



Local Government (Scotland) Act 1929

1929 CHAPTER 25

PART I

LOCAL GOVERNMENT ADMINISTRATION.

Combination of and Delegation by Local Authorities.

10 Provisions for uniting burghs and combining counties for certain purposes.

- (1) The provisions of the Second Schedule to this Act shall have effect for the purpose of uniting the burghs therein mentioned in the manner therein set forth.
- (2) Any two or more burghs united in pursuance of the foregoing subsection shall cease to be separate burghs and shall for all purposes whatsoever become one burgh (hereinafter in this section referred to as a united burgh).
- (3) Where a burgh being a royal burgh is united in pursuance of this section with a burgh other than a royal burgh, the royalty of the royal burgh shall be extended to comprehend the burgh other than the royal burgh, and where any burgh included in a united burgh is for the purpose of any statutory provision a parliamentary burgh the united burgh shall for the purpose of such statutory provision be deemed to be a parliamentary burgh.
- (4) An election of town councillors of every united burgh shall take place in manner directed by the enactments relating to the election of town councillors on the first Tuesday of November in the year nineteen hundred and twenty-nine and all the town councillors of every burgh included in any united burgh in office on the day preceding the said day shall go out of office on the said day:

Provided that, in the case where there is in force, as regards one of the burghs included in a united burgh, an order under section seven of the Town Councils (Scotland) Act 1903, fixing a day other than the first Tuesday of November for the annual retiral and election of councillors, such order shall in the aforesaid year be deemed to apply to each of the other burghs included in such united burgh, and the foregoing provisions

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of this subsection shall apply with the substitution of the day so fixed for the first Tuesday of November.

- (5) Where two or more burghs are united in pursuance of the foregoing provisions of this section, the Secretary of State may, by order, make provision for determining the number of councillors and magistrates to be elected for the united burgh, and, where it appears expedient, for the division of such burgh into wards and polling districts.
- (6) Where two or more burghs are united in pursuance of the foregoing provisions of this section, the whole functions of the councils of such burghs shall be transferred to and vest in the council of the united burgh, and the provisions of this Act relating to the transfer of and compensation to officers shall apply in like manner as they apply in the case of officers of parish councils.
- (7) There shall be combined for the purposes after mentioned—
 - (i) the county of Kinross with the county of Perth;
 - (ii) the county of Nairn with the county of Moray;
 and for those purposes the following provisions shall have effect:—
 - (a) The combination shall have effect for every purpose for which any small burgh is by virtue of this Act included within a county and for no other purpose;
 - (b) The members of the county councils (reconstituted in accordance with the provisions of this Act) of the two counties forming the combined county shall, for the purposes aforesaid, form a joint county council for the combined county, and the provisions of any Act with respect to county councils shall apply with any necessary modifications to the joint county council;
 - (c) For the purposes of this Act so far as relating to functions for which the combination shall have effect, the joint county council shall be the transferee authority instead of the county councils of the two counties, and any such functions vested at the commencement of this Act in either of the county councils of the two counties shall be transferred to and vest in the joint county council;
 - (d) The combined county and the joint county council shall be the county and the county council respectively for the purposes of the provisions of Part III of this Act relating to the county apportionment and the General, Additional and Supplementary Exchequer Grants and the separate counties and the county councils thereof shall be the counties and the county councils respectively for the purposes of the provisions of the said Part relating to the Landward General Exchequer Grants and the other provisions of the said Part shall have effect accordingly;
 - (e) The expenses of the joint county council, so far as requiring to be apportioned and allocated between the landward parts of the two separate counties, shall be so apportioned and allocated between the two county councils in like manner as expenses are apportioned and allocated for the purpose of ascertaining the contributions of small burghs to a county council, and the provisions of subsection (2) of section twenty-one of this Act shall, with the necessary modifications, apply to the sums so apportioned and allocated;
 - (f) Subject to the provisions of their administrative schemes, the joint county council may delegate any of their functions to the county council of either county as if such council were a committee of the joint county council.
- (8) This section shall come into operation—

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- (a) on the first day of October, nineteen hundred and twenty-nine, for the purpose of the election of town councillors of united burghs; and
- (b) on the fifth day of November, nineteen hundred and twenty-nine, so far as otherwise relating to burghs and so far as relating to counties for the purposes of sections twelve and fourteen of this Act.

11 Provisions as to combination of local authorities.

- (1) Any two or more local authorities may combine for any purpose in which they are jointly interested and that on such terms and conditions as may be agreed between them, and any such agreement may provide for the appointment of a joint committee of the authorities concerned.
- (2) It shall be lawful for the Central Department on the application of a local authority, if it shall appear to the Department that the combination of that authority with any other local authority or authorities for any purpose would be of public or local advantage, to make an order combining the areas of the local authorities or parts thereof for the purpose specified therein:

Provided that an order shall not be made under this subsection except after a local inquiry, unless all the local authorities concerned consent.

- (3) Any such order shall define the powers, rights, duties, liabilities and obligations of the local authorities and the mode of defraying the expenses of the combination and may provide for the appointment of a joint committee, for the transfer of any property or liabilities held or incurred by or on behalf of any of the authorities concerned for the purpose for which the combination shall have effect, and for any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order.
- (4) Where a district asylum or institution for mental defectives has been provided by a district board of control whose functions are by this Act transferred to two or more transferee authorities, or where it appears to the General Board of Control for Scotland to be necessary for the purpose of any statutory provision relating to a particular district board that there should be a combination of the two or more transferee authorities to which the functions of that district board are by this Act transferred, then, unless the transferee authorities, with the approval of the General Board of Control for Scotland, otherwise agree in the case where any such asylum or institution has been provided as aforesaid, such transferee authorities shall be deemed to have combined for the provision and maintenance of such asylum or institution or for the purpose of the said statutory provision, as the case may be, and that on such terms and conditions as the transferee authorities may agree and, failing agreement, as the General Board of Control for Scotland may by order determine.
- (5) Where any transferor authority is, as respects functions transferred by or under this Act, immediately before such transfer of functions takes effect included in a combination of local authorities, the combination shall be deemed to continue and the transferee authority shall be deemed to have entered into the combination, subject to the modification that, notwithstanding anything in any Act of Parliament or the agreement, order, or other document regulating the combination, the transferee authority may, with the consent of the Central Department, at any time before the expiration of two years after the transfer of functions takes effect, on giving not less than six months previous notice in writing to all the other local authorities included in the combination, withdraw from the combination on such terms and conditions as

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may be agreed upon between the authorities and, failing agreement, as the Central Department may by order determine.

- (6) In the case of any registration district which is not wholly within the area of any one local authority under the Registration of Births, Deaths and Marriages Acts or in the case of any churchyard which is not wholly within the area of one local authority under the Burial Grounds Acts, the local authorities concerned shall be deemed to have combined for the purposes of those Acts as respects the registration district or the churchyard, as the case may be, and that on such terms and conditions as the authorities concerned may agree and, failing agreement, as the Central Department may by order determine.
- (7) Where in any Act of Parliament, agreement, order or other document regulating a combination of local authorities reference is made to the gross annual or other valuation of the areas of the authorities concerned (whether for the purpose of defraying the expenses of the combination or otherwise) then, unless the Central Department on the application of any of the authorities otherwise determine for all or any of the purposes of the combination, the reference shall as respects the year beginning on the sixteenth day of May, nineteen hundred and thirty, and subsequent years, be construed as a reference to the rateable valuation of the areas of the authorities.
- (8) Notwithstanding anything in any order for combining local authorities for the provision of sanatoria and other institutions under subsection (3) of section sixty-four of the National Insurance Act, 1911, no small burgh shall be entitled to receive direct representation on any joint committee, joint board or other body thereby constituted, and the provisions of subsection (4) of section forty-one of the National Insurance Act, 1913, shall cease to have effect.
- (9) On the dissolution of any combination of local authorities, then, unless the authorities otherwise agree, the Central Department shall, except where they consider no provision necessary, make an order regulating the rights and liabilities of the local authorities concerned and containing such other provisions as are necessary or proper in the circumstances.
- (10) Nothing in this section shall authorise a combination of local authorities for any purpose in regard to which provision is made by any other Act for combination of local authorities whether by the appointment of a joint committee or by other provision for the joint exercise of powers, with the sanction of or on an order made by a Government department or the Electricity Commissioners,

12 Committees.

- (1) Each county council reconstituted in accordance with the provisions of this Act, and the town council of each burgh being a county of a city shall have a committee, to be known as the education committee, and to be constituted in accordance with a scheme made by the council and the provisions of subsection (1) (including the proviso thereto) and subsections (8), (9), and (10) of section fourteen of this Act shall, with the substitution of the Scottish Education Department for the Secretary of State and of the fifteenth day of January for the thirty-first day of March and any other necessary modifications apply to a scheme under this subsection. The Scottish Education Department before approving such a scheme shall require the council to publish the scheme in such manner as to make the same known to persons interested.

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- (2) Every such reconstituted county council shall appoint committees for the purposes of their functions relating to (a) police and (b) poor law, and any reference in any Act to the police committee shall be construed as a reference to the first-mentioned committee.
- (3) (a) Except where for the purpose of coordinating the services provided by the council it is otherwise specified in the appropriate administrative scheme, all matters relating to the exercise by a county council of their functions (other than functions relating to the raising of money by rate or loan) relating to (a) education, (b) police, and (c) poor law, shall stand referred to the appropriate committee, and all matters relating to the exercise by the town council of a burgh being a county of a city of their functions (other than as aforesaid) relating to education, shall stand referred to the education committee, and the county or town council, as the case may be, before exercising any such functions, shall, unless in their opinion the matter is urgent, receive and consider the report of the appropriate committee with respect to the matter in question.
- (b) All matters relating to the provision of instruction in religion in terms of section seven of the Education (Scotland) Act, 1918, shall stand referred to the education committee and the council, before exercising any function relating to such instruction shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question.
- (c) Save as otherwise provided in this section, the county or town council may also delegate to the appropriate committee with or without any restrictions or conditions as they think fit any of the aforesaid functions. Where a county or town council delegate to their education committee the power of dismissing a certificated teacher from their service, the provisions of subsection (1) of section twenty-four of the Education (Scotland) Act, 1918, shall apply with the substitution of the education committee for the education authority.
- (4) Every scheme constituting an education committee shall provide—
- (a) for the appointment by the county or town council of at least a majority of the committee from persons who are members of the council;
- (b) for the appointment by the council of persons of experience in education and of persons acquainted with the needs of the various kinds of schools in the area for which the council act, including—
- (i) in all cases at least two persons interested in the promotion of religious instruction in terms of section seven of the Education (Scotland) Act, 1918, to be nominated by a meeting of representatives of the churches or denominational bodies (other than those having a right to nominate as hereinafter in this paragraph provided for) having duly constituted charges or other regularly appointed places of worship within the area, and the scheme shall prescribe the constitution of the meeting and the manner of convening it; and
- (ii) in the case of a council maintaining any school transferred or established under section eighteen of the Education (Scotland) Act, 1918, to which school the conditions prescribed in subsection (3) of the said section continue to apply, at least one representative nominated by the church or denominational body by whom the teachers in the school are required to be approved as regards religious belief and character;

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- (c) for the inclusion of women as well as men among the members of the committee; and
 - (d) as respects the first education committee to be appointed, for the inclusion of one or more members of the outgoing education authority.
- (5) Any committee of a town council (other than an education committee or a school management committee under section three of the Education (Scotland) Act, 1918) which is appointed for the purpose of any function to which an administrative scheme under this Act applies, may to an extent not exceeding one-third of the members consist of persons (not being members of the council) who have special knowledge or experience in regard to the functions of the committee, and any committee appointed by a town council for the purposes of poor law within one year after the commencement of this Act, shall include one or more members of outgoing parish councils.
- (6) No county or town council shall delegate to any committee the power of raising money by rate or loan or of incurring capital expenditure.
- (7) Subject to any regulations or directions by the county or town council, any committee of the council appointed for the purpose of any function to which an administrative scheme under this Act applies may appoint sub-Committees and may delegate to such subcommittees any of the functions of the committee, and any such sub-committee may consist in part of persons not being members of the committee, but at least two-thirds of the members of any such sub-committee shall be members of the council:

Provided that—

- (i) a person who is not a member of the council or of the committee shall not be appointed to any sub-committee except with the consent of the council;
 - (ii) a sub-committee of the education committee of a council may consist, to an extent not exceeding one half, of persons who are not members of the council;
 - (iii) the education committee of a council shall not so delegate any function in regard to—
 - (a) the appointment, transfer, remuneration or dismissal of teachers; or
 - (b) the appointment of bursars or the exercise of the functions under section four of the Education (Scotland) Act, 1918; or
 - (c) the recognition, establishment or discontinuance of schools or of centres of advanced technical instruction; and
 - (iv) the provisions of this subsection requiring a minimum number of the members of a subcommittee to be members of the council shall not apply in the case of a sub-committee appointed by a school management committee.
- (8) Subsection (2) of section nine of the Act of 1889 (which relates to disqualification for being councillors) shall have effect as if any reference to the committee therein mentioned included a reference to any committee and to any sub-committee of the county council, and section thirteen of the Town Councils (Scotland) Act, 1900 (other than paragraphs (1) and (2) thereof), shall have effect as if references to the council and to a councillor respectively included references to any committee and any sub-committee of the town council and to a member of any such committee or sub-committee:

Provided that nothing in this subsection shall apply as regards the appointment of teachers to a school management committee in pursuance of section three of the Education (Scotland) Act, 1918.

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- (9) This section shall come into operation on the third day of December, nineteen hundred and twenty-nine.

13 Power of delegation by county councils.

- (1) A county council may on such terms and conditions as the councils concerned may agree appoint—
- (a) the town council of any small burgh within the county, or
 - (b) the district council of a district within the county, or
 - (c) a joint committee of such a town council and district council (of which joint committee the members of the county council for the burgh and district shall be members),

to act as the agents of the county council to carry out any function (other than a function relating to education or police) vested in the county council and exercisable within the small burgh or district or small burgh and district, as the case may be, so however that a function relating to any form of medical or surgical treatment shall not be so delegated except with the approval of the Central Department, and, subject to the terms of appointment, a council or committee so acting as agent may act through a committee or sub-committee thereof.

- (2) Any council so acting as agent or having representation on any such joint committee may contribute towards the expenses incurred by the council or committee in so acting as agent, and any such contribution by a town council may be defrayed out of such rate leviable by the council and payable by owners and occupiers in equal proportions as the council may determine.