



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART IV

COMMUNITY COUNCILS

51 Establishment and general purpose of community councils

- (1) Every local authority within the meaning of this Part of this Act shall, before 16th May 1976, or such later date as may be agreed by the Secretary of State, submit to the Secretary of State, in accordance with the provisions of this Part of this Act, a scheme for the establishment of community councils for their area.
- (2) In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable.
- (3) In this Part of this Act, except subsection (2) above, "local authority" means an islands council or a district council.

52 Schemes

- (1) Every local authority shall give public notice of their intention to frame a scheme for the establishment of community councils, and any such notice shall invite the public, within a period of not less than eight weeks from the date of the notice, to make suggestions as to the areas and composition of the community councils.
- (2) After considering suggestions made under subsection (1) above, the local authority shall prepare and give public notice of a draft scheme which shall contain—
 - (a) a map showing the boundaries of the proposed areas of community councils and their populations, and the boundaries of any area for which the local authority consider a community council to be unnecessary;

Status: This is the original version (as it was originally enacted).

- (b) where a local authority consider that a community council is unnecessary for any area, a statement of their reasons for arriving at this conclusion;
 - (c) provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils;
 - (d) provisions concerning the procedures to be adopted by which the community councils on the one hand and the local and public authorities with responsibilities in the areas of the community councils on the other will keep each other informed on matters of mutual interest; and
 - (e) such other information as, in the opinion of the local authority, would help the public to make a reasonable appraisal of the scheme.
- (3) The notice mentioned in subsection (2) above shall invite the public, within a period of not less than eight weeks from the date of the notice, to make to the local authority representations as respects the draft scheme.
- (4) After considering any representations made under subsection (3) above, the local authority may amend the draft scheme to take account of those representations and shall submit the scheme to the Secretary of State for his approval along with any outstanding representations and their comments upon them.
- (5) The Secretary of State, after holding, if he thinks fit, a local inquiry in relation to the whole scheme or any part thereof, may approve, with or without modifications, a scheme submitted to him under subsection (4) above, or may refer the scheme back, in whole or in part, for further consideration by the local authority concerned.
- (6) After the Secretary of State has approved a scheme, the local authority shall give public notice of the scheme in its approved form together with public notice of such a scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned to apply in writing to the local authority for the establishment of a community council in accordance with the scheme.
- (7) Where not less than 20 electors apply as mentioned in subsection (6) above, the local authority shall, within not more than six weeks from the date of the application, organise, in accordance with the scheme, elections or other voting arrangements for the purpose of establishing the community council.

53 Amendment of schemes

- (1) Having regard to changing circumstances and to any representations made to them, every local authority shall from time to time review schemes made and approved under section 52 of this Act and, where they consider that such a scheme ought to be amended, they shall give public notice of their proposals, inviting any community council concerned and the public to make to the local authority representations as respects the proposals.
- (2) Where no representations as respects proposals are made under subsection (1) above or any made have been withdrawn, the scheme shall have effect as amended by the proposals.
- (3) Where representations as aforesaid are not withdrawn, the local authority may amend their proposals to take account of those representations and shall submit their proposals to the Secretary of State for his approval along with any outstanding representations and their comments upon them.

- (4) The Secretary of State, after holding, if he thinks fit, a local inquiry in relation to proposals submitted to him under subsection (3) above, may approve the proposals, with or without modifications, or may refuse to approve them, and where he approves the proposals, the local authority shall give public notice of the proposals and the scheme shall have effect as amended by the proposals.

54 Default powers of the Secretary of State under Part IV

- (1) If, contrary to section 51 of this Act, a local authority fail to submit to the Secretary of State a scheme for their area or any part thereof, he may himself prepare a scheme, carry out any consultations which seem to him to be appropriate, and, if he thinks fit, hold a local inquiry in relation to the scheme.
- (2) After considering those consultations and the result of any local inquiry, the Secretary of State may confirm the scheme subject to such, if any, modifications as he thinks fit, and may organise, in accordance with the scheme, elections or other voting arrangements for the purpose of establishing a community council or councils for the area or areas concerned.
- (3) If, contrary to section 53 of this Act, a local authority fail to review a scheme or make proposals in pursuance of such review, the Secretary of State may propose amendments to the scheme, carry out consultations and hold a local inquiry as aforesaid.
- (4) After considering those consultations and the result of any local inquiry, the Secretary of State may confirm the amendments subject to such, if any, modifications as he thinks fit.
- (5) Where a scheme or amendments are confirmed by the Secretary of State under this section, he shall give public notice of the scheme or amendments as confirmed.
- (6) Any expenses incurred by the Secretary of State by virtue of this section, which he certifies as having been incurred in performing the functions of a local authority, may be recovered by him from that authority.

55 Assistance to community councils

Regional, islands and district councils may make such contributions as they think fit towards the expenses of community councils within their areas, may make loans to those councils and may, at the request of such community councils, provide them with staff, services, accommodation, furniture, vehicles and equipment, on such terms as to payment or otherwise as may be agreed between the councils concerned.