



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART V

ADMINISTRATIVE SCHEMES, COMMITTEES AND JOINT COMMITTEES.

Administrative Schemes.

105 Schemes for administration of functions in county and large burgh.

- (1) The county council of every county and the town council of every county of a city shall have a scheme setting forth the administrative arrangements made by the council for discharging throughout their area the functions of the council relating to education.
- (2) The county council of every county and the town council of every large burgh shall have a scheme setting forth the administrative arrangements made by the council for discharging throughout their area their functions as a local health authority within the meaning of the National Health Service (Scotland) Act, 1947.
- (3) The county council of every county and the town council of every large burgh shall have a scheme or schemes setting forth the administrative arrangements made by the council for discharging throughout their area the functions of the council relating to (a) poor law, and (b), in the case of a county council, roads.

Schemes required by this and the two preceding subsections are in this Act referred to as " administrative schemes " .

- (4) The administrative scheme or schemes approved under section fourteen of the Local Government (Scotland) Act, 1929, and in force in a county or large burgh at the commencement of this Act shall, until revoked or altered by a scheme made under either of the succeeding subsections of this section, be the administrative scheme or schemes for the county or burgh.

Where in the area of any local health authority within the meaning of the National Health Service (Scotland) Act, 1947, there is no administrative scheme for the discharge of their functions as such an authority in force at the commencement of this

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Act, paragraph 1 of the Fifth Schedule to the said Act of 1947 shall, until such an administrative scheme comes into force in that area, continue to apply to that authority in like manner as if this Act had not passed.

- (5) Any administrative scheme may be revoked or altered by a revised scheme prepared and submitted to the Secretary of State by the council to which it relates, and the Secretary of State may approve that scheme as submitted or with such modifications and amendments as he thinks proper, and on approval it shall have effect, and the council shall discharge their functions in accordance with that scheme if it entirely supersedes the previous administrative scheme, and if it amends the previous scheme, in accordance with the previous scheme as amended by the revised scheme.

Notwithstanding anything in any administrative scheme approved by the Secretary of State before the commencement of this Act, the preparation of the first revised scheme relating to education after the commencement of this Act shall stand referred to the education committee of the council constituted as hereafter in this Part provided.

- (6) The Secretary of State may at any time from time to time require any council having an administrative scheme to review any administrative scheme of the council in order that a revised scheme may be submitted by the council for his approval, and the provisions of the immediately preceding subsection shall apply to the revised scheme when submitted. If the council fail to submit a scheme to the Secretary of State within three months from the date of his requirement, he may himself make a scheme, but before making such a scheme he shall publish in a newspaper circulating in the area to which the scheme will relate a notice stating his intention to make such a scheme and that a copy of the draft scheme is open to inspection at a specified place and that representations thereon may be made to him within fourteen days after the publication of the notice, and he shall consider any representations which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by the council and approved by the Secretary of State and may be revoked or altered in like manner as any other scheme in accordance with the provisions of the immediately preceding subsection.

106 Contents of administrative scheme for education.

- (1) Every administrative scheme of a council relating to education shall, save as provided in this section, provide for the delegation to the education committee of the council of all functions of the council as education authority whether under the Education (Scotland) Act, 1946, or under any other enactment,
- (2) The following functions shall be excluded from the delegation to the education committee as well as the function of raising money by rate or loan which, in accordance with the provision of section one hundred and twenty-four of this Act, may not be delegated to a committee—
- (i) the approval with or without adjustment of the estimates (including supplementary estimates) of capital and revenue expenditure and the authorisation of the expenditure included therein;
 - (ii) the power to incur expenditure on behalf of the council other than expenditure previously authorised in accordance with the estimates approved by the council or otherwise, or expenditure necessarily incurred in circumstances of urgency.
- (3) The following functions may be excluded from the delegation to the education committee—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (i) the acquisition and disposal of land: provided that, except in cases of urgency, before acquiring land for, or disposing of land held for, educational purposes, the council shall give the education committee an opportunity of considering the matter and shall receive and consider a report from the committee as to the suitability of the land for the purpose for which it is proposed to acquire it or as to whether the land is no longer required or likely to be required for educational purposes, as the case may be;
 - (ii) the appointment, dismissal, remuneration and conditions of service (other than functions) of the director of education and of any deputy or assistant director of education: provided that the council shall have regard to any recommendations made by the education committee with regard to such matters;
 - (iii) the remuneration and the conditions of service of , staff other than teachers: provided that the council shall have regard to any recommendations made by the education committee with regard thereto;
 - (iv) the medical services in schools, junior colleges and other educational establishments provided under the Education (Scotland) Act, 1946; but any arrangements made for the administration of the said services shall be such as to ensure close co-operation between the education committee and the teachers and other officers responsible to that committee on the one hand, and any committee charged with the responsibility for the said services and the officers responsible to that committee on the other;
 - (v) any function with regard to which the council satisfy the Secretary of State that, having regard to other functions of the council, it is expedient that that function shall not be so delegated: provided that in such a case, and without prejudice to the reference or delegation of the said function to any other committee, the scheme shall provide that the said function shall stand referred to the education committee, and the council or any other committee to whom the function may have been delegated shall not, unless in their opinion the matter is urgent, be entitled to exercise the said function until they have received and considered the report of the education committee thereon.
- (4) Every administrative scheme relating to education made after the commencement of this Act shall, except where in the special circumstances of a county the Secretary of State otherwise agrees, provide for the constitution of sub-committees of the education committee for the management of educational establishments and for the functions of such subcommittees in accordance with the provisions of section one hundred and nine of this Act.
- (5) Every administrative scheme relating to education shall set forth the functions to be assigned to the director of education.
- (6) Every administrative scheme relating to education made by the county council of a county within which a large burgh is included for the purpose of education shall, unless the Secretary of State otherwise directs, include provision for the co-operation of the county council and the town council in the execution by the county council of the functions of the county council as education authority relating to the medical examination, inspection, supervision and treatment, and to the cleansing of pupils attending schools, junior colleges and other educational establishments in the large burgh.

The county council, before making any administrative scheme which includes any provision with respect to the matters mentioned in this subsection, shall consult with

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the town council of the large burgh, and the Secretary of State before approving any such scheme shall consult with the town council, and any such scheme when so approved shall, so far as it contains provisions made under this subsection, be binding on the town council.

- (7) Where the Public Libraries Acts are in operation within any part of the landward area of a county, an administrative scheme of the county council relating to education may provide—
- (a) for the administration of the said Acts throughout the areas within which they are in operation being under the general supervision of the education committee;
 - (b) for the appointment as a library committee for each of the said areas of the district council of the district or of a committee consisting, to the extent of not less than one-third and not more than one-half, of persons who, not being members of the education committee, are resident within the area; and
 - (c) for the functions of the committees under the Public Libraries Acts being exercised by the education committee or the library committees as specified in the scheme;

and where the scheme makes such provision as aforesaid, the provisions of the Public Libraries Acts relating to the appointment of committees shall not apply.

107 Contents of other administrative schemes.

- (1) Every administrative scheme relating to the discharge of the functions of the council as a local health authority within the meaning of the National Health Service (Scotland) Act, 1947, shall provide for the appointment of a committee which shall be known as the health committee and, subject as hereinafter provided, all matters relating to the said functions shall stand referred to that committee, and the council before exercising any such function shall, unless in their opinion the matter is urgent, receive and consider a report of the health committee with respect thereto:

Provided that nothing in this subsection shall prevent the council from referring to any committee appointed by them any matter arising out of and incidental to the said functions which by reason that it relates also to a general service of the council ought, in the opinion of the council, to be so referred, and in that event the provisions of this subsection with respect to matters standing referred shall not apply to any such matter, but before deciding on a proposal for a reference under this proviso the council shall receive and consider a report of the health committee on the proposal.

- (2) The administrative scheme relating to poor law may and, if the Secretary of State so requires, shall make provision for the appointment of a committee for the purposes of that scheme and the matters standing referred to that committee, and the council before exercising any function relating to a matter so standing referred shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question.
- (3) Without prejudice to the provisions of section one hundred and twenty-three of this Act, an administrative scheme relating to poor law or roads made by a county council may provide for the county council appointing to act as agents of the council the town council of any small burgh within the county or the district council of any district within the county or a joint committee of such a town council and district council (of which joint committee the members of the county council representing the burgh and the district shall be members) to carry out the functions specified in the scheme so far

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

as exercisable within the small burgh or district or small burgh and district as the case may be, but subject always to the terms and conditions set forth in the scheme.

- (4) An administrative scheme may provide that any form of assistance to which this subsection applies which might be provided either by way of poor relief or by virtue of any enactments other than the Poor Law Acts shall be provided exclusively under and by virtue of the enactments other than the Poor Law Acts and not by way of poor relief, but nothing in this subsection or in any scheme shall diminish or otherwise affect the duty of the council to provide relief for the poor or the right of any poor person to relief under the Poor Law Acts.

The assistance to which this subsection applies shall be the arrangements made for the care of expectant and nursing mothers and children who are not attending a school under the management of an education authority, and who have not attained, or are deemed under section thirty-three of the Education (Scotland) Act, 1946, not to have attained the age of five years, or of blind persons, or the feeding, clothing and treatment of pupils attending schools, junior colleges and other educational establishments, or the care and after care under section twenty-seven of the National Health Service (Scotland) Act, 1947, of persons suffering from illness or mental deficiency, or the maintenance and guardianship of mental defectives placed under guardianship..

- (5) Every administrative scheme of a county council relating to roads shall, for the purpose of meeting as far as practicable the interests and conveniences of the county council, the town council of any small burgh concerned, and the inhabitants thereof, make provision with respect to the opening or breaking up of any classified road within the small burgh under the control of the county council, whether by the county council for the purpose of reconstructing, repairing or maintaining the road or by the town council for the purpose of laying, replacing, repairing or maintaining sewers or other like things under the said road, and before making, any administrative scheme which includes any provision with respect to the matters mentioned in this subsection the county council shall consult with the town council.