



# Local Government (Scotland) Act 1929

## 1929 CHAPTER 25

### PART I

#### LOCAL GOVERNMENT ADMINISTRATION.

##### *Miscellaneous.*

#### **27 Provision for treatment of sick persons.**

- (1) It shall be competent for the county council of a county or the town council of a large burgh to submit for the approval of the Department of Health a scheme for the reorganisation of the hospital faculties at the disposal of the council, with a view to the provision of treatment for sick persons residing within their area, and the Department before giving their approval shall have regard to any other facilities for treatment of any such sick persons, including those provided by any voluntary hospital or other institution.
- (2) It shall also be competent for any such council as aforesaid to make a representation to the Department of Health that the hospital facilities available are inadequate for the reasonable requirements of sick persons residing within their area, and to submit a scheme for the extension of such facilities, and the Department, before approving such scheme, shall satisfy themselves by inquiry that hospital accommodation at the disposal of the council, together with the accommodation provided by voluntary hospitals or other institutions, is not reasonably adequate for the needs of the inhabitants of the area, and that the council have taken reasonable steps to seek and to continue to secure full co-operation with every voluntary hospital, university, or medical school within or serving the area of the council.
- (3) The Department of Health may approve any scheme under this section either as submitted or with, such modifications and amendments as they may think proper.
- (4) Where a scheme, with or without modification or amendment, has been approved by the Department of Health, it shall be lawful for the county council or town council in accordance with the scheme as approved to provide, furnish, and maintain for

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the accommodation of sick persons residing within their area hospitals, temporary or permanent, and houses of reception for convalescents, and for that purpose to—

- (a) themselves supply such hospital or houses; or
  - (b) contract for the use of any such hospital or house; or
  - (c) enter into any agreement with any person having the management of any such hospital or house, or part thereof, on payment of such annual or other sum as may be agreed on; or
  - (d) utilise any hospital or house or other building belonging to them.
- (5) Two or more such councils as aforesaid may submit a scheme to the Department of Health for the provision by one of these councils of hospital facilities for the sick persons residing within the area of the other council or councils and, on the scheme being approved by the Department, each of the councils concerned shall have all powers necessary for carrying the scheme as approved into effect, provided that the provisions of subsection (2) of this section so far as relating to the approval of the Department shall apply with any necessary modification to any such scheme which involves the erection of additional accommodation.
- (6) For the purposes of this section, hospital facilities, so far as the same may be provided by a council, shall include arrangements with respect to the provision of treatment.
- (7) All statutory provisions relating to hospitals for infectious diseases shall, with the necessary modifications, apply to hospitals and other buildings provided under or in pursuance of this section, and any expenses incurred by a council under or in pursuance of this section shall be defrayed by the council in like manner as expenses under the Public Health (Scotland) Act, 1897.
- (8) A scheme made under this section may be revoked or varied by a subsequent scheme.

## **28 Recovery of expenses of treatment of sick.**

- (1) It shall be lawful for the county council of every county and the town council of every large burgh to recover from any person who has been maintained by them in any institution, (other than as an inmate of an institution for the purpose of receiving treatment for infectious disease), or from any person legally liable to maintain that person, a reasonable charge in respect of the expenses incurred by the council in the maintenance and treatment of that person, or, if the council are satisfied that the person from whom such charge is recoverable is unable, by reason of circumstances other than his own default, to pay the whole of such charge such part thereof, if any, as he is in the opinion of the council able to pay.
- (2) For the purpose of this section " institution " means any hospital, maternity home, or other residential institution.
- (3) Nothing in this section shall affect any right which a council may have under any enactment or otherwise to recover expenses other than the charge in respect thereof to which the foregoing provisions of this section apply.

## **29 Power of councils to expend money on public health propaganda.**

It shall be lawful for any county council or for the town council of a large burgh to incur expenditure in making contributions to the central council or committee of an organisation approved by the Department of Health which provides services of the

nature of publicity or educational propaganda for any purpose relating to public health, or in the provision by themselves of such services.

**30 Amendment as to disqualification for pensions under 9 & 10 Geo. 5. c. 102, and 15 & 16 Geo. 5. c. 70.**

- (1) A person who has become an inmate of any poor law institution for the purpose of obtaining medical or surgical treatment shall not, so long as he continues to require such treatment, be disqualified on the ground only that he is such an inmate, for receiving or continuing to receive an old age pension under the Old Age Pensions Acts, 1908 to 1924, or under the Widows', Orphans', and Old Age Contributory Pensions Act, 1925, and accordingly subsection (1) of section three of the Old Age Pensions Act, 1919, and paragraph one of the Third Schedule to the Widows', Orphans', and Old Age Contributory Pensions Act, 1925, shall have effect as if the words " during a period of three months " from the date on which he became such an inmate " if he," were omitted therefrom, and as if after the words " so long, " there were inserted the words " as he. "
- (2) This section shall come into operation on the first day of April, nineteen hundred and thirty.

**31 Religious instruction in schools.**

- (1) It shall not be lawful for a county council or for the town council of a burgh being a county of a city to discontinue the provision of instruction in religion in terms of section seven of the Education (Scotland) Act, 1918, unless and until a resolution in favour of such discontinuance duly passed by the council has been submitted to a poll of the local government electors for the county or burgh taken for the purpose, and has been approved by a majority of electors voting thereat.
- (2) A poll under the foregoing subsection shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

**32 Settlement and irremovability.**

- (1) The settlement of a person shall, instead of being ascertained by reference to a parish as under the existing law, be ascertained by reference to a county or large burgh.
- (2) In the case of a parish which is situated within the areas of two or more transferee authorities, a person shall be deemed to have a settlement in the area of that transferee authority within which the portion of the parish from which his settlement is derived is situated, and where the settlement of a person within a parish is derived partly from residence in a part of the parish within the area of one transferee authority and partly from residence in a part of the parish within the area of another transferee authority, the area of the transferee authority within which the person resided at the time he acquired a settlement by residence in the parish shall be deemed to be the area within which he has his settlement.
- (3) The foregoing provisions of this section shall, with the necessary modifications, apply as respects the status of irremovability under the Poor Law Acts as they apply as respects settlement.

### **33 Provisions as to special districts.**

- (1) Where it appears to a county council that the financial burden imposed or likely to be imposed upon a special district within the county is more than it can reasonably be expected to bear unaided, the county council may agree to contribute towards the expenses of the special district such sum as appears to them equitable, and such contribution so far as defrayed out of rates shall be defrayed out of the public health general assessment so far as leviable within the landward part of the county, notwithstanding any statutory provision whereby a special district shall not be liable to assessment for the expenses of supplying to any other part of the county the service for the purposes of which the district was constituted.
- (2) Where provision is made by any enactment for a local authority taking steps for the purpose of forming a special district or otherwise upon receiving a requisition, the authority may, on passing a resolution to that effect, proceed as if they had received a requisition for the purpose, and the enactment relating to the requisition shall have effect subject to the necessary modifications.

### **34 Provisions for failure of local authorities with respect to water supply, & c.**

- (1) Where the Department of Health after a local inquiry are satisfied that the local authority of any area (in this section referred to as the " defaulting authority") have failed to discharge their functions with respect to the provision of a water supply, or of sewers or drains, or with respect to housing, or have failed to discharge any other functions relating to public health, the Department may by order authorise any other local authority to discharge, for such period as the order may prescribe, the functions of the defaulting local authority which that authority have failed to discharge, and any expenses incurred by the other authority in so doing shall be a debt due by the defaulting authority to the other authority:

Provided that the defaulting local authority may appeal to the Department against any excessive and unreasonable expenditure of the other authority, and the Department if satisfied that there has been excessive and unreasonable expenditure may reduce the sum payable by the defaulting authority to the other authority by such amount as they think proper.

- (2) Any sum payable by the defaulting authority to the other authority under this section in respect of expenses shall be defrayed by the defaulting authority in like manner as if the expenses had been incurred by that authority.
- (3) Any expenses incurred by the other authority under this section shall be defrayed in such manner as the order may prescribe.

### **35 Medical officers of health and sanitary inspectors.**

- (1) On any vacancy arising after the commencement of this Act in the post of medical officer of health being the officer of the town council of a small burgh then, unless in any particular case the Department of Health otherwise agree, the medical officer of health being the officer of the county council of the county within which the burgh is situate, shall be appointed to the post, and the town council of such burgh shall pay to the county council such proportion of the salary and expenses of such officer as the county council and the town council may agree, and, failing agreement, as may be determined by the Department.

- (2) Except with the sanction of the Department of Health, no person shall, after the commencement of this Act, be appointed sanitary inspector of a county or burgh unless he possesses such qualifications as may be prescribed by the Department of Health.

**36 Provision for increase of town councillors in large burghs.**

- (1) The provisions of the Town Councils (Scotland) Act, 1900, with regard to the alteration of the number of magistrates and councillors in burghs and to the number of councillors in each ward, and to the division or redivision into wards shall cease to have effect as regards any large burgh, and it shall be lawful for the Secretary of State on the representation of the town council of any large burgh by order to determine or alter the number of councillors and magistrates of the burgh, or the number and boundaries of the wards into which the burgh is divided, or the number of councillors to be elected for each ward, and to apportion the existing councillors or any increased or decreased number of councillors among the wards, and where under any such order the number of councillors for any ward is a number other than three or a multiple of three the order shall make such modification of the provisions of the said Act of 1900 with regard to the retirement of councillors as may be necessary to make these provisions conform to the order.
- (2) A reference in the foregoing subsection to any provision in the Town Councils (Scotland) Act, 1900, shall be deemed to include a reference to any corresponding provision in a local Act.
- (3) The number of councillors and magistrates to be elected in each large burgh and the number and boundaries of wards into which any such burgh is divided shall, unless and until determined or altered under the foregoing provisions of this section remain the same as under the law existing at the passing of this Act.
- (4) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

**37 Provision as to alteration of register of electors where electoral divisions or wards are altered.**

- (1) Where any order made under this Act determining or altering the boundaries of electoral divisions in a county or of wards in a burgh, or dividing a burgh into wards or where a scheme providing for the election of district councillors for wards of electoral divisions involves an alteration of the area of any registration unit within the meaning of the Representation of the People Acts the Secretary of State may by order make such provision as may be necessary with regard to the register of electors to be used at any election of county, town or district councillors for any electoral division or ward affected by such alteration in the area of the registration unit.
- (2) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

**38 Reports and returns.**

The council of every county or burgh or district and every joint committee or joint board appointed by two or more such councils as aforesaid shall make to the Central Department such reports and returns and give them such information with respect to their functions as the Central Department may require.

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**39 Repeal of 5 Edw. 7. c. 18.**

The Unemployed Workmen Act, 1905, in so far as it relates to Scotland, shall be repealed, but the Department of Health may, on the repeal taking effect, make such orders as were by section eight of that Act authorised to be made on the expiration of the period for which it was to continue in force, and any such order may provide for applying, subject to the necessary adaptations, to officers appointed, under the said Act, any of the provisions of this Act as to the transfer of and compensation to officers.

**40 Power of local authorities to appropriate property.**

A local authority may, on such terms and conditions as may be determined by them, appropriate for any statutory purpose property vested in them for any other statutory purpose: Provided that in the case of lands and heritages such appropriation may be made only with the consent of the Secretary of State.

**41 Amendment of the Public Libraries Acts.**

- (1) The Public Libraries Acts shall not be adopted in a landward parish or the landward part of a parish except with the sanction of the county council.
- (2) Every estimate of sums required by a committee under the Public Libraries Acts shall be subject to the approval of the town council or county council as the case may be.

**42 Provision as to inquiries.**

- (1) The provisions of section ninety-three of the Act of 1889 (relating to local inquiries, &c.) shall apply to any inquiry under this Act or which a Central Department considers necessary or proper for the purposes of this Act subject to the following and any other necessary modifications—
  - (a) references to the Secretary of State shall be construed as references to the Central Department;
  - (b) " five guineas " shall be substituted for " three guineas."
- (2) This section shall come into operation on the first day of October, nineteen hundred and twenty-nine.

**43 County clerk depute.**

A county clerk may appoint one or more persons approved by the comity council to act as his depute or deposes, and all things required or authorised by law to be done by or to the county clerk may be done by or to any depute county clerk so appointed.