



Local Government (Scotland) Act 1929

1929 CHAPTER 25

PART IV

GENERAL.

76 Orders.

- (1) The Secretary of State may by order make any adaptations or modifications of the provisions of any Act necessary to bring those provisions into conformity with the provisions of this Act.
- (2) Every order made under the foregoing subsection shall come into operation upon the date specified therein in that behalf, and shall be laid before Parliament as soon as may be after it is made, and such order shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation unless prior to the expiration of that period it has been approved by a resolution passed by each House of Parliament:

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

- (3) An order under the foregoing provisions of this section shall not be made after the thirty-first day of December, nineteen hundred and thirty.
- (4) The Secretary of State may by order make such adaptations in the provisions of any local Act as may seem to him to be necessary in order to make those provisions conform with the provisions of this Act or in order to make an equitable adjustment or apportionment of any expenditure or payment under the local Act consequent on the carrying into effect of the provisions of this Act.
- (5) Every order made under the immediately preceding subsection of this section or under subsection (2) of section two or subsection (2) of section seventy-one of this Act shall be laid before both Houses of Parliament forthwith, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat, after any such order is laid before it, praying that

the order may be annulled, it shall henceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new order.

- (6) Any order made under this Act may be revoked or altered by a subsequent order.
- (7) This section shall come into operation on the sixteenth day of May, nineteen hundred and twenty-nine..

77 Interpretation.

(1) In this Act, unless the context otherwise requires—

" Act of 1889 " means the Local Government (Scotland) Act, 1889

" Act of 1894 " means the Local Government (Scotland) Act, 1894:

" Act of 1926 " means the Rating (Scotland) Act, 1926:

" Agricultural Lands and Heritages, " " Industrial Lands and Heritages, " " Freight Transport Lands and Heritages, " " Industrial Purposes " and " Freight Transport Purposes " have the meanings respectively assigned to them in the Rating and Valuation (Apportionment) Act, 1928:

" Allotments Acts " means the Allotments (Scotland) Acts, 1892 to 1926 :

" Burial Grounds Acts " means the Burial Grounds (Scotland) Act, 1855, and the Acts amending that Act, including this Act:

" Central Department " means—

- (a) as respects poor law, public health, medical inspection and treatment of school children, and any other matter under the general supervision of the Department of Health, the said Department;
- (b) as respects education (other than medical inspection and treatment of school children) the Scottish Education Department;
- (c) as respects lunacy and mental deficiency, the General Board of Control for Scotland;
- (d) as respects registration of births, deaths and marriages, the Registrar-General for Scotland;
- (e) as respects roads, the Minister of Transport; and
- (f) as respects all other matters, the Secretary of State:

" Classified Road " means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II, or in any class declared by him to be not inferior to those classes for the purposes of this Act:

" Department of Health " means the Department of Health for Scotland :

" Functions " includes powers and duties:

" Gross Annual Valuation " has the meaning assigned to. it in the Act of 1926:

" Landward " in relation to a county or parish means the county or parish excluding any burghs :

" Large Burgh " means a burgh containing a population of twenty thousand or upwards, and includes the burgh of Arbroath :

" Local Act " includes a Provisional Order confirmed by Act of Parliament:

" Local Authority " has the meaning assigned to it in the Local Authorities Loans (Scotland) Act, 1891:

" Officer " includes servant and a member of a police force:

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

" Parish Council " includes any landward committee thereof and two or more parish councils acting in combination:

" Parish Trust " means any trust (other than an ecclesiastical charity or educational endowment within the meaning of the Educational Endowments (Scotland) Act, 1882) the property of which is held wholly or mainly for the benefit of the inhabitants of a parish or any of them as such inhabitants or for any public purpose connected with a parish :

" Poor Law Acts " means the Poor Law (Scotland) Act, 1845, and the Acts amending that Act, including this Act :

" Property " and " liabilities " have the same meaning as in the Local Government (Scotland) Act, 1889:

" Public Libraries Acts " means the Public Libraries (Scotland) Acts, 1887 to 1920:

" Rateable Value " and " Rateable Valuation " have the meaning respectively assigned to them in the Act of 1926 as amended by the Rating and Valuation (Apportionment) Act, 1928, and Part II of this Act :

" Rate " includes water rate, but does not include the fishery assessment levied under the Salmon Fisheries "(Scotland) Act, 1862, and the Acts amending that Act or under any corresponding provisions of a local Act:

" Rating Authority " means, as respects the landward part of a county, the county council, and, as respects a burgh, the town council and " Rating Area" shall be construed accordingly :

" Registration of Births, Deaths and Marriages Acts " means the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1910, and any Acts amending those Acts, including this Act:

" Small Burgh " means any burgh other than a large burgh:

" Superannuation fund " means any superannuation fund or scheme or other fund or scheme for ensuring benefits to an officer on retirement:

" Valuation Acts " means the Lands Valuation (Scotland) Act, 1854, and the enactments amending that Act including this Act:

" Water rate " (except in the section of this Act relating to consolidated rate) does not include a rate levied as a domestic water rate.

- (2) Any reference in this section to the population of a burgh shall be deemed to be a reference to the population within the police boundaries thereof according to the census of nineteen hundred and twenty-one unless it shall be established to the satisfaction of the Secretary of State within thirty days after the passing of this Act that in the case of any burgh it has a larger population as at the passing of this Act; and in any such case such reference shall be taken to be the larger population so established.
- (3) Where the county council exercise any function within a burgh, the burgh shall for the purpose of such function be deemed to be included within the county.
- (4) Unless the context otherwise requires, any reference in this Act to any statutory provision shall be construed as a reference to the statutory provision as amended or extended or applied by any subsequent Act, including this Act.
- (5) Unless the context otherwise requires, references to any parish, burgh or other district in any statutory provision relating to any function by or under this Act transferred shall, so far as relating to the transferred function, be construed as references to the area of the transferee authority:

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

Provided that nothing in this subsection shall apply to references to a parish

- (a) in Part V of the Act of 1894 as respects parish trusts; or
 - (b) in the provisions of the Public Libraries Acts, except those relating to the defraying of expenses incurred under the said Acts.
- (6) Nothing in this Act shall be deemed to affect the parish, burgh or other registration district for which a registrar is required to be appointed under the Registration of Births, Deaths and Marriages Acts or the provisions of those Acts with respect to registration districts.
- (7) Save as herein expressly otherwise provided, nothing in this Act with respect to the transfer of functions relating to police or to any other service shall be deemed to involve the transfer of the functions under any Act passed before this Act where the local authority under that Act is ascertained by reference to burghs which have or are entitled to have a separate police force or to provide such other service.
- (8) The provisions of the Valuation Acts relating to counties and burghs shall respectively apply to county councils and town councils of large burghs exercising by virtue of this Act the functions under the said Acts.

78 Declaration of intention as to future increases of local expenditure.

It is hereby declared that it is the intention of this Act that, in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new public health or other service after the commencement of this Act, provision should be made for increased contributions out of moneys provided by Parliament.

79 Repeals.

- (1) The enactments mentioned in the Ninth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule; provided that such of the said enactments as relate to the accounts and the audit of the accounts of local authorities shall continue to have effect for such period as may be necessary after the commencement of this Act for the purposes of the making up, balancing and audit of the accounts of those authorities for the year ending on the fifteenth day of May, nineteen hundred and thirty, and for any previous year.
- (2) Where provision is made by any Act for dividing a county into districts for the purposes thereof, any provisions restricting the districts for the purposes of such Act to or by reference to the districts under the Act of 1889 shall cease to have effect.

80 Citation and commencement.

- (1) This Act may be cited as the Local Government (Scotland) Act, 1929.
- (2) Save as otherwise expressly provided, this Act shall come into operation on the sixteenth day of May, nineteen hundred and thirty.