



# 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

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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—

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- (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

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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

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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.

#### *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

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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 ;
  - (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

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- 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, 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.

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**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 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.



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- (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.
- (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.

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- (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.

*General Power to Appoint Committees and Provisions as to Committees.*

### **115 Appointment of committees and sub-committees.**

- (1) A local authority may appoint a committee for the purpose of any of the functions exercisable by the authority and may refer or direct that there shall stand referred to a committee so appointed all or any matters relating to any such function, and, save as otherwise provided in this Part of this Act, may delegate to a committee so appointed with or without restrictions or conditions as the authority think fit any function so exercisable, and a function so referred or delegated may relate to the whole or a part of the area of the authority:

Provided that nothing in this subsection shall authorise the appointment of a committee for any purpose for which a local authority are authorised or required to appoint a committee by this Act or any other enactment or any statutory order.

- (2) A committee appointed by a local authority, whether under the preceding subsection or otherwise, may, subject to the provisions of this Part of this Act or of any administrative scheme thereunder, to any standing orders or to any directions by the authority, appoint sub-committees and may delegate to a sub-committee any of their functions, but only so far as they are authorised to do so by standing orders or any directions by the authority.

### **116 Constitution of committees and sub-committees and term of office of members thereof.**

- (1) Save as otherwise provided in this Act or any other enactment or any statutory order with respect to any committee or sub-committee—
- (a) a committee appointed by a local authority and a sub-committee thereof shall consist wholly of members of the authority; and
  - (b) a local authority shall determine the number of members of a committee appointed by the authority and shall fix the term of office of members of the committee.
- (2) Every member of a committee appointed by a local authority who at the time of appointment is a member of the authority shall, upon his ceasing to be a member of the authority, also cease to be a member of the committee.

### **117 Proceedings of committees and sub-committees.**

- (1) A local authority appointing a committee may appoint a member of the committee to be the convener or chairman thereof and a member to be the vice-convener or vice-chairman.
- (2) A committee-of a local authority appointing a subcommittee may, subject to any standing orders or any directions by the authority, appoint a member of the sub-

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committee to be the convener or chairman thereof and a member to be vice-convener or vice-chairman.

- (3) A local authority may make, vary and revoke standing orders respecting the quorum, proceedings (including the keeping of minutes) and place of meeting of committees appointed by the authority and of any sub-committee thereof and other matters mentioned in this section, but subject to any such standing orders or to any directions by the authority, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee, as the case may be, may determine.
- (4) Subject to any standing orders or any directions by the local authority, every committee shall report its proceedings to the authority, and every sub-committee shall report its proceedings to the committee appointing the sub-committee.
- (5) The foregoing provisions of this section shall apply—
  - (a) subject to the provisions of this Act and of any administrative scheme which may be applicable; and
  - (b) in the case of a committee or sub-committee appointed under an enactment other than this Act or any statutory order or a committee appointed under this Act but exercising the functions of a committee provided for under an enactment other than this Act or a statutory order, subject to the provisions of that other enactment or that statutory order.

*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 apportioned and allocated between the two county councils in like manner as expenses

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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 furnishing 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 of this section shall apply in the case of such combination so far as not inconsistent

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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 authorities to combine, but in the case of any such combination the other provisions

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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.

*Appointment by County Council of Town Councils  
of Small Burghs and District Councils to be Agents.*

**123 County council may appoint town councils of small burghs and district councils to be agents.**

- (1) Subject to the provisions of this Part of this Act, and of any administrative scheme which may be applicable, a county council may, on such terms and conditions as the councils concerned agree, appoint—
  - (a) the town council of a small burgh within the county; or
  - (b) the district council of a district within the county; or
  - (c) a joint committee of such a town council and district council (of which joint committee the members of the county council for the burgh and district shall be members),

to act as the agents of the county council to carry out any function (other than a function relating to education or police) vested in the county council and exercisable within the small burgh or district or small burgh and district, as the case may be, so however that no such appointment shall be made as respects a function relating to any form of medical or surgical treatment except with the approval of the Secretary of State, and subject to the terms of appointment a council or joint committee so acting as agent may act through a committee or sub-committee thereof.

The provisions of this subsection shall apply with respect to functions delegated to a county council by the Minister of Transport under the Trunk Roads Act, 1936, as they apply with respect to functions vested in the county council, so however that any appointment with respect to the said functions shall be made only with consent of the said Minister.

- (2) Any council so acting as agent or having representation on any such joint committee may contribute towards the expenses incurred by the council or joint committee in so acting as agent, and any such contribution by a town council may be paid as part of such branch or branches of expenditure falling to be defrayed out of rates payable by owners and occupiers in equal proportions as the council determine.

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*Provisions common to Committees, Joint Committees and Joint Boards.*

**124 Prohibition of delegation to committee, and &c. of power to rate or borrow.**

- (1) Notwithstanding anything in this Act or any other enactment or any statutory order, a local authority shall not delegate to any committee, nor shall any committee of a local authority have, the power of raising money by rate or loan, and any function the delegation of which is expressly prohibited by any enactment or statutory order shall not be delegated by a local authority to a committee.
- (2) The preceding subsection shall apply in the case of a joint committee or a joint board constituted for the purposes of a combination under this Act or any enactment repealed by this Act, and also in the case of delegation of functions by a county council to the town council of a small burgh or a district council or a joint committee of such councils in like manner as it applies in the case of a committee of a local authority.

**125 Disqualification for membership of committees, joint committees and joint boards.**

A person who is disqualified under Part II of this Act for being elected or being a member of a local authority shall be disqualified for being—

- (a) a member of a committee or sub-committee of that authority, including any committee to which section fifty-two of this Act applies (as respects the members thereof other than any ex officio members), so however that, as respects a sub-committee appointed by an education committee for the management of educational establishments, the disqualification in paragraph (a) of subsection (1) of section fifty-two of this Act shall not apply to preclude—
  - (i) a teacher or other member of the educational staff employed by the authority being a representative on that sub-committee of such teachers or educational staff, or
  - (ii) any other person employed by the authority being a member of that committee if the duties of that other person do not relate to any of the functions of the sub-committee; and
- (b) a representative of that authority on a joint committee or joint board,

whether the committee, subcommittee, joint committee or joint board are appointed under this Act or any other enactment or any statutory order, and the provisions of section fifty-three of this Act shall apply as respects any such person subject to the following and other necessary modifications:—

- (i) in the case of any committee which exercise functions not vested in the authority appointing the committee, either the committee or the authority, and in the case of a joint committee or joint board, either the joint committee or joint board or the authority appointing the person to be a member of the joint committee or joint board, may pass a resolution under the said section fifty-three, and in either of the said cases proceedings may be instituted under the said section fifty-three either by the committee or joint committee or joint board, as the case may be, or by the authority or by any four or more local government electors for the area of the authority; and
- (ii) in the case of a joint committee or joint board, the sheriff shall be the sheriff of the county in which the area of the authority which appointed the person to be a member of the committee or board is situated.



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## **126 Disability of member for voting on account of interest in contract, and &c.**

Section seventy-three of this Act shall apply in the case of members of a committee or sub-committee of a local authority (including any committee or sub-committee to which section fifty-two of this Act applies), whether appointed under this Act or any other enactment or any statutory order, or of members of any joint committee or joint board in like manner as that section applies in the case of members of local authorities, subject to the following modifications:—

- (a) as respects members of a committee or sub-committee, references to meetings of the committee or subcommittee shall be substituted for references to meetings of the local authority, and the right of persons who are members of the committee or sub-committee but not members of the authority to inspect the book to be kept under subsection (6) of the said section seventy-three shall be limited to the inspection of the entries in the book relating to members of the committee or sub-committee;
- (b) as respects members of any joint committee or joint board, references to meetings of the joint committee or joint board shall be substituted for references to meetings of the local authority and references to the clerk to the joint committee or joint board for references to the clerk, of the authority;
- (c) in subsection (8) of the said section seventy-three references to the local authority shall be construed, in the case of a committee or sub-committee exercising functions vested in the authority, as references to the authority, and in any other case as references to the committee, sub-committee, joint committee or joint board.