



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Management rules*

#### **112 Making of management rules**

- (1) A local authority may, in accordance with this section, make rules, to be known as "management rules", to regulate—
  - (a) the use of ; and
  - (b) the conduct of persons while on or in any land or premises which is owned, occupied or managed by the authority or is otherwise under their control and to which the public have access, whether on payment or not.

In this section, "land" does not include land below the high water mark of ordinary spring tides.
- (2) Management rules may be made notwithstanding any power under any enactment to make byelaws, whether exercised or not.
- (3) Notwithstanding section 201(3) of the Local Government (Scotland) Act 1973 (byelaws for good rule and government not to be made if provision is made by, or is or may be made under any other enactment) byelaws may be made under section 201(1) of that Act as respects any area although provision as respects that area is or may be made by any management rule.
- (4) At least one month before making management rules, a local authority shall —
  - (a) give notice in accordance with subsection (5) below of—
    - (i) their intention to do so ;
    - (ii) the general purpose of the proposed rules;
    - (iii) the place where a copy of the proposed rules may be inspected;

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- (iv) the fact that and time within which objections may be made ; and
  - (v) the address to which objections may be sent; and
  - (b) make copies of the proposed rules available for public inspection without payment at their offices and so far as the authority consider practicable at the land or premises to which the rules are to apply.
- (5) Notice shall be given for the purposes of subsection (4)(a) above by advertisement in a newspaper or newspapers circulating in the area of the local authority.
- (6) Any person may, within one month after notice has first been given by a local authority under subsection (4) above, notify in writing his objection and the ground of his objection to the authority.
- (7) Before making management rules, a local authority shall take into consideration any objections timeously received by them and shall give any objector an opportunity to be heard by them.
- (8) Management rules shall come into force on the date of their execution or on such later date as may be specified in the rules and shall, unless revoked, continue in force for a period of 10 years from that date.
- (9) Management rules shall be executed for the purposes of subsection (8) above by being sealed with the common seal of the local authority making them and signed by the proper officer of that authority.

### **113 Evidence of management rules**

The production of a copy of any management rules purporting to be made by a local authority upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the rules were made by the authority ;
- (b) that the copy is a true copy of the rules ; and
- (c) the date upon which the rules became effective

shall be sufficient evidence of the facts stated in the certificate, and that without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

### **114 Publication of management rules**

Management rules made by a local authority shall, together with a notice stating where copies of the rules may be obtained, be displayed at the entrance to the land or premises to which they apply or elsewhere so that they may be seen by members of the public intending to have access to the land or premises.

### **115 Inspection and copies of management rules**

Copies of management rules shall be open to public inspection without payment and a copy of them shall on application be furnished to any person on payment of such reasonable charge as the local authority may determine.

### **116 Expulsion or exclusion for breach of management rules**

An authorised officer of a local authority which has made any management rule may—

- (a) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene the management rule, expel that person;
  - (b) if he has reasonable grounds for believing that a person is about to contravene the management rule, exclude that person,
- from the land or premises to which the rule applies.

## **117 Exclusion orders**

- (1) A local authority may decide that a person who has, in respect of particular land or premises, persistently contravened or attempted to contravene management rules applying to the land or premises and is, in their opinion, likely to contravene them again, shall be made subject to an exclusion order under this section.
- (2) An exclusion order shall take effect upon a person under subsection (1) above on such a date as the local authority may decide which shall be not less than 14 days after their decision under that subsection.
- (3) The local authority shall, in accordance with subsection (7) below, give the person subject to an exclusion order notice of their decision under subsection (1) above which notice shall contain a statement of the reasons for that decision and a statement as to his right under subsection (4) below to make representations.
- (4) The person who has been made subject to an exclusion order shall be entitled to make written or oral representations to the local authority at any time up to the date when the order would, but for subsection (5) below, have taken effect upon him.
- (5) On representations being so made the local authority shall suspend the effect of their decision, consider the representations and decide whether to confirm their decision or to revoke or amend it.
- (6) Section 56(1) of the Local Government (Scotland) Act 1973 shall not apply to the discharge of a local authority's functions under this section so as to enable them to be discharged by an officer.
- (7) Notice shall be given for the purposes of subsection (3) above by—
  - (a) its being sent by recorded delivery letter to the last known address of the person subject to the order so as to arrive there, in the normal course of post, not later than five days after the decision under subsection (1) above; or
  - (b) personal service of the notice upon that person within that time.
- (8) An exclusion order shall have effect for such period, not exceeding one year, as the local authority making it may determine; and a local authority may at any time reduce the period of, or revoke, an exclusion order made by them.

## **118 Offences**

Any person who—

- (a) on being required to leave any land or premises by an authorised officer of the local authority who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any management rule applying to the land or premises, fails to leave;
- (b) on being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any management rule applying

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to any land or premises that he is excluded from the land or premises, enters or attempts to enter the land or premises; or

- (c) being a person subject to an exclusion order under section 117 of this Act, enters or attempts to enter the land or premises to which the exclusion order relates

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.