



# Local Government (Scotland) Act 1929

## 1929 CHAPTER 25

### PART I

#### LOCAL GOVERNMENT ADMINISTRATION.

##### *District Councils.*

#### **25 Division of counties into districts and establishment of district councils.**

- (1) For the purposes of the provisions of this Act relating to district councils, the reconstituted county council of every county shall, on or before the first day of February, nineteen hundred and thirty, prepare and submit to the Secretary of State for his approval a scheme (in this section called a "district council scheme") dividing the landward part of the county into districts in such manner that each district shall comprise one or more electoral divisions, and the provisions of subsections (1), (8), (9) and (10) of section fourteen of this Act shall with the necessary modifications apply to schemes under this subsection and any new scheme altering the boundaries of a district may make provision for financial adjustments, and for doing anything which may be required or be expedient for the proper carrying into effect of the new scheme.
- (2) There shall be established for every district a district council which shall consist of the number of members specified in the district council scheme. The members of the county council for the electoral divisions within the district shall be ex-officio members of the district council, and the other members of the district council shall be elected for the electoral divisions within the district or for wards forming part thereof as may be provided in the scheme.
- (3) The first election of members of the district council shall take place on the eighth day of April, nineteen hundred and thirty, and the members so elected shall hold office until the next election of members, which shall take place on the first Tuesday of December, nineteen hundred and thirty-two.
- (4) For the purposes of the first election of members of district councils, the statutory provisions regulating the election of county councillors in landward parts of counties shall apply, subject to such modifications and adaptations as the Secretary of State

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may by order prescribe, and for the purposes of the second and subsequent elections of members of district councils the statutory provisions regulating the election of parish councillors in landward parishes and the landward parts of parishes (including the provisions of section eighteen of the Act of 1894) shall apply, subject to such modifications and adaptations as the Secretary of State may by order prescribe, and such orders shall provide that the expenses of elections of district councils shall be repaid to the county councils by the district councils.

- (5) In the case of each of the counties of Kinross and Nairn, the provisions of this section shall not apply unless the council of the county so determine, and, if the county council do not so determine, references in this Act to a district council and to the district of a district council shall be respectively construed as references to the county council and to the county : Provided that, where the county council shall, after the commencement of this Act, determine that the provisions of this section shall apply, the scheme shall make the like provision as in the case of a new scheme altering the boundaries of a district.

## **26 Provisions relating to district councils.**

- (1) Every district council shall be incorporated under the name of the district council of the district, and any deed or other document shall be deemed to have been duly executed by the district council if signed on their behalf by two members and the clerk.
- (2) Every district council shall appoint a clerk, who shall hold office during the pleasure of the council and be paid such reasonable salary as the council may think proper.
- (3) The provisions of the Act of 1894 applicable to parish councils with respect to meetings, conduct of business, quorum, filling of casual vacancies, the chairman of the council and of meetings, disqualification of councillors, appointment of committees, payments and receipts, budget and absence of councillors from meetings, shall, with the necessary modifications, apply to district councils and the members thereof, and the provisions of section thirty-one and subsection (2) of section thirty-eight of the said Act (which respectively relate to the use of schoolrooms and returns to the Secretary of State as to outstanding loans) shall, with the necessary modifications, apply in the case of district councils and the electors thereof as they apply in the case of parish councils and the parish electors.
- (4) The provisions of sections sixty-eight of the Act of 1889 (relating to the accounts of county councils) and the provisions of the Third Schedule to this Act (relating to the audit of accounts of county councils and town councils) shall, with the necessary modifications, apply in the case of district councils.
- (5) The special parish rate leviable under Part IV of the Act of 1894 shall after the commencement of this Act be termed the district council rate, and all expenses falling to be met by a district council, whether under Part IV of the Act of 1894 or otherwise, shall be defrayed out of the district council rate.
- (6) The limit on the district council rate shall be one shilling in the pound instead of sixpence in the pound, and subsection (1) of section twenty-seven of the Act of 1894 shall have effect accordingly.
- (7) Every district council shall annually ascertain the amount required for the purposes of their powers and duties under the Acts of Parliament administered by them and shall, on or before the fifteenth day of July in each year, certify to the county council the amount required to be provided for these purposes by the county council, and the

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county council shall, subject to the limit aforesaid, levy within the district a district council rate of such amount as is necessary to provide the amount specified in the certificate, and shall collect and recover the rate and from time to time, as they collect it and at such intervals as the county council and the district council may agree, and, failing agreement, as the Secretary of State may determine, pay over to the district council the amount collected up to the amount specified in the certificate and, so far as the amount specified in the certificate has not been paid over by that time, the county council shall annually on the first day of May pay over the balance to the district council, notwithstanding that it has not been collected, and may borrow for the purpose.

Any surplus relating to the district council rate in the hands of the county council which may arise in any one year shall be applied for the purposes of the ensuing year, and in like manner any deficiency which may occur in any year shall be included in the rate for the ensuing year.

- (8) A district council may make byelaws for preserving and regulating any recreation ground, common, bleaching green, open space, or other place of public resort or recreation within the district and not under the control of any other local authority and for regulating the use of the same and for ensuring good order in the use thereof, and the provisions of sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897 (which relate to byelaws made under that Act), shall apply to byelaws made under this subsection.
- (9) Section fifty-nine of the Burgh Police (Scotland) Act, 1903 (which relates to byelaws for commons, &c, beyond burgh boundaries), shall have effect with the substitution of a reference to the consent of the district council for any reference to the consent of the county council.