

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 13 In section 31(1)(a) (which makes provision as regards disqualification from election to, and membership of, a local authority), after the word " chairman " there shall be inserted the words " or vice-chairman ".
- 14 In section 38(4)(a) (which provides that allowances are not to be treated as pecuniary receipts for the purposes of disabling members of a local authority from voting on certain matters), after the word " chairman" there shall be inserted the words " or vice-chairman ".
- 15 In section 67 (which makes provision as regards the disqualification of members and former members from paid office with a local authority), after the word "chairman" there shall be inserted the words " or vice-chairman ".
- 16 In section 69 (which makes provision as to subsidiary powers Which may be exercised by a local authority), at the end there shall be added the following subsection—
- “(4) The foregoing provisions of this section are subject to those of section 154A(2) and (4) of this Act.”.
- 17 In section 94—
- (a) in subsection (1B) (which relates to the Secretary of State's withdrawal of consent to a local authority incurring liability to meet capital expenses and to the variation by him of the terms of such consent), for the words from " where " to the end there shall be substituted the following proviso—
- “: Provided that, where the local authority have, by binding contract, incurred any liability to which the consent relates, a withdrawal or variation which would, but for this proviso, have the effect of rendering performance of an obligation under such contract impossible shall apply only to the extent (if any) that it does not have that effect.”; and
- (b) for paragraph (b) of subsection (3) (which among other things provides for the Secretary of State's consent being made necessary as regards a local authority incurring liability to meet certain expenses other than capital expenses) there shall be substituted the following paragraphs—
- “(b) provide that subsection (1) above shall, in the same manner as it applies to liabilities incurred in relation to capital expenses, apply to such other liabilities 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

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for assigning a capital value to those other liabilities and prescribe circumstances in which such other liabilities shall be taken to arise.”.

- 18 In section 108 (which empowers a local authority to determine and levy a regional, general or, as the case may be, district rate)—
- (a) in subsection (1) for the word " subsection " there shall be substituted the words " section 5(4)(b) and (5) of the Local Government (Scotland) Act 1966 and to section "; and
 - (b) in subsection (2), after the word " determine " there shall be inserted the words " (unless the determination is under section 5(4)(b) of the Local Government (Scotland) Act 1966) ".
- 19 In section 108A—
- (a) in subsection (1) (which empowers a local authority to redetermine and lower its regional, general or as the case may be district rate)—
 - (i) for the words " the Secretary of State informs them that the reduction specified in such report has been made " there shall be substituted the words " such report is approved by the Commons House of Parliament ";
 - (ii) for the word " a ", where it occurs for the fourth time, there shall be substituted the word " such "; and
 - (iii) at the end there shall be added the words " as the Secretary of State may agree "; and
 - (b) in subsection (5) (which relates to the interpretation of certain occurrences of the expression " rates"), after the word " enactment " there shall be inserted the words " except section 5 of the Local Government (Scotland) Act 1966 ".
- 20 In section 111(1)(b) (which relates to regulations with respect to rates), after the words "110" there shall be inserted the words " , or section 5(4) and (5) of the Local Government (Scotland) Act 1966, ".
- 21 In section 163(3) (which designates the local authority for the purposes of the Public Libraries Consolidation (Scotland) Act 1887 in the application of that Act to museums and art galleries), for the words from " a local authority " to the end there shall be substituted the words " an islands or district council. ".
- 22 In section 172(3) (which makes provision as regards interpretation), after the word " provided" there shall be inserted the words " or unless the context otherwise requires ".
- 23 In section 176 (which makes provision as regards local plans)—
- (a) in subsection (3), at the end there shall be added the words " or withdrawn "; and
 - (b) in subsection (5), after the word " withheld " there shall be inserted the words " or withdrawn ".
- 24 For section 179 (which makes provision as regards applications for planning permission being referred to a regional planning authority instead of being dealt with by a district planning authority) there shall be substituted the following section—

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“179 Reference of applications to regional planning authority.

- (1) A regional planning authority may, in the circumstances specified in subsection (2) below but subject to any regulations made under subsection (7) below, or to any such development order as is referred to in the said subsection (7), give to any district planning authority within the district of the regional planning authority directions requiring any such application as is mentioned in section 23(2) of the Act of 1972 to be referred to them instead of being dealt with by the district planning authority.
- (2) The circumstances referred to in subsection (1) above are both that the application concerned is not subject to a direction given by the Secretary of State under section 32 of the Act of 1972 and that—
 - (a) the proposed development does not conform to a structure plan approved by the Secretary of State; or
 - (b) the proposed development raises a major planning issue of general significance to the district of the regional planning authority.
- (3) Subject to subsection (4) below, any application in respect of which directions under subsection (1) above have been given shall be referred to the regional planning authority accordingly.
- (4) A district planning authority may, subject to any regulations made under subsection (7) below, or to any such development order as is referred to in the said subsection (7), appeal to the Secretary of State against any directions given under subsection (1) above to them; and the Secretary of State (whose decision shall be final) may, under section 177(4) of this Act, determine the appeal as if it were a matter arising under section 176(5) of this Act.
- (5) Where an application is referred to a regional planning authority under this section, sections 21(2)(b), 23(1)(f) and (h), 24(2B), (2C), (2D) and (4), 26, 27(1), 27A, 33, 35, 54(3) and (subject to subsection (6) below) 34 of the Act of 1972 shall apply, with any necessary modifications, as if the application had been made to the regional planning authority:

Provided that, in the proviso to the said section 27(1) as so applied, the words "another planning authority" shall be construed as meaning a regional planning authority, a general planning authority and any district planning authority outwith the district of the regional planning authority to which the application has been referred.
- (6) In the application of the said section 34 provided for in subsection (5) above, for the reference in that section to such period as may be prescribed by the development order there shall be substituted a reference to a period of 3 months, or such other period as a development order may prescribe, from the date when the application is referred to a regional planning authority.
- (7) The Secretary of State may by regulations made under this subsection, or may in a development order, prescribe the time limits within which—
 - (a) a regional planning authority may exercise their powers under subsection (1) above;
 - (b) a district planning authority may appeal under subsection (4) above;or

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- (c) a district planning authority shall forward to the regional planning authority a copy of any application (together with copies of all the certificates, plans, and other supporting documents relating there (a) required by the latter authority by virtue of subsection (1) above.”.
- 25 In section 181(2) (which, among other things, empowers a regional planning authority to make an order revoking or modifying planning permission granted by a district planning authority where the regional planning authority are of the opinion that an approved structure plan would otherwise be materially prejudiced), for the words from " shall" to the end there shall be substituted the words—
- “and of section 153 or 159 of the Act of 1972 (compensation in respect of orders under section 42 or 49) shall, as the case may be and with any necessary modifications, apply to the regional planning authority in relation to such an order made by the regional planning authority as they would apply to the district planning authority in relation to such an order made by the district planning authority.”.
- 26 In Schedule 7 (which relates to meetings and proceedings of local authorities)—
- (a) for sub-paragraph (2) of paragraph 3 there shall be substituted the following sub-paragraphs—
- “(2) If the chairman is absent from a meeting of the council, the vice-chairman shall preside.
- (3) If the chairman and vice-chairman are absent from a meeting of the council, another member of the council chosen by the members present shall preside.”; and
- (b) in paragraph 10—
- (i) for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) Paragraphs 5 to 9 above (except paragraph 7(2)) shall apply in relation to—
- (a) a committee (including a joint committee) of a council and that committee's members ; or
- (b) a sub-committee of any such committee of a council and that sub-committee's members,
- as those paragraphs apply in relation to a council and that council's members.”; and
- (ii) in sub-paragraph (2), after the word " members " there shall be inserted the words " recorded under paragraph 6 above as having been ".
- 27 In Column 2 of Part I of Schedule 22 (which relates to regional planning functions), after the words " Sections 4 to 8." there shall be added the words—
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- “Sections 14 to 18 and 265, in so far as they relate to structure plans.”.
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- 28 In Column 2 of Part II of Schedule 22 (which relates to district planning functions)
- (a) after the words " Sections 9 to 13." there shall be added the words—

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“Sections 14 to 18 and 265, in so far as they relate to local plans.”; and

- (b) for the words "Section 199 " there shall be substituted the words " Sections 198A and 199 ".