



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART V

ADMINISTRATIVE SCHEMES, COMMITTEES AND JOINT COMMITTEES.

Certain Statutory Committees of Local Authorities.

108 Education committee for county and county of city.

- (1) Every county council and the town council of every county of a city shall have a committee for the purposes of their functions relating to education, which committee shall be known as the education committee and shall be constituted as provided in this section.
- (2) Subject to the provisions of this Act, the education committee of every such council as aforesaid existing at the commencement of this Act shall be the education committee of the council, and the scheme relating to the constitution of the education committee made by each such council and approved under section twelve of the Local Government (Scotland) Act, 1929, and in force at the commencement of this Act shall, until revoked or altered as after provided in this section, be the scheme relating to the constitution of the education committee of such council.
- (3) The provisions of subsections (5) and (6) of section one hundred and five of this Act (relating to the revocation or alteration of administrative schemes) shall apply as respects a scheme relating to the constitution of an education committee as they apply as respects an administrative scheme, with the substitution of two months for the period of three months mentioned in subsection (6) and subject to any necessary modifications.
- (4) Every scheme relating to the constitution of an education committee shall provide—
 - (a) for the appointment by the council appointing the committee of at least a majority of the committee from persons who are members of the council ;

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- (b) for the appointment by the council of persons of experience in education and of persons acquainted with the needs of the various kinds of schools in the area for which the council act, including—
 - (i) in all cases at least two persons interested in the promotion of religious instruction in terms of section eight of the Education (Scotland) Act, 1946, nominated by a meeting of representatives of the churches or denominational bodies (other than those having a right to nominate as hereinafter in this paragraph provided) having duly constituted charges or other regularly appointed places of worship within the area, and the scheme shall prescribe the constitution of the meeting and the manner of convening it; and
 - (ii) in the case of a council maintaining any school to which the provisions of section eighteen of the Education (Scotland) Act, 1946, apply, at least one representative nominated by the church or denominational body by whom the teachers in the school are required to be approved as regards religious belief and character;
- (c) for the inclusion of women as well as men among the members of the committee; and
- (d) for the term of office of members of the committee, so however that in the case of a county of a city a different term of office may be fixed for members of the committee who are not members of the town council from that fixed for the other members of the committee,

109 Sub-committees for management of educational establishments.

- (1) Every administrative scheme of a council relating to education shall, except where in the special circumstances of a county the Secretary of State otherwise agrees, include provisions for the constitution of sub-committees of the education committee for the exercise, subject to any directions given by the council, of such of the functions of management and supervision of educational establishments or groups of educational establishments under the control of the council (including functions relating to attendance thereat) as may be set forth in the scheme. Provision shall be made—
 - (a) for the due representation—
 - (i) in the case of every such sub-committee, of the education committee;
 - (ii) in the case of a sub-committee having schools or junior colleges under their management, of the parents of the pupils attending the educational establishments under the management of the sub-committee;
 - (iii) in the case of a sub-committee having junior colleges or local technical colleges under their management, of persons concerned or engaged in crafts, industries, commerce or other employments in the area;
 - (iv) in the case of a sub-committee having under their management educational establishments used wholly or partly for any form of voluntary further education, of persons having experience of such education;
 - (b) for the appointment thereto—
 - (i) in the case of every sub-committee, on the nomination of the teachers or other educational staff employed in the educational establishments under the management of the sub-committee, or,

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- failing such nomination, directly, of at least one such teacher or member of such other educational staff;
- (ii) in the case of every sub-committee of an education committee of a county council, on the nomination of local bodies (including town and district councils), or, failing such nomination, directly, of persons resident in the locality and otherwise qualified to represent local interests in the management of educational establishments; and
- (iii) in the case of any sub-committee, of such other persons as the council consider appropriate, regard being had to the functions to be performed by the sub-committee; and
- (c) in the case of a sub-committee having under their management one or more schools to which the provisions of section eighteen of the Education (Scotland) Act, 1946, apply, for the appointment thereto of at least one member in whose selection regard shall be had to the religious belief of the parents of the pupils attending such school or schools.
- (2) Where the education authority is a county council, subcommittees shall be reconstituted after each election of the council on such date as the council may fix, being not less than one month or more than two months after such election, and shall remain in office until the next reconstitution, or until the coming into force of a revised scheme relating, to the constitution of sub-committees, whichever of these events shall first occur. Where the education authority is the town council of a burgh being a county of a city, the sub-committees shall be reconstituted at such intervals as the Secretary of State may direct.
- (3) The provisions of subsection (1) of section one hundred and fourteen of this Act shall not apply to sub-committees appointed under this section.
- (4) The provisions of the Education (Scotland) Act, 1918, relating to school management committees shall cease to have effect, and any reference in any enactment, scheme, trust deed or other document to a school management committee shall be construed as a reference to a sub-committee appointed under this section. The Secretary of State may by order determine which sub-committee under this section shall exercise the functions of a school management committee under a trust deed or other document.
- (5) The provisions of Part XVII of this Act so far as relating to the transfer and compensation of officers shall, with the necessary modifications, apply in relation to officers of school management committees affected by the provisions of this section or by anything done thereunder as they apply to officers of local authorities affected by a transfer of functions by this Act.
- (6) In this section the expression " school management committee " shall have the meaning assigned to it in the said Education (Scotland) Act, 1918.

110 Roads committee in county.

- (1) Every county council shall have a committee for the purposes of their functions relating to roads, which committee shall be known as the roads committee.
- (2) Subject to the provisions of this Act, the roads committee of every county council existing at the commencement of this Act shall be the roads committee of the council.
- (3) Such matters as may be specified in the administrative scheme of the county council relating to roads shall stand referred to the roads committee of the council, and the

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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 roads committee with respect to the matter in question.

- (4) Save as otherwise provided in this Part of this Act, a county council may delegate to the roads committee of the council, with or without restrictions or conditions as the council think fit, any of their functions relating to roads.
- (5) For the purposes of this section the functions of a county council relating to roads shall be deemed to include any functions relating to roads delegated to the council under any enactment.

111 Health committee and committee for poor law purposes.

- (1) The health committee may to an extent not exceeding one-third of the members consist of persons not being members of the council who have special knowledge and experience in regard to the functions of the committee.
- (2) Save as otherwise provided in this Part of this Act, a council may delegate to the health committee or any committee appointed under the administrative scheme relating to poor law, with or without restrictions or conditions as the council think fit, any of the functions of the council relating to the purposes for which the Committee are appointed or relating to any other matter standing referred to the committee.
- (3) Subject to the provisions of this Act, the committee of a council appointed for any of the purposes aforesaid existing at the commencement of this Act shall be the committee of the council for that purpose.

112 Police committee in county and large burgh with police force.

- (1) Save as in this section provided, every county council shall have a committee for the purposes of their functions relating to police, which committee shall be known as the police committee, and any reference in any Act to the police committee shall in relation to a county or a county council be construed as a reference to the police committee appointed by the county council, so however that, save as otherwise in this section provided, no appointment by or other decision of the police committee of the council shall be final until the same is confirmed and adopted by the council.
- (2) Subject to the provisions of this Act, the police committee of every county council existing at the commencement of this Act shall be the police committee of the council.
- (3) Save as in this section provided, the town council of every large burgh having a police force shall have a committee for the purposes of their functions relating to police, and any such council having no such committee at the commencement of this Act shall appoint a committee immediately thereafter.
- (4) Such matters relating to police as may be specified in the standing orders of the county council or the town council or as may be otherwise directed by the council shall stand referred to the committee under this section, and the council before exercising any function relating to any matter so standing referred shall, unless in their opinion the matter is urgent, receive and consider the report of the said committee with respect to the matter in question.

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- (5) Save as otherwise provided in this Part of this Act, a county council or a town council may delegate to the committee under this section, with or without restrictions or conditions as the council think fit, any of their functions relating to police.
- (6) The provisions of this section shall not apply in the case of a county council or town council whose areas are amalgamated for police purposes under the Police (Scotland) Act, 1946.

113 Finance committee in case of every local authority.

- (1) Every local authority shall have a finance committee whose duties shall include—
 - (a) advising the authority on financial matters;
 - (b) subject to the directions of the authority, supervising the recovery of moneys due to the authority and generally the whole financial arrangements of the authority; and
 - (c) exercising such other functions as are by this Act or any other enactment or any statutory order imposed on the finance committee.
- (2) Subject to the provisions of this Act, the finance committee of every local authority existing at the commencement of this Act shall be the finance committee of the authority, and any local authority having no such committee at the commencement of this Act shall appoint such a committee within six weeks after the commencement of this Act.
- (3) Subject to the provisions of this Part of this Act, of any administrative scheme thereunder and of section eighty-six of the Education (Scotland) Act, 1946, every local authority shall make provision by standing orders or otherwise with respect to the matters standing referred to the finance committee and the functions of the authority delegated to that committee.

114 Constitution of sub-committees of committees for administrative scheme functions.

- (1) Save as otherwise provided in this Part of this Act, a sub-committee appointed by a committee whose functions are functions to which an administrative scheme relates may, subject to the provisions of the scheme or to any standing orders or any directions by the county council or town council, consist in part of persons not being members of the committee, so however that at least two-thirds of the members of any such sub-committee shall be members of the council:

Provided that—

- (i) a person who is not a member of the council or of the committee shall not be appointed to a sub-committee except with the consent of the council;
 - (ii) a sub-committee of the education committee of a council may consist to an extent not exceeding one half of persons who are not members of the council.
- (2) Notwithstanding anything in this Part of this Act, the education committee of a council shall not delegate to a sub-committee any function in regard to—
 - (a) the appointment, transfer, remuneration or dismissal of teachers; or
 - (b) the recognition, establishment or discontinuance of schools, junior colleges and other educational establishments.