

Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958

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CHAPTER 64

An Act to make new provision for grants out of the Exchequer to local authorities in Scotland and otherwise to amend the law of Scotland relating to local government finance and administration; to abolish the Education (Scotland) Fund; to amend the law of Scotland relating to the valuation for rating of industrial and freight transport lands and heritages and premises of Gas Boards, and to the sittings of valuation appeal committees; to extend the power of trustees under the Trusts (Scotland) Act, 1921, to lend money to local authorities; to provide for increase of the fees payable in Scotland under certain enactments relating to marriage and to registration of births, deaths and marriages; and for purposes connected with the matters aforesaid.

[1st August, 1958]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

EXCHEQUER GRANTS AND EDUCATION (SCOTLAND) FUND

1.—(1) For the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and subsequent years the Secretary of State shall make grants to local authorities in accordance with the provisions of this Part of this Act; and those grants (hereinafter referred to as "general grants") shall

PART I
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be in lieu of the grants paid or payable for those years under any enactment passed before this Act other than the Police (Scotland) Act, 1956, in respect of the expenditure (hereinafter referred to as “relevant expenditure”) specified in the First Schedule to this Act.

(2) Subject to the provisions of the next following section the Secretary of State shall by order fix the aggregate amount of the general grants payable for the year beginning on the said sixteenth day of May and each subsequent year; and, subject to the provisions of the next following subsection and of sections three and eighteen of this Act, the general grant payable to any local authority for any year shall be such proportion of the aggregate amount so fixed for that year as shall be ascertained in relation to that authority in accordance with the Second Schedule to this Act.

(3) For the purpose of making adjustments in respect of the common expenditure and other matters specified in the Third Schedule to this Act—

- (a) the aggregate amount fixed under the last foregoing subsection for any year shall, before apportionment, be reduced in accordance with the provisions of Part I of that Schedule, and
- (b) the general grants payable to local authorities for any year shall be adjusted *inter se* in accordance with the provisions of Part II of that Schedule.

(4) The general grant payable to any local authority shall be paid at such times as the Secretary of State may with the consent of the Treasury direct, and shall be applied by the authority towards meeting expenditure which, but for the grant, would fall to be defrayed out of the county, or, as the case may be, the burgh, rate as defined in subsection (1) of section two hundred and twenty-four of the Act of 1947.

(5) An order made under subsection (2) of this section (hereinafter referred to as a “general grant order”) shall be made by the Secretary of State with the consent of the Treasury and after consultation with such associations of local authorities as appear to him to be concerned, shall be laid before the Commons House of Parliament together with a report by the Secretary of State explaining the considerations leading to the provisions of the order and shall not have effect until approved by a resolution of that House.

(6) General grant orders shall be made in advance for successive periods (hereinafter referred to as “grant periods”) of not less than two or more than three years, but any general grant order may make different provision for different years in the grant period to which it relates.

2.—(1) In fixing the aggregate amount of the general grants for any year the Secretary of State shall take into consideration—

Fixing of
annual
aggregate
amount of
general grants.

- (a) the latest information available to him of the rate of relevant expenditure (excluding, except in so far as the Secretary of State with the consent of the Treasury otherwise determines, any expenditure of a description in respect of which no grant has been paid for any year ending before the sixteenth day of May, nineteen hundred and fifty-nine) and the current level of prices, costs and remuneration, together with any future variation in that level which can be foreseen ;
- (b) any probable fluctuation in the demand for the services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances prevailing in Scotland as a whole which are not under the control of local authorities ; and
- (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services.

(2) If it appears to the Secretary of State that during any grant period any unforeseen increase has taken place in the level of prices, costs or remuneration, and that its effect on the cost of providing the services giving rise to relevant expenditure is of such magnitude that it ought not to fall entirely on local authorities, the Secretary of State shall by order (made in the like manner and subject to the like provisions as a general grant order) increase the aggregate amount of the general grants for such year of that grant period (beginning either before or after the making of the order) as may be specified in the order.

3.—(1) Subject to the provisions of this section, if the Secretary of State is satisfied that there has been a failure to achieve or maintain reasonable standards in the provision of any of the services giving rise to relevant expenditure, regard being had to the standards maintained by local authorities generally, and considers that the general grant payable to any local authority, or local authorities, who in his opinion are concerned in the failure, ought therefore to be reduced, he may, after affording to the authority or authorities so concerned an opportunity of making representations, make and cause to be laid before Parliament a report stating the amount of the reduction, the reasons therefor, and any representations with respect thereto made by the authority or authorities ; and if the report is approved by a resolution of the Commons House of Parliament the Secretary of State may reduce the grant accordingly.

Power to reduce
general grant
where service
not adequately
provided, and
to prescribe
standards of
administration.

PART I
—cont.

(2) The Secretary of State may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for prescribing standards and general requirements for the administration of any of the services giving rise to relevant expenditure, and in determining for the purposes of this section whether there has been any such failure as is referred to in the foregoing subsection regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

(3) Where the general grant payable to any local authority for any year has been reduced under this section it shall, in any calculation for the purposes of section five of the Act of 1954 of the relevant local expenditure for the area of the local authority for that year, be deemed to have been paid in full.

(4) For the purposes of this section any service provided by a combination or joint committee of local authorities shall be deemed to be provided jointly by the constituent local authorities of the combination or joint committee.

Certain grants
to be
discontinued.

4.—(1) None of the grants to which this section applies shall be payable for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, or any part of that year, or for any subsequent year.

(2) This section applies to the grants payable under—

- (a) subsection (2) of section seventeen of the Ministry of Transport Act, 1919, in respect of the salary and establishment charges of highway engineers and surveyors;
- (b) subsection (3) of section fifty-seven of the Road Traffic Act, 1930 (which relates to weighbridges and other weighing-machines for vehicles);
- (c) section eleven of the Prevention of Damage by Pests, Act, 1949; and
- (d) paragraph (b) of subsection (1) of section twenty-four of the Vehicles (Excise) Act, 1949 (which provides for grants representing the amounts which, if the Roads Act, 1920, had not passed, would have been received by local authorities on account of fees or charges for the licensing of mechanically propelled hackney carriages not being public service vehicles).

Abolition of
Education
(Scotland)
Fund.

5.—(1) The Education (Scotland) Fund constituted by section sixty-nine of the Education (Scotland) Act, 1946, shall cease to exist and any balance in the Fund at the coming into operation of this section shall be paid into the Exchequer.

(2) All expenses which are directed or authorised by or under any enactment to be paid out of the Education (Scotland) Fund

shall be defrayed by the Secretary of State out of moneys provided by Parliament, and all sums which are so directed to be paid into the said Fund shall be paid into the Exchequer.

PART I
—cont.

(3) This section shall come into operation on the first day of April, nineteen hundred and fifty-nine.

6.—(1) The enactments specified in Part I of the Fourth Schedule to this Act shall, subject to Part III of that Schedule, have effect subject to the modifications specified in relation to them respectively in the said Part I, being modifications consequential on this Part of this Act.

Modifications
in enactments
consequential
on this Part
of this Act
and the Local
Government
Act, 1958.

(2) The enactments specified in Part II of the Fourth Schedule to this Act shall, subject to Part III of that Schedule, have effect subject to the modifications specified in relation to them respectively in the said Part II, being modifications consequential on the Local Government Act, 1958.

PART II

VALUATION AND RATING

7.—(1) For the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and subsequent years the proportion which the rateable value of industrial and freight transport lands and heritages (so far as occupied and used, or treated as occupied and used, for industrial or freight transport purposes) is to bear to the net annual value, or, as the case may be, the value on which any rate of the description referred to in paragraph (b) of subsection (1) of section forty-five of the Local Government (Scotland) Act, 1929, would have been leviable if that Act had not passed, shall be doubled; and accordingly the said subsection (1) shall have effect in relation to those years with the substitution for any reference to division by four of a reference to division by two.

Rateable value
of salmon
fishings and
other industrial
and freight
transport lands
and heritages.

(2) For the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and subsequent years the rights of salmon fishing to which this subsection applies shall, subject to the following provisions of this section, be deemed for the purpose of making up any valuation roll to be agricultural lands and heritages:

Provided that nothing in this section shall affect any right of a district fishery board to require the assessor to value and enter such rights of salmon fishing in the valuation roll for the purposes of fishery assessments only.

(3) The last foregoing subsection—

- (a) applies to rights of salmon fishing which are exercised by net or cruive and are so exercised regularly throughout the periods during which that method of fishing is allowed by law, and in respect of which no revenue is derived by the owner or occupier thereof from any other method of fishing during any part of those periods ; and
- (b) does not apply to any dwelling-houses, bothies, net stores, drying greens or other corporeal lands and heritages, whether occupied or used in connection with rights of salmon fishing to which the last foregoing subsection applies or not.

(4) Any dwelling-houses, bothies, net stores, drying greens or other corporeal lands and heritages occupied or used in connection with rights of salmon fishing to which subsection (2) of this section applies shall, for the purpose of making up the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and any subsequent year, be treated as lands and heritages which are neither industrial nor agricultural.

(5) Notwithstanding anything in subsections (1) and (2) of section fifteen of the Act of 1956 (which contains transitory provisions for valuation in the years before 1961-2), the assessor for each valuation area, or, as the case may be, the Assessor of Public Undertakings (Scotland), in making up the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and any subsequent year, shall, subject to the provisions of this section, give effect to the changes of rateable values made by the foregoing provisions of this section ; but the said changes shall not require any such assessor by virtue of any provision in the said subsections to make any other alteration in a valuation roll, or entitle any person by virtue of subsection (4) or subsection (5) of the said section fifteen to appeal against, or complain in respect of, any entry in a valuation roll.

(6) Where any such corporeal lands and heritages as are specified in subsection (4) of this section, being lands and heritages occupied or used as so specified, are in any valuation roll in force at the commencement of this Act included in the valuation of the rights of salmon fishing in connection with which they are occupied or used, they shall, notwithstanding anything in this section, be so included in the valuation rolls for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and the next following year, and subsection (2) of this section shall for the purposes of those years have effect in relation to them as if they were rights of salmon fishing to which that subsection applies.

(7) Section two hundred and eighteen of the Act of 1947 shall not have effect in relation to the apportionment and allocation between local authorities (as defined for the purposes of that Act), under section two hundred and fourteen of that Act or any other enactment, statutory order or agreement, of expenditure in respect of the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine; and for the purpose of apportioning and allocating any such expenditure between local authorities (defined as aforesaid) under the said section two hundred and fourteen or any other enactment, statutory order or agreement the following provisions of this subsection shall have effect in the said year in any case where, apart from this subsection, the provisions of the said section two hundred and eighteen would apply, that is to say—

- (a) the assessor for each valuation area shall estimate what the rateable valuation of each of the areas of the local authorities concerned would have been in the year beginning on the sixteenth day of May, nineteen hundred and fifty-eight, if this section had applied for the purposes of that year;
- (b) the Secretary of State shall estimate what the standard rateable value of each of the said areas would have been for the last mentioned year if this section and sections one, two, four and six of this Act had applied for the purposes of that year; and
- (c) the amounts so estimated shall be deemed to be the rateable valuation and the standard rateable value respectively of the said areas for the purposes specified in this subsection.

(8) The assessor for each valuation area shall, not later than the fifteenth day of February, nineteen hundred and fifty-nine, send to the Secretary of State and to the local authorities concerned copies of the estimates made by him under paragraph (a) of the last foregoing subsection.

(9) For the purpose of the application of this section to any valuation area for which the valuation roll comes into force on a day other than the sixteenth day of May, any reference in this section to the last-mentioned day shall be construed as a reference to that other day.

8. The valuation appeal committee for any valuation area may sit in any burgh, being a county of a city, adjoining the valuation area as well as within the valuation area; and accordingly paragraph (j) of subsection (1) of section five of the Act of 1956 shall have effect with the addition after the words “the

Sittings of
valuation
appeal
committees.

PART II
—cont.

valuation area ” of the words “ or in any burgh, being a county of a city, adjoining that area ”, and with the substitution for the words “ the burgh ” of the words “ that burgh ”.

Valuation for domestic water rates of lands and heritages of Gas Boards (temporary provisions).

9.—(1) For the purposes of the levying of domestic water rates in respect of the year beginning on the sixteenth day of May, nineteen hundred and fifty-eight, and each of the two next following years (hereinafter referred to as “ the years 1958-61 ”), every Gas Board shall be treated as occupying during each of the years 1958-61 the lands and heritages in respect of which such a rate was leviable from them in the year beginning on the sixteenth day of May, nineteen hundred and fifty-six, and shall be deemed not to be occupying any other lands and heritages during the years 1958-61.

(2) The gross annual value of each of the lands and heritages which by virtue of the foregoing subsection a Gas Board are to be treated as occupying in any separately rated area shall for the purposes aforesaid be calculated for each of the years 1958-61 as follows, that is to say—

- (a) the Assessor of Public Undertakings (Scotland) (hereinafter referred to as “ the Assessor ”) shall calculate the amount which bears to the gross annual value of the lands and heritages in the valuation roll in force on the sixteenth day of May, nineteen hundred and fifty-six, the same proportion as the Board’s rateable valuation for the year in question (as ascertained for the purpose of the Fifth Schedule to the Act of 1956) bears to the Board’s basic rateable valuation (as defined in paragraph 2 of the said Schedule); and
- (b) the amount so calculated shall be the gross annual value of the lands and heritages for the year in question.

(3) The Assessor shall enter all the gross annual values so calculated in the valuation roll made up by him and shall notify them to the rating authorities for the separately rated areas in which the lands and heritages are situated respectively, and to the Gas Boards respectively concerned, before the eighth day of September in the year in question.

(4) Nothing in section twenty-five of the Act of 1956 shall be construed as relieving any Gas Board of any liability under the Water (Scotland) Act, 1949, to be rated for a domestic water rate in respect of any of the years 1958-61.

(5) The powers conferred on the Minister of Power by subsection (6) of section six of the Gas Act, 1948, and by subsection (3) of section twenty-four of that Act (which authorise that Minister, in an order varying the area of a Gas Board, or transferring property between Gas Boards, to provide for certain

matters arising out of the variation or transfer) shall include power, by an order made thereunder, to modify the application of this section in the case of any Gas Board affected by the order.

PART II
—cont.

(6) In this section—

- (a) references to lands and heritages do not include references to excepted premises ;
- (b) “domestic water rate” has the same meaning as it has for the purposes of the Water (Scotland) Act, 1949 ; and
- (c) “Gas Board”, “excepted premises” and “separately rated area” have the same meanings as they have for the purposes of section twenty-five of the Act of 1956.

PART III

MISCELLANEOUS

10. In section one hundred and ninety-one of the Act of 1947, in subsection (3), paragraph (d) (which limits the net expenditure incurred or payable by town councils on the provision under section seventy-four of the Act of 1947 of halls and other buildings for public meetings and assemblies) shall cease to have effect. Expenditure by town councils on halls, etc., for public meetings and assemblies.

11. The amendment made by subsection (1) of section four of the Local Government (Scotland) Act, 1951, in subsection (2) of section two hundred and fifty-nine of the Act of 1947 (which restricts the power of local authorities to borrow money) shall have permanent effect, and accordingly subsection (2) of the said section four shall cease to have effect. Restriction of power of local authorities to borrow.

12.—(1) The maximum period for the repayment of sums borrowed by a local authority for the purposes of— Extension of maximum period for repayment of sums borrowed for certain purposes.

- (a) the Public Libraries Acts,
- (b) the Cremation Act, 1902,
- (c) the Children and Young Persons (Scotland) Act, 1937,
- (d) section seventy-four of the Act of 1947 (which relates to the provision of halls, offices and other buildings),
- (e) section one hundred and thirty-two of the Local Government Act, 1948 (which relates to the provision of entertainments),
- (f) section twenty-one of the National Assistance Act, 1948, or

PART III
—cont.

(g) section fifteen of the Children Act, 1948 (which relates to the provision by local authorities of homes for the accommodation of children in their care),

shall be such period not exceeding sixty years as may be sanctioned by the Secretary of State; and accordingly in the Sixth Schedule to the Act of 1947, in the entries relating to the Public Libraries Acts and to the said Act of 1937, for the words “fifty years” there shall be substituted the words “sixty years”, and in the entry relating to the Cremation Act, 1902, for the words “Twenty years” there shall be substituted the words “Such period not exceeding sixty years as may be sanctioned by the Secretary of State”; and the following entries shall be added at the end of the said Schedule, that is to say—

“Section seventy-four of the Local Government (Scotland) Act, 1947.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.
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Section one hundred and thirty-two of the Local Government Act, 1948.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.
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Section twenty-one of the National Assistance Act, 1948.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.
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Section fifteen of the Children Act, 1948.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.”
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(2) Where a local authority is authorised to borrow money for the purpose of any enactment, any provision (whether in that or another enactment) that any sum so borrowed shall be repaid within a period of fewer than sixty years, or within such period not exceeding fifty-nine or fewer years as the local authority or a Minister may determine, shall be construed as applying only to sums so borrowed for expenditure otherwise than on the acquisition of land; and any sum so borrowed by the local authority for expenditure on the acquisition of land (being a sum to which any such provision as aforesaid would, apart from this subsection, apply) shall be repaid within such period not exceeding sixty years as may be sanctioned by the Secretary of State, or, where the consent of another Minister is required for the borrowing, by that other Minister.

(3) In this section “local authority” and “Minister” have the same meanings as in the Act of 1947, and references to the acquisition of land do not include references to the acquisition,

with any land, of buildings or other works thereon, being buildings or other works required to make the land fit for the purpose for which it is acquired.

PART III
—cont.

13.—(1) For the purpose of abolishing certain requirements relating to local government administration and for making provision consequential thereon the enactments specified in the Fifth Schedule shall have effect subject to the modifications so specified in relation to them respectively.

Abolition of certain requirements relating to local government administration.

(2) This section shall come into operation on the sixteenth day of May, nineteen hundred and fifty-nine.

14. Subsection (1) of section seven of the Education (Scotland) Act, 1946 (which subsection requires certain functions of education authorities to be exercised in accordance with schemes approved by the Secretary of State) shall have effect as if, in paragraph (a) thereof, after the word “ Act ”, there were inserted the words “ other than such voluntary part-time or full-time courses of instruction for persons over school age as the Secretary of State may direct ”.

Amendment of Education (Scotland) Act, 1946, s. 7.

15.—(1) The minutes of—

- (a) the proceedings of a local authority,
- (b) the proceedings of any committee appointed by a local authority so far as such proceedings relate to any of the authority’s functions under the National Health Service (Scotland) Act, 1947, the Town and Country Planning (Scotland) Act, 1947, or the National Assistance Act, 1948, and
- (c) the proceedings of any joint committee or joint board established for the purpose of performing all or any of the functions of two or more local authorities under any of the Acts mentioned in the last foregoing paragraph,

Inspection of minutes of certain authorities.

shall be open to the inspection of any local government elector for the area of the local authority, or, in the case of a joint committee or joint board, the area of any of the local authorities represented on the joint committee or joint board, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

(2) In this section “ local authority ” and “ local government elector ” have the same meanings as in the Act of 1947.

16. Subsection (1) of section ten of the Trusts (Scotland) Act, 1921 (which relates to trustees’ powers of investment) shall have effect as if in heads (6) and (14) thereof—

Extension of trustees’ power to lend money to local authorities.

- (a) for any reference to Great Britain there were substituted a reference to the United Kingdom,

PART III
—cont.

- (b) any reference to a municipal corporation included, as respects England and Wales, a reference to a local authority as defined in paragraph (a) of subsection (4) of section fifty-four of the Local Government Act, 1958, any body all the members of which are members of such a local authority, any river board, the council of any borough included in a rural district, any parish council, the Metropolitan Water Board, the Conservators of the River Thames and the Lee Conservancy Catchment Board; and, as respects Northern Ireland, a reference to the council of a county, county or other borough, or urban or rural district, any body all the members of which are members of such a council and the Belfast City and District Water Commissioners; and
- (c) any reference to bonds included a reference to local bonds issued under the Housing (Additional Powers) Act, 1919;

as if, in relation to a municipal corporation in Northern Ireland, any reference to an Act of Parliament included a reference to an Act of the Parliament of Northern Ireland; and as if any reference to a local authority in Scotland included a reference to a river purification board established under the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

Increase of certain fees payable under enactments relating to marriage and to registration of births, deaths and marriages.

17. The Secretary of State may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for increasing the fees payable under any of the following enactments, that is to say—

- (a) sections thirty-two and thirty-three of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854 (which relate to the registration of names of children after registration of birth);
- (b) sections fifty-six and fifty-seven of the said Act of 1854 (which relate to searches in and extracts from the registers of births, deaths and marriages);
- (c) sections eight and nine of the Marriage Notice (Scotland) Act, 1878 (which relate to the publication of notices of intended marriages);
- (d) section four of the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934 (which relates to abbreviated certificates of births); and
- (e) subsection (3) of section one of the Marriage (Scotland) Act, 1939 (which relates to marriages contracted in the office of a registrar).

PART IV

GENERAL AND SUPPLEMENTARY

18.—(1) For the years to which this section applies, contributions shall be made as hereinafter provided to or by local authorities in respect of the loss or gain accruing to them from the coming into operation of sections one, two, four, six and seven of this Act. Transitional adjustments.

(2) For the purposes of this section the loss or gain accruing to a local authority as aforesaid shall be ascertained in accordance with regulations made by the Secretary of State, and such regulations shall provide that it shall be ascertained, on such assumptions as may be specified in the regulations, by reference to the estimated rate required to be levied for the year beginning on the sixteenth day of May, nineteen hundred and fifty-seven, to the estimated rate which would have been required to be levied for that year if sections one, two, four, six and seven of this Act had been in force for that year and the previous year, and to the rateable valuation of the area of the local authority estimated as if the said sections had been in force for those years, but with any exceptions or modifications specified in the regulations.

(3) This section applies to the years beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and the sixteenth day of May, nineteen hundred and sixty, and such subsequent years as may be specified by regulations under this section.

(4) The amount of the contribution to a local authority for the first year to which this section applies shall be the amount of the loss accruing to the authority as ascertained under this section; for the second year to which this section applies shall be nine-tenths of that loss; and for any subsequent year to which this section applies shall be such fraction of that loss as may be provided in relation to that year by regulations under this section.

(5) The amount of the contributions for any year by local authorities shall be such as in the aggregate to equal the amount of the contributions for that year to local authorities, and the amount of the contribution by each local authority shall be proportional to the gain accruing to the authority as ascertained under this section.

(6) Contributions under this section to or by a local authority shall be made by additions to or deductions from the amounts of the general grants which, apart from this section, would be payable to that authority under Part I of this Act.

PART IV
—cont.

(7) Contributions under this section made to or by a local authority shall be disregarded in ascertaining the relevant local expenditure for the area of the authority for the purposes of section five of the Act of 1954.

(8) Regulations under this section may contain such provisions as may appear to the Secretary of State necessary or expedient for the purposes of this section in consequence of any changes in the boundaries of the area of a local authority, or the formation of any such area.

(9) Regulations of the Secretary of State under this section may impose on local authorities, joint boards and joint committees requirements to furnish estimates and other information appearing to the Secretary of State necessary for the purposes of this section, including requirements as to the time at which, and form in which, the information is to be furnished.

In this subsection “local authority”, “joint board” and “joint committee” have the same meanings as they have for the purposes of the Act of 1947.

(10) Regulations made under this section shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

Expenses and receipts.

19.—(1) There shall be defrayed out of moneys provided by Parliament—

(a) all sums payable by the Secretary of State under this Act; and

(b) any increase attributable to the provisions of this Act in the sums required or authorised under any other Act to be so defrayed.

(2) Any increase attributable to the provisions of this Act in the receipts of the Registrar-General for Births, Deaths and Marriages in Scotland shall be paid into the Exchequer.

Orders and regulations to be made by statutory instrument.

20. Any power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.

Interpretation.

21.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“Act of 1947” means the Local Government (Scotland) Act, 1947;

“ Act of 1954 ” means the Local Government (Financial Provisions) (Scotland) Act, 1954 ;

“ Act of 1956 ” means the Valuation and Rating (Scotland) Act, 1956 ;

“ local authority ” means a county council or the town council of a burgh, and “ area ”, in relation to a local authority, means, in the case of a town council, the burgh, and, in the case of a county council, the county exclusive of any burgh situated therein ;

“ relevant expenditure ” has the meaning assigned to it by subsection (1) of section one of this Act ;

“ year ” means a period of twelve months beginning on the sixteenth day of May.

(2) Any provision in this Act containing a reference to the sixteenth day of May shall, in its application to an authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution for the said reference of a reference to that other day ; but this subsection shall be without prejudice to subsection (9) of section seven of this Act.

(3) Without prejudice to subsection (7) of section seven of, and paragraph 6 of the Second Schedule to, this Act—

(a) any reference in this Act to the rateable valuation of any area for any year shall be construed as a reference to the total of the rateable values of the lands and heritages in that area as shown in the valuation roll in force on the first day of that year, and

(b) any reference in this Act to the standard rateable value of any area for any year shall be construed as a reference to the standard rateable value of the area for that year as estimated by the Secretary of State for the purposes of the Act of 1954.

(4) Any reference in this Act to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment, including this Act.

22. The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule: Repeals.

Provided that the repeals specified in Part II of that Schedule shall not have effect for the purposes of any period before the first day of April, nineteen hundred and fifty-nine ; and the

PART IV
—cont.

repeals specified in Part III of that Schedule shall not have effect for the purposes of any period before the sixteenth day of May, nineteen hundred and fifty-nine.

Citation and
extent.

23.—(1) This Act may be cited as the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.

(2) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Section 1.

RELEVANT EXPENDITURE

1. Expenditure incurred by or on behalf of education authorities within the meaning of the Education (Scotland) Act, 1946, in respect of the carrying out of their functions as education authorities whether under that Act or any other enactment, other than expenditure incurred—

- (a) in connection with the provision of milk for pupils attending public schools and other educational establishments under the management of education authorities, or the provision of such milk in pursuance of arrangements made under section forty-nine of the said Act of 1946 ;
- (b) in connection with the provision of main midday meals for day pupils in attendance at public schools or the provision of such meals in pursuance of arrangements made under the said section forty-nine ;
- (c) in the removal of works constructed for the purposes of air raid precautions or of temporary works constructed for defence purposes by or on behalf of the Secretary of State, the Admiralty or the Minister of Home Security in pursuance of Regulation fifty or fifty-one of the Defence (General) Regulations, 1939, or by agreement, and in reinstatement of premises so far as it is rendered necessary by any such removal ; and
- (d) in pursuance of a scheme under section ten of the Employment and Training Act, 1948.

2. Expenditure incurred by or on behalf of local health authorities within the meaning of the National Health Service (Scotland) Act, 1947, in respect of the carrying out of the functions of such authorities, whether under that Act or any other enactment.

3. Expenditure on fire services, other than expenditure incurred in the performance of functions imposed under section two of the Civil Defence Act, 1948.

4. Expenditure incurred in the carrying out of any of the functions specified in subsection (1) of section thirty-nine of the Children Act, 1948, other than the management of approved schools or services in connection with children sent to approved schools, or in connection with remand homes.

5.—(1) Expenditure incurred in connection with—

- (a) the acquisition of land under Part I of the Town and Country Planning (Scotland) Act, 1945, under section thirty-five or thirty-seven of the Town and Country Planning (Scotland) Act, 1947, or in pursuance of section seventeen of the latter Act, but not including the acquisition of land for major redevelopment or land situated within an area to which a town development scheme as defined in Part II of the Housing and Town Development (Scotland) Act, 1957, relates ;

1st Sch.
—cont.

- (b) the acquisition under section thirty-eight of the said Act of 1947 of any building as respects which, immediately before the acquisition thereof, a building preservation order was in force or could have been made; the acquisition of any building by virtue of section seventeen of the said Act as applied by a building preservation order; or the acquisition under the said section thirty-eight of any land comprising or contiguous or adjacent to any such building;
- (c) the acquisition, under any enactment other than sections thirty-five or thirty-seven of the Town and Country Planning (Scotland) Act, 1947, of land for use as a public open space;
- (d) the payment of compensation under Part II or Part VII of the said Act of 1947, other than compensation payable in respect of land compulsorily acquired by virtue of section seventeen of that Act, or land of the National Coal Board to which the Fifth Schedule to that Act applies by virtue of regulations under section eighty-six of that Act;
- (e) the taking of any action under sections twenty-two to twenty-four of that Act other than action in respect of such land of the National Coal Board as aforesaid, or the taking of action under the said section twenty-two as applied by any of the provisions of Part II of that Act;
- (f) the carrying out of any work of restoring, repairing or adapting any buildings in the case of a building in respect of which a building preservation order was in force or could have been made immediately before its acquisition:

Provided that the expenditure specified in heads (b) and (f) of this sub-paragraph does not include expenditure incurred in connection with the acquisition of any building excepted by direction of the Secretary of State as being a building of outstanding historical or architectural interest, or the carrying out of any work of restoration, repair, maintenance or adaptation on or in the case of such a building.

(2) References in this paragraph to expenditure incurred in connection with the acquisition of land include references to expenditure incurred in connection with the clearing and preliminary development of the land.

(3) Regulations made by the Secretary of State with the consent of the Treasury in like manner as regulations made under section eighty-nine of the said Act of 1947 may provide—

- (a) for treating the appropriation of land, in such cases and subject to such conditions as may be prescribed by or under the regulations, as equivalent for the purposes of this paragraph to the acquisition of land at such cost as may be so prescribed;
- (b) for determining how expenditure is to be ascertained for the purposes of this paragraph, whether by reference to expenditure actually incurred or by reference to annual costs incurred or treated as incurred in respect of the borrowing of money, or by reference to the excess of such expenditure or costs over receipts or the annual value of receipts or partly in one way and partly in another;

(c) for the inclusion, in the expenditure incurred in the acquisition of land, of the whole or a part of any sum paid in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expenses incurred in consequence of the restriction).

1ST SCH.
---cont.

(4) Expressions used in this paragraph and in the Town and Country Planning (Scotland) Acts, 1947 to 1954, have in this paragraph the same meanings as they have for the purposes of those Acts.

6. Expenditure incurred in the making and carrying out of arrangements for promoting road safety by disseminating information or advice relating to the use of roads, or for giving practical training to road users or any class or description of road users (including the making of contributions towards the cost of arrangements for the like purposes made by other authorities or bodies).

7. Expenditure incurred in the provision and maintenance of vehicles or equipment for use by police forces in connection with the enforcement of the law relating to road traffic.

8. Expenditure incurred in the defraying of registration expenses within the meaning of the Representation of the People Act, 1949 (including any payments made by registration officers as part of their registration expenses).

9. Expenditure incurred by local authorities in the provision, or aiding the provision, of facilities for physical training and recreation, including the provision and equipment of gymnasiums, playing fields, swimming baths, bathing places, holiday camps and camping sites, and other buildings and premises for physical training and recreation and the training and supply of teachers and leaders.

10. Expenditure incurred in the provision of such accommodation as it is the duty of local authorities to provide under subsection (1) of section twenty-one of the National Assistance Act, 1948, or in the making of payments or contributions under section twenty-six of that Act to voluntary organisations, or incurred in respect of arrangements under section twenty-nine of that Act (which relates to welfare arrangements for handicapped persons).

11. Expenditure incurred in the making and carrying out of arrangements under the School Crossing Patrols Act, 1953.

SECOND SCHEDULE

Section 1.

APPORTIONMENT TO LOCAL AUTHORITIES OF AGGREGATE AMOUNT OF GENERAL GRANTS

1. The aggregate amount of the general grants for any year as reduced in accordance with Part I of the Third Schedule to this Act shall first be apportioned to all counties and those burghs which are counties of cities in proportion to their weighted populations.

2. The amount apportioned to any burgh in accordance with the foregoing paragraph shall, subject to adjustment in accordance with

2ND SCH.
—cont.

Part II of the Third Schedule to this Act, be the amount of the general grant for the local authority for that burgh for the year in question.

3. The amount apportioned in accordance with paragraph 1 of this Schedule to any county shall be further apportioned among the landward area, or in the case of a combined county the landward areas, of the county and the burghs in the county in proportion to their rateable valuations or standard rateable values, whichever in each case is the higher, for the immediately preceding year.

4. The amount apportioned to any landward area or burgh in accordance with the last foregoing paragraph shall, subject to adjustment in accordance with Part II of the Third Schedule to this Act, be the amount of the general grant for the local authority for that area or burgh for the year in question.

5.—(1) For the purposes of this Schedule the weighted population of a county or a burgh (being a county of a city) shall be the sum of the following, calculated by the Secretary of State in relation to the county or burgh, that is to say—

- (a) the total population ;
- (b) the number of children under fifteen years of age in the total population ;
- (c) where the proportion which the number of pupils receiving primary or secondary education within the meaning of the Education (Scotland) Act, 1946, in public schools within the meaning of that Act, or under special arrangements made by the authority under section fourteen of that Act, bears to the number of miles of roads is as specified in any line in the first column of Table I annexed to this Schedule, the percentage of the total population specified in the same line in the second column of that Table ; and
- (d) in the case of a county, where the proportion which the population of the landward area (or, in the case of a combined county, the landward areas) bears to the total population is as specified in any line in the first column of Table II annexed to this Schedule, the percentage of the total population specified in the same line in the second column of that Table.

(2) For the purposes of this paragraph—

- (a) the total population of any county or burgh, the number of children under fifteen years of age in any such population and the population of the landward area (or areas) of any county shall be calculated by reference to estimates of the Registrar-General of Births, Deaths and Marriages in Scotland relating to the thirtieth day of June in the year immediately preceding the grant year ;
- (b) the number of pupils receiving primary or secondary education as aforesaid in any county or burgh shall be calculated by reference to certificates of the education authority relating to the thirty-first day of July in the year immediately preceding the grant year ; and

- (c) the number of miles of roads shall be calculated by reference to estimates of the Secretary of State relating to the sixteenth day of May in the year immediately preceding the grant year.

2ND SCH.
—cont.

(3) The Secretary of State may, if he thinks fit, determine that any sea route between two places in a county, being a sea route served by a ferry or by public transport vessels and specified in the determination, shall be treated for the purposes of this paragraph as if it were a road in the county; and in any calculation under this paragraph any such determination shall be taken into account.

6. In the application of this Schedule to the general grants for the years beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and the sixteenth day of May, nineteen hundred and sixty-one, the rateable valuation and standard rateable value for any area for the immediately preceding year shall be taken to be the amounts estimated in relation to the area by the assessor and the Secretary of State under subsection (7) of section seven of this Act and under subsection (8) of section fifteen of the Act of 1956 respectively.

7. In this Schedule—

- (a) “county” means a county (or, in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Act of 1947, the combined county) inclusive of any burgh situated therein, other than a burgh which is a county of a city;
- (b) “grant year” in relation to any general grants means the year for which the grants are payable; and
- (c) “roads” means highways maintained and managed by the Secretary of State or by a local authority.

TABLE I

<i>Proportion of pupils to miles of roads</i>	<i>Percentage of total population</i>
Under 2.5 to 1	50
Under 3.0 to 1 and not under 2.5 to 1	47½
Under 3.5 to 1 and not under 3.0 to 1	45
Under 4.0 to 1 and not under 3.5 to 1	42½
Under 4.5 to 1 and not under 4.0 to 1	40
Under 5.0 to 1 and not under 4.5 to 1	37½
Under 5.5 to 1 and not under 5.0 to 1	35
Under 6.0 to 1 and not under 5.5 to 1	32½
Under 6.5 to 1 and not under 6.0 to 1	30
Under 7.0 to 1 and not under 6.5 to 1	27½
Under 7.5 to 1 and not under 7.0 to 1	25
Under 8.0 to 1 and not under 7.5 to 1	22½
Under 8.5 to 1 and not under 8.0 to 1	20
Under 9.0 to 1 and not under 8.5 to 1	17½
Under 9.5 to 1 and not under 9.0 to 1	15
Under 10.0 to 1 and not under 9.5 to 1	12½
Under 10.5 to 1 and not under 10.0 to 1	10
Under 11.0 to 1 and not under 10.5 to 1	7½
Under 11.5 to 1 and not under 11.0 to 1	5
Under 12.0 to 1 and not under 11.5 to 1	2½
12.0 to 1 and over	Nil

2ND SCH.
—cont.

TABLE II

<i>Proportion of population in landward area of county to total population</i>	<i>Percentage of total population</i>
85 per cent. and over	75
Under 85 per cent. and not under 75 per cent. ...	50
Under 75 per cent. and not under 70 per cent. ...	25
Under 70 per cent. and not under 60 per cent. ...	15
Under 60 per cent. and not under 50 per cent. ...	5
Under 50 per cent.	Nil

Section 1

THIRD SCHEDULE

ADJUSTMENT OF GENERAL GRANTS

PART I

Reduction of aggregate of general grants

1. The aggregate amount fixed by the Secretary of State under subsection (2) of section one of this Act for any year shall be reduced by—

- (a) the expenditure incurred in that year by the Secretary of State in making any payments to the universities of Scotland under paragraph (5) of section seventy of the Education (Scotland) Act, 1946 ;
- (b) one-half of the expenditure incurred in that year under section twenty-three of the Fire Services Act, 1947, on the central training institution ;
- (c) three-quarters of the expenditure incurred in that year under the said section twenty-three on local training centres ;
- (d) three-quarters of the expenditure incurred in that year on any central examination board established by any regulations made under section eighteen of the said Act of 1947, in connection with the appointment or promotion of persons to any rank in a fire brigade maintained under that Act ; and
- (e) such proportion not exceeding one-half as the Secretary of State may with the consent of the Treasury determine of the expenditure incurred in that year by the Secretary of State under sections forty-five and forty-six of the Children Act, 1948, (which relate respectively to grants for training in child care and grants to voluntary organisations).

2. Where the amount of any reduction under the foregoing paragraph depends on expenditure which has not been ascertained at the time when the reduction falls to be made, the amount shall be based on an estimate of the expenditure, and any discrepancy between the estimate and the actual amount of the expenditure shall be compensated for in the earliest practicable subsequent year by means of an adjustment to the aggregate amount fixed as aforesaid for that year.

PART II

3RD SCH.
—cont.*Adjustment of general grants payable to local authorities*

3.—(1) In respect of expenditure to which this paragraph applies, the general grants payable for any year shall be subject to adjustment in accordance with regulations made under this paragraph.

(2) The Secretary of State may by regulations, subject to annulment in pursuance of a resolution of either House of Parliament, provide for ascertaining the aggregate of such expenditure for the year in question of all local authorities and joint county councils of which local authorities are constituent councils, for apportioning the aggregate among the local authorities, and for giving effect to the apportionment by means of increases or decreases in the general grants payable to each authority of such amounts as may be ascertained in accordance with the regulations.

(3) This paragraph applies to expenditure incurred—

- (a) in the provision, or in assisting the provision, of such facilities for further education as may be specified by regulations made under this paragraph,
- (b) in making, or assisting to make, such other educational provision as may be specified, with the approval of the Treasury and after consultation with such associations of local authorities as appear to the Secretary of State to be concerned, in regulations made under this paragraph,
- (c) in the training of persons to become health visitors or midwives or in respect of persons who are being so trained, and
- (d) in the exercise of any of the functions specified in subsection (1) of section thirty-nine of the Children Act, 1948, with respect to children in the care of a local authority, being children determined by the Secretary of State not to be ordinarily resident in the area of the authority,

so however that this paragraph does not apply to expenditure falling within head (d) of this sub-paragraph which is recoverable by the local authority under paragraph (b) of subsection (4) of section one of the Children Act, 1948, from the authority in whose area the child is ordinarily resident.

FOURTH SCHEDULE

Section 6.

CONSEQUENTIAL MODIFICATIONS OF ENACTMENTS

PART I

*Modifications consequential on Part I of this Act**The Ministry of Transport Act, 1919*

1. In section seventeen of the Ministry of Transport Act, 1919, in subsection (2) the words from “and may” to the end shall cease to have effect.

The Road Traffic Act, 1930

2. In section fifty-seven of the Road Traffic Act, 1930, subsections (3) and (4) shall cease to have effect.

4TH SCH.
—cont.

The Children and Young Persons (Scotland) Act, 1937

3.—(1) In subsection (3) of section ninety of the Children and Young Persons (Scotland) Act, 1937, after the words “for the time being residing, and” there shall be inserted the words “in the case of a child or young person ordered to be sent to an approved school”; for the words “such authority” there shall be substituted the words “the education authority”; and at the end of the subsection there shall be added the words “and in any other case shall (unless the child or young person has been committed to, or received into, the care of the authority to whom the contributions were payable) be paid over to the local authority to whose care the child or young person has been committed, or into whose care the child or young person has been received, but subject to such deductions in respect of services rendered by the local authority to whom the contributions were payable as may be agreed between the authorities concerned or as, in default of agreement, may be determined by the Secretary of State.”

(2) Any reference in paragraph (b) of subsection (2) of section ninety-one, and in subsection (1) of section ninety-two, of the said Act of 1937 to a local authority entitled to receive contributions made under Part V of that Act in respect of a child or young person shall be construed as a reference to the local authority to whom the contributions are payable by the person liable to make them.

(3) In section ninety-three of the said Act of 1937 in subsection (1), after the words “fit person” there shall be inserted the words “not being a local authority”.

The Physical Training and Recreation Act, 1937

4 In section three of the Physical Training and Recreation Act, 1937, in paragraphs (a) and (b) of subsection (1), for any reference to a local authority there shall be substituted a reference to a district council.

The Pensions (Increase) Act, 1944

5. In section nine of the Pensions (Increase) Act, 1944, for paragraph (d) there shall be substituted the following paragraph, that is to say—

“(d) any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Education (Scotland) Act, 1946, shall be defrayed out of moneys provided by Parliament.”

The Education (Scotland) Act, 1946

6.—(1) In section one of the Education (Scotland) Act, 1946, there shall be added at the end the following subsection, that is to say—

“(8) The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in exercising their functions under this section.”

(2) Section sixty-nine of the said Act of 1946 shall cease to have effect.

(3) In section seventy of the said Act of 1946—

- (a) for the words “The Education (Scotland) Fund in any year shall be applied” there shall be substituted the words “The Secretary of State may, out of moneys provided by Parliament, apply such sums as he thinks necessary”;
- (b) in paragraph (1) the words “in so far as such expenses are not provided for from moneys voted by Parliament” shall be omitted;
- (c) paragraph (4) shall cease to have effect;
- (d) in paragraph (7) the words “in addition to any sums voted by Parliament for the training of teachers” shall be omitted;
- (e) in paragraph (12) the words “to the application of the balance as nearly as may be” shall be omitted; and
- (f) in paragraph (12) after the words “education authorities” there shall be inserted the words “not being relevant expenditure for the purposes of Part I of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.”

(4) In section seventy-one of the said Act of 1946, in subsection (1), the words from “The said regulations” to the end of the subsection shall cease to have effect.

(5) In section seventy-six of the said Act of 1946, in subsection (1), the words “from the Education (Scotland) Fund or” shall be omitted.

(6) In section one hundred and three of the said Act of 1946, in subsection (4), after the words “made by the Secretary of State”, there shall be inserted the words “or under any enactment, to the body or education authority, or, in the case of an education authority which is a joint county council, to any constituent council thereof,”, and after subsection (5) there shall be added the following subsection, that is to say—

“(6) All sums collected or recovered by the Secretary of State under this section shall be paid into the Exchequer.”

(7) In section one hundred and forty-three, in subsection (1), for the definition of “code” there shall be substituted the following definition, that is to say—

“‘code’ means regulations made under subsection (8) of section one of this Act.”

(8) In the Third Schedule to the said Act of 1946, in paragraph 3 of Part I, there shall be added at the end the words “and may include provision for the treatment as having been paid into the revenue of the account kept under section one hundred and six of this Act of a sum which in the opinion of the Secretary of State represents the employers’ interest in the Fund having regard to the sums contributed to the Fund by teachers and employers, to the extent to which the employers’ contributions were aided by grant from moneys provided by Parliament and to the expenditure from the Fund.”

(9) In the Fourth Schedule to the said Act of 1946, in subparagraph (b) of paragraph 2, for the words “the Education (Scotland) Fund” there shall be substituted the words “moneys provided by Parliament”.

4TH SCH.
—cont.*The National Health Service (Scotland) Act, 1947*

7. In section fifty-three of the National Health Service (Scotland) Act, 1947, subsections (1) to (3) shall cease to have effect.

The Fire Services Act, 1947

8. Section twenty-five and subsection (17) of section thirty-six of the Fire Services Act, 1947, shall cease to have effect.

The Local Government (Scotland) Act, 1947

9. In section one hundred and four of the Local Government (Scotland) Act, 1947, subsection (2) shall cease to have effect.

The Town and Country Planning (Scotland) Act, 1947

10. In section eighty-nine of the Town and Country Planning (Scotland) Act, 1947, in subsection (1), in paragraph (a), after the word "acquisition" there shall be inserted the words "for major redevelopment", and after the word "acquired" there shall be inserted the words "for such redevelopment"; in paragraph (b), after the word "compensation" where it first occurs, there shall be inserted the words "in respect of land of the National Coal Board to which the Fifth Schedule to this Act applies by virtue of regulations under section eighty-six of this Act, being compensation payable", and for the words from the first "twenty-two" to the end of the paragraph there shall be substituted the words "twenty-three or twenty-four of this Act in respect of such land of the National Coal Board as aforesaid"; paragraph (c) shall cease to have effect; at the end of the subsection there shall be inserted—

"In this Act "major redevelopment" means redevelopment of an area as a whole (including the re-location of population or industry, and the replacement of open space, for the purposes of such redevelopment) which appears to the Secretary of State, after consultation with the local planning authority concerned to be, by reason of the scale of the operations involved of major importance to the proper planning of the local planning authority's district and to be likely (either by itself or along with commitments already undertaken or proposed to be undertaken by way of redevelopment by the authority) to impose an unreasonable burden on the financial resources of the local planning authority;"

and in subsection (4) the proviso shall cease to have effect.

The Local Government Act, 1948

11.—(1) Section twenty-three of the Local Government Act, 1948, shall cease to have effect.

(2) Subsection (1) of section twenty-four of the Local Government Act, 1948, shall have effect as if any reference therein to an exchequer equalisation grant were a reference to a general grant payable under this Act.

(3) In section one hundred and fourteen of the Local Government Act, 1948, in the proviso to subsection (2), the words "or out of the Education (Scotland) Fund" shall be omitted, and in subsection

(4), after the word “Parliament”, there shall be inserted the words “under any enactment, whether passed before or after the passing of this Act”.

The National Assistance Act, 1948

12. Section twenty-eight of the National Assistance Act, 1948, shall cease to have effect.

The Superannuation (Miscellaneous Provisions) Act, 1948

13.—(1) In section one of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (3), the words “or into or out of the Education (Scotland) Fund” shall be omitted.

(2) In section two of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (4), the words “or out of the Education (Scotland) Fund” and the words “into the Education (Scotland) Fund” shall be omitted, and subsection (8) shall cease to have effect.

(3) In section seventeen of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (1), the definition of “pension fund” shall have effect with the substitution for the reference to the Education (Scotland) Fund of a reference to the Exchequer.

The Children Act, 1948

14.—(1) In section forty-six of the Children Act, 1948, in subsection (2), the words “with the consent of the Secretary of State” shall be omitted.

(2) Section forty-seven of the Children Act, 1948, shall cease to have effect.

The Prevention of Damage by Pests Act, 1949

15. Section eleven of the Prevention of Damage by Pests Act, 1949, shall cease to have effect.

The Representation of the People Act, 1949

16.—(1) In section forty-three of the Representation of the People Act, 1949, in subsection (1), paragraph (a) shall cease to have effect, and in subsection (3) the words from “and any sums” to “the Exchequer of the United Kingdom” shall be omitted.

(2) In section forty-four of the Representation of the People Act, 1949, in subsection (3), for the words “the Treasury”, in each place where they occur, there shall be substituted the words “the Secretary of State”, but nothing in this sub-paragraph shall affect any scale of expenses framed, or sanction given, before the coming into effect of this paragraph.

The Vehicles (Excise) Act, 1949

17. In section twenty-four of the Vehicles (Excise) Act, 1949, paragraph (b) of subsection (1) shall cease to have effect.

The School Crossing Patrols Act, 1953

18. In section three of the School Crossing Patrols Act, 1953, subsections (1) and (2) shall cease to have effect.

4TH SCH.
—cont.

The Pensions (Increase) Act, 1956

19.—(1) In section two of the Pensions (Increase) Act, 1956, in subsection (1), the words “ or out of the Education (Scotland) Fund ” shall be omitted.

(2) In section twelve of the Pensions (Increase) Act, 1956, in subsection (2), for the words “ the Education (Scotland) Fund ” there shall be substituted the words “ moneys provided by Parliament ” and the words from “ and for the purpose of ” to the end of the subsection shall cease to have effect.

The Road Traffic Act, 1956

20. In section five of the Road Traffic Act, 1956, in subsection (2), at the end there shall be added the words “ being arrangements made by authorities or bodies other than local authorities.”; and in subsection (4), the words “ and grants in respect thereof ” shall cease to have effect.

PART II

Modifications consequential on the Local Government Act, 1958

21. In section one of the Act of 1954, in subsection (1), in paragraph (b), for the words “ Exchequer Equalisation Grants ” there shall be substituted the words “ Rate-deficiency Grants ”.

22. In section twenty-six of the Act of 1956, in subsection (2), paragraph (a) shall cease to have effect.

23. In the Sixth Schedule to the Act of 1956—

(a) for paragraph 1 there shall be substituted the following paragraph, that is to say—

“ 1.—(1) The Minister of Housing and Local Government (hereinafter referred to as “ the Minister ”) shall estimate and certify—

(a) the total amount of the expenditure (as defined in subsection (5) or, as the case may be, subsection (6), as read with subsections (7) and (8) of section five of the Local Government Act, 1958) of all local authorities (as defined for the purposes of the said section five) in England and Wales for the twelve months ending on the thirty-first day of March in the year in question ; and

(b) the total of the weighted populations of all counties and county boroughs in England and Wales.

(2) In this paragraph the expression “ the weighted population ” in relation to a county or county borough means the population thereof plus the number of children under fifteen years of age therein and, in the case of a county the population whereof divided by the road-mileage thereof is less than seventy, plus also one-third of the additional population needed in order that the population thereof divided by the road-mileage thereof should be seventy.” ;

- (b) in paragraph 3, for the words “sub-paragraph (a)” there shall be substituted the words “head (a) of sub-paragraph (1)”;
- (c) in paragraph 4, for the words “Exchequer Equalisation Grants” there shall be substituted the words “Rate-deficiency Grants”, and for the words “total amount of the relevant local expenditure of all the counties and county boroughs in England and Wales” there shall be substituted the words “amount certified under head (a) of sub-paragraph (1) of paragraph 1 of this Schedule”; and
- (d) for paragraph 7 there shall be substituted the following paragraph, that is to say—

“7.—(1) The Secretary of State shall estimate and certify the amount arrived at by deducting from the total of the relevant local expenditure of all burghs and landward areas in Scotland for the year in question the cost of the collection of rates for that year, and adding an amount equal to the total of the sums falling to be paid for that year to the Secretary of State by the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board and the British Transport Commission under Part V of the Local Government Act, 1948, for the benefit of local authorities in Scotland.

(2) There shall be calculated the sum which bears to the amount certified under the foregoing sub-paragraph the same proportion as the notional Exchequer Grant for Scotland bears to the notional relevant local expenditure for Scotland, and the sum so arrived at is the amount last mentioned in subsection (1) of section twenty-six of this Act.”

PART III

Commencement of Fourth Schedule

- 24.—(1) The following provisions of this Schedule, that is to say—
paragraph 5,
in paragraph 6, sub-paragraph (2), heads (a) to (e) of sub-paragraph (3), sub-paragraphs (5), (6), (8) and (9),
in paragraph 11, sub-paragraph (3),
paragraph 13, and
paragraph 19,

shall come into operation on the first day of April, nineteen hundred and fifty-nine.

(2) Subject to the foregoing sub-paragraph the provisions of this Schedule shall come into operation for the purposes of the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and subsequent years, but not for those of any earlier year.

FIFTH SCHEDULE

LOCAL GOVERNMENT ADMINISTRATION

The Allotments (Scotland) Act, 1922

1. Section nine of the Allotments (Scotland) Act, 1922 (which requires the councils of certain burghs to establish allotment committees) shall cease to have effect.

The Education (Scotland) Act, 1946

2. In section three of the Education (Scotland) Act, 1946 (which relates to the provision of facilities for recreation and social and physical training), in subsection (1), the words "with the approval of the Secretary of State" shall cease to have effect.

3. In section twenty-five of the said Act of 1946 (which relates to contributions by education authorities to the maintenance of certain schools and institutions), in subsection (6), the words "with the sanction of the Secretary of State" shall cease to have effect, and for the words "the Secretary of State," where those words secondly occur, there shall be substituted the words "the education authority".

4. In section twenty-seven of the said Act of 1946 (which relates to educational research) the words "with the approval of the Secretary of State" shall cease to have effect.

5. In section thirty-four of the said Act of 1946 (which relates to exemption from school attendance) subsection (5) shall cease to have effect.

6. In section forty-five of the said Act of 1946 (which relates to the provision of transport and other facilities), in subsection (1), the words "or as the Secretary of State may direct" shall cease to have effect.

7. In section seventy-four of the said Act of 1946 (which relates, among other things, to the examination of accounts of education authorities) subsections (2) and (3) shall cease to have effect:

Provided that this paragraph shall not have effect as respects accounts for any period before the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine.

The National Health Service (Scotland) Act, 1947

8. In section twenty-two of the National Health Service (Scotland) Act, 1947 (which relates to the care of mothers and young children), in subsection (3), the words "with the approval of the Secretary of State" shall cease to have effect.

9. In section twenty-seven of the National Health Service (Scotland) Act, 1947 (which relates to the prevention of illness, the care of persons suffering from illness or mental deficiency and the after care of such persons), in subsection (3), the words "with the approval of the Secretary of State" shall cease to have effect.

10. In section fifty-one of the National Health Service (Scotland) Act, 1947 (which relates to the duties of local health authorities under

the Lunacy and Mental Deficiency Acts) in subsection (3), the words “with the approval of the Secretary of State” shall cease to have effect.

11. The Fifth Schedule to the National Health Service (Scotland) Act, 1947 (which requires local health committees to make the minutes of their proceedings available for inspection by electors) shall cease to have effect.

The Local Government (Scotland) Act, 1947

12. In section one hundred and five of the Act of 1947, subsection (2) (which requires county councils and town councils of large burghs to have administrative schemes for the discharge of their functions as local health authorities), subsection (3) (which requires county councils to have administrative schemes for the discharge of their functions relating to roads) and subsection (4) (which precludes county councils and the town councils of large burghs from revoking administrative schemes approved under section fourteen of the Local Government (Scotland) Act, 1929, otherwise than by making another administrative scheme) shall cease to have effect and any reference in subsection (5) or subsection (6) of the said section one hundred and five to an administrative scheme shall be construed as a reference only to an administrative scheme relating to education.

13. Section one hundred and seven of the Act of 1947 (which prescribes the contents of certain administrative schemes required to be made by county councils and town councils of large burghs) shall cease to have effect.

14. Section one hundred and ten of the Act of 1947 (which requires county councils to appoint committees for the purposes of their functions relating to roads) shall cease to have effect.

15. Section one hundred and eleven of the Act of 1947 (which relates to health committees required to be appointed by county councils and town councils of large burghs) shall cease to have effect.

16. Section one hundred and twelve of the Act of 1947 (which requires county councils and town councils which are police authorities to appoint committees for the purposes of their functions relating to police) shall cease to have effect.

17. In section one hundred and fourteen of the Act of 1947 (which relates to the appointment of sub-committees of committees for administrative scheme functions) for subsection (1) there shall be substituted the following subsection, that is to say—

“(1) Save as otherwise provided in this Part of this Act a sub-committee of the education committee of a county council or of the town council of a county of a city may consist to an extent not exceeding one half of persons who are not members of the council:

Provided that 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.”

18. Section one hundred and fifteen of the Act of 1947 (which relates to the appointment of committees and sub-committees of

5TH SCH.
—cont.

county councils, town councils of burghs and district councils) shall have effect with the addition of the following subsection, that is to say—

“(3) Any committee appointed by a local authority under subsection (1) of this section for the purposes of the authority’s functions under the Allotments (Scotland) Act, 1922, the National Health Service (Scotland) Act, 1947, the Town and Country Planning (Scotland) Act, 1947, or the National Assistance Act, 1948, may to an extent not exceeding one third of its membership consist of persons, not being members of the local authority, who have special knowledge or experience in regard to the functions for the purposes of which the committee is appointed.”

19. In section one hundred and fifty-seven of the Act of 1947 (which relates to the acquisition of land in advance of requirements) the words “with the consent of the Minister concerned” shall cease to have effect.

The Town and Country Planning (Scotland) Act, 1947

20. Part IV of the First Schedule to the Town and Country Planning (Scotland) Act, 1947 (which requires local planning authorities to establish planning committees for the discharge of their functions under that Act) shall cease to have effect.

21. In Part V of the First Schedule to the Town and Country Planning (Scotland) Act, 1947 (which relates to sub-committees), in paragraph 1, for the words “The planning committee of a local planning authority” there shall be substituted the words “Any committee established by a local planning authority for the discharge of their functions under this Act”, after the words “the committee” there shall be inserted the words “(hereinafter referred to as “the planning committee”)", and for the words “not less than three-fourths of the members of any such sub-committee which consists of more than three persons” there shall be substituted the words “not less than two-thirds of the members of any such committee”; and, in paragraph 3, for the words “a planning committee established under Part IV of this Schedule”, there shall be substituted the words “a committee to which paragraph 1 of this Part of this Schedule relates”.

The Local Government Act, 1948

22. In section one hundred and thirty-five of the Local Government Act, 1948 (which relates to instruction, lectures, etc., on questions relating to local government) in subsection (1), the words “Subject to such conditions and restrictions, if any, as the Secretary of State may by regulations prescribe” shall cease to have effect.

The National Assistance Act, 1948

23. Part I of the Third Schedule to the National Assistance Act, 1948 (which requires county councils and town councils of large burghs to establish committees for the discharge of their functions under Part III of that Act) shall cease to have effect.

The Valuation and Rating (Scotland) Act, 1956

24. Section two of the Valuation and Rating (Scotland) Act, 1956 (which requires valuation authorities to have administrative schemes for the discharge of their functions relating to valuation) shall cease to have effect.

SIXTH SCHEDULE

Section 22.

REPEALS

PART I

Repeals having effect as from passing of Act

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 58.	The Trusts (Scotland) Act, 1921.	In section ten, in subsection (1), in paragraph (a), sub-paragraph (8).
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	In section one hundred and ninety-one, in subsection (3), paragraph (d).
14 & 15 Geo. 6. c. 15.	The Local Government (Scotland) Act, 1951.	In section four, in subsection (1), the words "during the continuance in force of this section"; subsection (2).

PART II

Repeals not having effect for any period before 1st April, 1959

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	Section sixty-nine; in section seventy, in paragraph (1), the words "in so far as such expenses are not provided from moneys voted by Parliament", paragraph (4), in paragraph (7), the words "in addition to any sums voted by Parliament for the training of teachers", and in paragraph (12) the words "to the application of the balance as nearly as may be"; in section seventy-six, in subsection (1), the words "from the Education (Scotland) Fund or".
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section one hundred and fourteen, in the proviso to subsection (2), the words "or out of the Education (Scotland) Fund".
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act, 1948.	In section one, in subsection (3), the words "or into or out of the Education (Scotland) Fund"; in section two, in subsection (4), the words "or out of the Education (Scotland) Fund", and the words "into the Education (Scotland) Fund", and subsection (8).

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—cont.

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 39.	The Pensions (Increase) Act, 1956.	In section two, in subsection (1), the words "or out of the Education (Scotland) Fund"; in section twelve, in subsection (2), the words from "and for the purpose of" to the end of the subsection.

PART III

Repeals not having effect for any period before 16th May, 1959

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	In section seventeen, in subsection (2), the words from "and may" to the end of the subsection.
12 & 13 Geo. 5. c. 52.	The Allotments (Scotland) Act, 1922.	Section nine.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section forty-six, in subsection (2), paragraph (a).
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section fifty-seven, subsections (3) and (4).
24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	In the Third Schedule, the entry relating to subsection (3) of section fifty-seven of the Road Traffic Act, 1930.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	In section one hundred and one, subsection (8).
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	In section three, in subsection (1), the words "with the approval of the Secretary of State"; in section twenty-five, in subsection (6), the words "with the sanction of the Secretary of State"; in section twenty-seven, the words "with the approval of the Secretary of State"; in section thirty-four, subsection (5); in section forty-five, in subsection (1), the words "or as the Secretary of State may direct"; in section seventy-one, in subsection (1), the words from "The said regulations" to the end of the subsection; in section seventy-four, subsections (2) and (3).

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	In section twenty-two, in subsection (3), the words "with the approval of the Secretary of State"; in section twenty-seven, in subsection (3), the words "with the approval of the Secretary of State"; in section fifty-one, in subsection (3), the words "with the approval of the Secretary of State"; in section fifty-three, subsections (1) to (3); and the Fifth Schedule.
10 & 11 Geo. 6. c. 41.	The Fire Services Act, 1947.	Section twenty-five; in section thirty-six, subsection (17).
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	In section one hundred and four, subsection (2); in section one hundred and five, subsections (2), (3) and (4); section one hundred and seven; section one hundred and ten; section one hundred and eleven; section one hundred and twelve; in section one hundred and fifty-seven, the words "with the consent of the Minister concerned"; in section two hundred and three, subsection (3); in section two hundred and eight, subsection (1).
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	In section two, in subsection (5), the words "and Part IV" and the words "and of planning committees respectively"; in section eighty-nine, in subsection (1), paragraph (c), and the proviso to subsection (4); section ninety-two; and, in the First Schedule, Part IV.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	Section twenty-three; in section one hundred and thirty-five, in subsection (1), the words "Subject to such conditions and restrictions, if any, as the Secretary of State may by regulations prescribe", and subsection (2).
11 & 12 Geo. 6. c. 29.	The National Assistance Act, 1948.	Section twenty-eight; in section thirty-three, in subsection (2), the words "committees and"; in the Third Schedule, Part I; in Part II, in paragraph 9, sub-paragraph (3), and, in

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Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 29—cont.	The National Assistance Act, 1948—cont.	paragraph 11, sub-paragraph (f); and in Part III, in paragraph 12, in sub-paragraph (a), the words from “and for any reference” to the end of the sub-paragraph; sub-paragraphs (b), (c) and (d).
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	In section forty-six, in subsection (2), the words “with the consent of the Secretary of State”; section forty-seven.
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Damage by Pests Act, 1949.	Section eleven.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act, 1949.	In section forty-three, in subsection (1), paragraph (a), and in subsection (3) the words from “and any sums” to “the Exchequer of the United Kingdom”.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	In section twenty-four, in subsection (1), paragraph (b).
1 & 2 Eliz. 2. c. 45.	The School Crossing Patrols Act, 1953.	In section three, subsections (1) and (2).
3 & 4 Eliz. 2. c. 26.	The Public Service Vehicles (Travel Concessions) Act, 1955.	Section two.
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act, 1956.	Section two; in section three, in subsection (4), paragraph (c); in section twenty-six, in subsection (2), paragraph (a).
4 & 5 Eliz. 2. c. 67.	The Road Traffic Act, 1956.	In section five, in subsection (4), the words “and grants in respect thereof”; and in the Second Schedule, in paragraph 2, the words from “and” to the end.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Registration of Births, Deaths and Marriages (Scotland) Act, 1854	17 & 18 Vict. c. 80.
Marriage Notice (Scotland) Act, 1878... ..	41 & 42 Vict. c. 43.
Cremation Act, 1902	2 Edw. 7. c. 8.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Housing (Additional Powers) Act, 1919	9 & 10 Geo. 5. c. 99.
Roads Act, 1920	10 & 11 Geo. 5. c. 72.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58.
Allotments (Scotland) Act, 1922	12 & 13 Geo. 5. c. 52.
Local Government (Scotland) Act, 1929	19 & 20 Geo. 5. c. 25.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act, 1934	24 & 25 Geo. 5. c. 19.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Physical Training and Recreation Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 46.
Marriage (Scotland) Act, 1939	2 & 3 Geo. 6. c. 34.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Employment and Training Act, 1948	11 & 12 Geo. 6. c. 46.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Civil Defence Act, 1948... ..	12, 13 & 14 Geo. 6. c. 5.
Water (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 31.
Prevention of Damage by Pests Act, 1949	12, 13 & 14 Geo. 6. c. 55.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Local Government (Scotland) Act, 1951	14 & 15 Geo. 6. c. 15.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
School Crossing Patrols Act, 1953	1 & 2 Eliz. 2. c. 45.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Town and Country Planning (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 73.
Public Libraries (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 27.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.
Road Traffic Act, 1956	4 & 5 Eliz. 2. c. 67.
Housing and Town Development (Scotland) Act, 1957	5 & 6 Eliz. 2. c. 38.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.

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