1958 No. 1925 (S. 102)

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

Made - - - -	*18th November*, 1958
Laid before the House of Commons	*25th November*, 1958
Coming into Operation	*1st December*, 1958

In exercise of the powers conferred on me by subsections (2) and (8) of section 18 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958(a), I hereby make the following regulations:—

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

2.—(1) In these regulations—

"the Act of 1954" means the Local Government (Financial Provisions) (Scotland) Act, 1954(b);

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

"estimated" means—

(*a*) except in regulation 4 (1) (*a*), estimated by the Secretary of State;

(*b*) in regulation 4 (1) (*a*), estimated by the Minister responsible for the payment of the grant in question;

"relevant local expenditure" has the meaning assigned to it by subsection (2) of section 5 of the Act of 1954;

"year" has the meaning assigned to it by subsection (1) as read with subsection (2) of section 21 of the Act of 1958.

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

3. The loss or gain accruing to a local authority from the coming into operation of sections 1, 2, 4, 6 and 7 of the Act of 1958 shall be ascertained by the Secretary of State by reference to—

(*a*) the estimated rate required to be levied by such authority for the year 1957-58;

(*b*) the estimated rate which would have been required to be levied by that authority for the year 1957-58 if the said sections of the Act of 1958 had been in force for that year and the previous year; and

(*c*) the rateable valuation of the area of the local authority estimated as if section 7 of the Act of 1958 had been in force for the years 1956-57 and 1957-58.

subject to the exceptions specified in regulation 5 of these regulations.

(a) 6 & 7 Eliz. 2. c. 64. (b) 2 & 3 Eliz. 2. c. 13. (c) 52 & 53 Vict. c. 63.

4. In estimating the particulars required to be estimated under the last foregoing regulation for the purpose of ascertaining the loss or gain of each local authority it shall be assumed—

(1) for the purposes of head (*a*)—

(*a*) that, where the amount of any of the grants in lieu of which general grants are payable under section 1 of the Act of 1958, or the amount of any of the grants discontinued under section 4 of that Act, has not been finally ascertained for any local authority, such amount is equal to the amount of such grant as estimated for the purposes of this regulation ;

(*b*) that the sums payable for the year 1957-58 to local authorities under Part V of the Local Government Act, 1948(**a**), were allocated among such authorities in proportion to their respective rateable valuations or standard rateable values for the year 1956-57 as estimated for the purposes of the Act of 1954, whichever is higher ;

(*c*) that the product of a rate of one pound in the pound for the area of any local authority is an amount equal to the rateable valuation of the area in respect of which rates are payable and in respect of which contributions made by the Crown in aid of rates are receivable, and

(2) for the purposes of head (*b*)—

(*a*) that the sums payable for the years 1956-57 and 1957-58 by the British Transport Commission, the North of Scotland Hydro-Electric Board and the South of Scotland Electricity Board under Part V of the Local Government Act, 1948, for the benefit of local authorities were £1,748,684 and £2,000,793 respectively.

(*b*) that the sums payable for the year 1957-58 to local authorities under Part V of the Local Government Act, 1948, were allocated among such authorities in proportion to their respective rateable valuations or standard rateable values for the year 1956-57 as estimated for the purposes of the Act of 1954, whichever is higher ;

(*c*) that the aggregate amounts of the general grants payable in the years 1956-57 and 1957-58 were £38,300,000 and £43,100,000 respectively ;

(*d*) that the Local Government Act, 1958(**b**) had been in operation in the years 1956-57 and 1957-58 ;

(*e*) that the product of a rate of one pound in the pound for the area of any local authority is an amount equal to the rateable valuation of the area in respect of which rates are payable and in respect of which contributions made by the Crown in aid of rates are receivable ;

(*f*) that rates on the net addition to the rateable valuation of the area of each local authority under the provisions of section 7 of the Act of 1958 were paid without allowance or deduction for the years 1956-57 and 1957-58 ;

(*g*) that the cost of the collection of rates for the year 1956-57 was £690,000.

5. For the purpose of estimating, under head (*b*) of regulation 3 of these regulations, the rate which would have been required to be levied by any local authority for the year 1957-58 if sections 1, 2, 4, 6 and 7 of the Act of 1958 had been in force for that year and the previous year—

(*a*) Part II of the Third Schedule to the Act of 1958 shall be deemed not to have been in force during these years ;

(**a**) 11 & 12 Geo. 6. c. 26. (**b**) 6 & 7 Eliz. 2. c. 55.

(*b*) the expenditure of joint boards and committees shall not be re-allocated for the purpose of ascertaining relevant local expenditure for each constituent local authority except in the case of the children, fire, police and valuation joint committees.

6. The loss or gain accruing to a local authority as aforesaid shall be such amount to the nearest pound as is ascertained by multiplying the difference between the rates estimated under heads (*a*) and (*b*) of regulation 3 of these regulations by the product of a rate of one pound in the pound for the area of the local authority as ascertained for the purposes of the said head (*b*). Where the rate estimated under head (*a*) is greater than that estimated under head (*b*) a gain shall be regarded as accruing to the local authority. Where the rate estimated under head (*a*) is less than that estimated under head (*b*) a loss shall be regarded as accruing to the local authority.

7. Where after the end of the year 1957-58 a change takes place in the boundary of the area of any local authority or such an area is formed, the following provisions shall have effect—

(*a*) the loss or gain accruing to a local authority a part of whose area is transferred to another authority or is formed into a new small burgh shall be apportioned in proportion to the rateable value at the time of the alteration of such part and of the remaining part of the area ;

(*b*) in the case of an area transferred to the area of another local authority the proportion of the loss or gain apportioned to the transferred area shall be deducted from or added to, as the case may be, the loss or gain of the local authority to whom the area is transferred ;

(*c*) in the case of an area formed into a new small burgh the proportion of the loss or gain apportioned to such area shall become the loss or gain of the town council of the new small burgh ;

(*d*) in the case of a combination of two or more local authorities the loss or gain accruing to one of the authorities shall be deducted from or added to, as the case may be, the loss or gain of the other authority or authorities ;

(*e*) the loss or gain of the local authority part of whose area is transferred to another authority or is formed into a new small burgh shall be that proportion of the loss or gain accruing to it apportioned to the remaining part of the area.

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.*)

These regulations provide for the ascertainment of the losses and gains accruing to local authorities from the coming into operation of sections 1, 2, 4, 6 and 7 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958, for the purposes of section 18 of the Act, which provides for transitional adjustments.