3. The estimates referred to in the foregoing regulation shall be certified in writing by the Registrar-General, or on his behalf, to the Secretary of State and shall be conclusive for all purposes of the calculations mentioned.

Dated this thirty-first day of August, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The regulations specify the estimates by reference to which calculations of population are to be made for the purposes of Exchequer grants and payments to small burghs and for the behoof of landward areas of counties under Part II of the Local Government Act, 1948.

The Local Government (Payment of Grants, etc.) (Scotland) Regulations, 1949

1949 No. 1616 (S.112)

Made - - - -	*25th August,* 1949
Laid before Parliament	*29th August,* 1949
Coming into Operation	*30th August,* 1949

In exercise of the powers conferred upon me by section 31 of the Local Government Act, 1948(**a**), and, with respect to the times at which payments in respect of Exchequer Equalisation Grants and Exchequer Transitional Grants are to be made, with the consent of the Treasury, I hereby make the following regulations:—

1. These regulations may be cited as the Local Government (Payment of Grants, etc.) (Scotland) Regulations, 1949, and shall come into operation on the 30th day of August, 1949.

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

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Local Government Act, 1948;

"any grant or sum" means any Exchequer Equalisation Grant payable to the council of a county or large burgh (subject in the case of a county to the deductions under section 25 of the Act) or any sum to be paid to the council of a small burgh or to be set aside for behoof of the landward area of a county under section 25 of the Act.

(**a**) 11 & 12 Geo. 6. c. 26. (**b**) 52 & 53 Vict. c. 63.

(3) Instalments shall be payable under these regulations on or about the first day of each of the months of July, September, November, January, March and May, and "payment dates" shall be construed accordingly.

3.—(1) Before the beginning of each year the Secretary of State shall estimate and notify to the council of each county and burgh the amount of any grant or sum which will become payable for that year to that council and until any grant or sum has been conclusively calculated, as hereinafter provided, he may make and notify to the council concerned such further estimates of any grant or sum payable, based upon information not previously available, as he thinks fit.

(2) As soon as practicable after he has received what appears to him to be sufficient information for the purpose the Secretary of State shall make a conclusive calculation of any grant or sum payable and shall notify the result to the council concerned.

4.—(1) Subject as hereinafter provided in these regulations, any grant or sum payable to a council shall be paid in accordance with this regulation.

(2) Approximately ninety per cent. of any grant or sum as first estimated and notified to the council shall be paid to the council in approximately equal instalments on the payment dates in the year for which the amount due is payable:

Provided that where a further estimate of any grant or sum is notified before or during the said year any instalments thereafter falling to be paid in that year may be so adjusted as to secure, as far as possible, that there will be paid in that year approximately ninety per cent. of any grant or sum as last so estimated and notified.

(3) Any balance appearing to be due to the council at the end of any year, having regard to the estimate of any grant or sum last notified to them shall be paid in approximately equal instalments on the payment dates in the following year:

Provided that—

(i) where a further estimate of any grant or sum is notified to the council during any year any instalments thereafter falling to be paid on account thereof in that year may be so adjusted as to secure, as far as possible, that the amount paid to the council in that year shall correspond to the balance due to them in accordance with such further estimate; and

(ii) no payment of Exchequer Equalisation Grant need be made under this paragraph to the council in any year for which it appears to the Secretary of State that no such grant is payable to them.

(4) Any balance shown by the conclusive calculation of any grant or sum to be due to the council shall, after notification to them, be paid on the next ensuing payment date.

5. Where at the end of any year it appears to the Secretary of State from the last estimate of any grant or sum notified to a council that an excess over the amount due has already been paid on account thereof to the council the Secretary of State may make such deductions of approximately equal amounts from the instalments falling to be paid to the council on account of any grant or sum in the following year as will serve to offset the amount of the excess or as much thereof as possible; and any part of such excess which is not so recoverable shall be paid by the council to the Secretary of State in approximately equal instalments on the payment dates in the

said following year or, if the council so desire and the Secretary of State agrees, by a single payment on or about the first day of November in that year:

Provided that where from an estimate of any grant or sum notified to the council during the said following year there appears to the Secretary of State to be a variation in the amount of the said excess then outstanding or in the amount of the instalments thereafter falling to be paid to the council on account of any grant or sum in that year, this regulation shall apply afresh to the altered circumstances, with the substitution, however, for references to the following year and to the payment dates in that year of references to the remainder of the year then current and to the payment dates in the remainder of that year respectively.

6. Where it is shown by a conclusive calculation of any grant or sum notified to a council that an excess over the amount of that grant or sum has already been paid on account thereof to the council, the amount of the excess shall be recoverable by the Secretary of State, as far as possible, by deductions from any payments falling to be made to that council on account of any grant or sum during the year current on the next ensuing payment date and any part of such excess which is not so recoverable shall be paid by the council to the Secretary of State on the payment date next ensuing after a demand therefor.

7. If in any year any sum is recoverable by the Secretary of State from a county council under the proviso to subsection (3) of section 25 of the Act such sum shall be paid to the Secretary of State in approximately equal instalments, and on the payment dates in that year or, if the council desire and the Secretary of State agrees, by a single payment on or about the first day of November in that year.

8. The foregoing regulations (except for the references to ninety per cent. in paragraph (2) of regulation 4 thereof) so far as they apply to the Exchequer Equalisation Grants, shall extend and apply to any Exchequer Transitional Grant payable to any council for any year until the conclusive calculation of such grant payable to that council for the year beginning with the sixteenth day of May, 1948, is made; and on such calculation being made—

(*a*) any balance due to that council on account of any Exchequer Transitional Grant payable for any year preceding the year then current shall be paid in accordance with paragraph (4) of regulation 4 of these regulations;

(*b*) the balance or the whole, as the case may be, of any such grant payable to that council for the year then current shall be paid in that year in approximately equal instalments on the remaining payment dates, or if there is no such date, on the first payment date in the following year; and

(*c*) any such grant payable to that council for any subsequent year shall be paid in approximately equal instalments and on the payment dates in the year for which the grant is payable.

9. These regulations shall apply as far as may be to any grant or sum payable for the year 1948-49 or the year 1949-50 as if any estimates thereof notified before the commencement of these regulations to the council concerned had been made in accordance therewith.

10. These regulations shall not apply or be deemed to apply to any grant paid under subsection (4) of section 28 of the Act where no Exchequer Equalisation Grant is otherwise payable.

11. The making of any payment under these regulations of any grant or sum or of any Exchequer Transitional Grant is conditional upon the provision by Parliament of the necessary moneys.

Dated this twenty-fifth day of August, 1949.

Arthur Woodburn,
One of His 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 Regulations prescribe the manner in which Exchequer Equalisation Grants and Exchequer Transitional Grants to counties and large burghs, and the sums payable to small burghs and to be set aside for behoof of landward areas of counties, under Part II of the Local Government Act, 1948, are to be paid.

Normally payments will be made by two-monthly instalments.

In the case of Exchequer Equalisation Grants, and the payments to small burghs and for behoof of the landward areas of counties, as far as possible approximately 90 per cent. of the sum payable for any year is to be paid in that year and the balance in the year following. Payments in the first instance, however, must be based upon estimates, and provision is made for the adjustment from time to time of outstanding instalments, for the making of further payments, and for the recovery of sums over-paid in the light of successive estimates. A final adjustment is to be made in respect of each grant when the conclusive calculation of that grant has been notified to the council concerned.

Exchequer Transitional Grants will be paid in like manner and in similar instalments on the same dates as the Exchequer Equalisation Grants except that payment will be based on the full amount estimated or finally determined to be payable for any year.

Any sums falling to be recovered from a county council under Section 25 of the Act are to be paid to the Secretary of State in like instalments and on the dates the grants are payable.