



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART XII

#### MISCELLANEOUS, GENERAL AND TRANSITIONAL

##### *General*

#### **214 Consequential and minor modifications and amendments.**

- (1) As from 16th May 1975 Part I of Schedule 27 to this Act shall have effect for the purpose of making general adaptations of enactments, being adaptations which are consequential on the foregoing provisions of this Act.
- (2) As from that date the enactments specified in Part II of that Schedule shall have effect subject to the modifications and amendments set out in the said Part II, being modifications and amendments which are consequential on the foregoing provisions of this Act and minor amendments.

#### **215 Consequential and supplementary provisions.**

- (1) The Secretary of State or any appropriate Minister may at any time, whether before or after 16th May 1975, by order make such incidental, consequential, transitional or supplementary provisions as may appear to him—
  - (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
  - (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act;

and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

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(2) An order under this section may in particular make provision, in the case of any body, person, funds or matter affected by this Act, for the transition from the provisions of any enactment to the provisions of this Act, but nothing in that order shall be inconsistent with any provision of this Act.

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

<sup>F1</sup>(7) .....

(8) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

<p><b>Textual Amendments</b></p> <p><b>F1</b> S. 215(3)-(7) repealed (1.4.1996) by 1994 c. 39, s. 180(2), <b>Sch. 14</b>; S.I. 1996/323, art. 4(1)(b)(d), <b>Sch. 2</b></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C1</b> S. 215 extended by <b>Value Added Tax Act 1983 (c. 55)</b>, <b>Sch. 10 para. 7</b></p>
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**216 Transfer of officers.**

(1) An order or regulations under section 24, or an order under section 215, of this Act may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.

(2) ..... <sup>F2</sup>

(3) Any such order or regulations as is or are referred to in subsection (1) . . . <sup>F3</sup>above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—

(a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the order or regulations and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and

(b) the said new terms and conditions are such that—  
(i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and  
(ii) the other terms and conditions of his employment,

are not less favourable than those which he enjoyed immediately before the date of transfer.

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(4) ..... F2

**Textual Amendments**

- F2 Ss. 216(2)(4)(5), 218–221, 224(1)–(4) repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 4 Pt. I
- F3 Words repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 4 Pt. I

**217 Continuity of employment in cases of voluntary transfer.**

- (1) This section applies to a person if—
  - (a) at some time before 16th May 1975, or on that date but otherwise than by virtue of provision made by an order under section 216 above, he enters the employment of a new local authority (in this section referred to as “his new employment”), and
  - (b) had he continued until 16th May 1975 in the employment (in this section referred to as “his previous employment”) which he last held before he entered his new employment or (if he did so continue) had he then ceased to be in that employment by reason only of Part I of this Act, provision would have been made by an order under section 216(2) of this Act for his transfer on that date to the employment of a specified local authority.
- (2) Where this section applies to a person, then for the purposes of [F4 paragraph 10 of Part II of Schedule 1 to the M1 Trade Union and Labour Relations Act 1974] (qualifying period for protection from unfair dismissal) and [F5 section 49 of the M2 Employment Protection (Consolidation) Act 1978] (minimum periods of notice)—
  - (a) the period of employment in his previous employment shall count as a period of employment in his new employment, and
  - (b) the change of employment shall not break the continuity of the period of employment.

**Textual Amendments**

- F4 Words substituted by virtue of Trade Union and Labour Relations Act (c. 52), Sch. 4 para. 7
- F5 Words substituted by virtue of Employment Protection (Consolidation) Act 1978 (c. 44), Sch. 15 para. 4

**Marginal Citations**

- M1 1974 c. 52.
- M2 1978 c. 44.

218— ..... F6  
221.

**Textual Amendments**

- F6 Ss. 216(2)(4)(5), 218–221, 224(1)–(4) repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), Sch. 4 Pt. I

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F7 **222** .....

**Textual Amendments**

F7 S. 222 repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(1)(b)(d), Sch. 2

F8 **223** .....

**Textual Amendments**

F8 S. 223 repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(1)(b)(d), Sch. 2  
 (subject to art. 4(2))

F9 **224** .....

**Textual Amendments**

F9 S. 224 repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(1)(b)(d), Sch. 2

**225 Local Acts and instruments.**

(1) Subject to subsections (2)

and (8) below, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—

- (a) notwithstanding the changes of administrative areas and local authorities effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 16th May 1975 to, but only to, the area, things or persons to which or to whom it applies before that date;
- (b) have effect subject to any necessary modifications and to the modifications made by subsection (3) below;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

(2) Subsection (1)

above shall have effect subject to the provisions of—

- (a) this Act, other than Part I of Schedule 27;
- (b) any Act passed after this Act and before 16th May 1975; and
- (c) any order made under section 215 of this Act or the following provisions of this section.

(3) Any local statutory provision to which this section applies and which relates to functions exercisable by a local authority of any description by virtue of any public general enactment shall have effect as if for any reference to the authority by whom

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the functions are exercised immediately before 16th May 1975 there were substituted a reference to the authority by whom those functions are exercisable on and after that date.

(4) Subsection (3)

above shall not come into force until 16th May 1975 and shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this section applies and exclude the operation of that subsection where it would otherwise conflict with any provision of the order.

(5) Where any local statutory provision is continued in force in any area by subsection (1) above or is amended or modified in its application to any area by an order under section 215 of this Act, the Secretary of State or any appropriate Minister may by that order, or in the case of a provision continued as aforesaid, by an order under this subsection—

- (a) extend the provision throughout the new local government area in which it is continued in force;
- (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act;
- (c) make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area;
- (d) repeal or revoke any local statutory provision to which this section applies and which appears to the Secretary of State or that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
- (e) transfer to any authority appearing to the Secretary of State or that Minister to be appropriate any functions of an existing local authority under a local statutory provision to which this section applies which are not to become functions of some other authority under any provisions of this Act except section 215 of this Act and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act;
- (f) with prejudice to paragraph (e) above, make such modifications of any local statutory provision to which this section applies in its application to any new local government area as appear to the Secretary of State or that Minister to be expedient.

(6) <sup>F10</sup>Subject to sections 134(2), 135 and 137 of the <sup>M3</sup>Civic Government (Scotland) Act 1982 and any order under these sections,] All local statutory provisions to which this subsection applies shall cease to have effect at the end of <sup>F11</sup>1984], but—

- (a) the Secretary of State or any appropriate Minister may by order exempt any such provision from the foregoing provision of this subsection;
- (b) the Secretary of State may from time to time by order postpone the date on which all local statutory provisions applying to the whole or part of any local government area, so far as they so apply, are to cease to have effect under this subsection.

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(7) An instrument containing an order under subsection (5) or (6) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Any local statutory provision relating to valuation or the determination, levying, collection or recovery of rates shall cease to have effect:

Provided that this subsection shall not affect the operation of section 19(2) of the <sup>M4</sup>Water (Scotland) Act 1949 (domestic water rate payable at reduced rate in certain cases).

(9) This section applies to any local statutory provision in force immediately before 16th May 1975 and not expressly repealed or revoked by this Act, and subsection (6) above applies to the following statutory provisions—

- (a) a provision of a local Act, the Bill for which was promoted by a local authority;
- (b) a provision of an Act confirming a provisional order made on the application of a local authority;
- (c) a provision of an order made on such an application which was subject to special parliamentary procedure;

not being a provision relating to a statutory undertaking or a protective provision for the benefit of any person.

(10) In subsection (9)

above “local authority” means—

- (a) a council of a county, county of city, burgh or district;
- (b) any body which immediately after the coming into force of the enactment which constituted the body exercised functions which immediately before 16th May 1975, were exercised by one of the councils referred to in paragraph (a) above;

and “statutory undertaking” means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any market undertaking or any undertaking for the supply of electricity, gas, hydraulic power, water or district heating.

#### **Textual Amendments**

**F10** Words inserted by [Civic Government \(Scotland\) Act 1982 \(c. 45\), s. 134\(1\)](#)

**F11** Words substituted by [Civic Government \(Scotland\) Act 1982 \(c. 45\), s. 134\(1\)](#)

#### **Modifications etc. (not altering text)**

**C2** [S. 225\(6\)](#) amended by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 29\(2\)](#) and [Civic Government \(Scotland\) Act 1982 \(c. 45\), ss. 134, 135](#)

#### **Marginal Citations**

**M3** [1982 c. 45.](#)

**M4** [1949 c. 31.](#)

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**Textual Amendments**

**F12** S. 226 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(64), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(c)(d), **Sch. 2**

**227 Abolition of Dean of Guild Court.**

On 16th May 1975 all dean of guild courts shall cease to exist, and unless otherwise provided, all powers, duties and responsibilities conferred on a dean of guild or a dean of guild court by or under any enactment shall thereafter be exercised by the authority responsible for building control in the area concerned.

**228 Abolition of fiars courts for counties, etc.**

- (1) The courts for striking the fiars prices for the counties of Scotland shall no longer be held, and accordingly no payment becoming due after the appointed day shall be calculated by reference to fiars prices.
- (2) Subject to the provisions of section 12 of the <sup>M5</sup>Conveyancing (Scotland) Act 1924 (abolition and commutation of grain, etc. feuduties) the amount of any periodical payment becoming due after the appointed day which would, if it had become due immediately before that day, have fallen to be ascertained by reference to fiars prices, shall be a sum in money representing the average value of the payment due during the last three years before that day.
- (3) In the event of the parties failing to reach agreement as to the commutation into money of any payment by reference to subsection (2) above, either party may apply to the sheriff for a decree declaring the commuted value in money of the payment.
- (4) Where any payment, the amount of which falls to be ascertained by reference to subsection (2) above, is exigible from any person by virtue of an interest in land, the title to which may be recorded in the Register of Sasines, any agreement relative thereto and any decree pronounced under subsection (3) above shall, on being duly recorded in the appropriate register, be binding upon all persons having interest.
- <sup>F13</sup>(5) .....
- (6) In this section “the appointed day” means the day appointed under section 238 of this Act for the coming into operation of this section.

**Textual Amendments**

**F13** S. 228(5) repealed (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(2), 89(2), **Sch. 13**, Pt. I (with s. 45(3), Sch. 12 paras. 1-3).

**Marginal Citations**

**M5** 1924 c. 27.

<sup>F14</sup>**229** .....

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**Textual Amendments**

**F14** S. 229 repealed (5.11.1993) by 1993 c. 50, s. 1(1) Sch. 1, Pt. X Group 1

**F15** **230** .....

**Textual Amendments**

**F15** S. 230 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(65), Sch. 14; S.I. 1996/323, art. 4(1)(b)(c)(d), Sch. 2

**231 Application to sheriff in cases of difficulty.**

- (1) Where, from failure to observe any of the provisions of this Act or from any other cause, a difficulty arises in carrying into effect any of the provisions of this Act, or where in any case any question arises as to the procedure to be followed, or where any question arises in connection with the election of members of a local authority and no provision is made in this Act for meeting such difficulty or determining such question, it shall be lawful for the local authority or any seven local government electors for the area of the authority or the proper officer of the authority, or in the case of a question relating to an election of members of a local authority for the returning officer at the election, to make application to the sheriff setting forth the circumstances and after such intimation and inquiry as to the sheriff seems proper, the sheriff may give such directions as in his judgment will enable the provisions of this Act to be complied with as nearly as possible or determine the question as the case may be, and may make such order as seems proper to him with reference to the expenses in connection with the application and the persons by whom such expenses are payable.
- (2) Subject to any order made by the sheriff, all expenses incurred in connection with any application under the preceding subsection shall be defrayed as part of the general expenses of the authority.

**Modifications etc. (not altering text)**

**C3** S. 231 applied (4.1.1995) by 1994 c. 39, s. 60 (with s. 7(2)); S.I. 1994/2850, art. 3(a), Sch. 2  
 S. 231 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

**232 Provisions regarding applications to court.**

- (1) Where any application to the sheriff under this Act is dealt with in the first instance by a sheriff other than the sheriff principal, it shall be competent to appeal to the sheriff principal against the decision of the sheriff within fourteen days after the date thereof, but subject thereto the decision of the sheriff principal or sheriff shall, except where otherwise specifically provided, be final.
- (2) Where the area of a local authority is situated within more than one sheriffdom, any application to the sheriff under this Act shall be presented to the sheriff principal of the sheriffdoms in which the area of the authority is situated.



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- (3) Where any application is presented to two or more sheriffs principal under this Act and they are unable to reach a unanimous decision, they shall state a case for the Court of Session and the Court may pronounce any deliverance which it would have been competent for the sheriffs to make.

**Modifications etc. (not altering text)**

- C4 S. 232 applied (4.1.1995) by 1994 c. 39, s. 60 (with s. 7(2)); S.I. 1994/2850, art. 3(a), Sch. 2  
S. 232 applied (temp. from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

**233 Orders, rules and regulations.**

- (1) Any power to make orders, rules or regulations conferred on any Minister by any provision of this Act, other than section 104(1), [F16210(7)] 211 or 221 shall be exercisable by statutory instrument.
- (2) Any order under this Act may be varied or revoked by a subsequent order made in the like manner and subject to the same provisions.
- (3) An order made by a Minister under this Act may contain such incidental, consequential and supplemental provisions as appear to the Minister by whom the order is made to be necessary or proper for bringing the order into operation and giving full effect thereto.

**Textual Amendments**

- F16 “210(7)” inserted by Housing and Planning Act 1986 (c. 63, SIF 81:2), s. 49, Sch. 11 Pt. II para. 39(3)

**234 Expenses.**

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act; and  
(b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

**235 General provisions as to interpretation.**

- (1) In this Act, except where the context otherwise requires—
- “appropriate Minister”, with respect to any matter, means the Minister in charge of any Government Department concerned with that matter; but the validity of any order or regulation purporting to be made by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;
- F17  
...  
F17  
...  
“education authority”, “educational establishment”, “further education” and “school” have the same meanings as in [F18the M6Education (Scotland) Act 1980];
- F17  
...

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[<sup>F19</sup>“electoral ward” shall be construed in accordance with section 5 of the Local Government etc. (Scotland) Act 1994;]

“enactment” includes an order, regulation, rule or other instrument having effect by virtue of an Act;

“existing”, in relation to any authority, means that authority as they existed immediately before the passing of this Act;

“financial year” has [<sup>F20</sup>, except in section 98,] the meaning assigned to it by section 96(5) of this Act;

“joint board” means a body corporate, constituted for the purposes of a combination of local authorities under this Act or by or under any other enactment, consisting exclusively of persons appointed by the local authorities;

“joint committee” means a body, not being a body corporate, constituted for the purpose of a combination of local authorities under this Act or by or under any other enactment, consisting exclusively of persons appointed by the local authorities;

“land” includes land covered with water and any interest right or servitude in or over land;

[<sup>F21</sup>“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of an existing local government area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

“new”, in relation to any authority, means that authority as established by or under this Act;

“1947 Act” means the <sup>M7</sup>Local Government (Scotland) Act 1947;

“prescribed” means prescribed by regulations made by the Secretary of State;

“rating authority” [<sup>F22</sup>shall be construed in accordance with section 30 of the Local Government etc. (Scotland) Act 1994];

<sup>F23</sup>

- (2) Any reference in this Act to a regional, islands or district council includes a reference to any combination of those councils.
- (3) Any reference in this Act to a proper officer and any reference which by virtue of this Act is to be construed as such a reference shall, in relation to any purpose and any local authority or other body or any area, be construed as a reference to an officer appointed for that purpose by that body or for that area, as the case may be.
- (4) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

#### Textual Amendments

**F17** S. 235(1): definitions of

“area”

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“college council”

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	“school council”
	and
	“education committee”
	repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 92(66)(a), <b>Sch. 14</b> ; S.I. 1996/323, art. 4(1)(b)(c)(d), <b>Sch. 2</b>
<b>F18</b>	Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a) and Education (Scotland) Act 1980 (c. 44), <b>Sch. 3 para. 1</b>
<b>F19</b>	S. 235(1): definition of “electoral ward” substituted (1.4.1996) by 1994 c. 39, s. 180(1), <b>Sch. 13 para. 92(66)(b)</b> ; S.I. 1996/323, art. 4(1)(b)(c)
<b>F20</b>	S. 235(1): words in definition of “financial year” inserted (29.4.1996 with effect first in relation to the period from 1.4.1997 to 31.10.1997) by 1996 c. 10, s. 4(2)(3); S.I. 1997/1979, art. 2
<b>F21</b>	S. 235(1): definition of “local authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), <b>Sch. 13 para. 92(66)(c)</b> ; S.I. 1996/323, art. 4(1)(b)(c)
<b>F22</b>	S. 235(1): words in definition of “rating authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), <b>Sch. 13 para. 92(66)(d)</b> ; S.I. 1996/323, art. 4(1)(b)(c)
<b>F23</b>	S. 235(1): definition of “water authority” repealed (1.4.1996) by 1994 c. 39, s. 180(2), <b>Sch. 14</b> ; S.I. 1996/323, art. 4(1)(b)(d), <b>Sch. 2</b>
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<b>Marginal Citations</b>	
<b>M6</b>	1980 c. 44.
<b>M7</b>	1947 c. 43.

## 236 Savings.

- (1) ..... <sup>F24</sup>
- (2) <sup>F25</sup> . . . Nothing in sections 70 to 78 of this Act shall affect any provision relating to the acquisition by agreement or compulsorily, appropriation, letting or disposal of land, the erection of buildings or the execution of works by a local authority contained in any of the following enactments or any instrument made thereunder—
- <sup>F26</sup>(a) .....
  - (b) The Military Lands Acts 1892 to 1903;
  - <sup>F26</sup>(c) .....
  - (d) The Housing (Scotland) [<sup>F27</sup> Act 1987];
  - <sup>F28</sup>(e) .....
  - (f) The Education (Scotland) Acts 1939 to 1973;
  - <sup>F29</sup>(g) .....
  - (h) Any local Act.
- (3) Any enabling provision contained in this Act shall be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of her royal prerogative.

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#### Textual Amendments

- F24** S. 236(1) repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**
- F25** Words in s. 236(2) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F26** S. 236(2)(a)(c) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), **sch. 2** (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)
- F27** Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), **Sch. 23 para. 20(3)**
- F28** S. 236(2)(e) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**
- F29** S. 236(2)(g) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

### 237 Repeals.

- (1) The enactments specified in Schedule 29 to this Act (which include enactments that were obsolete, spent or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.
- (2) Without prejudice to [<sup>F30</sup>section 17(2) of the <sup>M8</sup>Interpretation Act 1978], where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes or applies some other enactment making corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and in particular subject to any instrument under section 215, 216, 219 or 225 of this Act references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

#### Textual Amendments

- F30** Words substituted by virtue of [Interpretation Act 1978 \(c. 63\)](#), s. 25(2)

#### Modifications etc. (not altering text)

- C5** The text of ss. 130(3), 132(2), 134(2), 135(10), 138(2), 146(2)–(9), 147(2)(6)(7)(8), 155(2)(3)(5)(6)(7), 156(2)(3), 166(2), 170(2), 175, 184, 213(3), 237(1), Schs. 16, 19, 21 paras. 2–12 and Sch. 26 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.

#### Marginal Citations

- M8** 1978 c. 30.

### 238 Short title, commencement and extent.

- (1) This Act may be cited as the Local Government (Scotland) Act 1973.
- (2) This Act (except this section) shall come into operation on the appointed day, being such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different provisions of this Act or for different purposes, or for the purposes of the same provision in relation to different cases.

**Changes to legislation:** Local Government (Scotland) Act 1973, Cross Heading: General is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (3) This Act, except sections 92, 146(5) and 213 and paragraph 64 of Schedule 17 and Schedule 26 <sup>F31</sup> . . . extends to Scotland only.

**Textual Amendments**

**F31** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3**

**Modifications etc. (not altering text)**

**C6** Power of appointment conferred by s. 238(2) fully exercised: [S.I. 1973/1886](#), 2181

**Changes to legislation:**

Local Government (Scotland) Act 1973, Cross Heading: General is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)