STATUTORY INSTRUMENTS

1975 No. 1543 (S.218)

COUNTRYSIDE

The Nature Conservancy Council (Byelaws) (Scotland) Regulations 1975

Made - - - -	21*st August* 1975
Laid before Parliament	29*th September* 1975
Coming into Operation	20*th October* 1975

In exercise of the powers conferred on me by subsections (1) and (4) of section 106 of the National Parks and Access to the Countryside Act 1949**(a)** as amended by paragraph 2(2) of Schedule 1 to the Nature Conservancy Council Act 1973**(b)** and paragraph 105 of Schedule 27 to the Local Government (Scotland) Act 1973**(c)** and of all other powers enabling me in that behalf I hereby make the following Regulations:—

1. These Regulations may be cited as the Nature Conservancy Council (Byelaws) (Scotland) Regulations 1975, and shall come into operation on the 20th day of October 1975.

2. The Interpretation Act 1889**(d)** shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. Sections 202, 203 and 204 of the Local Government (Scotland) Act 1973 (which relate to the procedure for making byelaws, the penalties for offences against byelaws, and to evidence of byelaws in legal proceedings) as applied by section 106 of the National Parks and Access to the Countryside Act 1949 amended as aforesaid to byelaws made under that Act shall, in relation to byelaws made by the Nature Conservancy Council under that Act, have effect subject to the adaptations prescribed by the Schedule to these Regulations.

4. The Nature Conservancy (Byelaws) (Scotland) Regulations 1956**(e)** and the Nature Conservancy Council (Byelaws) (Scotland) Regulations 1973**(f)** are hereby revoked. Provided that nothing in these revocations shall affect any byelaws made under the Regulations hereby revoked but any such byelaws shall continue in force and so far as they could have been made under these Regulations shall have effect as if made under these Regulations.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
21st August 1975.

(a) 1949 c. 97. **(b)** 1973 c. 54. **(c)** 1973 c. 65. **(d)** 1889 c. 63.
(e) S.I. 1956/1905 (1956 II, p. 1702). **(f)** S.I. 1973/1687 (1973 III, p.5165.)

Regulation 3

SCHEDULE

ADAPTATIONS OF SECTIONS 202, 203 AND 204 OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

1. For the references in sections 202 and 203 of the Local Government (Scotland) Act 1973 to a local authority, the proper officer of the authority and to the offices of the local authority by whom the byelaws are made, there shall be substituted references to the Nature Conservancy Council, to any member or officer of the Council authorised by the Council under Schedule 3 to the Nature Conservancy Council Act 1973 to authenticate the application of its seal, and to the Headquarters Office in Scotland of the Nature Conservancy Council, respectively.

2. For sub-section (5) of the said section 202 there shall be substituted the following sub-section:—

"(5) An officer duly authorised by the Nature Conservancy Council for that purpose shall, at least one month before application for confirmation is made, send a copy of the byelaws to the proper officer of every local authority within whose area or any part thereof the byelaws are to apply and the proper officer shall cause the copy to be at all reasonable hours open to public inspection without payment. A copy of the byelaws shall in like manner be deposited for public inspection at the Headquarters Office in Scotland of the Nature Conservancy Council".

3. For sub-section (13) of the said section 202 there shall be substituted:—

"(13) An officer duly authorised by the Nature Conservancy Council for that purpose shall send a copy of the byelaws when confirmed to the proper officer of every local authority within whose area or any part thereof the byelaws are to apply, and the proper officer shall cause the copy to be at all reasonable hours open to public inspection without payment. A copy of the byelaws shall in like manner be deposited for public inspection at the Headquarters Office in Scotland of the Nature Conservancy Council".

4. For section 204 there shall be substituted:—

"204. The production of a copy of a byelaw purporting to be made by the Nature Conservancy Council upon which is endorsed a certificate purporting to be signed by an officer duly authorised by the Nature Conservancy Council for that purpose stating—

(*a*) that the byelaw was made by the Nature Conservancy Council;

(*b*) that the copy is a true copy of the byelaw;

(*c*) that on a specified date the byelaw was confirmed by the Secretary of State or, as the case may require was sent to the Secretary of State and has not been disallowed;

(*d*) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaw;

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 106 of the National Parks and Access to the Countryside Act 1949 as amended applies the provisions of sections 202, 203 and 204 of the Local Government (Scotland) Act 1973 (which relate to the procedure for making byelaws, the penalties for offences against byelaws, and the evidence of byelaws in legal proceedings) to byelaws made under the Act of 1949 by, among other bodies, the Nature Conservancy Council, subject in the case of byelaws made by the Nature Conservancy Council to such adaptations as may be prescribed by regulations made by the Secretary of State. These Regulations make appropriate adaptations to the provision of the Act of 1973 and also revoke with savings the Regulations which adapted the provisions of the Local Government (Scotland) Act 1947 (c. 43) which have been superseded by the provisions in the Act of 1973.

SI 1975/1543
ISBN 0-11-051543-9

