



# Local Government (Scotland) Act 1975

## 1975 CHAPTER 30

### PART III

#### MISCELLANEOUS AND GENERAL

#### **33 Allowances for members of children's panels and Children's Panel Advisory Committees**

In Schedule 3 to the <sup>M1</sup>Social Work (Scotland) Act 1968 (children's panels), for paragraph 8 there shall be substituted the following paragraph—

- “8 (1) A local authority may pay—
- (a) to a member or possible member of the children's panel in respect of his attendance at a children's hearing or at training arranged under paragraph 6 or 7 of this Schedule ;
  - (b) to a member of the Children's Panel Advisory Committee, who is not also a member of a body to which sections 45 and 46 of the Local Government (Scotland) Act 1973 appl, in respect of his attendance at a meeting of the Committee ;
  - (c) to a memembr or possible member of the children's panel or to such a member of the Children's Advisory Committee as aforesaid in respect of the doing by him of anything approved by the authority, or anything of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the panel or Committee, as the case may be ;

allowances, in the nature of those payable under sections 45(4) and 46(1) of the said Act of 1973, being payments of such reasonable amounts as they may determine in any particular case or class of case and not exceeding the amounts prescribed under the sid section 45(4) and specified under the said section 46(1) for the corresponding allowances under those provisions.

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(2) A local authority may pay to a member of the Children's Advisory Committee who is also a member of a body to which sections 45 and 46 of the said Act of 1973 apply—

- (a) in respect of this attendance at a meeting of the Committee ;
- (b) in respect of the doing by him of anything approved by the authority, or anything of a class so approved, for the purposes of, or in connection with, the discharge of the functions of the Committee ;

allowances, in the nature of those payable under the said section 45 and subsection (1) of the said section 46, being payments of such reasonable amounts as they may determine in any particular case or class of case and not exceeding the amounts prescribed under the said section 45 and specified under subsection (1) of the said section 46 for the corresponding allowances under those provisions.”.

**Modifications etc. (not altering text)**

- C1** The text of ss. 33 and 38(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M1** 1968 c. 49.

**34 Transference of social workers of Health Boards to local authority employment.**

(1) The Secretary of State may by order make provision for the transfer to the employment of local authorities of persons of descriptions specified in the order who are for the time being employed in social work by Health Boards; and the order may include provision—

- (a) for transfers in pursuance of the order to be made on such days as may be determined by or under the order; and
- (b) as to the manner of determining whether an individual is a person liable to be transferred by virtue of this subsection and which authority is the authority to whose employment such a person is to be transferred.

(2) A person transferred by virtue of subsection (1) above to the employment of a local authority shall not be required in the course of that employment to perform duties otherwise than at or in connection with a hospital or other health service establishment unless he has consented to perform such duties.

(3) It shall be the duty of the Secretary of State by order to make provision for securing, in the case of a person transferred to the employment of a local authority by virtue of subsection (1) above—

- (a) that, while he is in the employment of that authority and has not been served with a notice in writing stating that it is served for the purposes of this subsection and specifying such new terms and conditions of employment as are mentioned in paragraph (b) below, the scale of his remuneration and, taken as a whole, the other terms and conditions of his employment by that authority are not less favourable to him than were immediately before the transfer those of the employment by the Health Board;

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- (b) that any new terms and conditions determined by that authority for his employment by them are such that—
- (i) so long as he is engaged in duties reasonably comparable to the duties in which immediately before the transfer he was engaged in the employment by the Health Board, the scale of his remuneration and, taken as a whole, the other terms and conditions of his employment by that authority are not less favourable to him than were, immediately before the transfer, those of the employment by the Health Board, and
  - (ii) so long as he is engaged in duties not so comparable, the terms and conditions of his employment by that authority (excluding terms as to remuneration) are, taken as a whole, not less favourable than as mentioned in sub-paragraph (i) above;
- (c) that for the purposes of any enactment specified in the order the employments from which and to which he was transferred by virtue of subsection (1) above are treated as one continuous employment;

and an order made in pursuance of this subsection may contain provision for the determination of questions arising with respect to the effect in relation to any person of provision made by virtue of paragraphs (a) to (c) above.

- (4) A statutory instrument containing any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **35 Orders and regulations.**

- (1) Any power to make orders or regulations conferred on the Secretary of State by any provision of this Act shall be exercisable by statutory instrument.
- (2) Any power to make an Order in Council or other order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.
- (3) Any order under this Act may contain such incidental, consequential and supplementary provisions as appear to the Secretary of State to be necessary or proper for bringing the order into operation and giving full effect thereto.

### **36 Expenses.**

There shall be defrayed out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State under this Act;
- (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other enactment.

### **37 General interpretation.**

- (1) In this Act, unless the context otherwise requires—
- “the <sup>M2</sup>Act of 1947” means the Local Government (Scotland) Act 1947;
  - “the <sup>M3</sup>Act of 1966” means the Local Government (Scotland) Act 1966;
  - “the <sup>M4</sup>Act of 1973” means the Local Government (Scotland) Act 1973;
  - “the Assessor” means the Assessor of Public Undertakings (Scotland);
  - “material change of circumstances” means in relation to any lands and heritages a change of circumstances affecting their value and, without

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prejudice to the foregoing generality, includes any alteration in such lands and heritages . . . <sup>F1</sup> any relevant decision of the Lands Valuation Appeal Court or a valuation appeal committee for the valuation area in which the lands and heritages are situated [<sup>F2</sup>or the Lands Tribunal for Scotland under section 1(3A) of the Lands Tribunal Act 1949], [<sup>F3</sup>and any decision of that Court, committee or Tribunal which alters the . . . <sup>F4</sup> net annual value or rateable value of any comparable lands and heritages;]

“prescribed”, except in paragraph 6 of Schedule 3, means prescribed by an order made by the Secretary of State;

<sup>F5</sup> . . .

“the Valuation Acts” means the <sup>M5</sup>Lands Valuation (Scotland) Act 1854, the Acts amending that Act, [<sup>F6</sup>and any other enactment relating to valuation];

“year”, except in paragraph 2 of Schedule 4, means the financial year of a local authority;

“year of revaluation” means [<sup>F7</sup>the year 1985-86] and each fifth year thereafter.

(2) Expressions used in this Act and in the Act of 1973 shall have the same meanings in this Act as in that Act.

[<sup>F8</sup>(3) The Secretary of State may by order amend the definition of “year of revaluation” in subsection (1) above by substituting, for the financial year for the time being specified in that definition by reference to two calendar years, a different financial year so specified.

(4) An order under subsection (3) above shall have no effect until approved by resolution of each House of Parliament.]

#### Textual Amendments

- F1** Word repealed by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), **s. 20(a)**
- F2** Words inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. 21, **Sch. 2**
- F3** Words substituted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), **s. 20(b)**
- F4** Words repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, **Sch. 6**
- F5** Definition of “Rate” repealed (1.4.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 117(2), **Sch.14** (with s. 118(1)(2)(4)); S.I. 1992/818, **art. 2(b)**,Sch.
- F6** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#) s. 6, Sch. 1 Pt. III para. 33
- F7** Words substituted by S.I. 1982/1122, **art. 2**
- F8** S. 37(3)(4) added by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), **s. 1**

#### Modifications etc. (not altering text)

- C2** S. 37(1) modified by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), **s. 5(4)(5)**
- C3** S. 37(1) modified(*retrospectively to 1.4.1992*) (*temp. 1992-1993*) by S.I. 1992/1790, **arts. 1(2), 8, 10(3)**.

#### Marginal Citations

- M2** 1947 c. 43.

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- M3 1966 c. 51.
- M4 1973 c. 65.
- M5 1854 c. 91.

### 38 Minor and consequential amendments and repeals.

- (1) Part I of Schedule 6 to this Act shall have effect for the purpose of making general adaptation of enactments consequential on section 5 of this Act, and of the Valuation Acts and of any enactment having effect by virtue of those Acts consequential on section 18 of this Act, and the enactments specified in Part II of that Schedule shall have effect subject to the modifications and amendments set out in that Part, being modifications and amendments which are consequential on the provisions of this Act and minor amendments.
- (2) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

#### Modifications etc. (not altering text)

- C4 The text of ss. 33 and 38(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 39 Short title, commencement, construction, savings and extent.

- (1) This Act may be cited as the Local Government (Scotland) Act 1975.
- (2) This Act (except this section) shall come into operation on such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different provisions of this Act or for different purposes, or for the purposes of the same provision in relation to different cases.
- (3) Any reference in this Act to the commencement of any provision thereof shall be construed as a reference to the day when that provision comes into force.
- (4) Any reference in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.
- (5) Any proceedings pending before a valuation appeal committee or the Lands Valuation Appeal Court before the commencement of this Act may be continued as if they had been brought by virtue of this Act.
- (6) This Act, except paragraph 5 of Schedule 3 and except in so far as it relates to the <sup>M6</sup>House of Commons Disqualification Act 1975 and the <sup>M7</sup>Northern Ireland Assembly Disqualification Act 1975, extends to Scotland only.

#### Modifications etc. (not altering text)

- C5 Power of appointment conferred by s. 39(2) fully exercised: [S.I. 1975/824](#), 1055

#### Marginal Citations

- M6 1975 c. 24.

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**M7** 1975 c. 25.

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