



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Byelaws*

110

- (1) The <sup>M1</sup> Local Government (Scotland) Act 1973 shall be amended in accordance with subsections (2) and (3) below.
- (2) In section 202 of that Act (procedure etc. for byelaws)—
  - (a) for subsection (1)(c)(ii) there shall be substituted the following—

“(ii) the Civic Government (Scotland) Act 1982 ;”;
  - (b) in subsection (9), for the words “ Burgh Police (Scotland) Acts 1892 and 1903” there shall be substituted the words “ Civic Government (Scotland) Act 1982”.
- (3) After the said section 202 there shall be inserted the following sections—

##### **“202A Review of byelaws.**

A local authority shall, not later than 10 years from whichever is the later of the following times—

- (a) the coming into force of a byelaw which they have the power to revoke or amend ;
  - (b) the coming into force of this section ;
- review that byelaw and do so thereafter at intervals of not more than 10 years.

##### **202B Register of byelaws.**

- (2) The register kept under subsection (1) above shall contain—

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Cross Heading: Byelaws is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a description of the byelaws, including a description of any offences created and penalties imposed by the byelaws;
  - (b) the date or dates when the byelaws and any amendments to them were confirmed ;
  - (c) the date or dates when the byelaws and any amendments to them came or come into operation ; and
  - (d) the date when the byelaws and any amendments to them were last reviewed under section 202A of this Act.
- (3) The register kept under subsection (1) above shall at such reasonable times and places as the local authority may determine be open to public inspection and any member of the public may make a copy of or extract from anything in it.
- (4) No payment shall be charged or taken by the local authority for any inspection or the making of any copy or extract under subsection (3) above.
- (5) The local authority may, on payment of such reasonable fee as they may determine, issue a certified true copy of an entry in the register ; and any document purporting to be certified by the proper officer of the local authority as a true copy of an entry shall be sufficient evidence of the terms of the original entry.

### **202C Revocation of byelaws by resolution.**

- (1) Byelaws may be revoked in accordance with this section by resolution of the local authority having power (apart from this section) to revoke them.
- (2) At least one month before the revocation under this section of any byelaws, notice of the proposed resolution revoking them shall be given in a newspaper circulating in the area to which the byelaws apply.
- (3) The local authority shall not decide the question whether or not to revoke byelaws under this section without taking into account any objections made to them in response to the notice given by them under subsection (2) above.
- (4) Byelaws revoked under this section shall cease to have effect on the date of their revocation or on such later date as may be specified in the resolution revoking them.
- (5) It shall not be competent under this section to revoke, separately from the set of byelaws or byelaw containing it any byelaw or, as the case may be, any part of a byelaw which was inserted into the set of byelaws or, as the case may be, the byelaw by, or otherwise wholly or substantially derives from, a modification made by the confirming authority on the making or any amendment of the set of byelaws or, as the case may be, the byelaw.
- (6) It shall not be competent under this section to revoke any byelaw or any part of any byelaw if the effect of the revocation would be to widen the scope of any other byelaw or, as the case may be, the remaining part of the byelaw.”

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

- C1** The text of ss. 75, 110, 119(5) and 137(7)(8) 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** 1973 c. 65.

**111 Cessation of certain byelaws and saving for certain byelaws.**

(1) Byelaws—

- (a) made under an enactment repealed by the <sup>M2</sup>Local Government (Scotland) Act 1947 but saved by section 381 of that Act;
  - (b) made under an enactment repealed by the <sup>M3</sup>Local Government (Scotland) Act 1973 but saved by section 225(1) of that Act;
  - (c) penalising persons allowing dogs in their charge to deposit excrement on footpaths or footways (construed in accordance with section 48(4) of this Act)
- shall cease to have effect.

(2) Notwithstanding—

- (a) subsection (1) above;
- (b) the repeal by or under this Act of any enactment conferring a power to make byelaws; and
- (c) the repeal as at the end of 1984 by sections 229(1) and 225(6) of the <sup>M4</sup>Local Government (Scotland) Act 1973 of the Burgh Police (Scotland) Acts 1892 to 1911 and the local statutory provisions to which the said section 225(6) applies,

any byelaws which—

- (i) are of a kind referred to in subsection (1)(a) or (b) above; or
- (ii) were made under any power contained in an enactment repealed by this Act or contained in those Acts of 1892 to 1911 or in those local statutory provisions and could be made under this Act

shall continue in force until the end of 1986 unless earlier revoked and, during the period for which they are continued in force under this section, may be dealt with in all respects as if having effect under the <sup>M5</sup>Local Government (Scotland) Act 1973.

**Marginal Citations**

- M2** 1947 c. 43.  
**M3** 1973 c. 65.  
**M4** 1973 c. 65.  
**M5** 1973 c. 65.

**Status:**

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