1958 No. 1926 (S. 103)

The Local Government (General Grant Adjustments) (Scotland) Regulations, 1958

Made - - - -	*18th November*, 1958
Laid before Parliament	*25th November*, 1958
Coming into Operation	*1st December*, 1958

In exercise of the powers conferred on me by paragraph 3 of the Third Schedule to the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958(**a**), and, with respect to the power conferred by head (*b*) of sub-paragraph (3) of the said paragraph 3, with the approval of the Treasury and after consultation with such associations of local authorities as appear to me to be concerned, I hereby make the following regulations:—

1. These regulations may be cited as the Local Government (General Grant Adjustments) (Scotland) Regulations, 1958 and shall come into operation on the 1st day of December, 1958.

2.—(1) In these regulations—

"the Act" means the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958;

"education authority", "educational establishment", "further education", "public school", "pupil" and "special educational treatment" have respectively the meanings attributed to them by the Education (Scotland) Act, 1946(**b**);

"expenditure" means net expenditure after deducting from gross expenditure all receipts specifically applicable towards meeting such expenditure;

"hospital" means a hospital within the meaning of the National Health Service (Scotland) Act, 1947(**c**);

"local authority" means a county council or the town council of a burgh;

"reckonable expenditure" means expenditure to which paragraph 3 of the Third Schedule to the Act applies; and

"voluntary home" has the meaning attributed to it by the Children and Young Persons (Scotland) Act, 1937(**d**).

(2) The Interpretation Act, 1889(**e**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. These regulations shall apply for the purpose of the adjustment, under paragraph (*b*) of subsection (3) of section one of the Act, of the general grants payable to local authorities for the year beginning on the 16th May, 1959, and for each subsequent year.

(**a**) 6 & 7 Eliz. 2. c. 64. (**b**) 9 & 10 Geo. 6. c. 72. (**c**) 10 & 11 Geo. 6. c. 27.
(**d**) 1 Edw. 8 & 1 Geo. 6. c. 37. (**e**) 52 & 53 Vict. c. 63.

4. The following facilities for further education are hereby specified under head (*a*) of sub-paragraph (3) of paragraph 3 of the Third Schedule to the Act, that is to say, educational establishments used or to be used for the purpose of further education by day or by day and in the evening.

5. The following educational provision is hereby specified under head (*b*) of sub-paragraph (3) of paragraph 3 of the Third Schedule to the Act, that is to say :—

(1) arrangements made and approved under section 14 of the Education (Scotland) Act, 1946, for pupils who are patients in hospitals to receive education there, and

(2) education of pupils attending public schools and residing in voluntary homes, other than—

(*a*) children within the meaning of the Children Act, 1948(a), in the care of a local authority under that Act ;

(*b*) children or young persons within the meaning of the Children and Young Persons (Scotland) Act, 1937, committed to the care of a local authority as a fit person under that Act and remaining in their care ; and

(*c*) pupils sent by an education authority to a voluntary home for the purpose of enabling them to attend a school where they will receive special educational treatment.

6. For the purpose of the ascertainment of the aggregate of the reckonable expenditure for any year of all local authorities and joint county councils of which local authorities are constituent councils, and of the adjustment of general grants, each such authority and joint council shall furnish to the Secretary of State a statement of their reckonable expenditure for the year in question.

7. The Secretary of State shall ascertain the aggregate of the said reckonable expenditure and such aggregate shall be apportioned among local authorities in the proportions in which the aggregate of the general grants for the year in question is apportioned among such authorities.

8.—(1) The apportionment of the aggregate of the said reckonable expenditure shall be given effect to by an adjustment of general grants as follows :—

(*a*) the Secretary of State shall deduct from the aggregate amount of the general grants for the year in question the aggregate amount of the reckonable expenditure for that year ; and

(*b*) he shall increase the general grant payable for the said year to any local authority which has incurred reckonable expenditure for that year by the amount of such expenditure so incurred by that authority.

(2) For the purpose of this regulation reckonable expenditure incurred by—

(*a*) a joint committee of two or more local authorities shall, so far as falling to be defrayed by virtue of section 119 (3) of the Local Government (Scotland) Act, 1947(b), by any one of the combining authorities and subject to the provisions of sub-paragraph (*c*) of this paragraph, be deemed to have been incurred by the last-mentioned authority ;

(a) 11 & 12 Geo. 6. c. 43. (b) 10 & 11 Geo. 6. c. 43.

(*b*) a joint county council shall, so far as allocated to a constituent council by virtue of section 118 (4) of the said Act of 1947 and subject to the provisions of sub-paragraph (*c*) of this paragraph, be deemed to have been incurred by the last-mentioned council;

(*c*) a joint county council or a county council shall, so far as allocated to a burgh by virtue of section 214 (2) of the said Act of 1947, be deemed to have been incurred by that burgh.

9. Where the amount of the reckonable expenditure for any year of any local authority or joint county council has not been ascertained at the time when the adjustment of the general grants for that year falls to be made, such adjustment shall be based on an estimate of the reckonable expenditure for the said year of that authority or council, and—

(*a*) where the amount of such estimate is less than the amount of such expenditure as finally ascertained under regulation 7 of these regulations, the difference between the said two amounts shall be added to and deemed to form part of the reckonable expenditure of such authority or council for the earliest practicable subsequent year;

(*b*) where the amount of such estimate is greater than the amount of such expenditure as so ascertained, the reckonable expenditure of such authority or council for the earliest practicable subsequent year shall be reduced by the difference between the said two amounts.

Dated this 18th day of November, 1958.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

The purpose of these regulations is to provide for the ascertaining by the Secretary of State of the total expenditure incurred each year by certain local authorities on child care, education and training of health visitors and midwives; for the redistribution of such expense among all local authorities in the same proportions as the aggregate amount of the general grants is apportioned to them; and for giving effect to this redistribution by means of increases and decreases in the general grants payable to each authority.