shall cease to have effect; and
  - (d) in subsection (6) (explanation and illustration of structure plan), the words " , or as may in any particular case be specified in directions given by the Secretary of State" shall cease to have effect.
- 18 In section 9—
- (a) in subsection (3)(b) (requirement as regards local plan) the words " or as the Secretary of State may in any particular case direct " shall cease to have effect;

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- (b) in subsection (5) (explanation and illustration of local plan), the words " , or as may in any particular case be specified in directions given by the Secretary of State " shall cease to have effect;
  - (c) in subsection (8) (time for Secretary of State to give any directions as regards local plan)—
    - (i) for the words " either before or after " there shall be substituted the words " only before "; and
    - (ii) the words "; but no such directions shall require a planning authority to take any steps to comply therewith until the structure plan has been approved by him " shall cease to have effect; and
  - (d) in subsection (9) (planning authority to have regard to certain matters in formulating proposals in local plan), the words " , or which the Secretary of State may in any particular case direct them to take into account" shall cease to have effect.
- 19 In section 10—
- (a) in subsection (2) (places where local plan may be inspected), for the words " as may be prescribed " there shall be substituted the words " as appear to them to be appropriate "; and
  - (b) subsections (4) and (5) (power of Secretary of State to direct planning authority not to take steps to adopt local plan) shall cease to have effect.
- 20 In section 13(2) (power of Secretary of State to require proposals for alteration, repeal or replacement of local plan)—
- (a) after the word " if " there shall be inserted the word " before ";
  - (b) after the word " State " there shall be inserted the words " approves the structure plan for their district he "; and
  - (c) after the words " of the " there shall be inserted the word " local ".
- 21 Section 48 (appeal to independent tribunal as regards decision relating to design or external appearance of building etc.) shall cease to have effect.
- 22 (1) In section 58 (planning authority may make tree preservation order)—
- (a) in subsection (4) for the words from " Except" to " expedient " there shall be substituted the following words—
 

“Subject to section 59 of this Act, a tree preservation order shall not take effect until it is confirmed by the planning authority; and the planning authority may confirm any such order either without modification or subject to such modification as they consider expedient”; and
  - (b) in subsection (5), in paragraph (a) for the words " submitted to the Secretary of State for confirmation " there shall be substituted the words " confirmed by the planning authority " ; in paragraph (b) for the words " Secretary of State " there shall be substituted the words " planning authority " ; and paragraph (c), and the words " the Secretary of State or " in paragraph (d), shall cease to have effect.
- (2) Sub-paragraph (1) above and, in so far as relating to section 58(5); Schedule 4 to this Act have no effect as regards a tree preservation order made before the coming into force of this paragraph.
- 23 (1) In section 59—

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- (a) in paragraph (b) of subsection (2) (date until which provisional tree preservation order has effect) the words from " or " to the end of the paragraph ; and
- (b) paragraph (b) of subsection (3) (regulations to be made as regards tree preservation orders),

shall cease to have effect.

- (2) Sub-paragraph (1) above and, in so far as relating to the provisions mentioned in that sub-paragraph, Schedule 4 to this Act have no effect as regards a tree preservation order made before the coming into force of this paragraph.

24 In section 91—

- (a) subsection (1) (Secretary of State may direct that application for established use certificate be referred to him);
- (b) in subsection (3) (power of Secretary of State to deal with application or appeal to him as regards established use certificate), the words " an application referred to him under subsection (1) of this section or on ";
- (c) in subsection (4) (opportunity to appear at hearing in respect of such application or appeal), the words " application or ", " applicant or " and " (as the case may be)" ; and
- (d) in subsection (5) (power of Secretary of State to grant applicant or appellant as regards established use certificate planning permission in respect of such use), the words " applicant or ",

shall cease to have effect.

25 After section 198 (Secretary of State may authorise stopping up or diversion of highway if satisfied it is necessary to do so to enable development to be carried out) there shall be inserted the following section—

**“198A Highways affected by development: orders by planning authorities.**

- (1) Subject to section 206 of this Act and to subsection (5) below, a planning authority may by order authorise the stopping up or diversion of any highway which is not—

- (a) a trunk road within the meaning of section 50 of the Roads (Scotland) Act 1970 ; or
- (b) a special road provided by the Secretary of State in pursuance of a scheme under section 1 of the Special Roads Act 1949,

if they are satisfied as mentioned in section 198(1) of this Act.

- (2) An order under this section—

- (a) may make such provision as appears to the planning authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) and may direct that any highway so provided or improved shall be maintained and managed by the highway authority;
- (b) may contain such incidental and consequential provisions as appear to the planning authority to be necessary or expedient, including in particular—

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- (i) provision for authorising the planning authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of section 198 of this Act;
  - (ii) such provision as is mentioned in paragraph (b) of that subsection.
- (3) An order may be made under this section authorising the stopping up or diversion of any highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) which is temporarily stopped up or diverted under any other enactment.
- (4) The provisions of this section shall have effect without prejudice to any power conferred on the planning authority by any other enactment to authorise the stopping up or diversion of a highway.
- (5) The planning authority shall not make an order under this section without consulting the highway authority (in a case where they are themselves not that authority).”.
- 26 In section 200 (Secretary of State may authorise the stopping up or diversion of highway crossing or entering route of proposed new highway)—
- (a) in subsection (1), after the words " Secretary of State" where they occur for the second time there shall be inserted the words " or, subject to section 206 of this Act, the highway authority ";
  - (b) after the words " Secretary of State " where they occur for the third time there shall be inserted the words " , or as the case may be to them, " ; and
  - (c) at the end there shall be added the following proviso—
    - “: Provided that a highway authority shall not, under this subsection, authorise the stopping up or diversion of—
    - (i) a trunk road such as is mentioned in paragraph (a) of subsection (1) of section 198A of this Act; or
    - (ii) a special road such as is mentioned in paragraph (b) of that subsection.”;
  - (d) in subsection (2), after the word " section " where it occurs for the second time there shall be inserted the words " by the Secretary of State " ; and
  - (e) after subsection (2) there shall be added the following subsection—
    - “(3) Subsections (2) to (4) of section 198A of this Act shall apply to an order under this section by the highway authority as those subsections apply to an order, as respects a highway, under that section by a planning authority.”.
- 27 (1) In section 201 (power of Secretary of State to make order extinguishing right to use vehicles on a highway)—
- (a) in subsection (2), for the words " The Secretary of State may, on an application made by a competent authority," there shall be substituted the words " Subject to section 206 of this Act and to subsection (9) of this section, the competent authority may " ;
  - (b) in subsection (3), for the words " Secretary of State " there shall be substituted the words " competent authority " ;

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- (c) in subsection (8)—
    - (i) for the words "Secretary of State may, on an application made by a competent authority," there shall be substituted the words "competent authority may, subject to section 206 of this Act and to subsection (9) of this section "; and
    - (ii) for the word " him " there shall be substituted the word " them ";
  - (d) in subsection (9), for the words from " before " to the end there shall be substituted the words "a competent authority shall not make an order under subsection (2) or (8) of this section—
    - (a) if they are not the authority exercising district planning functions, without consulting that authority ; and
    - (b) if they are not the highway authority, without obtaining the consent of that authority.”; and
  - (e) for subsection (10) there shall be substituted the following subsections—
    - “(10) An order under this section—
      - (a) may make such provision as appears to the competent authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of section 198A(1) of this Act), and may direct that any highway so provided or improved shall be maintained and managed by the highway authority;
      - (b) may contain such incidental and consequential provisions as appear to the competent authority to be necessary or expedient, including in particular—
        - (i) provision for authorising the competent authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of section 198 of this Act;
        - (ii) such provision as is mentioned in paragraph (b) of that subsection.
    - (11) The provisions of this section shall have effect without prejudice to—
      - (a) any power conferred on the competent authority by any other enactment to authorise the stopping up or diversion of a highway; or
      - (b) the provisions of section 203(1)(b) of this Act.”.
- (2) Sub-paragraph (1) above has no effect as regards the operation of section 201 in relation to an extinguishment for which application was, before the coming into force of this paragraph, made to the Secretary of State, under subsection (2) of that section.
- 28 In section 203(1)(b) (power of local authority to extinguish a public right of way over land held for planning purposes if that right of way is a footpath or bridleway) the words ", being a footpath or bridleway," shall cease to have effect.

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

- 29 In subsection (6) of section 3 (titles of chairmen of councils), for the words from " the chairman", where they occur for the second time, to the end there shall be substituted the words " and the chairman of each other regional, islands or district council shall be known by such title as that council may decide. ".
- 30 (1) In section 23 (change of name of region, islands area or district)
- (a) in subsection (1)—
    - (i) the words "Subject to subsection (4) below," shall cease to have effect; and
    - (ii) for the words " a majority of the whole number of the members of the council" there shall be substituted the words " not less than two-thirds of the members voting thereon "; and
  - (b) subsection (4) shall cease to have effect.
- (2) Sub-paragraph (1) above and, in so far as relating to section 23, Schedule 4 to this Act have no effect as regards a case where consent to a change of name has, before the coming into force of this paragraph, been applied for, for the purposes of the said subsection (4).
- 31 (1) For subsections (2) to (4) of section 53 (amendment of community councils scheme) there shall be substituted the following subsections—
- “(2) The local authority shall consider any representations made under subsection (1) above and may amend the scheme in accordance with—
- (a) the notified proposals; or
  - (b) those proposals as amended to take account of any such representations:
- Provided that the scheme shall not be amended under paragraph (b) of this subsection unless public notice of the amendments to the proposals has been given with a further invitation to make representations under subsection (1) above.
- (3) A decision of the local authority—
- (a) to review, under subsection (1) above ; or
  - (b) to amend, under subsection (2) above,
- a scheme, shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.”.
- (2) Sub-paragraph (1) above and, in so far as relating to section 53, Schedule 4 to this Act have no effect as regards the operation of section 53 in relation to proposals which, before the coming into force of this paragraph, were submitted to the Secretary of State, under subsection (3) of that section.
- 32 Section 54 (default powers of Secretary of State as regards community councils scheme) shall cease to have effect.
- 33 In section 73 (local authority's power to appropriate for the purpose of any function land vested in them for the purpose of any other function)—
- (a) in subsection (2), for the words from " (3)(a)" to " (3)(b) " there shall be substituted the word " (3) "; and



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(b) in subsection (3), for the words from "—(a) " to " space, or " there shall be substituted the words " land which ".

34 Section 121 (involvement of Treasury in determining rates of interest in relation to certain sums due to local authorities) shall cease to have effect.

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

35 In section 6(3) (interest payable on improvement grant) for the words from " a rate " to " authorities) " there shall be substituted the words " such reasonable rate as the local authority may determine ".

36 In paragraph 9(a) of Schedule 2 (meaning of " interest") for the words from " the rate " to " authorities) " there shall be substituted the words " such reasonable rate as the local authority may determine ".

*The Slaughter of Animals (Scotland) Act 1980 (c. 13)*

37 In section 8(1) (byelaws as to slaughterhouses) the words ", and if required by the Secretary of State shall," shall cease to have effect.

*The Water (Scotland) Act 1980 (c. 45)*

38 Section 2 (power to require surveys and formulation of proposals) shall cease to have effect.

39 Section 19 (transfer of part of water undertaking) shall cease to have effect.

40 In section 58(1) (termination of right to supply of water on special terms) the words ",with the approval of the Secretary of State," shall cease to have effect.

41 In section 65(10) (form of charging order for expenses of executing works) at the end there shall be added the words " by the islands or district council ".

42 In section 66(3) (interest payable on certain expenses)—

- (a) after the word "such" where it first occurs there shall be inserted the words " reasonable rate "; and
- (b) the proviso shall cease to have effect.