



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **130 Offences by bodies corporate**

- (1) Where an offence under this Act or any regulation or byelaw made under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### **131 Application to Crown**

The provisions of Parts VI and VII and sections 120 to 123 of this Act apply to the Crown as provided in those provisions but otherwise this Act shall not bind the Crown.

#### **132 Expenses**

There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

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*Status: This is the original version (as it was originally enacted).*

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### 133 Interpretation

In this Act, except where the context otherwise requires—

"local authority" means a regional, islands or district council;

"proper officer" shall be construed in accordance with section 235(3) of the Local Government (Scotland) Act 1973 ;

"public place" means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes—

- (a) the doorways or entrances of premises abutting on any such place ; and
- (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses; and

"vessel" means any kind of water-craft including a hovercraft within the meaning of the Hovercraft Act 1968 but not including a vessel in Her Majesty's service.

### 134 Postponement of repeal of Burgh Police (Scotland) Acts and local statutory provisions

(1) The repeal of—

- (a) the Burgh Police (Scotland) Acts 1892 to 1911 ; and
- (b) the local statutory provisions to which subsection (6) of section 225 of the Local Government (Scotland) Act 1973 applies,

which by virtue, respectively, of

- (i) subsection (1) of section 229 of the said Act of 1973 ; and
- (ii) the said subsection (6),

falls to take place at the end of 1982 shall, subject to subsection (2) below, sections 135 and 137 of this Act and any order thereunder, be postponed until the end of 1984 and in each of the said subsections, at the beginning there shall be inserted the words " Subject to sections 134(2), 135 and 137 of the Civic Government (Scotland) Act 1982 and any order under these sections, " and for the words " 1982 " there shall be substituted the words " 1984 ".

- (2) The Secretary of State may by order provide for a further postponement (for such period, not exceeding 2 years, from the end of 1984 as may be specified in the order) of the repeal of such provisions of the Burgh Police (Scotland) Acts 1892 to 1911 relating to roads and streets as may be specified in or determined by the order.
- (3) An order under subsection (2) above shall have the effect of further postponing from the end of 1984 the repeal of any local statutory provision to which subsection (6) of section 225 of the Local Government (Scotland) Act 1973 applies to the extent that the local statutory provision provides for any matter which is also provided for (whether consistently or not) by or under the provision of the Burgh Police (Scotland) Acts 1892 to 1911 the repeal of which is further postponed by the order; and a further postponement under this subsection shall be for the same period as the further postponement under subsection (2) above to Which it relates.
- (4) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### **135 Acceleration of repeal of certain provisions of the Burgh Police (Scotland) Acts and certain local statutory provisions**

- (1) The Secretary of State may by order provide for the repeal of any provision of the Burgh Police (Scotland) Acts 1892 to 1911 or any local statutory provision to which subsection (6) of section 225 of the Local Government (Scotland) Act 1973 applies at a date specified in the order being a date earlier than that on which those provisions cease under sections 229 and 225 respectively of the said Act of 1973 to have effect.
- (2) An order under subsection (1) above providing for the repeal of a provision of the Burgh Police (Scotland) Acts 1892 to 1911 shall have the effect of repealing any local statutory provision to which subsection (6) of section 225 of the Local Government (Scotland) Act 1973 applies to the extent that the local statutory provision provides for any matter which is also provided for (whether consistently or not) by or under the provision of the said Burgh Police (Scotland) Acts repealed by the order.
- (3) An order made under this section may contain such transitional, consequential or supplementary provision as appears to the Secretary of State to be expedient.
- (4) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### **136 Consequential, transitional and supplementary provisions**

- (1) Anything done or treated by virtue of any enactment as having been done under any provision of the Burgh Police (Scotland) Acts 1892 to 1911 or under any local statutory provision to which subsection (6) of section 225 of the Local Government (Scotland) Act 1973 applies which could be done by or under any provision of this Act shall, on the repeal of the provision of the said Burgh Police (Scotland) Acts 1892 to 1911 or of the local statutory provision be treated as having been done under the provision of this Act.
- (2) The Secretary of State may by order make such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary, proper or expedient for the general or any particular purpose of this Act or in consequence of any of the provisions thereof or for giving full effect thereto and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (3) Without prejudice to section 13 of the Interpretation Act 1978 (anticipatory exercise of statutory powers) anything which must or may be done under any provision of Part I or II of this Act may, notwithstanding that that provision is not in force, be done for the purposes of giving full effect to that provision at or after the time when it comes into force and the Secretary of State may, in making transitional provision by order under subsection (2) above, modify any provision of Part I or II of this Act for the purposes of this subsection.
- (4) An order under subsection (2) above—
  - (a) may be made at any time, whether before, at the same time as or after the commencement of any provision of this Act to which the provision made by the order relates;
  - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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### **137 Citation, commencement, repeals and extent Schedules:**

- (1) This Act may be cited as the Civic Government (Scotland) Act 1982.
- (2) This Act, other than sections 134 to 136 and subsections (1) above, (3) to (6) and (9) below and this subsection, shall come into force on such date or dates as the Secretary of State may by order made by statutory instrument appoint and different dates may be appointed under this section for different provisions of this Act or for different purposes of the same provision.
- (3) An order under subsection (2) above shall of itself have the effect of repealing—
  - (a) any provision of the Burgh Police (Scotland) Acts 1892 to 1911;
  - (b) any local statutory provision (whether or not subject to an order under section 225(6) of the Local Government (Scotland) Act 1973 (exemption from and postponement of repeal of local statutory provision))to the extent that the provision provides for any matter which is also provided for (whether consistently or not) by or under any provision of this Act commenced by that order.
- (4) A repeal under subsection (3) above shall take effect on the date of commencement of the provision of this Act the commencement of which gives rise, under that subsection, to that repeal.
- (5) In this section " local statutory provision " means—
  - (a) a provision of a local Act, the Bill for which was promoted by a local authority ;
  - (b) a provision of an Act confirming a provisional order made on the application of a local authority;
  - (c) a provision of an order made on such an application which was subject to special parliamentary procedure,not being a provision relating to a statutory undertaking or a protective provision for the benefit of any person.
- (6) In subsection (5) above, " statutory undertaking " means any railway, light railway, tramway, road transport, water transport, canal, inland navigation, ferry, dock, harbour, pier or lighthouse undertaking, any market undertaking, or any undertaking for the supply of electricity, gas, hydraulic power, water or district heating.
- (7) The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments there specified.
- (8) The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (9) This Act (except section 16, which applies to England and Wales) applies to Scotland only.