



Local Government (Scotland) Act 1929

1929 CHAPTER 25

PART I

LOCAL GOVERNMENT ADMINISTRATION.

Transfer of Functions.

1 Transfer of functions of parish councils and district boards of control.

- (1) Subject to the provisions of this Act, all the functions of each parish council (except the functions by this section transferred to a district council) and all the functions of each district board of control shall be transferred to and vest in—
- the county council of the county as re-constituted in accordance with the provisions hereinafter contained, so far as the functions relate to the county (including the small burghs therein) or a portion thereof; and
 - the town council of the large burgh so far as the functions relate to the large burgh or a portion thereof:

Provided that any functions of a parish council exercisable in respect of a small burgh under the Burial Grounds Acts and the Cremation Act, 1902, and any functions of a parish council with respect to a churchyard so far as within a small burgh vested in the council in pursuance of subsection (6) of section thirty of the Act of 1894 or section thirty-two of the Church of Scotland (Property and Endowments) Act, 1925, shall be transferred to and vest in the town council of the said burgh.

- (2) Subject to the provisions of this Act, all the functions of the parish council of each landward parish and of each parish containing a landward part, so far as relating to the landward part—
- under Part IV of the Act of 1894;
 - under Part V (other than subsection (6) of section thirty) of the said Act (except in the case of parish trusts so far as relating to the poor or to churchyards or to burial grounds);
 - under the Allotments Acts;

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- (d) under section seventy-nine of the Licensing (Scotland) Act, 1903; and
- (e) under section forty-nine of the Post Office Act, 1908;

shall be transferred to and vest in the district council (constituted as hereinafter provided) for the district so far as the functions relate to the district, and any statutory provision empowering a parish council to which, this subsection applies to make a representation shall be construed as empowering the district council of the district to which the representation relates to make the representation.

2 Transfer of functions to county councils.

- (1) Subject to the provisions of this Act, there shall be transferred to and vest in the county council of the county—
 - (a) all the functions of the district committees of the districts within the county;
 - (b) the functions of town councils of small burghs within the county as local authorities for the purposes of the statutory provisions set out in Part I of the First Schedule to this Act;
 - (c) the functions of the town councils of small burghs within the county as highway authorities so far as relating to classified roads;
 - (d) all the functions of the commissioners of supply of the county;
 - (e) the functions of the town council of any burgh under the Burial Grounds Acts and the Cremation Act, 1902, exercisable in respect of any area outwith the burgh and within the county or with respect to any churchyard so far as situate outwith the burgh and within the county vested in the council in pursuance of section thirty-two of the Church of Scotland (Property and Endowments) Act, 1925;
 - (f) the functions of the town council of any large burgh under the Registration of Births, Deaths, and Marriages Acts so far as relating to any area outwith the burgh and within the county.
- (2) It shall be lawful for the Secretary of State by order to transfer to the county council of a county the functions of the town councils of the small burghs within the county as local authorities for the purposes of any statutory provisions (other than those set out in Part I of the First Schedule to this Act) relating to the matters specified in Part II of the said Schedule.
- (3) Where after the commencement of this Act any road vested in the town council of a small burgh becomes a classified road, the road shall thereupon become vested in the county council of the county in which the burgh is situate and the whole functions of the town council as highway authority so far as relating to the said road shall be transferred to and vest in the county council, and the Secretary of State shall by order make any provision which may seem to him necessary for the equitable adjustment of any liabilities of the town council relating to the road.
- (4) The county council may without prejudice to any provision of the Income Tax Act, 1918, exercise the power of appointing general commissioners transferred as aforesaid from the commissioners of supply, at any general meeting of the council the notice of which meeting has specified the appointment as an item of business.

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3 Transfer of functions of education authorities and of functions relating to police and registration of electors.

- (1) The town council of a burgh being a county of a city shall be the education authority for the purposes of the Education (Scotland) Acts, 1872 to 1928, for that burgh, and the county council of a county shall be the education authority for the purposes of the said Acts for that county, including any burgh other than a county of a city situate therein, and the whole functions of education authorities shall be transferred to and vest in such town and county councils, and any reference in any Act to an education area shall be construed accordingly.
- (2) Section five of the Act of 1926 (which contains provisions as to the education rate) shall cease to have effect and every such council as aforesaid shall annually ascertain the amount of the deficiency in the education fund of their area and such deficiency, so far as required to be defrayed out of rates, shall be defrayed out of a rate to be levied for the purpose in accordance with the provisions of this Act.
- (3) Section seventy-eight of the Burgh Police (Scotland) Act, 1892 (which relates to the appointment of a chief constable and of constables), shall not apply except to—
 - (a) a large burgh which at the date of the passing of this Act maintains a separate police force; or
 - (b) a burgh with respect to which it shall at any time be proved in accordance with the said section that it has a population of not less than fifty thousand;and every burgh other than as aforesaid shall be supplied with constables by the county in which it is situate under the provisions of the Act of 1889, and shall cease to maintain or to be entitled to maintain a separate police force : Provided that this subsection shall not apply as regards any county or any burgh situate therein so long as the Police (Scotland) Act, 1857, does not apply to that county.
- (4) Where in pursuance of the foregoing subsection a burgh ceases to maintain a separate police force, the provisions of this Act with regard to transfer of property and liabilities and with regard to transfer of, and compensation to, officers shall apply in like manner as they apply on any transfer of functions from one authority to another.
- (5) Any agreement for the consolidation under the Police (Scotland) Act, 1857, of the police force of any burgh which under this section ceases to be entitled to maintain a separate police force, and the police force of the county, shall cease to have effect.
- (6) The division of any county into police districts under section fifty-eight of the said Act of 1857 shall cease to exist, and that section and sections fifty-nine and sixty of the said Act shall cease to have effect.
- (7) Paragraph (8) of section forty-three of the Representation of the People Act, 1918 (which relates to registration officers and areas) shall have effect as if references to large burghs were substituted for references to the burghs therein mentioned, and where in pursuance of this provision any burgh ceases to be a registration area the functions of the council of that burgh as regards registration shall for the purposes of this Act be deemed to be transferred by this Act to the county council, and where in pursuance of this provision any large burgh becomes a registration area the functions of the county council as regards registration in so far as relating to that burgh shall for the purposes of this Act be deemed to be transferred by this Act to the town council of the burgh.

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4 Transfer of functions from county councils to town councils of large burghs.

Subject to the provisions of this Act, the functions of a county council as local authority for the purposes of the Valuation Acts so far as relating to any large burgh shall be transferred to and vest in the town council of that burgh.

5 Provisions relating to or consequential on transfers of functions.

- (1) The transitory provisions contained in the First Schedule to the Scottish Board of Health Act, 1919, shall apply with the necessary modifications in connection with the transfer of functions from one local authority to another by or under this Act and references in any Act of Parliament, deed, regulation or other document to members or to officers of a local authority from whom functions are transferred by or under this Act shall, so far only as necessary for the purpose of such transfer, be construed as references to members or to officers of the local authority to which the functions are so transferred.
- (2) Any reference to the chairman or other member of a parish council in the constitution of any trust or other body whether corporate or not (except where the trust relates to a function transferred by this Act to a district council) shall be construed as a reference to a member appointed by the county council or the town council of the large burgh to which functions of the parish council are transferred by this Act, and where functions of a parish council are transferred to two or more such councils then any such reference to the chairman or other member of the parish council shall be construed as a reference to a member appointed by such of the councils concerned as the councils may agree, or failing agreement, as the Department of Health may determine. In the case of any trust relating to a function transferred to a district council the foregoing provisions shall apply with the substitution of district councils for county councils and other necessary modifications.
- (3) Where in the constitution of any trust or other body whether corporate or not, provision is made for the appointment as trustees or members of the governing body of one or more members of a district board of control whose functions are by this Act transferred to two or more transferee authorities, the General Board of Control for Scotland may, after consultation with the trustees or governing body, by order provide for the transferee authorities concerned jointly or a joint committee thereof or for the transferee authorities severally nominating trustees or members of the governing body in place of the members of the district board of control, and the constitution of the trust or other body shall have effect subject to the provisions of any such order.
- (4) The statutory provisions regulating the election, appointment and constitution of district boards of control, district committees, education authorities and parish councils or relating to the qualification or constitution of commissioners of supply shall cease to have effect except in so far as the provisions regulating the election of parish councils are by this Act applied to district councils, and the members of the said boards, committees, authorities and parish councils shall cease to hold office.
- (5) The standing joint committee of the county council and the commissioners of supply shall be dissolved, and section eighteen of the Act of 1889 shall cease to have effect.
- (6) On the dissolution of the standing joint committee in pursuance of the foregoing subsection, the whole functions of that committee as the police authority for the county shall be transferred to and vest in the county council, and any reference in any Act to the standing joint committee or to the police authority shall be construed accordingly.

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- (7) Section sixty-seven of the Act of 1889 (which relates to borrowing by a county council) shall have effect as if the references to the consent of the standing joint committee were omitted therefrom, so however that nothing in this section shall require any consent not required if the consent of the said committee were obtained.
- (8) Any provision in any Act of Parliament, deed, regulation or other document whereby only persons who are, or are qualified to be, commissioners of supply shall be eligible for appointment to any office shall have effect as if such limitation were omitted.