



Local Government and Planning (Scotland) Act 1982

1982 CHAPTER 43

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

64 Savings in respect of byelaws.

Notwithstanding the repeal by this Act of any provision, byelaws—

- (a) made by, under or by virtue of the provision; and
- (b) in force immediately before the repeal,

shall, where or in so far as like byelaws could be made by, under or by virtue of a provision of this Act, remain in force until the end of 1986 or (if earlier) until expressly revoked.

65 Consequential, transitional and supplementary provisions.

(1) The Secretary of State may by order make such incidental, consequential, transitional or supplementary provision as appears to him to be necessary or proper—

- (a) for the general or any particular purposes of this Act or in consequence of any of the provisions of, or for giving full effect to, this Act; or
- (b) in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to any area or authority affected by this Act;

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

(2) Where powers or duties as regards a function are transferred by, under or by virtue of this Act from one body (in this section referred to as the first body) to another (so referred to as the second body)—

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

- (a) any agreement to which the first body is immediately before the transfer a party shall, in so far as it derives from or relates to those powers and duties, have effect as from the transfer as if the second body were a party to the agreement instead of the first body;
- (b) any legal, or other, proceedings to which the first body is a party and which are pending immediately before the transfer may, in so far as they derive from or relate to those powers and duties, be continued on or after the transfer (but may only be so continued) as if the second body instead of the first body were that party; and
- (c) any writings or actings of or with regard to the first body which although not writings or actings comprehended under paragraph (a) or (b) above have, immediately before the transfer, some legal effect shall, in so far as they derive from or relate to those powers and duties, have such effect as from the transfer as if they had been writings or actings of, or as the case may be with regard to, the second body:

Provided that the foregoing provisions of this subsection shall have no effect in respect of criminal, or delictual, liability of either body (or of such liability of their members or officers).

- (3) Subsection (2) above may by order made by the Secretary of State be excluded, either wholly or to such extent as he may specify in the order, from applying in any particular case.
- (4) Any order under subsection (1) or (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

66 Amendments and repeals.

- (1) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential upon the provisions of this Act.
- (2) The enactments specified—
 - (a) in Part I of Schedule 4 to this Act (which include certain spent enactments); and
 - (b) in Part 11 of that Schedule (which relate to powers of entry),
 are hereby repealed to the extent specified in the third column of that Schedule.

Modifications etc. (not altering text)

- C1** The text of s. 5(1), 6, 7, 9(2), 10–13, 20, 21, 22(a)–(c) 23, 31, 36–50, 56–59, 60(1)(a)(b)(2), 66, Sch. 1 Pt. II, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

67 Interpretation.

In this Act, unless the context otherwise requires—

[^{F1} “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]

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“the1972 Act” means the Town and Country Planning (Scotland) Act 1972;
and
“the1973 Act” means the Local Government (Scotland) Act 1973.

Textual Amendments

F1 Definition in s. 67 inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 128(14)**; S.I. 1996/323, **art. 4(1)(c)**

68 Expenses.

There shall be defrayed out of moneys provided by Parliament—

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

69 Short title, commencement and extent.

- (1) This Act may be cited as the Local Government and Planning (Scotland) Act 1982.
- (2) Subject to section 55(2) of this Act, this Act (except this section) shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different provisions of this Act or for different purposes, or for the purposes of the same provision in relation to different cases.
- (3) This Act extends to Scotland only.

Modifications etc. (not altering text)

C2 Power of appointment conferred by s. 69(2) fully exercised: S.I. 1982/1137, 1397, 1984/239

Changes to legislation:

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