



Local Government and Planning (Scotland) Act 1982

1982 CHAPTER 43

PART II

LOCAL AUTHORITY FUNCTIONS

22 Re-allocation of responsibility for the enforcement of certain provisions of the Food and Drugs (Scotland) Act 1956.

Regional councils shall cease to have powers and duties under or by virtue of the ^{M1}Food and Drugs (Scotland) Act 1956 except that they shall retain such powers and duties as are mentioned in section 27 of that Act (which relates among other things to the appointment of public analysts); and accordingly in the said Act—

- (a) in section 26 (which specifies, or makes provision for the specification of, administrative authorities for the purposes of the Act)—
 - (i) in subsection (3) the words “regional councils” shall cease to have effect;
 - (ii) in subsection (4), for the words “a regional,” there shall be substituted the word “and”;
- (b) after section 27 there shall be inserted the following section—

“27A Payment by district councils for services of public analysts.

- (1) The fee payable to a public analyst in respect of his analysis of samples submitted to him by a sampling officer of a district council which appointed the analyst:
Provided that the foregoing provisions of this subsection apply only where the analyst is the employee of the council which appointed him.
- (2) A council, before fixing a fee under subsection (1) above, shall—
 - (a) work out what proportion, approximately, of the total cost to them of employing (and providing working facilities

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Section 22. (See end of Document for details)

- and equipment for) the public analyst is attributable to the sampling officer, and shall propose such fee as would recover that proportion from the district council; and
- (b) consult with the district council, with a view to securing their agreement to the fee proposed.
- (3) Where the district council will not agree a fee proposed under subsection (2) above, either council may apply to the Secretary of State for the appointment under this subsection of an arbiter.
- (4) The decree arbitral of an arbiter appointed under subsection (3) above shall be final and conclusive as regards the fee to be fixed under subsection (1) above; and the expenses of the arbitration shall be borne jointly by the parties.”; and
- (c) in the proviso to subsection (3) of section 29 (the which proviso empowers an analyst to demand a fee in advance from certain persons), after the word “may” where it first occurs, there shall be inserted the words “, except in a case where the fee falls to be fixed under section 27A of this Act, ”

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.
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Marginal Citations

- M1** [1956 c.30.](#)

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