



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART V

ADMINISTRATIVE SCHEMES, COMMITTEES AND JOINT COMMITTEES.

Combination of Local Authorities.

118 Combination of counties of Perth and Kinross and of Moray and Nairn for certain purposes.

- (1) There shall be combined—
 - (i) the county of Kinross with the county of Perth, and
 - (ii) the county of Nairn with the county of Moray,for every purpose for which any small burgh is by virtue of the Local Government (Scotland) Act, 1929, included within a county and for any other purpose for which any small burgh is by virtue of any enactment or statutory order subsequent to the said Act of 1929 included within a county but not for any other purpose, and the provisions of subsections (2), (3), (4) and (5) of this section shall have effect for the purposes of such combination.
- (2) The members of the county councils of the two counties forming the combined county shall form a joint county council for the combined county.
- (3) The combined county and the joint county council shall be the county and the county council respectively for the purposes of the provisions of Part III of the Local Government (Scotland) Act, 1929, relating to the county apportionment and the General, Additional and Supplementary Exchequer Grants, and the separate counties and the county councils thereof shall be the counties and the county councils respectively for the purposes of the provisions of the said Part of the said Act relating to the Landward General Exchequer Grants, and the other provisions of the said Part shall have effect accordingly.
- (4) The expenses of the joint county council, so far as requiring to be apportioned and allocated between the landward parts of the two separate counties, shall be so

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apportioned and allocated between the two county councils in like manner as expenses are apportioned and allocated for the purpose of ascertaining the contributions of small burghs to a county council, and the provisions of Part XI of this Act relating to requisitions by county councils to town councils of small burghs shall, subject to the necessary modifications, apply to the sums so apportioned and allocated.

- (5) The joint county council may, subject to the provisions of this Part of this Act and of their administrative schemes, delegate any of their functions to the county council of either county as if such council were a committee of the joint county council.
- (6) References to a county council and to a county in this Act or any other enactment or any statutory order relating to any of the purposes for which the combination under this section is to have effect shall, in the application of this Act or any such enactment or statutory order to the counties mentioned in subsection (1) of this section, be construed as references to the joint county council and the combined county respectively.

119 Voluntary combination of local authorities.

- (1) Subject to the provisions of this section, any two or more local authorities may combine for any purpose in which they are jointly interested (including, without prejudice to the foregoing generality, for the purpose of conducting and managing their business and the employment of officers) and that on such terms and conditions as may be agreed between them.
- (2) Subject to the provisions of this Part of this Act, any agreement made for the purposes of any such combination may without prejudice to any other arrangement provide—
 - (a) for the appointment of a joint committee of the authorities concerned consisting of such number of members as is specified in the agreement and for the delegation to the joint committee of any function relating to the purpose for which the combination has effect; or
 - (b) for the joint exercise in any other manner by the authorities concerned of any function of the authorities; or
 - (c) for one of the authorities concerned furnishing to or on behalf of the other authorities concerned any service for which the combination has effect on the terms and conditions specified or provided for in the agreement, and such agreement may provide that, notwithstanding anything in this Act or any other enactment or any statutory order, representatives of the other authorities may be appointed members of any committee or sub-committee of the authority mrrushing the service.
- (3) The expenses of any joint committee appointed under the agreement or of any combination of authorities under this section shall be defrayed by the authorities concerned in the proportions specified or provided for in the agreement, and the proportion of the expenses falling to be defrayed by any authority shall be defrayed by that authority in like manner as the expenses would have been defrayed had the service been provided by that authority.
- (4) The Minister concerned on the application of all the local authorities concerned may by order constitute a joint committee under this section a body corporate by such name as may be determined by the order, and such joint committee shall have perpetual succession and a common seal.
- (5) Where under an enactment or statutory order the sanction of a Minister is required to any combination into which local authorities may if they think fit enter, the provisions

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of this section shall apply in the case of such combination so far as not inconsistent with the provisions of any such enactment or statutory order, but the sanction of the Minister shall be required to the combination.

- (6) Nothing in this section shall authorise a combination of local authorities for any of the purposes of the Town and Country Planning (Scotland) Act, 1932, the Town and Country Planning (Scotland) Act, 1945, the Water (Scotland) Act, 1946, the Police (Scotland) Act, 1946, the National Health Service (Scotland) Act, 1947, or the Fire Services Act, 1947.
- (7) For the purposes of this section any statutory authority, commissioners or trustees to which section two hundred and seventy of this Act applies shall also be deemed to be a local authority.

120 Compulsory combination of local authorities.

- (1) Subject to the provisions of this section, it shall be lawful for the Minister concerned on the application of a local authority, if it shall appear to him that the combination of that authority with any other local authority or authorities for any purpose would be of public or local advantage, to make an order combining the authorities as respects their areas or parts thereof for the purposes specified therein:

Provided that an order shall not be made under this section except after a local inquiry unless all the local authorities concerned consent.

- (2) Subject to the provisions of this Part of this Act, any such order may without prejudice to any other arrangement provide—
 - (a) for the appointment of a joint committee of the authorities concerned consisting of such number of members as is specified in the order and for the delegation to the joint committee of any function relating to the purpose for which the combination has effect; or
 - (b) for the joint exercise in any other manner by the authorities concerned of any function of the authorities; or
 - (c) for one of the authorities furnishing to or on behalf, of the other authorities concerned any service for which the combination has effect on the terms and conditions specified or provided for in the order, and such order may provide that, notwithstanding anything in this Act or any other enactment or any statutory order, representatives of the other authorities may be appointed members of any committee or sub-committee of the authority furnishing the service.
- (3) Any such order shall define the powers, rights, duties, liabilities and obligations of the local authorities and the mode of defraying the expenses of the combination and may provide for any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order.
- (4) The Minister concerned, on the application of any of the local authorities concerned and after consultation with the other local authorities concerned, may by order constitute a joint committee under this section a body corporate by such name as may be determined by the order, and such joint committee shall have perpetual succession and a common seal.
- (5) The provisions of subsection (1) of this section shall not apply in any case where under any other enactment or any statutory order a Minister may require two or more local

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authorities to combine, but in the case of any such combination the other provisions of this section shall apply so far as not inconsistent with the provisions or purposes of that other enactment or that statutory order.

- (6) Nothing in this section shall authorise a combination of local authorities for any of the purposes of the Town and Country Planning (Scotland) Act, 1932, the Town and Country Planning (Scotland) Act, 1945, the Water (Scotland) Act, 1946, the Police (Scotland) Act, 1946, or the National Health Service (Scotland) Act, 1947.
- (7) For the purposes of this section any statutory authority, commissioners or trustees to which section two hundred and seventy of this Act applies shall also be deemed to be a local authority.

121 Provisions as to members and proceedings of joint committees and joint boards.

- (1) The members of a joint committee or joint board shall be appointed at such times and in such manner and shall hold office for such period as may be provided in the agreement or order regulating the combination, and failing any such provisions the members of a joint committee or joint board appointed by a local authority shall hold office for such period as may be fixed by that authority.
- (2) Every member of a joint committee or joint board who at the time of his appointment is a member of the local authority by whom he is appointed, shall, if he ceases to be a member of that authority, cease on the expiry of two months thereafter or on the appointment of his successor, whichever shall first occur, to be a member of the joint committee or joint board.
- (3) Subject to the provisions of the agreement or order regulating the combination—
 - (a) the joint committee or joint board shall elect a chairman who shall hold office for such period as shall be fixed at the time of his election;
 - (b) the quorum, proceedings and place of meeting of the joint committee or joint board shall be such as the joint committee or joint board may determine;
 - (c) the joint committee or joint board may appoint subcommittees and delegate to any such sub-committee any of their functions, and every such sub-committee shall, as soon as reasonably practicable, report its proceedings to the joint committee or joint board; and
 - (d) the chairman or other person presiding at a meeting of the joint committee or joint board or a sub-committee thereof shall have a casting vote as well as a deliberative vote.
- (4) Where the chairman of a joint committee or joint board falls to be elected by the joint committee or joint board, then, at any meeting of the committee or board until the chairman is elected, such member of the committee or board as shall be selected by the meeting shall preside.
- (5) Nothing in this section shall apply in the case of a joint board established under a local Act unless the Secretary of State on the application of the joint board by order otherwise directs, but save as aforesaid, the provisions of this section shall apply whether the joint committee or joint board is appointed under this Act or any other enactment or any statutory order, but subject in the case of a joint committee or joint board appointed under any other enactment or any statutory order to the provisions of that enactment or order.

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122 Provisions as to basis of valuation in cases of combinations of local authorities, and &c.

- (1) Where in any enactment, agreement or order regulating a combination of local authorities passed or made before the sixteenth day of May, nineteen hundred and thirty, reference is made to the gross annual or other valuation of the areas of the authorities concerned (whether for the purpose of defraying the expenses of the combination or otherwise) then, unless the Minister concerned on the application of any of the authorities otherwise determines for all or any of the purposes of the combination, the reference shall be construed as a reference to the rateable valuation of the areas of the authorities.
- (2) On the dissolution of any combination of local authorities whether under this Act or any other enactment or any statutory order, the Minister concerned shall make an order regulating the rights and liabilities of the authorities concerned and containing such other provisions as are necessary or proper in the circumstances, except where the agreement or order regulating the combination makes provision on the subject or the authorities agree or the Minister considers no provision necessary.