



# Local Government (Miscellaneous Provisions) (Scotland) Act 1981

## 1981 CHAPTER 23

### S

An Act to make further provision as regards local government in Scotland; to amend the Housing (Scotland) Acts 1966 to 1980; to postpone the effect of certain provisions of the Education (Scotland) Act 1980; to amend the Chronically Sick and Disabled Persons Act 1970 in its application to Scotland; and for connected purposes. [11th June 1981]

### PART I S

#### VALUATION AND RATING

#### 1 Power to change year of revaluation. S

In section 37 of the <sup>M1</sup>1975 Act (which makes provision as regards the interpretation of that Act), at the end there shall be added the following subsections—

“(3) The Secretary of State may by order amend the definition of “year of revaluation” in subsection (1) above by substituting, for the financial year for the time being specified in that definition by reference to two calendar years, a different financial year so specified.

(4) An order under subsection (3) above shall have no effect until approved by a resolution of each House of Parliament.”.

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

- C1** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not

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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.

## 2—4. ....<sup>F1</sup> **S**

#### Textual Amendments

F1 Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2), s. 34, Sch. 6

## 5 Relaxation of provisions relating to notification for rate relief for charitable organisations. **S**

In section 4 of the <sup>M2</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962—

- (a) in subsection (2) (which provides for notification to the rating authority of use of lands and heritages for charitable purposes)—
  - (i) the words “not later than the thirtieth day of June in any year” shall cease to have effect; and
  - (ii) for the words “any period, beginning not earlier than the year in which the notice is given,” there shall be substituted the words “ a relevant period ”; and
- (b) after subsection (2) there shall be inserted the following subsection—
  - “(2A) In subsection (2) of this section “relevant period” means—
    - (a) in a case where the occupation and use, or as the case may be the holding, commenced on or after the first day of the financial year immediately preceding the financial year in which the notice is given, any period after that commencement;
    - (b) in any other case, that first day and any period thereafter.”.

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

C2 The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

M2 1962 c. 9.

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## 6 Remission of rates in respect of lands and heritages unoccupied and unfurnished for any period of three months. **S**

For subsection (2) of section 243 of the <sup>M3</sup>Local Government (Scotland) Act 1947 (which provides for remission of rates in respect of lands and heritages unoccupied and unfurnished for three months in a financial year) there shall be substituted the following subsection—

“(2) Where lands and heritages are unoccupied and unfurnished for a continuous period of not less than three months, the rating authority shall grant a remission of the rates in respect of such lands and heritages to an extent corresponding, in each financial year, to the proportion which so much of the period as occurs in that financial year bears to the whole financial year.”

### Modifications etc. (not altering text)

**C3** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**M3** 1947 c. 43.

## 7 Restriction on payment of rates by instalments. **S**

In section 8 of the <sup>M4</sup>1975 Act (which provides for payment of rates by instalments), after subsection (7) there shall be inserted the following subsections—

“(7A) In any case where a demand note for rates, chargeable for a year or part only of a year, is for an amount (after any remission, rebate or other deduction to which the rate is subject) less than the prescribed sum the rates shall not be payable in accordance with subsection (1) above but shall be payable in full on or before the date specified by the rating authority in the demand note.

(7B) In subsection (7A) above, “the prescribed sum” means £20 or such lesser sum as the rating authority may fix.

(7C) The Secretary of State may by order, made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend subsection (7B) above by substituting for the amount for the time being specified in that subsection such other amount as appears to him to be justified.”

### Modifications etc. (not altering text)

**C4** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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### Marginal Citations

**M4** 1975 c. 30.

## 8 Alteration in amount of rates payable while valuation appeal is pending. **S**

In section 9(1) of the 1975 Act (which limits the amount of rates payable while a valuation appeal is pending), for the words “the total amount of rates levied on those lands and heritages for the year immediately preceding the year in which the appeal was lodged increased by three-quarters of the difference between that amount and” there shall be substituted the words “ nine tenths of ”.

### Modifications etc. (not altering text)

**C5** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

## 9 ..... **F2 S**

### Textual Amendments

**F2** Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987](#) (c. 47, SIF 81:2), s. 34, **Sch. 6**

## 10 ..... **F3 S**

### Textual Amendments

**F3** S. 10 repealed by [Local Government Finance Act 1988](#) (c. 41, SIF 81:1), s. 149, **Sch.13**, Pt. IV

## 11 New constitution of Scottish Valuation Advisory Council. **S**

In section 3(1) of the <sup>M5</sup>1956 Act (which provides for the constitution of the Scottish Valuation Advisory Council), for the word “eight” there shall be substituted the word “ six ”.

### Modifications etc. (not altering text)

**C6** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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#### Marginal Citations

M5 1956 c. 60.

### 12 Diminution of powers of officers of court as regards actings for recovery of rates.

**S**

In section 247(2)(a) of the <sup>M6</sup>Local Government (Scotland) Act 1947 (which as regards actings for recovery of rates empowers officers of court to poind, seize and remove or secure property belonging to or in the lawful possession of the debtor) the words “or in the lawful possession of” shall cease to have effect.

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

C7 The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

M6 1947 c. 43.

### 13 Effect of sections 4 to 10. **S**

Sections 4 to 10 of this Act have no effect as regards any financial year earlier than that immediately subsequent to the financial year in which this Act is passed.

## PART II **S**

### RATE SUPPORT GRANTS

### 14, 15. .... <sup>F4</sup> **S**

#### Textual Amendments

F4 Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

### <sup>F5</sup>16 Local authority’s estimated expenditure relevant factor in calculating amount of resources element payable to them. **S**

In Part II of Schedule 1 to the <sup>M7</sup>1966 Act (which among other things specifies the method of calculating the amount, if any, of the resources element payable to a local authority), in sub-paragraph (a) of paragraph 2 (which, for the purposes of the said calculation allows the Secretary of State, if he is of the opinion that the rate fixed by the local authority is unnecessarily high, to use as multiplicand a lesser figure than the number of pence in the pound of that rate) for the words “of the opinion that the

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local authority have fixed an unnecessarily high rate, such” there shall be substituted the words—

“, as regards the local authority, satisfied—

- (i) that they have fixed a rate higher than that required to provide the sufficient moneys mentioned in section 108(2) of the Local Government (Scotland) Act 1973; or
- (ii) as is mentioned in subsection (1)(c), as read with subsection (1A), of section 5 of this Act,

such ”]

**Textual Amendments**

**F5** S. 16 repealed (1.4.1994) by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), ss. 34, 35(2), [Sch. 6](#)

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

**C8** The text of s. 16, Sch. 3 para. 36 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M7** 1966 c. 51.

[<sup>F6</sup>17 **Effect of sections 14 to 16.** **S**

The amendments made by sections 14 to 16 of this Act have effect as regards rate support grants payable for the year 1981—82 or for any year thereafter.]

**Textual Amendments**

**F6** Ss. 17, 20 repealed (1.4.1994) by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), ss. 34, 35(2), [Sch. 6](#)

18, 19. .... <sup>F7</sup> **S**

**Textual Amendments**

**F7** Ss. 18, 19 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

[<sup>F8</sup>20 **Interpretation of Part II.** **S**

In the foregoing provisions of this part of this Act “year”, and “year” followed by a reference to two calendar years, have the same meanings as in the <sup>M8</sup> Local Government (Financial Provisions) (Scotland) Act 1963.]

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#### Textual Amendments

- F8** Ss. 17, 20 repealed (1.4.1994) by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987](#) (c. 47, SIF 81:2), ss. 34, 35(2), [Sch. 6](#)

#### Marginal Citations

- M8** 1963 c. 12

## PART III **S**

### HOUSING SUPPORT GRANTS

- 21— ..... **F9** **S**  
23.

#### Textual Amendments

- F9** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), ss. 335, 339(3), [Sch. 24](#)

## PART IV **S**

### MISCELLANEOUS

- 24 **Powers of Commissioner for Local Administration in Scotland.** **S**

The <sup>M9</sup>1975 Act shall, as regards the powers of the Commissioner for Local Administration in Scotland, have effect subject to the amendments specified in Schedule 1 to this Act.

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

- C9** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- M9** 1975 c. 30

- 25 **Relaxation of controls over local authorities.** **S**

The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments which lessen the degree of control exercised over local and other authorities by the Treasury, Secretary of State or other persons.

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

**C10** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

## 26 Consent to local authority incurring liability to meet capital expenses etc. S

In section 94 of the <sup>M10</sup>1973 Act (which requires a local authority to obtain the consent of the Secretary of State to their incurring liability to meet capital expenses)—

(a) after subsection (1A) there shall be inserted the following subsection—

“(1B) The Secretary of State may—

- (a) withdraw, or vary the terms of, a consent which he has, under subsection (1) above, given; or
- (b) withdraw or vary any condition to which the giving of such consent was subject,

where, or in so far as, the local authority have not, by binding contract, incurred the liability to which the consent relates.”; and

(b) after subsection (2) there shall be added the following subsections—

“(3) The Secretary of State may by order (either or both)—

- (a) amend the definition of “capital expenses” in subsection (2) above;
- (b) provide that subsection (1) above shall, in the same manner as it applies to capital expenses, apply to such other expenses, 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 for assigning a capital value to those other expenses.

(4) An order made under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.”.

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

**C11** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**M10** 1973 c. 65.



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## 27 Consent to certain local authority borrowing. **S**

For sub-paragraph (2) of paragraph 1 of Schedule 3 to the <sup>M11</sup>1975 Act (which empowers a local authority to borrow sums required to meet certain expenses where the local authority are satisfied that the expenses should be so met and repayment spread over a term of years) there shall be substituted the following sub-paragraph—

“(2) With the consent of the Secretary of State, a local authority may borrow, on such terms and conditions as to repayment as the Secretary of State may in so consenting allow, such sums as are required to meet expenses, other than expenses to which sub-paragraph (1) above relates, which the authority have power to incur in the exercise of any of their functions (excluding functions relating to a public utility undertaking); but the Secretary of State shall give such consent only if satisfied that the expenses are of such a nature that they should be met by such borrowing.”

### Modifications etc. (not altering text)

**C12** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**M11** 1975 c. 30.

## 28 Repeal of special licensing provisions in respect of new towns. **S**

Part IV of, and Schedule 3 to, the <sup>M12</sup>Licensing (Scotland) Act 1976 (which make special provision for new towns as regards licensing with respect to alcoholic liquor) shall cease to have effect.

### Modifications etc. (not altering text)

**C13** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**M12** 1976 c. 66.

## 29 Abolition of Advisory Council on Social Work. **S**

The Advisory Council on Social Work is hereby abolished; and accordingly, in the <sup>M13</sup>Social Work (Scotland) Act 1968, section 7 (which relates to the appointment, constitution and functions etc. of the Council) shall cease to have effect.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)*

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

**C14** The text of ss. 29, 30, 31, 32 is in the form in which it was originally enacted: it was not wholly 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

**M13** [1968 c. 49](#)

### 30 Abolition of Scottish Food Hygiene Council. **S**

The Scottish Food Hygiene Council is hereby abolished; and accordingly, in the <sup>M14</sup>Food and Drugs (Scotland) Act 1956, section 25 (which relates to the appointment, constitution and functions of the Council) shall cease to have effect.

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

**C15** The text of ss. 29, 30, 31, 32 is in the form in which it was originally enacted: it was not wholly 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

**M14** [1956 c. 30](#)

### 31 Abolition of Scottish River Purification Advisory Committee. **S**

The Scottish River Purification Advisory Committee is hereby abolished; and accordingly, in the <sup>M15</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951, subsections (2), (3) and (4) of section 1 (which relate to the appointment, constitution and functions of that committee) shall cease to have effect.

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

**C16** The text of ss. 29, 30, 31, 32 is in the form in which it was originally enacted: it was not wholly 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

**M15** [1951 c. 66](#)

### 32 Abolition of advisory committee on conservation and provision of water supplies etc. **S**

The advisory committee appointed under section 1 of the <sup>M16</sup>Water (Scotland) Act 1946 (a section which among other things provided that the Secretary of State was to appoint such a committee to advise him as regards matters concerning the conservation and provision of water supplies etc. and which is re-enacted as section 1 of the <sup>M17</sup>Water (Scotland) Act 1980) is hereby abolished; and accordingly paragraph (c) of section 1 of the said Act of 1980 shall cease to have effect.

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

**C17** The text of ss. 29, 30, 31, 32 is in the form in which it was originally enacted: it was not wholly 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**

**M16** 1946 c. 42.

**M17** 1980 c. 45.

**33 Power of water authority or water development board to relax or dispense with byelaw relating to misuse of water. S**

In section 70 of the Water (Scotland) Act 1980 (which empowers a water authority or water development board to make byelaws for preventing waste, undue consumption, misuse or contamination of water supplied by them), after subsection (3) there shall be added the following subsection—

“(4) Where a water authority or water development board consider that a byelaw made by them under this section ought not to operate in relation to any particular case or class of cases they may, with the consent of the Secretary of State, relax the requirements of, or dispense with compliance with, that byelaw accordingly:

Provided that the authority, or as the case may be the Board, shall, in such manner and to such person, if any, as the Secretary of State may direct, give notice of any such proposed relaxation or dispensation; and the Secretary of State—

- (a) shall not give his consent before the expiration of one month from the giving of the notice; and
- (b) shall, before giving his consent, take into consideration any relevant objection which may have been received by him.”.

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

**C18** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**34, 35. .... F10 S**

**Textual Amendments**

**F10** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

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### 36 Planning applications and consideration of the needs of the disabled. **S**

In section 26 of the <sup>M18</sup>Town and Country Planning (Scotland) Act 1972 (which provides for the determination by planning authorities of applications for planning permission) the following subsection shall be inserted after subsection (4)—

“(4A) When granting an application for planning permission as regards any building or premises in relation to which a duty is imposed by any of sections 4, 5 and 7 to 8A of the Chronically Sick and Disabled Persons Act 1970 (facilities at premises open to the public to include, where reasonable and practicable, provision for the needs of the disabled etc.) the planning authority shall ensure that the applicant is aware of such duty.”.

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

**C19** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**M18** 1972 c. 52.

PROSPECTIVE

### 37 Further provision as regards the needs of the disabled. **S**

(1) In each of sections 4(1), 5(1), 6(2), 8(1) and 8A(1) of the Chronically Sick and Disabled Persons Act 1970 (which impose on persons undertaking the provision of public buildings etc. certain duties as regards the needs of the disabled)—

- (a) for the words “provision, in so far as it is in the circumstances both practicable and reasonable” there shall be substituted the words “ appropriate provision ”; and
- (b) at the end there shall be added the words “ unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made. ”.

(2) After the said section 4(1) there shall be inserted the following subsection—

“(1A) In subsection (1) above “appropriate provision” in relation to any case means provision conforming with so much of the Code of Practice for Access for the Disabled to Buildings as is relevant to that case and “prescribed” means prescribed by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and in the foregoing provisions of this subsection “the Code of Practice for Access for the Disabled to Buildings” means the British Standards Institution code of practice referred to as BS 5810: 1979.”.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

(3) After the said section 5(1) the following words shall be inserted as section 5(1A)—  
“ Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section. ”;

and the same words shall be inserted as sections 6(2A), 8(1A) and 8A(1A) of the said Act of 1970.

(4) In section 28 of the said Act of 1970 (which empowers the Secretary of State to define certain expressions appearing therein), after the word “Parliament” there shall be inserted “ —(a) ” and at the end there shall be added the words “; or

(b) amend the definition of “the Code of Practice for Access for the Disabled to Buildings” in section 4(1A) of this Act.”.

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

**C20** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

### 38 Postponement of effect of section 127(3) and (4) of the Education (Scotland) Act 1980. **S**

(1) In Schedule 6 to the <sup>M19</sup>Education (Scotland) Act 1980 (which lists provisions thereof whose commencement is postponed until such day as the Secretary of State may by order appoint), at the end there shall be added the following paragraph (which relates to provisions requiring, among other things, a written summary of such vocational advice as a school leaver has received to be given to that school leaver)—

“16 Section 127(3) and (4).”

(2) Without prejudice to the validity of—

(a) any actings of an education authority before the coming into force of this section; or

(b) any expenses incurred in connection with such actings,

the said Act of 1980 shall be deemed to have had effect as if originally enacted as amended by subsection (1) above.

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

**C21** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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### Marginal Citations

M19 1980 c. 44.

## PART V S

### GENERAL

#### 39 Expenses. S

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

#### 40 Minor and consequential amendments. S

The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

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

**C22** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

#### 41 Repeals. S

The enactments specified in Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

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

**C23** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

#### 42 Interpretation. S

In this Act—

“the 1956 Act” means the <sup>M20</sup>Valuation and Rating (Scotland) Act 1956;

“the 1966 Act” means the <sup>M21</sup>Local Government (Scotland) Act 1966;

“the 1973 Act” means the <sup>M22</sup>Local Government (Scotland) Act 1973;

“the 1975 Act” means the <sup>M23</sup>Local Government (Scotland) Act 1975; and

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“the 1978 Act” means the <sup>M24</sup>Housing (Financial Provisions) (Scotland) Act 1978.

#### Marginal Citations

**M20** 1956 c. 60.

**M21** 1966 c. 51.

**M22** 1973 c. 65.

**M23** 1975 c. 30.

**M24** 1978 c. 14.

### 43 Short title, commencement and extent. **S**

- (1) This Act may be cited as the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.
- (2) Section 11 of this Act shall come into force on 1st January 1982.
- (3) Sections 4 to 10 of this Act and, in so far as relating to section 4(2) of the <sup>M25</sup>Local Government (Financial Provisions etc.) (Scotland) Act 1962, Schedule 4 to this Act shall come into force on 1st April 1982.
- (4) Sections 29 and 37 of this Act and, in so far as relating to section 7 of the <sup>M26</sup>Social Work (Scotland) Act 1968, Schedule 4 to this Act shall come into force on such date as the Secretary of State may appoint by order made by statutory instrument.
- (5) This Act extends to Scotland only.

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

**C24** Power of appointment conferred by s. 43(4) partly exercised: [S.I. 1981/1402](#)

#### Marginal Citations

**M25** 1962 c. 9.

**M26** 1968 c. 49.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 S

Section 24.

#### POWERS OF COMMISSIONER FOR LOCAL ADMINISTRATION IN SCOTLAND

In the <sup>M27</sup>1975 Act—

- (a) in section 21(4)(a) (submission of general report by Commissioner) after the word “body” there shall be inserted the words “ and arrange for the publication of such report; ”;
- (b) section 22(2) of the 1975 Act (designated body to arrange for publication of Commissioner’s report) shall cease to have effect;
- (c) in section 28—
  - (i) in subsection (4) (availability of reports on investigations by Commissioner) for the words from “for inspection” to the end there shall be substituted the words—
 

“—

    - (a) without charge, for inspection and the taking of copies thereof or extracts therefrom; and
    - (b) at a reasonable charge, for purchase,

by any person at all reasonable hours at one or more of the authority’s offices. ”;
  - (ii) in subsection (5) (advertising availability of report) for the words “one week” there shall be substituted the words “ two weeks ”; the words “for inspection” shall cease to have effect; and after the word “date”, in the second place where it occurs, there shall be inserted the words “ not more than one week ”;
  - (iii) in subsection (6) (obstructing availability of report) the words “for inspection” shall cease to have effect; and after the word “inspect” there shall be inserted the words “ or purchase ”;
- (d) in section 29—
  - (i) in subsection (2) (further report by Commissioner) for the words “any such notification” there shall be substituted the words “ notification under subsection (1) above or (2A) below ”; and
  - (ii) after subsection (2) there shall be inserted the following subsection—
 

“(2A) It shall be the duty of the authority concerned to consider a report made under subsection (2) above, and to notify the Commissioner of the action which the authority have taken, or propose to take.”; and
- (e) in section 30(1)(a) (absolute privilege in certain communications) after the word “member” there shall be inserted the words “ or officer ”.

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

**C25** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not



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### Marginal Citations

M27 1975 c. 30

## SCHEDULE 2 **S**

Section 25.

### RELAXATION OF CONTROLS OVER LOCAL AND OTHER AUTHORITIES

#### *The Burial Grounds (Scotland) Act 1855 (c. 68)*

- 1 In section 24 (fixing of payments for interments in burial ground) the words “, subject to the approval of the sheriff of the county,” and the words from “; and a table” to the end shall cease to have effect.

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

**C26** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Public Health (Scotland) Act 1897 (c. 38)*

- 2 In section 36 (complaints of nuisance arising from offensive trade) the words “and, if required by the Board shall,” shall cease to have effect.

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

**C27** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Cremation Act 1902 (c. 8)*

- 3 In section 9 (fees for cremation) the words “any such” and the words “as may be authorised by any table approved by the Local Government Board,” shall cease to have effect.

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

**C28** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not

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*The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (c. 48)*

- 4 In each of sections 1(1)(iii) (restrictions on sale of methylated spirits) and 2(1) (lists of persons entitled to sell such spirits), for the words “in the prescribed form” there shall be substituted the words “ (in such form as may be prescribed by the local authority) ”.

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

**C29** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 5 In section 6 (interpretation) the definition of the expression “prescribed” shall cease to have effect.

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

**C30** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)*

- 6 For sub-paragraph (4) of paragraph 19 of Schedule 1 (control of confirming Minister over use of procedure for serving documents where name or address of person to be served unknown) there shall be substituted the following sub-paragraph—

“(4) Where the maker of the order in connection with which the document is to be served is satisfied, after reasonable inquiry, that it is not practicable to ascertain (either or both)—

- (a) the name;
- (b) the address,

of a person to be served, the document shall be taken to be duly served if, being addressed to that person either by name or by the description of “the owner”, “the lessee” or “the occupier” of the land (describing it) to which the order relates, as the case may be, and being plainly identifiable as a document of importance, it is delivered to some person on the land, or, if there is no such person thereon to whom it may be delivered, it (or a copy of it) is affixed to some conspicuous part of the land.”.

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

**C31** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Highways (Provision of Cattle-Grids) Act 1950 (c. 24)*

7 Section 11 (regulations as to construction of cattle-grids) shall cease to have effect.

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

**C32** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Food and Drugs (Scotland) Act 1956 (c. 30)*

8 Section 35(2) (transmission to the Secretary of State of public analyst's quarterly reports) shall cease to have effect.

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

**C33** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Town and Contry Planning (Scotland) Act 1959 (c. 70)*

9 After subsection (2) of section 24 (requirement of consent of Secretary of State etc. to certain appropriations of land by local and other authorities) there shall be inserted the following subsection—

“(2A) Before exercising any power of appropriation in relation to land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed appropriation; and
- (b) shall consider any objections to that appropriation which may be made to them.”.

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

**C34** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

10 After subsection (2) of section 27 (requirement of consent of Secretary of State etc. to certain disposals of land by local and other authorities) there shall be inserted the following subsection—

“(2A) Before disposing of any land which consists, or forms part, of a common or of an open space (not being land which is held for use as allotments) an authority to whom this Part of this Act applies—

- (a) shall, for at least two consecutive weeks in a newspaper circulating in their area, publish a notice of the proposed disposal; and
- (b) shall consider any objections to that disposal which may be made to them.”.

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

**C35** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

11 ..... **F11**

**Textual Amendments**

**F11** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

*The Police (Scotland) Act 1967 (c. 77)*

12 In section 2(2) (pay, allowances and reimbursement of expenses) the words “, being expenses of a kind approved either generally or in particular cases by the Secretary of State” shall cease to have effect.

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

**C36** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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- 13 Section 46(2) (restriction on aggregate amount of rewards) shall cease to have effect.

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

**C37** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Social Work (Scotland) Act 1968 (c. 49)*

- 14 Subsections (3) and (4) of section 3 (Secretary of State’s involvement in appointment of any director of social work) shall cease to have effect.

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

**C38** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 15 ..... F12

**Textual Amendments**

**F12** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

*The Town and Country Planning (Scotland) Act 1972 (c. 52)*

- 16 In section 4—
- (a) in subsection (2) (planning authority’s fresh survey of their district), the words “and shall, if directed to do so by the Secretary of State”;
  - (b) in subsection (3)(e) (certain matters to be kept under review by planning authority), the words “or as the Secretary of State may in a particular case direct”; and
  - (c) in subsection (5) (construction), the words “, and for the Secretary of State to direct them to institute.”,
- shall cease to have effect.

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

**C39** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not

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17 In section 5—

- (a) in subsection (2) (estimate of certain changes to be included in report of planning authority’s survey of their district), for the words from “during” to the end there shall be substituted the words “, during such period as the planning authority consider appropriate, in the matters mentioned in section 4(3) of this Act. ”;
- (b) in subsection (3)(c) (content of structure plan), the words “or as the Secretary of State may in any particular case direct” shall cease to have effect;
- (c) in subsection (4) (planning authority to have regard to certain matters in formulating policy etc. in structure plan), paragraph (c) shall cease to have effect; and
- (d) in subsection (6) (explanation and illustration of structure plan), the words “, or as may in any particular case be specified in directions given by the Secretary of State” shall cease to have effect.

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

**C40** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

18 In section 9—

- (a) in subsection (3)(b) (requirement as regards local plan) the words “or as the Secretary of State may in any particular case direct” shall cease to have effect.
- (b) in subsection (5) (explanation and illustration of local plan), the words “, or as may in any particular case be specified in directions given by the Secretary of State” shall cease to have effect.
- (c) in subsection (8) (time for Secretary of State to give any directions as regards local plan)—
  - (i) for the words “either before or after” there shall be substituted the words “ only before ”; and
  - (ii) the words “; but no such directions shall require a planning authority to take any steps to comply therewith until the structure plan has been approved by him” shall cease to have effect; and
- (d) in subsection (9) (planning authority to have regard to certain matters in formulating proposals in local plan), the words “, or which the Secretary of State may in any particular case direct them to take into account” shall cease to have effect.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

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

**C41** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

**F13**19 .....

20 In section 13(2) (power of Secretary of State to require proposals for alteration, repeal or replacement of local plan)—

- (a) after the word “if” there shall be inserted the word “ before ”;
- (b) after the word “State” there shall be inserted the words “ approves the structure plan for their district he ”; and
- (c) after the words “of the” there shall be inserted the word “ local ”.

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

**C42** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

21 Section 48 (appeal to independent tribunal as regards decision relating to design or external appearance of building etc.) shall cease to have effect.

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

**C43** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

22 (1) In section 58 (planning authority may make tree preservation order)—

- (a) in subsection (4) for the words from “Except” to “expedient” there shall be substituted the following words— “ Subject to section 59 of this Act, a tree preservation order shall not take effect until it is confirmed by the planning authority; and the planning authority may confirm any such order either without modification or subject to such modifications as they consider expedient ”; and
- (b) in subsection (5), in paragraph (a) for the words “submitted to the Secretary of State for confirmation” there shall be substituted the words “ confirmed by the planning authority ”; in paragraph (b) for the words “Secretary of State”

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there shall be substituted the words “planning authority”; and paragraph (c), and the words “the Secretary of State or” in paragraph (d), shall cease to have effect.

- (2) Sub-paragraph (1) above and, in so far as relating to section 58(5), Schedule 4 to this Act have no effect as regards a tree preservation order made before the coming into force of this paragraph.

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

**C44** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 23 (1) In section 59—

- (a) in paragraph (b) of subsection (2) (date until which provisional tree preservation order has effect) the words from “or” to the end of the paragraph; and  
 (b) paragraph (b) of subsection (3) (regulations to be made as regards tree preservation orders),

shall cease to have effect.

- (2) Sub-paragraph (1) above and, in so far as relating to the provisions mentioned in that sub-paragraph, Schedule 4 to this Act have no effect as regards a tree preservation order made before the coming into force of this paragraph.

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

**C45** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 24 In section 91—

- (a) subsection (1) (Secretary of State may direct that application for established use certificate be referred to him);  
 (b) in subsection (3) (power of Secretary of State to deal with application or appeal to him as regards established use certificate), the words “an application referred to him under subsection (1) of this section or on”;  
 (c) in subsection (4) (opportunity to appear at hearing in respect of such application or appeal), the words “application or”, “applicant or” and “(as the case may be)”; and  
 (d) in subsection (5) (power of Secretary of State to grant applicant or appellant as regards established use certificate planning permission in respect of such use), the words “applicant or”,



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shall cease to have effect.

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

**C46** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

25 After section 198 (Secretary of State may authorise stopping up or diversion of highway if satisfied it is necessary to do so to enable development to be carried out) there shall be inserted the following section—

**“198A Highways affected by development: orders by planning authorities.**

- (1) Subject to section 206 of this Act and to subsection (5) below, a planning authority may by order authorise the stopping up or diversion of any highway which is not—
  - (a) a trunk road within the meaning of section 50 of the Roads (Scotland) Act 1970; or
  - (b) a special road provided by the Secretary of State in pursuance of a scheme under section 1 of the Special Roads Act 1949,if they are satisfied as mentioned in section 198(1) of this Act.
- (2) An order under this section—
  - (a) may make such provision as appears to the planning authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) and may direct that any highway so provided or improved shall be maintained and managed by the highway authority;
  - (b) may contain such incidental and consequential provisions as appear to the planning authority to be necessary or expedient, including in particular—
    - (i) provision for authorising the planning authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of subsection (3) of section 198 of this Act;
    - (ii) such provision as is mentioned in paragraph (b) of that subsection.
- (3) An order may be made under this section authorising the stopping up or diversion of any highway (not being a trunk road such as is mentioned in paragraph (a), or a special road as is mentioned in paragraph (b), of subsection (1) above) which is temporarily stopped up or diverted under any other enactment.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)*

- (4) The provisions of this section shall have effect without prejudice to any power conferred on the planning authority by any other enactment to authorise the stopping up or diversion of a highway.
- (5) The planning authority shall not make an order under this section without consulting the highway authority (in a case where they are themselves not that authority.”

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

**C47** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

26

F14

#### Textual Amendments

**F14** Sch. 2 para. 26, Sch. 3 para. 21 repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), Sch. 11

- 27 (1) In section 201 (power of Secretary of State to make order extinguishing right to use vehicles on a highway)—
- (a) in subsection (2), for the words “The Secretary of State may, on an application made by a competent authority,” there shall be substituted the words “ Subject to section 206 of this Act and to subsection (9) of this section, the competent authority may ”;
- (b) in subsection (3), for the words “Secretary of State” there shall be substituted the words “ competent authority ”;
- (c) in subsection (8)—
- (i) for the words “Secretary of State may, on an application made by a competent authority,” there shall be substituted the words “ competent authority may, subject to section 206 of this Act and to subsection (9) of this section ”; and
- (ii) for the word “him” there shall be substituted the word “ them ”;
- (d) in subsection (9), for the words from “before” to the end there shall be substituted the words “a competent authority shall not make an order under subsection (2) or (8) of this section—
- (a) if they are not the authority exercising district planning functions, without consulting that authority; and
- (b) if they are not the highway authority, without obtaining the consent of that authority.”; and
- (e) for subsection (10) there shall be substituted the following subsections—
- “(10) An order under this section—
- (a) may ake such provision as appears to the competent authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road

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such as is mentioned in paragraph (a), or a special road as is mentioned in paragraph (b), of section 198A(1) of this Act), and may direct that any highway so provided or improved shall be maintained by the highway authority;

- (b) may contain such incidental and consequential provisions as appear to the competent authority to be necessary or expedient, including in particular—
- (i) provision for authorising the competent authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of section 198 of this Act;
  - (ii) such provision as is mentioned in paragraph (b) of that subsection.

(11) The provisions of this section shall have effect without prejudice to—

- (a) any power conferred on the competent authority by any other enactment to authorise the stopping up or diversion of a highway; or
- (b) the provisions of section 203(1)(b) of this Act.”

(2) Sub-paragraph (1) above has no effect as regards the operation of section 201 in relation to an extinguishment for which application was, before the coming into force of this paragraph, made to the Secretary of State, under subsection (2) of that section.

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

**C48** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

28 In section 203(1)(b) (power of local authority to extinguish a public right of way over land held for planning purposes if that right of way is a footpath or bridleway) the words “, being a footpath or bridleway,” shall cease to have effect.

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

**C49** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

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

- 29 In subsection (6) of section 3 (titles of chairmen of councils), for the words from “the chairman”, where they occur for the second time, to the end there shall be substituted the words “ and the chairman of each other regional, islands or district council shall be known by such title as that council may decide. ”.

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

**C50** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 30 (1) In section 23 (change of name of region, islands area or district)
- (a) in subsection (1)—
    - (i) the words “Subject to subsection (4) below,” shall cease to have effect; and
    - (ii) for the words “a majority of the whole number of the members of the council” there shall be substituted the words “ not less than two-thirds of the members voting thereon ”; and
  - (b) subsection (4) shall cease to have effect.
- (2) Sub-paragraph (1) above and, in so far as relating to section 23, Schedule 4 to this Act have no effect as regards a case where consent to a change of name has, before the coming into force of this paragraph, been applied for, for the purposes of the said subsection (4).

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

**C51** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 31 (1) For subsections (2) to (4) of section 53 (amendment of community councils scheme) there shall be substituted the following subsections—
- “(2) The local authority shall consider any representations made under subsection (1) above and may amend the scheme in accordance with—
- (a) the notified proposals; or
  - (b) those proposals as amended to take account of any such representations:
- Provided that the scheme shall not be amended under paragraph (b) of this subsection unless public notice of the amendments to the proposals has been given with a further invitation to make representations under subsection (1) above.
- (3) A decision of the local authority—
- (a) to review, under subsection (1) above; or

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(b) to amend, under subsection (2) above,

a scheme, shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.”

(2) Sub-paragraph (1) above and, in so far as relating to section 53, Schedule 4 to this Act have no effect as regards the operation of section 53 in relation to proposals which, before the coming into force of this paragraph, were submitted to the Secretary of State, under subsection (3) of that section.

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

**C52** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

32 Section 54 (default powers of Secretary of State as regards community councils scheme) shall cease to have effect.

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

**C53** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

33 In section 73 (local authority’s power to appropriate for the purpose of any function land vested in them for the purpose of any other function)—

- (a) in subsection (2), for the words from “(3)(a)” to “(3)(b)” there shall be substituted the word “ (3) ”; and
- (b) in subsection (3), for the words from “—(a)” to “space, or” there shall be substituted the words “ land which ”.

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

**C54** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

34 Section 121 (involvement of Treasury in determining rates of interest in relation to certain sums due to local authorities) shall cease to have effect.

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

**C55** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26,

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

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28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

35, 36. . . . . F15

#### Textual Amendments

**F15** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

#### *The Slaughter of Animals (Scotland) Act 1974 (c. 45)*

37 In section 8(1) (byelaws as to slaughterhouses) the words “, and if required by the Secretary of State” shall cease to have effect.

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

**C56** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Water (Scotland) Act 1980 (c. 45)*

38 Section 2 (power to require surveys and formulation of proposals) shall cease to have effect.

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

**C57** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

39 Section 19 (transfer of part of water undertaking) shall cease to have effect.

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

**C58** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

40 In section 58(1) (termination of right to supply water on special terms) the words “, with the approval of the Secretary of State” shall cease to have effect.

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

**C59** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

41 In section 65(10) (form of charging order for expenses of executing works) at the end there shall be added the words “ by the islands or district council ”.

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

**C60** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

42 In section 66(3) (interest payable on certain expenses)—  
(a) after the word “such” where it first occurs there shall be inserted the words “ reasonable rate ”; and  
(b) the proviso shall cease to have effect.

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

**C61** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

SCHEDULE 3 **S**

Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS

1 ..... **F16**

**Textual Amendments**

**F16** Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

*The Town and Country Planning (Scotland) Act 1959 (c. 70)*

- 2 In section 24(2) (requirement of consent of Secretary of State etc. to certain appropriations of land by local and other authorities), for the words from “following” to the end there shall be substituted the words “ provision that land which is held for use as allotments shall not be appropriated except with the consent of the Secretary of State. ”.

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

**C62** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 3 In section 27—
- (a) in subsection (2) (requirement of consent by Secretary of State etc. to certain disposals of land by local and other authorities), for the words from “— (a)” to the end there shall be substituted the words “ of land held for use as allotments, if it is a disposal which apart from this section could not be effected except with the consent of a Minister, shall not be effected except with the consent of the Secretary of State. ”; and
- (b) subsection (3) (provisions ancillary to subsection (2)) shall cease to have effect.

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

**C63** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 4 In the fourth Schedule (authorities to whom Part II of the Act applies), after paragraph 3 there shall be inserted the following paragraph—
- “3A A water development board as defined in section 109(1) of the Water (Scotland) Act 1980.”.

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

**C64** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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



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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

*The Local Government (Financial Provisions) (Scotland) Act 1963 (c. 12)*

- 5 In section 20 (repayment of rates paid in error), after the word “Where” there shall be inserted the words “, notwithstanding section 2(2)(d) of the Local Government (Scotland) Act 1975 or any entry in a valuation roll which is no longer in force,”.

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

**C65** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 6 (1) In section 26(2) (interpretation), for the definition of “year” (and “year” followed by a reference to two calendar years) there shall be substituted the following definition — “ “year” means the financial year of a local authority; and “year” followed by a reference to two calendar years means the financial year beginning in the first of those calendar years; ”.
- (2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from the coming into operation of section 18 of the Local Government (Scotland) Act 1975 (financial year of local authorities).

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

**C66** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Land Compensation (Scotland) Act 1963 (c. 51)*

- 7 In paragraph 2 of Schedule 2 (compensation for houses acquired as being unfit for human habitation), at the end there shall be added the following sub-paragraph—

“(7) In the application of this paragraph to any lands and heritages whose net annual value is ascertained under subsection (8) of section 6 of the Valuation and Rating (Scotland) Act 1956 (and for which there is therefore no gross annual value shown in the valuation roll)—

- (a) in sub-paragraph (2) above, for the word “gross” there shall be substituted the words “1.25 times the net”; and
- (b) in sub-paragraph (4) above, for the word “gross”, wherever it occurs, there shall be substituted the word “net”.”.

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

**C67** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not

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reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

8—10. . . . . F17

**Textual Amendments**

**F17** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

*The Local Government (Scotland) Act 1966 (c. 51)*

11 . . . . . F18

**Textual Amendments**

**F18** Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2), s. 34, **Sch. 6**

12 In Part II of Schedule 4 (variation of fees for licences etc.), after paragraph 4 there shall be inserted the following paragraph—

“4A. Section 5(3) of the Pedlars Act      The Secretary of State.”  
1871.

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

**C68** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Post Office Act 1969 (c. 48)*

13 In paragraph 93(1)(xxxiv) of Schedule 4 (Post Office deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of certain provisions of the <sup>M28</sup>Town and Country Planning (Scotland) Act 1972), after the words “205”, there shall be inserted the words “ 205A, ”.

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

**C69** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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### Marginal Citations

M28 1972 c. 52.

#### *The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)*

- 14 (1) In section 42(3)(bb) (requirements in certain rent agreements), after the words “increase in” there shall be inserted the words “ the rent ”.
- (2) The amendment made by sub-paragraph (1) above shall be deemed for all purposes to have had effect from 1st December 1980.

### Modifications etc. (not altering text)

**C70** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Town and Country Planning (Scotland) Act 1972 (c. 52)*

- 15 In section 10(3) (statement as regards planning authority’s consultations etc.), after the word “State” there shall be inserted the words “ , or made available for inspection, ”.

### Modifications etc. (not altering text)

**C71** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 16 After section 205 (procedure by Secretary of State in anticipation of planning permission) there shall be added the following section—

#### **“205A Further procedure in anticipation of planning permission, etc.**

(1) Where—

- (a) a planning authority would, if planning permission for any development had been granted under Part III of this Act, have power to make an order under section 198A of this Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out; or
- (b) a highway authority would, if planning permission for constructing or improving a high way had been granted under Part III of this

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Act, have power to make an order under section 200 of this Act authorising the stopping up or diversion of any other highway, then, notwithstanding that such permission has not been granted, the relevant authority may, in the circumstances specified in subsections (2) to (4) of this section, publish notice of the draft of such an order in accordance with the provisions of Schedule 18 to this Act; but nothing in the said schedule shall be construed as authorising the relevant authority to make the order in anticipation of such permission.

- (2) The relevant authority may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission.
- (3) The relevant authority may publish such a notice as aforesaid where—
  - (a) the relevant development is to be carried out by a local authority, statutory undertakers or the National Coal Board and requires, by virtue of an enactment, the authorisation of a government department; and
  - (b) the developers have made an application to the department for that authorisation and also requested a direction under section 37 of this Act, or, in the case of the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.
- (4) The planning authority may publish such a notice as aforesaid where they have begun to take such steps, in accordance with regulations made by virtue of section 256 of this Act, as are requisite in order to enable them to obtain planning permission for the relevant development.
- (5) In the foregoing provisions of this section “relevant authority” means the planning authority mentioned in paragraph (c) of subsection (1) above or, as the case may be, the highway authority mentioned in paragraph (b) of that subsection; and “relevant development” means the development mentioned in the said paragraph (a) or, as the case may be, the construction or improvement mentioned in the said paragraph (b).”

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

**C72** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

17 In section 206 (confirmation of orders)—

(a) for subsection (1) there shall be substituted the following subsection—

“(1) An order made under section 198A or 199 of this Act by a planning authority, section 200 thereof by a highway authority, section 201 thereof by a competent authority or section 203(1)(b) thereof by a local authority, shall not take effect unless confirmed—

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

- (a) by the Secretary of State in a case where the order is opposed;
- (b) in any other case by the authority making the order.”
- (b) in subsection (2), after the word “section” there shall be inserted the words “ 198A (or that section as applied by section 200(3)) ”;
- (c) in subsection (3), after paragraph (a) there shall be inserted the following paragraphs—
  - “(aa) in an order under section 198A or 200 as the time from which a highway is to be stopped up or diverted; or
  - (ab) in an order under section 201 as the time from which a right is to be extinguished; or”;
- (d) in subsection (4)—
  - (i) for the words “199” there shall be substituted the words “ 198A, 199, 200, 201 ”; and
  - (ii) at the end there shall be added the words “ The Schedule has no application as regards orders made by the Secretary of State. ”.

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

**C73** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 18 In section 207(1) (compulsory acquisition of land in connection with highways)—
- (a) in paragraph (a), after the words “198,” there shall be inserted the words “ 198A, ”; and
  - (b) in paragraph (b), after the words “203(1)(a)” there shall be inserted the words “ or (b) ”.

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

**C74** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 19 In section 208 (concurrent proceedings in connection with highways)—
- (a) in subsection (1), after the words “198,” there shall be inserted the words “ 198A, ”; and
  - (b) in subsection (2), after the words “203(1)(a)” there shall be inserted the words “ or (b) ”.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

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

**C75** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 20 In section 209 (provisions as to telegraphic lines)—
- (a) in subsection (1), after the words “198,” there shall be inserted the words “ 198A, ”;
  - (b) in subsection (3)—
    - (i) for the words “203(1)(a)” there shall be substituted the words “ 203(1)(b) ”;
    - (ii) for the words “on the application of a planning authority” there shall be substituted the words “ by a local authority ”;
    - (iii) for the words “204(1) of” there shall be substituted the words “ 206(4) of, and Schedule 18 to, ”; and
    - (iv) for the words “planning authority” in each of paragraphs (a), (b), (d) and (e) there shall be substituted the words “ local authority ”; and
  - (c) in subsection (4)—
    - (i) for the words “203(1)(a)” there shall be substituted the words “ 203(1)(b) ”; and
    - (ii) for the words “Secretary of State” there shall be substituted the words “ local authority ”.

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

**C76** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

21 ..... **F19**

#### Textual Amendments

**F19** Sch. 2 para. 26, Sch. 3 para. 21 repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), **Sch. 11**

- 22 In section 273(5) (statutory instruments containing orders made under certain sections to be subject to annulment in pursuance of a resolution of either House of Parliament), for the words “18(4)(a)” there shall be substituted the words “ 181(4)(a) ”.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

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

**C77** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

- 23 In Schedule 18 (procedure in connection with orders relating to footpaths and bridleways)—
- (a) in each of paragraphs 1(1), 5 and 6, for the words “199” there shall be substituted the words “ 198A, 199, 200, 201 ”;
  - (b) in paragraph 3, in each of sub-paragraphs (1) and (2), for the words “199” there shall be substituted the words “ 198A, 199 or 200 ”; and
  - (c) in paragraph 4(1), for the words “199” there shall be substituted the words “ 198A, 199, 200 or 201 ”.

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

**C78** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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)*

- 24 In section 74 (disposal of land by local authority), at the end there shall be added the following subsection—
- “(3) The foregoing provisions of this section shall apply in relation to a disposal of land by a water development board (as defined in section 109(1) of the Water (Scotland) Act 1980) as they apply in relation to any such disposal by a local authority.”.

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

**C79** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

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### Textual Amendments

**F20** Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, **Sch. 6**

26 In section 109(2) (intimation of district rate to rating authority), for the words “the district rate” there shall be substituted the words “ such district rate as is ”.

### Modifications etc. (not altering text)

**C80** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

27 ..... **F21**

### Textual Amendments

**F21** Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, **Sch. 6**

28 In section 236(2) (savings), at the beginning there shall be inserted the words “ Subject to section 74(3) of this Act and to section 20 of the Water (Scotland) Act 1980, ”.

### Modifications etc. (not altering text)

**C81** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

29–31. .... **F22**

### Textual Amendments

**F22** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

### *The Local Government (Scotland) Act 1975 (c. 30)*

32 In section 2(2)(d) (effect of correction to valuation roll), after the word “shall” where it first occurs there shall be inserted the words “, subject to section 20 of the Local Government (Financial Provisions) (Scotland) Act 1963, ”.



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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

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

**C82** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

33 In section 8(3) (times at which instalments of rates are payable), for the word “the” where it occurs for the second time there shall be substituted the word “a”.

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

**C83** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

34 In section 14(1)(b) (termination of certain existing grants in respect of rural bus and ferry services)—

- (a) for the words “section 34(2)” there shall be substituted the words “subsection (3) of section 34”; and
- (b) for the word “and” where it first occurs, there shall be substituted the words “) or under subsection (4) of that section (towards expenditure incurred”.

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

**C84** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

35 ..... F23

**Textual Amendments**

**F23** Ss. 2–4, 9, 14, 15, Sch. 3 paras. 1, 11, 25, 27, 35 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

36 In Schedule 3 . . . F24—

- (a) in paragraph 15(1), after the word “below” there shall be inserted the words “and to sub-paragraph (2) of paragraph 1 above”; and
- (b) in paragraph 31, in the definition of “fixed period”, after the words “case or” there shall be inserted the words “ , from time to time, for any class of cases or ”.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)*

### Textual Amendments

**F24** Words repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

### Modifications etc. (not altering text)

**C85** The text of s. 16, Sch. 3 para. 36 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

### *The Licensing (Scotland) Act 1976 (c. 66)*

- 37 In section 1 (appointment of licensing board by council of district or islands area)—
- (a) in subsection (3), after the word “divided” there shall be inserted the words “(or continue to be divided) ”;
  - (b) in each of subsections (6) and (7)—
    - (i) after the word “elections”, there shall be inserted the words “of those members—
      - (a) except in so far as paragraph (b) below otherwise provides,”; and
      - (ii) at the end there shall be added the words “; and
    - (b) where a determination under subsection (3) above is made (whether or not such meeting of the council as is mentioned in paragraph (a) above), either—
      - (i) at the meeting at which the determination is made; or
      - (ii) at the first meeting of the council held after such meeting as is mentioned in subparagraph (i) above.”; and
  - (c) in subsection (11), for the words “a fresh” there shall be substituted the word “an ”.

### Modifications etc. (not altering text)

**C86** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii)(iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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 Water (Scotland) Act 1980 (c. 45)*

- 38 In section 20 (power to hold and dispose of land)—
- (a) after the word “may”, where it occurs for the second time, there shall be inserted the words “, under section 74 of the Local Government (Scotland) Act 1973, ”; and
  - (b) the proviso shall cease to have effect.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981. (See end of Document for details)

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

**C87** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

39 In section 109 (interpretation), after subsection (4) there shall be added the following subsection—

“(5) For the purposes of section 29(2) of the Land Registration (Scotland) Act 1979 (construction of reference to Register of Sasines etc.) this Act shall be deemed to be an enactment passed before that Act.”

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

**C88** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

40–46. . . . . F25

**Textual Amendments**

**F25** Ss. 21(1)(2), 22, 23, 34, 35, Sch. 2 paras. 11, 15, 35, 36, Sch. 3 paras. 8, 9, 10, 29–31 and 40–46 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

SCHEDULE 4 **S**

Section 41.

REPEALS

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

**C89** The text of ss. 1, 5–8, 11, 12, 16, 24–28, 33, 36, 37(1)(2)(3)(4), 38(1), 40, 41, Sch. 1 (a)(b)(c)(i)(ii) (iii)(d)(i)(ii)(e), Sch. 2 paras. 1–10, 12–14, 16–25, 27–34, 37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 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

Chapter	Short title	Extent of repeal
18 & 19 Vict. c. 68.	The Burial Grounds (Scotland) Act 1855.	In section 24, the words “, subject to the approval of the sheriff of the county,”;

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		and the words from “; and a table” to the end.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	In section 36, the words “and, if required by the Board shall,”.
2 Edw. 7. c. 8.	The Cremation Act 1902.	In section 9, the words “any such” and “as may be authorised by any table approved by the Local Government Board,”.
1 Edw. 8 & 1 Geo. 6. c. 28.	The Harbours, Piers and Ferries (Scotland) Act 1937.	Section 21(1).  In section 21(3), the words “by a local authority or”.
1 Edw. 8 & 1 Geo. 6. c. 48.	The Methylated Spirits (Sale by Retail) (Scotland) Act 1937.	In section 6, the definition of the expression “prescribed”.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act 1947.	In section 247(2)(a), the words “or in the lawful possession of”.
14 Geo. 6. c. 24.	The Highways (Provision of Cattle-Grids) Act 1950.	Section 11.
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act 1951.	Section 1(2) to (4).  In section 16(3), the words “not exceeding one shilling for every copy”.
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act 1956.	Section 25.  Section 35(2).
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act 1956.	In section 6, in subsection (2) the words “or other non-industrial buildings” and “or buildings”; and in subsection (11) the definition of “non-industrial building”.
7 & 8 Eliz. 2. c. 70.	The Town and Country Planning (Scotland) Act 1959.	Section 27(3).  Section 30(5).
10 & 11 Eliz. 2. c. 9.	The Local Government (Financial Provisions etc.) (Scotland) Act 1962.	In section 4(2), the words “not later than the thirtieth day of June in any year”.

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1966 c. 51.	The Local Government (Scotland) Act 1966.	<p>In section 26(2), in each of paragraphs (a) and (b), the words “or of such shorter period as the Secretary of State authorises in any particular case”.</p> <p>In section 27, in subsection (1) the words “Subject to subsection (3) below,”; and in subsection (4) the words from “or which” to the end.</p>
1967 c. 77.	The Police (Scotland) Act 1967.	<p>In section 2(2), the words “, being expenses of a kind approved either generally or in particular cases by the Secretary of State”.</p> <p>Section 46(2).</p>
1968 c. 49.	The Social Work (Scotland) Act 1968.	<p>Section 3(3) and (4).</p> <p>Section 7.</p>
1972 c. 46.	The Housing (Financial Provisions) (Scotland) Act 1972.	<p>Section 16(5).</p>
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	<p>In section 4, in subsection (2) the words “and shall, if directed to do so by the Secretary of State,”; in subsection (3)(e), the words from “or as” to “direct”; and in subsection (5) the words “, and for the Secretary of State to direct them to institute,”.</p> <p>In section 5, in subsection (3) the words “or as the Secretary of State may in any particular case direct”; in subsection (4) the words “, and (c) to such other matters as the Secretary of State may direct them to take into account”; and in subsection (6) the words “, or as may in any particular case be specified in directions given by the Secretary of State”.</p> <p>In section 9(3)(b), the words “or as the Secretary of State</p>

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may in any particular case direct”; in subsection (5) the words “, or as may in any particular case be specified in directions given by the Secretary of State”; in subsection (8) the words from “; but no” to the end; and in subsection (9), the words “or which the Secretary of State may in any particular case direct them to take into account”.

In section 10, subsections (4) and (5).

Section 48.

In section 58(5), paragraph (c); and in paragraph (d) the words “the Secretary of State or”.

In section 59, in paragraph (b) of subsection (2), the words from “or” to the end of the paragraph; and in subsection (3) the words from “; and (b)” to the end.

In section 91, subsection (1); in subsection (3), the words “an application referred to him under subsection (1) of this section or on”; in subsection (4) the words “application or”, “applicant or”, and “(as the case may be)”; and in subsection (5), the words “applicant or”.

Sections 111 and 112.

Section 113(4).

In section 203(1)(b) the words “, being a footpath or bridleway,”.

In section 204(1), the words “, 201”.

In section 260, subsections (6) and (7).

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1973 c. 65.	The Local Government (Scotland) Act 1973.	<p>In section 23(1), the words “Subject to subsection (4) below,”.</p> <p>Section 23(4).</p> <p>Section 53(4).</p> <p>Section 54.</p> <p>Section 121.</p>
1974 c. 45.	The Housing (Scotland) Act 1974.	<p>In section 9, subsections (3), (4) and (5).</p> <p>In Schedule 2, paragraphs 3 and 9(b).</p>
1975 c. 30.	The Local Government (Scotland) Act 1975.	<p>Section 22(2).</p> <p>In section 28, in each of subsections (5) and (6), the words “for inspection”.</p>
1976 c. 66.	The Licensing (Scotland) Act 1976.	<p>Section 2(7).</p> <p>Part IV.</p> <p>In section 59(1)(b), paragraph (ii) of the proviso.</p> <p>Section 140(3).</p> <p>Schedule 3.</p> <p>In Schedule 5, the entry relating to section 50(6).</p>
1980 c.13.	The Slaughter of Animals (Scotland) Act 1980.	<p>In section 8(1), the words “, and if required by the Secretary of State shall,”.</p>
1980 c. 45.	The Water (Scotland) Act 1980.	<p>In section 1, the words “; and (c) to appoint an advisory committee to advise him on those matters”.</p> <p>Section 2.</p> <p>Section 19.</p> <p>In section 20, the proviso.</p> <p>In section 58(1), the words “, with the approval of the Secretary of State,”.</p> <p>Section 62.</p> <p>In section 66(3), the proviso.</p>

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In Schedule 1, in paragraph 4, the words “not exceeding 10 pence”; paragraphs 9 and 18; in paragraph 27, the words “, not exceeding 10 pence for every 100 words contained in the copy,”; and in paragraph 30, the words “, not exceeding 20 pence for every copy”.

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**Status:**

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**Changes to legislation:**

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