



Local Government (Scotland) Act 1978

1978 CHAPTER 4

An Act to amend the law relating to the valuation and rating of lands and heritages in Scotland occupied by certain public utilities and bodies and by certain undertakings; to make further provision with respect to payments to the Commissioner for Local Administration in Scotland and his officers; to postpone the repeal of the Burgh Police (Scotland) Acts 1892 to 1911 and of certain local statutory provisions; to make minor amendments to the Countryside (Scotland) Act 1967 and the Local Government (Scotland) Act 1973; and for connected purposes. [23rd March 1978]

1 Amendment of section 6 of Local Government (Scotland) Act 1975.

For section 6 of the ^{M1} Local Government (Scotland) Act 1975 there shall be substituted the following section—

“6 Valuation by formula of certain lands and heritages.

- (1) The Secretary of State may by order—
 - (a) prescribe;
 - (b) make provision for determining by such method, and at such intervals, as may be specified in the order,

the rateable value, or aggregate amount of the rateable values, of any lands and heritages specified in Schedule I to this Act, or of any class or description of such lands and heritages.
- (2) A rateable value or aggregate amount—
 - (a) prescribed under; or
 - (b) determined by virtue of,

an order under this section may be apportioned among local authorities in such manner as may be specified in the order.
- (3) An order under this section applying to any lands and heritages or any class or description of such lands and heritages may provide for—

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- (a) determining a rateable value or aggregate amount by the application of different methods of valuation;
 - (b) apportioning a rateable value or aggregate amount by the application of different manners of apportionment,
to different parts of the lands and heritages.
- (4) Before making an order under this section the Secretary of State shall consult with such associations of local authorities, or of persons carrying on undertakings, as appear to him to be concerned and with any local authority, person or association of persons with whom consultation appears to him to be desirable.
- (5) An order under this section may—
- (a) repeal or amend any enactment so far as that enactment relates to—
 - (i) the valuation of ;
 - (ii) the levying or payment of rates in respect of ;
 - (iii) the making of payments in lieu of rates in respect of,
lands and heritages to which the order relates;
 - (b) repeal or amend any enactment so far as that repeal or amendment is incidental or consequential to a repeal or amendment in terms of paragraph (a) above; and
 - (c) as regards such lands and heritages apply, restrict or modify the enactments relating to appeals or complaints in connection with the valuation roll.
- (6) An order under this section may provide that the order shall have effect as from the beginning of the year in which the order is made.
- (7) An order under this section shall not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.”.

Modifications etc. (not altering text)

C1 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 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

M1 1975 c.30.

Textual Amendments

F1 S. 2 repealed by Local Government Finance Act 1988 (c. 41, SIF 81:1, 2), s. 149, **Sch. 13 Pt. IV**

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3 Transitional

An order made under section 13 of the ^{M2}Local Government (Financial Provisions) (Scotland) Act 1963 (valuation by formula of certain lands and heritages) shall, notwithstanding any repeal of that section, continue to have effect as if made under section 6 of the ^{M3}Local Government (Scotland) Act 1975; and section 35(2) of the said Act of 1975 shall apply accordingly.

Marginal Citations

M2 1963 c. 12.

M3 1975 c. 30.

4 Payments to Commissioner for Local Administration and his officers.

(1) For sub-paragraph (1) of paragraph 3 of Schedule 4 to the ^{M4} Local Government (Scotland) Act 1975. there shall be substituted the following words—

“(1) The designated body shall pay to, or in respect of—

- (a) the Commissioner. or any person holding an appointment under Paragraph 4 of this Schedule, such amounts—
 - (i) by way of remuneration or allowances; or
 - (ii) towards the provision of pensions, allowances or gratuities ;
- (b) any person who has held the office of Commissioner, or an appointment under the said paragraph 4, such amounts by way of pensions, allowances or gratuities,

as the Secretary of State may determine ; but any such amount which the Secretary of State determines to be payable to, or in respect of, the Commissioner or any person who has held the office of Commissioner shall be subject to the approval of the Minister for the Civil Service.”.

(2) A determination to which this subsection applies and any approval of, or payment in accordance with, that determination shall be deemed to have been validly made or given under the said sub-paragraph if it would have been validly so made or given had that sub-paragraph originally been enacted in the words substituted for that sub-paragraph by subsection (1) above.

(3) Subsection (2) above applies to any determination which—

- (a) was made on or after 16th May 1975 but before the coming into force of this Act; and
- (b) purported to be, but was not validly, made under the said sub-paragraph.

Modifications etc. (not altering text)

C2 The “said sub-paragraph” means sub-para. (1) of para. 3 of Sch. 4 to [Local Government \(Scotland\) Act 1975 \(c. 30\)](#)

C3 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 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

M4 1975 c. 30.

5 Postponement of repeal of Burgh Police (Scotland) Acts 1892 to 1911 and certain local statutory provisions.

The repeal of—

- (a) ^{M5} the Burgh Police (Scotland) Acts 1892 to 1911 ; and
- (b) the local statutory provisions to which subsection (6) of section 225 of the ^{M6} Local Government (Scotland) Act 1973 applies,

which by virtue, respectively, of—

- (i) subsection (1) of section 229 of the said Act of 1973 and
- (ii) the said subsection (6),

falls to take place at the end of 1979 shall be postponed until the end of 1982 and accordingly, in each of the said subsections, for the words “1979” there shall be substituted the words “1982”

Modifications etc. (not altering text)

C4 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 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

M5 1892 c. 55., 1903 c.33., 1911 c. 51.

M6 1973 c. 65.

6 Minor amendments.

The enactments set out in the Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, being minor amendments.

Modifications etc. (not altering text)

C5 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 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.

7 Expenses.

There shall be defrayed out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.

8 Short title, construction, commencement and extent.

- (1) This Act may be cited as the Local Government (Scotland) Act 1978.

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- (2) Any reference in this Act to any other enactment shall be construed as referring to that enactment as amended, extended or applied by or under any other enactment, including, unless the context otherwise requires, this Act.
- (3) Paragraph 2 of the Schedule to this Act shall not come into force until 1st January 1979.
- (4) This Act extends to Scotland only.

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SCHEDULE

Section 6.

MINOR AMENDMENTS

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

1 In section 57(1) (provisions as to byelaws), for the words “201” there shall be substituted the words “202”.

Modifications etc. (not altering text)

C6 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 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 (Scotland) Act 1973 (c.65)

2 **F2**

Textual Amendments

F2 Sch. para. 2 repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 9 Pt. II](#)

3 In section 125(1) (school and college councils), for the word “control” there shall be substituted the word “management”.

Modifications etc. (not altering text)

C7 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 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 1.2.1991

4 In section 126 (disqualification for membership of education committees etc.) for the words “127(2)” there shall be substituted the words “125(4)”.

Modifications etc. (not altering text)

C8 The text of ss. 1, 4(1), 5, 6, Sch. paras. 1, 3, 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Changes to legislation:

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