



Local Government and Planning (Scotland) Act 1982

1982 CHAPTER 43

PART II

LOCAL AUTHORITY FUNCTIONS

21 Transfer of responsibility for flood warning systems from regional councils to river purification boards.

In the ^{M1}Agriculture Act 1970—

- (a) in section 92 (which empowers regional and islands councils to provide flood warning systems)—

- (i) in subsection (1), for the words from the beginning of the subsection to the end of sub-paragraph (i) of the proviso to it there shall be substituted the words—

“A river purification board or an islands council may provide and operate a flood warning system for their area and may, both within, and (in the case of a river purification board) outwith, that area, provide, install and maintain apparatus and carry out any engineering or building operations required for the purposes of any such system:

Provided that—

- (i) before the exercise by a river purification board of any of the powers conferred on them by the foregoing provisions of this subsection (other than the power to maintain apparatus) that board shall consult each local authority within whose area the power is to be exercised ;
- (ia) before such exercise by a river purification board or by an islands council that board or council shall, as regards such police duties as arise under section 17(1)(a)(ii) and

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Section 21. (See end of Document for details)

- (iii) of the Police (Scotland) Act 1967 (general duties of guarding, patrolling and watching so as to preserve order and protect life and property) in relation to any danger of flooding, consult the chief constable of each region (or as the case may be of the islands area) within which the power is to be exercised ;” ; and
- (ii) in subsection (2), for paragraph (b) there shall be substituted the following paragraphs—
- “ (b) “local authority” means a regional or district council ; and
- (c) “river purification board” means any such board as is established under section 135 of the Local Government (Scotland) Act 1973 (which makes provision as regards the reassignment of functions relating to the prevention of river pollution).” ;
- (b) in section 94 (which makes provision for co-operation with other persons as regards apparatus for the purposes of such systems), for the words “local authority” in each of the three places where they occur there shall be substituted the words “river purification board or islands council ” ;
- (c) sections 95 (which relates to the compulsory purchase of land required for the exercise of functions relating to the provision of such systems) and 96 (which confers powers of entry in relation to such exercise) shall cease to have effect ; and
- (d) in section 98 (which makes provision as regards the extent of so much of the Act as relates to flood warning systems in Scotland), for the words “local authority” there shall be substituted the words “river purification board ”.

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.

Marginal Citations

M1 1970 c. 40.

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