



Local Government Act 1948

1948 CHAPTER 26

PART II

EXCHEQUER GRANTS AND OTHER FINANCIAL PROVISIONS (SCOTLAND).

Miscellaneous.

26 Discontinuance of burden payments on changes of boundary.

No provision shall be made for any payment to a local authority under subsection (1) of section one hundred and forty-two of the Local Government (Scotland) Act, 1947, in respect of any increase of burden due to an alteration of boundaries or other change taking place after the end of the year 1947-48.

27 Continuation of third fixed grant period for certain purposes.

- (1) This section shall have effect as respects the following enactments (which contain financial provisions relating to the third fixed grant period), that is to say section three of the Maternity Services (Scotland) Act, 1937 and section two of the Cancer Act, 1939, (under which Exchequer grants are payable in respect of expenditure imposed by those Acts).
- (2) Notwithstanding the preceding provisions of this Part of this Act, the third fixed grant period shall not for the purposes of either of the said enactments be deemed to have terminated until immediately before the day which is the appointed day for the purposes of Part II of the National Health Service (Scotland) Act, 1947, and payments shall be made accordingly.
- (3) If the date on which either of the said enactments ceases to be in force (either by virtue of an Order in Council fixing an appointed day under the National Health Service (Scotland) Act, 1947, or of any Act of the present Session terminating the existing poor law) is a date before the end of the year 1948-49, the enactment in question shall have effect so as to require the sum to be set aside or paid for the said year under that enactment to be the appropriate fraction of the estimated amount which would have

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been so set aside or paid if the said enactment had continued in force for the whole of the said year.

The appropriate fraction is the number of days in the period beginning with the first day of the said year and ending immediately before the date on which the enactment ceases to be in force divided by three hundred and sixty-five.

28 Special provisions as to Exchequer Grants for 1948-49.

- (1) The provisions of this section shall have effect if the appointed day for the purposes of Part II of the National Health Service (Scotland) Act, 1947, is after the beginning of, but-within, the year 1948-49.
- (2) The Secretary of State shall ascertain, in relation to every county and large burgh in Scotland, the total amount of the Exchequer Grants payable under the Local Government (Scotland) Acts, 1929 to 1946, to the council of the county or burgh for the year 1947-48.
- (3) The Secretary of State shall then ascertain, in relation to each such county and large burgh as aforesaid, the amount of the contribution payable under section sixteen of the Old Age and Widows' Pensions Act, 1940, by the council of the county or burgh for the year 1947-48.
- (4) There shall be paid out of moneys provided by Parliament to the council of each such county or large burgh as aforesaid such sum as bears to the excess of the amount estimated under subsection (2) of this section in relation to the county or large burgh over the amount estimated under subsection (3) of this section in relation thereto the like proportion as the number of days in the part of the year 1948-49 which precedes the appointed day for the purposes of Part II of the National Health Service (Scotland) Act, 1947, bears to the number of days in the whole of that year.
- (5) The amounts paid under the last preceding subsection shall be paid in addition to any sum otherwise payable by way of Exchequer Equalisation Grant for the year 1948-49 but shall, subject to the provisions of the two succeeding subsections, be treated for the purposes of this Part of this Act as, or, as the case may be, as part of, the Exchequer Equalisation Grant to the council in question for that year, and references in this Part of this Act to Exchequer Equalisation Grants shall be construed accordingly.
- (6) In computing the amount of the Exchequer Equalisation Grant falling to be made apart from the preceding provisions of this section to any council for the year 1948-49, the relevant fraction for that council shall be ascertained as if the relevant local expenditure were diminished by the amount payable under subsection (4) of this section.
- (7) In computing the amounts of the Exchequer Transitional Grants, the amounts payable under subsection (4) of this section shall be left out of account.

29 Application of grants payable under Part II.

All sums received by a county council by way of Exchequer Equalisation Grant or Exchequer Transitional Grant shall be applied towards meeting the expenditure of the council (other than any part thereof apportioned and allocated to large burghs in respect of education or police) on all purposes for which the county council exercise functions throughout the whole county, including the small burghs therein, and all sums so received by the town council of a large burgh, and all sums received by the

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town council of a small burgh under section twenty-five- of this I Act, shall be applied proportionately towards meeting the expenditure which but for the said sums would be defrayed out of those portions of the burgh rate as are respectively payable—

- (a) by occupiers and owners in equal proportions;
- (b) wholly by owners; and
- (c) wholly by occupiers.

30 Investigation into working of provisions as to amount of payments to local authorities under Part II.

- (1) In the year 1952-53, or such later year not later than 1955-56 as the Secretary of State may determine, and every fifth subsequent year, the Secretary of State shall, in consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, cause investigations to be made into the working of this Part of this Act (due regard being had, amongst other things, to the sums falling to be paid to local authorities under Part V of this Act):

Provided that if the Secretary of State is satisfied on representations made to him by any local authority or by any such association as aforesaid that the first of the said investigations should be made in a year prior to the year 1952-53, he shall cause an investigation to be made in that prior year, and in that event the foregoing provisions of this section shall have effect with the substitution of that prior year for the year 1952-53 or such later year as aforesaid.

- (2) The Secretary of State shall cause a report of the result of any investigation under this section to be laid before Parliament.

31 Supplemental provisions as to Part II.

- (1) The Secretary of State may make regulations for carrying this Part of this Act into effect and in particular—
- (a) for determining the manner in which, subject to the express provisions of this Part of this Act, any calculation or estimate is to be made for any of the purposes of this Part of this Act and, in particular, for determining—
 - (i) the authority or person by or to whom any information required for the said purposes is to be given and the time at which and the form in which it is to be given;
 - (ii) the adjustments to be made for, any abnormal treatment of income or expenditure in accounts;
 - (b) for determining the times at which payments in respect of Exchequer Equalisation Grants and Exchequer Transitional Grants and payments by local authorities under this Part of this Act are to be made;
 - (c) for providing that the calculations or estimates by reference to which any payments or grants are made may be treated as either conclusive or provisional or conclusive for some purposes and provisional for other purposes and, in so far as they are treated as provisional, for the making of further calculations or estimates based on information not previously available and for adjusting, in the light thereof, any payments or grants already made;
 - (d) for modifying the operation of this Part of this Act in relation to any authority if and in so far as any such modification is required in relation to that authority

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in consequence of any alterations or combinations of authorities or alterations of boundaries:

Provided that regulations shall not be made under paragraph (b) of this subsection with respect to Exchequer Equalisation Grants or Exchequer Transitional Grants except with the consent of the Treasury.

- (2) The population of a county (exclusive of any burgh situate therein) or of any burgh in Scotland and the number of children under fifteen years of age in a county or large burgh in Scotland shall be calculated for the purposes of this Part of this Act by reference to estimates of the Registrar-General of Births, Deaths and Marriages in Scotland, and the road-mileage of an area shall be taken for the purposes of this Part of this Act to be the total mileage of highways maintained and managed by local authorities or by the Minister of Transport in that area as estimated by the Minister of Transport.
- (3) Any reference in any enactment to grants under Part III of the Local Government (Scotland) Act, 1929, shall be construed as a reference to grants under this Part of this Act.
- (4) In this Part of this Act, except where the context otherwise requires, the expression " county " means a county inclusive of any small burgh situate therein; and the expressions " county " and " county council " mean in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, the combined county and the joint county council.

32 Extent of Part II.

This Part of this Act extends to Scotland only.