



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

1958 CHAPTER 64 6 and 7 Eliz 2

## PART III

### MISCELLANEOUS

#### **10 Expenditure by town councils on halls, etc., for public meetings and assemblies**

In section one hundred and ninety-one of the Act of 1947, in subsection (3), paragraph (d) (which limits the net expenditure incurred or payable by town councils on the provision under section seventy-four of the Act of 1947 of halls and other buildings for public meetings and assemblies) shall cease to have effect.

#### **11 Restriction of power of local authorities to borrow**

The amendment made by subsection (1) of section four of the Local Government (Scotland) Act, 1951, in subsection (2) of section two hundred and fifty-nine of the Act of 1947 (which restricts the power of local authorities to borrow money) shall have permanent effect, and accordingly subsection (2) of the said section four shall cease to have effect.

#### **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,
  - (b) the Cremation Act, 1902,
  - (c) the Children and Young Persons (Scotland) Act, 1937,
  - (d) section seventy-four of the Act of 1947 (which relates to the provision of halls, offices and other buildings),

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*Status: This is the original version (as it was originally enacted).*

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- (e) section one hundred and thirty-two of the Local Government Act, 1948 (which relates to the provision of entertainments),
- (f) section twenty-one of the National Assistance Act, 1948, or
- (g) section fifteen of the 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 ", and in the entry relating to the Cremation Act, 1902, for the words " Twenty years " there shall be substituted the words " Such period not exceeding sixty years as may be sanctioned by the Secretary of State " ; and the following entries shall be added at the end of the said Schedule, that is to say—

“Section seventy-four of the 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 Local Government Act, 1948.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.
Section twenty-one of the National Assistance Act, 1948.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.
Section fifteen of the 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.

### **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 Amendment of Education (Scotland) Act, 1946, s. 7**

Subsection (1) of section seven of the Education (Scotland) Act, 1946 (which subsection requires certain functions of education authorities to be exercised in accordance with schemes approved by the Secretary of State) shall have effect as if, in paragraph (a) thereof, after the word " Act ", there were inserted the words " other than such voluntary part-time or full-time courses of instruction for persons over school age as the Secretary of State may direct " .

#### **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 the National Health Service (Scotland) Act, 1947, the Town and Country Planning (Scotland) Act, 1947, or the 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.

#### **16 Extension of trustees' power to lend money to local authorities**

Subsection (1) of section ten of the Trusts (Scotland) Act, 1921 (which relates to trustees' powers of investment) shall have effect as if in heads (6) and (14) thereof—

- (a) for any reference to Great Britain there were substituted a reference to the United Kingdom,
- (b) any reference to a municipal corporation included, as respects England and Wales, a reference to a local authority as defined in paragraph (a) of subsection (4) of section fifty-four of the Local Government Act, 1958, any body all the members of which are members of such a local authority, any river board, the council of any borough included in a rural district, any parish council, the Metropolitan Water Board, the Conservators of the River Thames and the Lee Conservancy Catchment Board; and, as respects Northern Ireland, a reference to the council of a county, county or other borough, or urban or rural district, any body all the members of which are members of such a council and the Belfast City and District Water Commissioners ; and
- (c) any reference to bonds included a reference to local bonds issued under the Housing (Additional Powers) Act, 1919;

as if, in relation to a municipal corporation in Northern Ireland, any reference to an Act of Parliament included a reference to an Act of the Parliament of Northern Ireland; and as if any reference to a local authority in Scotland included a reference to a river purification board established under the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

**17 Increase of certain fees payable under enactments relating to marriage and to registration of births, deaths and marriages**

The Secretary of State may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for increasing the fees payable under any of the following enactments, that is to say—

- (a) sections thirty-two and thirty-three of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854 (which relate to the registration of names of children after registration of birth);
- (b) sections fifty-six and fifty-seven of the said Act of 1854 (which relate to searches in and extracts from the registers of births, deaths and marriages);
- (c) sections eight and nine of the Marriage Notice (Scotland) Act, 1878 (which relate to the publication of notices of intended marriages);
- (d) section four of the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934 (which relates to abbreviated certificates of births); and
- (e) subsection (3) of section one of the Marriage (Scotland) Act, 1939 (which relates to marriages contracted in the office of a registrar).