



# Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958

1958 CHAPTER 64 6 and 7 Eliz 2

An Act to make new provision for grants out of the Exchequer to local authorities in Scotland and otherwise to amend the law of Scotland relating to local government finance and administration; to abolish the Education (Scotland) Fund; to amend the law of Scotland relating to the valuation for rating of industrial and freight transport lands and heritages and premises of Gas Boards, and to the sittings of valuation appeal committees; to extend the power of trustees under the Trusts (Scotland) Act, 1921, to lend money to local authorities; to provide for increase of the fees payable in Scotland under certain enactments relating to marriage and to registration of births, deaths and marriages; and for purposes connected with the matters aforesaid. [1st August 1958]

## Modifications etc. (not altering text)

- C1 Councils of counties, counties of cities, large burghs, small burghs and districts now abolished and regional, islands and district councils constituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), ss. 1, 2, [Sch. 1](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), s. 3

## PART I

1—6 ..... F1

## Textual Amendments

- F1 Ss. 1–6, 18, [Schs. 1–3](#), 4 paras. 4, 21–23 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

*Status: Point in time view as at 04/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958. (See end of Document for details)*

**PART II**

VALUATION AND RATING

**F2**<sup>7</sup> .....

**Textual Amendments**  
**F2** S. 7 repealed (1.4.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(b)(d), **Sch. 2**

**8** ..... **F3**

**Textual Amendments**  
**F3** S. 8 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 9 para. 52, **Sch. 29**

**9** ..... **F4**

**Textual Amendments**  
**F4** Ss. 7(6)–(8), 9 repealed by Local Government (Financial Provisions) (Scotland) Act 1963 (c. 12), s. 27, **Sch. 3 Pt. I**

**PART III**

MISCELLANEOUS

**10, 11.** ..... **F5**

**Textual Amendments**  
**F5** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**12** **Extension of maximum period for repayment of sums borrowed for certain purposes.**

- (1) The maximum period for the repayment of sums borrowed by a local authority for the purposes of—
  - (a) the Public Libraries Acts,
  - F6**(b) .....
  - (c) the <sup>M1</sup>Children and Young Persons (Scotland) Act, 1937,

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- (d) section seventy-four of the Act of 1947 (which relates to the provision of halls, offices and other buildings),
- (e) section one hundred and thirty-two of the <sup>M2</sup>Local Government Act, 1948 (which relates to the provision of entertainments),
- (f) section twenty-one of the <sup>M3</sup>National Assistance Act, 1948, or
- (g) section fifteen of the <sup>M4</sup>Children Act, 1948 (which relates to the provision by local authorities of homes for the accommodation of children in their care),

shall be such period not exceeding sixty years as may be sanctioned by the Secretary of State; and accordingly in the Sixth Schedule to the Act of 1947, in the entries relating to the Public Libraries Acts and to the said Act of 1937, for the words “fifty years” there shall be substituted the words “sixty years” <sup>F7</sup>...; and the following entries shall be added at the end of the said Schedule, that is to say—

|   |  |
|---|--|
| “Section seventy-four of the<br><sup>M5</sup><br>Local Government (Scotland) Act, 1947.   | Such period not exceeding sixty years as may be sanctioned by the Secretary of State.  |
| Section one hundred and thirty-two of the<br><sup>M6</sup><br>Local Government Act, 1948. | Such period not exceeding sixty years as may be sanctioned by the Secretary of State.  |
| Section twenty-one of the<br><sup>M7</sup><br>National Assistance Act, 1948.              | Such period not exceeding sixty years as may be sanctioned by the Secretary of State.  |
| Section fifteen of the<br><sup>M8</sup><br>Children Act, 1948.                            | Such period not exceeding sixty years as may be sanctioned by the Secretary of State.” |

- (2) Where a local authority is authorised to borrow money for the purpose of any enactment, any provision (whether in that or another enactment) that any sum so borrowed shall be repaid within a period of fewer than sixty years, or within such period not exceeding fifty-nine or fewer years as the local authority or a Minister may determine, shall be construed as applying only to sums so borrowed for expenditure otherwise than on the acquisition of land; and any sum so borrowed by the local authority for expenditure on the acquisition of land (being a sum to which any such provision as aforesaid would, apart from this subsection, apply) shall be repaid within such period not exceeding sixty years as may be sanctioned by the Secretary of State, or, where the consent of another Minister is required for the borrowing, by that other Minister.
- (3) In this section “local authority” and “Minister” have the same meanings as in the Act of 1947, and references to the acquisition of land do not include references to the acquisition, with any land, of buildings or other works thereon, being buildings or other works required to make the land fit for the purpose for which it is acquired.

#### Textual Amendments

- F6** S. 12(1)(b) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), [sch. 2](#) (with s. 111); [S.S.I. 2018/380](#), [reg. 2](#), [sch.](#) (with [reg. 8](#))
- F7** Words in s. 12(1) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), [sch. 2](#) (with s. 111); [S.S.I. 2018/380](#), [reg. 2](#), [sch.](#) (with [reg. 8](#))

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Changes to legislation: There are currently no known outstanding effects for the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958. (See end of Document for details)

**Marginal Citations**

- M1 1937 c. 37.
- M2 1948 c. 26.
- M3 1948 c. 29.
- M4 1948 c. 43.
- M5 1947 c. 43.
- M6 1948 c. 26.
- M7 1948 c. 29.
- M8 1948 c. 43.

**13 Abolition of certain requirements relating to local government administration.**

- (1) For the purpose of abolishing certain requirements relating to local government administration and for making provision consequential thereon the enactments specified in the Fifth Schedule shall have effect subject to the modifications so specified in relation to them respectively.
- (2) This section shall come into operation on the sixteenth day of May, nineteen hundred and fifty-nine.

**14** ..... F8

**Textual Amendments**

F8 S. 14 repealed by [Education \(Scotland\) Act 1962 \(c. 47\)](#), s. 147, [Sch. 8](#)

**15 Inspection of minutes of certain authorities.**

- (1) The minutes of—
  - (a) the proceedings of a local authority,
  - (b) the proceedings of any committee appointed by a local authority so far as such proceedings relate to any of the authority’s functions under . . . <sup>F9</sup>, the <sup>M9</sup>Town and Country Planning (Scotland) Act, 1947, or the <sup>M10</sup>National Assistance Act, 1948, and
  - (c) the proceedings of any joint committee or joint board established for the purpose of performing all or any of the functions of two or more local authorities under any of the Acts mentioned in the last foregoing paragraph,
 shall be open to the inspection of any local government elector for the area of the local authority, or, in the case of a joint committee or joint board, the area of any of the local authorities represented on the joint committee or joint board, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.
- (2) In this section “local authority” and “local government elector” have the same meanings as in the Act of 1947.

**Textual Amendments**

F9 Words repealed by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 7 Pt. II](#)

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958. (See end of Document for details)*

**Marginal Citations**

**M9** 1947 c. 53.

**M10** 1948 c. 29.

**16** ..... **F10**

**Textual Amendments**

**F10** S. 16 repealed by [Trustee Investments Act 1961 \(c. 62\)](#), [Sch. 5](#)

**17** ..... **F11**

**Textual Amendments**

**F11** S. 17 repealed by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\)](#), s. 28(2), [Sch. 3](#) (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)

**PART IV**

GENERAL AND SUPPLEMENTARY

**18** ..... **F12**

**Textual Amendments**

**F12** Ss. 1–6, 18, [Schs. 1–3](#), 4 paras. 4, 21–23 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

**19 Expenses and receipts.**

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) all sums payable by the Secretary of State under this Act; and
  - (b) any increase attributable to the provisions of this Act in the sums required or authorised under any other Act to be so defrayed.
- (2) Any increase attributable to the provisions of this Act in the receipts of the Registrar-General for Births, Deaths and Marriages in Scotland shall be paid into the Exchequer.

**20 Orders and regulations to be made by statutory instrument.**

Any power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.

*Status: Point in time view as at 04/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958. (See end of Document for details)*

**21 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“Act of 1947” means the <sup>M11</sup>Local Government (Scotland) Act, 1947;  
.....<sup>F13</sup>

“Act of 1956” means the <sup>M12</sup>Valuation and Rating (Scotland) Act, 1956;

“local authority” means a county council or the town council of a burgh, and “area”, in relation to a local authority, means, in the case of a town council, the burgh, and, in the case of a county council, the county exclusive of any burgh situated therein;

.....<sup>F13</sup>

“year” means a period of twelve months beginning on the sixteenth day of May.

(2) Any provision in this Act containing a reference to the sixteenth day of May shall, in its application to an authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution for the said reference of a reference to that other day; but this subsection shall be without prejudice to subsection (9) of section seven of this Act.

(3) .....<sup>F14</sup>

(a) any reference in this Act to the rateable valuation of any area for any year shall be construed as a reference to the total of the rateable values of the lands and heritages in that area as shown in the valuation roll in force on the first day of that year, and

(b) any reference in this Act to the standard rateable value of any area for any year shall be construed as a reference to the standard rateable value of the area for that year as estimated by the Secretary of State for the purposes of the Act of 1954.

(4) Any reference in this Act to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment, including this Act.

**Textual Amendments**

**F13** Definitions repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), s. 1\(1\), Sch. 1 Pt. VIII](#)

**F14** Words repealed by [Local Government \(Financial Provisions\) \(Scotland\) Act 1963 \(c. 12\), s. 27, Sch. 3 Pt. I](#)

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

**C3** Councils of counties, counties of cities, large burghs, small burghs and districts now abolished and regional, islands and district councils constituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), ss. 1, 2, Sch. 1](#)

**Marginal Citations**

**M11** 1947 c. 43.

**M12** 1956 c. 60.

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**Textual Amendments**

**F15** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**23 Citation and extent.**

- (1) This Act may be cited as the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.
- (2) This Act shall extend to Scotland only.

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## SCHEDULES

### F16F16 FIRST TO THIRD SCHEDULES

#### Textual Amendments

**F16** Ss. 1–6, 18, Schs. 1–3, 4 paras. 4, 21–23 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

F16

### FOURTH SCHEDULE

Section 6.

#### CONSEQUENTIAL MODIFICATIONS OF ENACTMENTS

#### PART I

##### *Modifications consequential on Part I of this Act*

1, 2. .... F17

#### Textual Amendments

**F17** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

##### *The<sup>M13</sup> Children and Young Persons (Scotland) Act, 1937*

#### Marginal Citations

**M13** 1937 c. 37.

- 3 (1) In subsection (3) of section ninety of the Children and Young Persons (Scotland) Act, 1937, after the words “ for the time being residing, and” there shall be inserted the words “ in the case of a child or young person ordered to be sent to an approved school” ; for the words “ such authority” there shall be substituted the words “ the education authority” ; and at the end of the subsection there shall be added the words “ and in any other case shall (unless the child or young person has been committed to, or received into, the care of the authority to whom the contributions were payable) be paid over to the local authority to whose care the child or young person has been committed, or into whose care the child or young person has been received,



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but subject to such deductions in respect of services rendered by the local authority to whom the contributions were payable as may be agreed between the authorities concerned or as, in default of agreement, may be determined by the Secretary of State.”

- (2) Any reference in paragraph (b) of subsection (2) of section ninety-one, and in subsection (1) of section ninety-two, of the said Act of 1937 to a local authority entitled to receive contributions made under Part V of that Act in respect of a child or young person shall be construed as a reference to the local authority to whom the contributions are payable by the person liable to make them.
- (3) In section ninety-three of the said Act of 1937 in subsection (1), after the words “fit person” there shall be inserted the words “not being a local authority”.

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

**C4** The text of Sch. 4 paras. 3(1)(3) 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.

4 ..... **F18**

**Textual Amendments**

**F18** Ss. 1–6, 18, Schs. 1–3, 4 paras. 4, 21–23 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

5 ..... **F19**

**Textual Amendments**

**F19** [Sch. 4 paras. 5, 19](#) repealed with saving by [Pensions \(Increase\) Act 1971 \(c. 56\)](#), s. 18(1), [Sch. 7](#)

6 ..... **F20**

**Textual Amendments**

**F20** [Sch. 4 para. 6](#) repealed by [Education \(Scotland\) Act 1962 \(c. 47\)](#), [Sch. 8](#)

7–9. .... **F21**

**Textual Amendments**

**F21** Ss. 10, 11, 22, [Sch. 4 paras. 1, 2, 7–9, 12, 13\(1\)\(2\), 14, 15, 16\(1\), 17](#), [Sch. 6](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

10, 11. .... **F22**

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**Textual Amendments**

**F22** Sch. 4 paras. 10, 11, Sch. 5 repealed by Statute Law (Repeals) Act 1976 (c. 16), s. 1(1), **Sch. 1 Pt. VIII**

12 ..... **F23**

**Textual Amendments**

**F23** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

13 (1) ..... **F24**

(3) ..... **F25**

**Textual Amendments**

**F24** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**F25** Sch. 4 para. 13(3) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. VII**

14, 15. .... **F26**

**Textual Amendments**

**F26** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

16 (1) ..... **F27**

(2) ..... **F28**

**Textual Amendments**

**F27** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**F28** Sch. 4 para. 16(2) repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 9 Pt. II**

17 ..... **F29**

**Textual Amendments**

**F29** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

18 ..... **F30**

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**Textual Amendments**

**F30** Sch. 4 paras. 18, 20 repealed by Road Traffic Act 1960 (c. 16), Sch. 18

19 ..... F31

**Textual Amendments**

**F31** Sch. 4 paras. 5, 19 repealed with saving by Pensions (Increase) Act 1971 (c. 56), s. 18(1), Sch. 7

20 ..... F32

**Textual Amendments**

**F32** Sch. 4 paras. 18, 20 repealed by Road Traffic Act 1960 (c. 16), Sch. 18

**PART II**

21—23. .... F33

**Textual Amendments**

**F33** Ss. 1–6, 18, Schs. 1–3, 4 paras. 4, 21–23 repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

**PART III**

*Commencement of Fourth Schedule*

24 (1) The following provisions of this Schedule, that is to say—  
paragraph 5,

..... F34

in paragraph 11, sub-paragraph (3),  
paragraph 13, and  
paragraph 19,

shall come into operation on the first day of April, nineteen hundred and fifty-nine.

(2) Subject to the foregoing sub-paragraph the provisions of this Schedule shall come into operation for the purposes of the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and subsequent years, but not for those of any earlier year.

**Textual Amendments**

**F34** Words repealed by Education (Scotland) Act 1962 (c. 47), Sch. 8

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FIFTH  
SCHEDULE. ....  
F35

**Textual Amendments**

**F35** Sch. 4 paras. 10, 11, Sch. 5 repealed by Statute Law (Repeals) Act 1976 (c. 16), s. 1(1), **Sch. 1 Pt. VIII**

<sup>F36</sup>F36 SIXTH SCHEDULE

**Textual Amendments**

**F36** Ss. 10, 11, 22, Sch. 4 paras. 1, 2, 7–9, 12, 13(1)(2), 14, 15, 16(1), 17, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

.....  
F36

**Status:**

Point in time view as at 04/04/2019.

**Changes to legislation:**

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