



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART IV

#### MISCELLANEOUS

##### *Tourism*

#### **176 Powers to carry on tourism-related activities.**

For section 90 of the 1973 Act there shall be substituted the following section—

#### **“90 Powers of local authority to carry on tourism-related activities.**

- (1) A local authority may—
- (a) provide, or encourage any other person to provide, facilities for leisure, conferences, trade fairs and exhibitions or improve, or encourage any other person to improve, any existing facilities for those purposes;
  - (b) promote, by advertisement or otherwise, facilities provided by that local authority (whether such facilities are owned by the authority or otherwise);
  - (c) organise, or assist others in the organisation of, and promote, by advertisement or otherwise, conferences, trade fairs and exhibitions;
  - (d) participate in the area tourist board whose area includes the area of that authority.
- (2) Subject to subsection (3) below, a local authority shall not have power to—
- (a) encourage persons, by advertisement or otherwise (and whether inside or outside the United Kingdom)—
    - (i) to visit their area for purposes relating to leisure; or
    - (ii) to hold conferences, trade fairs or exhibitions within their area;

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*Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 176. (See end of Document for details)*

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- (b) provide information about accommodation and facilities and services relating to leisure in their area or provide a booking service for such accommodation, to persons visiting their area;
  - (c) carry on such other activities relating to those mentioned in paragraphs (a) and (b) above as the Secretary of State may by regulations specify.
- (3) A local authority shall have power to do any of the things mentioned in paragraphs (a) to (c) of subsection (2) above—
  - (a) in so far as it is necessary to do any of those things for the purposes of carrying on the activities mentioned in paragraphs (a) and (b) of subsection (1) above; or
  - (b) where the Secretary of State has given his prior consent (subject to such conditions as he considers necessary or expedient) in writing.
- (4) A local authority shall not, for the purposes of carrying on activities relating to tourism other than—
  - (a) those such as are mentioned in paragraphs (a) to (d) of subsection (1) above; or
  - (b) by virtue of subsection (3) above, those such as are mentioned in subsection (2) above,
 form, acquire or join with any person or body corporate.
- (5) Without prejudice to subsection (1) above, a local authority may contribute towards expenses incurred by any person—
  - (a) doing anything mentioned in paragraph (a) of that subsection; or
  - (b) organising and holding a conference, trade fair or exhibition.
- (6) A local authority may appoint officers for the purposes of enabling the authority to carry out any of their powers under this section; and section 65 of this Act shall apply in relation to any officers appointed under this subsection subject to the following modifications—
  - (a) references to “another local authority” shall be construed as if they were references to an area tourist board; and
  - (b) in subsection (2), the words from “but” to the end shall be omitted.
- (7) A statutory instrument containing regulations under subsection (2)(c) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
  - (a) “area tourist board” means a board established by virtue of an order made or, as the case may be, approved under section 172, 173 or 174 of the Local Government etc. (Scotland) Act 1994;
  - (b) “participate” means participation in any one or more of the following ways—
    - (i) a local authority or any person representative of a local authority being a member of the area tourist board whose area includes the area of that authority;
    - (ii) provision by a local authority to such a board of financial assistance for the purposes of the board’s carrying out activities relating to tourism;
    - (iii) provision by a local authority to such a board of staff; and

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- (c) section 171A(3) of this Act shall apply to this section with the substitution for any references to a person of references to an area tourist board.”.

**Changes to legislation:**

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