



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART VI

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Miscellaneous

83 Power of local authorities to incur expenditure for certain purposes not otherwise authorised.

- (1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment.
- (2) It is hereby declared that [^{F1}, subject to subsection (3A) below,] the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority's functions.
- [^{F2}(2A) Without prejudice to the generality of subsection (1) above, the power of a local authority to incur expenditure under that subsection includes power to incur expenditure in giving financial assistance to persons carrying on commercial or industrial undertakings.
- (2B) Financial assistance under subsection (2A) above may be given by lending or guarantee, or by making grants.]
- [^{F3}(2C) A local authority may incur expenditure under subsection (1) above on publicity only by way of assistance to a public body or voluntary organisation where the publicity is incidental to the main purpose for which the assistance is given; but the following provisions of this section apply to expenditure incurred by a local authority under section 88 below on information as to the services provided by them under this section,

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or otherwise relating to their functions under this section, as they apply to expenditure incurred under this section.

(2D) In subsection (2C) above—

“publicity” means any communication, in whatever form, addressed to the public at large or to a section of the public; and

“voluntary organisation” means a body which is not a public body but whose activities are carried on otherwise than for profit.]

(3) A local authority may, subject as aforesaid, incur expenditure on contributions to any of the following funds, that is to say—

- (a) the funds of any charitable body in furtherance of its work in the United Kingdom; or
- (b) the funds of any body which provides any public service in the United Kingdom otherwise than for the purposes of gain; or
- (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by a chairman of a regional, islands or district council, a chairman of a community council, a lord-lieutenant or by a body of which any of these persons is a member [^{F4}or by such a person or body as is referred to in section 137(3)(c) of the Local Government Act 1972].

[^{F5}(3A) Where one of any two local authorities is a regional council and the other a district council, neither authority shall under the foregoing provisions of this section—

- (a) incur; or
- (b) unless invited to do so by the other authority, contribute towards defraying, expenditure which the other authority are, either unconditionally or subject to any limitation or to the satisfaction of any condition, expressly authorised (or required) to incur by or by virtue of any enactment other than this section.]

(4) The expenditure of a local authority under this section in any financial year shall not exceed the product of a rate of 2p in the pound for their area for [^{F6}the financial year 1988-89] or, if some other amount, whether higher or lower, is fixed by an order made by the Secretary of State, shall not exceed the product of a rate of that amount in the pound for their area for [^{F6}the financial year 1988-89].

[^{F7}(4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B) The amounts mentioned in subsection (4A) above are—

- (a) any grant paid to the local authority for that year under the ^{M1}Local Government Grants (Social Need) Act 1969, in so far as the grant is in respect of an activity in relation to which the authority have incurred expenditure in that year under this section;
- (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year;
- (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by their section to incur expenditure;
- (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community,

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- in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section;
- (e) the amount of any repayment in that year of a loan under this section made by the authority in any year; and
- (f) the amount of any expenditure—
- (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State; or
 - (ii) which is incurred by the authority in that year and is of a description so specified; or
 - (iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.]
- (5) A statutory instrument containing an order under [^{F8}this section] may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.
- (6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F9}(7) The accounts kept under section 96 of this Act by a local authority shall include a separate account of any expenditure incurred by the authority under this section.]

Textual Amendments

- F1** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 6\(a\)](#)
- F2** [S. 83\(2A\), \(2B\)](#) inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 50\(a\)](#)
- F3** [S. 83\(2C\)\(2D\)](#) inserted by [Local Government Act 1986 \(c. 10, SIF 81:1\), ss. 3\(3\), 6](#)
- F4** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\), s. 36\(9\)](#)
- F5** [S. 83\(3A\)](#) inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 6\(b\)](#)
- F6** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 103:2\), s. 6, Sch. 1 Pt. III para. 27](#)
- F7** [S. 83\(4A\), \(4B\)](#) inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 50\(b\)](#)
- F8** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 50\(c\)](#)
- F9** [S. 83\(7\)](#) inserted by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\), s. 9](#)

Modifications etc. (not altering text)

- C1** [S. 83](#) amended by [Local Authorities \(Expenditure Powers\) Act 1983 \(c. 52\), s. 1\(1\)\(b\)](#)
- C2** [S. 83](#) amended by [Local Authorities \(Expenditure Powers\) Act 1983 \(c. 52, SIF 81:2\), s. 1\(1\)\(b\)](#)

Marginal Citations

- M1** [1969 c. 2.](#)

84 Powers of local authorities with respect to emergencies or disasters.

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a local authority are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the authority may—
- (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to

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- avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
- (b) make grants or loans to other persons or bodies on conditions determined by the authority in respect of any such action taken by those persons or bodies.
- (2) Where a local authority take any such action as aforesaid which will involve their incurring expenditure or make any such grant or loan, they shall as soon as practicable notify the Secretary of State of the action they have taken or of any grant or loan they have made, and the Secretary of State may direct them to cease taking that action or to take it only to such extent as he may specify in the direction or not to make any further grant or loan or to make one not exceeding such amount as he may specify.
- (3) The power conferred by subsection (1)
- above shall be in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.
- (4) In this section, “local authority” includes an existing local authority.

85 Acceptance of gifts of property.

A local authority may accept, hold and administer—

- (a) for the purpose of discharging any of their functions, gifts of property, whether heritable or moveable, made for that purpose; or
- (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose;

and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Modifications etc. (not altering text)

C3 S. 85 applied (*temp.* from 6.4.1995 until 1.4.1996) by S.I. 1995/789, art. 2, Sch. para. 3

86 Insurance by local authorities against accidents to members.

- (1) A local authority may enter into a contract with any person whereby, in consideration of payments by the authority by way of premium or otherwise, that person undertakes to pay to the authority such sums as may be provided in the contract in the event of any member of the authority meeting with a personal accident, whether fatal or not, while he is engaged on the business of the authority.
- (2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member concerned.
- (3) The provisions of the ^{M2}Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed for the purposes of [^{F10}the ^{M3}Insurance Companies Act 1982] to be a policy of insurance upon the happening of personal accidents.
- (4) In this section, the expression “member of the authority” includes a member of a committee or sub-committee of the authority who is not a member of that authority.

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Textual Amendments

F10 Words substituted by virtue [Insurance Companies Act 1982 \(c. 50\)](#), [Sch. 4 para. 22](#)

Modifications etc. (not altering text)

C4 [S. 86](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)
[S. 86](#) applied (with modifications) (1.4.1996) by [S.I. 1995/3026](#), [arts. 1\(2\)](#), 14

Marginal Citations

M2 [1774 c. 48](#).
M3 [1982 c. 50](#).

87 Research and the collection of information.

- (1) A council may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning their area or any part thereof and may make, or assist in the making of arrangements whereby any such information and the results of any such investigation are made available to any other local authority in the area, any government department or the public.
- (2) The appropriate Minister with respect to any matter may require a council to provide him with any information with respect to that matter which is in the possession of, or available to, that council or any other local authority in the area of the council in consequence of the exercise of any power conferred by or under any enactment; and where such requirement is made in respect of any information which is in the possession of, or available to, any other local authority in the area, but not the council, the council may require that other authority to furnish them with that information.
- (3) In this section “council” means a regional or islands council.

Modifications etc. (not altering text)

C5 [S. 87](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)

88 Provision of information, etc., relating to matters affecting local government.

- (1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities [^{F11}mentioned in subsection (1B) below] or by government departments, or by charities and other voluntary organisations, and other information [^{F12}relating to the functions of the authority].
- [^{F13}(1A) A local authority may arrange for the publication within their area of information as to the services available in the area provided by them or by other authorities mentioned in subsection (1B) below.]
- [^{F14}(1B) The other authorities referred to above are any other local authority and any authority, board or committee which discharges functions which would otherwise fall to be discharged by two or more local authorities.]

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(2) A local authority may—

- (a) arrange for the publication within their area of information [^{F15}relating to the functions of the authority]; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters; and
- (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters; and
- (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

Textual Amendments

- F11** Words inserted by [Local Government Act 1986 \(c. 10, SIF 81:1\)](#), [ss. 3\(1\)\(a\)](#), 6
- F12** Words substituted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), [Pt. II ss. 3\(1\)\(a\)](#), 6
- F13** [S. 88\(1A\)](#) inserted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), [ss. 3\(1\)\(b\)](#), 6
- F14** [S. 88\(1B\)](#) inserted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), [ss. 3\(2\)](#), 6
- F15** Words substituted by [Local Government Act 1986 \(c. 10, SIF 81:1, 2\)](#), [ss. 3\(1\)\(c\)](#), 6

Modifications etc. (not altering text)

- C6** [S. 88](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)

89 Subscriptions to local government associations.

A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—

- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
- (b) of any association of officers or members of local authorities which was so formed.

Modifications etc. (not altering text)

- C7** [S. 89](#) applied (*temp.* from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 3](#)

90 Power to encourage visitors and provide conference and other facilities.

(1) [^{F16}An islands or district council] may (either alone or jointly with any other person or body)—

- (a) encourage persons, by advertisement or otherwise [^{F17}(and whether inside or outside the United Kingdom),] to visit their area for recreation, for health purposes or to hold conferences, trade fairs and exhibitions in their area; and
- (b) provide, or encourage any other person or body to provide, facilities for recreation, conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.

[^{F18}Provided that any power under this subsection to do anything outside the United Kingdom shall be exercisable only with the express or general consent of the Secretary

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of State or with the express consent of such body as he may direct the islands or district council to consult.]

[^{F19}(2) Without prejudice to subsection (1)

above, an islands or district council may contribute towards expenses incurred by any person in his doing (or body in their doing) anything mentioned in paragraph (a) or (b) of that subsection:

Provided that where such thing is done by the person (or body) outwith the United Kingdom the power conferred by the foregoing provision of this subsection shall be exercisable only with such consent as is mentioned in the proviso to that subsection.

(3) A regional council may contribute towards expenses incurred by any person in his doing (or body in their doing) anything mentioned in the said paragraph (a) or (b) if that council consider that the thing done is or would be of benefit to their area or to any part thereof.]

Textual Amendments

- F16** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [s. 11\(1\)\(a\)\(i\)](#)
- F17** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [s. 11\(1\)\(a\)\(ii\)](#)
- F18** [S. 90\(1\)](#) proviso added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [s. 11\(1\)\(a\)\(iii\)](#)
- F19** [S. 90\(2\)\(3\)](#) substituted for [s. 92\(2\)](#) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [s. 11\(1\)\(b\)](#)

[^{F20}**90A Schemes involving collaboration in the promotion of tourism.**

After consultation with the Scottish Tourist Board, islands and district councils may prepare (or arrange for the preparation of) schemes, in which they may participate, providing for—

- (a) the forming of organisations of such persons as carry on, or have powers or duties as regards, or appear to the councils (or the person preparing the scheme) to have an interest in, activities which relate to tourism; and
- (b) the composition and functions of such organisations.]

Textual Amendments

- F20** [S. 90A](#) inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [s. 11\(2\)](#)

91 ^{F21}

Textual Amendments

- F21** [S. 91](#) repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

92 Transfer of securities on alteration of area, etc.

(1) Where any securities are standing in the books of a company in the name of a local authority the following provisions shall have effect—

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- (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name;
- (b) if by virtue of anything done under any provision of this Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of that other authority or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority;
- (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the Court of Session may on the petition of that other authority make an order vesting in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be.

(2) In this section, the expression—

“company” includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed;

“securities” has the same meaning as in the ^{M4}Prevention of Fraud (Investments) Act 1958.

Marginal Citations

M4 1958 c. 45.

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