



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

## 1981 CHAPTER 23

### PART IV

#### MISCELLANEOUS

#### 24 Powers of Commissioner for Local Administration in Scotland.

The <sup>M1</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)

**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37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991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

#### 25 Relaxation of controls over local authorities.

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.

*Status: This version of this part contains provisions that are prospective.*

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

**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37–42, Sch. 3 paras. 2–7, 12–20, 22–24, 26, 28, 32, 33, 34, 36, 37, 38, 39 and Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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

In section 94 of the <sup>M2</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)**

- 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**

- M2** 1973 c. 65.

**<sup>F1</sup>27 Consent to certain local authority borrowing.**

.....

*Status: This version of this part contains provisions that are prospective.*

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

### Textual Amendments

- F1** S. 27 repealed (1.4.2016) by [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#), ss. 180(2), 184(2), [Sch. 14](#); S.S.I. 2016/31, art. 2(b)

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

Part IV of, and Schedule 3 to, the <sup>M3</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)

- 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

### Marginal Citations

- M3** 1976 c. 66.

## 29 Abolition of Advisory Council on Social Work.

The Advisory Council on Social Work is hereby abolished; and accordingly, in the <sup>M4</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.

### Modifications etc. (not altering text)

- C5** 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

- M4** 1968 c. 49

## 30 Abolition of Scottish Food Hygiene Council.

The Scottish Food Hygiene Council is hereby abolished; and accordingly, in the <sup>M5</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)

- C6** 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

*Status: This version of this part contains provisions that are prospective.*

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

#### Marginal Citations

M5 [1956 c. 30](#)

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

The Scottish River Purification Advisory Committee is hereby abolished; and accordingly, in the <sup>M6</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)

C7 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

M6 [1951 c. 66](#)

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

The advisory committee appointed under section 1 of the <sup>M7</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>M8</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.

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

C8 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

M7 [1946 c. 42.](#)

M8 [1980 c. 45.](#)

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

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

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, Part IV. (See end of Document for details)

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)**

**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

**34, 35.** ..... <sup>F2</sup>

**Textual Amendments**

**F2** 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**

<sup>F3</sup>**36** .....

**Textual Amendments**

**F3** S. 36 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3

PROSPECTIVE

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

(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

*Status: This version of this part contains provisions that are prospective.*

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

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.”.

(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)**

**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

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

(1) In Schedule 6 to the <sup>M9</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,

---

*Status: This version of this part contains provisions that are prospective.*

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

---

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)**

**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**

**M9** 1980 c. 44.

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, Part IV.