



Local Government and Planning (Scotland) Act 1982

1982 CHAPTER 43

PART II

LOCAL AUTHORITY FUNCTIONS

18 Byelaws in relation to recreational, sporting, cultural and social activities.

- (1) Subject to subsection (3) below, [^{F1}a local authority] may make byelaws—
 - (a) for the regulation and preservation of; and
 - (b) as regards the conduct of persons using,
any such facility in the area of the [^{F2}authority] as is mentioned in section 15 and 16 of this Act.
- (2) Byelaws made under subsection (1) above may provide that—
 - (a) a person contravening certain provisions of the byelaws commits an offence and is liable on summary conviction to a fine not exceeding [^{F3}level 2 on the standard scale];
 - (b) a person required to leave the facility by a person who is an officer of, and appropriately empowered by, the [^{F4}local authority] commits an offence, and is liable on summary conviction to a fine not exceeding [^{F3}level 2 on the standard scale], if the requirement is not complied with; and
 - (c) a person who appears to be committing or to have committed an offence under the byelaws may be removed from the facility by such officer as is mentioned in paragraph (b) above or by a constable.
- (3) Subject to subsection (4) below, where byelaws made under subsection (1) above by a [^{F5}local authority] would relate—
 - (a) to a facility; or
 - (b) to land or premises,

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Section 18. (See end of Document for details)

which the [^{F6}authority] neither own nor manage and control, the agreement of the owner of, and of any person having an interest in, such facility, land or premises shall be obtained before the byelaws are so made.

- (4) Where any agreement required by subsection (3) above cannot be obtained because the owner or person is unknown, cannot be found or fails to respond in any way to a request for such agreement the council may nevertheless proceed to make the byelaws if they have advertised, in a newspaper circulating in the area in which the facility or land is, or the premises are, situated, that they propose to make them and if no objection to that proposal has been forthcoming from the owner or person within one month of such advertisement.

Textual Amendments

- F1** Words in s. 18(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(7)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Word in s. 18(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(7)(a)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F3** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F4** Words in s. 18(2)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(7)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F5** Words in s. 18(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(7)(c)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F6** Word in s. 18(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(7)(c)(ii)**; S.I. 1996/323, **art. 4(1)(c)**

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