

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 1

RE-ALLOCATION OF FUNCTIONS RELATING TO THE COUNTRYSIDE

PART II

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

Modifications etc. (not altering text)

- C1** The text of s. 5(1), 6, 7, 9(2), 10–13, 20, 21, 22(a)–(c) 23, 31, 36–50, 56–59, 60(1)(a)(b)(2), 66, Sch. 1 Pt. II, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Local Government (Development and Finance) (Scotland) Act 1964 (c. 67)

- 1 At the end of section 3 (supplementary provisions in relation to the power to develop land) there shall be added the following subsection—
- “(4) For the purposes of this section (except in so far as it relates to powers conferred by section 2(1)(b) of this Act) and of section 2(1)(a) and (c) and (2) of this Act “local authority” means a district council, an islands council, a general planning authority or a district planning authority ; and for the purposes of section 2(1)(b) of this Act means a regional, islands or district council or a planning authority.”.

The Countryside (Scotland) Act 1967 (c. 86)

- 2 In section 12 (Countryside Commission to consult with local planning authorities and other bodies on access requirements), in subsection (1) for the words from “with”, where it first occurs, to “planning” there shall be substituted the words “with general and district planning”.
- 3 In section 13(1) (power to make access agreement), for the words from “A” to “planning” there shall be substituted the words “A general or district planning”.
- 4 In section 14(1) (power to make access order) for the words from “the”, where it occurs for the third time, to “planning” there shall be substituted the words “the general or district planning”.
- 5 In section 16(5) (enforceability etc. of access agreement), for the words from “the”, where it occurs for the second time, to “planning”, where it first occurs, there shall be substituted the words “the general or district planning”.

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- 6 In section 17(4) (works for giving effect to access agreement), for the words from “the”, where it first occurs, to “planning” there shall be substituted the words “the general or district planning”.
- 7 In section 18(1) (enforcement of access), for the words from “any”, where it occurs for the third time, to “planning” there shall be substituted the words “the general or district planning”.
- 8 In section 20 (compensation for access orders), for the words from “Act” to “planning” there shall be substituted the words “Act the general or district planning”.
- 9 In section 24(1) (acquisition of land for public access), for the words from “a” to “planning”, where it first occurs, there shall be substituted the words “a general or district planning”.
- 10 In each of sections 27(4) (taking of steps to protect public from danger on land which is subject to access agreement etc.), 28 (power to erect and maintain boundary notices as regards land comprised in access agreement etc.), 29 (power of planning authority to contribute to work carried out by other persons as regards land which is subject to access agreement etc.) and 30(1) (creation of public paths by agreement), for the words from “A” to “planning” there shall be substituted the words “A general or district planning”.
- 11 In section 31(1) (compulsory powers for creation of public paths), for the words from “a” to “planning” there shall be substituted the words “a general or district planning”.
- 12 In section 32 (powers of planning authority in relation to a proposed public path lying partly within and partly outwith their area)—
- (a) for the words from “a”, where it occurs for the second time, to “planning”, where it first occurs, there shall be substituted the words “a general or district planning”; and
 - (b) for the words from “other” to “planning”, where it occurs for the second time, there shall be substituted the words “other general or district planning”.
- 13 In section 33(1) (making up and maintenance of public paths), for the words from “the”, where it occurs for the third time, to “planning” there shall be substituted the words “the general or district planning”.
- 14 In section 34(1) (closure of public paths), for the words from “a”, where it first occurs, to “planning” there shall be substituted the words “a general or district planning”.
- 15 In section 35 (diversion of public paths)—
- (a) in subsection (1), for the words from “the”, where it first occurs, to “planning” there shall be substituted the words “the general or district planning”; and
 - (b) in subsection (4)(b), for the words from “any”, where it occurs for the second time, to “planning” there shall be substituted the words “any general or district planning”.
- 16 In section 38(3) (supplementary provisions as regards public path creation, extinguishment and diversion orders)—

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- (a) for the words from “one”, where it first occurs, to “planning”, where it first occurs, there shall be substituted the words “one general or district planning ” ; and
- (b) after the word “one”, where it occurs for the third time, there shall be inserted the word “such ”.
- 17 For subsection (5) of section 49 (interpretation of provisions relating to camping sites) there shall be substituted the following subsection—
- “(5) In the foregoing provisions of this section “local authority” means an islands or district council.”.
- 18 For subsection (3) of section 50 (interpretation of provisions relating to accommodation, meals and refreshments) there shall be substituted the following subsection—
- “(3) In this section “local authority” means a district council, an islands council, a general planning authority or a district planning authority.”.
- 19 For subsection (2) of section 51 (power to provide parking places) there shall be substituted the following subsection—
- “(2) General and district planning authorities may exercise the power conferred by the foregoing subsection, and for that purpose may acquire land compulsorily ; and sections 28 (except subsection (6)), 29, 31, 32, 52, 53 and 96 of the said Act of 1967 shall apply for the purposes of this subsection as if for any reference therein to a local authority there were substituted a reference to a general or district planning authority.”.
- 20 For subsection (2) of section 52 (exercise of powers under ^{M1}Local Government (Development and Finance) (Scotland) Act 1964) there shall be substituted the following subsections—
- “(2A) For the purposes of section 2(1)(a) and (c) and (2) of the said Act of 1964, general and district planning authorities may acquire land compulsorily.
- (2B) For the purposes of section 2(1)(b) of the said Act of 1964, planning authorities may acquire land compulsorily.”.

Marginal Citations

M1 1964 c. 76.

- 21 In section 54 (byelaws as respects country parks and local authority land in the countryside)—
- (a) in subsection (1), for the words from “a”, where it occurs for the second time, to “planning” there shall be substituted the words “a general or district planning ” ; and
- (b) for subsection (5) there shall be substituted the following subsection—
- “(5) In this section “local authority” means a district council, an islands council, a general planning authority or a district planning authority.”.

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- 22 In section 55(1) (default powers of Secretary of State as to byelaws) for the words from “a”, where it first occurs, to “planning”, where it first occurs, there shall be substituted the words “a general or district planning”.
- 23 In section 56 (byelaws as to pleasure boats), in subsection (1), for the words from “a”, where it first occurs, to “planning” there shall be substituted the words “a general or district planning”.
- 24 In section 65(5) (authorities which may appoint wardens as respects certain land or waterways), for paragraphs (c) and (d) there shall be substituted the following paragraphs-
- (c) islands and district councils ;
 - (d) general and district planning authorities ;
- 25 In section 69(3) (powers of planning authority as regards acquisition, appropriation, disposal, etc. of land)—
- (a) for the words from “a”, where it first occurs, to “planning”, where it first occurs, there shall be substituted the words “a general or district planning” ; and
 - (b) for the words from “a”, where it occurs for the third time, to “planning”, where it occurs for the second time, there shall be substituted the words “a general or district planning”.

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