



Local Government (Scotland) Act 1929

1929 CHAPTER 25

PART I

LOCAL GOVERNMENT ADMINISTRATION.

Combination of and Delegation by Local Authorities.

11 Provisions as to combination of local authorities.

- (1) Any two or more local authorities may combine for any purpose in which they are jointly interested and that on such terms and conditions as may be agreed between them, and any such agreement may provide for the appointment of a joint committee of the authorities concerned.
- (2) It shall be lawful for the Central Department on the application of a local authority, if it shall appear to the Department 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 areas of the local authorities or parts thereof for the purpose specified therein:

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

- (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 the appointment of a joint committee, for the transfer of any property or liabilities held or incurred by or on behalf of any of the authorities concerned for the purpose for which the combination shall have effect, and for any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order.
- (4) Where a district asylum or institution for mental defectives has been provided by a district board of control whose functions are by this Act transferred to two or more transferee authorities, or where it appears to the General Board of Control for Scotland to be necessary for the" purpose of any statutory provision relating to

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a particular district board that there should be a combination of the two or more transferee authorities to which the functions of that district board are by this Act transferred, then, unless the transferee authorities, with the approval of the General Board of Control for Scotland, otherwise agree in the case where any such asylum or institution has been provided as aforesaid, such transferee authorities shall be deemed to have combined for the provision and maintenance of such asylum or institution or for the purpose of the said statutory provision, as the case may be, and that on such terms and conditions as the transferee authorities may agree and, failing agreement, as the General Board of Control for Scotland may by order determine.

- (5) Where any transferor authority is, as respects functions transferred by or under this Act, immediately before such transfer of functions takes effect included in a combination of local authorities, the combination shall be deemed to continue and the transferee authority shall be deemed to have entered into the combination, subject to the modification that, notwithstanding anything in any Act of Parliament or the agreement, order, or other document regulating the combination, the transferee authority may, with the consent of the Central Department, at any time before the expiration of two years after the transfer of functions takes effect, on giving not less than six months previous notice in writing to all the other local authorities included in the combination, withdraw from the combination on such terms and conditions as may be agreed upon between the authorities and, failing agreement, as the Central Department may by order determine.
- (6) In the case of any registration district which is not wholly within the area of any one local authority under the Registration of Births, Deaths and Marriages Acts or in the case of any churchyard which is not wholly within the area of one local authority under the Burial Grounds Acts, the local authorities concerned shall be deemed to have combined for the purposes of those Acts as respects the registration district or the churchyard, as the case may be, and that on such terms and conditions as the authorities concerned may agree and, failing agreement, as the Central Department may by order determine.
- (7) Where in any Act of Parliament, agreement, order or other document regulating a combination of local authorities 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 Central Department on the application of any of the authorities otherwise determine for all or any of the purposes of the combination, the reference shall as respects the year beginning on the sixteenth day of May, nineteen hundred and thirty, and subsequent years, be construed as a reference to the rateable valuation of the areas of the authorities.
- (8) Notwithstanding anything in any order for combining local authorities for the provision of sanatoria and other institutions under subsection (3) of section sixty-four of the National Insurance Act, 1911, no small burgh shall be entitled to receive direct representation on any joint committee, joint board or other body thereby constituted, and the provisions of subsection (4) of section forty-one of the National Insurance Act, 1913, shall cease to have effect.
- (9) On the dissolution of any combination of local authorities, then, unless the authorities otherwise agree, the Central Department shall, except where they consider no provision necessary, make an order regulating the rights and liabilities of the local authorities concerned and containing such other provisions as are necessary or proper in the circumstances.

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- (10) Nothing in this section shall authorise a combination of local authorities for any purpose in regard to which provision is made by any other Act for combination of local authorities whether by the appointment of a joint committee or by other provision for the joint exercise of powers, with the sanction of or on an order made by a Government department or the Electricity Commissioners,