

CHAPTER 43.

An Act to consolidate with amendments the enactments relating to authorities for the purposes of local government in Scotland. [31st July 1947.]

BE it enacted by the King'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.

CONSTITUTION AND ELECTIONS.

LOCAL GOVERNMENT AREAS.

Division into administrative areas.

1.—(1) For the purposes of local government, Scotland shall be divided into counties, counties of cities, large burghs and small burghs, and the landward area of every county shall, save as provided in this Part of this Act, be divided into districts comprising one or more electoral divisions in accordance with a district council scheme made by the county council of the county and approved by the Secretary of State under the Local Government (Scotland) Act, 1929, or this Act. 19 & 20 Geo. 5 c. 25.

(2) Subject to the constitution of new authorities or any alteration of boundaries or other alteration which may take effect after the passing of this Act—

(*a*) the counties shall be the counties named in Part I of the First Schedule to this Act;

(*b*) the counties of cities shall be the counties of cities named in Part II of the First Schedule to this Act;

(*c*) the large burghs shall be the burghs named in Part III of the First Schedule to this Act;

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(*d*) the small burghs shall be the burghs named in Part IV of the First Schedule to this Act; and

(*e*) the districts shall be the districts existing at the passing of this Act.

(3) It is hereby declared that Orkney and Zetland are separate counties for all purposes other than the election of a member of Parliament.

(4) References in this Act to a large burgh shall be deemed to include references to a county of a city except where otherwise provided and except that references to burghs within a county shall not include references to a county of a city.

COUNTY COUNCILS.

Constitution.

Establishment of county councils.

2.—(1) For every county there shall be a county council which shall, subject to the provisions of this Act, be entrusted with the management of the administrative and financial business of the county and have all such functions as are vested in the county council by this Act or otherwise.

(2) The county council shall be a body corporate by the name of the county council with the addition of the name of the county, shall have perpetual succession and a common seal and may sue or be sued under that name.

Constitution of county councils.

3.—(1) A county council shall consist of—

(*a*) county councillors representing the landward area of the county who shall be elected by the local government electors for that area in accordance with the provisions of this Act, one for each of the electoral divisions; and

(*b*) county councillors representing the burghs within the county who shall be elected by the town councils of the burghs as provided in this Part of this Act.

(2) The number of county councillors for each county and the number of councillors representing respectively the landward area and each of the burghs within the county shall, subject to any alteration made under this Part of this Act or Part VI of this Act, remain the same as at the commencement of this Act.

County Councillors.

Term of office of county councillors.

4.—(1) Subject to the provisions of this section, the term of office of a county councillor shall be three years, and in every third year on the second Tuesday of November the whole number of councillors shall retire from office and their places shall be filled by election.

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(2) Notwithstanding anything in this Act—

(*a*) the county councillors representing the landward area at the commencement of this Act shall retire from office on the second Tuesday of November in the year nineteen hundred and forty-eight, notwithstanding that the last election before the commencement of this Act was held on the first Tuesday of December in the year nineteen hundred and forty-five;

(*b*) a county councillor representing a burgh shall cease to be a county councillor on ceasing to be a town councillor of the burgh, so however that if he ceases to be a town councillor by reason of retirement in ordinary course he shall continue to hold office as a county councillor until the town council have elected a successor in his place;

(*c*) on any electoral division of a county being wholly included within the boundaries of a burgh, the county councillor representing the electoral division shall from the date on which the inclusion takes effect cease to hold office, and, except where the Secretary of State otherwise directs, the number of councillors for the county shall be reduced accordingly;

(*d*) where a part only of an electoral division of a county is so included, the county councillor for that electoral division shall continue to hold office until the Secretary of State otherwise directs.

Election of County Councillors representing Landward Area.

Day of election of county councillors for landward area.

5. The election of county councillors representing the landward area of the county shall take place on the second Tuesday of November in the year nineteen hundred and forty-eight, and subsequent elections of such councillors shall take place on the second Tuesday of November in every third year thereafter.

Division of landward area of county into electoral divisions.

6.—(1) For the purpose of electing county councillors for the landward area of a county, that area shall be divided into electoral divisions.

(2) There shall be a separate election for each electoral division.

(3) The number, contents and boundaries of the electoral divisions in each county shall, subject to any alteration under this Part of this Act or Part VI of this Act, remain the same as at the commencement of this Act.

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Electors.

7.—(1) The electors at an election of a county councillor for any electoral division shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

(2) No person shall vote at an election of county councillors for the landward area of a county in more than one electoral division in the county or give more than one vote in any such election.

Polling districts.

8. The county council may divide an electoral division in the county into polling districts, and may alter any polling district, and may abolish polling districts in an electoral division.

Appointment of returning officer, etc.

9.—(1) The county council shall appoint a person to be the returning officer for the purposes of each election of county councillors for the landward area, and if the person so appointed dies, resigns or for any other reason is unable to act, the Secretary of State may appoint another person to be the returning officer at that election.

(2) The returning officer may by writing under his hand appoint one or more fit persons to be his depute or deputes for all or any of the purposes of the election, and anything required or authorised to be done by, to or before the returning officer in relation to the election may, so far as the depute is authorised to act, be done by, to or before any depute so appointed, and any reference in this Act to a returning officer shall, where a depute returning officer is acting for the returning officer under this subsection, include a reference to the depute returning officer.

Conduct of election of county councillors for landward area.

10.—(1) Subject to the provisions of this Act, an election of a county councillor for an electoral division shall be conducted in accordance with the provisions of the Second Schedule to this Act.

(2) References in the Second Schedule to this Act to county councillors shall be construed as references to county councillors for the landward area of a county.

Expenses of election of county councillors for landward area.

11.—(1) All expenses properly incurred by the returning officer or the county clerk in relation to the holding of an election of county councillors for the landward area (including expenses properly incurred by the returning officer or the county clerk in any legal proceedings arising out of the election), not exceeding such scale as the county council may fix and as may be applicable, shall be paid (so far as not otherwise provided by law) by the county council and defrayed as part of the general expenses of the council relating exclusively to the landward area of the county.

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(2) Before a poll is taken at any such election, the county council shall at the request of the returning officer advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.

Election of County Councillors representing Burghs.

Election of county councillors representing burghs.

12. Subject to the provisions of this Act relating to fishing burghs, county councillors representing a burgh within the county shall be elected by the town council of the burgh from among their own number at a meeting of the town council to be held in the month of November (after the annual election of town councillors in that month) in the year in which the election of county councillors representing the landward area is appointed to take place.

Alteration of Number of County Councillors and of Electoral Divisions.

Alteration of number of county councillors and of electoral divisions.

13. Subject to the provisions of this Act relating to the publication of orders under this Part of this Act, the Secretary of State may, on the representation of a county council or the town council of a burgh within the county or a majority of the county councillors representing the landward area, and shall, so far as necessary for the purpose of giving effect to a direction under paragraph (*d*) of subsection (2) of section four of this Act, by order alter—

(*a*) the number of county councillors; or

(*b*) the assignment of county councillors to the landward area and to each of the burghs within the county; or

(*c*) the number or contents and boundaries of the electoral divisions in the county;

and in making any such alteration the Secretary of State shall have regard to the population, the distribution and pursuits of the population, the area, and any other circumstances of the landward area and the burghs respectively which appear to him to affect the matter.

Convener and Vice-Convener of County.

Convener and vice-convener of county.

14.—(1) The chairman of a county council, who shall be called the convener of the county, shall be elected by the county council from among the county councillors.

(2) The term of office of the convener of the county shall be from the day of his election as provided in the next succeeding subsection until the second Tuesday of November in the third year after the day of his election.

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(3) The election of the convener of the county shall be the first business transacted at the first meeting of the county council held after the election of county councillors, and at that meeting until the convener is elected the returning officer at the election and failing him such councillor as may be selected by the meeting shall preside.

(4) The convener of the county shall, by virtue of his office unless disqualified by any Act, be a justice of the peace for the county, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county, unless he is at the date on which he is elected convener a justice of the peace for the county and has taken such oaths or unless the provisions of the Ex-officio Justices of the Peace (Scotland) Act, 1898, apply in his case.

61 & 62 Vict. c. 20.

(5) Every county council shall at the first meeting of the council held after the election of county councillors elect a county councillor to be vice-convener of the county who shall hold office until the expiration of the term of office of the convener and, subject to any standing orders made from time to time by the council, anything authorised or required to be done by, to or before the convener may, in the absence of the convener or in the event of his being unable to act for any reason or of a vacancy in the office of convener, be done by, to or before the vice-convener, except that he shall not, by virtue of being vice-convener, act as a justice of the peace.

(6) A person holding the office of convener or vice-convener may at any time resign that office by a notice in writing signed by him and delivered to the county clerk and the resignation shall take effect upon the expiration of three weeks after the date of delivery of the notice or upon such earlier date, if any, as may be stated in the notice as the date on which the resignation is to take effect.

(7) A person holding the office of convener or vice-convener shall cease to hold that office upon ceasing to be a county councillor.

(8) A casual vacancy in the office of convener or vice-convener of the county, whether caused by death or resignation from the office or by the holder of the office ceasing to be a county councillor, shall be filled as soon as practicable by the county council at a meeting of the council the notice of which specifies the filling of the vacancy as an item of business, and the person appointed to fill the vacancy shall hold office only so long as the convener or vice-convener in whose place he was appointed would have held office.

TOWN COUNCILS. PART I. —*cont.*

Constitution.

Establishment of town councils.

15.—(1) For every burgh there shall be a town council which shall to the extent provided by this Act or otherwise be entrusted with the management of the administrative and financial business of the burgh and have all such functions as are vested in the town council by this Act or otherwise.

(2) The town council of a burgh shall be a body corporate—

(*a*) by the name of the town council with the addition of the name of the burgh; or

(*b*) in the case of a burgh in which the provost is entitled to the designation of lord provost, by the name of the lord provost, magistrates and councillors with the addition of the name of the burgh, and in the case of any other burgh by the name of the provost, magistrates and councillors with the addition of the name of the burgh; or

(*c*) by such other name as may be provided in a local Act.

(3) The town council shall have perpetual succession and a common seal and may sue and be sued under any of the said corporate names.

Constitution of town councils.

16.—(1) A town council shall consist of councillors for the burgh elected by the local government electors of the burgh in accordance with the provisions of this Act.

(2) The number of councillors and magistrates to be elected in each burgh shall, subject to any alteration made under this Part of this Act or Part VI of this Act, remain the same as at the commencement of this Act.

(3) In any small burgh formed after the commencement of this Act the number of councillors and magistrates to be elected shall be determined by the sheriff in his deliverance under Part VI of this Act.

(4) Subject to the provisions of this Act relating to the publication of orders under this Part of this Act, the Secretary of State, on the representation of the town council of a burgh, which representation may be combined with a representation for the alteration of wards under this Part of this Act, may by order—

(*a*) alter the number of councillors or magistrates of the burgh; and

(*b*) determine the manner in which and the date on which the increase or decrease in the number of councillors or magistrates is to be effected in the burgh and in

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the different wards thereof, and the order in which and the dates on which the councillors or magistrates as increased or decreased in number are to vacate office;

and in any such order the Secretary of State may determine or make provision for the determination of any question arising in connection with the increase or decrease:

Provided that any such order shall secure that there shall be three or a multiple of three councillors for the burgh and for each ward.

Town Councillors.

Term of office of town councillors.

17.—(1) The term of office of a town councillor shall be three years or such other period until the date of his retirement in accordance with the provisions of this Act.

(2) On the first Tuesday of November in every year one-third of the whole number of town councillors in the case of a burgh not divided into wards, and one-third of the town councillors for each ward in the case of a burgh divided into wards, shall retire from office, and their places shall be filled by election, the number to retire consisting of those who have been longest in office since their last election:

Provided that where the number of councillors for any burgh or ward is not divisible by three, the number to retire in a year shall, until the number of councillors or the number of the wards in the burgh is altered under this Act, be regulated by the practice existing immediately before the commencement of this Act.

(3) Where it is necessary in order to make up the number to retire in accordance with the foregoing provisions that one or more councillors should retire out of the number of those that have been in office for an equal period, then the councillor or councillors to retire shall be those who had the smallest number of votes at their last election, and if there was no contest or an equality of votes at the said election, the town council shall at a meeting determine by lot the order of retiral.

Election of Town Councillors.

Day of annual election of town councillors.

18. The ordinary day of election of town councillors of a burgh shall be the first Tuesday of November in each year.

Burgh and ward elections.

19.—(1) Where a burgh is not divided into wards, there shall be one election of town councillors for the whole burgh.

(2) Where a burgh is divided into wards, there shall be a separate election of town councillors for each ward.

Division of burgh into wards.

20. The number, contents and boundaries of wards into which a burgh is divided shall, subject to any alteration made under this Part of this Act or Part VI of this Act, remain the same as at the commencement of this Act.

Alteration of wards in burgh.

21.—(1) Subject to the provisions of this Act relating to the publication of orders under this Part of this Act, the Secretary of State, on the representation of the town council of a burgh, which representation may be combined with a representation for the alteration of number of councillors under this Part of this Act, may by order—

(*a*) divide the burgh into wards and define the contents and boundaries of the wards; or

(*b*) alter the number or contents and boundaries of wards; or

(*c*) abolish the division of the burgh into wards;

and for the purpose of giving effect thereto may determine or alter the number of councillors to be elected for each ward or apportion the existing councillors among the wards, and in any such order the Secretary of State may determine or provide for the determination of any question arising in connection therewith:

Provided that any such order shall secure that there shall be three or a multiple of three councillors for the burgh and for each ward.

(2) In dividing a burgh into wards or in altering the number or contents and boundaries of wards, the Secretary of State shall have regard to the number of local government electors in each ward and any other circumstances which appear to him to affect the matter.

(3) Where a burgh is being divided into wards under this section or in the case of any other alteration under this section where the Secretary of State considers it proper and so directs in the order, all the members of the town council, including the provost and the honorary treasurer, shall, notwithstanding anything in this Act, retire at the first election held after the division is completed, or in accordance with the order, and a new council shall be elected.

(4) Any division of a burgh into wards or any alteration of the number or contents and boundaries of wards in a burgh or any abolition of the division of a burgh into wards under this section shall have effect for parliamentary as well as municipal purposes, but shall not affect the limits of any division of the burgh for the purpose of returning a member to serve for the division in Parliament.

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(5) Any alteration of the number or contents and boundaries of wards in a burgh made under this section shall not affect the operation of the provisions of the Temperance (Scotland) Act, 1913, as respects any area to which there applies a resolution under that Act passed before the alteration under this section takes effect.

3 & 4 Geo. 5. c. 33.

Electors.

22.—(1) The electors at an election of town councillors of a burgh shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

(2) Every elector may give one vote and no more for any one candidate:

Provided that—

(*a*) where a burgh is not divided into wards, the total number of votes which any person may give shall not exceed the number of councillors to be elected; and

(*b*) where a burgh is divided into wards, no person shall be entitled to vote at an election in the burgh in more than one ward, and the total number of votes which any person may give at the election in the burgh shall be determined by the number of councillors to be elected for the ward in which he votes.

Polling districts.

23. The town council of a burgh may divide the burgh or any ward thereof into polling districts, and may alter any polling district, and may abolish polling districts in the burgh or any ward.

Returning officer.

24.—(1) At an election of town councillors of a burgh, the provost shall be the returning officer, but if the office of provost is at the time vacant or if the provost is one of the councillors falling to retire at the election or his term of office expires or he resigns office as at the date of the election or he is incapacitated from acting by illness, absence or other cause or he declines or fails to act, the acting chief magistrate as hereinafter defined shall be the returning officer, and if the provost and all the bailies fall to retire at the election or are prevented from acting or fail to act as returning officer for any of the reasons aforesaid, the town clerk or any fit person appointed by him shall act as returning officer.

(2) The returning officer may by writing under his hand appoint one or more fit persons to be his depute or deputes for all or any of the purposes of the election and anything required or authorised to be done by, to or before the returning officer in relation to the election may, so far as the

depute is authorised to act, be done by, to or before any depute so appointed, and any reference in this Act to a returning officer shall, where a depute returning officer is acting for the returning officer under this subsection, include a reference to the depute returning officer.

Conduct of election of town councillors.

25. Subject to the provisions of this Act, an election of town councillors of a burgh shall be conducted in accordance with the provisions of the Second Schedule to this Act.

Expenses of election of town councillors.

26. All expenses properly incurred by the returning officer or the town clerk in relation to the holding of an election of town councillors of a burgh (including expenses properly incurred by the returning officer or the town clerk in any legal proceedings arising out of the election) shall be paid by the town council and shall be defrayed out of the common good of the burgh or as part of the general expenses of the council, or partly in the one way and partly in the other, as the council determine.

Provisions as to date of election in fishing burghs

27. Where in any burgh many local government electors are engaged in the fishing industry and often absent from home in pursuance of their occupation at the time when the annual election of town councillors is due to take place under this Act (which burgh is in this Act referred to as a " fishing burgh "), the Secretary of State, on the representation of the town council of the fishing burgh and after such inquiry, if any, as he shall deem proper, may, subject to the provisions of this Act relating to the publication of orders under this Part of this Act, make an order appointing the annual retirement and election of town councillors to take place on a day other than the first Tuesday of November to be specified in the order, not being earlier than the first Tuesday of November or later than the first Tuesday of February, and making such consequential alterations in the dates or months mentioned in this Act or the dates mentioned in any other enactment or any statutory order as appear to him to be dependent on the date of the annual election (including the date for the election of county councillors representing the fishing burgh), and thereupon the date of retirement and election and other dates as aforesaid shall be altered accordingly.

Provost, Magistrates, Honorary Treasurer and Judges of Police.

Election and term of office of provost.

28.—(1) The provost of a burgh shall be elected by the town council of the burgh from among the town councillors.

Any reference in this Act to a provost in the case of a burgh in which the provost is entitled to the designation of

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lord provost shall, unless the context otherwise requires, be construed as a reference to the lord provost.

(2) Subject to the provisions of this Act relating to filling casual vacancies in the office of provost, the term of office of the provost shall be from the day of his election to that office as hereinafter provided until the first Tuesday of November in the third year after the day of his election, and during that period, notwithstanding anything in this Act, he shall not, so long as he continues to hold the office of provost, be due to retire as a town councillor.

(3) The lord provost of a county of a city shall, by virtue of his office unless disqualified by any Act, be a justice of the peace for the county of the city, and the provost of any other burgh shall, by virtue of his office unless disqualified by any Act, be a justice of the peace for the county in which the burgh is situated, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county of the city or for the county, as the case may be, unless he is, at the date on which he is elected to act as lord provost or provost, a justice of the peace for the county of the city or for the county, as the case may be, and has taken such oaths or unless the provisions of the Ex-officio Justices of the Peace (Scotland) Act, 1898, apply in his case.

Election and term of office of other magistrates.

29.—(1) The magistrates of a burgh other than the provost shall be called bailies and shall be elected by the town council from among the town councillors.

(2) Subject to the provisions of this Act relating to filling casual vacancies in the office of bailie, the term of office of a bailie shall be from the day of his election to that office as hereinafter provided until the day on which he falls in ordinary course to retire as a town councillor:

Provided that the town council may, when electing to the office of bailie a councillor who has previously held that office, fix a shorter term of office in his case.

Honorary treasurer.

30.—(1) The town council of every burgh shall elect a town councillor to the office of honorary treasurer of the burgh, and the person so elected shall, subject to the directions of the council, exercise general superintendence over the finances of the council and shall be convener of the finance committee appointed by the council under this Act.

(2) Subject to the provisions of this Act relating to filling casual vacancies in the office of honorary treasurer, the term of office of the honorary treasurer shall be from the day of his election to that office until the first Tuesday of November in the third year after the day of his election, and during that period, notwithstanding anything in this Act, he shall not, so long as he continues to hold the office of honorary treasurer, be due to retire as a town councillor.

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(3) The town council of every burgh in which there is not at the commencement of this Act an honorary treasurer shall elect a town councillor to be honorary treasurer of the burgh at the first meeting of the council held after the day of the annual election of town councillors in the year nineteen hundred and forty seven or at any adjournment of that meeting.

(4) A person shall not at any one time hold the offices of magistrate of a burgh and honorary treasurer of the burgh, and where a person holding the office of magistrate is elected to the office of honorary treasurer, he shall be deemed to have resigned from the office of magistrate, or where a person holding the office of honorary treasurer is elected to the office of magistrate, he shall be deemed to have resigned from the office of honorary treasurer.

(5) A person holding the offices of magistrate of a burgh and honorary treasurer of the burgh at the commencement of this Act, shall, unless he intimates to the town clerk in writing before the expiration of fourteen days thereafter that he desires to remain a magistrate and to resign from the office of honorary treasurer, be deemed to have resigned from the office of magistrate at the expiration of the said period.

Meeting for election of provost, bailies and honorary treasurer.

31.—(1) At the meeting of the town council to be held on the first Friday after the day of the annual election of the town councillors or at any adjournment thereof the council shall fill up by election all vacancies that may then exist in the offices of provost, bailie and honorary treasurer, and where more than one bailie is elected at the same time shall determine the order of seniority among the bailies so elected.

(2) If the town council fail to meet on the day mentioned or to fill any of the said vacancies at the said meeting or at any adjournment thereof, the council may fill the vacancy at any subsequent meeting of the council, but if the council fail to fill any such vacancy within the month of November the sheriff shall, on the application of any four local government electors for the burgh, appoint a councillor to fill the vacancy or, if none of the councillors is willing to accept the office, appoint a person to the office from among the local government electors for the burgh, and the person so appointed shall be a councillor of the burgh for all purposes, so however that his term of office shall expire at the next annual election of town councillors and he shall not be reckoned as part of the number of councillors falling to retire at that election, nor shall his appointment interfere in any way with the ordinary rotation of retirement of the other councillors.

(3) The returning officer at the annual election of town councillors or in the case of his absence the senior bailie

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present at the meeting or failing any bailie such one of the town councillors as may be selected by the meeting shall preside at the meeting mentioned in subsection (1) of this section:

Provided that the said person presiding shall preside—

(i) in the event of a vacancy in the office of provost, only until the provost is elected;

(ii) if there is no such vacancy and the provost is absent or if there is such a vacancy and the person elected is absent, only until all the vacancies existing in the offices of bailie and honorary treasurer have been filled.

(4) In the case of a burgh formed after the commencement of this Act, the town council first elected shall hold their first meeting at twelve noon on the first Friday after the day of the first election of town councillors, and at that meeting the provost, bailies and honorary treasurer shall be elected. A person appointed by the sheriff shall preside at the meeting until the election of the provost.

(5) The election of a magistrate shall not be affected by reason only of any nullity or irregularity in the election of any other magistrate.

Acting chief magistrate in absence of provost.

32. If the provost of a burgh is unable for any reason or fails to discharge any of the functions of his office, the senior bailie, or, if the senior bailie is unable or fails to do so, the next senior bailie, and so on throughout the whole number of bailies, may, subject to any standing orders of the council, discharge any function which the provost, as such, might discharge under this Act or any other enactment or any statutory order except that he shall not by virtue of this section act as a justice of the peace, and anything that requires to be done by, to or before the provost under any enactment or statutory order may be done by, to or before the person acting in his place as aforesaid. Such person is in this Act referred to as the " acting chief magistrate ".

Resignation of magistrate or honorary treasurer.

33.—(1) A person holding the office of provost, bailie, or honorary treasurer may at any time resign that office by a notice in writing signed by him, and delivered to the town clerk, and the resignation shall take effect upon the expiration of three weeks after the date of delivery of the notice or upon such earlier date, if any, as may be stated in the notice as the date on which the resignation is to take effect.

(2) Where a person resigns from the office of provost or honorary treasurer at any time after the day on which he

would have been due to retire as a town councillor had he not been elected to that office, his resignation as a provost or honorary treasurer shall be deemed to involve his resignation as a town councillor.

Filling of casual vacancies in case of provost, bailie, or honorary treasurer.

34.—(1) A casual vacancy in the office of provost or bailie or honorary treasurer of a burgh, whether caused by death or resignation from the office or by the holder of the office ceasing to be a town councillor or otherwise shall be filled as soon as practicable by the town council at a meeting of the council of which notice specifying that the filling of the vacancy is to be considered has been given to each town councillor not less than five days before the date of the meeting:

Provided that—

(*a*) if a casual vacancy in any of the said offices arises in consequence of the holder of the office being appointed to another office, the council may fill the vacancy in the office vacated at the meeting at which the holder is appointed to the other office;

(*b*) if a casual vacancy in the office of bailie arises at any time within the four months preceding the day of the next annual election of town councillors, the town council may determine not to fill the vacancy until after that election.

(2) A person elected to fill a casual vacancy under this section shall hold office only until the day of the next annual election of town councillors except where the casual vacancy is filled at the meeting of the council held on the first Friday after the day of the annual election of town councillors or at any adjournment thereof.

Magistrates exempted from serving on juries.

35. The provost and other magistrates of a burgh shall, while holding office as such, be freed and exempted from being returned and from serving upon juries.

Appointment of town councillor to act as judge of police.

36. The town council of a burgh may appoint any town councillor of the burgh who has held the office of magistrate of any burgh having a police court to be a judge of the police court and to sit as magistrate in the police courts of the burgh until he is due to retire as a town councillor or for such shorter period as the council may determine, and any person while acting as a judge of the police court and sitting may exercise any jurisdiction, power or authority competent to or exercisable by any magistrate of the burgh sitting in the police court. Such councillor is in this Act referred to as a "judge of police".

Provost, &c. to go out of office on ceasing to be town councillor.

37. A person holding the office of provost, bailie, honorary treasurer, or judge of police of a burgh shall cease to hold that office upon ceasing to be a town councillor.

PART I. —*cont.*

DISTRICT COUNCILS.

District Council Schemes and Constitution of District Councils.

District council schemes.

38.—(1) Save as in this section provided, every county council shall have a scheme made by the county council and approved by the Secretary of State (in this Act called " a district council scheme ") dividing the landward area of the county into districts for the purposes of district councils in such manner that each district shall comprise one or more electoral divisions.

(2) The district council scheme made and approved under section twenty-five of the Local Government (Scotland) Act, 1929, and in force in a county at the commencement of this Act shall, until it is revoked or altered under this Part of this Act or Part VI of this Act, be the district council scheme for the county.

(3) A district council scheme for a county may be revoked or altered by a district council scheme prepared and submitted to the Secretary of State for his approval by the county council, and the council shall, so far as necessary for the purpose of giving effect to a direction by the Secretary of State under proviso (iii) to subsection (2) of the next but one succeeding section, prepare and submit to the Secretary of State forthwith a scheme amending the district council scheme.

The Secretary of State may approve the scheme either as submitted or with such modifications and amendments as he thinks proper and on approval the scheme shall have effect, and any such scheme may make provision for doing anything which may be required or be expedient for the proper carrying into effect of the scheme, including without prejudice to the said generality provision for financial adjustments in the case of a scheme altering the boundaries of a district.

(4) In the case of each of the counties of Kinross and Nairn, the provisions of this section and of so much of section one of this Act as refers to the division of the landward area of every county into districts shall not apply unless the county council of the county so determine, and until the council so determine, references in this Act or any other enactment or any statutory order to a district council and to the district of a district council shall be construed as references to the county council and to the county respectively:

Provided that if the county council of either of the said counties at any time determine that the county shall be divided into districts, the county council shall make a district council scheme and submit the same to the Secretary of State for his approval, and the provisions of the immediately preceding subsection shall, subject to any necessary modifications, apply

to any such scheme as they apply to a scheme altering the boundaries of a district. PART I. —*cont.*

(5) A district council scheme under this section shall not be made by a county council except at a meeting of the council the notice of which specifies the making of the scheme as an item of business.

(6) The county council shall cause to be published in a newspaper circulating in the district to which a scheme will apply a notice that the scheme is being submitted to the Secretary of State for his approval, and the Secretary of State shall consider any objections and representations made to him with respect to the scheme.

Establishment and constitution of district councils.

39.—(1) For every district there shall be a district council which shall have all such functions as are vested in the district council by this Act or otherwise.

(2) The district council shall be a body corporate by the name of the district council with the addition of the name of the district shall have perpetual succession and may have a common seal and may sue and be sued under that name.

(3) The district council shall consist of—

(*a*) the county councillors representing the electoral divisions within the district who shall be ex officio members of the district council; and

(*b*) the district councillors who shall be elected for the electoral divisions within the district or for the wards forming part thereof (in this Act referred to as the elected district councillors).

(4) The number of district councillors for the district and the apportionment of the elected district councillors among the electoral divisions or wards within the district shall be such as are specified in the district council scheme for the time being in force.

District Councillors.

Term of office of district councillors.

40.—(1) An ex officio member of a district council shall hold office as a member of the council only so long as he is a county councillor representing an electoral division within the district.

(2) The term of office of an elected district councillor shall be three years, and in every third year on the second Tuesday of November the whole number of elected district councillors shall retire from office and their place shall be filled by election:

Provided that—

(i) the elected district councillors at the commencement of this Act shall go out of office on the second Tuesday

PART I. —*cont.*

of November in the year nineteen hundred and forty-eight, notwithstanding that the last election before the commencement of this Act was held on the first Tuesday of December in the year nineteen hundred and forty-five;

(ii) on any electoral division or ward of an electoral division within a district being wholly included within the boundaries of a burgh, the elected district councillors representing the electoral division or ward shall from the date on which the inclusion takes effect cease to hold office, and the number of elected district councillors for the district shall be reduced accordingly;

(iii) where a part only of an electoral division or ward of an electoral division is so included, the elected district councillors for that electoral division or ward shall continue to hold office until the Secretary of State otherwise directs.

Election of Elected District Councillors.

Day of election of elected district councillors.

41. The election of elected district councillors shall take place on the second Tuesday of November in the year nineteen hundred and forty-eight, and subsequent elections of such councillors shall take place on the second Tuesday of November in every third year thereafter.

District council elections.

42.—(1) There shall be a separate election of elected district councillors for each electoral division within a district or, where an electoral division is divided into wards, for each ward thereof.

(2) Where a district comprises only one electoral division and that division is not divided into wards, there shall be one election of elected district councillors for the whole district.

Division of electoral division into wards.

43.—(1) The number, contents and boundaries of wards into which an electoral division within a district is divided shall, subject to any alteration made by a district council scheme or otherwise under this Part of this Act or Part VI of this Act, remain the same as at the commencement of this Act.

(2) A district council scheme may—

(*a*) divide an electoral division into wards and define the contents and boundaries of the wards; or

(*b*) alter the number or contents and boundaries of wards in an electoral division; or

(*c*) abolish the division of an electoral division into wards;

and for the purpose of giving effect thereto may determine or alter the number of elected district councillors to be elected

for each ward or apportion the existing elected district councillors for an electoral division among the wards thereof, and such a scheme may provide for the determination of any question arising in connection therewith or for doing anything that is considered necessary or proper for giving full effect to the scheme so far as referring to the matters aforesaid:

Provided that a county council shall before preparing a district council scheme making any provision under this subsection consult with the district council of the district concerned.

(3) In dividing an electoral division into wards or altering the number or contents and boundaries of wards in an electoral division or determining or altering the number of district councillors to be elected for each ward or apportioning the existing elected district councillors for an electoral division among the wards under this section, regard shall be had to the number of local government electors and any other circumstances which appear to affect the matter.

Electors.

44.—(1) The electors at an election of elected district councillors shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

(2) Every elector may give one vote and no more for any one candidate:

Provided that—

(*a*) the total number of votes which any person may give shall not exceed the number of elected district councillors to be elected for the electoral division or ward in which he votes; and

(*b*) a person shall not vote at an election in more than one electoral division within a district or in more than one ward in any electoral division divided into wards.

Conduct of election of elected district councillors.

45.—(1) Subject to the provisions of this Act, an election of elected district councillors shall be conducted in accordance with the provisions of the Second Schedule to this Act, and the county council of the county shall make due provision for the election of elected district councillors, and, subject to the provisions of the immediately succeeding section, shall pay the expenses incurred in relation thereto.

(2) References in Part IV of the Second Schedule to this Act to district councillors shall be construed as references to elected district councillors.

(3) A county council may refer to the Secretary of State any question that may arise as to the performance of their

PART I. —*cont.*

duty under Part IV of the Second Schedule to this Act, and the determination of the Secretary of State shall be final.

Expenses of election of elected district councillors.

46. The expenses incurred in relation to the election of elected district councillors by a county council, as ascertained and apportioned by agreement between the county council and the district council concerned or failing agreement by the Secretary of State, shall be repaid to the county council by the district council and be defrayed by the district council as part of their general expenses.

Chairman and Vice-Chairman of District Council.

Chairman and Vice-Chairman of district council.

47.—(1) The chairman of a district council shall be elected by the district council from among the district councillors.

(2) The term of office of the chairman of the district council shall be from the day of his election to that office as provided in the next succeeding subsection until the second Tuesday of November in the third year after the day of his election.

(3) The election of the chairman of the district council shall be the first business transacted at the first meeting of the council held after the election of district councillors, and at that meeting, until the chairman is elected, such district councillor as may be selected by the meeting shall preside.

(4) The chairman of a district council shall, by virtue of his office unless disqualified by any Act, be a justice of the peace for the county within which the district is situated, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county, unless he is at the date on which he is elected chairman a justice of the peace for the county and has taken such oaths or unless the provisions of the Ex-officio Justices of the Peace (Scotland) Act, 1898, apply in his case.

(5) Every district council shall at the first meeting of the council held after the election of district councillors elect a district councillor to be vice-chairman of the district council, who shall hold office until the expiration of the term of office of the chairman, and subject to any standing orders made from time to time by the council anything authorised to be done by, to or before the chairman may, in the absence of the chairman or in the event of his being unable to act for any reason, or of a vacancy in the office of chairman, be done by, to or before the vice-chairman except that he shall not by virtue of being vice-chairman act as a justice of the peace.

(6) A person holding the office of chairman or vice-chairman of a district council may at any time resign that office by a notice in writing signed by him and delivered to the

clerk of the council and the resignation shall take effect upon the expiration of three weeks after the date of delivery of the notice or upon such earlier date, if any, as may be stated in the notice as the date on which the resignation is to take effect. PART I. —*cont.*

(7) A person holding the office of chairman or vice-chairman of a district council shall cease to hold that office upon ceasing to be a district councillor.

(8) A casual vacancy in the office of chairman or vice-chairman of a district council, whether caused by death or resignation from the office or by the holder of the office ceasing to be a district councillor, shall be filled as soon as practicable by the district council at a meeting of the council of which notice specifying that the filling of the vacancy is to be considered has been given to each councillor not less than seven days before the date of the meeting, and the person appointed to fill the vacancy shall hold office only so long as the chairman or vice-chairman in whose place he is appointed would have held office.

General.

Determination by lot in case of equality of votes in certain matters.

48. Where at a meeting of a local authority or a joint committee or joint board or any committee or sub-committee thereof held under this Act or held under any other enactment or any statutory order which does not contain any provision on the subject an equal number of votes is given for two or more persons—

(*a*) in the election of a member of the authority, joint committee, joint board, committee or sub-committee to any office or of a person to be a member of any committee or sub-committee; or

(*b*) in the selection of a member of the authority, joint committee, joint board, committee or sub-committee to preside in the absence of the chairman (by whatever name he may be known); or

(*c*) in the election by a local authority of a person to fill a casual vacancy on the authority,

the meeting shall determine by lot which of the persons, for whom an equal number of votes is given, shall be elected or selected, as the case may be.

Publication of orders by Secretary of State under Part I.

49.—(1) The Secretary of State before making an order under this Part of this Act shall cause a draft of the proposed order or a notice setting forth the place at which and the period during which a copy of the draft may be inspected free of charge to be published in such manner as he shall determine in order to make the same known to all persons

PART I. —*cont.*

interested and shall consider any objections and representations respecting the proposed order and may if he sees fit to do so cause a local inquiry to be held.

(2) Any order made by the Secretary of State under this Part of this Act or a notice setting forth the place at which and the period during which a copy of the order may be inspected free of charge shall as soon as may be be published by the clerk of the local authority to whom the order applies in the Edinburgh Gazette and in a newspaper circulating in the area to which the order relates.

PART II.

GENERAL PROVISIONS AS TO MEMBERS OF LOCAL AUTHORITIES AND ELECTIONS.

Qualifications for Office.

Qualifications for nomination, election and holding office as member of local authority.

50. A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be nominated as a candidate for election as, or to be elected, or to be, a member of a local authority if he is of full age and a British subject and not subject to any legal incapacity and—

(*a*) is, on the day on which he is nominated as a candidate, a local government elector for the area or any part of the area of the authority; or

(*b*) has during the whole of the twelve months preceding the day on which he is nominated as a candidate resided in the area of the authority.

For the purposes of this section, the area of a county council shall include any burgh within the county.

Re-election.

51. A person ceasing to hold office to which he is elected under this Act shall, unless he is not qualified or is disqualified, be eligible for re-election.

Disqualifications for Office.

Disqualifications for nomination, election and holding office as member of local authority.

52.—(1) A person shall be disqualified for being nominated as a candidate for election as, or for being elected, or for being, a member of a local authority if—

(*a*) he or a partner of his holds any paid office or other place of profit in the gift or disposal—

(i) of the authority or of any committee or subcommittee of the authority; or

(ii) of any joint committee or joint board the expenses of which are defrayed in part by the authority; or

PART II. —*cont.*

(*b*) he is a person whose estate has been sequestrated by a competent court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or

(*c*) he is disqualified for being elected or for being a member of a local authority under any enactment relating to corrupt or illegal practices:

Provided that—

(i) the disqualification attaching to a person whose estate has been sequestrated shall cease if and when—

(*a*) the sequestration of his estate is recalled or reduced; or

(*b*) he obtains his discharge from a competent court;

(ii) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease if and when—

(*a*) the bankruptcy is annulled; or
(*b*) he is discharged.

(2) For the purposes of this section a committee all the members of which, other than any ex-officio members, are appointed by a local authority shall, where the expenses of the committee are defrayed wholly or partly by the authority, be deemed to be a committee of the authority, notwithstanding that the committee may exercise functions which are not vested in the authority.

Procedure in case of disqualification.

53.—(1) Where a person is at the time of his election disqualified within the meaning of this section for acting as a member of a local authority or where a member of a local authority becomes so disqualified for acting as a member of the authority (such person or member being in this section referred to as "the person in question"), his office shall nevertheless not be vacated and he shall not be prevented from voting or acting as a member of the authority until—

(*a*) he resigns; or

(*b*) a declaration has been made by the sheriff in proceedings under subsection (2) of this section that the office of the person in question is vacant; or

(*c*) a resolution declaring the office vacant has been passed by the authority at a meeting of the authority of which notice specifying the consideration of the matter as an item of business has been given to the person in question and to every other member of the authority:

PART II. —*cont.*

Provided that—

(i) the person in question may within fourteen days of the date on which any such resolution is passed by the authority appeal against the resolution to the sheriff who, after making such inquiry, if any, as is deemed necessary and hearing parties, shall make such order as to the sheriff seems proper; and

(ii) the person in question shall not be entitled to vote and act as a member of the authority pending the determination of the appeal.

(2) Proceedings to have it declared that an office is vacant for the purposes of paragraph (*b*) of the preceding subsection may be instituted before the sheriff by the local authority or by any four or more local government electors for the area of the authority (including in the case of a county council any burgh within the county) or in the case of a disqualification alleged to exist at the time of nomination or election by any opposing candidate at the election, on the ground in the case of any person acting as a member of the authority of his being disqualified within the meaning of this section for so acting, and on the like ground in the case of any person claiming to be entitled so to act:

Provided that proceedings under this subsection on the ground of a person acting as aforesaid may not be instituted after the alleged disqualification has ceased to exist, but nothing in this subsection shall be deemed to prevent proceedings under this section being dealt with and disposed of although the person has ceased to act as aforesaid.

The procedure in any such proceedings shall, so far as practicable, be that applicable in the case of an election petition under the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

53 & 54 Vict. c. 55.

(3) Where in any proceedings under subsection (2) of this section it is proved that the person in question has acted as a member of a local authority while disqualified for so acting, the sheriff shall have power—

(*a*) to make a declaration to that effect and to declare that the office in which the person in question has acted is vacant;

(*b*) to grant interdict against the person in question so acting;

(*c*) to order that the person in question shall pay such sum as the sheriff thinks fit not exceeding one hundred pounds, which sum shall be paid to the authority and applied in such manner as the authority may direct.

PART II. —*cont.*

(4) Where in any such proceedings it is proved that the person in question claims to act as a member of a local authority and is disqualified from so acting, the sheriff shall have power to make a declaration to that effect and to declare that the office in which the person in question claims to be entitled to act is vacant and to grant interdict against the person in question so acting.

(5) For the purposes of this section, the sheriff means the sheriff (other than a sheriff substitute) of the county in which the area of the local authority is situated.

(6) The sheriff shall have the same powers and privileges as a judge on the trial of a parliamentary election petition.

(7) For the purposes of this section, a person shall be deemed to be disqualified for acting as a member of a local authority and a disqualification shall be deemed to exist in his case if he is not qualified to be or is disqualified for being a member of the authority.

Validity of acts done by unqualified persons.

54. The acts and proceedings of any person elected to an office under this Act and acting in that office shall, notwithstanding any question as to the validity of his election or his disqualification or want of qualification, be as valid and effectual as if he had been duly elected and qualified.

Declaration by member elected by Local Authority.

Declaration by member elected by local authority

55. A person who is elected by a local authority as a member of the authority shall, before attending a meeting or otherwise acting as a member of the authority, sign a declaration that:—

(*a*) none of the disqualifications for office set out in section fifty-two of this Act apply in his case;

(*b*) he is otherwise qualified for election in terms of section fifty of this Act;

(*c*) he accepts office as a member of the authority; and

(*d*) he will faithfully perform the duties of the office;

and any person attending a meeting or otherwise acting as a member of the authority before signing such a declaration, or signing such a declaration knowing any statement therein to be false, shall be liable on summary conviction to a fine not exceeding fifty pounds.

PART II. —*cont.*

Resignation and Vacation of Office.

Resignation.

56. A member of a local authority may at any time resign his office as member by a notice in writing signed by him and delivered to the clerk of the authority, and his resignation shall take effect upon the expiration of three weeks after the date of delivery of the notice or upon such earlier date, if any, as may be stated in the notice as the date on which the resignation is to take effect.

Vacation of office by failure to attend meetings.

57.—(1) If a member of a local authority fails throughout a period of six consecutive months to attend any meeting of the authority, he shall, unless he has been granted leave of absence by the authority as in this section provided or unless the failure to attend was due to some reason approved by the authority, be deemed to have become disqualified for acting as a member of the authority and the provisions of section fifty-three of this Act shall apply in his case:

Provided that—

(*a*) attendance as a member at a meeting of any committee or sub-commitee of the authority or at a meeting of any joint committee or joint board to which any function of the authority has been delegated shall be deemed for the purposes of this subsection to be attendance at a meeting of the authority;

(*b*) a member of any branch of His Majesty's naval, military or air forces, when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of His Majesty in connection with war or any emergency is such as in the opinion of the Secretary of State to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of failure to attend meetings of the authority if the failure is due to that employment;

(*c*) in calculating in relation to a member of a county council, the said period of six consecutive months, no account shall be taken of any period before the date of the commencement of this Act.

(2) A local authority may grant leave of absence to a member of the authority, on his application and on reasonable cause shown, for any period not exceeding at any one time twelve months.

(3) The provisions of this section shall not apply to a person who is ex-officio a district councillor in respect of his membership of a county council.

Casual Vacancies. PART II. —*cont.*

Casual vacancies.

58.—(1) A casual vacancy in the office of member of a local authority shall arise or be deemed to have arisen in any of the following events; that is to say—

(*a*) on the death of a member, in which case the vacancy shall be deemed to have arisen, if the death occurred in the United Kingdom, the Channel Islands or the Isle of Man, on the date of death, and if the death occurred elsewhere on the date on which the clerk of the authority is informed of the death;

(*b*) on the resignation of a member, in which case the vacancy shall be deemed to have arisen on the date on which the notice of resignation takes effect in accordance with the provisions of the last but one preceding section;

(*c*) on a county councillor representing a burgh ceasing to be a county councillor by reason of his ceasing to be a town councillor, in which case the vacancy shall be deemed to have arisen on the date on which he ceases to be a town councillor;

(*d*) in the case of the election of a person who is not qualified to be elected or who is disqualified for being elected a member of a local authority or of a member of a local authority ceasing to be qualified to be a member of the authority or becoming disqualified for being a member of the authority, on the office being declared to be vacant in accordance with the provisions of section fifty-three of this Act, in which case the vacancy shall be deemed to have arisen on the date on which the office has been declared to be vacant by the sheriff or the authority or, where an appeal is taken under that section, on the date on which the appeal is determined;

(*e*) on the full number of members of a local authority not being elected at an election, in which case the vacancy shall be deemed to have arisen on the date of the election;

(*f*) on an election of a member being declared void on an election petition or otherwise, in which case the vacancy shall be deemed to have arisen on the date of the decision of the court;

(*g*) on a vacancy arising from any other cause (not being a vacancy arising by reason of retirement in ordinary course or a vacancy to which the provisions of subsection (2) of this section apply), in which case the

PART II. —*cont.*

vacancy shall be deemed to have arisen on the date on which the authority determine that a vacancy has arisen.

(2) Where a person is both a county councillor representing a burgh within the county and a county councillor for an electoral division of the county, a casual vacancy shall be deemed to have arisen in the office of county councillor representing the burgh, except where all the town councillors of a burgh are county councillors by virtue of being town councillors, in which case the casual vacancy shall be deemed to have arisen in the office of county councillor for the electoral division, and the vacancy for the purposes of this section shall be deemed to have arisen on the date of election by the town council or the date of election for the electoral division, whichever is the later.

Filling of casual vacancies.

59.—(1) Subject to the provisions of this section, on a casual vacancy occurring in the office of a member of a local authority, the authority shall, as soon as practicable after the date on which the vacancy shall be deemed to have arisen (not being more than six months thereafter in the case of a county council or a district council and not being more than three months thereafter in the case of a town council) determine, at a meeting of the authority the notice of which specifies the consideration of the filling of the casual vacancy as an item of business, whether the authority shall themselves elect a person to fill the vacancy or whether they shall order that an election by the electors be held for the purpose, and if they determine themselves to elect a person to fill the vacancy they shall at the said meeting or at a meeting held as soon as practicable thereafter elect a person.

(2) A person elected by a town council to fill a casual vacancy shall hold office only until the day of the annual election of town councillors next after the date on which the vacancy is deemed to have arisen, and an election by the electors shall then be held to fill the vacancy:

Provided that where a vacancy is deemed to have arisen within the period of five weeks preceding the day of the annual election then, unless the vacancy arose in the office of a town councillor due to retire at that election, the person elected by the council shall hold office until the day of the next succeeding annual election.

If the councillor whose office was filled by the election by the town council under this section was due to retire in ordinary course at the annual election at which the person so elected is due to retire, that person shall be reckoned as one of the councillors due to retire at that election but, save as aforesaid, he shall not be so reckoned.

PART II. —*cont.*

(3) If a local authority order that an election by the electors be held for the purpose of filling the vacancy, the election shall be held as soon as practicable thereafter on a date to be fixed by the authority and shall be conducted in the same manner as an election in ordinary course, and the provisions of this Act with respect to such an election shall apply subject to any necessary modifications and to the substitution for the dates set out in Part II of the Second Schedule to this Act of such dates as the returning officer shall fix:

Provided that in the case of a vacancy in the office of an elected district councillor the date of the election shall be fixed by the county council who shall appoint a returning officer for the purposes of the election.

(4) Where a casual vacancy is deemed to have arisen in the office of a member of a county council or district council within nine months and of a town council within four months before the next election in ordinary course, the local authority may at the meeting at which they consider the filling of the vacancy determine not to take action with respect to filling the vacancy but to direct that the vacancy shall be filled at the next election in ordinary course:

Provided that—

(*a*) if, upon a vacancy, or a number of simultaneous vacancies so occurring, the total number of unfilled vacancies in the membership of the authority exceeds one-third of the whole number of members, the foregoing provisions of this subsection shall not apply; and

(*b*) subject to the provisions of paragraph (*a*) hereof, if in the case of a town council the vacancy is deemed to have arisen within the period commencing on the eighth Tuesday and ending on the fifth Tuesday (both days inclusive) preceding the day of the annual election, the vacancy shall not be filled except by election at the time of the next annual election.

(5) Where more than one casual vacancy in the office of a town councillor is filled at the same election, whether the election is by the town council or by the electors, or where at an annual election two or more vacancies are to be filled, then, as between the members elected, the person elected by the smallest number of votes shall, for the purpose of ascertaining the councillors due to retire, be deemed to have been longest

PART II. —*cont.*

in office, and the person elected by the next smallest number of votes shall be deemed to have been the next longest in office, and so with respect to the others, and if there has not been a contested election, or if there has been an equality of votes between persons elected, or if any doubt arises, the order of retirement shall be determined by lot.

(6) Where under this section any question is required to be determined by lot, the lots shall as soon as practicable after the question has arisen be drawn at a meeting of the town council.

(7) At any election to fill a casual vacancy (other than such an election combined with an ordinary election of town councillors) any person may, notwithstanding anything in this Act, vote in any electoral division or ward for which he is registered as a local government elector.

(8) Save as otherwise provided in this section, a person elected to fill a casual vacancy in the office of town councillor shall, for the purposes of ascertaining the councillors due to retire at an annual election, be treated as holding office from the date of his election under this section.

(9) Such of the foregoing provisions of this section shall not apply as are inconsistent with the provisions of a local Act.

(10) The foregoing provisions of this section shall not apply in the case of a casual vacancy in the office of county councillor representing a burgh, and where any such casual vacancy occurs the town council of the burgh shall, as soon as practicable (not being more than three months) after the date on which the vacancy shall be deemed to have arisen, appoint a person to fill the vacancy, and such person shall hold office until the time of the next election in ordinary course by the town council of representatives to the county council under section twelve of this Act.

Miscellaneous Provisions as to Elections.

Right of candidate to use of school room, &c. at election.

60.—(1) A candidate at an election of a county councillor for any electoral division of a county or of town councillors of a burgh of or an elected district councillor shall be entitled for the purpose of holding public meetings in furtherance of his candidature to use free of charge, after reasonable notice and at all reasonable times during the period commencing on the day on which the notice of election is given and ending on the day preceding the day of election, any suitable room in a grant-aided school situated in the electoral area in which

he is a candidate (or if there is no such school in the area, in such a school in an adjacent electoral area), or any suitable room the expense of maintaining which is payable by a district council:

Provided that—

(*a*) nothing in this section shall authorise the use of a room used as part of a private dwelling-house or authorise any interference with the use of a school for educational purposes; and

(*b*) any expenses reasonably incurred by the authority or person having control over the room or any damage done to the room or its contents or to the school in consequence of the room being so used shall be defrayed by the person by whom or on whose behalf the meeting was convened.

(2) Any question as to what is reasonable or suitable under this section shall be determined where the question arises in relation to a room in a school by the authority or person having control of the school, and in the case of a room maintained by a district council by that council.

Election not invalidated by non-compliance in certain cases.

61.—(1) An election held under this Act shall not be invalidated—

(*a*) by non-compliance with the provisions of the Second Schedule to this Act or by mistake in the use of any of the forms therein mentioned, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that the non-compliance or mistake did not affect the result of the election; or

(*b*) by reason of a defect in the title or want of title of the person presiding at or conducting the election if that person was then in actual possession of or acting in the office giving the right to preside at or conduct the election.

(2) Any misnomer or inaccurate description of any person or place named in any register of electors, nomination paper, ballot paper or notice shall not affect the full operation of that document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

(3) The election of a member of a local authority shall not be affected by reason only of any nullity or irregularity in the election of any other member of the authority.

PART II. —*cont.*

Election valid unless questioned by election petition.

62. An election held under this Act or under any enactment repealed by this Act, unless questioned by election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.

Election where poll countermanded on account of death of candidate.

63. If at an election of members of a local authority the poll is countermanded in accordance with the provisions of the Second Schedule to this Act by reason of the death of a candidate before the commencement of the poll or in accordance with any enactment repealed by this Act, the returning officer shall order an election to be held as soon as practicable thereafter on a date to be fixed by him, and the provisions of this Act with respect to the holding of elections shall apply with the substitution of such dates as the returning officer may fix for the dates set forth in Part II of the Second Schedule to this Act and subject to any other necessary modifications and adaptations, so however that no fresh nomination shall be necessary in the case of a candidate who remained validly nominated for the election which was not held.

Provision in case of non-election of local authority, &c.

64.—(1) If for any reason a local authority or members of a local authority are not elected in accordance with the provisions of this Act and the case is not otherwise provided for in this Act, or if there is for any reason no legally constituted local authority for any area or the number of members of a local authority then in office is less than the quorum ascertained in accordance with the provisions of the Third Schedule to this Act, the Secretary of State may by order direct the holding of an election for filling such vacancies as exist, and (except where the election relates to county councillors representing a burgh) the election shall be held as soon as practicable thereafter on a date to be fixed by the Secretary of State, and the provisions of this Act with respect to the holding of elections shall apply with the substitution of such dates as the Secretary of State may fix for the dates set forth in Part II of the Second Schedule to this Act and subject to such other modifications and adaptations as may be specified in the order.

(2) The Secretary of State may by order make such provision as seems to him expedient for authorising any person to act in place of a local authority pending the election of members of the authority under the preceding subsection.

Provisions as to ballot boxes.

65.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at an election under this Act upon such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall on request and if not required for immediate use by that authority, be lent to the returning officer at an election held under this Act on such terms and conditions as may be agreed.

Saving for Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

66. Save as otherwise expressly provided, nothing in this Act shall affect the provisions of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

Offences.

Failure of returning officer, &c. to conduct elections.

67.—(1) If a person whose duty it is to act as returning officer at or to take part in the conduct of an election under this Act neglects or refuses to conduct the election or to declare the result of or to take part in the conduct of the election as required by this Act, he shall for every such offence be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) If any returning officer or officer appointed by the returning officer under the Second Schedule to this Act or the partner or clerk of any such officer shall act as a polling or counting agent under the said Schedule in contravention of the provisions of paragraph 48 of Part III of that Schedule, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) If any person acts in contravention of, or fails to comply with, any of the provisions of paragraph 53 of Part III of the Second Schedule to this Act, he shall in respect of each contravention or failure be liable on summary conviction to imprisonment for a term not exceeding six months.

Offences in relation to nomination papers, ballot papers and ballot boxes.

68. If any person—

(*a*) forges or fraudulently defaces or fraudulently destroys any nomination paper or delivers to the returning officer or the town clerk, as the case may be, any nomination paper knowing it to be forged; or

(*b*) signs any nomination paper as candidate or proposer or as a solicitor on behalf of a candidate, knowing any of the statements contained therein to be false; or

(*c*) forges or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supplies a ballot paper to any person; or

PART II. —*cont.*

(*e*) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or

(*f*) fraudulently takes out of the polling station any ballot paper; or

(*g*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of an election; or

(*h*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts;

he shall—

(i) if he is a returning officer or an officer appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and

(ii) in any other case be liable on conviction on indictment or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Offence of personation.

69. If any person—

(*a*) applies for a ballot paper in the name of some other person, whether that name be the name of a person living or dead or of a fictitious person; or

(*b*) having voted once at an election applies at the same election for a ballot paper in his own name;

he shall be guilty of the crime of personation and shall be liable—

(i) on conviction on indictment to imprisonment for a period not exceeding two years; or

(ii) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Penalty for voting in more than one electoral division or ward.

70. If any person, at an election held under this Act—

(*a*) of county councillors of a county, votes in more than one electoral division in the county; or

(*b*) of town councillors of a burgh, votes in more than one ward of the burgh; or

(*c*) of elected district councillors of a district, votes in more than one electoral division or ward in the district; or

(*d*) asks for a ballot paper for the purpose of so voting; PART II. —*cont.*

he shall (except in the case to which subsection (7) of section fifty-nine of this Act applies) be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that the fact that any person has asked for a ballot paper in any of the said electoral areas in circumstances which entitled him only to mark a tendered ballot paper in pursuance of paragraph 23 of Part III of the Second Schedule to this Act, shall not, if he does not exercise that right, prevent his voting or asking for a ballot paper in another electoral area.

PART III.

MEETINGS, PROCEEDINGS AND OFFICES OF LOCAL AUTHORITIES.

Meetings and Proceedings.

Meetings and proceedings of local authorities, &c.

71. Subject to the provisions of this Part of this Act and of any local Act, the provisions of Parts I to IV of the Third Schedule to this Act relating to the meetings and proceedings of local authorities and of committees and sub-committees thereof and the meetings and proceedings of the magistrates of a burgh shall have effect.

Voting by county councillors.

72.—(1) A county councillor representing a small burgh shall not be entitled to exercise a deliberative vote or to submit a motion or, except with leave of the meeting, to take part in a discussion in respect of any matter relating solely to the exercise of a function which the county council are not entitled to exercise within the burgh.

(2) A county councillor representing a large burgh shall not be entitled to exercise a deliberative vote or to submit a motion or, except with leave of the meeting, to take part in a discussion except in respect of a matter relating solely or, in the opinion of the person presiding at the meeting, mainly to the exercise of a function which the county council are entitled to exercise within the burgh or to a service which the county council under this Act or any other enactment or any statutory order or by arrangement provide within the burgh.

(3) Notwithstanding anything in this section, a county councillor representing any burgh whether large or small shall be entitled to exercise a deliberative vote, submit a motion and take part in a discussion in respect of any matter relating to the change of name of the county.

(4) For removal of doubts it is hereby declared that a county councillor representing any burgh shall not be entitled to exercise a deliberative vote or to submit a motion or, except with leave of the meeting, to take part in a discussion in respect of any matter relating to the election of a county

PART III. —*cont.*

councillor for an electoral division in the county, or an extension of boundaries of a burgh, or the formation of a new burgh, or the dissolution of a small burgh.

(5) Any reference in this Act or in any other enactment to the whole number of members of a county council or to every member of a county council or to the whole number of councillors or members of a county council or any such reference to the like effect or to a specified portion thereof shall as regards any matter be construed as a reference to the whole number of county councillors entitled to exercise deliberative votes in respect of that matter or to a specified portion thereof, as the case may be, so however that for the purpose of ascertaining the number entitled to exercise deliberative votes in the matter members who are disabled from voting by reason only of the immediately succeeding section shall not be excluded.

For the purpose of ascertaining the whole number of county councillors entitled to exercise deliberative votes in respect of any matter under this subsection where the question arises otherwise than at a meeting, county councillors representing a large burgh shall be deemed to be entitled to exercise deliberative votes in respect of any matter if the convener of the county is of the opinion that the matter relates mainly to the exercise of a function which the county council are entitled to exercise within the burgh or to a service which the county council provide within the burgh.

A decision by the convener under this subsection with respect to a matter in relation to a meeting shall be binding on the chairman of the meeting at which that matter is the subject of consideration, and a decision by the chairman of a meeting with respect to a matter under subsection (2) of this section shall be binding on the chairman of any adjourned meeting at which that matter is the subject of consideration.

(6) Nothing in this section shall be construed as preventing the convener of the county or the vice-convener of a county or any other county councillor from presiding at a meeting of the county council or a committee or sub-committee thereof, while transacting any business whatsoever or while so presiding from taking part in a discussion in respect of any matter, notwithstanding that such convener, vice-convener or other councillor is a representative of a burgh whether large or small.

Disability of member of local authority for voting on account of interest in contract, &c.

73.—(1) If a member of a local authority has any pecuniary interest direct or indirect in any contract or proposed contract or other matter and is present at a meeting of the authority at which the contract or other matter is the subject of consideration, he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter:

PART III. —*cont.*

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area or as an ordinary consumer of gas, electricity or water or to an interest in any matter relating to the terms on which the right to participate in any service provided by the authority, including the supply of goods, is offered to the public.

(2) For the purposes of this section, a person shall, subject as hereafter in this subsection provided, be treated as having indirectly a pecuniary interest in a contract or other matter if—

(*a*) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(*b*) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that a person shall not be treated as so interested—

(i) by reason only of his being a member of or employed by any public body;

(ii) by reason only of his being a member of a company or other body, if he has no beneficial interest in any shares or stock of that company or other body.

(3) For the purposes of this section, a member of a local authority who is or has at any time within three months been in receipt of or is an applicant for poor relief from the authority shall be treated as having indirectly a pecuniary interest in the matter of the amount of outdoor poor relief (other than relief in respect of medical needs) to be provided by the authority in the case of any other person:

(4) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(5) A general notice given in writing to the clerk of the local authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

PART III. —*cont.*

(6) The clerk of the local authority shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (5) thereof, and the book shall be open at all reasonable hours to the inspection of any member of the authority.

(7) If any person fails to comply with the provisions of subsection (1) of this section, he shall for every offence be liable on summary conviction to a fine not exceeding fifty pounds, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(8) In any case in which the number of members of a local authority disabled by the provisions of this section at any one time would be so great a proportion of the whole as to impede the transaction of any particular item of business, the Secretary of State may, on the application of the authority or otherwise and subject to such conditions as he may think fit to impose, remove any disability imposed by this section as respects such business or, with the consent of the authority and after such inquiry as he may direct, himself transact the business on their behalf—any business so transacted being of full force and effect and binding upon the authority—and the Secretary of State may also, on any such application or otherwise and subject to such conditions as he may think fit to impose, remove any disability in any other case in which it appears to him that it is in the interests of the inhabitants of the area that he should do so:

Provided that notwithstanding anything in this section every member of the authority may take part in the consideration or discussion of and vote on the question whether any such application shall be made or any such consent granted.

(9) A local authority may by standing orders provide for excluding a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

Halls, Offices and Buildings.

Provision of halls, offices and buildings.

74.—(1) A local authority may acquire or provide and furnish and maintain halls, offices and other buildings whether within or without the area of the authority to be used for the purpose of transacting the business of the authority and the business of any other body or court for which the authority is required or authorised by this Act or any other enactment or any statutory order to provide accommodation and for public meetings and assemblies:

PART III. —*cont.*

Provided that buildings shall not be provided for public meetings and assemblies under this section except with consent of the Secretary of State.

(2) The powers conferred by this section shall in the case of a county council be deemed to include power to acquire or provide and furnish and maintain such halls, offices and buildings in conjunction with court-houses under the Sheriff Court-houses (Scotland) Acts, 1860 to 1884, or any local Act.

(3) The expenditure incurred by a county council or a town council under this section shall be defrayed as part of such branch or branches of expenditure as the council determine, having regard to the purpose for which the expenditure is incurred in each case.

(4) Where the town hall of a burgh or the principal offices of the town council are situated outwith the burgh, then notwithstanding anything in this Act or in any other enactment requiring the declaration of the result of an election to be made within the burgh or a dean of guild court or other court for the burgh to be held within the burgh, such declaration may be made or such court may be held at the town hall or principal offices outwith the burgh.

(5) Any hall, offices or other buildings provided by a local authority under this section or under any enactment repealed by this Act for the purpose of transacting the business of the authority may be used for the purposes of concerts or other entertainments which the authority are hereby authorised to provide or which may be provided by any other person, and any such hall, offices or buildings may be let by the authority for those purposes or for the purposes of meetings or bazaars or for other such purposes at such times and in such manner as will not interfere with the purposes for which the hall, offices or buildings are provided, so however that no concert or other entertainment provided by a local authority under this subsection shall include—

(*a*) the performance of a stage play; or

(*b*) any performance which is in the nature of a variety entertainment or in which scenery theatrical costumes or scenic or theatrical accessories are used; or

(*c*) the showing of any cinematograph film, other than a film illustrative of questions relating to health or disease or any function of the authority.

(6) Nothing in this section shall affect the provisions of the Sheriff Court-houses (Scotland) Acts, 1860 to 1884, or any local Act relating to court-houses.

PART III. —*cont.*

Use of school-room for district council meetings.

75.—(1) A district council shall, for the purpose of any meeting of the council or of any committee or sub-committee thereof or for the purpose of any meeting relating to any of the functions of the council, be entitled to use free of charge after reasonable notice and at all reasonable times any suitable room in a grant-aided school:

Provided that—

(*a*) nothing in this section shall authorise the use of a room used as part of a private dwelling-house or authorise any interference with the use of a school for educational purposes; and

(*b*) any expense reasonably incurred by the authority or person having control over the room or any damage done to the room or its contents or to the school in consequence of the room being so used shall be defrayed by the district council.

(2) Any question as to what is reasonable or suitable under this section shall be determined by the authority or person having control of the school.

PART IV.

OFFICERS.

Officers of County Council.

County clerk.

76.—(1) Every county council shall appoint a county clerk who shall be clerk of the council and may pay to him such reasonable salary as they may determine.

(2) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the salary paid to the county clerk shall, unless otherwise agreed between the county council and the county clerk, be deemed to be the remuneration for all business which he may by reason of his office as county clerk be called upon to perform, including any legal, parliamentary or other business which he may transact on behalf of the council.

(3) The county clerk shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county clerk as an item of business.

(4) References in any enactment to the clerk of supply or the county road clerk shall be construed as references to the county clerk, and references to the clerk of the peace in any

enactment relating to functions vested in the county council by this Act or otherwise and previously vested in the justices of the peace shall be construed as references to the county clerk. PART IV. —*cont.*

77.—(1) Every county council shall appoint a county treasurer who shall be the chief financial officer of the council and may pay to him such reasonable salary as they may determine. County treasurer.

(2) Regulations may be made by the Secretary of State prescribing the qualifications which shall be required to be possessed by any person appointed to the office of county treasurer by a county council, and after the date of the regulations or after such later date as may be therein prescribed a person shall not be appointed to that office unless he possesses such qualifications.

(3) The county treasurer shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members of the council present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county treasurer as an item of business.

78.—(1) Every county council shall appoint a county collector who shall be the collector of rates levied by the council and may pay to him such reasonable salary as they may determine. County collector.

(2) The county collector shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members of the council present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county collector as an item of business.

79.—(1) Every county council shall appoint a medical officer who shall be called the medical officer of health of the county and an officer who shall be called the sanitary inspector of the county, and shall, subject to the approval of the Secretary of State, regulate the duties of the medical officer and sanitary inspector and their relations to each other, and may pay such officers such reasonable salaries as the council may determine. County medical officer of health and county sanitary inspector.

(2) A person shall not be appointed medical officer of health of a county unless he is a registered medical practitioner, and is registered on the medical register as the holder of a diploma in sanitary science, public health or state medicine.

PART IV. —*cont.*

(3) Except with the sanction of the Secretary of State, no person shall be appointed sanitary inspector of a county unless he possesses such qualifications as may be prescribed by the Secretary of State.

(4) The names and addresses of the medical officer of health and the sanitary inspector appointed under this section shall be reported by the county council to the Secretary of State immediately on any such appointment being made.

(5) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the offices of medical officer of health of a county and sanitary inspector of a county shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(6) Subject to the provisions of subsection (7) of section eighty-seven of this Act, the medical officer of health of a county or the sanitary inspector of a county shall not hold any other appointment or engage in private practice or employment without the written consent of the county council.

(7) Neither the medical officer of health nor the sanitary inspector of a county shall be removable from office except by or with the sanction of the Secretary of State.

(8) The sanitary inspector of a county shall be the inspector of common lodging-houses within the meaning of the Public Health Acts.

(9) The medical officer of health of a county and the sanitary inspector of a county shall make to the Secretary of State such annual and other reports and returns as he may require, and such reports and returns shall be in such form as he may direct.

(10) A county council may appoint for the purpose of this section two or more medical officers of health or two or more sanitary inspectors:

Provided that—

(*a*) there shall be only one person holding the statutory office of medical officer of health for any particular part of the county; and

(*b*) there shall, save as hereinafter provided, be only one person holding the statutory office of sanitary inspector for any particular part of the county, so however that the council may, if they consider it necessary, appoint two or more sanitary inspectors for the county or any particular part of the county

so long as there is assigned to each of the sanitary inspectors so appointed a separate specified part of the duties pertaining to the office of sanitary inspector;

and where any appointments are made under this subsection the other provisions of this section shall apply subject to the necessary modifications.

County surveyor.

80.—(1) Every county council shall appoint a county surveyor who shall be the county road surveyor for the purposes of the Roads and Bridges Acts, and may pay to him such reasonable salary as they may determine.

(2) References to a district surveyor and to a district in section forty-nine of the Roads and Bridges (Scotland) Act, 1878 (which provides for reports on the condition of highways and estimates of the costs of maintenance) shall be construed as references to the county surveyor and to the county respectively. 41 & 42 Vict. c. 51.

(3) The county surveyor shall hold office during the pleasure of the county council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the county surveyor as an item of business.

County valuation assessor.

81.—(1) An assessor under the Valuation Acts appointed by a county council shall hold office during the pleasure of the council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the assessor as an item of business.

(2) It shall not be lawful for a county council to appoint an officer of Inland Revenue to be assessor under the Valuation Acts or for such an officer to continue to act as assessor without the consent of the Treasury, and where an officer of Inland Revenue is appointed assessor with the consent of the Treasury, the amount of the salary payable to him shall be subject to the approval of the Treasury, and any regulations made with respect to his duties as assessor shall likewise be subject to the approval of the Treasury.

Appointment of other staff

82.—(1) Every county council shall appoint such other officers as the council think necessary for the efficient discharge of the functions of the council.

(2) A county council may pay to every officer appointed by the council under this section such reasonable salary as

PART IV. —*cont.*

they may determine, and every such officer shall hold office during the pleasure of the council.

(3) Nothing in the foregoing provisions of this section shall be deemed to affect the provisions of any enactment or statutory order requiring the appointment of any officer for the purposes of that enactment or order.

(4) Save as otherwise provided in this Part of this Act or in any other enactment or any statutory order relating to the appointment of an officer, a county council may if they think fit appoint two or more persons jointly to fill one office or one person to fill two or more offices under the council, and where two or more persons are appointed jointly to fill an office, then on the death of any of them, unless otherwise provided in the terms of the appointment, the survivors or survivor shall be deemed to be the holders or holder of the office.

Appointment of depute or interim officers.

83.—(1) A county clerk, a county treasurer, a county collector, a medical officer of health of a county, a sanitary inspector of a county, a county surveyor or an assessor under the Valuation Acts appointed by a county council may, and if required by the county council shall, appoint one or more persons approved by the council to act as his depute or deputes, and all things required or authorised by law to be done by or to the officer appointing the depute or deputes may be done by or to any depute so appointed by him, and any reference in this Act or any other enactment or any statutory order to the officer appointing the depute shall, where the depute is acting for the officer, include a reference to the depute.

(2) If the office of any of the officers mentioned in the preceding subsection is vacant or the holder of the office is for any reason unable to act and no depute has been appointed under the provisions of the preceding subsection or the depute so appointed is unable to act, the county council may, notwithstanding any law or practice to the contrary, appoint a person to act temporarily in that office for a period not exceeding six months with power to the council to renew the appointment for a further period not exceeding six months, and all things required or authorised by law to be done by or to any such officer may be done by or to the person appointed to act temporarily in the office of that officer, and any reference in this Act or any other enactment or any statutory order to such officer shall, where a person is acting temporarily in his office under this section, include a reference to the person so acting.

PART IV. —*cont.*

(3) Any depute appointed by an officer under subsection (1) of this section may, notwithstanding that the officer appointing the depute has by reason of death, resignation or other cause ceased to hold office, exercise and discharge the powers and duties of the office until the county council otherwise determine.

(4) A person shall not be appointed a depute medical officer of health or to act in place of a medical officer of health under this section unless he is a registered medical practitioner, nor shall a person be appointed to act temporarily in place of a medical officer of health for a longer period than six months except with the sanction of the Secretary of State.

(5) A person acting under this section as depute or in place of an officer shall be deemed to be an officer of the county council, and the council may pay to the person so acting such reasonable remuneration as they may determine.

(6) A person appointed as a depute under this section shall cease to hold office as depute if either the officer appointing the depute or the county council so determine, but if at the time of his appointment as depute he was an officer of the council or if his duties when acting as depute involve whole-time service with the council he shall not, except where the council so determine, cease to be an officer of the council, and a person appointed to act in place of an officer under this section shall hold office during the pleasure of the county council.

Officers of Town Council.

Town clerk.

84.—(1) Every town council shall appoint a town clerk of the burgh who shall be clerk of the council and may pay to him such reasonable salary as they may determine.

(2) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the salary paid to the town clerk shall, unless otherwise agreed between the town clerk and the town council, be deemed to be the remuneration for all business which he may by reason of his office as town clerk be called upon to perform, including any legal, parliamentary or other business which he may transact on behalf of the council.

(3) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, a town clerk shall, notwithstanding any law or practice to the contrary, hold office during the pleasure of the town council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council specially called for the purpose, by a circular addressed to

PART IV. —*cont.*

the members of the council not less than forty-eight hours nor more than fourteen days before the meeting.

(4) A town clerk, a depute town clerk, or a partner of, or a person in the employment of a town clerk or a depute town clerk shall not act as agent or solicitor or prosecutor—

(*a*) on behalf of any party in the trial of any offence in any police court of the burgh; or

(*b*) on behalf of any party in any opposed proceedings before the dean of guild court of the burgh unless the court have the assistance as legal assessor of an independent person and, where he acts for a party other than the town council, the sanction of the council has previously been obtained thereto;

and in the event of a contravention of this provision the town clerk or the depute town clerk, as the case may be, shall be forthwith disqualified from holding any office under the council and from being at any time thereafter elected a town councillor, so however that the said disqualification may be removed on the recommendation of the council by an order made by the Secretary of State.

Town chamberlain.

85.—(1) Every town council shall appoint a town chamberlain of the burgh who shall be the chief financial officer of the council and may pay to him such reasonable salary as they may determine. Any reference in this Act to the treasurer of a local authority shall in its application to a town council be construed as a reference to the town chamberlain.

(2) Regulations may be made by the Secretary of State prescribing the qualifications which shall be required to be possessed by any person appointed to the office of town chamberlain by a town council, and after the date of the regulations or after such later date as may be therein prescribed a person shall not be appointed to that office unless he possesses such qualifications.

(3) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the offices of town clerk and town chamberlain shall not, except with the sanction of the Secretary of State, be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(4) The town chamberlain shall hold office during the pleasure of the town council, so however that he shall not be removed from office except by a resolution passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the town chamberlain as an item of business.

PART IV. —*cont.*

Burgh collector.

86.—(1) Every town council shall appoint a burgh collector who shall be the collector of rates levied by the council and may pay to him such reasonable salary as they may determine.

(2) The burgh collector shall hold office during the pleasure of the town council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members of the council present at a meeting of the council the notice of which specifies the consideration of the removal from office of the burgh collector as an item of business.

Burgh medical officer of health and burgh sanitary inspector.

87.—(1) Every town council shall appoint a medical officer who shall be called the medical officer of health of the burgh, and an officer who shall be called the sanitary inspector of the burgh, and shall, subject to the approval of the Secretary of State, regulate the duties of the medical officer and sanitary inspector and their relations to each other, and may pay such officers such reasonable salaries as the council may determine.

(2) A person shall not be appointed medical officer of health of a burgh unless he is a registered medical practitioner and is registered on the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(3) Except with the sanction of the Secretary of State, no person shall be appointed sanitary inspector of a burgh unless he possesses such qualifications as may be prescribed by the Secretary of State.

(4) The names and addresses of the medical officer of health and the sanitary inspector appointed under this section shall be reported by the town council to the Secretary of State immediately on any such appointment being made.

(5) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the offices of medical officer of health of a burgh and sanitary inspector of a burgh shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(6) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, the medical officer of health of a large burgh or the sanitary inspector of a large burgh shall not hold any other appointment or engage in private practice or employment without the written consent of the town council.

(7) On any vacancy arising in the post of the medical officer of health of a small burgh, then, unless in any particular case the Secretary of State otherwise agrees, the medical officer

PART IV. —*cont.*

of health of the county within which the burgh is situated shall be appointed to the office by the town council of the burgh who shall pay to the county council such proportion of the salary and expenses of the officer as the county council and the town council may agree and failing agreement as may be determined by the Secretary of State.

(8) Neither the medical officer of health nor the sanitary inspector of a burgh shall be removable from office except by or with the sanction of the Secretary of State.

(9) The sanitary inspector of a burgh shall be the inspector of common lodging-houses within the meaning of the Public Health Acts.

(10) The medical officer of health of a burgh and the sanitary inspector of a burgh shall make to the Secretary of State such annual and other reports and returns as he may require, and such reports and returns shall be in such form as he may direct.

(11) A town council of a large burgh may appoint for the purposes of this section two or more medical officers of health or two or more sanitary inspectors:

Provided that—

(*a*) there shall be only one person holding the statutory office of medical officer of health for any particular part of the burgh; and

(*b*) there shall, save as hereinafter provided, be only one person holding the statutory office of sanitary inspector for any particular part of the burgh, so however that the council may if they consider it necessary appoint two or more sanitary inspectors for the burgh or any particular part of the burgh, so long as there is assigned to each of the sanitary inspectors so appointed a separate specified part of the duties pertaining to the office of sanitary inspector;

and where any appointments are made under this subsection the other provisions of this section shall apply subject to the necessary modifications.

Burgh surveyor, inspector of cleansing and inspector of lighting.

88.—(1) Every town council shall appoint a burgh surveyor whose duties shall include acting as surveyor of the paving and drainage with respect to which the council exercise any function under any enactment or byelaw:

Provided that this subsection shall not apply where under or in pursuance of a local Act a town council appoint an officer whose functions include the aforesaid functions of the burgh surveyor.

(2) A town council may appoint an inspector of cleansing of the burgh whose duties shall include superintending and

securing compliance with the provisions of the enactments and byelaws relating to cleansing.

(3) A town council may appoint an inspector of lighting of the burgh whose duties shall include superintending and securing compliance with the provisions of the enactments and byelaws relating to lighting.

(4) The town council may pay to the burgh surveyor, the inspector of cleansing and the inspector of lighting such reasonable salaries as they may determine.

(5) The burgh surveyor, the inspector of cleansing and the inspector of lighting shall hold office during the pleasure of the town council, so however that any such officer shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the officer as an item of business.

Clerk of burgh police court.

89.—(1) The town council shall appoint a clerk of the police court of the burgh and may pay to the person so appointed such reasonable salary as they may determine.

(2) Where in any burgh there are two or more police courts, the town council may appoint more than one clerk of the police court and may pay to each such clerk such reasonable salary as they may determine.

(3) A clerk of the police court shall hold office during the pleasure of the town council.

Burgh prosecutor.

90.—(1) Every town council shall appoint a burgh prosecutor, and may pay to him such reasonable salary as they may determine.

(2) The burgh prosecutor shall within the burgh have all the powers and privileges pertaining by law to a procurator fiscal.

(3) Subject to the provisions of this Part of this Act relating to officers holding office at the commencement of this Act, neither the offices of town clerk and burgh prosecutor nor the offices of clerk of police court and burgh prosecutor shall be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(4) In the absence of the burgh prosecutor or any depute or any person acting temporarily in that office, the magistrate or other person presiding at the police court may appoint a person to act in name and on behalf of the burgh prosecutor at any diet and sign complaints for him, so however that the burgh prosecutor shall not be responsible for the acts of any such person.

PART IV. —*cont.*

(5) A burgh prosecutor shall not be removed from office or have his salary diminished by the town council without consent of the provost or acting chief magistrate of the burgh and the sheriff (not being a sheriff substitute) or, in the case of their differing in opinion, of the Lord Advocate, but a burgh prosecutor may be suspended by the magistrates of the burgh, with consent of the sheriff (not being a sheriff substitute), for a definite period pending any inquiry with a view to his removal:

Provided that this subsection shall not apply in any case where provision is made by a local Act with respect to the removal from office of the burgh prosecutor.

Burgh valuation assessor.

91.—(1) An assessor under the Valuation Acts appointed by a town council, being a local authority for the purposes of the Valuation Acts, shall hold office during the pleasure of the council, so however that he shall not be removed from office except by a resolution of the council passed by not less than two-thirds of the members present at a meeting of the council the notice of which specifies the consideration of the removal from office of the assessor as an item of business.

(2) It shall not be lawful for a town council to appoint an officer of Inland Revenue to be assessor under the Valuation Acts or for such an officer to continue to act as assessor without the consent of the Treasury, and where an officer of Inland Revenue is appointed assessor with the consent of the Treasury, the amount of the salary payable to him shall be subject to the approval of the Treasury, and any regulations made with respect to his duties as assessor shall likewise be subject to the approval of the Treasury.

Appointment of other staff.

92.—(1) Every town council shall appoint such other officers as the council think necessary for the efficient discharge of the functions of the council.

(2) A town council may pay to every officer appointed by the council under this section such reasonable salary as they may determine, and every such officer shall hold office during the pleasure of the council.

(3) Nothing in the foregoing provisions of this section shall be deemed to affect the provisions of any enactment or statutory order requiring the appointment of any officer for the purposes of that enactment or order.

(4) Save as otherwise provided in this Part of this Act or in any other enactment or any statutory order relating to the employment of an officer, a town council may if they think fit appoint two or more persons jointly to fill one office or one person to fill two or more offices under the council, and where two or more persons are appointed jointly to fill an

office, then, on the death of any of them, unless otherwise provided in the terms of the appointment, the survivors or survivor shall be deemed to be the holders or holder of the office.

Appointment of depute or interim officers.

93.—(1) A town clerk, a town chamberlain, a burgh collector, a medical officer of health of a burgh, a sanitary inspector of a burgh, a burgh surveyor, an inspector of cleansing of a burgh, an inspector of lighting of a burgh, a clerk of police court, a burgh prosecutor or an assessor under the Valuation Acts appointed by a town council may, and if required by the town council shall, appoint one or more persons approved by the town council to act as his depute or deputes, and all things required or authorised by law to be done by or to the officer appointing the depute or deputes may be done by or to any depute so appointed by him, and any reference in this Act or any other enactment or any statutory order to the officer appointing the depute shall, where the depute is acting for the officer, include a reference to the depute.

(2) If the office of any of the officers mentioned in the preceding subsection is vacant or the holder of the office is for any reason unable to act and no depute has been appointed under the provisions of the preceding subsection or the depute so appointed is unable to act, the town council may, notwithstanding any law or practice to the contrary, appoint a person to act temporarily in that office for a period not exceeding six months with power to the council to renew the appointment for a further period not exceeding six months, and all things required or authorised by law to be done by or to any such officer may be done by or to the person appointed to act temporarily in the office of that officer, and any reference in this Act or any other enactment or any statutory order to such officer shall, where a person is acting temporarily in his office under this section, include a reference to the person so acting.

(3) If the office of town clerk is vacant, or the town clerk is for any reason unable to act and no depute or other person to act temporarily in place of the town clerk has been appointed, or the depute or person so appointed is unable to act, any function of the town clerk relating to the issue of notices of meetings of the council or of committees thereof or the conduct of elections may be discharged by, and any intimations to the town clerk may be made to, the provost or acting chief magistrate.

(4) Any depute appointed by an officer under subsection (1) of this section may, notwithstanding that the officer appointing the depute has by reason of death, resignation or other cause ceased to hold office, exercise and discharge the

PART IV. —*cont.*

powers and duties of the office until the town council otherwise determine.

(5) A person shall not be appointed a depute medical officer of health or to act in place of a medical officer of health under this section unless he is a registered medical practitioner. nor shall a person be appointed to act in place of a medical officer of health for a longer period than six months except with the sanction of the Secretary of State.

(6) A person acting under this section as depute or in place of an officer shall be deemed to be an officer of the town council, and the council may pay to the person so acting such reasonable remuneration as they may determine.

(7) A person appointed as a depute under this section shall cease to hold office as depute if either the officer appointing the depute or the town council so determine, but if at the time of his appointment as depute he was an officer of the Council or if his duties when acting as depute involve whole-time service with the council he shall not, except where the council so determine, cease to be an officer of the council, and a person appointed to act in place of an officer under this section shall hold office during the pleasure of the town council.

Officers of District Council.

District council officers

94.—(1) Every district council shall appoint a clerk of the council and a treasurer of the council and such other officers as the council think necessary for the efficient discharge of the functions of the council, and may pay to the clerk, treasurer and other officers appointed under this section such reasonable salaries as the council may determine.

(2) The clerk, the treasurer and every other officer appointed under this section shall hold office during the pleasure of the council, so however that neither the clerk nor the treasurer shall be removed from office except by resolution of the council passed by not less than two-thirds of the members of the council present at a meeting of the council the notice of which specifies the consideration of the removal from office of the officer as an item of business.

(3) A clerk or a treasurer of a district council may, and if required by the council, shall, appoint a person approved by the council to act as his depute, and if either of the said offices is vacant or the holder of the office is unable to act and there is no depute acting, the district council may appoint a person to act temporarily in the office for a period not exceeding six months, with power to the council to renew the appointment for a further period not exceeding six months,

and all things required or authorised to be done by or to any such officer may be done by or to the depute or person appointed to act temporarily in the office, and any reference in this Act or any other enactment or any statutory order to the principal officer shall include a reference to the depute or person acting in the office.

(4) Nothing in this section shall be deemed to affect the provisions of any enactment or statutory order requiring the appointment of any officer for the purposes of that enactment or order.

Officers of Joint Committee or Joint Board.

Officers of joint committee or joint board.

95. A joint committee or joint board may, subject to the agreement, order or other document regulating the joint committee or joint board or in the case of a joint committee or joint board appointed under any enactment, other than this Act, or any statutory order subject to that enactment or statutory order, appoint such officers as the committee or board think necessary for the efficient discharge of the functions of the committee or board and may pay to such officers such reasonable salaries as the committee or board may determine, and any officers so appointed shall hold office during the pleasure of the committee or board.

General.

Regard to be had to enactments relating to superannuation.

1 Edw. 8. & 1 Geo. 6. c. 69.

96. In arranging the terms of service of an officer appointed under this Part of this Act, regard shall be had to the provisions of the Local Government Superannuation (Scotland) Act, 1937, or any other enactment or any scheme relating to superannuation allowances which is applicable to the officer, and any provision in this Act relating to the tenure of office of an officer under a local authority shall not affect any right or obligation of the officer to retire on attaining any specified age or on the happening of any specified event in pursuance of the said Act of 1937 or such other enactment or scheme.

Local authority may regulate duties of officers, &c.

97.—(1) A local authority may regulate the duties of officers employed by the authority under this Act or any other enactment or any statutory order and the relations of these officers to each other, so however that nothing done under this subsection shall be contrary to the provisions of this Act or any other enactment or any statutory order with respect to the employment of any officer for the purposes thereof.

(2) A local authority may suspend any officer of the authority:

Provided that this subsection shall not apply in the case of any officer of the authority with respect to whose suspension or removal from office provision is made by any other enactment.

PART IV. —*cont.*

Security to be given by officers.

98.—(1) Every local authority in the case of each of the treasurer, the collector, and such other officers as the Secretary of State may prescribe shall, and in the case of any other officer employed by them may, require the officer to obtain in name of the authority from any company accepted by the Court of Session as cautioner for a judicial factor appointed by the court security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him to such amount as the local authority think sufficient, not being less in the case of a treasurer or a collector of a county council or a town council than one thousand pounds.

(2) The provisions of the foregoing subsection shall apply in the case of an officer of a local authority holding office at the commencement of this Act, except in so far as security has been provided by him which complies with that subsection.

(3) If any officer of a local authority fails to provide security in accordance with subsection (1) of this section within three months after the date on which the authority have required him to do so, he shall be deemed to have resigned from his office at the expiration of the said period of three months.

(4) A local authority may, in the case of a person who is not employed by them but who or whose employees are or are likely to be entrusted with the custody or control of money or property belonging to the authority, require such person to obtain in name of the authority or themselves take from any such company as aforesaid such security as they think sufficient for all such money or property being duly accounted for.

(5) The local authority shall defray the premium in respect of any security taken under this section.

(6) Every such deed of security shall be delivered to and remain in the custody of the clerk of the authority or other officer designated by the authority for the purpose and shall be produced by the clerk or other officer to the auditor at the audit of the accounts of the authority, and the auditor shall in each case report whether in his opinion security of a sufficient amount has been provided and whether the premiums payable have been duly paid.

Apportionment of loss due to defalcation of officer of local authority.

99. If any officer of a local authority becomes insolvent and the sums for which he is accountable are not fully paid by or recovered from him or the company providing security for his intromissions, the deficiency shall be defrayed as part of such branch or branches of expenditure of the authority or out of funds managed by the authority (including in the

case of a burgh having a common good the common good of the burgh) as the authority may determine or partly in one way and partly in the other, having regard to the circumstances of the case.

Notice of termination of appointments held during pleasure.

100. For removal of doubts it is hereby declared that, notwithstanding any provision in this Act or any other enactment or any statutory order that a person holding any office shall hold the office during the pleasure of a local authority, there may be included in the terms on which he holds the office a provision that the appointment shall not be terminated by either party without giving to the other party such reasonable notice as may be agreed, and where at the commencement of this Act an officer of a local authority holds office upon terms which purport to include such a provision, that provision shall as from the commencement of this Act be deemed to be valid.

Member of local authority not to be appointed officer of authority or of committee or joint committee or joint board.

101. It shall not be lawful for a local authority or for a committee or sub-committee of the authority (including any committee or sub-committee to which section fifty-two of this Act applies) or for a joint committee or joint board containing persons appointed by the authority to appoint to any paid office in the gift or disposal of the authority or of the committee or sub-committee or of the joint committee or joint board, as the case may be, a person who is or has within six months prior to the date of appointment been a member of the authority or a person who is or has within six months prior to the date of appointment been a partner in business of the person who is or has within the said six months been a member of the authority.

Disclosure by officers of interest in contracts.

102.—(1) If it comes to the knowledge of an officer employed by a local authority under this Act or any other enactment or any statutory order that a contract in which he has any pecuniary interest whether direct or indirect (not being a contract to which he is himself a party) has been or is proposed to be entered into by the authority, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein:

Provided that this subsection shall not apply to an officer other than the clerk or treasurer of the authority, unless the contract relates to a matter in connection with which the officer is employed by the authority and the officer is normally consulted by the authority or by members thereof in connection with such contracts.

For the purposes of this subsection an officer shall be treated as having indirectly a pecuniary interest in a contract

PART IV. —*cont.*

of proposed contract if he would have been so treated by virtue of subsection (2) or subsection (4) of section seventy-three of this Act had he been a member of the authority.

(2) An officer of a local authority shall not under colour of his office or employment exact or accept for himself any fee or reward whatsoever other than his proper remuneration.

(3) The provisions of subsections (5) and (6) of section seventy-three of this Act shall subject to any necessary modifications apply in the case of an officer of a local authority as they apply in the case of a member of the authority, so however that the book mentioned in the said subsection (6) shall be open to the inspection only of any member or the clerk of the authority.

(4) If any person fails to comply with subsection (1) or contravenes any of the provisions of subsection (2) of this section he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) References in this section to a local authority shall include references to a committee or sub-committee of the authority (including any committee or sub-committee to which section fifty-two of this Act applies) or to a joint committee or joint board.

Protection for officer of local authority acting in execution of duty.

103.—(1) An officer of a local authority shall not be personally liable in respect of any act done by him in the execution of any enactment or statutory order relating to a function of the authority and within the scope of his employment, if he acted reasonably and in the honest belief that his duty under such enactment or statutory order required or entitled him to do it:

Provided that nothing in this subsection shall be construed—

(*a*) as relieving a local authority from any liability in respect of acts of their officers, or

(*b*) as exempting any officer of a local authority from being surcharged in accordance with the provisions of Part X of this Act.

(2) Where an action has been brought against an officer of a local authority in respect of an act done by him in the execution or purported execution of any such enactment or statutory order and the circumstances are such that he is not legally entitled to require the authority to indemnify him, the authority may nevertheless indemnify him against the whole or a part of any damages or expenses which he may have been ordered to pay or may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under such enactment or order required or entitled him to do it.

PART IV. —*cont.*

Savings for existing officers, &c.

104.—(1) Subject to the provisions of sections ninety-eight and one hundred of this Act, nothing in this Act shall affect the appointment, emoluments, or tenure of office of any officer of a local authority holding office at the commencement of this Act to which office he was duly appointed in accordance with the law in force at the time of appointment.

(2) Nothing in this Part of this Act shall affect the terms of any agreement made between a local authority and the Minister of Transport under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, with respect to the appointment, retention or dismissal of any engineer or surveyor of the authority responsible for the maintenance of roads.

9 & 10 Geo. 5. c. 50.

PART V.

ADMINISTRATIVE SCHEMES, COMMITTEES AND JOINT COMMITTEES.

Administrative Schemes.

Schemes for administration of functions in county and large burgh.

105.—(1) The county council of every county and the town council of every county of a city shall have a scheme setting forth the administrative arrangements made by the council for discharging throughout their area the functions of the council relating to education.

(2) The county council of every county and the town council of every large burgh shall have a scheme setting forth the administrative arrangements made by the council for discharging throughout their area their functions as a local health authority within the meaning of the National Health Service (Scotland) Act, 1947.

10 & 11 Geo. 6. c. 27.

(3) The county council of every county and the town council of every large burgh shall have a scheme or schemes setting forth the administrative arrangements made by the council for discharging throughout their area the functions of the council relating to (*a*) poor law, and (*b*), in the case of a county council, roads.

Schemes required by this and the two preceding subsections are in this Act referred to as " administrative schemes ".

(4) The administrative scheme or schemes approved under section fourteen of the Local Government (Scotland) Act, 1929, and in force in a county or large burgh at the commencement of this Act shall, until revoked or altered by a scheme made under either of the succeeding subsections of this section, be the administrative scheme or schemes for the county or burgh.

Where in the area of any local health authority within the meaning of the National Health Service (Scotland) Act, 1947, there is no administrative scheme for the discharge of their

PART V. —*cont.*

functions as such an authority in force at the commencement of this Act, paragraph 1 of the Fifth Schedule to the said Act of 1947 shall, until such an administrative scheme comes into force in that area, continue to apply to that authority in like manner as if this Act had not passed.

(5) Any administrative scheme may be revoked or altered by a revised scheme prepared and submitted to the Secretary of State by the council to which it relates, and the Secretary of State may approve that scheme as submitted or with such modifications and amendments as he thinks proper, and on approval it shall have effect, and the council shall discharge their functions in accordance with that scheme if it entirely supersedes the previous administrative scheme, and if it amends the previous scheme, in accordance with the previous scheme as amended by the revised scheme.

Notwithstanding anything in any administrative scheme approved by the Secretary of State before the commencement of this Act, the preparation of the first revised scheme relating to education after the commencement of this Act shall stand referred to the education committee of the council constituted as hereafter in this Part provided.

(6) The Secretary of State may at any time from time to time require any council having an administrative scheme to review any administrative scheme of the council in order that a revised scheme may be submitted by the council for his approval, and the provisions of the immediately preceding subsection shall apply to the revised scheme when submitted. If the council fail to submit a scheme to the Secretary of State within three months from the date of his requirement, he may himself make a scheme, but before making such a scheme he shall publish in a newspaper circulating in the area to which the scheme will relate a notice stating his intention to make such a scheme and that a copy of the draft scheme is open to inspection at a specified place and that representations thereon may be made to him within fourteen days after the publication of the notice, and he shall consider any representations which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by the council and approved by the Secretary of State and may be revoked or altered in like manner as any other scheme in accordance with the provisions of the immediately preceding subsection.

Contents of administrative scheme for education.

106.—(1) Every administrative scheme of a council relating to education shall, save as provided in this section, provide for the delegation to the education committee of the council of all functions of the council as education authority whether under the Education (Scotland) Act, 1946, or under any other enactment.

9 & 10 Geo. 6. c. 72.

PART V. —*cont.*

(2) The following functions shall be excluded from the delegation to the education committee as well as the function of raising money by rate or loan which, in accordance with the provision of section one hundred and twenty-four of this Act, may not be delegated to a committee—

(i) the approval with or without adjustment of the estimates (including supplementary estimates) of capital and revenue expenditure and the authorisation of the expenditure included therein;

(ii) the power to incur expenditure on behalf of the council other than expenditure previously authorised in accordance with the estimates approved by the council or otherwise, or expenditure necessarily incurred in circumstances of urgency.

(3) The following functions may be excluded from the delegation to the education committee—

(i) the acquisition and disposal of land: provided that, except in cases of urgency, before acquiring land for, or disposing of land held for, educational purposes, the council shall give the education committee an opportunity of considering the matter and shall receive and consider a report from the committee as to the suitability of the land for the purpose for which it is proposed to acquire it or as to whether the land is no longer required or likely to be required for educational purposes, as the case may be;

(ii) the appointment, dismissal, remuneration and conditions of service (other than functions) of the director of education and of any deputy or assistant director of education: provided that the council shall have regard to any recommendations made by the education committee with regard to such matters;

(iii) the remuneration and the conditions of service of staff other than teachers: provided that the council shall have regard to any recommendations made by the education committee with regard thereto;

(iv) the medical services in schools, junior colleges and other educational establishments provided under the Education (Scotland) Act, 1946; but any arrangements made for the administration of the said services shall be such as to ensure close co-operation between the education committee and the teachers and other officers responsible to that committee on the one hand, and any committee charged with the responsibility for the said services and the officers responsible to that committee on the other;

PART V. —*cont.*

(v) any function with regard to which the council satisfy the Secretary of State that, having regard to other functions of the council, it is expedient that that function shall not be so delegated: provided that in such a case, and without prejudice to the reference or delegation of the said function to any other committee, the scheme shall provide that the said function shall stand referred to the education committee, and the council or any other committee to whom the function may have been delegated shall not, unless in their opinion the matter is urgent, be entitled to exercise the said function until they have received and considered the report of the education committee thereon.

(4) Every administrative scheme relating to education made after the commencement of this Act shall, except where in the special circumstances of a county the Secretary of State otherwise agrees, provide for the constitution of sub-committees of the education committee for the management of educational establishments and for the functions of such sub-committees in accordance with the provisions of section one hundred and nine of this Act.

(5) Every administrative scheme relating to education shall set forth the functions to be assigned to the director of education.

(6) Every administrative scheme relating to education made by the county council of a county within which a large burgh is included for the purpose of education shall, unless the Secretary of State otherwise directs, include provision for the co-operation of the county council and the town council in the execution by the county council of the functions of the county council as education authority relating to the medical examination, inspection, supervision and treatment, and to the cleansing of pupils attending schools, junior colleges and other educational establishments in the large burgh.

The county council, before making any administrative scheme which includes any provision with respect to the matters mentioned in this subsection, shall consult with the town council of the large burgh, and the Secretary of State before approving any such scheme shall consult with the town council, and any such scheme when so approved shall, so far as it contains provisions made under this subsection, be binding on the town council.

(7) Where the Public Libraries Acts are in operation within any part of the landward area of a county, an administrative scheme of the county council relating to education may provide—

(*a*) for the administration of the said Acts throughout the areas within which they are in operation being

PART V. —*cont.*

under the general supervision of the education committee;

(*b*) for the appointment as a library committee for each of the said areas of the district council of the district or of a committee consisting, to the extent of not less than one-third and not more than one-half, of persons who, not being members of the education committee, are resident within the area; and

(*c*) for the functions of the committees under the Public Libraries Acts being exercised by the education committee or the library committees as specified in the scheme;

and where the scheme makes such provision as aforesaid, the provisions of the Public Libraries Acts relating to the appointment of committees shall not apply.

Contents of other administrative schemes.

107.—(1) Every administrative scheme relating to the discharge of the functions of the council as a local health authority within the meaning of the National Health Service (Scotland) Act, 1947, shall provide for the appointment of a committee which shall be known as the health committee and, subject as hereinafter provided, all matters relating to the said functions shall stand referred to that committee, and the council before exercising any such function shall, unless in their opinion the matter is urgent, receive and consider a report of the health committee with respect thereto:

Provided that nothing in this subsection shall prevent the council from referring to any committee appointed by them any matter arising out of and incidental to the said functions which by reason that it relates also to a general service of the council ought, in the opinion of the council, to be so referred, and in that event the provisions of this subsection with respect to matters standing referred shall not apply to any such matter, but before deciding on a proposal for a reference under this proviso the council shall receive and consider a report of the health committee on the proposal.

(2) The administrative scheme relating to poor law may and, if the Secretary of State so requires, shall make provision for the appointment of a committee for the purposes of that scheme and the matters standing referred to that committee, and the council before exercising any function relating to a matter so standing referred shall, unless in their opinion the matter is urgent, receive and consider the report of the committee with respect to the matter in question.

(3) Without prejudice to the provisions of section one hundred and twenty-three of this Act, an administrative scheme relating to poor law or roads made by a county

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council may provide for the county council appointing to act as agents of the council the town council of any small burgh within the county or the district council of any district within the county or a joint committee of such a town council and district council (of which joint committee the members of the county council representing the burgh and the district shall be members) to carry out the functions specified in the scheme so far as exercisable within the small burgh or district or small burgh and district as the case may be, but subject always to the terms and conditions set forth in the scheme.

(4) An administrative scheme may provide that any form of assistance to which this subsection applies which might be provided either by way of poor relief or by virtue of any enactments other than the Poor Law Acts shall be provided exclusively under and by virtue of the enactments other than the Poor Law Acts and not by way of poor relief, but nothing in this subsection or in any scheme shall diminish or otherwise affect the duty of the council to provide relief for the poor or the right of any poor person to relief under the Poor Law Acts.

The assistance to which this subsection applies shall be the arrangements made for the care of expectant and nursing mothers and children who are not attending a school under the management of an education authority, and who have not attained, or are deemed under section thirty-three of the Education (Scotland) Act, 1946, not to have attained the age of five years, or of blind persons, or the feeding, clothing and treatment of pupils attending schools, junior colleges and other educational establishments, or the care and after care under section twenty-seven of the National Health Service (Scotland) Act, 1947, of persons suffering from illness or mental deficiency, or the maintenance and guardianship of mental defectives placed under guardianship.

(5) Every administrative scheme of a county council relating to roads shall, for the purpose of meeting as far as practicable the interests and conveniences of the county council, the town council of any small burgh concerned, and the inhabitants thereof, make provision with respect to the opening or breaking up of any classified road within the small burgh under the control of the county council, whether by the county council for the purpose of reconstructing, repairing or maintaining the road or by the town council for the purpose of laying, replacing, repairing or maintaining sewers or other like things under the said road, and before making any administrative scheme which includes any provision with respect to the matters mentioned in this subsection the county council shall consult with the town council.

Certain Statutory Committees of Local Authorities.

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Education committee for county and county of city.

108.—(1) Every county council and the town council of every county of a city shall have a committee for the purposes of their functions relating to education, which committee shall be known as the education committee and shall be constituted as provided in this section.

(2) Subject to the provisions of this Act, the education committee of every such council as aforesaid existing at the commencement of this Act shall be the education committee of the council, and the scheme relating to the constitution of the education committee made by each such council and approved under section twelve of the Local Government (Scotland) Act, 1929, and in force at the commencement of this Act shall, until revoked or altered as after provided in this section, be the scheme relating to the constitution of the education committee of such council.

(3) The provisions of subsections (5) and (6) of section one hundred and five of this Act (relating to the revocation or alteration of administrative schemes) shall apply as respects a scheme relating to the constitution of an education committee as they apply as respects an administrative scheme, with the substitution of two months for the period of three months mentioned in subsection (6) and subject to any necessary modifications.

(4) Every scheme relating to the constitution of an education committee shall provide—

(*a*) for the appointment by the council appointing the committee of at least a majority of the committee from persons who are members of the council;

(*b*) for the appointment by the council of persons of experience in education and of persons acquainted with the needs of the various kinds of schools in the area for which the council act, including—

(i) in all cases at least two persons interested in the promotion of religious instruction in terms of section eight of the Education (Scotland) Act, 1946, nominated by a meeting of representatives of the churches or denominational bodies (other than those having a right to nominate as hereinafter in this paragraph provided) having duly constituted charges or other regularly appointed places of worship within the area, and the scheme shall prescribe the constitution of the meeting and the manner of convening it; and

(ii) in the case of a council maintaining any school to which the provisions of section eighteen of the Education (Scotland) Act, 1946, apply,

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at least one representative nominated by the church or denominational body by whom the teachers in the school are required to be approved as regards religious belief and character;

(*c*) for the inclusion of women as well as men among the members of the committee; and

(*d*) for the term of office of members of the committee, so however that in the case of a county of a city a different term of office may be fixed for members of the committee who are not members of the town council from that fixed for the other members of the committee.

Sub-committees for management of educational establishments.

109.—(1) Every administrative scheme of a council relating to education shall, except where in the special circumstances of a county the Secretary of State otherwise agrees, include provisions for the constitution of sub-committees of the education committee for the exercise, subject to any directions given by the council, of such of the functions of management and supervision of educational establishments or groups of educational establishments under the control of the council (including functions relating to attendance thereat) as may be set forth in the scheme. Provision shall be made—

(*a*) for the due representation—

(i) in the case of every such sub-committee, of the education committee;

(ii) in the case of a sub-committee having schools or junior colleges under their management, of the parents of the pupils attending the educational establishments under the management of the sub-committee;

(iii) in the case of a sub-committee having junior colleges or local technical colleges under their management, of persons concerned or engaged in crafts, industries, commerce or other employments in the area;

(iv) in the case of a sub-committee having under their management educational establishments used wholly or partly for any form of voluntary further education, of persons having experience of such education;

(*b*) for the appointment thereto—

(i) in the case of every sub-committee, on the nomination of the teachers or other educational staff employed in the educational establishments under the management of the sub-committee, or, failing such nomination, directly, of at least one such teacher or member of such other educational staff;

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(ii) in the case of every sub-committee of an education committee of a county council, on the nomination of local bodies (including town and district councils), or, failing such nomination, directly, of persons resident in the locality and otherwise qualified to represent local interests in the management of educational establishments; and

(iii) in the case of any sub-committee, of such other persons as the council consider appropriate, regard being had to the functions to be performed by the sub-committee; and

(*c*) in the case of a sub-committee having under their management one or more schools to which the provisions of section eighteen of the Education (Scotland) Act, 1946, apply, for the appointment thereto of at least one member in whose selection regard shall be had to the religious belief of the parents of the pupils attending such school or schools.

(2) Where the education authority is a county council, sub-committees shall be reconstituted after each election of the council on such date as the council may fix, being not less than one month or more than two months after such election, and shall remain in office until the next reconstitution, or until the coming into force of a revised scheme relating to the constitution of sub-committees, whichever of these events shall first occur. Where the education authority is the town council of a burgh being a county of a city, the sub-committees shall be reconstituted at such intervals as the Secretary of State may direct.

(3) The provisions of subsection (1) of section one hundred and fourteen of this Act shall not apply to sub-committees appointed under this section.

(4) The provisions of the Education (Scotland) Act, 1918, relating to school management committees shall cease to have effect, and any reference in any enactment, scheme, trust deed or other document to a school management committee shall be construed as a reference to a sub-committee appointed under this section. The Secretary of State may by order determine which sub-committee under this section shall exercise the functions of a school management committee under a trust deed or other document. 8 & 9 Geo. 5. c. 48.

(5) The provisions of Part XVII of this Act so far as relating to the transfer and compensation of officers shall, with the necessary modifications, apply in relation to officers of school management committees affected by the provisions of this section or by anything done thereunder as they apply to officers

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of local authorities affected by a transfer of functions by this Act.

(6) In this section the expression "school management committee" shall have the meaning assigned to it in the said Education (Scotland) Act, 1918.

Roads committee in county.

110.—(1) Every county council shall have a committee for the purposes of their functions relating to roads, which committee shall be known as the roads committee.

(2) Subject to the provisions of this Act, the roads committee of every county council existing at the commencement of this Act shall be the roads committee of the council.

(3) Such matters as may be specified in the administrative scheme of the county council relating to roads shall stand referred to the roads committee of the council, and the council before exercising any function relating to a matter so standing referred shall, unless in their opinion the matter is urgent, receive and consider the report of the roads committee with respect to the matter in question.

(4) Save as otherwise provided in this Part of this Act, a county council may delegate to the roads committee of the council, with or without restrictions or conditions as the council think fit, any of their functions relating to roads.

(5) For the purposes of this section the functions of a county council relating to roads shall be deemed to include any functions relating to roads delegated to the council under any enactment.

Health committee and committee for poor law purposes.

111.—(1) The health committee may to an extent not exceeding one-third of the members consist of persons not being members of the council who have special knowledge and experience in regard to the functions of the committee.

(2) Save as otherwise provided in this Part of this Act, a council may delegate to the health committee or any committee appointed under the administrative scheme relating to poor law, with or without restrictions or conditions as the council think fit, any of the functions of the council relating to the purposes for which the Committee are appointed or relating to any other matter standing referred to the committee.

(3) Subject to the provisions of this Act, the committee of a council appointed for any of the purposes aforesaid existing at the commencement of this Act shall be the committee of the council for that purpose.

Police committee in county and large burgh with police force.

112.—(1) Save as in this section provided, every county council shall have a committee for the purposes of their functions relating to police, which committee shall be known as the police committee, and any reference in any Act to the police committee shall in relation to

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a county or a county council be construed as a reference to the police committee appointed by the county council, so however that, save as otherwise in this section provided, no appointment by or other decision of the police committee of the council shall be final until the same is confirmed and adopted by the council.

(2) Subject to the provisions of this Act, the police committee of every county council existing at the commencement of this Act shall be the police committee of the council.

(3) Save as in this section provided, the town council of every large burgh having a police force shall have a committee for the purposes of their functions relating to police, and any such council having no such committee at the commencement of this Act shall appoint a committee immediately thereafter.

(4) Such matters relating to police as may be specified in the standing orders of the county council or the town council or as may be otherwise directed by the council shall stand referred to the committee under this section, and the council before exercising any function relating to any matter so standing referred shall, unless in their opinion the matter is urgent, receive and consider the report of the said committee with respect to the matter in question.

(5) Save as otherwise provided in this Part of this Act, a county council or a town council may delegate to the committee under this section, with or without restrictions or conditions as the council think fit, any of their functions relating to police.

(6) The provisions of this section shall not apply in the case of a county council or town council whose areas are amalgamated for police purposes under the Police (Scotland) Act, 1946. 9 & 10 Geo. 6. c. 71.

Finance committee in case of every local authority.

113.—(1) Every local authority shall have a finance committee whose duties shall include—

(*a*) advising the authority on financial matters;

(*b*) subject to the directions of the authority, supervising the recovery of moneys due to the authority and generally the whole financial arrangements of the authority; and

(*c*) exercising such other functions as are by this Act or any other enactment or any statutory order imposed on the finance committee.

(2) Subject to the provisions of this Act, the finance committee of every local authority existing at the commencement of this Act shall be the finance committee of the authority, and any local authority having no such committee at the commencement of this Act shall appoint such a committee within six weeks after the commencement of this Act.

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(3) Subject to the provisions of this Part of this Act, of any administrative scheme thereunder and of section eighty-six of the Education (Scotland) Act, 1946, every local authority shall make provision by standing orders or otherwise with respect to the matters standing referred to the finance committee and the functions of the authority delegated to that committee.

Constitution of sub-committees of committees for administrative scheme functions.

114.—(1) Save as otherwise provided in this Part of this Act, a sub-committee appointed by a committee whose functions are functions to which an administrative scheme relates may, subject to the provisions of the scheme or to any standing orders or any directions by the county council or town council, consist in part of persons not being members of the committee, so however that at least two-thirds of the members of any such sub-committee shall be members of the council:

Provided that—

(i) 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;

(ii) a sub-committee of the education committee of a council may consist to an extent not exceeding one half of persons who are not members of the council.

(2) Notwithstanding anything in this Part of this Act, the education committee of a council shall not delegate to a sub-committee any function in regard to—

(*a*) the appointment, transfer, remuneration or dismissal of teachers; or

(*b*) the recognition, establishment or discontinuance of schools, junior colleges and other educational establishments.

General Power to Appoint Committees and Provisions as to Committees.

Appointment of committees and sub-committees.

115.—(1) A local authority may appoint a committee for the purpose of any of the functions exercisable by the authority and may refer or direct that there shall stand referred to a committee so appointed all or any matters relating to any such function, and, save as otherwise provided in this Part of this Act, may delegate to a committee so appointed with or without restrictions or conditions as the authority think fit any function so exercisable, and a function so referred or delegated may relate to the whole or a part of the area of the authority:

Provided that nothing in this subsection shall authorise the appointment of a committee for any purpose for which a local authority are authorised or required to appoint a committee by this Act or any other enactment or any statutory order.

(2) A committee appointed by a local authority, whether under the preceding subsection or otherwise, may, subject to the provisions of this Part of this Act or of any administrative scheme thereunder, to any standing orders or to any directions by the authority, appoint sub-committees and may delegate to a sub-committee any of their functions, but only so far as they are authorised to do so by standing orders or any directions by the authority.

Constitution of committees and sub-committees and term of office of members thereof.

116.—(1) Save as otherwise provided in this Act or any other enactment or any statutory order with respect to any committee or sub-committee—

(*a*) a committee appointed by a local authority and a sub-committee thereof shall consist wholly of members of the authority; and

(*b*) a local authority shall determine the number of members of a committee appointed by the authority and shall fix the term of office of members of the committee.

(2) Every member of a committee appointed by a local authority who at the time of appointment is a member of the authority shall, upon his ceasing to be a member of the authority, also cease to be a member of the committee.

Proceedings of committees and sub-committees.

117.—(1) A local authority appointing a committee may appoint a member of the committee to be the convener or chairman thereof and a member to be the vice-convener or vice-chairman.

(2) A committee of a local authority appointing a sub-committee may, subject to any standing orders or any directions by the authority, appoint a member of the sub-committee to be the convener or chairman thereof and a member to be vice-convener or vice-chairman.

(3) A local authority may make, vary and revoke standing orders respecting the quorum, proceedings (including the keeping of minutes) and place of meeting of committees appointed by the authority and of any sub-committee thereof and other matters mentioned in this section, but subject to any such standing orders or to any directions by the authority, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee, as the case may be, may determine.

(4) Subject to any standing orders or any directions by the local authority, every committee shall report its proceedings to the authority, and every sub-committee shall report its proceedings to the committee appointing the sub-committee.

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(5) The foregoing provisions of this section shall apply—

(*a*) subject to the provisions of this Act and of any administrative scheme which may be applicable; and

(*b*) in the case of a committee or sub-committee appointed under an enactment other than this Act or any statutory order or a committee appointed under this Act but exercising the functions of a committee provided for under an enactment other than this Act or a statutory order, subject to the provisions of that other enactment or that statutory order.

Combination of Local Authorities.

Combination of counties of Perth and Kinross and of Moray and Nairn for certain purposes.

118.—(1) There shall be combined—

(i) the county of Kinross with the county of Perth, and

(ii) the county of Nairn with the county of Moray,

for every purpose for which any small burgh is by virtue of the Local Government (Scotland) Act, 1929, included within a county and for any other purpose for which any small burgh is by virtue of any enactment or statutory order subsequent to the said Act of 1929 included within a county but not for any other purpose, and the provisions of subsections (2), (3), (4) and (5) of this section shall have effect for the purposes of such combination.

(2) The members of the county councils of the two counties forming the combined county shall form a joint county council for the combined county.

(3) The combined county and the joint county council shall be the county and the county council respectively for the purposes of the provisions of Part III of the Local Government (Scotland) Act, 1929, relating to the county apportionment and the General, Additional and Supplementary Exchequer Grants, and the separate counties and the county councils thereof shall be the counties and the county councils respectively for the purposes of the provisions of the said Part of the said Act relating to the Landward General Exchequer Grants, and the other provisions of the said Part shall have effect accordingly.

(4) The expenses of the joint county council, so far as requiring to be apportioned and allocated between the landward parts of the two separate counties, shall be so apportioned and allocated between the two county councils in like manner as expenses are apportioned and allocated for the purpose of ascertaining the contributions of small burghs to a county council, and the provisions of Part XI of this Act relating to requisitions by county councils to town councils of small burghs shall, subject to the necessary modifications, apply to the sums so apportioned and allocated.

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(5) The joint county council may, subject to the provisions of this Part of this Act and of their administrative schemes, delegate any of their functions to the county council of either county as if such council were a committee of the joint county council.

(6) References to a county council and to a county in this Act or any other enactment or any statutory order relating to any of the purposes for which the combination under this section is to have effect shall, in the application of this Act or any such enactment or statutory order to the counties mentioned in subsection (1) of this section, be construed as references to the joint county council and the combined county respectively.

Voluntary combination of local authorities.

119.—(1) Subject to the provisions of this section, any two or more local authorities may combine for any purpose in which they are jointly interested (including, without prejudice to the foregoing generality, for the purpose of conducting and managing their business and the employment of officers) and that on such terms and conditions as may be agreed between them.

(2) Subject to the provisions of this Part of this Act, any agreement made for the purposes of any such combination may without prejudice to any other arrangement provide—

(*a*) for the appointment of a joint committee of the authorities concerned consisting of such number of members as is specified in the agreement and for the delegation to the joint committee of any function relating to the purpose for which the combination has effect; or

(*b*) for the joint exercise in any other manner by the authorities concerned of any function of the authorities; or

(*c*) for one of the authorities concerned furnishing to or on behalf of the other authorities concerned any service for which the combination has effect on the terms and conditions specified or provided for in the agreement, and such agreement may provide that, notwithstanding anything in this Act or any other enactment or any statutory order, representatives of the other authorities may be appointed members of any committee or sub-committee of the authority furnishing the service.

(3) The expenses of any joint committee appointed under the agreement or of any combination of authorities under this section shall be defrayed by the authorities concerned in the proportions specified or provided for in the agreement, and the proportion of the expenses falling to be defrayed by any

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authority shall be defrayed by that authority in like manner as the expenses would have been defrayed had the service been provided by that authority.

(4) The Minister concerned on the application of all the local authorities concerned may by order constitute a joint committee under this section a body corporate by such name as may be determined by the order, and such joint committee shall have perpetual succession and a common seal.

(5) Where under an enactment or statutory order the sanction of a Minister is required to any combination into which local authorities may if they think fit enter, the provisions of this section shall apply in the case of such combination so far as not inconsistent with the provisions of any such enactment or statutory order, but the sanction of the Minister shall be required to the combination.

22 & 23 Geo. 5. c. 49. 8 & 9 Geo. 6. c. 33. 9 & 10 Geo. 6. c. 42. 10 & 11 Geo. 6. c. 41.

(6) Nothing in this section shall authorise a combination of local authorities for any of the purposes of the Town and Country Planning (Scotland) Act, 1932, the Town and Country Planning (Scotland) Act, 1945, the Water (Scotland) Act, 1946, the Police (Scotland) Act, 1946, the National Health Service (Scotland) Act, 1947, or the Fire Services Act, 1947.

(7) For the purposes of this section any statutory authority, commissioners or trustees to which section two hundred and seventy of this Act applies shall also be deemed to be a local authority.

Compulsory combination of local authorities.

120.—(1) Subject to the provisions of this section, it shall be lawful for the Minister concerned on the application of a local authority, if it shall appear to him that the combination of that authority with any other local authority or authorities for any purpose would be of public or local advantage, to make an order combining the authorities as respects their areas or parts thereof for the purposes specified therein:

Provided that an order shall not be made under this section except after a local inquiry unless all the local authorities concerned consent.

(2) Subject to the provisions of this Part of this Act, any such order may without prejudice to any other arrangement provide—

(*a*) for the appointment of a joint committee of the authorities concerned consisting of such number of members as is specified in the order and for the delegation to the joint committee of any function relating to the purpose for which the combination has effect; or

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(*b*) for the joint exercise in any other manner by the authorities concerned of any function of the authorities; or

(*c*) for one of the authorities furnishing to or on behalf of the other authorities concerned any service for which the combination has effect on the terms and conditions specified or provided for in the order, and such order may provide that, notwithstanding anything in this Act or any other enactment or any statutory order, representatives of the other authorities may be appointed members of any committee or sub-committee of the authority furnishing the service.

(3) Any such order shall define the powers, rights, duties, liabilities and obligations of the local authorities and the mode of defraying the expenses of the combination and may provide for any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order.

(4) The Minister concerned, on the application of any of the local authorities concerned and after consultation with the other local authorities concerned, may by order constitute a joint committee under this section a body corporate by such name as may be determined by the order, and such joint committee shall have perpetual succession and a common seal.

(5) The provisions of subsection (1) of this section shall not apply in any case where under any other enactment or any statutory order a Minister may require two or more local authorities to combine, but in the case of any such combination the other provisions of this section shall apply so far as not inconsistent with the provisions or purposes of that other enactment or that statutory order.

(6) Nothing in this section shall authorise a combination of local authorities for any of the purposes of the Town and Country Planning (Scotland) Act, 1932, the Town and Country Planning (Scotland) Act, 1945, the Water (Scotland) Act, 1946, the Police (Scotland) Act, 1946, or the National Health Service (Scotland) Act, 1947.

(7) For the purposes of this section any statutory authority, commissioners or trustees to which section two hundred and seventy of this Act applies shall also be deemed to be a local authority.

Provisions as to members and proceedings of joint committees and joint boards.

121.—(1) The members of a joint committee or joint board shall be appointed at such times and in such manner and shall hold office for such period as may be provided in the agreement or order regulating the combination, and failing any

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such provisions the members of a joint committee or joint board appointed by a local authority shall hold office for such period as may be fixed by that authority.

(2) Every member of a joint committee or joint board who at the time of his appointment is a member of the local authority by whom he is appointed, shall, if he ceases to be a member of that authority, cease on the expiry of two months thereafter or on the appointment of his successor, whichever shall first occur, to be a member of the joint committee or joint board.

(3) Subject to the provisions of the agreement or order regulating the combination—

(*a*) the joint committee or joint board shall elect a chairman who shall hold office for such period as shall be fixed at the time of his election;

(*b*) the quorum, proceedings and place of meeting of the joint committee or joint board shall be such as the joint committee or joint board may determine;

(*c*) the joint committee or joint board may appoint sub-committees and delegate to any such sub-committee any of their functions, and every such sub-committee shall, as soon as reasonably practicable, report its proceedings to the joint committee or joint board; and

(*d*) the chairman or other person presiding at a meeting of the joint committee or joint board or a sub-committee thereof shall have a casting vote as well as a deliberative vote.

(4) Where the chairman of a joint committee or joint board falls to be elected by the joint committee or joint board, then, at any meeting of the committee or board until the chairman is elected, such member of the committee or board as shall be selected by the meeting shall preside.

(5) Nothing in this section shall apply in the case of a joint board established under a local Act unless the Secretary of State on the application of the joint board by order otherwise directs, but save as aforesaid, the provisions of this section shall apply whether the joint committee or joint board is appointed under this Act or any other enactment or any statutory order, but subject in the case of a joint committee or joint board appointed under any other enactment or any statutory order to the provisions of that enactment or order.

Provisions as to basis of valuation in cases of combinations of local authorities, etc.

122.—(1) Where in any enactment, agreement or order regulating a combination of local authorities passed or made before the sixteenth day of May, nineteen hundred and thirty, reference is made to the gross annual or other valuation of the areas of the authorities concerned (whether for the

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purpose of defraying the expenses of the combination or otherwise) then, unless the Minister concerned on the application of any of the authorities otherwise determines for all or any of the purposes of the combination, the reference shall be construed as a reference to the rateable valuation of the areas of the authorities.

(2) On the dissolution of any combination of local authorities whether under this Act or any other enactment or any statutory order, the Minister concerned shall make an order regulating the rights and liabilities of the authorities concerned and containing such other provisions as are necessary or proper in the circumstances, except where the agreement or order regulating the combination makes provision on the subject or the authorities agree or the Minister considers no provision necessary.

Appointment by County Council of Town Councils of Small Burghs and District Councils to be Agents.

County council may appoint town councils of small burghs and district councils to be agents.

123.—(1) Subject to the provisions of this Part of this Act, and of any administrative scheme which may be applicable, a county council may, on such terms and conditions as the councils concerned agree, appoint—

(*a*) the town council of a small burgh within the county; or

(*b*) the district council of a district within the county; or

(*c*) a joint committee of such a town council and district council (of which joint committee the members of the county council for the burgh and district shall be members),

to act as the agents of the county council to carry out any function (other than a function relating to education or police) vested in the county council and exercisable within the small burgh or district or small burgh and district, as the case may be, so however that no such appointment shall be made as respects a function relating to any form of medical or surgical treatment except with the approval of the Secretary of State, and subject to the terms of appointment a council or joint committee so acting as agent may act through a committee or sub-committee thereof.

The provisions of this subsection shall apply with respect to functions delegated to a county council by the Minister of Transport under the Trunk Roads Act, 1936, as they apply with respect to functions vested in the county council, so however that any appointment with respect to the said functions shall be made only with consent of the said Minister.

1 Edw. 8. & 1 Geo. 6. c. 5.

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(2) Any council so acting as agent or having representation on any such joint committee may contribute towards the expenses incurred by the council or joint committee in so acting as agent, and any such contribution by a town council may be paid as part of such branch or branches of expenditure falling to be defrayed out of rates payable by owners and occupiers in equal proportions as the council determine.

Provisions common to Committees, Joint Committees and Joint Boards.

Prohibition of delegation to committee, &c. of power to rate or borrow.

124.—(1) Notwithstanding anything in this Act or any other enactment or any statutory order, a local authority shall not delegate to any committee, nor shall any committee of a local authority have, the power of raising money by rate or loan, and any function the delegation of which is expressly prohibited by any enactment or statutory order shall not be delegated by a local authority to a committee.

(2) The preceding subsection shall apply in the case of a joint committee or a joint board constituted for the purposes of a combination under this Act or any enactment repealed by this Act, and also in the case of delegation of functions by a county council to the town council of a small burgh or a district council or a joint committee of such councils in like manner as it applies in the case of a committee of a local authority.

Disqualification for membership of committees, joint committees and joint boards.

125. A person who is disqualified under Part II of this Act for being elected or being a member of a local authority shall be disqualified for being—

(*a*) a member of a committee or sub-committee of that authority, including any committee to which section fifty-two of this Act applies (as respects the members thereof other than any *ex officio* members), so however that, as respects a sub-committee appointed by an education committee for the management of educational establishments, the disqualification in paragraph (*a*) of subsection (1) of section fifty-two of this Act shall not apply to preclude—

(i) a teacher or other member of the educational staff employed by the authority being a representative on that sub-committee of such teachers or educational staff, or

(ii) any other person employed by the authority being a member of that committee if the duties of that other person do not relate to any of the functions of the sub-committee; and

(*b*) a representative of that authority on a joint committee or joint board, PART V. —*cont.*

whether the committee, sub-committee, joint committee or joint board are appointed under this Act or any other enactment or any statutory order, and the provisions of section fifty-three of this Act shall apply as respects any such person subject to the following and other necessary modifications:—

(i) in the case of any committee which exercise functions not vested in the authority appointing the committee, either the committee or the authority, and in the case of a joint committee or joint board, either the joint committee or joint board or the authority appointing the person to be a member of the joint committee or joint board, may pass a resolution under the said section fifty-three, and in either of the said cases proceedings may be instituted under the said section fifty-three either by the committee or joint committee or joint board, as the case may be, or by the authority or by any four or more local government electors for the area of the authority; and

(ii) in the case of a joint committee or joint board, the sheriff shall be the sheriff of the county in which the area of the authority which appointed the person to be a member of the committee or board is situated.

Disability of member for voting on account of interest in contract, &c.

126. Section seventy-three of this Act shall apply in the case of members of a committee or sub-committee of a local authority (including any committee or sub-committee to which section fifty-two of this Act applies), whether appointed under this Act or any other enactment or any statutory order, or of members of any joint committee or joint board in like manner as that section applies in the case of members of local authorities, subject to the following modifications:—

(*a*) as respects members of a committee or sub-committee, references to meetings of the committee or sub-committee shall be substituted for references to meetings of the local authority, and the right of persons who are members of the committee or sub-committee but not members of the authority to inspect the book to be kept under subsection (6) of the said section seventy-three shall be limited to the inspection of the entries in the book relating to members of the committee or sub-committee;

(*b*) as respects members of any joint committee or joint board, references to meetings of the joint committee or joint board shall be substituted for references to

PART V. —*cont.*

meetings of the local authority and references to the clerk to the joint committee or joint board for references to the clerk of the authority;

(*c*) in subsection (8) of the said section seventy-three references to the local authority shall be construed, in the case of a committee or sub-committee exercising functions vested in the authority, as references to the authority, and in any other case as references to the committee, sub-committee, joint committee or joint board.

PART VI.

CHANGE OF NAME OF AREAS, BOUNDARIES OF AREAS AND ALTERATION OF AREAS.

Change of Name.

Change of name of county or burgh.

127.—(1) Save as provided in this section, the names of the counties sometime known as the county of Edinburgh, the county of Elgin or the county of Elgin and Forres and the county of Forfar shall for all purposes be respectively the county of Midlothian, the county of Moray and the county of Angus.

(2) Subject to compliance with the provisions of this section, the county council of a county or the town council of a burgh may by resolution with the consent of the Secretary of State change the name of the county or burgh, and such change shall have effect for all purposes save as provided in this section.

(3) The resolution to change the name of a county or burgh shall be considered at a meeting of the council thereof the notice of which specifies the consideration of the change of name as an item of business, and shall not be deemed to be the resolution of the council unless passed by a majority consisting of not less than two-thirds of the members of the council present at the meeting and voting.

(4) Before submitting the resolution to the Secretary of State for his consent, the council shall cause to be published in the Edinburgh Gazette and in a newspaper circulating within the county or burgh, as the case may be, a notice containing a copy of the resolution passed by the council and stating that such change of name requires the consent of the Secretary of State and that any person having any objection to the change may within fourteen days of the publication of the notice send to the Secretary of State a statement in writing setting forth the grounds of his objection.

(5) The Secretary of State shall consider all objections lodged with him and may if he thinks fit order a local inquiry to be held and where such an inquiry is held shall consider the report of the person holding the inquiry.

(6) The consent of the Secretary of State shall be given by order which shall state the date on which the change of name shall take effect. PART VI. —*cont.*

(7) The change of name of a county or burgh under this section shall not affect any rights or obligations of the council of the county or burgh or of any other authority or person whose designation may be affected by the change, nor shall it affect the name of the county or burgh for parliamentary purposes as set forth in the Ninth Schedule to the Representation of the People Act, 1918. 7 & 8 Geo. 5. c. 64.

(8) For any reference in any Act of Parliament, decree, order, award, deed, regulation, byelaw, notice or other document to the county or burgh by its former designation there shall, save as in this section provided, be substituted a reference to the county or burgh, as the case may be, by its new designation.

(9) Any legal or other proceedings begun before the change by or against the council of the county or burgh or other authority or person whose designation may be affected by the change may be carried on with the substitution of the new designation for the former designation but otherwise as if no change had been made.

Boundaries of Areas.

128. For the purposes of this Act and of any other enactment relating to local government or to any of the functions of local authorities, counties shall, subject to any alteration effected by this Act or after the commencement of this Act, have the contents and boundaries which they respectively had immediately before the commencement of this Act for the purposes of the Local Government (Scotland) Act, 1889. Boundaries of counties. 52 & 53 Vict. c. 50.

129.—(1) For the purposes of this Act and of any other enactment relating to local government or to any of the functions of local authorities, the boundary of a burgh shall, subject to any alteration thereof effected after the commencement of this Act, be the boundary of the burgh as at the commencement of this Act for the purposes of the Burgh Police (Scotland) Act, 1892, or, in the case of a burgh to which the said Act does not apply, for the purposes of the local Acts applicable to the burgh. Boundaries of burghs. 55 & 56 Vict. c. 55.

(2) The said boundary of a burgh for the time being in force shall be called the burgh boundary, and any reference in this Act or any of the said enactments to a burgh shall be construed as a reference to the burgh within the burgh boundary thereof, and any reference in any of the said enactments passed before the commencement of this Act to the boundary of a burgh as fixed for municipal purposes or for police purposes or to the

PART VI. —*cont.*

municipal boundary or to the police boundary of the burgh shall be construed as a reference to the burgh boundary of the burgh.

Alteration of Areas.

Alteration of boundaries of counties.

130.—(1) Any burgh which immediately before the commencement of this Act is situated in two or more counties shall be deemed to be situated wholly within that county in which is situated the part of the burgh having the greater or greatest rateable valuation, and the boundaries of the counties concerned shall be altered accordingly.

(2) Where, after the commencement of this Act, the burgh boundary of a burgh is under this Part of this Act or by any other enactment altered to include within the burgh lands situated in a county other than the county in which the burgh is situated, any lands within that other county so included within the burgh shall be deemed to be situated wholly within the county in which the burgh prior to the alteration was situated, and the boundaries of the counties concerned shall be altered accordingly.

(3) Where any new burgh formed under this Part of this Act or by any other enactment is situated in two or more counties, the burgh shall be deemed to be situated wholly within that county in which is situated the part of the burgh having the greater or greatest rateable valuation, and the boundaries of the counties concerned shall be altered accordingly.

(4) Any question as to the county within which a burgh is by virtue of this section deemed to be situated shall be determined by the Secretary of State.

(5) Save as otherwise provided in this Part of this Act, any alteration of boundaries by this section shall have effect for all purposes.

Power of sheriff to alter burgh boundary.

131.—(1) On the application of the town council of a burgh, the sheriff shall have power to alter (including power to extend or contract) the burgh boundary of the burgh:

Provided that an alteration of the burgh boundary of any burgh shall not encroach upon the boundary of any other burgh, unless the town council of the other burgh by resolution agree, which resolution shall not be deemed to be the resolution of the council of the other burgh unless passed by two-thirds of the members thereof present and voting at a meeting and confirmed by two-thirds of the members thereof present and voting at a subsequent meeting held not sooner than four weeks after the earlier meeting. The notice in the case of both meetings shall specify the consideration of the resolution or the purport thereof as an item of business, and

PART VI. —*cont.*

a notice of the second meeting shall be published in a newspaper circulating in the burgh once in each of the weeks intervening between the two meetings.

(2) The town council shall on making an application under this section cause notice thereof to be published in the Edinburgh Gazette and in a newspaper circulating in the burgh and in such other manner as the sheriff may direct.

(3) Before altering the burgh boundary, the sheriff shall make such inquiry as he shall deem necessary and shall give all parties interested an opportunity of being heard, and where any area is proposed to be included within the burgh shall take into consideration all the circumstances of the case, including without prejudice to the said generality the number of dwelling-houses, whether existing or about to be erected within that area (with power to allow a reasonable margin for future extension), the density of the population of the burgh and of that area, and the persons for whom and the authority by whom the dwelling-houses within that area have been or are to be erected.

(4) In the case of a burgh divided into wards, the application for the alteration of the burgh boundary shall set forth the proposals of the town council with respect to the alteration in the number or contents and boundaries of the wards in consequence of the alteration of the burgh boundary, and also, where it is proposed to alter the number of wards, the alteration in the number of councillors, and the sheriff shall, if the application for the alteration of the burgh boundary is granted, make such alteration in the number or contents and boundaries of the wards as seems proper to him in the circumstances and any alteration in the number of councillors consequential on the alteration in the number of the wards.

(5) The sheriff shall in a deliverance under this section altering the number of councillors of a burgh secure that there shall be three or a multiple of three councillors for the burgh and for each ward and determine the manner in which and the date on which the alteration in the number of councillors is to be effected, and may in any deliverance under this section determine any question arising in connection with the alteration of wards or the number of councillors and do anything that appears to the sheriff to be necessary or proper for giving full effect to the deliverance.

(6) The sheriff in a deliverance under this section altering the number or contents and boundaries of the wards of a burgh may, where he considers it proper in the special circumstances of the case notwithstanding anything in this Act, direct that all the councillors of the burgh including the provost and honorary treasurer shall retire at one time and a new council be elected.

PART VI. —*cont.*

(7) Where the town council of a large burgh in their application to the sheriff under this section for an alteration of the burgh boundary apply also for an alteration of the areas of the registration districts for the purposes of the Registration of Births, Deaths and Marriages Acts, being areas which would be affected by the alteration of the burgh boundary, the sheriff may in a deliverance under this section make such alteration of the areas of the registration districts as seems to him proper having regard to the alteration made in the burgh boundary, which alteration of registration districts shall be published in like manner as an alteration of registration districts under the said Acts.

(8) A deliverance by the sheriff under this section shall, unless appealed against in manner provided in the immediately succeeding section, be final and be recorded along with the application on which it proceeds in the sheriff court books of the county, and come into force on the sixteenth day of May first occurring after the date on which it is recorded as aforesaid or, if the sheriff so directs, be deemed to have come into force on the sixteenth day of May last occurring before the date on which it is so recorded.

(9) Where the burgh and any part of the lands which it is proposed to include within the burgh lie in more than one county, the application shall subject to the provisions of this Act be made to and disposed of by the sheriffs of all the counties concerned, and the sheriffs shall in determining the land to be included within the burgh have regard to the provisions of this Part of this Act relating to the alteration of boundaries of counties.

(10) All expenses incurred by the sheriff in carrying out the provisions of this section shall be paid as part of the general expenses of the town council.

(11) In this section and in the immediately succeeding section the expression " sheriff " does not include a sheriff substitute.

Appeal to Court of Session against alteration of burgh boundary.

132.—(1) An appeal may be submitted to the Court of Session against any deliverance by the sheriff under the immediately preceding section so far as the same alters the burgh boundary of a burgh, within twenty-one days after the date of the deliverance—

(*a*) by any person being the owner or occupier of lands which have been included within the burgh by any such deliverance; or

(*b*) in the case of the alteration of the boundary of a small burgh, by the county council of any county within which any such lands are situated;

and on any such appeal the Court of Session may confirm or revoke or vary the deliverance by the sheriff so far as relating to the alteration of the burgh boundary. PART VI. —*cont.*

(2) Where the Court vary the burgh boundary as determined by the deliverance of the sheriff, they may, where the deliverance relates thereto, vary the deliverance so far as relating to the alteration in the number or contents and boundaries of wards or in the number of councillors, or remit to the sheriff to make such variation as seems proper to him in consequence of the decision of the Court with respect to the burgh boundary.

(3) The decision of the Court of Session shall be final and shall be recorded in like manner as the deliverance by the sheriff appealed against and shall come into force on the sixteenth day of May first occurring after the date on which it is so recorded, or where a remit is made by the Court to the sheriff, after the date on which the deliverance by the sheriff under that remit is so recorded:

Provided that the Court of Session or, where a remit is made to the sheriff, the sheriff may direct that the decision shall be deemed to have come into force on the sixteenth day of May last occurring before the day on which it is so recorded.

Formation of new small burgh.

133.—(1) Any twelve or more persons being local government electors for the area defined in the application, being a populous place within the meaning of this section, may present to the sheriff an application to fix the boundaries thereof and to declare the same to be a burgh, and every such application shall be signed by the persons presenting it.

(2) The sheriff may require the persons presenting the application to find caution for payment of the expenses aftermentioned.

(3) The sheriff shall hold a local inquiry and notice of the application and of the inquiry shall be given by advertisement for two consecutive weeks in the Edinburgh Gazette and in a newspaper circulating in the county in which the populous place is situated.

(4) The inquiry shall be held not less than fourteen days after the notice of the application and of the inquiry has first been published.

(5) The sheriff shall appoint a person to ascertain and report to him the population and the amount of the rateable valuation of the populous place.

(6) At the inquiry all parties interested, including the county council of the county and the district council of the district in which the populous place is situated and the town council

PART VI. —*cont.*

of any contiguous or closely adjacent burgh, shall be given an opportunity of being heard.

(7) The sheriff shall, if he is satisfied that the populous place or part thereof is suitable for being formed into a burgh, issue a deliverance (in this section referred to as a " preliminary deliverance ") fixing the boundaries of the area suitable for being formed into a burgh.

(8) The sheriff in determining whether an area is suitable for being formed into a burgh shall have regard to all the circumstances of the case, including without prejudice to the said generality the number of dwelling-houses in the area, the density of its population and its rateable valuation, and in fixing the boundaries of the area shall have regard to the provisions of this Part of this Act relating to the alteration of boundaries of counties and shall include within the area the whole area which in his opinion properly belongs to and forms part of the same town with such reasonable margin for extension as he thinks fit, but the boundary so fixed shall not encroach on the boundary of any other burgh.

(9) The sheriff shall refuse the application if he is of opinion that no part of the area defined in the application is suitable for being formed into a burgh.

(10) The sheriff shall as soon as may be after he has issued a preliminary deliverance under this section direct that a meeting be convened of the local government electors for the area as defined in that deliverance for the purpose of considering whether the area should be formed into a burgh.

(11) The said meeting shall be held at such place and at such time as the sheriff shall direct, and the meeting and the purpose thereof shall be advertised in a newspaper circulating in the area and published in such other manner, if any, as the sheriff may direct. The sheriff or such person as he may appoint shall preside at the meeting and shall appoint a clerk who shall take a minute of the proceedings.

(12) It shall be the duty of the registration officer for the registration area under the Representation of the People Acts in which the area defined in the preliminary deliverance is situated within fourteen days after receiving a demand to furnish to the sheriff a certified copy of the names and addresses of all local government electors for the area as defined in the preliminary deliverance on payment of a fee of not more than one shilling for each hundred names, and such list shall be sufficient proof of the qualifications of the persons named therein.

(13) The said meeting may determine whether the said area shall be a burgh, or may appoint a committee of those qualified

to vote, not exceeding nine, to inquire and report to a future meeting to be held on such date as shall be appointed by the person presiding, and such future meeting shall, on the report of the committee, determine whether the area shall be a burgh.

(14) The person presiding shall ascertain the determination of the meeting by a show of hands or in such other manner as shall appear to him expedient, and in case of an equality of votes shall give a casting vote, and the determination of the meeting shall be final unless a poll is demanded in writing by any twelve persons qualified to vote present at the meeting.

(15) In the event of a poll being demanded, the poll of the local government electors for the said area shall be taken within twenty-eight days of the demand in accordance with regulations made by the Secretary of State. The Secretary of State in making such regulations shall have regard to the provisions of Part III of the Second Schedule to this Act and may prescribe forms for voting papers, notices and other documents.

(16) If any such meeting as aforesaid determine that the said area shall be a burgh or if, in the event of a poll being taken, a majority of the persons qualified and voting vote in favour of the area being declared to be a burgh, the sheriff shall issue a deliverance finding and declaring the area to be a burgh, and from the date on which the deliverance comes into force the area shall be a small burgh for the purposes of this Act and any other public general Act, and the sheriff shall in the said deliverance determine the number of councillors and magistrates to be elected for the burgh, having regard to the number of councillors and magistrates in burghs having approximately the same population, and, where he is of opinion that the burgh should be divided into wards, divide the burgh into wards and define the contents and boundaries thereof and apportion the councillors among the wards:

Provided that there shall be three or a multiple of three councillors for the burgh and for each ward.

Such a finding and declaration by the sheriff under this subsection shall come into force on the sixteenth day of May first occurring after its date or, if the sheriff thinks it proper having regard to the circumstances of the case and in the deliverance so directs, shall be deemed to have come into force on the sixteenth day of May last occurring before its date.

(17) If as a result of the meeting or the poll no deliverance declaring the area to be a burgh falls to be issued, the sheriff shall refuse the application.

PART VI. —*cont.*

(18) The expenses incurred in connection with any application under this section (including without prejudice to the said generality the expenses of and in connection with the inquiry and the publication thereof, the meeting of, and the taking of a poll of, the local government electors) shall, subject to such audit as the sheriff may direct, be paid, if the area described in the application or any part thereof is declared to be a burgh, as part of the general expenses of the town council of the burgh, and if no part of that area is declared to be a burgh, by the persons presenting the application.

(19) Where an application under this section has been refused, it shall not be competent for such an application to be made in respect of the area described in the application or any part thereof until after the lapse of two years from the date of such refusal, and, where part only of the area described in the application has been declared to be a burgh, it shall not be competent for an application to be made under this Part of this Act for the inclusion of any other part of that area within the burgh until after the lapse of two years from the date of the order declaring part of the area to be a burgh.

(20) As soon as may be after a deliverance under this section comes into force declaring a populous place or part thereof to be a burgh, an election of town councillors thereof shall be held, and for that purpose the provisions of this Act relating to the election of town councillors shall apply subject to the following and any other necessary modifications:—

(*a*) the returning officer shall be the sheriff or such person as he may appoint, and the day of election shall be such day as the returning officer shall appoint;

(*b*) anything required to be done to or by or before the town clerk shall be done to or by or before the returning officer or such person as he shall appoint for the purpose;

(*c*) for the dates set out in Part II of the Second Schedule to this Act there shall be substituted such dates as the returning officer shall appoint;

(*d*) for the references to persons registered under the Representation of the People Acts as local government electors for the burgh and to persons who have resided within the burgh, there shall be substituted respectively references to persons registered under the Representation of the People Acts as local government electors for the area as defined in the preliminary deliverance and to persons who have resided within such area.

PART VI. —*cont.*

(21) For the purposes of this section the expression "populous place" means any town, village, place or locality (not being a burgh) or any two or more contiguous towns, villages, places or localities (not being burghs) containing according to the last published census for the time being a population of two thousand inhabitants or upwards, and the expression "sheriff" does not include a sheriff substitute and means the sheriff of the county in which the area described in the application is situated or, where the area as so described is situated in two or more counties having different sheriffs, such one of the sheriffs as the Secretary of State may appoint.

Dissolution of small burgh.

134.—(1) Subject to the provisions of this section, a small burgh may be dissolved and the area thereof form part of the landward area of the county.

(2) The town council of a small burgh and the county council of the county in which the burgh is situated may enter into an agreement that the burgh shall be dissolved and the area thereof form part of the landward area of the county, and where such an agreement has been made the councils may present a petition for confirmation of the agreement in the case of a royal burgh to His Majesty, and in the case of any other burgh to the Secretary of State, and His Majesty may by Order in Council in the case of a royal burgh, and the Secretary of State may by order in the case of any other burgh, confirm the agreement, and from the date on which the confirming order takes effect, the burgh shall be dissolved and the area thereof shall form part of the landward area of the county.

(3) A town council shall not enter into any such agreement unless—

(*a*) a resolution that the burgh be dissolved and the area thereof form part of the landward area of the county has been considered at a meeting of the council the notice of which has specified the consideration of the dissolution of the burgh as an item of business and has been passed by a majority consisting of not less than two-thirds of the whole number of members of the council present and voting at the meeting;

(*b*) a notice containing a copy of the resolution as passed and stating that a poll will be taken of the local government electors for the burgh on the question whether the resolution be approved has been published for two consecutive weeks in the Edinburgh

PART VI. —*cont.*

Gazette and in a newspaper circulating in the burgh and in the county; and

(*c*) a poll of the local government electors for the burgh has been taken in accordance with regulations made by the Secretary of State on the question whether the resolution as passed be approved, and the resolution has been approved by a majority of the electors voting.

(4) A county council may enter into any such agreement if a resolution that the burgh be dissolved and the area thereof form part of the landward area of the county has been passed by a majority of the council present and voting at a meeting, the notice of which specifies the resolution or the purport thereof as an item of business.

(5) An agreement under this section shall make provision with respect to the property and liabilities of the burgh, including any relating to the common good of the burgh or to any trust under a deed of trust or other document administered by the town council or by members thereof as such, and may provide for levying for a limited period not exceeding ten years different rates in the area of the burgh from those levied in other parts of the landward area of the county.

(6) Before presenting a petition for confirmation of an agreement under this section to His Majesty or to the Secretary of State, the town council and county council shall cause to be published in the Edinburgh Gazette and in a newspaper circulating in the burgh and in the county a notice setting forth the main purport of the agreement or stating a place within the burgh at which and the period during which a copy of the agreement may be inspected, and stating that the agreement requires confirmation by His Majesty or the Secretary of State, as the case may be, and that any person having any objection to the agreement may within fourteen days of the publication of the notice send to the Secretary of State a statement in writing setting forth the grounds of his objection.

(7) Before any Order in Council or other order is made under this section, the Secretary of State may direct a local inquiry to be held.

(8) An Order in Council or other order under this section may confirm any such agreement with or without modifications and may alter the number of county councillors for the county and provide—

(*a*) for making any consequential alteration in the number, contents and boundaries of electoral

divisions of the county and for the election or appointment of county councillors for electoral divisions affected by such alteration;

(*b*) for making any consequential alteration in the number, contents and boundaries of districts of the county for the purposes of district councils and for the election or appointment of district councillors for the districts affected by such alteration; and

(*c*) for doing anything that appears necessary or proper for the purpose of carrying into effect the dissolution of the burgh and the incorporation of the area thereof within the landward area of the county:

Provided that—

(i) nothing herein contained shall authorise any alteration of the purposes of any such trust as aforesaid; and

(ii) the county councillors and the district councillors elected or appointed as aforesaid shall hold office only until the expiration of the term of office of the county councillors elected for the other electoral divisions of the county and the elected district councillors for the other districts of the county.

(9) Without prejudice to the provisions of the immediately preceding subsection, an Order in Council or other order confirming any such agreement may provide that until an alteration is made in accordance with the provisions of this Act the area of the burgh shall form one or more electoral divisions and also form a district for district council purposes, and that, until the first election of elected district councillors, the members of the town council of the burgh holding office immediately prior to the dissolution taking effect shall constitute the district council of the district, and such members of the district council as may be elected by the district council shall be the county councillors representing the electoral divisions within the district.

(10) An Order in Council or other order confirming an agreement under this section shall come into force on the sixteenth day of May first occurring after the date of the order or, if the Order in Council or other order so directs, shall be deemed to have come into force on the sixteenth day of May last occurring before its date.

(11) An Order in Council or other order confirming an agreement under this section shall be laid before each House of Parliament as soon as may be after it is made.

PART VI. —*cont.*

Power of Secretary of State to alter parish boundary or name of parish.

135.—(1) Without prejudice to any other enactment relating to the union, disjunction or erection of parishes, the Secretary of State, on the representation of a county council or a town council, may by order provide—

(*a*) for altering the boundary of a parish situated wholly or partly within the county or burgh; or

(*b*) for uniting several such parishes or parts of such parishes into one parish or annexing such a parish or part of such a parish to another parish; or

(*c*) for dividing any such parish and if it is considered expedient uniting all or any of such subdivisions with other parishes; or

(*d*) for altering the name of any such parish.

(2) The provisions of subsections (4) and (5) of section one hundred and twenty-seven of this Act shall subject to the necessary modifications apply with respect to a representation under this section in like manner as they apply with respect to the submission to the Secretary of State for his approval of a resolution to change the name of a county or burgh.

(3) An order under this section shall not affect any rights or obligations in relation to teinds nor have effect for ecclesiastical purposes, but save as otherwise provided in this Part of this Act shall have effect for all other purposes.

Rectification of boundary.

136.—(1) The Secretary of State or the sheriff may, on application by any local authority concerned, rectify any accidental error that has been made in any order by the Secretary of State or any deliverance by the sheriff, as the case may be, under this Part of this Act in fixing the boundaries of an area that has been formed into a burgh, or altering the boundary of a county or a burgh or a parish.

(2) Any deliverance by the sheriff under this section shall be final.

(3) The boundary as so rectified shall as regards all future acts, payments and liabilities be held to be the boundary originally fixed by the Secretary of State or the sheriff, as the case may be, but any acts done or payments made or liabilities incurred prior to the rectification shall be no wise affected thereby, and the same, in so far as done or made or incurred in good faith, shall notwithstanding such error be as valid, final and free from challenge as if the error had not been made.

Alteration of districts

137. Districts within a county for the purposes of district councils and the boundaries of such districts within a county

may be altered by a district council scheme made by the county council of the county and approved by the Secretary of State under Part I of this Act.

PART VI. —*cont.* and districts boundaries.

Supplemental Provisions.

General provisions as to change of name and alteration of areas.

138.—(1) An application or representation under this Part of this Act for the alteration of the boundary of any burgh or parish, or for the formation of a new burgh, and any order or deliverance under this Part of this Act altering any such boundary or fixing the boundaries of an area that may be declared to be a burgh, shall describe the boundary as proposed to be altered or the boundary or boundaries as fixed, as the case may be, by reference to a map which shall be on a scale to be prescribed by the Secretary of State, and, if there is any discrepancy between the area delineated on the map and the description in the order or deliverance, the area delineated on the map shall be deemed to be correct and shall prevail.

(2) Any change of name of a county or burgh or parish, or any alteration of the boundary of a county or burgh or parish, or deliverance declaring an area to be a burgh, or any dissolution of a burgh under this Part of this Act, shall be published in such manner and intimated in such manner and to such persons as the Secretary of State may prescribe, and where the deliverance or order altering any such boundary or declaring a populous place to be a burgh refers to a map, such intimation shall be accompanied, in such cases as may be prescribed, by a copy of the map certified in such manner as the Secretary of State may prescribe, and in other cases either by such a certified copy or by a statement where the map or such a certified copy thereof may be inspected free of charge.

Presumption of compliance with statutory provisions.

139. All statutory requirements and provisions applicable to any proceedings relating to a change of name or an alteration of area under this Part of this Act or to corresponding proceedings under any Act repealed by this Act shall be deemed to have been duly complied with unless the proceedings are challenged in a competent court within twelve months from the date of the order or deliverance confirming the change of name or making or confirming the alteration of area:

Provided that a deliverance under any Act repealed by this Act altering the boundaries of a burgh or fixing the boundaries of a place formed into a burgh may be challenged at any time within twelve months after the commencement of this Act,

PART VI. —*cont.*

not being more than three years from the date of the alleged failure to comply with the requirements or provisions applicable in the case.

Transfer of functions.

140.—(1) Where under or in pursuance of this Part of this Act the boundary of any county or burgh or district is altered and lands (in this Part of this Act referred to as the " added area ") which were not previously included therein are so included, the council of the county, burgh or district to which the area is added shall, subject to the provisions of this section, exercise within the added area the same functions as they exercised within the county or burgh or district prior to the alteration of boundary, and for that purpose the corresponding functions of any other local authority so far as relating to the added area shall be deemed to have been transferred to the county council, town council or district council, as the case may be, and in the case of the alteration of the boundary of a large burgh, the added area shall, as from the date on which the alteration takes effect, be deemed, for the purpose of ascertaining the settlement or status of irremovability of a person under the Poor Law Acts, to have always formed part of the burgh, except in the case of a person who had at the said date such a settlement or status within the county by reason of residence partly within the added area and partly within another part of the county, and in that case the person shall, as from the said date, be deemed to have such a settlement or status within the burgh or within the county according as his place of residence at the time of acquiring the settlement or status was within the added area or within another part of the county.

(2) On the formation of a burgh under this Part of this Act, the town council thereof shall, subject to the provisions of this section, exercise all the functions of the town council of a small burgh therein, and for that purpose the functions of the county council and of the district council concerned, so far as corresponding with the functions of the town council of a small burgh and so far as relating to the area within the burgh boundary, shall be deemed to have been transferred to the town council.

(3) On the dissolution of a burgh under this Part of this Act, the county council and the district council shall, subject to the provisions of this section, respectively exercise within the area which was previously within the burgh boundary of the burgh the same functions as they exercise within other parts of the landward area, and the functions of the town council of the said burgh shall, so far as they correspond with functions of the county council, be deemed to have been

transferred to the county council, and, so far as the said functions correspond with functions of the district council, be deemed to have been transferred to the district council. PART VI. —*cont.*

(4) In this section a reference to the town council of a burgh shall be deemed to include a reference to the magistrates of the burgh or the dean of guild court, the licensing court, or other authority within the burgh, where there is such a court or other authority, as regards their respective functions, and a reference to a county council shall be deemed to include a reference to the licensing court or other authority within the county as regards their respective functions, but nothing in this subsection shall be deemed to authorise the establishment of a licensing court or other authority.

(5) Nothing in the foregoing provisions of this section shall be deemed to affect the provisions of any local Act, but, except in any case to which the immediately succeeding subsection applies, the Secretary of State, on the joint application of any local authority concerned and of the authority, if any, under the local Act and after consultation with any other local authority or authority or body concerned and after such local inquiry, if any, as he considers necessary, may by order alter the area to which any service provided under the local Act applies or make such modifications or adaptations in the provisions of the local Act as seem to him proper in the circumstances, and any such order may make provision with regard to the transfer of functions and of property and liabilities and the terms and conditions on which such transfer shall take effect.

(6) Nothing in the foregoing provisions of this section shall be deemed to affect the functions of a local authority relating to any public utility undertaking (other than a water undertaking) but, without prejudice to any power conferred by any other enactment, the Minister concerned with the undertaking, on the joint application of any local authority concerned and of the authority carrying on the public utility undertaking and after consultation with any other local authority or authority or body concerned and after such local inquiry, if any, as he considers necessary, may by order alter the area to which the undertaking relates or make such modifications or adaptations in the provisions of any local Act or statutory order relating to the undertaking as seem to him proper in the circumstances, and any such order may make provision with regard to the transfer of functions and of property and liabilities and the terms and conditions on which such transfer shall take effect.

141.—(1) Where any alteration of area has been made or is proposed to be made under this Part of this Act or under Adjustment of property and liabilities.

PART VI. —*cont.*

any enactment repealed by this Act, the local authorities concerned and any other public bodies concerned may make an agreement for the purpose of adjusting any property, income, debts, liabilities and expenses of the parties to the agreement (so far as affected by the alteration of area) and any financial relations between them, and with respect to any other matter or thing which may be required for the proper carrying into effect of the alteration and the settlement of difficulties arising therefrom.

(2) The agreement may provide for the transfer or retention of any property, debts or liabilities with or without conditions, for the joint use of any property and for payment by either party to the agreement in respect of property, debts and liabilities so transferred or retained or of such joint use, and in respect of the remuneration or compensation payable to any officer or person and that by way of a capital sum or of an annual payment for a period of years.

(3) In default of agreement as to any matter requiring adjustment, such adjustment may, at any time within two years from the date on which the alteration of area takes effect and whether the alteration was made by order of the Secretary of State or by deliverance of the sheriff or otherwise under this Part of this Act, be referred to the Secretary of State or to an arbiter appointed by the Secretary of State, and the decision of the Secretary of State or the arbiter, as the case may be, shall be final.

(4) Any sum required to be paid for the purposes of any adjustment under this section shall be defrayed by a local authority or any other public body in such manner as may be specified in the agreement or decision and, failing the agreement or decision so specifying, in such manner as the local authority or other public body making the payment may determine.

(5) Any capital sum received by a local authority in respect of an adjustment under this section shall be treated as capital and shall be applied with the sanction of the Secretary of State in the repayment of capital debt or for any other purpose for which capital money may be applied.

Adjustment in respect of increase of burden on ratepayers.

142.—(1) On any adjustment under the immediately preceding section and on any adjustment in connection with any alteration of area under any enactment passed after the commencement of this Act except where that enactment otherwise provides, provision shall, unless the local authorities concerned otherwise agree, be made for the payment to any local authority of such sum as seems equitable in accordance with the provisions of the immediately succeeding subsection

in respect of any increase of burden which will properly be thrown on the ratepayers of that authority as a consequence of any alteration of boundary.

(2) In determining the sum to be paid in pursuance of this section, regard shall be had to—

(*a*) the difference if any between the burden on the ratepayers which will properly be incurred by the local authority of an area in respect of which an alteration of boundary has taken place in meeting the cost of executing any of their functions and the burden on the ratepayers which would properly have been incurred by the authority in meeting such cost had no alteration of boundary taken place; but the loss of rateable area as such shall not of itself be held to be an increase of burden; and

(*b*) the length of time during which any increase of burden may be expected to continue.

(3) The sum payable to any local authority in respect of any increase of burden shall not exceed, or, if payable by instalments or by way of annuity, the capitalised value of the instalments or annuity shall not exceed, the average annual increase of burden multiplied by fifteen.

(4) This section shall also apply to any adjustment outstanding at the commencement of this Act consequent upon an alteration of boundary effected after the twenty-eighth day of August nineteen hundred and fourteen made (otherwise than by agreement) under section fifty or section fifty-one of the Local Government (Scotland) Act, 1889, or section forty-six of the Local Government (Scotland) Act, 1894, whether as originally enacted or as applied by any other enactment. 57 & 58 Vict. c. 58.

143.—(1) Any funds held in trust by a local authority or by any members of the authority for the benefit of the whole area of the authority or the inhabitants thereof (including, in the case of a burgh, the common good thereof), unless the trust deed or other document regulating the purposes of the trust otherwise specifically provides, shall— Funds held in trust for whole area to apply to area after alteration.

(*a*) on an alteration of boundary by the inclusion of an added area under this Part of this Act, apply to the whole area of the authority including the added area in like manner as they applied to the area of the authority before the alteration of boundary; and

(*b*) on an alteration of a boundary involving an area ceasing to be part of the area of a local authority under this Part of this Act, extend only to the area of the authority remaining after the alteration has been given effect to.

PART VI. —*cont.*

(2) Nothing in this section shall apply to any educational endowment.

Power of Secretary of State to make orders to carry alteration of area into effect.

144. The Secretary of State, for the purpose of giving effect to any alteration of area under this Part of this Act so far as specific provision on any matter is not contained in this Part of this Act, may make an order with respect to—

(*a*) the jurisdiction of any authority over any part of the area affected by the alteration, the functions of any such authority and the officers thereof, the property and liabilities of such authorities and the settlement of differences between such authorities;

(*b*) any matter which appears to him necessary or proper to be dealt with:

Provided that an order with respect to any matter mentioned in paragraph (*a*) hereof shall be made only after consultation with any authorities concerned.

For the purposes of this section the expression "authority" includes any court or body or the holder of any public office.

Savings.

145. Save as otherwise expressly provided, nothing in the provisions of this Part of this Act relating to alteration of areas shall affect, nor shall anything done thereunder affect—

(*a*) the limits of any parliamentary county or parliamentary borough or any division of any such county or borough; or

(*b*) the area of the registration district for which a registrar is required to be appointed under the Registration of Births, Deaths and Marriages Acts or the provisions of those Acts relating to registration districts; or

(*c*) the operation of the provisions of the Temperance (Scotland) Act, 1913, as respects any area to which there applies a resolution under that Act passed before the alteration of area under this Part of this Act takes effect.

PART VII.

SPECIAL DISTRICTS.

Special districts.

146.—(1) Subject to the provisions of this Part of this Act, a part of the landward area of a county may be formed into a district (in this Act referred to as a "special district") for

the purpose of providing or maintaining within the district all or any of the following services:—

(*a*) water supply;

(*b*) sewerage and sewage disposal;

(*c*) lighting;

(*d*) scavenging and removal of dust, ashes and other refuse from streets, roads, footpaths, lands and premises;

(*e*) public baths (other than swimming baths) or wash-houses or drying grounds.

Any reference in this Act or any other enactment or any statutory order to a special drainage district shall be construed as a reference to a special district formed for the purpose of sewerage and sewage disposal or any part of that service.

(2) The special districts existing at the commencement of this Act shall continue as if formed under this Act.

Procedure for formation, alteration, combination or dissolution of special districts.

147.—(1) A county council at any time after giving such notice of the proposal as is provided in this section may, and upon receiving a requisition in writing from any one or more district councils whose districts are wholly or partly within the area to which the requisition relates or from any ten or more local government electors for the said area and after giving such notice of the requisition as is provided in this section shall, consider the propriety of passing a resolution to form a special district under this Part of this Act, or to alter (by extending or contracting) the boundaries of any special district, or to combine two or more special districts or parts thereof, or to dissolve any special district.

(2) The county council shall cause notice of the proposal or requisition, of the place within the county at which and the period during which the full terms of the proposal or requisition may be inspected, and of the date of the meeting at which it will be considered by the council, to be published in a newspaper circulating in the county and in the Edinburgh Gazette at least twenty-one days before the date of the meeting of the council, and shall not less than fourteen days before the date of the meeting transmit to the Secretary of State a copy of the notice as published.

(3) The resolution of the county council disposing of the proposal or requisition shall, where necessary, define the boundaries of the special district, and determine all questions regarding the payment of any debt affecting the special district and the right to impose and the obligation to pay any rate affected by the determination and any other matters necessary or proper for carrying the resolution into effect, and shall fix the date at which any such determination shall take effect.

PART VII. —*cont.*

Without prejudice to the foregoing provisions of this subsection, a resolution of a county council altering the boundaries of a special district or combining two or more special districts or parts thereof or dissolving a special district may, if the council consider the circumstances of the case so require, make provision for payment during such period not exceeding ten years as the council may determine, in the case of any such alteration or combination, of rates of different amounts per pound within the areas affected by the alteration or combination or, in the case of any such dissolution, of rates of different amounts per pound within the area which formed the special district from the amount of the rates payable within the rest of the landward area of the county.

(4) Where a county council has upon consideration of a requisition resolved not to form a special district or to alter, combine or dissolve a special district as specified in the requisition, it shall not be competent for any district council or local government electors to make another requisition to the same effect until after the expiration of two years from the date of the requisition.

(5) The county council shall as soon as practicable cause notice of the resolution of the council and of the place within the county at which and the period during which the full terms of the resolution and, if appropriate, a map or plan showing the boundaries of the new or altered special district or districts may be inspected to be published in a newspaper circulating in the county and in the Edinburgh Gazette, and shall within ten days of the date of the meeting at which the resolution was disposed of transmit a copy of the resolution to the Secretary of State.

(6) Any person aggrieved may, within twenty-one days after the date of the publication of the notice of the resolution in a newspaper circulating in the district or the date of the publication in the Edinburgh Gazette, whichever is the later, appeal against the resolution to the sheriff, and the sheriff (not being a sheriff substitute resident in the district or the proposed district) may either approve or disapprove of the resolution or may approve subject to such alteration of boundaries or otherwise as he may determine.

The town council of a burgh may appeal under this subsection to the sheriff, if that council before the expiration of the time within which an appeal against the resolution is competent have presented a petition to the sheriff under Part VI of this Act or promoted private legislation within the meaning of Part XV of this Act to extend the boundaries of the burgh to include the whole or any part of the area proposed to be formed into or included within the special district.

(7) The deliverance of the sheriff shall, where necessary, define the boundaries of the special district and determine all questions regarding the payment of any debt affecting the special district and the right to impose and the obligation to pay any rate affected by the determination and any other matters necessary or proper for carrying the order into effect, and shall fix the date at which any such determination shall take effect.

(8) The sheriff may find any of the parties to an appeal under this section liable in expenses to the other party or parties.

(9) The county council shall as soon as practicable cause a notice of the deliverance of the sheriff, and of the place within the county at which and the period during which the full terms of the deliverance and, if appropriate, a plan or map showing the boundaries of the new or altered special district may be inspected, to be published in a newspaper circulating in the county and in the Edinburgh Gazette, and shall within ten days of the date of the deliverance transmit a copy thereof to the Secretary of State.

(10) Subject to the foregoing provisions, any expenses incurred by the county council in connection with the formation or alteration of boundaries of a special district or the combination of special districts into a special district shall be paid out of the rate leviable within the special district for the purposes thereof, and any expenses incurred by the county council in connection with the dissolution of any special district or in any case where a special district is not formed shall be defrayed as part of the expenses of the council under the Public Health Acts relating exclusively to the whole of the landward area of the county.

Management of special districts.

148. A county council may in accordance with the provisions of section one hundred and twenty-three of this Act appoint a district council to act as agents of the county council for carrying out all or any of the purposes for which a special district is formed or may appoint a local committee for carrying out all or any of the purposes for which a special district is formed, which local committee shall consist in whole or in part of district councillors for the district or districts in which the special district is situated, whether members of the county council or not.

Power to apply burgh statutory provisions.

149.—(1) A county council may by resolution adopt, subject to any necessary modifications and to any other modifications that may be approved by the Secretary of State, such provisions (including provisions relating to byelaws and penalties for non-compliance therewith) contained in the Burgh Police Acts and in any other public general Act relating

PART VII. —*cont.*

to any of the purposes for which a special district is formed and which apply or may by adoption be made to apply to a burgh as the council with the sanction of the Secretary of State may determine, and as from a date to be fixed by the council the provisions as so adopted shall have effect within and in relation to the special district.

(2) Without prejudice to the provisions of the preceding subsection, a county council may by resolution adopt within any special district formed for any of the purposes specified in paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (1) of section one hundred and forty-six of this Act, subject to any necessary modifications and to any other modifications that may be approved by the Secretary of State, the provisions of sections one hundred and forty-four, one hundred and forty-five, one hundred and fifty-eight and one hundred and ninety-one to two hundred of the Burgh Police (Scotland) Act, 1892, or any one or more of the said sections, and as from a date to be fixed by the council the provisions as so adopted shall have effect within and in relation to the special district.

(3) The provisions of any Act adopted under any enactment repealed by this Act and applying to a special district immediately prior to the commencement of this Act shall continue to apply to that district as if adopted under this section.

(4) Any adoption by a county council of enactments under this section (including any such adoption prior to the commencement of this Act to which the immediately preceding subsection applies) may be altered or revoked by the county council with the approval of the Secretary of State.

Inclusion of whole or part of special district within a burgh.

150.—(1) A special district shall be dissolved on the district being wholly included within the boundaries of a burgh under this Act or by virtue of any other enactment, and where a part only of a special district is so included within the boundaries of a burgh, the part so included shall cease to form part of the special district.

(2) Where part of a special district is so included within the boundaries of a burgh, arrangements shall be made by the county council and town council concerned and, failing agreement between the councils, by the Secretary of State, with respect to the provision of the service for which the special district was formed within the whole area which prior to the inclusion of part thereof within the burgh comprised the special district, the apportionment and payment so far as necessary of the expenses thereof, the adjustment between the councils concerned of the property and liabilities relating to the said special district, and the management of the special district so far as remaining.

PART VII. —*cont.*

Combination of special water and drainage districts when required by Secretary of State.

151.—(1) A county council shall, if so required by the Secretary of State, combine two or more special water supply districts or two or more special drainage districts within the county, and in connection with such combination provision may be made—

(*a*) for payment during such period not exceeding ten years as the council may determine of special district rates of different amounts per pound within the several districts forming the combined district; and

(*b*) with respect to such other matters as may be considered necessary or proper for carrying the combination into effect.

(2) The resolution of the county council combining the districts shall determine all matters relating to the combination and shall fix the date at which the combination shall take effect.

(3) The county council shall as soon as practicable cause notice of the resolution of the council combining the special districts, and of the place within the county at which and the period during which the full terms of the resolution may be inspected, to be published in a newspaper circulating in the county and in the Edinburgh Gazette, and shall within ten days of the date of the meeting at which the resolution was passed transmit a copy of the resolution to the Secretary of State.

(4) Any person aggrieved by any determination of the county council contained in a resolution under this section may, within twenty-one days after the date of the publication of notice of the resolution in a newspaper circulating in the district or the date of the publication in the Edinburgh Gazette, whichever is the later, appeal against the determination to the Secretary of State, who may approve or disapprove of such determination or may approve the same subject to such alteration as may appear proper to him, and the decision of the Secretary of State shall be final.

Schemes for dissolution of special water and drainage districts.

152.—(1) A county council may, whenever they think it desirable, and shall, if so required by the Secretary of State and within such period not being less than twelve months as he may specify, prepare and submit to the Secretary of State for approval a scheme providing for the dissolution of all the special water supply districts or all the special drainage districts within the county, and such scheme may make provision—

(*a*) for different dates for the dissolution of different special districts;

(*b*) with respect to the property and liabilities relating to the special districts so dissolved;

PART VII. —*cont.*

(*c*) for payment, during such period not exceeding ten years as the scheme may provide, of rates of different amounts per pound within the areas which formed the special districts so dissolved or any of them from the amount of the rates payable within the rest of the landward area of the county;

(*d*) for the protection of the interests of officers employed for the purposes of the special districts so dissolved, by applying such of the provisions of Part XVII of this Act as are considered necessary or proper; and

(*e*) with respect to such other matters as may be considered necessary or proper for winding up the special districts.

The Secretary of State before requiring a county council to prepare and submit a scheme under this subsection may cause a local inquiry to be held.

(2) Before making any such scheme, the county council shall publish in a newspaper circulating in the county and in the Edinburgh Gazette a notice stating their intention to make such a scheme, that a copy of the draft scheme is open to inspection at a specified place and during a specified period within the county and that representations thereon in writing may be made to the council within twenty-eight days after the date of the publication of the notice in the said newspaper or the date of the publication in the Edinburgh Gazette, whichever is the later, and shall consider any representations in writing which may be submitted to them within that period.

(3) The county council shall send to the Secretary of State when submitting the scheme for approval the representations received by them on the draft scheme, and the Secretary of State may before approving a scheme cause a local inquiry to be held.

(4) The Secretary of State may approve the scheme either as submitted or with such modifications and amendments as he thinks proper, and upon approval of the scheme the county council shall as soon as practicable take all steps necessary to carry the scheme as approved into effect.

(5) If a county council fail to submit to the Secretary of State by the date specified in the notice by the Secretary of State under subsection (1) of this section a scheme in accordance with the provisions of this section, which he is prepared to approve, the Secretary of State may himself after such consultation as he considers necessary make a scheme for the purpose, but before making such a scheme he shall publish in a newspaper circulating in the county and

in the Edinburgh Gazette a notice stating his intention to make such a scheme, that a copy of the draft scheme is open to inspection at a specified place and during a specified period and that representations thereon in writing may be made to him within twenty-eight days after the publication of the notice in the said newspaper or in the Edinburgh Gazette, whichever is the later, and he shall consider any representations in writing which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme made by the county council and approved by the Secretary of State; and the county council shall as soon as practicable take all steps necessary to carry the scheme into effect.

(6) Any scheme made under this section may be altered at any time before it has been fully carried into effect by a supplementary scheme made by the county council and approved by the Secretary of State, and the provisions of this section with respect to the original scheme shall subject to the necessary modifications apply to any such supplementary scheme.

(7) A county council in making, and the Secretary of State in making or approving, a scheme under this section, shall have regard to the desirability of securing that the service for which the special districts were formed is made available as far as reasonably practicable throughout the landward area of the county.

Expenses of special districts.

153.—(1) Subject to the provisions of the immediately succeeding section, all expenses incurred in carrying out the purposes for which a special district has been formed shall be defrayed out of a special district rate to be levied annually on all lands and heritages within the special district in accordance with the provisions of Part XI of this Act.

(2) Subject to the provisions of the immediately succeeding section, where a special district is formed, no part of the expenses incurred in providing in any other part of the county the service for which the special district is formed shall be included in the expenses defrayed out of any rate so far as leviable within the special district.

Contributions by county council to expenses of special districts.

154.—(1) A county council may, where it appears to the council that the financial burden imposed or likely to be imposed upon a special district within the county is more than it can reasonably be expected to bear unaided, agree to make a contribution towards the expenses of the special district of such sum as appears to the council to be equitable, and such contribution shall be defrayed as if it were expenditure incurred by the council under the Public Health Acts in relation to the whole of the landward area of the county.

PART VII. —*cont.*

The county council in determining whether any contribution should be made in the case of any special district and the amount, if any, of the contribution, shall have regard to the total amount per pound of the rates levied in the different parts of the landward area of the county.

(2) A county council may pay or contribute towards the expenses of cleansing and scavenging the highways and footpaths under their management and control within a special scavenging district and charge such payment or contribution as expenses under the Roads and Bridges Acts.

Savings. 59 & 60 Vict. c. 32. 1 Edw. 8 & 1 Geo. 6. c. 28.

155. Nothing in this Part of this Act shall affect the provisions of the Orkney and Zetland Small Piers and Harbours Act, 1896, or the Harbours Piers and Ferries (Scotland) Act, 1937, relating to the formation of special districts for any of the purposes specified in the said Acts or any special district formed for any such purpose.

PART VIII.

ACQUISITION OF AND DEALINGS IN LAND BY LOCAL AUTHORITIES.

Acquisition of Land by Agreement.

Acquisition of land by agreement.

156. Subject to the provisions of this Part of this Act, a local authority may, for the purpose of any of their functions under this or any other enactment, by agreement acquire whether by way of purchase, feu, lease or excambion any land whether situated within or without the area of the authority.

Acquisition of land in advance of requirements.

157.—(1) A local authority may, with the consent of the Minister concerned, by agreement acquire whether by way of purchase, feu, lease or excambion any land whether situated within or without the area of the authority for any purpose for which the authority are authorised by this or any other public general Act to acquire land, notwithstanding that the land is not immediately required for that purpose.

(2) Any land acquired under this section may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the local authority, subject to the authority making such adjustments, if any, in their accounts as seem to them equitable and proper, having regard to the purposes for which the land was acquired and is being used.

PART VIII. —*cont.*

Application of Lands Clauses Acts and other enactments to acquisition of land by agreement.

158. Where under this Part of this Act a local authority are authorised to acquire land by agreement, the Lands Clauses Acts except—

(*a*) the provisions relating to the acquisition of land otherwise than by agreement;

(*b*) sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845 (which relate to the sale of superfluous land); and

(*c*) sections one hundred and forty-two and one hundred and forty-three of the said Act of 1845 (which relate to access to the special Act);

8 & 9 Vict. c. 19.

and sections six and seventy of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections seventy-one to seventy-eight of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, shall be incorporated with this Act, and in construing those provisions for the purposes of this section, this Act shall be deemed to be the special Act and the local authority to be the promoters of the undertaking, or company, as the case may require.

8 & 9 Vict. c. 33.

13 & 14 Geo. 5. c. 20.

Compulsory Acquisition of Land.

Application of Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.

10 & 11 Geo. 6. c. 42.

159. The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, other than section two thereof shall apply in relation to the compulsory purchase of land under the immediately succeeding section of this Act as if that section had been in force immediately before the commencement of the said Act of 1947.

Compulsory purchase of land for particular purposes.

160.—(1) The town council of a burgh may be authorised by the Secretary of State to purchase land compulsorily for the purposes of section two hundred and seventy-eight of the Burgh Police (Scotland) Act, 1892, which relates *inter alia* to the provision of slaughter houses.

(2) A local authority may be authorised by the Secretary of State to purchase land compulsorily for the purposes of section seventy-four of this Act.

Expenses relating to compulsory purchase order.

161.—(1) The reasonable expenses incurred by a local authority in relation to a compulsory purchase order, including any inquiry held in connection therewith, shall be deemed to be expenses properly incurred by the authority and shall be defrayed as part of such branch or branches of expenditure as the authority may determine, having regard to the purpose for which the land proposed to be purchased is required.

PART VIII. —*cont.*

(2) The powers of a local authority to borrow under Part XII of this Act shall apply for the purpose of defraying expenses incurred by the authority in connection with any compulsory purchase order under the said section, so however that any sum so borrowed shall be repaid within such period as the authority determine, being a period not exceeding five years from the date of the order.

Title to Land.

Title to land.

162. The title to all land acquired by a local authority shall be taken in the corporate name of the authority.

Appropriation of Land.

Power to appropriate land.

163. A local authority may with consent of the Secretary of State appropriate for the purpose of any function, whether statutory or otherwise, land vested in them for the purpose of any other function, subject to proper adjustments in respect thereof being made in the accounts of the authority.

Erection of Buildings, &c.

Power to erect buildings, &c.

164. A local authority may for the purpose of any of their functions erect buildings or execute any other works on any land belonging to the authority or, where they are satisfied that the terms of the lease of the land are such as to make it prudent for them to do so, on land leased by the authority, or convert, alter, enlarge or improve any existing building or other works belonging to the authority or, where they consider it prudent, any existing building or other works let to them:

Provided that this section shall not of itself authorise a local authority to do anything contrary to the conditions contained in the title to or lease of any such land or building or other works or authorise lands held for one purpose to be used for another purpose.

Disposal of Land.

Power to let land.

165. A local authority may let any land belonging to them—

(*a*) without any consent, for a term not exceeding seven years; or

(*b*) by public roup or with consent of the Minister concerned, for a term exceeding seven years.

Power to sell land.

166.—(1) A local authority may sell or feu any land belonging to them and not required for the purpose for which it is held by the authority—

(*a*) by public roup; or

(*b*) with the consent of the Minister concerned, by private bargain.

PART VIII. —*cont.*

(2) For the purposes of this and the immediately preceding sections notice shall be given of any exposure of land to public roup by advertisement published once weekly for at least three weeks immediately preceding the day of the roup in a newspaper circulating in the area of the local authority, and a certificate by the publishers of the newspaper of the appearing of the advertisement shall be sufficient evidence of the publication and of the date thereof.

Power to excamb land.

167. A local authority may with consent of the Minister concerned excamb any land belonging to the authority for other land, either with or without paying or receiving any money for equality of exchange.

Land to be sold for best price and application of capital moneys.

168.—(1) Land belonging to a local authority let, sold or feued under the provisions of this Part of this Act shall, except with the sanction of the Minister concerned, be let, sold or feued for the best rent or at the best price or for the best feuduty that can be reasonably obtained, and any capital money received in respect of any such transaction or any excambion shall be applied towards the discharge of capital debt of the authority or otherwise for any purpose for which capital money may be properly applied:

Provided that where capital money is applied under this section for a purpose other than that for which the land which was the subject of the transaction was held, such adjustment as the Minister or Ministers concerned may approve shall be made in the accounts of the local authority.

(2) A purchaser of or other person acquiring right to land from a local authority shall not be concerned to see that the provisions of this section are complied with in the case of his purchase or acquisition.

Payment of purchase or compensation money by one local authority to another.

169. Any purchase money or compensation payable in pursuance of this Part of this Act by a local authority in respect of land acquired from another local authority which would but for this section be required to be paid into court in manner provided by the Lands Clauses Acts may, if the Minister concerned with the purpose for which the land was held by the last mentioned authority consents, instead of being paid into court, be paid and applied as that Minister may determine, and the decision of that Minister shall be final.

General.

Special provisions as to land acquired for public recreation

170. Where an heir of entail in possession of land sells or feus land to a local authority for the purpose of public recreation under the provisions of this Act or any other enactment (not being land within a quarter of a mile of the mansion house in the natural possession of the heir of entail or part of

PART VIII. —*cont.*

from heir of entail.

any garden, orchard or enclosure adjacent to the mansion house which has usually been in the natural possession of the proprietor) and such land does not exceed in all twenty acres, and where the persons in right of heritable securities or other charges affecting such land refuse to consent to such sale or feu, such lands shall be disburdened of the said heritable securities and charges if the sheriff, upon the application of the heir of entail in possession duly intimated to the said persons who shall be entitled to appear and object, finds that the lands comprised in the heritable securities or charges other than the land being acquired by the local authority afford adequate security.

Provisions as to sale, &c. of land to apply to land forming part of common good.

171.—(1) The provisions of this Part of this Act with respect to the appropriation, letting, selling, feuing or excambing of land belonging to a local authority and the application of capital moneys received in respect of land shall, notwithstanding any law or practice to the contrary, apply in the case of land forming part of the common good of a burgh with respect to which land no question arises as to the right of the town council to alienate.

For the purposes of this subsection the Minister concerned shall be the Secretary of State.

(2) A town council may, with consent of and subject to such conditions as may be imposed by the Secretary of State, sell or feu land forming part of the common good of the burgh where such land or the buildings thereon have at some time been used as a town hall or offices or buildings for the transaction of the business of the burgh and have ceased or are about to cease to be so used, notwithstanding any question as to the right of the council to alienate such land or buildings.

(3) Where the town council of a burgh desire to sell or feu land forming part of the common good (other than lands to which the preceding subsections of this section apply), they may, notwithstanding any question as to the right of the council to alienate the same, make application to the Court of Session or the sheriff to authorise them to sell or feu the land, and the Court or the sheriff, if they or he thinks fit to do so after such inquiry as is considered necessary, may, notwithstanding any law or practice to the contrary and subject to such conditions, if any, as they or he may impose, authorise the council to sell or feu the land and do otherwise in the petition as appears to be just, and the council shall be entitled to sell or feu the land in accordance with the authority so obtained.

PART VIII. —*cont.*

(4) Conditions imposed by the Secretary of State under subsection (2) of this section or by the Court of Session or the sheriff under subsection (3) of this section may, if it is thought proper, require that the town council shall provide in substitution for the land proposed to be sold or feued other land belonging to or proposed to be purchased by the council, which land shall be used for the purpose for which the land proposed to be sold or feued was used.

Interpretation.

172. For the purposes of this Part of this Act the functions of a local authority shall be deemed to include the provision of accommodation for any committee or court or other body which the authority may be required or are authorised to provide, notwithstanding that the committee, court or body may exercise functions not vested in the authority.

Savings

173. Nothing in this Part of this Act—

(*a*) (except so far as relating to the compulsory purchase of land) shall affect the provisions of the Ancient Monuments Acts, 1913 and 1931, or empower a local authority to acquire or to dispose of whether by lease, sale, feu or excambion or to appropriate any ancient monument within the meaning of those Acts; or

(*b*) shall authorise the disposal of land by a local authority whether by lease, sale, feu or excambion in breach of any trust, undertaking or agreement binding on the authority; or

(*c*) shall affect any provisions relating to the acquisition by agreement, appropriation, letting or disposal of land, the erection of buildings or the execution of works by a local authority contained in any of the enactments set out in the Fourth Schedule to this Act or in any statutory order made thereunder, or the application of any capital money arising from such disposal, or, in so far as any of those enactments or orders contain provisions relating to the acquisition by agreement, appropriation, letting or disposal of land or the erection of buildings or the execution of works or the application of capital money arising from land, empower a local authority to effect any transaction or do anything which might be effected or done under those provisions otherwise than under those provisions and in accordance therewith; or

(*d*) shall authorise a local authority to acquire by agreement, or appropriate land or erect buildings on land or execute other works for the purpose of any

PART VIII. —*cont.*

function of the authority or to appropriate, let or dispose of land held for the purpose of any such function where any enactment or statutory order relating to the function (not being an enactment set out in the said Fourth Schedule) requires that a consent be obtained or some provision, limitation or condition be complied with in the case of such a transaction under that enactment or order except subject to such consent or subject to compliance with such provision, limitation or condition.

PART IX.

ACCOUNTS, FUNDS AND EXPENSES OF LOCAL AUTHORITIES.

Financial Year.

Financial year of local authorities.

174. The financial year of every local authority shall be the year commencing on the sixteenth day of May and ending on the fifteenth day of May in the year immediately following or, in the case of a local authority with respect to which special provision is made in a local Act, such other year as may be fixed by the local Act.

Accounts.

Accounts.

175.—(1) Every local authority shall cause to be kept such accounts as shall secure that sums raised by rates or requisition or other sums received by the authority are not applied to purposes to which such sums are not properly applicable, and, in particular without prejudice to the said generality, that all sums required by the authority for the repayment of any sum borrowed for a specific purpose by the authority and to meet interest on the sum so borrowed are debited to the account to which the expenditure for that purpose is chargeable, and that capital moneys are not applied to any purpose other than a purpose to which capital moneys are properly applicable.

(2) Every local authority shall cause the accounts of the authority (including those relating to funds or property held by the authority in trust) to be kept in such manner as to show in respect of the financial year to which the accounts relate—

(*a*) all receipts and payments of the authority during that year;

(*b*) any revenue and expenditure relating to revenue in respect of that year not received or paid in that year; and

(*c*) any capital moneys due but not paid to or by the authority in that year. PART IX. —*cont.*

All such receipts and revenue of, and capital moneys due to, a local authority are in this Part of this Act in relation to the authority referred to as receipts and sums receivable, and all such payments and expenditure relating to revenue of and capital moneys due by a local authority are in this Part of this Act in relation to the authority referred to as expenditure.

(3) Every local authority shall cause the accounts of the authority to be kept in such a manner as to comply with any provision relating thereto contained in any enactment or statutory order.

County Fund and Expenses of County Council.

176. All receipts of and sums receivable by a county council from whatever source shall be credited to and form part of the county fund, and all expenditure of the council shall be defrayed out of that fund: County fund.

Provided that, unless the council by resolution otherwise determine, this section shall not apply in the case of receipts and sums receivable and expenditure relating to any funds or property held by the council as trustees for any purpose under any deed of trust or other document.

177.—(1) Before or as soon as may be after the commencement of each financial year every county council shall cause to be prepared— Annual budget of county council.

(*a*) estimates in respect of that year of receipts and sums receivable and of expenditure relating to the several accounts of the council (showing separately capital expenditure) whether on account of property, contributions, rates, loans, public utility undertakings or otherwise; and

(*b*) estimates of the sums required to be raised to meet the deficiency on the several accounts of the council in respect of annual expenditure; and

(*c*) a report on the said estimates by the finance committee of the council for submission to the council.

(2) The county council shall consider as early as practicable in each financial year the estimates for that year and the report on the said estimates by the finance committee of the council, and shall revise such estimates, approve the estimates as so revised, authorise the expenditure included therein, and fix for that year—

(*a*) the amount required to be requisitioned in accordance with the provisions of this Act by the council

PART IX. —*cont.*

from the town council of each burgh within the county for any purpose;

(*b*) the amount estimated to be required to be raised by the council by levying in accordance with the provisions of this Act the county rate and any other rates within the landward area of the county for the purpose of meeting expenditure payable out of the same, the amount in respect of each rate being stated separately;

(*c*) in the case of a county council carrying on a public utility undertaking, the amount estimated to be required to be defrayed out of the annual revenue of each such undertaking; and

(*d*) the estimated amount of the capital expenditure of the council for each purpose:

Provided that—

(i) the council, at any time after they have revised the estimates and before they have determined the amount per pound of the rates for the year, may, if they find it necessary, again revise any estimate and alter the amount included therein;

(ii) the council shall fix the amounts under paragraph (*a*) of this subsection in time to enable them to comply with the provisions of subsection (4) of section two hundred and fourteen of this Act.

(3) No expenditure shall be incurred by or on behalf of a county council unless—

(*a*) previously authorised in accordance with the estimates approved by the council; or

(*b*) otherwise previously authorised by the council; or

(*c*) if not so authorised, necessarily incurred in circumstances of emergency:

Provided that—

(i) any expenditure on salaries, wages and other recurring annual expenditure prior to the approval of estimates by the council may be authorised in accordance with standing orders or by resolution of the council, but any other expenditure under paragraph (*b*) of this subsection shall not be authorised by the council except on consideration of a report thereon by the finance committee of the council; and

(ii) any expenditure under paragraph (*c*) of this subsection shall forthwith be reported to the appropriate

committee and to the finance committee of the council and as soon as practicable thereafter reported by the finance committee to the council with a view to being approved by the council.

(4) A county council may make standing orders for the purpose of carrying the provisions of this section into effect, so however that such orders shall not be inconsistent with the provisions of any enactment with respect to matters to which this section relates.

Payments to and out of county fund.

178.—(1) It shall be the duty of the county treasurer to see that all receipts of and sums receivable by the county council falling to be credited to the county fund are duly credited to and form part of that fund and that all expenditure of the council falling to be defrayed out of the county fund is so defrayed:

Provided that nothing in this subsection shall be deemed to prevent the county council or any duly authorised committee of the council giving directions with respect to the payment or recovery of sums claimed to be due to the council or with respect to the payment of sums claimed to be due by the council.

(2) The county council shall cause to be kept in the books of any one or more incorporated or joint stock banks such bank accounts in name of the council, not being more in number than are necessary, as the council may determine, and, save as otherwise provided in any regulations that may be made by the Secretary of State, there shall be paid into the said bank accounts all sums received by the council, and out of the said bank accounts all payments due to be made by the council.

(3) The county council may give directions with respect to keeping, paying moneys into, and operating on, the several bank accounts.

(4) No payment shall be made out of the county fund if the expenditure in respect of which it is made has been incurred contrary to the provisions of subsection (3) of the immediately preceding section, except where it is made in pursuance of the specific requirement of any enactment or statutory order, or of a decree of a competent court.

(5) Save as otherwise provided in any regulations that may be made by the Secretary of State, all payments due to be made out of the county fund shall be made in pursuance of

PART IX. —*cont.*

an order of the finance committee of the county council signed by two members of that committee present at the meeting of the committee at which the order is made, and countersigned by the county clerk, and the same order may include several payments, and all cheques for payment of moneys issued in pursuance of such an order shall be signed by the county treasurer or by such other officer of the county council as the council or the finance committee may appoint for the purpose.

(6) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Payments by county council in respect of salaries of procurators fiscal, &c.

179. Every county council shall in each year make payment of the following salaries, fees, outlays and expenses so far as the same were immediately before the commencement of this Act by law or usage payable by the council:—

(1) the salaries, fees and necessary outlays of procurators fiscal in the sheriff court;

(2) the expenses of searching for, apprehending, subsisting, prosecuting or punishing criminals;

(3) the expenses connected with upholding, repairing, enlarging, renting, furnishing, insuring, lighting, cleaning or warming any courthouse, and all taxes and rates legally chargeable thereon;

(4) the expenses connected with the holding of the court for striking the fiars prices for the county;

(5) all expenses occasioned by damage done to property within the county by tumultuous or riotous assemblies and all expenses properly incurred in the prevention of riots;

(6) any other expenses or payments directed by any Act to be defrayed out of the county general assessment.

Burgh Fund and Expenses of Town Council.

Burgh fund.

180. All receipts of and sums receivable by the town council of a burgh from whatever source shall be credited to and form part of the burgh fund, and all expenditure of the council shall be defrayed out of that fund:

Provided that, unless the council by resolution otherwise determine, this section shall not apply—

(*a*) in the case of the receipts and sums receivable and expenditure relating to the common good of the burgh; or

(*b*) in the case of receipts and sums receivable and expenditure relating to any funds or property held by the council as trustees for any purpose under any deed of trust or other document. PART IX. —*cont.*

Annual budget of town council.

181.—(1) Before or as soon as may be after the commencement of each financial year every town council shall cause to be prepared—

(*a*) estimates in respect of that year of the receipts and sums receivable and of expenditure relating to the several accounts of the council, including the common good, (showing separately capital expenditure) whether on account of property, contributions, rates, loans, public utility undertakings or otherwise; and

(*b*) estimates of the sums required to be raised to meet the deficiency on the several accounts of the council in respect of annual expenditure; and

(*c*) a report on the said estimates by the finance committee of the council for submission to the council.

(2) The town council shall consider as early as practicable in each financial year the estimates for that year and the report on the said estimates by the finance committee of the council, and shall revise such estimates, approve the estimates as so revised, authorise the expenditure included therein and fix for that year—

(*a*) the amount estimated to be required to be raised by the council by levying in accordance with the provisions of this Act the burgh rate and any other rate within the burgh for the purpose of meeting expenditure payable out of that rate, the amount in respect of each rate being stated separately and the respective amounts to be raised by the burgh rate so far as payable by owners only, or by occupiers only, or by owners and occupiers otherwise than in equal proportions, being shown separately from the remainder of the amount to be raised by that rate;

(*b*) in the case of a town council carrying on a public utility undertaking, the amount estimated to be required to be defrayed out of the annual revenue of each such undertaking; and

(*c*) the estimated amount of the capital expenditure of the council for each purpose:

Provided that the council, at any time after they have revised the estimates and before they have determined the amount per pound of the rates for the year, may, if they find it necessary, again revise any estimate and alter the amount included therein

PART IX. —*cont.*

(3) No expenditure shall be incurred by or on behalf of a town council unless—

(*a*) previously authorised in accordance with the estimates approved by the council; or

(*b*) otherwise previously authorised by the council; or

(*c*) if not so authorised, necessarily incurred in circumstances of emergency:

Provided that—

(i) any expenditure on salaries, wages and other recurring annual expenditure prior to the approval of estimates by the council may be authorised in accordance with standing orders or by resolution of the council, but any other expenditure under paragraph (*b*) of this subsection shall not be authorised except on consideration of a report thereon by the finance committee of the council;

(ii) any expenditure under paragraph (*c*) of this subsection shall forthwith be reported to the appropriate committee and to the finance committee of the council and as soon as practicable thereafter reported by the finance committee to the council with a view to being approved by the council.

(4) A town council may make standing orders for the purpose of carrying the provisions of this section into effect, so however that such orders shall not be inconsistent with the provisions of any enactment with respect to matters to which this section relates.

Payments to and by town council.

182.—(1) It shall be the duty of the town chamberlain to see that all receipts of and sums receivable by the town council falling to be credited to the burgh fund are duly credited to and form part of that fund, and that all expenditure of the council falling to be defrayed out of the burgh fund is so defrayed, and where the burgh fund does not include the common good that all receipts and sums receivable relating thereto are duly paid to the common good and all expenditure relating thereto is defrayed out of the common good:

Provided that nothing in this subsection shall be deemed to prevent the town council or any duly authorised committee of the council giving directions with respect to the payment or recovery of sums claimed to be due to the council or with respect to the payment of sums claimed to be due by the council.

(2) The town council shall cause to be kept in the books of an incorporated or joint stock bank one bank account or

where necessary two bank accounts in name of the council or where additional accounts are considered necessary such additional accounts in name of the council as the Secretary of State may authorise, and, save as otherwise provided in any regulations that may be made by the Secretary of State, there shall be paid into the said bank account or accounts all sums received by the council and out of the said bank account or accounts there shall be paid all payments due to be made by the council.

(3) The town council may give directions with respect to keeping, paying moneys into, and operating on, the bank account or the several bank accounts.

(4) No payment shall be made by a town council if the expenditure in respect of which it is made has been incurred contrary to the provisions of subsection (3) of the immediately preceding section, except where it is made in pursuance of the specific requirement of any enactment or statutory order or of a decree of a competent court.

(5) Save as otherwise provided in regulations that may be made by the Secretary of State, all payments due to be made by the town council shall be made in pursuance of an order of the finance committee of the council signed by two members of that committee present at the meeting of the committee at which the order is made, and countersigned by the town clerk, and the same order may include several payments, and all cheques for payment of moneys issued in pursuance of such an order shall be signed by the town chamberlain or by such other officer of the town council as the council or the finance committee may appoint for the purpose.

(6) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Town council may contribute out of common good towards expenditure on statutory functions.

183.—(1) The town council of a burgh possessed of any free income arising from the common good of the burgh may out of that free income make such contribution towards the expenditure on any of the functions of the council under this Act or under any other enactment or any statutory order as the council may determine having due regard to the extinction of any capital debt affecting the common good:

Provided that nothing herein contained shall prejudice the rights of the creditors of any burgh secured by local Act or otherwise or relieve the common good of any burgh from payment of any sum which the burgh is bound by any local Act to contribute towards any specific expenses of the burgh.

PART IX. —*cont.*

(2) This section shall not apply in the case of the city of Edinburgh, the city of Glasgow, the city of Dundee, the city of Aberdeen or the burgh of Greenock unless the town council of the city or burgh pass a resolution declaring that the section shall apply.

District Council Fund and Expenses of District Council.

District council fund.

184. All receipts of and sums receivable by a district council from whatever source shall be credited to and form part of the district council fund, and all expenditure of the council shall be defrayed out of that fund. Receipts and sums receivable and expenditure for the purposes of this section shall include those relating to any funds or property held by the council as trustees for any purpose under any deed of trust or other document.

Annual budget of district council.

185.—(1) Before or as soon as may be after the commencement of each financial year every district council shall cause to be prepared—

(*a*) estimates in respect of that year of the receipts and sums receivable and of expenditure relating to the several accounts of the council (showing separately capital expenditure) whether on account of property, contributions, rates, loans or otherwise; and

(*b*) estimates of the sums required to be raised to meet the deficiency on the several accounts of the council in respect of annual expenditure; and

(*c*) a report on the said estimates by the finance committee of the council for submission to the council.

(2) The district council shall consider in or before the month of June the estimates for the current financial year and the report on the said estimates by the finance committee of the council, and shall revise such estimates, approve the estimates as so revised, authorise the expenditure included therein and fix for that year—

(*a*) the amount required to be requisitioned by the council from the county council in accordance with the provisions of this Act; and

(*b*) the estimated amount of the capital expenditure of the council for each purpose.

(3) No expenditure shall be incurred by or on behalf of a district council unless—

(*a*) previously authorised in accordance with the estimates approved by the council; or

PART IX. —*cont.*

(*b*) otherwise previously authorised by the council; or

(*c*) if not so authorised necessarily incurred in circumstances of emergency:

Provided that—

(i) any expenditure on salaries, wages and other recurring annual expenditure prior to the approval of estimates by the council may be authorised in accordance with standing orders or by resolution of the council, but any other expenditure under paragraph (*b*) of this subsection shall not be authorised except on consideration of a report thereon by the finance committee of the council;

(ii) any expenditure under paragraph (*c*) of this subsection shall forthwith be reported to the appropriate committee and to the finance committee of the council and as soon as practicable thereafter reported by the finance committee to the council with a view to being approved by the council.

(4) A district council may make standing orders for the purpose of carrying the provisions of this section into effect, so however that such orders shall not be inconsistent with the provisions of any enactment with respect to matters to which this section relates.

Payments to and out of district council fund.

186.—(1) It shall be the duty of the treasurer of the district council to see that all receipts of and sums receivable by the council falling to be credited to the district council fund are duly credited to and form part of that fund and that all expenditure of the council falling to be defrayed out of the district council fund is so defrayed:

Provided that nothing in this subsection shall be deemed to prevent the district council or any duly authorised committee of the council giving instructions with respect to the payment or recovery of sums claimed to be due to the council or with respect to the payment of sums claimed to be due by the council.

(2) The district council shall cause one bank account to be kept in the books of an incorporated or joint stock bank in name of the council, and, save as otherwise provided in any regulations that may be made by the Secretary of State, there shall be paid into the said bank account all sums received by the council and out of the said bank account there shall be paid all payments due to be made by the council.

PART IX. —*cont.*

(3) The district council may give directions with respect to keeping, paying moneys into, and operating on, the bank account.

(4) No payment shall be made out of the district council fund if the expenditure in respect of which it is made has been incurred contrary to the provisions of subsection (3) of the immediately preceding section, except where it is made in pursuance of the specific requirement of any enactment or statutory order or of a decree of a competent court.

(5) All payments due to be made out of the district council fund shall be made by means of a cheque signed by two members of the council and by the clerk or treasurer of the council, and one cheque may be used for the purpose of making several payments.

(6) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Expenses of Justices of the Peace.

Expenses of justices of the peace.

187. Every county council and the town council of every county of a city shall provide accommodation with furniture, books and other things required for the transaction of the business of quarter sessions and of the justices of the peace for the county or the county of the city, as the case may be, so far as the same is not provided otherwise, and shall make payment of the salaries, fees and necessary outlays of the clerks of, and the procurator fiscal in, the justices of peace court in the county or the county of the city, as the case may be.

Fee Fund of Local Authority.

Fee fund of local authorities.

188.—(1) All fees, commissions, discounts allowed on payment of accounts and expenses payable to or recovered by any officer of a local authority in respect of any business relating to the authority whether by reason of his office or otherwise (except personal outlays incurred by the officer and such fees, commissions, discounts and expenses as the officer is in pursuance of an express provision of his agreement with the authority entitled to retain for himself) shall be accounted for and paid to the county fund, the burgh fund or the district council fund, as the case may be, and—

(*a*) such part as may be approved by the Secretary of State of all the said fees and commissions so

accounted for and paid shall form a fund to be known as the "fee fund" of the authority which may be applied for any purpose relating to the authority or the area of the authority for which, in the case of a burgh having a common good, the common good may be applied; and

(*b*) all such fees and commissions (except the part thereof carried to the fee fund) and all such discounts and expenses so accounted for and paid shall be carried to the credit of the respective accounts of the authority to which they relate.

(2) Where at the commencement of this Act a local authority or an officer of the authority on behalf of the authority holds moneys derived from any such fees, commissions, discounts and expenses as aforesaid, such moneys shall be paid to the county fund, the burgh fund or the district council fund, as the case may be, and form part of the fee fund of the authority.

Accounts to be made up Yearly and laid before Local Authority for Approval.

Accounts to be made up yearly.

189.—(1) Immediately after the end of each financial year the local authority shall cause the accounts of the authority for that year to be brought to a balance and a balance sheet prepared with respect thereto.

(2) The accounts and balance sheet shall be made up so as to exhibit a complete statement showing with regard to each account—

(*a*) the assets and liabilities;

(*b*) the amount set aside by the authority during the year for the repayment of debt by way of periodical contributions to any sinking fund, to a loans fund as hereinafter provided for or otherwise;

(*c*) the amount of the sums borrowed and the sums received from the sale or alienation of property;

(*d*) the amount of annual revenue, the amount of rates collected and the amount of all sums in arrear or remaining unpaid at the close of the accounts; and

(*e*) the amount of all sums paid and sums remaining unpaid in respect of any expense incurred during the year, distinguishing capital expenditure from expenditure out of annual revenue.

PART IX. —*cont.*

(3) The accounts of each local authority shall be completed and signed by such person or officer of the authority and before such date as the Secretary of State may prescribe.

Audited accounts to be laid before local authority for approval.

190. Every local authority shall cause the abstract (prepared in accordance with the provisions of section two hundred of this Act) of the accounts of the authority for each financial year as audited in accordance with the provisions of Part X of this Act together with the auditor's report thereon to be laid before a meeting of the authority to be held not later than the thirty-first day of December first occurring after the end of the financial year to which the said accounts relate or such later date as the Secretary of State may in any particular case approve, and the said accounts shall, if and as approved by the authority, be signed by the chairman of the meeting and by the clerk of the authority and shall be deposited with the clerk of the authority or such other officer as the authority may designate for the purpose.

Limitation of Annual Expenditure in certain cases.

Limitation of certain annual expenditure defrayed out of county rate or burgh rate.

191.—(1) In addition to the limitation of expenditure under section three hundred and thirty-nine of this Act, the expenditure incurred or payable by a county council (so far as falling to be defrayed in any year out of the county rate under Part XI of this Act and grants under Part III of the Local Government (Scotland) Act, 1929), in this subsection referred to as "net expenditure", shall in the case of the expenditure hereinafter mentioned, be limited to an amount equal to the produce of a rate of the amount per pound hereinafter mentioned calculated on the gross annual valuation of the landward area of the county according to the valuation roll for the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates, that is to say:—

(*a*) the net expenditure for and in connection with public libraries shall be restricted to the produce of a rate of three pence per pound calculated as aforesaid;

12 & 13 Geo. 5. c. 46.

(*b*) the net expenditure under section five of the Electricity (Supply) Act, 1922, shall, in the case where the council are not authorised undertakers, be restricted to the produce of a rate of one penny per pound calculated as aforesaid.

PART IX —*cont.*

(2) The expenditure of a county council under the Small Holdings Act, 1892, so far as such expenditure falls to be defrayed in any year out of the county rate under Part XI of this Act and grants under Part III of the Local Government (Scotland) Act, 1929, shall be such as in the opinion of the council may reasonably be expected not to exceed an amount equal to the produce of a rate of one penny per pound calculated on the gross annual valuation of the landward area of the county according to the valuation roll for the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates.

55 & 56 Vict. c. 31.

(3) In addition to the limitation of expenditure under section three hundred and thirty-nine of this Act, the expenditure incurred or payable by the town council of a burgh (so far as falling to be defrayed in any year out of the burgh rate under Part XI of this Act and grants under Part III of the Local Government (Scotland) Act, 1929), in this subsection referred to as "net expenditure," shall, in the case of the expenditure hereinafter mentioned, be limited to an amount equal to the produce of a rate of the amount per pound hereinafter mentioned calculated on the gross annual valuation of the burgh according to the valuation roll for the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates, that is to say:—

(*a*) the net expenditure in the case of the expenditure set out in paragraphs 1 and 2 of the Fifth Schedule to this Act (other than expenditure incurred for or in connection with public libraries, the Explosives Act, 1875, and the Temperance (Scotland) Act, 1913) shall be restricted to the produce of a rate of three shillings per pound calculated as aforesaid;

(*b*) the net expenditure for and in connection with public libraries shall be restricted to the produce of a rate of three pence per pound calculated as aforesaid;

(*c*) the net expenditure in the case of the expenditure set out in paragraph 3 of the Fifth Schedule to this Act shall be restricted to the produce of a rate of three pence per pound calculated as aforesaid;

(*d*) the net expenditure under section three hundred and fifteen of the Burgh Police (Scotland) Act, 1892 (so far as unrepealed) and on the provision of halls and

PART IX. —*cont.*

other buildings for public meetings and assemblies under section seventy-four of this Act, so far as such expenditure is not directed by the town council to be defrayed as expenditure on police, shall be restricted to the produce of a rate of three pence per pound calculated as aforesaid;

(*e*) the net expenditure under section five of the Electricity (Supply) Act, 1922, shall, in the case where the council are not authorised undertakers, be restricted to the produce of a rate of one penny per pound calculated as aforesaid;

21 & 22 Geo. 5. c. 17.

(*f*) the net expenditure under the Local Authorities (Publicity) Act, 1931, shall be restricted to the produce of a rate of one halfpenny per pound calculated as aforesaid;

26 Geo. 5 & 1 Edw. 8. c. 48.

(*g*) the net expenditure under the Health Resorts and Watering Places Act, 1936, shall be restricted to the produce of a rate of one penny and one-third of a penny per pound calculated as aforesaid:

Provided that—

(i) the provisions of this subsection shall not apply in the case of any council or area so far as inconsistent with the provisions of a local Act relating to a limitation of expenditure or rate in the case of that council or area;

(ii) any limitation imposed by this section shall not apply in the case of any council where there was no corresponding limitation in force immediately prior to the commencement of this Act in the case of that council.

12 & 13 Geo. 5. c. 52. 21 & 22 Geo. 5. c. 41.

(4) The expenditure incurred or payable by the town council of a burgh referred to in section sixteen of the Allotments (Scotland) Act, 1922, (other than expenditure incurred in accordance with proposals and estimates approved by the Secretary of State under the Agricultural Land (Utilisation) Act, 1931), so far as such expenditure falls to be defrayed in any year out of the burgh rate under Part XI of this Act and grants under Part III of the Local Government (Scotland) Act, 1929, shall be such as in the opinion of the council may reasonably be expected not to exceed an amount equal to the produce of a rate of one penny per pound calculated on the gross annual valuation of the burgh according to the valuation roll for the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates.

PART IX. —*cont.*

(5) Where under the provisions of any enactment passed before the sixteenth day of May, nineteen hundred and thirty, a limit is imposed on the amount of any rate leviable in any year to defray expenditure which under the provisions of this Act falls to be defrayed out of the county rate or the burgh rate, as the case may be, such expenditure (so far as falling to be defrayed in any year out of the said rate and grants under Part III of the Local Government (Scotland) Act, 1929) shall be limited to an amount equal to the produce of the rate specified in the enactment calculated on the gross annual valuation of the county or burgh, as the case may be, according to the valuation roll for the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates.

(6) In this section the expression " valuation roll " includes any supplementary valuation roll made up under section sixty of the Burgh Police (Scotland) Act, 1903, or any local Act.

3 Edw. 7. c. 33.

192. The expenditure incurred or payable by a district council referred to in section sixteen of the Allotments (Scotland) Act, 1922, (other than expenditure incurred in accordance with proposals and estimates approved by the Secretary of State under the Agricultural Land (Utilisation) Act, 1931), so far as such expenditure falls to be defrayed in any year out of the district council rate or any grant under Part III of the Local Government (Scotland) Act, 1929 so far as applicable thereto, shall be such as in the opinion of the council may reasonably be expected not to exceed an amount equal to the produce of a rate of one penny per pound calculated on the gross annual valuation of the district according to the valuation roll for the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates.

Limitation of expenditure in other case.

General.

193. In determining the amount of the expenses for any particular purpose including the expenses of administering any trust under the control of a local authority, such proper proportion as the local authority determine of the cost of officers, buildings and establishment and any other expenses which are treated by the authority as, or are directed to be defrayed as, general expenses of the authority shall be added to and treated as part of the expenses directly incurred for that purpose.

Apportionment of general expenses.

194.—(1) The Secretary of State may, if at any time after consultation with associations representing the different classes of local authorities concerned he considers it practicable for the said local authorities to comply, make regulations

Regulations under Part IX of Act.

PART IX. —*cont.*

prescribing a date early in the financial year by which the local authorities concerned shall approve their estimates for that year and fix the amounts to be raised by each rate and the amount to be defrayed out of the annual revenue of each public utility undertaking, and prescribing earlier dates by which requisitions are to be sent by requisitioning authorities to rating authorities, and such regulations may contain such incidental, supplemental and consequential provisions as appear necessary for the purpose of giving full effect thereto, and on such regulations being made the provisions of this Act so far as relating to the matters dealt with in the regulations shall have effect subject to the provisions of the regulations and be modified accordingly:

Provided that nothing in these regulations shall be deemed to prevent a county council or a town council if they find it necessary from again revising any estimate and altering the amount included therein at any time before they have determined the amount per pound of the rates for the year.

Regulations made under this subsection may apply to all local authorities generally or to any particular class of authority.

(2) The Secretary of State may make regulations—

(*a*) for requiring local authorities to take steps periodically to satisfy themselves as to the balances on bank account and in the hands of officers of the authorities; and

(*b*) generally for carrying this Part of this Act into effect.

(3) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Savings.

195. Nothing in this Part of this Act shall—

(*a*) be deemed to require or authorise a local authority to apply or dispose of the surplus annual revenue arising from any undertaking carried on by them otherwise than in accordance with the provisions of any enactment or statutory order relating to the undertaking; or

10 & 11 Geo. 5. c. 72.

(*b*) affect the operation of section one of the Roads Act, 1920, or of any Order in Council made thereunder; or

(*c*) affect the provision of any enactment or statutory order with respect to the keeping of accounts by a local authority for the purpose of that enactment or order so far as inconsistent herewith.

PART X.

AUDIT OF ACCOUNTS OF LOCAL AUTHORITIES.

Accounts subject to Audit, Appointment of Auditors and Production of Books and Documents.

Accounts of local authorities to be audited.

196.—(1) The accounts of every local authority for the financial year commencing on the sixteenth day of May nineteen hundred and forty-seven or, in the case of a local authority whose financial year commences on some other day in the month of May or June, for the financial year commencing on that day in the year nineteen hundred and forty-seven and for every financial year thereafter shall be subject to audit in accordance with the provisions of this Part of this Act.

(2) References in this Part of this Act to the accounts of a local authority shall include references to the accounts of—

(*a*) any committee all the members of which, other than any ex officio members, are appointed by the authority; and

(*b*) the trustees for any charity, foundation, mortification or other purpose, where the authority or some members of the authority as such or, in the case of the town council of a burgh, the magistrates of the burgh or some of them are the sole trustees for the charity, foundation, mortification or other purpose, and any provision of the trust deed or other document regulating the charity, foundation, mortification or other purpose relating to audit of accounts shall cease to have effect.

Appointment of auditors.

197.—(1) The Secretary of State shall from time to time and for such period as he may determine appoint a fit person (in this Act referred to as "the auditor") to audit the accounts of each local authority, and may remove any auditor, and shall cause intimation of the appointment of the auditor to be given to the local authority concerned and to the auditor as soon as may be after he is appointed:

Provided that the auditors of the accounts in the case of the city of Glasgow shall not be fewer than twenty except with the consent of the town council, and the tenure of office of such auditors shall be not less than five years from the date of appointment unless otherwise agreed with the council.

(2) The local authority shall pay to the auditor for his services such salary and allowances as shall be agreed upon between the authority and the auditor and approved by the Secretary of State or, failing such agreement or approval, as shall be fixed by the Secretary of State.

PART X. —*cont.* Production of books and documents.

198.—(1) Every local authority shall make available for inspection by the auditor all books and documents which he may deem necessary, and shall give the auditor every reasonable facility for carrying out the audit, and the auditor on giving not less than seven days' previous notice in writing may require any person holding any such books or documents or accountable therefor to appear before him and to produce the same and to make and sign a statutory declaration as to the correctness or identity of such books and documents.

(2) Any such person who neglects or refuses so to appear or to produce any such books or documents or to make or sign any such declaration shall be liable on summary conviction to a fine not exceeding two pounds in respect of each refusal or neglect.

Intimation of Audit and Right of Inspection of Abstract of Accounts by Ratepayers.

Intimation of audit.

199.—(1) Before each audit is completed the clerk of the local authority shall, after receiving from the auditor intimation of the times and places in this section mentioned, give at least fourteen days' notice in a newspaper circulating in the area of the authority or in such other manner as the Secretary of State may approve—

(*a*) of the deposit of the abstract of accounts required by the immediately succeeding section;

(*b*) of the name and address of the auditor;

(*c*) of the right of any ratepayer within the area of the authority to inspect the abstract of accounts during a period of seven days specified in the notice;

(*d*) of the time (being not less than two days after the expiration of the said period of seven days) by which objections may be lodged with the auditor; and

(*e*) of the time (being not less than two days after the time specified under paragraph (*d*) hereof) and the place (which shall be reasonably convenient to the ratepayers) at which the auditor will attend for the purpose of hearing objections with respect to the accounts.

(2) If the clerk of a local authority fails to give notice in accordance with the provisions of the preceding subsection, the auditor, after fixing other times for the purposes mentioned in the said subsection, may himself give the notice required by the said subsection, and the authority shall reimburse the auditor for the expenses incurred by him in giving such notice.

PART X. —*cont.*

Deposit of abstract of accounts for inspection by ratepayers.

200.—(1) An abstract in duplicate of the accounts of the local authority which shall be in such form and shall be made up, balanced and signed in such manner as the Secretary of State may prescribe shall be deposited in the office of the authority and be open between the hours of eleven forenoon and three afternoon on any week day other than Saturday and between the hours of eleven forenoon and one afternoon on Saturday to the inspection of all ratepayers within the area of the authority for the period of seven days specified in the notice mentioned in the immediately preceding section, and all such ratepayers shall be at liberty to take copies of or extracts from the same without payment of any fee, and any officer of the authority duly appointed in that behalf refusing to allow inspection thereof shall be liable on summary conviction to a fine not exceeding five pounds.

(2) Any such ratepayer may make any objection to such accounts or any part thereof and shall transmit the same and the grounds thereof in writing to the auditor and a copy thereof to the officer concerned and to the clerk of the local authority by the time specified for the purpose in the notice mentioned in the immediately preceding section, and any such ratepayer may be present at the time and place specified in the said notice as the time and place for the auditor hearing objections and may support any objection made by him as hereinbefore provided either by himself or by any other ratepayer, and the auditor if so requested shall at the same time hear any representation which may be made to him on behalf of the authority or officer concerned in regard to such objection.

Reports by Auditor and Surcharge, &c.

Power of Secretary of State to disallow illegal payments and surcharge on interim report of auditor.

201.—(1) If it shall appear to any auditor acting in pursuance of this Part of this Act—

(*a*) that any payment is in his opinion contrary to law; or

(*b*) that any sum which in his opinion ought to have been is not brought into account by any person; or

(*c*) that any loss or deficiency has been incurred owing to the negligence or misconduct of any person,

whether such payment or failure to bring into account or loss or deficiency has been made matter of objection or not, he shall by an interim report under his hand report thereon to the Secretary of State setting forth the grounds of his opinion as aforesaid, and the Secretary of State shall cause such interim report to be intimated to the objector, if any, to the officer or other person affected thereby and to the local authority concerned, and shall consider any statement in writing which may

PART X. —*cont.*

be made to him thereon within fourteen days of the date of such intimation by or on behalf of any person to whom such intimation has been given, and after such further inquiry, if any, as he may think fit the Secretary of State shall decide all questions raised by such interim report and shall—

(i) disallow any illegal payment and surcharge the amount thereof upon any person making the payment or authorising the payment to be made; or

(ii) surcharge the amount of any sum which has not been duly brought into account upon any person by whom or by whose authority that sum has not been brought into account; or

(iii) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred:

Provided that—

(*a*) before deciding any question raised by an interim report the Secretary of State may, on the application of the auditor or of any party to whom the interim report requires to be intimated as aforesaid, and shall, if so directed by the Court of Session, state a case on any question of law arising on the interim report for the opinion of the Court of Session;

(*b*) a surcharge shall not be made under this section upon an officer of a local authority by reason only of his signing a cheque or order in respect of any illegal payment, if he satisfies the Secretary of State that before signing the cheque or order he advised the authority in writing that in his opinion the payment was illegal;

(*c*) a surcharge shall not be made under this section upon a member of a county council or town council by reason only of his signing a cheque or order in respect of any illegal payment, if he satisfies the Secretary of State that the payment was made in pursuance of an order of the finance committee of the council in accordance with the provisions of Part IX of this Act, and that before he signed the cheque or order the council had not been advised by any officer of the council that in the opinion of the officer the payment was illegal;

(*d*) before making any surcharge in respect of a loss or deficiency due to negligence, the Secretary of State may, and shall, if requested by the auditor or by any of the parties to whom the interim report has been intimated, direct a local inquiry to be held and shall consider the report of the person holding the inquiry;

(*e*) if the Secretary of State is satisfied that any person against whom a surcharge might be made under this subsection acted reasonably or in the belief that his action was authorised by law, or that the act or omission which might have involved such a surcharge took place in such circumstances as to make it fair and equitable that a disallowance or surcharge should not be made, the Secretary of State shall abstain from making a disallowance or surcharge.

(2) The Secretary of State shall cause intimation to be given to the auditor of his decision under this section and of the date on which the decision has been intimated to the persons concerned.

(3) Every sum determined by the Secretary of State under this section to be due from any person shall be paid by such person to the local authority within fourteen days after the decision of the Secretary of State has been intimated to him, and if such sum is not so paid it shall be the duty of the auditor by whom the interim report was made or such other person as the Secretary of State may appoint for the purpose to recover such sum and if need be to institute proceedings for payment of the same to himself on behalf of the authority, and the authority shall reimburse the auditor or other person for his expenses (including a reasonable allowance for his trouble) in so far as not recovered from the person surcharged.

Power of Secretary of State to require rectification of accounts.

202.—(1) If it shall appear to any auditor acting in pursuance of this Part of this Act that any sum which in his opinion ought to have been credited or debited to one account of the local authority has been credited or, as the case may be, debited to another account of the authority, he shall, by an interim report under his hand, report thereon to the Secretary of State setting forth the grounds of his opinion as aforesaid, and the Secretary of State shall cause such interim report to be intimated to the authority, and shall consider any statement in writing by the authority which may be made to him thereon within fourteen days of the date of such intimation, and after such further inquiry, if any, as he may think fit, the Secretary of State shall decide all questions raised by such interim report and shall give directions to the authority to make such rectification of their accounts as seems necessary, and the authority shall forthwith give effect to such directions.

(2) The Secretary of State shall cause intimation to be given to the auditor of his decision under this section.

Auditor's report on accounts.

203.—(1) Within fourteen days after the completion of the audit the auditor shall, subject in a case where he has made an interim report to a reservation as to the question raised

PART X. —*cont.*

thereunder, report on the accounts audited and on the matters prescribed by the Secretary of State under section two hundred and seven of this Act, and shall certify on each duplicate abstract of the accounts the amount in words at length of the expenditure so audited and allowed and whether all the provisions under any enactment or statutory order with respect to the accounts have been complied with and whether he has ascertained by the audit the correctness of the accounts.

(2) The auditor shall forthwith send one duplicate abstract of the accounts to the local authority and the other duplicate abstract to the Secretary of State.

(3) In the case of a county council and of a town council of a county of a city, the auditor shall also forthwith send to the accountant within the meaning of the Education (Scotland) Act, 1946, a copy of the abstract of the accounts relating to education with a report and certificate thereon as aforesaid.

Abstract of audited accounts and auditor's report to be open to public inspection.

204. The local authority shall, within fourteen days of receiving from the auditor the certified duplicate abstract of accounts, cause the same together with the auditor's report on the accounts or a copy thereof to be deposited in their office for inspection free of charge by ratepayers within the area of the authority for at least fourteen days and a notice to be published once weekly for at least two successive weeks in a newspaper circulating in the area of the authority of the place at which and the time during which the said abstract and report shall be open to the inspection of all such ratepayers. The first notice shall be published before the commencement of the said period of at least fourteen days.

Notice of surcharge, of rectification of accounts or of auditor's report on accounts.

205. The Secretary of State may require a local authority to cause such public notice as he may direct to be given of any surcharge made by him or any rectification of accounts required by him or of any report by the auditor (other than an interim report) under this Act, and in case of default in such publication the Secretary of State may cause such notice to be given, and the cost of such notice to the amount certified by the Secretary of State shall be a debt due from the authority to the Crown, and the clerk of the authority shall in case of such default in such publication be liable on summary conviction to a fine not exceeding twenty pounds.

General.

Audit of accounts of joint committees and joint boards.

206. The provisions of this Part of this Act shall, subject to the necessary modifications, apply to the accounts of a joint committee and of a joint board in like manner as they apply to the accounts of a local authority, and any provisions relating to audit (so far as inconsistent herewith) contained in

any enactment or statutory order with respect to such joint committee or joint board passed or made before the commencement of this Act shall cease to have effect. PART X. —*cont.*

Regulations as to audit.

207. The Secretary of State may make regulations prescribing the manner in which the audit of the accounts of a local authority shall be conducted by the auditor and the matters with respect to the accounts, the accounting arrangements of the authority and the repayment of moneys borrowed by the authority upon which the auditor shall report, and any such regulations may, in the case of a particular local authority or class of local authority where it appears to the Secretary of State expedient so to do, vary the procedure and the times and periods specified in this Part of this Act.

Saving and interpretation.

208.—(1) Nothing in this Part of this Act shall affect the provisions of section seventy-four of the Education (Scotland) Act, 1946 (which relates to the examination of accounts relating to education).

(2) For the purposes of this Part of this Act a ratepayer within a burgh shall be deemed to be a ratepayer within the county, as respects the accounts of a county council relating to a function which the county council are entitled to exercise or a service which they provide within the burgh.

(3) In this Part of this Act the expression "books and documents" shall include all books, deeds, contracts, vouchers, accounts, receipts and other documents and papers.

PART XI.

LEVY AND COLLECTION OF RATES BY RATING AUTHORITIES AND REQUISITIONS FOR PAYMENT BY OTHER LOCAL AUTHORITIES.

Rating Authorities and Requisitioning Authorities and General Duties.

Rating authorities.

209. The local authority for the purpose of levying rates to meet expenditure on the functions of the authority or of any other local authority under any public general Act shall be—

(*a*) in the case of the landward area of a county, the county council; and

(*b*) in the case of a burgh, the town council thereof;

and the county council and town council as regards the respective areas aforesaid are in this Part of this Act referred to as "rating authorities."

PART XI. —*cont.*

Requisitioning authorities.

210. A local authority, not being the rating authority for the area, exercising any function under any public general Act within that area shall not levy rates within that area to meet expenditure on any such function but shall issue to the rating authority of that area a requisition for payment and shall receive payment from that authority in accordance with the provisions of this Part of this Act. Such an authority issuing a requisition is in this Part of this Act referred to as a " requisitioning authority."

Expenses of local authority under public general Acts to be defrayed out of rates or sums requisitioned.

211. The expenses of a local authority in exercising functions under any public general Act, so far as not met otherwise, shall if and so far as the authority are a rating authority, be defrayed out of rates levied under this Part of this Act, and if and so far as the authority are a requisitioning authority, be defrayed out of sums requisitioned under this Part of this Act:

Provided that in the case of functions relating to public utility undertakings this section shall apply so far only as any enactment or statutory order relating to such undertakings so provides.

Duty of local authority to levy sufficient rates or issue sufficient requisition.

212.—(1) It shall be the duty of every rating authority to levy such rates as will provide sufficient funds to meet such part of the total estimated expenditure to be incurred by the authority during the financial year in respect of which the rate is levied (after taking account of any balance or estimated balance at the end of the last financial year) as is to be met out of moneys raised by rates (including in that expenditure any sums payable to any other local authority under requisitions issued by that authority), together with such additional amount as is in the opinion of the rating authority required to cover expenditure previously incurred or to meet contingencies so far as the same fall to be met out of rates.

(2) It shall be the duty of every requisitioning authority to issue to the rating authority a requisition for payment of such sum as will provide sufficient funds to meet such part of the total estimated expenditure to be incurred by the requisitioning authority during the financial year in respect of which the requisition is issued (after taking account of any balance or estimated balance at the end of the last financial year) as is to be met out of moneys raised by rates levied by the rating authority and out of grants payable to the rating authority under Part III of the Local Government (Scotland) Act, 1929, so far as such grants, if any, are properly applicable to such expenditure, together with such additional amount as is in the opinion of the requisitioning authority required to cover expenditure previously incurred or to meet contingencies so far as the same fall to be met out of rates and out of such grants.

PART XI. —*cont.*

(3) In levying a rate or issuing a requisition for the purposes of this section, account shall be taken only of expenditure to which such rate or the sum in such requisition is properly applicable, and in taking account of any balance or any expenditure previously incurred for the purposes of this section, due regard shall be had to the incidence of the rate to which such balance or expenditure properly relates.

Sums to be raised by rates to be ascertained by reference to expenditure on functions within area to which functions relate.

213. Such sums as are required to be raised by rates, whether by the local authority incurring the expenditure or by some other local authority on the requisition of that authority, for the purpose of defraying expenditure on a function of the authority shall be ascertained by reference to the expenditure of the authority in discharging the function throughout the area to which the function relates.

Requisitions.

Requisitions by county council to town councils of burghs.

214.—(1) For the purpose of ascertaining the sums payable by the town councils of burghs within a county in respect of the expenditure by the county council on functions for which the burghs are included within the county and securing payment of such sums, the provisions of this section shall have effect subject to the provisions of section two hundred and eighteen of this Act.

(2) The expenditure of a county council for each purpose for which a burgh is included within the county after taking account of all sums due to be received by the county council in respect thereof (other than sums raised by rate or by requisition) shall be apportioned and allocated as between each burgh and the landward area of the county according to the rateable valuation in the valuation roll of the respective areas.

(3) In ascertaining the expenditure to be apportioned in the case of a large burgh, no account shall be taken of any grants payable to the county council under Part III of the Local Government (Scotland) Act, 1929, but in ascertaining the expenditure to be apportioned in the case of a small burgh account shall be taken of such grants so far as those grants are properly applicable to such expenditure.

(4) The county council shall annually and not later than the fifteenth day of July in each year cause a requisition in respect of the financial year then current to be sent to the town council of each burgh within the county requiring them to pay the sum apportioned and allocated to the burgh as aforesaid, subject to any adjustment required by subsection (6) of this section, and the town council shall, at such intervals

PART XI. —*cont.*

and by such instalments as they and the county council agree and failing agreement as the Secretary of State may determine, pay over to the county council the sum so requisitioned without any deduction whatever, so however that the last instalment shall be payable not later than the first day of May first occurring after the date of the requisition.

(5) The contribution payable in respect of a burgh ascertained as aforesaid shall, except in so far as provided out of the common good or other revenues of the burgh including grants under Part III of the said Act of 1929, be defrayed by the town council as part of such branch or branches of expenditure as the council determine, being a branch or branches of expenditure defrayed out of the burgh rate so far as payable by owners and occupiers in equal proportions:

Provided that such contribution so far as relating to the expenditure of the county council on police shall, where the same was, in accordance with the provisions of section twenty-two of the said Act of 1929, payable out of a rate payable by occupiers only, be defrayed as part of such branch or branches of expenditure as the council determine, being a branch or branches of expenditure defrayed out of the burgh rate so far as payable by occupiers only.

(6) A county council in making a requisition for a financial year shall take account of any adjustment that may be required with respect to the requisition for the immediately preceding financial year.

(7) A requisition for the purposes of this section shall be in such form as may be prescribed.

Requisition by district council to county council.

215.—(1) For the purpose of defraying the expenses of a district council on the functions vested in the council by this Act or any other enactment or any statutory order so far as not met otherwise, the council shall annually and not later than the first day of July in each year cause a requisition to be sent to the county council requiring that council to pay to the district council the sum specified in the requisition, so however that the county council shall not in any year be required to pay over to the district council any sum in excess of the produce of the maximum amount per pound of the district council rate according to the limit imposed by section two hundred and twenty-six of this Act together with any grant under Part III of the Local Government (Scotland) Act, 1929, that may be properly applicable and after account has been taken of any balance in the hands of the county council in respect of the district council rate levied in a previous year or any overpayment to the district council in a previous year.

(2) Subject to the provisions of the preceding subsection, the county council shall, from time to time as they collect the rate and at such intervals as they and the district council agree and failing agreement as the Secretary of State may determine, pay over to the district council the sum requisitioned as aforesaid without any deduction whatever, so however that the last instalment shall be payable not later than the first day of May first occurring after the date of the requisition.

Requisitions by joint committees and joint boards.

216. Every joint committee or joint board the expenses of which are defrayed in whole or in part by the local authorities concerned shall, notwithstanding anything in any enactment, order or agreement, as early in the financial year as may be agreed upon between the authorities concerned and in any case not later than the first day of July, cause a requisition to be sent to each of the authorities concerned requiring the authority to pay to the joint committee or joint board the sum specified in the requisition, being the authority's proportion of the expenses of the joint committee or joint board; and the authority shall, at such intervals and by such instalments as the authorities concerned agree and, failing agreement, as the Secretary of State may determine, pay over to the joint committee or joint board the sum so requisitioned, so far as payable by the authority, without any deduction whatever, so however that the last instalment shall be payable not later than the first day of May in the year first occurring after the date of the requisition, and any provisions contained in any enactment or statutory order inconsistent with this subsection shall cease to have effect.

Certification of valuation for apportionment of expenditure for rating purposes.

217.—(1) For the purpose of enabling a county council to apportion and allocate expenditure under section two hundred and fourteen of this Act, the town clerk of every large burgh within the county shall as soon as the valuation roll of the burgh has been authenticated under the Valuation Acts, furnish free of charge to the county clerk a certificate of the rateable valuation of the burgh.

(2) For the purpose of enabling any local authority or any joint committee or joint board or other authority to apportion and allocate expenditure under the provisions of any enactment, agreement, order or otherwise among two or more local authorities according to the rateable valuation or the gross annual valuation of the respective areas of the authorities, the clerk of the local authority responsible for the making up of the valuation roll relating to the areas of the said local authorities or any part thereof shall on request and free of charge furnish to the clerk of any such local authority or joint committee or joint board or other authority concerned a certificate of the rateable valuation or the gross annual valuation, as the case may be, of each of the areas so far as included in the valuation roll.

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Apportionment of expenditure for rating purposes to be on basis of valuation roll for previous year.

218.—(1) For the purpose of allocating and apportioning expenditure in respect of a year under section two hundred and fourteen of this Act according to the rateable valuation in the valuation roll of each of the areas of the local authorities concerned, the valuation roll shall be the valuation roll for the year corresponding to or as nearly as may be to the preceding financial year of the rating authorities, with such adjustments on the basis of the valuation roll for that year as may be necessary to take account of any alteration in the boundaries of the area of any of the authorities concerned to which effect has been given or is being given in the valuation roll for the year current.

For the purposes of this subsection the valuation roll shall not include a supplementary valuation roll made up under section sixty of the Burgh Police (Scotland) Act, 1903, or the corresponding provision of any local Act.

(2) The provisions of the foregoing subsection shall, subject to any necessary modifications, apply with respect to the apportionment under any other enactment or any statutory order or any agreement of annual expenditure between two or more local authorities according to the rateable valuations or the gross annual valuations of the areas of the local authorities in the valuation roll, unless such enactment, order or agreement specifically provides otherwise.

Provisions for securing payment of sums in requisition.

219.—(1) Where in pursuance of a requisition issued after the commencement of this Act by a local authority or a joint committee or a joint board, whether under this Act or any other enactment or any statutory order, an amount is payable by a rating authority to the authority, committee or board issuing the requisition and the Secretary of State is satisfied, on an application by the authority, committee or board issuing the requisition made after twenty-one days' notice to the rating authority and after giving the rating authority an opportunity to submit to him representations, that the rating authority have refused or have through wilful neglect or wilful default failed to raise that amount by rate, or that having raised the amount by rate the rating authority have refused or have through wilful neglect or wilful default failed to pay the amount due under the requisition, the Secretary of State may issue a certificate to that effect, and thereupon the authority, committee or board issuing the requisition may present a petition to the Court of Session for the appointment of a judicial factor, and the Court may, if they think fit, appoint a judicial factor.

(2) Subject to the directions of the Court, the judicial factor shall have all the powers competent to the rating authority or any officer of that authority in connection with levying

rates and collecting and recovering sums due to that authority in respect of rates and any other sums whatsoever due to that authority and such other powers and duties as the Court think fit, and shall apply all moneys so collected and received by him, after payment of expenses and costs including a proper remuneration for his trouble, in satisfying the amount payable under the requisition, and shall account to the rating authority for the balance, if any, remaining after making the said payments.

(3) The judicial factor shall have such access to and use of the books and documents of the rating authority as he may require.

(4) The powers of this section shall be in addition to and not in derogation of any other powers for enforcing compliance with a requisition issued to a rating authority.

General Provisions as to Rates.

Rates to be levied for financial year of rating authority.

220. Subject to the provisions of any local Act, every rate levied by a rating authority shall be levied for the financial year of the authority, and for this purpose the valuation roll for the year commencing on the sixteenth day of May and ending on the fifteenth day of May in the year immediately following shall be applicable to the financial year corresponding thereto or as nearly as may be thereto as if the rate were levied for the year for which the valuation roll is made up.

Rates to be levied on lands and heritages according to rateable value in valuation roll.

221. Subject to the provisions of this Act or any other enactment relating to total or partial exemption from any rate, and subject also to the provisions of this Part of this Act relating to rates in respect of lands and heritages included in a supplementary valuation roll, every rate levied by a rating authority shall be levied in respect of all lands and heritages within the area to which the rate relates according to the rateable value of the lands and heritages as appearing in the valuation roll for the year corresponding to or as nearly as may be to the year for which the rate is levied.

Incidence of rates between owners and occupiers.

222. Save as otherwise provided with respect to any rate in this Act or any other enactment, every rate levied shall be payable by owners and occupiers in equal proportions.

Uniform rates.

223. Save as otherwise provided in this Act or any other enactment, every rate levied upon owners of lands and heritages within the area to which the rate relates shall be at a uniform amount per pound, and every rate levied upon occupiers of lands and heritages within the area to which the rate relates shall be at a uniform amount per pound:

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Provided that where in any burgh under any enactment in force on the fifteenth day of May eighteen hundred and ninety-three a rate of a higher amount per pound was then in use to be levied in respect of lands and heritages above a certain fixed rent or gross annual value than in respect of other lands and heritages, such enactment shall continue to have effect, but that only so long as the town council think proper.

Levy of Rates.

County rate and burgh rate.

224.—(1) Every rating authority shall—

(*a*) for the purpose of defraying, so far as not met otherwise, all expenditure of the authority on functions (other than functions with respect to public utility undertakings) under this Act or any other enactment or any statutory order relating to the whole area of the authority (including any sum required to be raised from rates relating to the whole area of the authority to meet a requisition); and

(*b*) for the purpose of defraying, so far as properly payable out of rates relating to the whole area of the authority, expenditure of the authority on functions with respect to public utility undertakings;

levy a rate which shall be known, in the case of a county council, as the county rate, and, in the case of a town council, as the burgh rate, and separate rates shall not be levied in respect of expenditure on separate functions of the rating authority or any other local authority relating to the whole area of the rating authority:

Provided that—

(i) except so far as the Secretary of State may by order so direct or as is provided in a local Act, this subsection shall not apply with respect to expenditure falling to be defrayed out of water rates leviable under the provisions of a local Act, which water rates shall be leviable as separate rates;

(ii) where by any enactment passed before the sixteenth day of May, nineteen hundred and thirty, provision is made in the case of lands and heritages for a total or partial exemption from any rate then in use to be levied for the purpose of defraying such expenditure as is included in the rate under this subsection, the Secretary of State may, on the application of the rating authority or of any person interested, by order provide that in lieu of such exemption such portion only of the rate under this subsection as is specified in the order shall be leviable in respect of the said lands and heritages, and such enactment shall have effect subject to the provisions of any such order;

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(iii) where an order has been made by the Secretary of State under subsection (1) of section nineteen of the Local Government (Scotland) Act, 1929, providing that such portion only of the consolidated rate under that subsection as is specified in the order shall be leviable in respect of the lands and heritages therein mentioned, that portion only of the rate under this subsection shall be leviable in respect of the said lands and heritages; and

(iv) where any enactment passed on or after the sixteenth day of May, nineteen hundred and thirty, provides that such portion only of the consolidated rate under subsection (1) of section nineteen of the said Act of 1929, or under any corresponding provision of a local Act as is specified in the enactment, shall be leviable in respect of the lands and heritages therein mentioned, that portion only of the rate under this subsection shall be leviable in respect of the said lands and heritages.

(2) Such portion of the burgh rate as is levied to defray the expenditure (so far as not met otherwise) set out in the Fifth Schedule to this Act shall be payable by occupiers only, except as otherwise provided in a local Act and except where immediately before the commencement of this Act the said portion of the burgh rate was payable otherwise than by occupiers only by virtue of a resolution passed by the town council under subsection (4) of section three hundred and seventy-three of the Burgh Police (Scotland) Act, 1892, in which case the resolution shall continue to have effect for the period to which it relates, and such resolution may thereafter be renewed from time to time by the town council for a definite period, not exceeding at any one time five years, if passed by a majority of not less than two-thirds of the members of the council present and voting at a meeting specially called for the purpose.

Where immediately before the commencement of this Act a rate leviable under a local Act formed part of the consolidated rate of a burgh by virtue of an order under subsection (1) of section nineteen of the Local Government (Scotland) Act, 1929, or of a local Act, and such rate was in accordance with the provisions of the local Act payable by owners only, or by occupiers only, or by owners and occupiers otherwise than in equal proportions, the burgh rate, so far as relating to the expenditure corresponding to that in respect of which the rate under the local Act was leviable, shall be payable, as the case may be, by owners only, or by occupiers only, or by owners and occupiers in the same proportions as in the case of the said rate.

(3) Subject to the provisions of this section, any reference in any enactment or document passed or dated before the

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commencement of this Act to a rate levied to meet expenditure which under this section is to be defrayed out of the rate levied under this section shall be construed as a reference to the rate under this section so far as the same relates to such expenditure.

Special district rates.

225.—(1) For the purpose of defraying, so far as not met otherwise, the expenditure incurred in carrying out the purposes for which a special district has been formed under Part VII of this Act or under any enactment repealed by this Act, the county council shall levy a rate on all lands and heritages within the special district, which rate shall be called the special district water rate or special district sewer rate or other special district rate as the case may require:

Provided that the special district rates for purposes other than water supply and sewerage and sewage disposal shall not together exceed in any special district ninepence per pound, so however that if the produce of such rates is not sufficient to meet the expenditure for the said purposes bona fide incurred or contemplated in the district, the rates may be increased to such extent as may be approved by the Secretary of State.

(2) Subsection (4) of section two of the Orkney and Zetland Small Piers and Harbours Act, 1896, relating to the levying of a special district (pier and harbour) rate shall have effect as if the following proviso were substituted for the provisos to that subsection:

"Provided that such special district (pier and harbour) rate shall not exceed fifteen pence per pound."

District council rate.

226. For the purpose of meeting a requisition sent to a county council by a district council, the county council shall subject to the provisions of this Part of this Act levy within the district of the district council a rate called the "district council rate":

Provided that the district council rate in any district shall not in any year exceed the sum of one shilling per pound together with such sum per pound in addition to the said sum of one shilling as may be required to defray any expenditure which by virtue of any enactment is not to be taken account of in calculating the said limit of one shilling per pound.

Other rates required to be levied.

227. Every rating authority shall, for the purpose of defraying, so far as not met otherwise, any expenditure of the authority under any enactment or statutory order (including any sum required to be raised from rates to meet a requisition), not being expenditure to which any of the three immediately preceding sections applies, levy within the area to which the expenditure relates a rate for the purpose of meeting such expenditure:

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Provided that a rate shall be levied under this section in respect of expenditure for the purposes of any public utility undertaking only so far as such expenditure is properly payable out of rates.

Rates to be levied notwithstanding appeal under Valuation Acts.

228. If, at the time when any rates for the financial year then current are payable, an appeal under the Valuation Acts is then pending with respect to any lands and heritages, the rating authority may, notwithstanding anything in this Part of this Act, levy and recover such rates in respect of the said lands and heritages according to the rateable value thereof as appearing in the valuation roll for the year immediately preceding, so however that on the determination of the appeal the difference, if any, between the amount paid and the amount which would have been payable on the rateable value as so determined shall if an overpayment has been made be repaid by the rating authority, and if an underpayment has been made shall be collected and recovered by the rating authority as if it were arrears of rates due and payable to the rating authority.

Rates on lands and heritages in supplementary valuation roll.

229.—(1) Where a town council have caused to be prepared a supplementary valuation roll for the burgh under section sixty of the Burgh Police (Scotland) Act, 1903, the council shall be entitled to levy rates for all purposes in respect of lands and heritages included in the supplementary valuation roll in like manner as in respect of lands and heritages included in the principal valuation roll and shall fix the dates—

(*a*) for payment of the said rates;
(*b*) for lodging appeals against the said rates; and
(*c*) for hearing the said appeals.

(2) The provisions of the preceding subsection shall apply subject to any necessary modifications in the case of any rating authority having power to prepare a supplementary valuation roll for their area under the provisions of any local Act.

(3) In determining the amount of any valuation of lands and heritages included in any such supplementary valuation roll, account shall be taken of the period between the date specified in the roll as the date when the lands and heritages came into existence or occupancy and the term of Whitsunday next following, and section sixty of the Burgh Police (Scotland) Act, 1903, (so far as unrepealed) and any corresponding provision of a local Act shall have effect accordingly.

Amount per pound of rates to be determined by 31st October.

230. Every rating authority shall on or before the thirty-first day of October in each year determine the amount per pound in the case of the county rate or the burgh rate, as the case may be, and of each of any other rates required to be levied by the authority for the financial year then current.

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Payment of Rates.

Date and place of payment of rates.

231. Save as otherwise provided in this Part of this Act with respect to the payment of rates by instalments and to the levying of rates in respect of lands and heritages included in a supplementary valuation roll and save as otherwise provided in any local Act, all rates levied by a rating authority shall be payable at the office of the collector of the authority or at such other office as the authority may determine on such date not earlier than the first day of November in the financial year to which the rates relate as the authority may determine.

Payment of rates by instalments.

232.—(1) Notwithstanding anything in this Act or in any other enactment, a rating authority may on passing a resolution to that effect levy, collect and recover all or any of the rates leviable by the authority by instalments (not being more than four in number) of such amounts and payable on such dates as the authority shall fix at the time of determining the amount per pound of the rate, and the demand note shall in addition to the other particulars required state the date appointed for the payment of each instalment, and all powers, rights and remedies competent to the authority or to their officers for levying, collecting and recovering the rate shall apply to each of the instalments of the rate as if it were a separate rate:

Provided that—

(*a*) any person may elect to pay in one sum instead of by instalments;

(*b*) any person failing to make payment of the first instalment by the date on which that instalment is due shall forfeit the right to pay by instalments, and in the case of that person the rate shall be payable as if no such resolution as aforesaid had been passed by the authority; and

(*c*) nothing in this section shall affect the powers of a rating authority under the provisions of any local Act with respect to the levying, collecting or recovering of rates by instalments, and any such provision of any local Act shall apply to the rates levied by the rating authority under this Act.

(2) The rating authority may at any time revoke or alter any resolution under this section.

(3) Nothing in this section shall be deemed to prevent a rating authority from making arrangements with any ratepayer to make payments to the authority to account of rates at such times as may be agreed between the authority and the ratepayer.

Assessment Roll.

Assessment roll.

233.—(1) Every rating authority shall for the purpose of collecting any rate levied by the authority cause to be made

up a roll called the " assessment roll " showing the persons liable in the rate, the lands and heritages in respect of which the rate is payable by each such person, the rateable value of the lands and heritages and also the gross annual value thereof where it differs from the rateable value, in the case of each such person, and the amount payable by that person.

(2) The assessment roll may be made to apply to more than one rate.

(3) The assessment roll shall at all reasonable times during the period between the date on which the roll has been made up and the date appointed for the payment of the rate be open to inspection by any person interested in or liable to pay the rate to which the roll relates and by any officer of Inland Revenue, and any such person or officer may take extracts therefrom without payment of any fee, and any collector or other officer of the authority having custody of the roll who without reasonable cause refuses to allow such inspection to be made or extracts to be taken shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

(4) The rating authority shall have power at any time before the expiration of one year after the end of the year in respect of which the rate is levied to amend the assessment roll by inserting therein the name of any person who ought to have been entered therein as liable in the rate or who since the making of the roll has become so liable, or by striking out the name of any person who according to a written certificate by the assessor under the Valuation Acts ought not to have been so entered, or by correcting the amount of any value or rate which may have been inaccurately entered, and any such amendment shall not vitiate the rate or render it less operative.

(5) The production of the assessment roll shall alone and without any other evidence whatsoever be received as prima facie evidence of the making and validity of the rates therein mentioned.

Valuation roll to be made available for preparation of assessment roll.

234. The assessor under the Valuation Acts or other person for the time being in the actual possession of the valuation roll for the area to which any rate levied by a rating authority relates shall, for the purpose of enabling the assessment roll to be made up from the valuation roll and without making any charge, exhibit or give access to the valuation roll to the rating authority and the officers thereof.

For the purposes of this section the expression " valuation roll " includes a supplementary valuation roll made up under section sixty of the Burgh Police (Scotland) Act, 1903, or under any local Act.

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Rating authority may require owner to furnish statement of lets. 1 & 2 Geo. 5. c. 53.

235.—(1) Without prejudice to the provisions of subsections (4) and (5) of section seven of the House Letting and Rating (Scotland) Act, 1911, a rating authority may require an owner of lands and heritages within the area of the authority to furnish a written statement of the periods for which the lands and heritages are let to the respective tenants or occupiers thereof and of the rents for which the same are let, which statement the owner shall be bound to furnish within seven days of being required in writing so to do.

(2) Any owner of lands and heritages who fails without reasonable excuse to furnish such statement within the period aforesaid shall be liable on summary conviction to a penalty not exceeding ten pounds, and any such owner who furnishes or causes to be furnished any false statement as to the period of let or the rent for any of the said lands and heritages knowing the same to be false shall be liable on summary conviction to a penalty of twenty pounds.

Fractions of a penny of rates.

236. In calculating and collecting the amount payable by a ratepayer in respect of rates levied by a rating authority, any fractional part of a penny less than one halfpenny shall not be reckoned as part of the amount of such rates, and any fractional part of a penny amounting to or exceeding a halfpenny shall be reckoned in the amount of such rates as one penny.

Demand Note.

Demand note for rates.

237.—(1) Every rating authority shall as soon as practicable cause to be issued demand notes for payment of rates payable to the authority to every person liable in payment thereof.

(2) Every such demand note (other than a demand note issued in respect only of a second or later instalment of rates) shall contain information with respect to the following matters, that is to say—

(*a*) the situation of the lands and heritages in respect of which the demand note is issued and such description thereof as is reasonably necessary for the purpose of identification; and

(*b*) the rateable value of the lands and heritages and also the gross annual value thereof where it differs from the rateable value; and

(*c*) the date on which the rates are payable; and

(*d*) the period in respect of which the rates are levied; and

(*e*) the amount per pound in the case of each of the rates; and

(*f*) in the case of the county rate or the burgh rate, the amount of the expenditure under each of the branches prescribed by the Secretary of State which is being defrayed out of that rate and grants under Part III of the Local Government (Scotland) Act, 1929, showing separately the expenditure of the rating authority and the expenditure of any other authority issuing a requisition to the rating authority; and

(*g*) the manner in which and the time within which appeals may be made against the rates.

(3) The Secretary of State may prescribe the form of demand note for rates.

(4) So far as practicable every rating authority shall include in one demand note all the rates levied by the authority in respect of the same lands and heritages and payable by the person named in the demand note.

Appeals against Rates.

Appeals against rates.

238.—(1) Every rating authority shall fix a date on or before which any person may lodge with the officer of the authority designated for the purpose an appeal against the rates claimed from him on the ground that he is being improperly charged, and another date on which the appeals shall be heard by the rating authority or a committee thereof.

(2) The demand note shall contain a notice of the date by which appeals may be lodged and state the name or designation and the address of the officer with whom appeals may be lodged, and if the date for the hearing of appeals is not notified in the demand note, notice in writing thereof shall be given on behalf of the authority to the persons appealing.

(3) Every rating authority may if they think fit make rules with respect to the lodging and hearing of appeals under this section, so however that such rules shall not be inconsistent with the provisions of this Part of this Act.

(4) Nothing in this section shall be deemed to affect any right of appeal against rates competent to a person under a local Act.

Levy of Occupiers' Rates on Owner in Certain Cases.

Owner of subjects of or under £4 annual value in burghs to pay occupiers' rates.

239.—(1) The town council as rating authority of a burgh shall levy upon the owner of lands and heritages within the burgh let at the annual rent of or under four pounds (not being lands and heritages to which the House Letting and Rating (Scotland) Acts, 1911 and 1920, apply) in place of the occupiers thereof the occupiers' rates in respect of such lands and heritages, but shall allow to the owner a deduction from the occupiers' rates equal to two and one-half per centum thereof, and such rates shall be recoverable from the owner along with any penalty which may become exigible thereon

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in the same way as in the case of recovery from occupiers, and every such owner charged with and paying the occupiers' rates shall have relief against the occupiers of such lands and heritages for the full amount thereof without deduction so far as the rates are properly chargeable upon such occupier, and so far as the owner fails to recover the amount payable by the occupier he shall be entitled to repayment (under deduction of two and one-half per centum as aforesaid) from the authority upon lodging a claim on or before such date as may be fixed by the authority, without prejudice to the right of the authority to make adjustments with the owner in respect of any sum subsequently recovered by him in respect of such occupiers' rates.

(2) For the purposes of this and the next two succeeding sections, any sum recovered by an owner from an occupier in respect of rent or occupiers' rates shall be treated as relating proportionately to the sum due for rent and to the sum due for occupiers' rates.

Owner may be charged with occupiers' rates where subjects let for less than a year.

240. Without prejudice to the provisions of the House Letting and Rating (Scotland) Acts, 1911 and 1920, a rating authority may if they think fit levy upon the owner any occupiers' rate in respect of lands and heritages separately let for a shorter period than one year, but the authority shall allow to such owner a deduction from the occupiers' rate equal to two and one-half per centum thereof, and such occupiers' rate shall be recoverable from the owner along with any penalty which may become exigible thereon in the same way as in the case of recovery from occupiers, and every such owner charged with and paying occupiers' rates shall have relief against the occupiers of the lands and heritages for the full amount of the occupiers' rates without deduction corresponding to the period of occupancy, and so far as he fails to recover the amount payable by any such occupier, the owner shall be entitled to repayment (under deduction of two and one-half per centum as aforesaid) from the authority upon lodging a claim on or before a date fixed for the purpose by the authority, without prejudice to the right of the authority to make adjustments with the owner in respect of any sum subsequently recovered by him in respect of such occupiers' rates.

Rates on subjects not occupied by same occupier for whole year.

241. Without prejudice to the provisions of the House Letting and Rating (Scotland) Acts, 1911 and 1920, a rating authority may if they think fit, in the case of any lands and heritages (not being lands and heritages usually let for a period shorter than one year) which are not occupied by the same occupier for the whole year from the term of Whitsunday in one year to the term of Whitsunday in the year following, but are occupied for part of such year by a new occupier, levy upon the new occupier who occupies the lands and heritages for any part of the year, whether his name appears in the

valuation roll or not a proportion of the rate for that year corresponding to the period of his occupancy, and may if they think fit levy upon the owner of the lands and heritages the proportion of the rate, if any, corresponding to the period during which the lands and heritages were occupied during the said year by any other occupier, but the authority shall allow to such owner a deduction from the occupiers' rates equal to two and one-half per centum thereof, and such occupiers' rates shall be recoverable from the owner along with any penalty which may become exigible thereon in the same way as in the case of recovery from occupiers, and every such owner charged and paying occupiers' rates shall have relief against any such other occupiers for the full amount of the rates without deduction corresponding to the period of occupancy, and so far as he fails to recover the amount payable by any such other occupiers he shall be entitled to repayment (under deduction of two and one-half per centum as aforesaid) from the authority upon lodging a claim on or before a date to be fixed for the purpose by the authority, without prejudice to the right of the authority to make adjustments with the owner in respect of any sum subsequently recovered by him in respect of such occupiers' rates.

Relief of Rates as between Occupiers.

Outgoing occupier to have right of relief for rates against incoming occupier.

242. An outgoing occupier removing from any lands and heritages during the currency of a year for which he has paid the occupiers' rates in respect of the said lands and heritages levied by the rating authority shall have a right of relief against the incoming occupier for the proportion of the said rates applicable to the period of the year remaining unexpired at the entry of the incoming occupier.

Exemptions from Payment of Rates.

Occupiers' rates not to be levied in respect of unlet and unoccupied subjects.

243.—(1) Save as otherwise provided in a local Act, the occupiers' portion of any rate levied by the rating authority shall not be payable in respect of lands and heritages if the lands and heritages are unlet, unoccupied and unfurnished throughout the whole of the year from Whitsunday to Whitsunday corresponding to or as nearly as may be to the period for which the rate is levied or, in the case of lands and heritages included in a supplementary valuation roll, throughout the whole of the period mentioned in subsection (3) of section two hundred and twenty-nine of this Act.

(2) Where lands and heritages are unlet, unoccupied and unfurnished for a continuous period of not less than three months in a year from Whitsunday to Whitsunday corresponding to or as nearly as may be to the financial year, the rating authority may if they think fit grant a remission of

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the occupiers' rates in respect of such lands and heritages for that year to an extent corresponding to the proportion which the period during which the lands and heritages are unlet, unoccupied and unfurnished bears to the whole year.

Remission of rates on account of poverty.

244. Every rating authority may, on the application of any person liable in payment of any rate levied by the authority, relieve in whole or in part that person from payment of the rate on the ground of poverty or inability to pay.

Town council of burgh may exempt from rates for definite period lands newly included within burgh boundary.

245. It shall be lawful for the town council of a burgh, on passing a resolution to that effect at a meeting of the council after one month's previous notice of the resolution has been given, to grant a total or partial exemption for a definite period (not exceeding ten years) from any rates payable to the council in respect of lands and heritages on the ground that such lands and heritages have recently been or are about to be included within the boundaries of the burgh under this Act or under any enactment repealed by this Act.

Expenses.

Expenses of levying and collecting rates.

246. The expenses incurred by a rating authority in connection with levying, collecting and recovering and paying over all rates levied and collected by them shall be defrayed as part of such branch or branches of expenditure as the authority may determine, so however that in the case of a county council the branch or branches shall be a branch or branches of expenditure relating exclusively to the landward area, and in the case of a town council the branch or branches shall be a branch or branches of expenditure defrayed out of the burgh rate so far as payable by owners and occupiers in equal proportions.

Recovery and Priority of Rates.

Recovery of rates.

247.—(1) Without prejudice to any other remedies for the recovery of rates it shall be competent to a rating authority, whether or not a warrant has been obtained under the immediately succeeding subsection, to recover any rates in arrear according to the ordinary procedure for recovery of debts before any competent court:

Provided that where any such warrant has been obtained, proceedings under this subsection shall be competent only if the warrant has not been put in force as respects the person against whom proceedings under this subsection are being taken, and decree shall not be given in any proceedings under this subsection unless the summary warrant is abandoned as respects that person.

(2) Upon a petition by the collector of rates of a rating authority containing a certificate by the collector that he has given to each person who has not paid the rates due by him a notice requiring him to make payment of the amount due by him within fourteen days thereafter, that the said period has expired and that the said amount or a part thereof is still due and unpaid, the sheriff shall grant a summary warrant for recovery of the rates so far as due and unpaid, with the addition in each case of ten per centum of the sum due and unpaid, by poinding and shall authorise—

(*a*) officers of court to enter into the house, place of business or other premises in the occupancy of any such person in arrear and to poind, seize, remove or secure any goods and effects therein belonging to or in the lawful possession of such person or so much thereof as shall satisfy the arrears of rates due by him with the said addition of ten per centum; and

(*b*) officers of court or a licensed auctioneer after the lapse of four days, in the event of the non-payment of the said arrears and addition and the expenses incurred, to sell and dispose of the said goods and effects by public auction on three days' notice and pay over to the collector the price after defraying the expenses of and incidental to the sale and the expenses, if any, of preserving the goods and effects, including the maintenance of cattle or other animals until redemption or sale:

and the collector shall apply the sum so paid over in payment of the said arrears and the said addition of ten per centum and account for the balance, if any, to such person:

Provided that no such warrant shall be granted in the case of a person against whom the rating authority have previously obtained a decree for the rates unpaid in any other competent proceedings.

(3) Every such warrant shall also decern and ordain instant execution by arrestment.

(4) The collector shall for a period of three months after the date of every such sale preserve evidence of the amount of the proceeds and the disposal thereof.

(5) Where goods or effects sufficient for the payment of the rate cannot be found to be poinded, it shall be lawful for the sheriff, subject to the provisions of section five of the Civil Imprisonment (Scotland) Act, 1882, by warrant to commit the defaulter to prison, there to be kept without bail until payment is made or security for payment is given. 45 & 46 Vict. c. 42.

PART XI. —*cont.*

(6) In any proceedings for the recovery of rates no person shall be entitled to found upon failure of the rating authority or any other authority to comply with any provision of this Act relating to the date by which something shall be done.

Priority of claim for rates over other claims

248.—(1) No moveable goods and effects belonging to any person at the time any rates levied by a rating authority became in arrear or were payable by him shall be liable to be taken by virtue of poinding, sequestration or diligence or by any assignation, unless the person proceeding to take the goods and effects pays to the rating authority the rates in arrear or payable or so much thereof as represent the rates for one whole year.

(2) If the rates in arrear or the rates for one whole year, as the case may be, are not so paid, such rates shall, notwithstanding that the goods and effects have been so taken as aforesaid, be recoverable as provided in the immediately preceding section.

Appeal against proceedings under warrant.

249.—(1) The owner of any goods and effects which have been poinded or sold under a warrant granted under this Part of this Act who feels aggrieved by the proceedings in connection with such poinding and sale may present an application to the sheriff who shall hear and determine summarily the dispute or claim of damages raised by the application.

(2) Save as aforesaid, any warrant granted under this Part of this Act or any proceedings under such a warrant shall not be questioned in any legal proceedings whatsoever.

Recovery of rates from persons removing.

250.—(*a*) If at any time before the amount per pound of the rates for the financial year then current has been determined by the rating authority a person liable in payment of rates to the authority removes or is about to remove from any lands and heritages, the collector of the rating authority may by written demand require such person to pay such a sum as may be specified in the demand in respect of the rates for the year then current, not exceeding a sum equal to the amount of rates levied by the rating authority in respect of the lands and heritages for the immediately preceding year, and if such person fails to pay the sum in accordance with the demand; or

(*b*) if at any time after the amount per pound of the rates for the financial year has been determined and the rates levied by the rating authority, whether before or after the date on which the rates are payable, a person liable in payment of rates to the authority removes or is about to remove from any lands and heritages and has not paid the rates in respect thereof on a demand therefor in writing by the collector of the rating authority;

PART XI. —*cont.*

the sheriff, on the application of the collector of the authority and without any previous notice to such person shall, if satisfied of the removal or intended removal or that there is reason to suspect such removal, grant warrant to officers of court to poind the goods and effects found on the said lands and heritages and sell the same and pay over to the collector of the authority the proceeds after deducting the reasonable expenses attending such poinding and sale, the collector applying the sum so paid over in payment—

(i) in the case of a person to whom paragraph (*a*) hereof applies, of the sum specified in the demand; and

(ii) in the case of a person to whom paragraph (*b*) hereof applies, of the rates specified in the demand;

together with the reasonable expenses of the proceedings, and accounting for the balance, if any, to the owner of the goods and effects:

Provided that nothing in this section shall be deemed to affect the right of the rating authority to recover from any other person who may be liable any rates in respect of the said lands and heritages after taking account of any sums recovered under this section.

Rates recoverable beyond area of rating authority.

251. If any person liable in payment of any rates removes to any place beyond the area of the rating authority, it shall nevertheless be lawful for the rating authority and their collector or other officers to put into execution any decree and warrant granted for the recovery of such rates in manner before mentioned in this Part of this Act within or beyond the area of the authority in the same manner as if such person had continued to reside within that area, such decree or warrant being first endorsed by the sheriff of the county within which such decree or warrant is to be put into execution.

Application of recovery provisions of Act to private improvement expenses.

252. The provisions of this Part of this Act relating to the recovery and priority of rates shall apply to private improvement expenses under the Burgh Police Acts or under the corresponding provisions of any local Act, whether such expenses are recoverable by a town council or as respects a classified road within a small burgh by a county council, but subject to any necessary modifications and so far as not inconsistent with the provisions of the said Acts.

Misnomers, &c. not to affect proceedings for recovery of rates.

253.—(1) No misnomer or inaccurate description of any person or place, or mistake or informality in any roll, demand note or other document in relation to the levying or collecting of rates or any charge or expenses under the Burgh Police Acts or under the corresponding provisions of any local Act or in any proceedings for the recovery of such rates, charges

PART XI. —*cont.*

or expenses shall prejudice the recovery thereof; nor shall any proceedings for or in connection with the recovery of any such rates, charges or expenses or in the execution of a warrant relating thereto be questioned in any legal proceedings by reason of any such misnomer, inaccurate description, mistake or informality.

(2) No proceedings for the recovery of any such rates, charges or expenses shall lapse or abate by the death, resignation or removal from office of the collector instituting the same, but it shall be lawful for the collector of the rating or other local authority for the time to prosecute and follow forth proceedings commenced and carried on in the name of any previous collector in all respects as if such proceedings had been taken by himself.

Miscellaneous.

Application of Part XI of Act to all rates levied by rating authority.

254. The provisions of this Part of this Act shall, save as otherwise expressly provided, apply to all rates levied by a rating authority whether under this Part of this Act or any other enactment, but subject always, as respects rates levied under any other enactment, to any provisions of that enactment inconsistent with the provisions hereof.

Application of certain provisions to other authorities having power to levy rates.

255. Without prejudice to any other provisions of this Act, sections two hundred and thirty-one to two hundred and forty-four of this Act shall apply in the case of an authority (other than a rating authority) having power to levy a rate under any local Act in like manner as they apply in the case of a rating authority subject to the necessary modifications and so far as not inconsistent with the provisions of such local Act.

Collection by rating authority of rates levied by other authority.

256.—(1) Any rating authority and any other authority having power to levy a rate under a local Act within the area of the rating authority or any part thereof may make arrangements, on such terms and conditions as may be agreed between the authorities, for the collection by the rating authority of the rates levied by the other authority.

(2) Where any such arrangements as are mentioned in the preceding subsection are in force, the demand note issued by the rating authority in respect of the rates levied by them may include as a separate item the rate levied by the other authority.

Savings for local Acts.

257. Nothing in this Part of this Act shall affect—

(*a*) the provisions of any local Act with respect to the payment of an additional rate per pound by way of penalty in the case of rates not being paid by a specified date; or

(*b*) any other provision of a local Act with respect to the collection and recovery of rates so far as such provision is not inconsistent with the provisions of this Part of this Act;

and the provisions of this Part of this Act shall apply, subject to any necessary modifications, to the recovery of such additional rate or any other penalty provided for in the local Act as they apply to the recovery of the rate itself.

PART XII.

BORROWING BY LOCAL AUTHORITIES.

Purposes for which, Restrictions subject to which, and Modes in which, Money may be Borrowed by Local Authorities and Security for Money so Borrowed.

Purposes for which money may be borrowed.

258.—(1) A local authority may borrow such sums as may be required for any of the following purposes, that is to say:—

(*a*) for acquiring any land which the authority have power to acquire;

(*b*) for erecting any building which the authority have power to erect;

(*c*) for the execution of any permanent work or the provision of any plant or the doing of any other thing which the authority have power to execute, provide or do and which involves expenditure of a capital nature or for the payment of any sum of a capital nature;

(*d*) in the case of a local authority being the county council of a county, for the purpose of lending to the town council of any small burgh within the county or the district council of any district within the county any money which the town council or the district council, as the case may be, are authorised to borrow;

(*e*) in the case of the joint county council of the counties of Perth and Kinross, or of the counties of Moray and Nairn, for the purpose of lending to a constituent county council of the joint county council any money which that council are authorised to borrow;

(*f*) for the purpose of lending to any joint board the members of which include persons appointed by the authority any money which the joint board are authorised to borrow;

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(*g*) in the case of a local authority being a county council or a town council, for the purpose of lending to any other local authority any money which that other authority are authorised to borrow and which is required for the purpose of meeting expenditure incurred by the borrowing authority in connection with a combination of local authorities to which combination both the lending authority and the borrowing authority are parties; and

(*h*) for any other purpose for which the authority are authorised under this Act or any other enactment or any statutory order to borrow.

(2) A local authority may borrow such sums as are necessary for the purpose of providing temporarily for current expenditure of an annual nature (except any such expenditure relating to a public utility undertaking) in connection with any of the functions of the authority, including in the case of a rating authority sums required to meet instalments due in respect of sums requisitioned from that authority by another authority:

Provided that all sums so borrowed shall be repaid before the expiration of the financial year in which such sums have been borrowed.

(3) A local authority may borrow such sums as are required to meet expenditure (other than expenditure to which either of the preceding subsections relates) which the authority have power to incur in the exercise of any of their functions (excluding functions relating to a public utility undertaking) where by reason of its nature the Minister concerned is satisfied that the expenditure should be met by borrowing and repayment spread over a term of years and gives his consent thereto, and such sums shall be repaid within such period as the Minister concerned may fix.

(4) A local authority may borrow such sums as are necessary in order to provide working capital or meet any other expenditure (not being expenditure of a capital nature) required for the purposes of any public utility undertaking carried on by the authority:

Provided that—

(i) the total sums borrowed under this subsection and for the time being outstanding shall not, except with the consent of the Minister concerned, exceed an amount representing one half of the gross revenue of the undertaking for the immediately preceding financial year;

PART XII. —*cont.*

(ii) any sum borrowed under this subsection to defray expenditure shall be repaid as soon as reasonably practicable and in any case before the expiration of the period within which money borrowed to meet such expenditure is ordinarily repaid in the case of such an undertaking, so however that any sum borrowed under this subsection shall be repaid before the expiration of two years from the date of borrowing, unless the consent of the Minister concerned is obtained to repayment thereof being spread over a longer period, and such consent may be given subject to such conditions as the Minister may determine.

(5) In this section the expression " public utility undertaking " does not include a water undertaking.

Restrictions on power to borrow.

259.—(1) Notwithstanding any other provision of this Act, a local authority shall not borrow money to meet any expenditure of a capital nature—

(*a*) for any of the purposes of any enactment or statutory order relating to the supply of electricity, except with the consent of the Electricity Commissioners;

(*b*) for any of the purposes of any enactment or statutory order relating to gas undertakings, tramways or light railways or for the purposes of Part V of the Road Traffic Act, 1930, except with the consent of the Secretary of State; and 20 & 21 Geo. 5. c. 43.

(*c*) for any of the purposes of any other enactment or any statutory order which requires the consent of a Minister to borrowing by the authority, except with such consent:

Provided that, in any case where any money may be borrowed for any of the purposes specified in paragraphs (*a*) and (*b*) hereof under the provisions of a local Act without such consent as aforesaid, the provisions of this section shall not apply.

(2) A county council or a town council shall not without the consent of the Minister concerned borrow money to meet any expenditure of a capital nature for any purpose (other than money to the borrowing of which a consent is required under subsection (1) of this section) unless the resolution to borrow has been agreed to by two-thirds of the members of the council present and voting at the meeting at which the resolution is passed; and every enactment or statutory order passed or made before the commencement of this Act authorising a county council or a town council to borrow for any such purpose shall have effect as if the foregoing provisions of this subsection were enacted therein.

PART XII. —*cont.*

(3) A district council shall not borrow money to meet expenditure of a capital nature except with the consent of the Secretary of State.

(4) A local authority shall not borrow money for the purposes of any function of the authority where any enactment relating to that function imposes a condition or limitation with respect to such borrowing, except subject to such condition or limitation.

(5) No money shall be borrowed by a local authority unless the expenditure to meet which the money is being borrowed has been authorised by the authority and a resolution to borrow the money has been passed by the authority.

Modes of borrowing.

260.—(1) Where a local authority are authorised to borrow money under any statutory borrowing power, the authority may, subject to the provisions of this Part of this Act, raise the money by any of the following methods, or by the use, in accordance with the provisions of section eight of the Local Authorities Loans Act, 1945, of any moneys forming part of any capital fund established by the authority or by any other method provided in a local Act, but not otherwise, that is to say—

8 & 9 Geo. 6. c. 18.

(*a*) by mortgage, that is to say, by deed containing an assignation by way of security of the funds, rates and revenues of the authority which under the provisions of the immediately succeeding section of this Act are to form the security for loans to the authority; or

(*b*) by overdraft from any bank; or

(*c*) by means of a cash credit account with any bank; or

(*d*) by temporary loan or deposit receipt; or

(*e*) in the case of a county council or town council, by stock:

Provided that—

(i) the total amount of money borrowed under paragraphs (*b*), (*c*) and (*d*) of this subsection to meet expenditure of a capital nature and for the time being outstanding shall not exceed fifteen per centum of the total amount of moneys borrowed by the authority to meet capital expenditure and for the time being outstanding;

(ii) a local authority having power under a local Act to borrow money by any of the methods hereinbefore specified shall exercise that power in accordance with the provisions of this Act and not in accordance with the provisions of the local Act.

PART XII. —*cont.*

(2) The joint committee of any two or more local authorities, being administering authorities within the meaning of the Local Government Superannuation (Scotland) Act, 1937, and combined for the purposes of that Act, may from the joint superannuation fund lend to any of the constituent authorities any money which that authority are authorised to borrow.

Security for money borrowed and ranking thereof.

261.—(1) Subject to the provisions of this section and notwithstanding anything in any other enactment, all money borrowed under any statutory borrowing power by a county council or a town council on or after the sixteenth day of May nineteen hundred and thirty and by a district council after the commencement of this Act shall be secured upon the whole funds, rates and revenues of the council and not otherwise, and all money borrowed under any enactment or statutory order by a county council or town council before the said sixteenth day of May and by a district council before the commencement of this Act shall be deemed to be so secured, and money so borrowed by whatever method of borrowing in accordance with the enactment or statutory order relating thereto in force at the time of borrowing, whether before or after the commencement of this Act, shall be deemed to have the same charge and security and shall rank pari passu.

References in this subsection to sums borrowed by a council shall be deemed to include references to any sum which was borrowed by some other authority and which the council in consequence of a transfer of functions or otherwise are liable to repay to the creditors.

(2) The interest and dividends for the time being payable in respect of moneys so borrowed by a local authority shall be the first charge on the rates and revenues comprising the security for the said moneys.

(3) Except as respects money borrowed for common good purposes in pursuance of a statutory borrowing power, the provisions of the preceding subsections of this section shall not apply in the case of money borrowed for the purposes of the common good by the town council of a burgh having a common good, nor shall the security created by the said subsections include the common good of the burgh or the revenues thereof.

(4) The provisions of subsections (1) and (2) of this section shall not apply in the case of money borrowed by a local authority for the purposes of any trust under any deed of trust or other document, nor shall the security created by the said subsections include the funds held under any such trust.

(5) Nothing in subsections (1) and (2) of this section or in section seventy-one of, or the Fourth Schedule to, the Housing 15 & 16 Geo. 5. c. 16.

PART XII. —*cont.*

(Scotland) Act, 1925, shall affect any power of a local authority to sell, feu, lease or otherwise dispose of any lands and heritages belonging to the authority or to sell or realise any funds belonging to the authority or to apply any purchase money or other capital money arising thereby in redemption of any charge thereon to which capital moneys are properly applicable, and such lands and heritages or funds shall in the hands of the purchaser or other person acquiring the same as aforesaid be absolutely freed from any charge created by this section.

Repayment of Money Borrowed by Local Authorities.

Period for repayment of borrowed money.

262.—(1) Subject to the provisions of this Part of this Act and save as otherwise provided in this Act, every sum borrowed by a local authority shall be repaid within such period not exceeding thirty years from the date of borrowing as the authority determine, or where under any enactment or statutory order relating to the purpose for which the sum is borrowed the consent of a Minister is required to a local authority borrowing, as the authority with the consent of the Minister determine:

Provided that the foregoing provisions of this subsection shall not apply—

(*a*) in the case of a sum borrowed under paragraph (*c*) of subsection (1) of section two hundred and fifty-eight of this Act, and, save as otherwise provided in paragraph (*c*) of this proviso, any sum so borrowed for the purpose of meeting the cost of any work or plant shall be repaid within such period not exceeding thirty years as the authority determine to be the probable duration and continued utility of the work or plant, and any sum so borrowed for any other purpose shall be repaid within such period not exceeding ten years as the authority determine, or within such longer period as the authority with the consent of the Secretary of State determine;

(*b*) in the case of a sum borrowed under paragraph (*d*), (*e*), (*f*) or (*g*) of subsection (1) of section two hundred and fifty-eight of this Act for the purpose of lending to any of the councils or authorities or a joint board as therein mentioned in order to meet expenditure of the council, authority or board to which subsection (2), (3) or (4) of that section relates, and any sum so borrowed shall be repaid within one month after the expiration of the period within which the borrowing council, authority or board are required to repay the loan in accordance with the provisions of this Part of this Act;

(*c*) in the case of a sum borrowed for any of the purposes of the enactments specified in the first column of the Sixth Schedule to this Act, and the sum so borrowed shall be repaid within the period specified or referred to in relation thereto in the second column of that Schedule;

(*d*) in the case of a sum borrowed for any of the purposes of a local Act, where that Act provides for a maximum period of repayment other than thirty years.

(2) Where any sum is borrowed by a local authority for the purpose of meeting expenditure on the construction of new or the extension of or alteration of existing works forming or to form part of a public utility undertaking, it shall be lawful, subject to the consent of the Minister concerned with the undertaking, for any annual provision required to be made by the authority for the repayment of the sum so borrowed to be suspended for such period (not being a period longer than the period during which the expenditure remains unremunerative or the period of five years from the commencement of the financial year next after that in which the expenditure commences to be incurred, whichever is the shorter) and subject to such conditions as the Minister may determine.

Repayment of borrowed money.

263.—(1) Subject to the provisions of this Part of this Act, all sums borrowed by a local authority under any statutory borrowing power shall be repaid by equal yearly or half-yearly instalments of principal, or where repayment is on the annuity system, by equal yearly or half-yearly instalments of principal and interest combined, or by means of a sinking fund, or partly by one of those methods and partly by another or others of them:

Provided that in the case of a county council or a town council having a loans fund under this Part of this Act or under a local Act, the council shall in each financial year pay into the loans fund the sums required in that year for the repayment of money borrowed for the various purposes of the council in accordance with the provisions of the rules relating to the loans fund.

(2) Subject to the provisions of subsection (2) of the immediately preceding section, the payment of the first instalment or the first payment to the sinking fund or the first payment to the loans fund shall be made within twelve months, or where the money is repayable by half-yearly instalments or payments within six months, from the date of borrowing.

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Returns to Secretary of State as to outstanding loans.

264.—(1) Every local authority shall cause to be transmitted to the Secretary of State within three months after the expiration of each financial year and also at any other time within one month after being requested so to do by the Secretary of State a return showing the amount of moneys borrowed by the authority and outstanding and the provision made by the authority for the repayment thereof.

(2) The return shall show such particulars and shall be in such form as the Secretary of State may prescribe, shall be certified by the treasurer or other officer whose duty it is to keep the accounts of the authority and shall if so required by the Secretary of State be verified by a statutory declaration made by that officer.

(3) The return to be transmitted within three months after the expiration of the financial year shall be made up as at the expiration of that year, and any other return as at such other date as the Secretary of State may require.

(4) The duplicate abstract of accounts of a local authority which is required by section two hundred and three of this Act to be sent to the Secretary of State by the auditor of the accounts of the authority shall, if the Secretary of State so directs, be deemed to be a return made by the authority under this section as at the expiration of the financial year to which the accounts relate.

(5) If it appears to the Secretary of State from any return made under this section or otherwise that a local authority—

(*a*) have failed to pay any instalment or annual payment required to be made; or

(*b*) have failed to appropriate to the discharge of any loan any sum required to be so appropriated; or

(*c*) have failed to set apart any sum required for a sinking fund; or

(*d*) have applied any portion of a sinking fund to a purpose other than an authorised purpose;

the Secretary of State may by order direct that such sum as is specified in the order, not exceeding the amount in respect of which default has been made, shall be paid or applied in the manner and by the date set out in the order, and the authority shall notify the Secretary of State as soon as the order has been complied with.

(6) If a local authority with respect to whom an order has been made under the immediately preceding subsection fail to comply with any requirement thereof within the time specified in the order or if a return required to be made under this section is not made in accordance with the provisions of this

section, the Secretary of State may apply by petition to the Court of Session who are hereby authorised to do therein as to the Court appears to be just. PART XII. —*cont.*

(7) The provisions of this section shall be in substitution for and not in addition to any requirement under any other enactment or statutory order to make a return as to the provision made by a local authority for the repayment of borrowed money.

Sinking fund for repayment of borrowed money.

265.—(1) If a local authority determine to repay by means of a sinking fund any sum borrowed by them, the sinking fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the period fixed for the repayment of the sum borrowed of such equal annual sums as will be sufficient to pay off within that period the sum for the repayment of which the fund is formed; or

(*b*) by payment to the fund throughout the fixed period of such equal annual sums as with accumulations at a rate not exceeding the rate prescribed by the Secretary of State or such other rate as he may in any particular case approve will be sufficient to repay within that period the sum for the repayment of which the fund is formed.

In this Part of this Act a sinking fund formed under paragraph (*a*) of this subsection is referred to as a " non-accumulating sinking fund," and a sinking fund formed under paragraph (*b*) thereof as an " accumulating sinking fund."

(2) Every sum paid to a sinking fund shall, unless applied in repayment of the sum for the repayment of which the sinking fund is formed or in such other manner as may be authorised by this Act or any other enactment, be immediately invested in trustee securities and the authority may from time to time vary and transpose the investments.

(3) The interest received in any year from the investment of the sums paid into the sinking fund shall form part of the revenue for that year of the local authority, but in the case of an accumulating sinking fund the contribution to be made by the authority to the sinking fund shall in that year be increased by a sum equal to the interest which would have accrued to the sinking fund during that year if interest had been accumulated therein at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) A local authority may at any time apply the whole or any part of a sinking fund in or towards the discharge of the sum for the repayment of which the sinking fund was formed:

PART XII. —*cont.*

Provided that in the case of an accumulating sinking fund the authority shall continue to pay into the fund each year and accumulate during the remainder of the fixed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) Any surplus of a sinking fund remaining after the discharge of the whole of the sum for the repayment of which it was formed shall be applied with the sanction of the Secretary of State in the repayment of debt or otherwise for any other purpose for which capital money may properly be applied.

(6) This section shall apply to a sinking fund established by a local authority under any other enactment or any statutory order for the repayment of money borrowed by them in like manner as it applies to a sinking fund established under this Part of this Act according as the sinking fund is a non-accumulating or an accumulating sinking fund.

Adjustment of sinking fund.

266.—(1) If at any time it appears to a local authority that the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Part of this Act and, in the case of an accumulating sinking fund, with the accumulations thereon, will not be sufficient to repay within the fixed period the sum for the repayment of which the sinking fund is formed, the authority shall either temporarily or throughout the fixed period make such increased annual payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose, and if it appears to the Secretary of State on a report by the auditor of the accounts of the authority or otherwise that any such increase is necessary, the authority shall increase the payments to such extent as the Secretary of State may direct.

(2) If the local authority desire to accelerate the repayment of any sum borrowed by them, they may increase the amounts payable to the sinking fund.

(3) If the amount in any such sinking fund together with the sums which will be payable thereto in accordance with the provisions of this Part of this Act and, in the case of an accumulating sinking fund, with the accumulations thereon will in the opinion of the local authority be more than sufficient to repay within the fixed period the sum for the repayment of which the sinking fund is formed, the authority may with the consent of the Secretary of State reduce the payments to the sinking fund either temporarily, or throughout the fixed period to such amounts as will be sufficient to repay within the fixed period the sum for the repayment of which the sinking fund is formed.

(4) If at any time the amount in a sinking fund together with the accumulations thereon in the case of an accumulating sinking fund will in the opinion of the local authority be sufficient to repay the sum for the repayment of which the sinking fund is formed within the fixed period, the authority may, subject to obtaining the consent of the Secretary of State, suspend the annual payments to the sinking fund for such period as the authority with the like consent may determine.

(5) This section shall apply to a sinking fund established by a local authority under any other enactment or any statutory order for the repayment of money borrowed by them in like manner as it applies to a sinking fund established under this Part of this Act.

Provisions as to Mortgages.

Forms of mortgage, transfer, renewal and discharge thereof.

267.—(1) A mortgage created under this Part of this Act, a transfer thereof, a minute of renewal thereof and a discharge thereof shall each be in the appropriate form set out in the Seventh Schedule to this Act or in a form substantially to the like effect:

Provided that—

(i) nothing in this subsection or in the said Schedule shall require that a mortgage shall be transferred only by transfer endorsed on the mortgage;

(ii) a form of a mortgage, a transfer thereof, a minute of renewal thereof or a discharge thereof prescribed in a local Act may be used in substitution for the appropriate form set out in the Seventh Schedule to this Act, so however that if the form of mortgage so prescribed does not contain an assignation by way of security of the funds, rates and revenues of the local authority as provided in the form set out in the said Schedule, it shall be modified to contain such an assignation;

(iii) in the case of a loan made by the Public Works Loan Commissioners the mortgage shall be in such form as may be prescribed under the Public Works Loans Acts, 1875 to 1882.

(2) A mortgage shall be held to be validly executed on behalf of a local authority having a common seal if it is sealed with the common seal of the authority and subscribed on behalf of the authority by one member of the authority, and by the clerk without the necessity of witnesses, and a minute of renewal of a mortgage shall be held to be validly executed on behalf of a local authority, whether having a common seal or not, if it is signed on behalf of the authority by the clerk

PART XII. —*cont.*

without the necessity of witnesses, so however, that nothing in this subsection shall affect the provisions of any local Act with respect to the manner in which a mortgage or a minute of renewal thereof may be executed.

(3) Notwithstanding anything in this section, the Secretary of State may from time to time by regulations make modifications in any of the forms set out in the Seventh Schedule to this Act or prescribe other forms if it appears to him necessary or desirable to do so, and such regulations may apply generally or to any particular local authority or class of local authority.

Register of mortgages.

268.—(1) The clerk of a local authority or such other officer as the authority may designate for the purpose (in this section referred to as " the registrar ") shall keep at the office of the authority a register of mortgages created by the authority under this Part of this Act.

(2) Before a mortgage is delivered to the mortgagee, the registrar shall enter or cause to be entered in the register of mortgages the following particulars, that is to say:—

(*a*) the name and address of the mortgagee;

(*b*) the principal sum due under the mortgage;

(*c*) the number and date of the mortgage;

(*d*) the term or date of repayment; and

(*e*) the rate of interest payable;

and a certificate of registration shall be endorsed on the mortgage and signed by or on behalf of the registrar. Where the treasurer of the authority is not the registrar, there shall also be endorsed on the mortgage a receipt by the treasurer for the principal sum paid by the mortgagee.

(3) On production to the registrar of the mortgage and—

(*a*) in the case of a transfer of the mortgage, of a duly executed transfer thereof;

(*b*) in the case of a transmission of the mortgage by the death of the person entitled thereto, of confirmation in favour of the executors of the deceased, or probate of the will or letters of administration of the estate of the deceased duly resealed;

(*c*) in the case of a transmission of a mortgage otherwise than as aforesaid, of satisfactory evidence of the transmission;

the registrar shall make or cause to be made an entry in the register of mortgages of the date of the transfer or transmission and of the name and address of the person becoming entitled thereunder to the mortgage.

PART XII. —*cont.*

(4) Any change of name or address on the part of a person entitled to a mortgage shall forthwith be notified to the local authority, and the registrar shall on being satisfied of the change alter the register of mortgages or cause the same to be altered accordingly.

(5) On the renewal of a mortgage the registrar shall enter or cause to be entered in the register the following particulars of the renewal, that is to say:—

(*a*) the date as from which the mortgage is renewed;

(*b*) the term or date of repayment of the principal sum under the renewal; and

(*c*) the rate of interest for the period of the renewal.

(6) On the discharge of a mortgage the registrar shall forthwith make or cause to be made in the register an entry relating to the discharge and the date thereof.

(7) The Secretary of State may make regulations for enabling entries relating to mortgages or to transfers or transmissions of mortgages contained in any register of mortgages kept by or on behalf of a local authority under any enactment in force at the commencement of this Act to be transferred to the register of mortgages kept under this section, and for applying to the mortgages to which the entries relate the provisions of this section subject to any necessary modifications in place of the corresponding provisions of that enactment, and for terminating the obligation of the authority or of any officer of the authority to make entries in the register of mortgages kept under that enactment.

(8) Any person who satisfies the local authority or the registrar that he has an interest to inspect the register of mortgages shall be entitled to inspect the register so far as he has an interest to do so:

Provided that this subsection shall not apply in the case of a local authority if the authority are not required by any provision of a local Act relating to a register of mortgages kept by the authority under that Act to allow inspection of that register.

Provisions as to Stock.

Creation of redeemable stock by county council or town council.

269.—(1) A county council or a town council may from time to time in accordance with any regulations made under the next but one succeeding section by resolution create redeemable stock for the purpose of raising money which the council are authorised to borrow under any statutory borrowing power, and such stock may be issued from time to time

PART XII. —*cont.*

for such amount within the limit of the borrowing power at such price and to bear such half-yearly or other dividends as the council by resolution direct:

Provided that—

(*a*) the town council of a small burgh shall not so create stock except with consent of the Secretary of State, and such consent may be given subject to such conditions as may be specified in an order made by the Secretary of State; and

(*b*) except with the consent of the Secretary of State, stock shall not be issued at a price lower than ninety-five per centum.

(2) The resolution of a county council or town council for the first creation of a class of redeemable stock shall provide—

(*a*) that such stock shall be redeemable at the option of the council at par, that is to say, at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued, after such period as may be specified in the resolution;

(*b*) that the stock shall be redeemed by the council at par at the expiration of a period to be fixed by the resolution, not exceeding sixty years from the first creation of that class of redeemable stock;

or shall indicate the procedure by which either of the matters aforesaid shall be determined.

(3) A county council or a town council may under this section create and issue stock of a different class from any stock previously issued by the council under this Part of this Act or any other enactment or any enactment repealed by this Act and on different terms and conditions, including the rate of dividend payable and the period after which the same shall become redeemable.

Creation of redeemable stock by authority other than local authority having power to raise money by rate or requisition.

270.—(1) Any statutory authority, commissioners or trustees (not being a local authority) having power to levy a rate within the meaning of this section or to issue a requisition for payment of money to be raised out of such a rate may from time to time in accordance with any regulations made under the immediately succeeding section by resolution create redeemable stock for the purpose of raising money which the authority, commissioners or trustees are authorised to borrow under any enactment or statutory order, and such stock may be issued from time to time for such amount within the limits of the borrowing power at such price and to bear such half-yearly or other dividends as the authority, commissioners or trustees by resolution direct:

Provided that—

(*a*) the consent of the Secretary of State shall be obtained to the creation of such stock, and such consent may be given subject to such conditions as may be specified in an order made by the Secretary of State; and

(*b*) except with the consent of the Secretary of State, stock shall not be issued at a price lower than ninety-five per centum.

(2) The resolution of any such authority, commissioners or trustees for the creation of a class of redeemable stock shall provide—

(*a*) that the stock shall be redeemable at their option at par after such period as may be specified in the resolution;

(*b*) that the stock shall be redeemed by the authority, commissioners or trustees at par at the expiration of a period to be fixed by the resolution, not exceeding sixty years from the first creation of that class of redeemable stock;

or shall indicate the procedure by which either of the matters aforesaid shall be determined.

(3) Any such authority, commissioners or trustees may under this section create and issue stock of a different class from any other stock previously issued by them under this Part of this Act or any other enactment or any enactment repealed by this Act and on different terms and conditions, including the rate of dividend payable and the period after which the same shall be redeemable.

(4) For the purposes of this section the expression " rate " includes not only a rate as defined in section three hundred and seventy-nine of this Act but also water rates or rents, gas or electricity rates or rents and charges for the supply of water, gas or electricity or the hire of meters or fittings connected therewith.

Stock regulations.

271.—(1) The Secretary of State may make regulations with respect to the creation and issue of stock under this Part of this Act by a county council or a town council or by any such authority, commissioners or trustees as are mentioned in the immediately preceding section, the redemption and extinction of such stock, the payment of dividends thereon, the manner in which such stock may be transferred and dealt with and generally for the purpose of regulating any matter relating to such stock (including without prejudice to the said

PART XII. —*cont.*

generality the investment of money raised by stock and not for the time being required), and such regulations may provide—

(*a*) with a view to the consolidation of debt, for extending or varying the period of repayment of sums borrowed by a council; and

(*b*) for the application of the enactments relating to stamp duties and to cheques.

(2) Regulations made under this section may apply to and in the case of any such authority, commissioners or trustees as aforesaid so far as respects stock issued under this Part of this Act, subject to such modifications and adaptations as may be prescribed, any of the provisions of sections two hundred and seventy-two to two hundred and seventy-four and sections two hundred and seventy-eight to two hundred and ninety-one of this Act, so however that any such application shall not be contrary to the express provisions of any enactment relating to the authority, commissioners or trustees.

(3) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Borrowing power to be exercisable for actual sum raisable by stock.

272. A county council or town council creating and issuing stock under this Part of this Act shall be deemed to have exercised their statutory borrowing power to the extent represented by the produce of the stock so issued according to the price of issue, or where securities are paid off or redeemed under the immediately succeeding section by the amount of the securities so paid off or redeemed.

Conversion of securities of county council or town council into stock.

273.—(1) Where any security created by a county council or town council under any statutory borrowing power is at the time outstanding or payable and the council have power with the consent of the holder of the security or otherwise to pay off the amount thereby secured or represented or to redeem the same, they may pay off or redeem the security accordingly with money raised by stock or they may with consent of the holder thereof issue stock in substitution for the security.

(2) The county council or town council may in every such case make such reasonable payment as they think fit to the holder of any security for his consent or for compensating him otherwise for the payment-off or redemption of or substitution for his security, and any such payment may be either in money or stock or partly in one and partly in the other.

(3) The county council or town council may, subject to and in accordance with the provisions of this Act, create and issue stock to such amount as may be requisite for the purposes of

this section, and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created, and any money so raised shall be applied in paying off or redeeming the security. PART XII. —*cont.*

(4) Where the holder of the security is one of the persons described in section seven of the Lands Clauses Consolidation (Scotland) Act, 1845, and thereby enabled to sell land thereunder, that person may consent to the payment-off or redemption of or substitution for the money secured or represented by that security or may accept money for giving that consent as if he were the absolute owner of the security, and that person is hereby indemnified for so consenting and his receipt shall be a good discharge for the same.

(5) Money received by the holder of any security as authorised by this Act and stock issued to him in substitution for any security shall be subject to the same trusts, powers, testamentary and other dispositions, provisions and incumbrances to which the money secured or represented by the security was subject immediately before the payment-off, redemption or substitution, and any deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or part of the money or stock received or substituted, as the case may be, as though such money and stock were the security mentioned in the deed or other instrument or testamentary or other disposition.

Revocation of resolution to create stock.

274. Notwithstanding anything in this Part of this Act, a county council or a town council may revoke at any time in whole or in part any resolution for the creation of stock passed by the council under this Part of this Act if and as far as such resolution has not been acted on by the issue of stock thereunder:

Provided that any such revocation by the town council of a small burgh shall not have effect unless the Secretary of State consents thereto.

Loans Fund.

Establishment of loans fund by county council or town council.

275.—(1) Subject to the provisions of this Part of this Act, a county council or a town council may, as from the commencement of a financial year on passing a resolution to that effect, establish under this Act a fund to be called the " loans fund," which shall be applicable to all money borrowed or to be borrowed by the council and the redemption or repayment thereof and the payment of interest or dividends thereon.

(2) A loans fund established under this section shall be administered by the council in accordance with the rules set out in the Eighth Schedule to this Act.

PART XII. —*cont.*

(3) Any loans fund of a county council or town council established under or in pursuance of the provisions of a local Act shall, if the council pass a resolution to that effect and as from the date specified in the resolution, be deemed to be a loans fund established under this section, and the rules set out in the Eighth Schedule to this Act shall apply to the said loans fund in substitution for the provisions of the local Act (including any rules, regulations or scheme therein contained or made thereunder) subject to such modifications and adaptations as may be prescribed by regulations made by the Secretary of State with respect to the transition of the said loans fund from the provisions of the local Act to the provisions of this Act, and any such regulations may apply generally or in the case of any particular council.

(4) A loans fund established under this section by the town council of a burgh shall not apply to money borrowed or to be borrowed for the common good of the burgh except money borrowed or to be borrowed for common good purposes in pursuance of a statutory borrowing power.

General Provisions as to Borrowing.

Loans to joint boards.

276.—(1) The powers of the Public Works Loan Commissioners to make loans to a local authority shall include power to make loans to a joint board for any purpose for which the board have power to borrow money.

(2) The provisions of this Part of this Act shall, subject to necessary modifications, apply to and in relation to a joint board having power to borrow money as they apply to and in relation to a local authority.

Power to re-borrow.

277.—(1) A local authority may without the consent of any Minister borrow for the purpose of replacing money previously borrowed by the authority which is intended to be repaid forthwith:

Provided that a local authority shall not have power to borrow under this section—

(*a*) for the purpose of making any payment to a sinking fund or for paying any instalment or making any annual payment which has or may become due in respect of borrowed money; or

(*b*) for the purpose of replacing any money previously borrowed which has been repaid—

(i) by instalments or annual payments; or

(ii) by means of a sinking fund; or

(iii) out of money derived from the sale of land; or

(iv) out of any capital money properly applicable to the purpose of repayment other than money borrowed for that purpose.

PART XII. —*cont.*

(2) Any money borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the fixed period which remains unexpired, and the provisions which are for the time being applicable to the original loan shall apply to the money borrowed under this section:

Provided that the Minister concerned may, upon application made to him by the local authority for that purpose, extend the period for repayment of the money borrowed under this section so as to expire on such date as he thinks fit, not being later than the expiration of the maximum period which might have been permitted for the repayment of the original loan.

Protection to lenders.

278. A person lending money to a local authority on any form of security or taking or holding any such security shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity in the matters aforesaid or by the misapplication or non-application of any such money.

Balance of unexpended borrowed money.

279. The balance of any money borrowed by a local authority and not required for the purposes for which the money was borrowed may, with consent of the Secretary of State, be applied to any other purpose for which capital money may be applied by the authority:

Provided that—

(i) nothing in this section shall require the consent of the Secretary of State to be obtained in the case of a county council or town council having a loans fund or shall dispense with the necessity of the consent of the Public Works Loan Commissioners in any case in which such consent is required under section nine of the Public Works Loans Act, 1881; 44 & 45 Vict. c. 38.

(ii) where money borrowed for any of the purposes of any enactment or statutory order relating to the supply of electricity is proposed to be applied for any other of the said purposes, the provisions of this section shall apply with the substitution of the consent of the Electricity Commissioners for that of the Secretary of State.

General Provisions as to Securities.

Security to be moveable estate and notice of trusts.

280.—(1) Every security created by a local authority shall be moveable or personal estate and shall on the death of the holder thereof be transmissible as such.

PART XII. —*cont.*

(2) No notice of any trust, express, implied or constructive, in respect of any security created by a local authority shall be entered in any register kept by the authority or be receivable by the authority, so however that a holder may be described as a trustee or as possessing an official character.

Transmission of security on death.

281.—(1) The interest in a security created by a local authority of a holder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) A local authority shall not be required to allow any executors or administrators to transfer any security created by the authority until the confirmation of the executors or until the probate of the will or the letters of administration of the estate of the deceased, duly resealed, shall have been left with the authority for registration.

Evidence on transfer of security.

282.—(1) A local authority before allowing any transfer of a security created by the authority may, if the circumstances of the case appear to them to make it expedient, require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or evidence of such other nature as the local authority may require.

Transmission of security otherwise than by transfer or on death.

283.—(1) If the interest in any security created by a local authority has been transmitted by any lawful means other than a transfer thereof or than the death of the holder thereof, that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the authority may require.

(2) The name of the person entitled under the transmission shall be entered in the appropriate register.

(3) Until the transmission has been so authenticated the local authority shall not be affected thereby, nor shall any person claiming by virtue thereof be entitled to receive any interest or dividend on the security.

(4) In this section the expression " transmission " includes any case of apparent transmission in consequence of the change of name of the holder although the actual ownership of the security may remain unaltered.

Title to security and rectification of register.

284.—(1) A local authority shall be entitled to treat as exclusively entitled to a security created by the authority in relation to which entries had been duly made in the appro-

PART XII. —*cont.*

priate register the person appearing by the latest of those entries to be entitled thereto.

(2) If the name of any person is without sufficient cause entered in or omitted from the register or default is made or unnecessary delay takes place in making any entry required to be made in the register, the sheriff may on application by the person aggrieved or by the local authority make an order for the rectification of the register.

(3) In any proceedings under this section the sheriff may decide any question relating to the title of any party thereto to have his name entered in or omitted from the register and generally any question which it may be necessary or expedient to decide for the purposes of the rectification of the register.

(4) An appeal shall lie to the Court of Session against any decision of the sheriff on any question relating to the title of any party to any security the nominal value of which exceeds fifty pounds, but save as aforesaid the decision of the sheriff shall be final.

Security deed to be delivered to local authority on discharge.

285. Subject to the provisions of the immediately succeeding section, a local authority shall, on the repayment or discharge of any security created by the authority, obtain delivery of the document creating the security, or failing such delivery such indemnity as the authority may require.

Unclaimed security.

286.—(1) If at the date on which a security created by a local authority is repayable or redeemable the authority, by reason of the holder of the security not being forthcoming or by reason of any doubt as to the ownership of the security or for any other reason which prevents the authority from getting a proper discharge, are unable to redeem, extinguish and cancel such security, the authority shall as soon as may be consign in bank by placing on deposit receipt with an incorporated or joint stock bank in name of the authority for behoof of the holder of the security as designed in the appropriate register of the authority a sum equal to the nominal value of the security which cannot be repaid or redeemed by reason as aforesaid, such sum to be dealt with as provided in this section, and thereupon such security shall be deemed to have been extinguished.

(2) Any sum consigned by a local authority as aforesaid shall, unless uplifted for the purpose of satisfying any claim in respect of the security represented by the same, be kept consigned for a period of ten years, after which time the authority may appropriate the said sum and any accumulations of interest thereon for such purpose as the Secretary of

PART XII. —*cont.*

State may approve, without prejudice nevertheless to the right of any person to the total sum so appropriated, but without any interest thereon after the date of appropriation.

Appointment of judicial factor in case of non-payment.

287.—(1) If at any time any principal money borrowed by a local authority by any form of security or any interest or dividend thereon is due and payable by the authority and is not paid within two months after a demand for payment thereof is made in writing to the authority, the person entitled thereto being the holder for the time being of a security by the authority to the amount of not less than one thousand pounds, or the persons entitled thereto being the holders for the time being of securities by the authority amounting together to not less than two thousand pounds, may present a petition to the Court of Session for the appointment of a judicial factor, and the Court may, if they think fit, appoint a judicial factor.

(2) Subject to the directions of the Court, the judicial factor shall have all the powers competent to the local authority or any officer of the authority in connection with levying rates, making requisitions on rating authorities and collecting and recovering sums due to the authority in respect of rates or requisitions and any other sums whatsoever due to the authority and such other powers and duties as the Court think fit, and shall apply all money so collected and received by him, after payment of expenses and costs including a proper remuneration for his trouble, as the Court direct for the purposes of this Part of this Act.

(3) The judicial factor shall have such access to and use of the books and documents of the local authority as he may require.

(4) The powers of this section shall be in addition to and not in derogation of any other powers competent to the holder of a security for enforcing payment of the sums due under the security.

Interest and dividends on security in case of death, &c.

288.—(1) A local authority shall not be required to pay any executors or administrators any interest or dividend on a security created by the authority until the confirmation of the executors or until probate of the will or the letters of administration, duly resealed, shall have been left with the authority for registration.

(2) A local authority before paying any interest or dividend on a security created by the authority may, if the circumstances of the case appear to them to make it expedient, require evidence of the title of any person claiming a right to receive the interest or dividend, and that evidence shall be a statutory declaration of one or more competent persons or of such other nature as the authority may require.

PART XII. —*cont.*

Interest and dividends on security held jointly.

289.—(1) Where two or more persons are registered as joint holders of any security created by a local authority any one of those persons may give an effectual receipt for any interest or dividend payable in respect thereof unless notice in writing to the contrary has been given to the authority by any other of those persons.

(2) Where any security created by a local authority is standing in the name of a pupil or minor or person of unsound mind jointly with any person not under legal disability, a letter authorising the payment of interest or dividends on the security shall be sufficient authority to the local authority if given under the hand of the person not under disability attested by one or more witnesses, but the authority before acting on the letter may, if they think fit, require proof to their satisfaction of the alleged pupillarity, minority or unsoundness of mind by a statutory declaration of one or more competent persons.

Warrants for interest and dividends by post.

290.—(1) Except where the holder of a security created by a local authority otherwise directs in writing, the warrants for interest or dividends in respect of his security shall be sent to him by post to the address given by him to the authority if such address is within the United Kingdom, the Channel Islands or the Isle of Man.

(2) The posting by a local authority of a letter containing a warrant addressed to a holder or his nominee at any such address given by him shall, as respects the liability of the authority, be equivalent to the delivery of the warrant to the holder himself.

(3) Every warrant so sent by post shall be deemed a cheque and the local authority shall in relation thereto be deemed a banker within the Bills of Exchange Act, 1882. 45 & 46 Vict. c. 61.

Unclaimed interest and dividends.

291.—(1) If at any time any interest or dividend on a security created by a local authority is unclaimed at the time for payment thereof, the interest or dividend shall nevertheless on demand at any subsequent time be paid to the person showing his right thereto, but without interest thereon in the meantime and subject to deduction of the expenses incurred by the authority in the publication of any notice under the immediately succeeding subsection.

(2) Where any interest or dividend remains unclaimed for five years from the time for payment thereof, the local authority shall cause notice thereof to be sent by post in a registered letter addressed to the holder of the security named in the appropriate register at the address therein appearing and shall also publish a notice in a newspaper circulating in the area of the authority that such interest or dividend remains unclaimed and similarly at the expiration of the next succeeding period of five years.

PART XII. —*cont.*

(3) Nothing in this section shall prevent an unclaimed security being deemed to be extinguished under the provisions of section two hundred and eighty-six of this Act.

General.

Period of repayment in case of money borrowed by county council or town council for housing employees.

292. For the purposes of the provisions of this Part of this Act relating to the period of repayment of borrowed money, the provision of dwelling-houses by a county council or a town council for persons in the employment of or paid by the council shall be deemed to be a purpose of the Housing (Scotland) Acts, 1925 to 1946.

Application of Part XII of Act to local housing bonds.

293.—(1) Regulations made under the Fourth Schedule to the Housing (Scotland) Act, 1925, may apply to local bonds, with or without modifications, any of the provisions of this Part of this Act relating to securities created by local authorities.

(2) Subject to the preceding subsection and save as otherwise provided, nothing in this Part of this Act shall apply to or affect the power of a county council or town council to issue local bonds under the said Act of 1925 or any local bond issued under that Act or under any enactment repealed by that Act.

Application of Part XII of Act to securities created under local Acts.

294. Save as otherwise expressly provided, the provisions of this Part of this Act in their application to money borrowed by a local authority under a local Act in force at the commencement of this Act shall be subject to the provisions of such local Act so far as inconsistent with the provisions hereof.

Saving for common good.

295. Nothing in this Part of this Act, except the provisions relating to the making of returns to the Secretary of State, shall apply to or affect the power of the town council of a burgh having a common good to borrow on the security of the common good or any loan secured thereon except in the case of money borrowed for common good purposes in pursuance of a statutory borrowing power.

Saving for Local Authorities Loans Act, 1945, &c.
9 & 10 Geo. 6. c. 10.
9 & 10 Geo. 6. c. 58.

296. Nothing in this Part of this Act shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, of any Defence Regulations within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act and of any orders for the time being in force made by the Treasury under section one of the Borrowing (Control and Guarantees) Act, 1946.

PART XIII.

LOCAL FINANCIAL RETURNS.

Returns of local finance to be made to Secretary of State.

297.—(1) Subject to the provisions of this section, a return shall be made to the Secretary of State for each year of all sums levied or received in respect of any compulsory rates, taxes, tolls or dues and of the expenditure of any such sums:

Provided that nothing in this subsection shall extend to—

(i) rates, taxes, tolls or dues levied for the public revenue of the United Kingdom; or

(ii) tolls or dues taken by any statutory undertakers carrying on business for profit or by any company within the meaning of the Companies Act, 1929, as revenues of their undertaking; or

19 & 20 Geo. 5. c. 23.

(iii) tolls or dues taken by prescription or otherwise as private property.

(2) The returns required to be made under this section shall—

(*a*) be in such form and contain such particulars as the Secretary of State may direct;

(*b*) be for the year ending the fifteenth day of May or for such other period of twelve months as the accounts are in use to be made up for;

(*c*) be sent to the Secretary of State in the month of July immediately after the end of the year to which the return relates;

(*d*) be made—

(i) in the case of a return by a local authority, by the clerk of the authority;

(ii) in the case of any other return where the power to levy the rate, tax, toll or due is vested in a corporate body, by their clerk, or if there is no clerk by the treasurer or other person whose duty it is to keep the accounts of that body, and in any other case by the person or body of persons in whom that power is vested.

(3) Where under the immediately preceding subsection a return is required to be made by the clerk of an authority or by the clerk to a corporate body, the return shall be certified by the treasurer or other person whose duty it is to keep the accounts of the authority or corporate body.

PART XIII. —*cont.*

(4) Where under any enactment whether passed before or after the commencement of this Act, any annual return relating to any rate, tax, toll or due (other than such as are levied for the public revenue of the United Kingdom) is required to be made to a Minister, a return under this Part of this Act need not be made, so however that where such annual return is made to a Minister other than the Secretary of State a duplicate thereof shall in like manner be sent to the Secretary of State, and any person failing to send such duplicate shall be subject to the like penalty as a person failing to make a return under this Part of this Act.

(5) The duplicate abstract of accounts of a local authority or of a joint board to which this Part of this Act applies which is required by Part X of this Act to be sent to the Secretary of State by the auditor of the accounts of the authority or board shall, if the Secretary of State so directs, be deemed to be the return made by the clerk of the authority or board under this Part of this Act with respect to the sums levied or received and expenditure included in the accounts:

Provided that if for any reason the said duplicate abstract of accounts is not received by the Secretary of State by the thirtieth day of September in any year, the Secretary of State may, notwithstanding any such direction, require the clerk of the authority or board to furnish to him within one month after the date of the requirement a return under this Part of this Act, and the provisions of this Part of this Act shall, subject to any necessary modifications, apply with respect to the return so required.

Returns to be summarised.

298. The Secretary of State shall every year cause to be made a summary of the returns sent to him under this Part of this Act, and shall lay it before both Houses of Parliament.

Penalties.

299.—(1) If any person fails to make a return which he is required to make under this Part of this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Where a return is required to be made under this Part of this Act by a body of persons unincorporate, each member of the body shall be liable in respect of such failure to make any such return.

(3) Notwithstanding the recovery of any penalty under this section, the making of the return under this Part of this Act may be enforced at the instance of the Secretary of State by decree of the Court of Session pronounced in a petition presented for that purpose.

PART XIV.

BYELAWS.

Power of County Council and Town Council to make certain Byelaws.

Byelaws for good rule and government, &c.

300.—(1) A county council may make byelaws—

(*a*) for the good rule and government of the whole or any part of the county; and

(*b*) for the prevention of vagrancy and the prevention and suppression of nuisances in the whole or any part of the landward area of the county:

Provided that a byelaw under paragraph (*a*) of this subsection shall not be of any force or effect within a burgh unless it has been made with the consent of the town council thereof.

(2) The town council of a burgh may make byelaws for the good rule and government of the burgh.

(3) A local authority may make byelaws regulating the fees to be paid to the authority or to their officers in connection with the inspection of plans, records or other documents in their possession under this Act or any other enactment or any statutory order and in connection with applications for their sanction or authority to the execution of work or for a licence or permit to do some thing under any enactment or statutory order, so however that such byelaws shall not apply where the enactment or statutory order provides for the inspection being allowed or for the sanction, authority, licence or permit being given without payment or makes provision with respect to the fees to be paid therefor.

(4) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.

(5) Where under any enactment in force in any area provision is made for the prevention and suppression in a summary manner of any nuisance, power to make byelaws under subsection (1) of this section for that purpose shall not be exercisable as respects that area.

Code of Procedure, Penalties, &c., in case of Byelaws under several Enactments.

Procedure, &c. for making byelaws.

301.—(1) The following provisions of this section shall apply to byelaws to be made by a local authority by virtue of—

(*a*) this Act; or

(*b*) the Public Parks (Scotland) Act, 1878; or 41 & 42 Vict. c. 8.

(*c*) the Burgh Police Acts; or

(*d*) the Public Health Acts; or

PART XIV. —*cont.*

(*e*) any enactment in force at the date of the commencement of this Act and incorporating or applying section fifty-seven of the Local Government (Scotland) Act, 1889, or sections three hundred and seventeen to three hundred and twenty-three of the Burgh Police (Scotland) Act, 1892, or any of those sections, or sections one hundred and eighty-three to one hundred and eight-seven of the Public Health (Scotland) Act, 1897, or any of those sections; or

60 & 61 Vict. c. 38.

(*f*) any enactment or statutory order passed or made after the commencement of this Act and conferring on any local authority a power to make byelaws.

(2) Unless the enactment under which the byelaws are made specifically provides otherwise, any such byelaws may apply only to a part of the area of a local authority, and different byelaws may apply to different parts of the area.

(3) The byelaws shall be authenticated by being sealed with the common seal of the local authority and signed by the clerk of the authority or, in the case of a district council not having a seal, by the signatures of two members and the clerk of the district council, and shall not have effect until they are confirmed by the confirming authority.

(4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation, of the place where a copy of the byelaws may be inspected and of the authority to whom objections may be notified shall be given in a newspaper circulating in the area to which the byelaws are to apply or in such other manner as the confirming authority on the application of the local authority may determine to be sufficient in the circumstances.

(5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the local authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment.

(6) In the case of byelaws made by a county council or a district council, the clerk of the council shall, at least one month before application for confirmation is made, send a copy of the byelaws to the registrar of every registration district under the Registration of Births, Deaths and Marriages Acts within any part of which the byelaws are to apply, and, where in the case of a byelaw made by a county council, the byelaw will apply to any part of a burgh, to the town clerk of the burgh, and the registrar or town clerk, as the case may be, shall cause the copy to be open to public inspection without payment at his office at all reasonable hours for at least one month before application for confirmation is made.

PART XIV. —*cont.*

It shall be sufficient compliance with the provisions of subsection (4) of this section so far as requiring notice of right to inspect byelaws at the offices of registrars if the notice under that subsection states that the byelaws may be inspected at the office of the registrar of every registration district specified in the notice or where the byelaws apply to the whole county or district, every registration district within or partly within the county or district, as the case may be, without the necessity of specifying the addresses of the individual registrars.

(7) The local authority by whom the byelaws are made shall on application furnish to any person a copy of the byelaws or of any part thereof on payment of such sum, not exceeding sixpence for every hundred words contained in the copy, as the authority may determine.

(8) Any person aggrieved by any byelaws may, within one month after notice has been published in accordance with the provisions of subsection (4) of this section, notify in writing his objection and the ground of his objection to the confirming authority.

(9) Before confirming byelaws, the confirming authority shall take into consideration any objections received by them and may if they consider it necessary or desirable cause a local inquiry to be held.

(10) Unless the Secretary of State shall otherwise direct, every inquiry with respect to byelaws made under any provision of this Act or of the Burgh Police Acts shall be held by the sheriff.

(11) The confirming authority may confirm with or without modification or refuse to confirm any byelaws submitted under this section for confirmation and may fix the date on which the byelaws are to come into operation, and if no date is so fixed the byelaws shall come into operation at the expiration of one month from the date of their confirmation.

(12) The local authority shall, as soon as practicable after receiving intimation of the confirmation of the byelaws by the confirming authority, cause a notice of such confirmation, of the date on which the byelaws are to come into operation, and of the place where a copy of the byelaws as confirmed may be inspected, to be given in a newspaper circulating in the area to which the byelaws are to apply or in such other manner as the confirming authority on the application of the local authority may determine to be sufficient in the circumstances.

(13) A copy of the byelaws when confirmed shall be printed and deposited at the offices of the local authority by whom the byelaws are made and shall at all reasonable

PART XIV —*cont.*

hours be open to public inspection without payment, and a copy thereof shall on application be furnished to any person on payment of such sum not exceeding one shilling for every copy as the authority may determine.

(14) In the case of byelaws made by a county council, the county clerk shall send a copy of the byelaws as confirmed to the clerk of the district council of every district within any part of which the byelaws apply, and where the byelaws apply to any part of a burgh, to the town clerk of the burgh, and the district council clerk or town clerk, as the case may be, shall cause the copy to be open to public inspection without payment at his office at all reasonable hours.

(15) In this section the expression "the confirming authority" means—

(*a*) in the case of byelaws made under the Public Parks (Scotland) Act, 1878, or under the Burgh Police Acts or under the Public Health Acts, or under any enactment incorporating or applying section fifty-seven of the Local Government (Scotland) Act, 1889, or section three hundred and eighteen of the Burgh Police (Scotland) Act, 1892, or section one hundred and eighty-five of the Public Health (Scotland) Act, 1897, the Secretary of State; and

(*b*) in any other case, the authority or person, if any, specified in the enactment under which the byelaws are made or in any enactment incorporated therein or applied thereby as the authority or person by whom the byelaws are to be confirmed:

Provided that, where under or by virtue of any enactment the power of an authority or person specified as aforesaid to confirm byelaws has been transferred, the authority or person to whom that power has been transferred shall be deemed to be the authority or person specified as aforesaid.

(16) The provisions of this section shall apply in the case of byelaws made by the magistrates of a burgh in like manner as they apply in the case of byelaws made by the town council of the burgh.

(17) The Secretary of State on the application of a local authority may by order apply the provisions of this section to the confirmation of byelaws made by the authority under any local Act passed before the commencement of this Act in substitution for the provisions of the local Act relating thereto, and any such order shall as soon as may be after it is made be laid before each House of Parliament.

(18) The provisions of this section shall apply subject to the necessary modifications in the case of byelaws made by

any authority (other than a local authority) under any enactment passed before the commencement of this Act and incorporating or applying any of the sections mentioned in paragraph (*e*) of subsection (1) of this section. PART XIV. —*cont.*

Penalties for offences against byelaws.

302. Byelaws to which the immediately preceding section applies may contain provisions for imposing on persons offending against the byelaws reasonable fines recoverable in a court of summary jurisdiction, not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws or if no sum is so fixed the sum of five pounds, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or if no sum is so fixed the sum of forty shillings for each day during which the offence continues after written notice of the offence from the local authority or other authority.

Evidence of byelaws.

303. The production of a copy of a byelaw purporting to be made by a local authority under any enactment whatever or by any other authority to whose byelaws the last but one preceding section applies upon which is endorsed a certificate purporting to be signed by the clerk of the authority stating—

(*a*) that the byelaw was made by the authority;

(*b*) that the copy is a true copy of the byelaw;

(*c*) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;

(*d*) that the byelaw made by a county council has been made with the consent of the town council of a burgh named in the certificate;

(*e*) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall, until the contrary is proved, be evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

PART XV.

PROMOTION OF AND OPPOSITION TO PRIVATE LEGISLATION BY LOCAL AUTHORITIES.

Power of county council and town council to promote or oppose private legislation.

304. Subject to the provisions of this Part of this Act, where a county council or a town council are satisfied that it is expedient to promote or oppose any private legislation in Parliament, the county council or the town council may promote or oppose the same accordingly, and may defray the expenses incurred in relation thereto:

PART XV. —*cont.*

Provided that nothing in this Part of this Act shall authorise the promotion of private legislation for the establishment of any gas or water works to compete with any gas or water company established under an Act of Parliament.

Power of district council to oppose private legislation.

305. Subject to the provisions of this Part of this Act, where a district council are satisfied that it is expedient to oppose any private legislation in Parliament, the council may oppose the same accordingly and may defray the expenses incurred in relation thereto.

Resolution of local authority to promote or oppose private legislation, and authority by Secretary of State.

306.—(1) A local authority shall not promote or oppose private legislation under the powers conferred by this Part of this Act unless a resolution to that effect is passed by a majority of the whole number of the members of the local authority at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof has been given by advertisement in a newspaper circulating in the area of the authority, such notice being in addition to the ordinary notice required to be given for the convening of a meeting of the authority.

(2) In the case of the promotion of private legislation by a county council or a town council, the resolution shall be published in a newspaper circulating in the area of the council and shall forthwith be submitted to the Secretary of State for authority to proceed, and the council shall not proceed with the promotion until the Secretary of State notifies the council that authority is given.

(3) In the case of the opposition to private legislation by a district council, the resolution shall be published in a newspaper circulating in the area of the council and shall forthwith be submitted to the Secretary of State for authority to proceed, and the council shall not proceed with the opposition until the Secretary of State notifies the council that authority is given.

(4) The Secretary of State shall cause intimation to be given to the local authority of his decision under either of the two immediately preceding subsections within one month after the submission to him of the resolution, so however that authority shall not be given by him until after the expiration of seven days after the publication of the resolution, and in the meantime any local government elector for the area of the local authority may give notice in writing to the Secretary of State of his objection thereto.

(5) In the case of the promotion of private legislation by a county council or a town council, a further meeting of the council shall be held as soon as may be after the expiration

of fourteen days after the draft of the provisional order has been submitted to the Secretary of State in accordance with the provisions of the Act of 1936, and unless the propriety of the promotion is confirmed at that meeting by a majority of the whole number of members of the council, the council shall take all necessary steps to withdraw the same.

Not less than ten clear days before the date of a meeting to be held under this subsection, the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (1) of this section.

(6) In ascertaining for the purpose of this section the whole number of members of a local authority, no account shall be taken of any vacancy which may at the time exist in the membership of the authority.

(7) Where under section two of the Act of 1936, the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons are of opinion that provisions contained in a draft provisional order ought to be dealt with by private Bill and not by provisional order, the determination of the Chairmen shall forthwith be reported to the council or to any duly authorised committee of the council, and unless the council or the committee, as the case may be, resolve to proceed with the promotion of a private Bill dealing with the matters to which the said provisions relate or any of them, such a private Bill shall not be promoted. Save as aforesaid the proceedings of the council and the authority given by the Secretary of State with respect to the promotion of the provisional order under this section shall be deemed to apply to, and to be sufficient authority for the promotion of, such a private Bill.

Taxation of expenses of local authority.

307.—(1) All expenses incurred by a local authority in the promotion of or opposition to private legislation under this Part of this Act shall be taxed by the Auditor of the Court of Session or by such other person as may be appointed for the purpose by the Secretary of State.

(2) No payment shall be made by a local authority to a member of the authority for acting as counsel or agent in promoting or opposing private legislation under this Part of this Act.

Defraying expenses of local authority.

308.—(1) The expenses incurred by a county council or a town council under this Part of this Act in the promotion of or opposition to private legislation may be defrayed as part of such branch or branches of expenditure of the council as the council may determine, having regard to the purposes and objects of the private legislation.

PART XV. —*cont.*

(2) The powers of a local authority to borrow under Part XII of this Act shall apply for the purpose of defraying expenses under this Part of this Act, so however that any sum so borrowed shall be repaid within such period as the authority may determine, being a period not exceeding five years from the date of passing of the confirmation Act or the private Act, or where no such Act is passed, a period not exceeding five years from the date on which the draft of the provisional order is submitted to the Secretary of State.

Saving for existing powers of town council.

309. The provisions of this Part of this Act shall be deemed to be in addition to, and not in derogation of, any other powers competent to a town council with respect to the promotion of private legislation.

Right of local authority to make report to Commissioners under Private Legislation Procedure (Scotland) Act, 1936.

310. Nothing in this Part of this Act shall affect the right of any local authority connected with the locality to which any draft provisional order referred to Commissioners under the Act of 1936 relates to make a report to the Commissioners respecting the provisions of the draft order.

Interpretation.

311. In this Part of this Act unless the context otherwise requires—

26 Geo. 5. & 1 Edw. 8. c. 52.

" Act of 1936 " means the Private Legislation Procedure (Scotland) Act, 1936;

" provisional order " means a provisional order under the Act of 1936; and

" private legislation in Parliament " and " private legislation " include a provisional order and the confirmation Bill relating thereto under the Act of 1936, and also any local or personal Bill.

PART XVI.

TRANSFER OF FUNCTIONS, &C.

Transfer of functions of county road board to county council.

312. All the functions of the county road board for a county under the Roads and Bridges Acts shall be transferred to and vest in the county council of the county.

Transfer of functions relating to licensing of theatres, &c.

313.—(1) The functions of the justices of the peace of a county under the Theatres Act, 1843, so far as relating to the landward part of the county, shall be transferred to and vest in the county council of the county.

6 & 7 Vict. c. 68.

(2) The functions of the justices of the peace of a county under the Theatres Act, 1843, so far as relating to a burgh

within the county, and the functions of the magistrates of a burgh under sections three hundred and ninety-five to three hundred and ninety-seven, and sections three hundred and ninety-nine, four hundred and four hundred and two of the Burgh Police (Scotland) Act, 1892, relating to theatres and places of public resort, shall be transferred to and vest in the town council of the burgh.

(3) A county council or town council to whom functions are transferred by this section may in any case where they think fit grant a licence without requiring the person to whom the licence is granted or any other person to become bound in a penal sum for the due observance of any rules or byelaws for the regulation of the theatre or other place of public resort or of the conditions of the licence and for securing payment of any penalty for breach of any statutory provision or of any rule or byelaw.

(4) The Secretary of State may make regulations with respect to the form of application for licence, the form of and the manner of signing the licence and the procedure with respect to granting the licence in the case of councils to whom functions are transferred by this section, and such regulations when made shall come in place of the provisions relating to the said matters contained in section five of the Theatres Act, 1843:

Provided that, where a town council have made byelaws under the Burgh Police Acts relating to any of the matters aforesaid, such byelaws shall to the extent to which they deal with the matters aforesaid apply in lieu of the said regulations.

(5) For the purposes of any enactment relating to theatres or other places of public entertainment, a licence issued by a county council or a town council to whom functions are transferred by this section or by a town council or the magistrates or a committee of the magistrates of a burgh under a local Act shall be deemed to be a licence issued by justices of the peace.

Transfer of functions relating to cinemas.
9 Edw. 7. c. 30.

314. The functions of the magistrates of a burgh under the Cinematograph Act, 1909, shall be transferred to and vest in the town council of the burgh, except in the case of the cities of Glasgow and Aberdeen.

Transfer of functions under various Acts from county council to town councils of large burghs.

315. The functions of a county council as local authority for the purposes of the enactments set out in the Ninth Schedule to this Act, so far as relating to a large burgh within the county, shall be transferred to and vest in the town council of that burgh.

PART XVI. —*cont.*

Functions of town council of large burgh under Wild Birds Protection Acts.

316. The functions exercisable by a county council within the county under the Wild Birds Protection Acts, 1880 to 1908 shall be functions exercisable by the town council of a large burgh within the burgh.

PART XVII.

PROVISIONS CONSEQUENTIAL ON TRANSFER OF FUNCTIONS BY OR BY VIRTUE OF THIS ACT.

Transfer of property and liabilities and construction of Acts and documents in case of transfer of functions.

317.—(1) Where functions are transferred from one local authority to another local authority by this Act or by virtue of any provision of this Act, all property and liabilities so far as held or incurred by or on behalf of the transferor authority for the purposes of the functions so transferred shall, subject to the provisions of this Act, be transferred to and vest in the transferee authority and be held or treated as incurred by or on behalf of the transferee authority for the same purposes, and subject to the same trusts, and, in the case of property subject to the same debts and liabilities, as they were held or incurred by or on behalf of the transferor authority.

(2) The provisions set out in the Tenth Schedule to this Act (being provisions with respect to the construction of Acts and documents and other matters in case of transfer of functions) shall have effect for the purposes of functions so transferred.

Transfer and compensation of officers on transfer of functions.

318.—(1) The provisions of this section shall apply in relation to officers of local authorities affected by any transfer of functions by this Act or by virtue of any provision of this Act.

(2) Any existing officer who in consequence of the transfer of functions or of anything done following thereon suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and for whose compensation for that loss no other provision is made by any enactment or statutory order for the time being in force shall be entitled to payment, by the transferee authority or such other authority as the authorities concerned may agree or the Secretary of State may determine, of compensation:

Provided that, in the case of an officer of justices of the peace entitled to compensation in consequence of a transfer of functions under Part XVI of this Act, the compensation shall, as respects both the transfer of functions to the county

council and the transfer of functions to town councils of burghs within the county, be paid by the county council, but each of the said town councils shall pay to the county council such proportion of the compensation as may be agreed upon between the councils concerned, or, failing agreement, as may be determined by the Secretary of State.

(3) An existing officer who, at any time within five years after the date on which the transfer of functions takes effect, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before that date shall be deemed for the purposes of this section to have had his office determined in consequence of the transfer of functions and, unless the contrary is shown, to have suffered direct pecuniary loss in consequence thereof by reason of such determination.

(4) An existing officer whose appointment is determined or whose emoluments are reduced within five years after the date on which the transfer of functions takes effect because his services are not required or his duties are diminished (no misconduct being established) shall be deemed, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of the transfer.

(5) The provisions set out in the Eleventh Schedule to this Act (being provisions as to the determination and payment of compensation to officers in case of transfer of functions) shall apply for the purposes of this section.

(6) The payment of compensation by way of a lump sum shall be a purpose for which a local authority may borrow, so however that any sum so borrowed shall be repaid within a period of five years from the date on which the payment of the lump sum is made.

Provisions as to superannuation rights of transferred officers.

319. Where officers of a local authority who are entitled as such to benefits of a superannuation enactment are transferred to the service of another local authority in consequence of a transfer of functions by or by virtue of this Act, provision shall be made by a scheme made by the Secretary of State, after consultation with the local authorities and officers concerned—

(*a*) for securing that the superannuation enactment to the benefits of which such an officer was entitled immediately before his transfer shall continue to apply to him, subject to such modifications and adaptations as the Secretary of State may determine; or

PART XVII. —*cont.*

(*b*) for applying to the officer, subject to such modifications and adaptations as the Secretary of State may determine, any superannuation enactment to the benefits of which officers of the authority to which the officer is transferred are entitled;

and any such scheme may contain such incidental, consequential and supplemental provisions as appear to the Secretary of State to be necessary or proper for giving full effect to the provisions of this section and of the scheme.

Interpretation and application of Part XVII of Act and the Tenth and Eleventh Schedules.

320.—(1) In this Part of this Act and in the Tenth and Eleventh Schedules to this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"existing officer" means, in relation to a transfer of functions from one local authority to another authority, an officer of the transferor authority who holds office at the date on which the transfer of functions takes effect;

"office" means any place, situation or employment under a local authority, and includes the office of registrar of births, deaths and marriages, assistant registrar of births, deaths and marriages, clerk to the justices of the peace or procurator fiscal in the justices of the peace court, and the expression "officer" has a corresponding meaning;

"superannuation enactment" means an enactment, including a scheme made under an enactment, by virtue of which persons employed by a local authority become entitled to superannuation benefits on retirement;

"transferred function" includes a function deemed to have been transferred, and other expressions relating to transfer of functions shall be construed accordingly;

"transferee authority" means the authority to whom functions are transferred by this Act or by virtue of any provision of this Act;

"transferor authority" means the authority from whom functions are transferred by this Act or by virtue of any provision of this Act.

(2) For the purposes of this Part of this Act and of the Tenth and Eleventh Schedules to this Act, a function shall be deemed to be transferred where local authorities combine

or are combined for the purposes of that function, and any question as to which is the transferee authority shall be determined by the Secretary of State. PART XVII. —*cont.*

(3) The provisions of this Part of this Act and of the said Tenth and Eleventh Schedules shall, subject to any necessary modifications, apply to and as respects justices of the peace of a county, magistrates of a burgh or any other body or authority affected by any alteration of area under Part VI of this Act as they apply to and as respects a local authority and as if each of the said bodies or authorities were a local authority.

PART XVIII.

DEAN OF GUILD COURT, DEAN OF GUILD, &C.

Constitution of dean of guild court.

321.—(1) Subject to the provisions of this section, the dean of guild court for any burgh having such a court at the commencement of this Act shall continue to be constituted in accordance with the law and practice then existing relating thereto.

(2) The town council of any burgh having no dean of guild court at the commencement of this Act shall as soon as practicable thereafter establish a dean of guild court which shall consist of the dean of guild who shall be elected as provided in the immediately succeeding section of this Act, and not less than two nor more than four councillors who shall be elected annually as provided in the said section.

(3) As from the first Friday after the first annual election of town councillors held after the commencement of this Act, a dean of guild court established under section two hundred and two of the Burgh Police (Scotland) Act, 1892, shall cease to be constituted in accordance with the provisions of section two hundred and three of that Act and shall be constituted in accordance with the provisions of the immediately preceding subsection.

(4) Subject to the provisions of this Part of this Act, the town council of any burgh having a dean of guild court constituted otherwise than in accordance with the provisions of subsection (2) of this section and to which the immediately preceding subsection does not apply may on passing a resolution to that effect provide that, in lieu of the constitution of the court then existing, the court shall be constituted in accordance with the provisions of the said subsection (2), so however that nothing in or done under this subsection shall alter or affect the constitution, rights and privileges of any such court so far as regards members, lyners or assessors thereof

PART XVIII. —*cont.*

who are appointed otherwise than exclusively by the town council.

(5) The quorum at a meeting of a dean of guild court shall be two members.

(6) If the dean of guild is absent from any meeting of the dean of guild court, the members present shall elect one of their number to preside at the meeting.

(7) The dean of guild or other member presiding shall have a casting vote as well as a deliberative vote.

(8) Interlocutors pronounced at a meeting of the dean of guild court shall be signed by the member presiding, but deliverances appointing service or intimation of any petition, motion or other step of procedure or fixing a diet for hearing parties may be pronounced and signed by the clerk or by any member of the court without the necessity of a meeting.

(9) No member of a dean of guild court shall sit as such when any matter in which he is personally interested is under consideration.

Election of dean of guild and members of dean of guild court by town council and casual vacancies.

322.—(1) Where in any burgh there is at the commencement of this Act a dean of guild who is elected otherwise than exclusively by the town council, the law and practice then existing relating to his election shall continue, and in any other case the town council of the burgh shall elect a councillor to be the dean of guild, and the whole provisions of this Act relating to the election, term of office, resignation and filling of vacancies applicable to a bailie shall be applicable to the councillor so elected, so however that a casual vacancy in the offices of dean of guild shall in every case be filled as soon as practicable.

(2) The members of the dean of guild court elected by the town council (other than the dean of guild where he is elected by the council) shall be elected by the council at the meeting held on the first Friday after the day of the annual election of councillors or at an adjournment of that meeting and shall, so long as they remain councillors, hold office until the first Friday after the next annual election of councillors.

(3) If the town council fail to elect any such member of the dean of guild court at the meeting mentioned in the immediately preceding subsection, they shall fill the vacancy as soon as practicable thereafter.

(4) If any member of the dean of guild court elected by the town council (other than the dean of guild) dies or resigns from office as a member of the court or ceases to be a

councillor, the council shall as soon as practicable after the vacancy arises elect a councillor in his place, and such councillor shall hold office during the remainder of the period during which the person in whose place he is elected would have held office.

(5) The proceedings of a dean of guild court shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof.

Committees of dean of guild court.

323.—(1) The dean of guild court may appoint a committee consisting wholly of members of the court for the purpose of inspecting buildings or streets or disposing of incidental questions arising in any case before the court, and may for any such purpose delegate any of their powers to the committee.

(2) The convener of any such committee shall be elected and the quorum fixed by the court, and the convener shall preside and shall have a casting vote as well as a deliberative vote.

Jurisdiction of dean of guild court.

324. A dean of guild court whether constituted under this Act or otherwise shall have all the rights, powers, privileges and jurisdictions possessed by virtue of statute or otherwise by dean of guild courts in royal burghs.

Master of works for dean of guild court.

325.—(1) The town council may appoint a master of works in connection with the dean of guild court and may pay to him such reasonable salary as the council may determine.

(2) The master of works shall hold office during the pleasure of the town council.

(3) It shall be the duty of the master of works to report to the dean of guild court upon all plans lodged with petitions to the court, to see that the orders made by the court are duly carried into execution, from time to time to inspect the works in progress in execution of plans for which warrant has been granted by the court and to report to the prosecutor in the court any deviation therefrom, and also to perform any other duties which he may be required to perform by the town council.

(4) The master of works shall not be connected directly or indirectly with or interested in any branch of the building trade in the locality or give any assistance or receive any fees in connection with plans to be submitted to the court.

Clerk and prosecutor of dean of guild court.

326.—(1) Subject to the provisions of the succeeding subsection, the town clerk shall act as clerk of the dean of guild court and the burgh prosecutor shall act as prosecutor in the dean of guild court.

PART XVIII —*cont.*

(2) Where the town clerk or a depute town clerk or a partner of or a person in the employment of the town clerk or a depute town clerk appears on behalf of any party in connection with any opposed proceedings before the dean of guild court, the court shall appoint an independent person to be legal assessor in connection with such proceedings, and where the town clerk so appears the court shall appoint either the legal assessor or some other person to be clerk of the court in connection with the proceedings, and the expenses incurred by the court in connection with any such appointments shall be defrayed by the town council.

Rules as to holding of courts.

327. The town council may make rules regulating the dates of meetings of the dean of guild court, so however that dean of guild courts shall be held from time to time and as often as may be necessary in some convenient place in the burgh.

Expenses of dean of guild court.

328. The town council shall provide such accommodation, with furniture, books and other things, as is required for the transaction of the business of the dean of guild court of the burgh, and shall make payment of the salaries and expenses of the officers of the court.

Saving for cities.

329. The foregoing provisions of this Part of this Act shall not apply in the case of the cities of Edinburgh, Glasgow, Dundee and Aberdeen.

Dean of guild, &c. of certain burghs to be members of town council.

330.—(1) Notwithstanding anything in this Act, the persons elected to the office of dean of guild by the several guildries of the cities of Aberdeen, Dundee and Perth shall by virtue of their said elections be constituent members of the town councils of the said cities respectively, and shall as such exercise all the functions exercised immediately before the commencement of this Act by the dean of guild in the said cities respectively.

(2) Notwithstanding anything in this Act, the persons elected to the offices of dean of guild and deacon convener or convener of trades by the guild brethren and convenery respectively in the city of Edinburgh and to the offices of dean of guild and deacon convener by the merchants house and trades house respectively in the city of Glasgow shall by virtue of their said election be constituent members of the town councils of the said cities respectively and shall exercise all the functions exercised immediately before the commencement of this Act by such office bearers in these cities.

(3) The provisions of this Act relating to the qualification, retirement and election of town councillors shall not be applicable to such persons, and in computing the number of town councillors or the number to retire, the said persons shall not be reckoned as councillors.

PART XVIII. —*cont.*

Disqualifications in case of dean of guild ect.

331. A person shall be disqualified for being elected to or holding the office of dean of guild or deacon convener or convener of trades, if he is a person whose estate has been sequestrated by a competent court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland:

Provided that—

(*a*) the disqualification attaching to a person whose estate has been sequestrated shall cease if and when—

(i) the sequestration of his estate is recalled or reduced; or

(ii) he obtains his discharge from a competent court;

(*b*) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease if and when—

(i) the bankruptcy is annulled; or

(ii) he is discharged.

PART XIX.

BURGESSES.

Qualification of burgesses.

332. Every local government elector of a burgh shall be a burgess of the burgh.

Admission of honorary burgesses.

333.—(1) The town council of a burgh may, by resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council the notice of which specifies the proposed admission as an item of business, admit to be honorary burgesses of the burgh persons of distinction and any persons who have rendered eminent services to the burgh.

(2) The town clerk of a burgh or such other officer as may be designated for the purpose by the town council shall keep a burgess roll containing the names of persons admitted to be burgesses under this section.

Limitation of rights of persons burgesses by virtue of Part XIX of Act.

334. Nothing in this Part of this Act shall—

(*a*) confer any right of membership or any right or interest in the properties, funds, revenues or privileges of any guild or incorporation of crafts; or

(*b*) confer any right or interest in any burgess acres or any grazing rights connected therewith, or affect the law or practice existing at the commencement of this Act with reference to the use, enjoyment and administration of any such burgess acres or grazing rights.

Saving as to admission of burgesses.

335. Nothing in this Part of this Act shall interfere with any law or practice existing at the commencement of this Act by which burgesses are created or admitted in any burgh.

PART XX.

GENERAL.

Contracts and Obligations.

Contracts and obligations of local authorities.

336.—(1) A local authority may enter into any contract necessary for the discharge of any of their functions.

(2) A local authority shall not grant any obligation, contract any debt, enter into any contract or agreement or execute any deed unless the same shall have been authorised by the authority or by a committee thereof or a person duly empowered by the authority, and in the case of contracts for the supply of goods or materials or for the execution of works, standing orders of the authority shall—

(*a*) require that, except as otherwise provided by or under the standing orders, notice of the intention of the authority or committee or person, as the case may be, to enter into the contract shall be published and tenders invited; and

(*b*) regulate the manner in which such notice shall be published and tenders invited:

Provided that a creditor in any such obligation or debt or a person entering into a contract or agreement with a local authority or a person transacting on the faith of a deed executed by a local authority shall not be bound to inquire whether the same has been duly authorised as aforesaid, and all such obligations, debts, contracts, agreements and deeds granted, contracted, entered into or executed by a local authority if otherwise valid shall have full force and effect, notwithstanding that the same have not been duly authorised in accordance with the provisions of this section.

Protection for members and officers of local authority in relation to obligations, etc.

337. No member or officer of a local authority shall be personally liable for the fulfilment of any obligation undertaken or contract or agreement made by the authority or for the repayment of any money borrowed by the authority whether under this Act or any other enactment or any statutory order or otherwise.

Travelling Expenses, &c. of Members of County Council.

Payment of travelling expenses, &c., of members of county council.

338.—(1) A county council may if they think fit pay allowances at such rates, not exceeding the rates set out in the Twelfth Schedule to this Act, as the council may fix in respect of travelling and other personal expenses necessarily incurred and time necessarily lost from ordinary employment by members of the council or of any committee or sub-committee thereof in attending meetings of such council, committee or sub-committee.

PART XX —*cont.*

(2) Any such expenditure as aforesaid incurred in respect of meetings of the council shall be defrayed in like manner as general expenses of the council, and any expenditure incurred in respect of meetings of a committee or sub-committee shall be defrayed in like manner as expenditure on the functions for which the committee or sub-committee are appointed.

(3) For the purposes of this section—

(*a*) any body of persons, whether members of the council or not, constituted by a county council to advise or assist them in the execution of any of their functions relating to education shall be deemed to be a committee of that council; and

(*b*) a committee all the members of which, other than any ex officio members, are appointed by a county council shall, where the expenses of the committee are defrayed wholly or partly by the council, be deemed to be a committee of that council as respects the members of the committee appointed by the council.

Expenditure by County Council and Town Council on Special Purposes.

Expenditure by county council and town council on special purposes.

339.—(1) A county council or a town council may with the approval of the Secretary of State make any payment for any purpose which in the opinion of the council is in the interests of the council or of the area of the council or any part thereof or of the inhabitants thereof:

Provided that—

(*a*) the total payments so made by a council in any one year shall not exceed the produce of a rate of two pence per pound on the rateable valuation of the area of the council; and

(*b*) nothing in this subsection shall apply to any payment for any purpose in pursuance of any power otherwise competent to the council under any enactment or statutory order.

(2) The total payments which may be made in any year by a county council under this section shall be calculated by reference only to the landward area of the county.

(3) Any payment made under this section shall be defrayed as part of such branch or branches of expenditure as the council may determine, having regard to the purpose for which the payment is made, so however that a county council may not treat any such payment as part of a branch of expenditure for the purpose of which any burgh is included within the county.

PART XX. —*cont.*

Acceptance of Gifts.

Acceptance of gifts of property.

340.—(1) A local authority may accept, hold and administer any gift of property whether heritable or moveable for any local public purpose or for the benefit of the inhabitants of the area of the authority or of some part thereof, and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

(2) Where the purposes of the gift are purposes for which the local authority are empowered to expend money raised from a rate, they may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by the preceding subsection out of money so raised.

Transfer of Stock on Change of Name of Local Authority, &c.

Transfer of stock on change of name of local authority, &c.

341.—(1) Where any stock is standing in the books of a company in the name of a local authority in Scotland the following provisions shall have effect:—

(*a*) if the name of the authority is changed, then on the request of the authority and on production of a statutory declaration by the clerk of the authority specifying the stock and verifying the change of name and identity of the authority, the company shall enter the stock in the new name of the authority in like manner as if the stock had been transferred to the authority under that name;

(*b*) if by virtue of anything done under or in accordance with the provisions of this Act any other local authority in Scotland have become entitled to the stock or any dividends thereon, a certificate by the county clerk of the county in which the area of that other authority is situated or, where the county council is that other authority, a certificate by or on behalf of the Secretary of State, shall be a sufficient authority to the company to transfer the stock into the name of the local authority specified in that behalf in the certificate and to pay the dividends to that authority;

(*c*) if in any other case any other local authority in Scotland have become entitled to the stock or any dividends thereon, the Court of Session may on the petition of that other authority make an order vesting in that other authority the right to transfer the stock or to receive the dividends.

(2) In this section the expression—

" company " includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

" stock " includes any share, annuity or other security.

(3) This section shall extend to England and Wales as well as to Scotland.

Execution of Deeds and Use of Seal.

Execution of deeds by local authority and use of seal.

342.—(1) Save as otherwise provided in this Act, a deed to which a county council or a town council are a party shall be held to be validly executed on behalf of the council if it is sealed with the common seal of the council and subscribed on behalf of the council by two members of the council and the clerk of the council, whether attested by witnesses or not, or if it is executed in such other manner as may be provided in a local Act.

(2) Save as otherwise provided in this Act, a deed to which a district council are a party shall be held to be validly executed on behalf of the council—

(*a*) where the council have a common seal, if it is sealed with the common seal of the council and subscribed on behalf of the council by two members of the council and the clerk of the council, whether attested by witnesses or not;

(*b*) in any other case, if it is subscribed on behalf of the council by two members of the council and the clerk of the council, and attested by witnesses.

(3) The seal of a county council or town council or, where a district council have a common seal, the seal of the district council may be affixed to a deed or other document if authority to affix the seal to the deed or other document has been given at a meeting of the council, or has been given otherwise in accordance with standing orders of the council:

Provided that a person entering into any transaction with any such council shall not be bound to inquire whether authority to affix the seal has been given in accordance with the provisions of this subsection, and all deeds executed by such a council if otherwise valid shall have full force and effect notwithstanding that such authority may not have been given.

PART XX —*cont.*

Legal Proceedings, Notices, &c.

Legal proceedings for protection of inhabitants of area.

343. A county council or a town council may institute or defend any legal proceedings for the promotion or protection of the interests of the inhabitants of their area or any part thereof.

Offences against byelaws may be prosecuted by local authority.

344. Any offence against any byelaw made by a local authority by virtue of section three hundred of this Act or the corresponding enactment repealed by this Act may be prosecuted and the expenses of the proceedings may be recovered at the instance of the authority under the Summary Jurisdiction (Scotland) Acts, and every fine or penalty recovered by a local authority in any such proceedings shall be applied as the authority shall determine.

Appearance on behalf of local authority in legal proceedings.

345. Subject to the provisions of subsection (4) of section eighty-four of this Act, it shall be lawful for the clerk of a local authority and also, if duly authorised by resolution of the authority either generally or in respect of any special proceeding, for any other officer of the authority or any other person to appear on behalf of the authority before a court of summary jurisdiction in any proceedings instituted by them, and the clerk or any other officer or other person so authorised shall be entitled to conduct any such proceedings on behalf of the authority although he is not a practising solicitor.

Service of legal proceedings and notices on local authority or officers.

346. Any legal proceedings against a local authority shall be deemed to have been duly served on the authority if served on the clerk of the authority and any notice, order, demand or other document required or authorised by this Act or any other enactment or any statutory order to be sent, delivered or served to or upon a local authority or upon the clerk or other officer of a local authority shall be addressed to the authority or to the clerk or other officer, as the case may be, and left or sent by post in a prepaid letter, in the case of the authority or the clerk, at or to the principal offices of the authority, and in the case of any other officer, at or to the principal offices of the authority or his place of residence.

Authentication of notices by local authority.

347.—(1) Any notice, order, demand, requisition or other such document by a local authority required or authorised by this Act or any other enactment or any statutory order or byelaw shall, except in so far as any such other enactment or statutory order specifically otherwise provides, be signed by the clerk of the authority or authenticated in such other

manner as the authority may by standing order or otherwise direct, and subject to the provisions of any such other enactment or statutory order, any such notice or other document may be withdrawn by a notice similarly authenticated.

(2) Any document purporting to bear the signature of the clerk of a local authority or of an officer expressed to be duly authorised by the authority to sign such a document or the particular document shall, for the purposes of any enactment or statutory order relating to any function of the authority, or any regulations, order or byelaws thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.

In this subsection the expression " signature " includes a facsimile of a signature by whatever process reproduced.

Claims in sequestrations and liquidations.

348. The clerk or treasurer of a local authority or any other officer authorised by the authority for the purpose may sign on behalf of the authority any claim in any sequestration, liquidation or other such proceedings in which the authority are entitled to make a claim, and may act on behalf of the authority in connection with that claim in all respects.

Service of notices etc., by local authority or officer.

349.—(1) Without prejudice to the provisions of any local Act, any notice, order, demand, requisition or other such document by a local authority or by an officer of a local authority required or authorised by this Act or any other enactment or any statutory order or byelaw (other than a notice with respect to the compulsory purchase of land) may (except in so far as any such other enactment or statutory order otherwise specifically provides) be served—

(*a*) by being sent by post in a prepaid letter or delivered to or at the residence or place of business of the person to whom it is addressed:

Provided that in the case of a person employed on any ship or vessel it shall be delivered to some person on board thereof and connected therewith; or

(*b*) in the case of an incorporated company or body by being sent by post in a prepaid letter addressed to the secretary or clerk of the company or body at their registered or principal office or by delivering it to him at that office; or

(*c*) where the notice or other document relates to premises and the owner thereof resides beyond the area of the authority, by being sent by post in a prepaid letter or delivered to or at the place of business of his known

PART XX. —*cont.*

factor or agent or the person drawing the rents of the premises; or

(*d*) where the notice or other document relates to premises and the authority are unable after reasonable inquiry to ascertain the address of the person upon whom it should be served, by addressing it to him—

(i) by name, if his name is known; or

(ii) if his name is not known, by the description of "owner" or "occupier" of the premises (naming them) to which it relates;

and by delivering it to some person on the premises, or if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

(2) Service of a copy of any such notice, order, demand, requisition or other document shall be deemed to be service of the principal document.

(3) Service of any such notice, order, demand, requisition or other document may be proved by a certificate under the hand of the person who posted or delivered or affixed the same attested by one witness who was present at such posting, delivery or affixing.

(4) Where any such notice, order, demand, requisition or other document authorised or required by this Act or any other enactment or any statutory order or byelaw relates to premises and the authority are unable after reasonable inquiry to ascertain the name and address of the owner of the premises, then if there is no known factor, agent or person drawing the rents, such notice or other document may be addressed to the occupier or any of the occupiers of the premises, and such occupier shall in all respects take burden for the owner, so however that he shall not be liable to make payment under this section of any sum in excess of the sum which he is liable to pay in respect of rent of the premises nor shall he be required to make payment of any sum before the sum in respect of rent is due and payable, and any sum so paid by the occupier shall be deemed to be a payment to account of rent.

Evidence of resolutions, &c. by local authority.

350.—(1) Save as otherwise provided in any other enactment or any statutory order relating to any particular function, production of a copy of or an extract from any minute of meeting of a local authority or a committee thereof or a copy of any resolution passed by a local authority or a committee thereof or of any rules or regulations (other than byelaws) made by a local authority under this Act or any other enactment or any statutory order upon which is endorsed a

certificate purporting to be signed by the clerk of the authority stating that the copy of or extract from the minute of meeting is a true copy or extract or that the resolution was passed at a specified meeting of the authority or committee, as the case may be, or that the rules and regulations were made by the authority in accordance with the provisions of this Act or any other enactment or any statutory order relating thereto shall, until the contrary is proved, be evidence of the facts stated in the certificate and that in the case of a resolution passed by a committee the committee had power to pass such a resolution, without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this subsection. PART XX. —*cont.*

(2) References in this section to a committee shall in the case of a town council be construed as including references to the magistrates of the burgh.

351. A public notice required to be given by a local authority under this Act or any other enactment or any statutory order shall, save as otherwise expressly provided therein, be given— Public notices.

(*a*) by displaying the notice conspicuously at or near the principal entrance to the offices of the authority; and

(*b*) by posting the notice in some conspicuous place or places within the area of the authority or by inserting a copy of the notice in a newspaper circulating in the area of the authority; and

(*c*) in such other manner, if any, as appears to the authority to be desirable for giving publicity to the notice.

352. No misnomer or inaccurate description of any person or place, omission, mistake or informality in any notice or other document under or for the purposes of this Act shall affect the full operation of the notice or other document if the person or place mentioned is so designated as to be commonly understood, and such omission, mistake or informality is not such as to defeat the object of the notice or other document or cause substantial injustice to any person affected thereby. Misnomers, &c. not to affect validity of notices, &c.

Custody of Records and Documents.

353.—(1) Subject to any administrative scheme and to any general directions which the council may give, the county clerk, the town clerk of a burgh and the clerk of a district council, shall have the charge and custody of and be responsible for all charters, deeds, records and other documents belonging to the council or to the county, burgh or district, as the case may be. Custody of records and documents.

(2) Nothing in this section shall affect the power of a local authority under section five of the Public Records (Scotland) Act, 1937, to transmit any of their records to the Keeper of the Registers and Records of Scotland for custody. 1 Edw. 8. & 1 Geo. 6. c. 43.

PART XX. —*cont.*

Reports and Returns.

Reports and returns.

354. Every local authority and every joint committee or joint board shall make to the Minister concerned such reports and returns and give him such information with respect to their functions as the Minister may require, or as may be required by either House of Parliament.

Local Inquiries.

Provisions as to local inquiries.

355.—(1) Where a Minister is authorised to determine any difference, to make or confirm any order, rules, regulations or byelaws, to make any adjustment, to frame any scheme or to give any consent, confirmation, sanction or approval to any matter or otherwise to act under this Act or any other enactment or any statutory order relating to the functions of a local authority or is authorised or required to inquire into any matter or hold an inquiry under this Act or any other enactment or any statutory order relating to the functions of a local authority, he may or shall, as the case may be, cause a local inquiry to be held, and the provisions of this section shall apply to such local inquiry.

(2) Save as otherwise provided in any enactment or any statutory order that may be applicable, the Minister may appoint an officer of his department or any other person to conduct the inquiry and to report thereon to him.

(3) The person appointed to hold the inquiry shall cause notice of the time and place of the inquiry to be given to the bodies and persons appearing to him to be interested.

(4) For the purpose of any such inquiry, the person appointed to hold the inquiry may by notice in writing—

(*a*) require any person to attend at the time and place set forth in the notice to give evidence or to produce any books, documents and accounts in his custody or under his control which relate to any matter in question at the inquiry;

(*b*) require any local authority or person to furnish within such reasonable period as is specified in the notice such returns and such information relating to the matter in question as the person appointed to hold the inquiry may think fit and as the authority or person is able to furnish:

Provided that—

(i) no person shall be required in obedience to such a notice to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him; and

PART XX. —*cont.*

(ii) nothing in this subsection shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

(5) The person appointed to hold any such inquiry may administer oaths to witnesses and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.

(6) Any person who refuses or wilfully neglects to attend in obedience to a notice under this section or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book, document or account which he may be required to produce for the purposes of this section, or who refuses or wilfully neglects to comply with any requirement under subsection (4) of this section of the person appointed to hold the inquiry shall be liable on summary conviction to a fine not exceeding five pounds and for the second and every subsequent offence to a fine not exceeding twenty pounds nor less than five pounds.

(7) The Minister causing the inquiry to be held may if he thinks fit pay such expenses of witnesses and such expenses of or concerning the production of any books, documents or accounts or the furnishing of returns or information as to him seems reasonable, and such expenses shall be deemed to be part of the expenses of the inquiry.

(8) The expenses incurred by a Minister in relation to any such inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer of a government department engaged in the inquiry) shall, unless he is of opinion having regard to the object and result of the inquiry that the expenses should be defrayed in whole or in part by him, be paid by such local authority or party to the inquiry as he may direct, and the Minister may certify the amount of the expenses so incurred, and any sum so certified and directed by him to be paid to him by any authority or person shall be a debt due by that authority or person to the Crown and shall be recoverable accordingly.

(9) The Minister causing an inquiry to be held may make an award as to the expenses of the parties at the inquiry, and as to the parties by whom such expenses shall be paid.

(10) Provisions in any enactment applying with or without modifications the provisions of section ninety-three of the Local Government (Scotland) Act, 1889, relating to local inquiries shall cease to have effect, but, save as aforesaid,

PART XX. —*cont.*

the provisions of this section shall not apply in the case of a local inquiry held under any enactment or a statutory order where the enactment or order contains provisions with regard to such inquiries.

Provision for Default of Local Authority.

Provision for default of local authority.

356.—(1) If a complaint is made to the Minister concerned that a local authority have failed to do what is required of them by or under this Act or any other enactment or any statutory order or the Minister concerned is of opinion that an investigation should be made as to whether a local authority have so failed, he may cause a local inquiry to be held into the matter.

(2) If after such a local inquiry the Minister concerned is satisfied that there has been such a failure on the part of the authority in question, he may make an order declaring the authority to be in default and directing them for the purpose of remedying the default to take such steps and within such time or times as may be specified in the order.

(3) If the authority declared to be in default by such an order fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Court of Session may, on the application of the Lord Advocate on behalf of the Minister concerned, order specific performance of the functions in respect of which there has been default, and do otherwise as to the Court appears to be just.

(4) Nothing in this section shall affect the provisions of any other enactment relating to the enforcement of a statutory duty whether under that enactment or otherwise.

Charitable Trusts, Parish Trusts, &c.

Election of trustees under certain Acts, charters, &c.

357. Where any trust, management or direction of any charitable or other institution is by the terms of any enactment or any charter or deed of foundation or other deed conferred or imposed on any members of a town council under the denomination of old provost, old bailie, old dean of guild or of merchants or trades bailies or merchants or trades councillors or under some other denomination, the town council shall from time to time nominate and elect from their own body such a number of persons to be such trustees, managers or directors as are by such enactment, charter or deed appointed to those offices under any of the said denominations, and the whole functions belonging to the said offices of trustees, managers or directors shall belong to and be as fully vested in the persons so elected as if they had possessed the denominations used in the said enactment, charter or deed.

Trusts vested in deacons, &c.

358. Where any trust, management or direction of any charitable or other institution is vested in any number of

deacons or in a deacon convener or convener of trades or in any dean of guild or other office bearers elected by the several crafts, trades, guildries or merchants or trades houses, then and in all such cases the persons so elected as such deacons, conveners, deans of guild or other officers shall be and continue trustees and managers of such charities or institutions whether such persons are members of town council or not, and the town councils shall in no such case have power to elect from their own body any other trustees or managers in place of such deacons, conveners, deans of guild, or other officers: PART XX. —*cont.*

Provided that in any burgh in which trades councillors or merchant councillors are or may be ex officio trustees or directors of any such institutions or charities, the convenery or trades house and the guildry or merchants house in such burghs shall elect an equal number from their own bodies respectively to be such trustees or directors notwithstanding anything in this Act to the contrary.

359.—(1) Where trustees hold any property wholly or mainly for the benefit of the inhabitants of any parish or two or more parishes within the area of a council concerned, or any of the inhabitants as such inhabitants or for any such purpose connected with any parish or two or more such parishes (other than for an ecclesiastical charity, or for the use or benefit of the poor of the parish within the meaning of section fifty-two of the Poor Law (Scotland) Act, 1845) they may transfer the property to the council concerned within the meaning of this section or to persons to be from time to time appointed by that council, and the council concerned, if they accept the transfer, or the persons whom they appoint shall hold the property on the trusts and subject to the conditions on which the trustees held the property immediately prior to the transfer.. Parish trusts. 8 & 9 Vict. c. 83.

(2) Any property vested in a council concerned or in trustees appointed by a council concerned by virtue of any enactment repealed by this Act corresponding to the foregoing subsection shall be held by the council or the trustees, as the case may be, on the trusts and subject to the conditions on which they held the property immediately prior to the commencement of this Act.

(3) In the event of any such property not being transferred to the council concerned under and subject to the provisions of subsection (1) of this section or the corresponding enactment repealed by this Act, the council concerned may from time to time appoint such number of additional persons to act along with the trustees of the said property as the trustees and the council may agree or in default of agreement as may be determined by the Secretary of State in each case:

PART XX. —*cont.*

Provided that where the trustees of any such property are elected by or include persons elected by the local government electors or inhabitants of the parish or parishes or are members of any local authority whose area includes the parish or parishes or any part thereof, the provisions of this subsection shall not apply unless the Secretary of State by order so determines.

(4) Where the trustees of any such property are the kirk session or the heritors and kirk session of any parish or the kirk session or deacons court or managers or vestry of a congregation belonging to any religious denomination to the number, whether alone or conjoined with others, of not less than six persons, the said trustees shall from time to time appoint certain of their own number not exceeding three, and the council concerned shall from time to time appoint such number of additional persons as the Secretary of State may in each case approve, to act together as a committee of management of the said property, and the management of the property shall be transferred to the committee accordingly.

(5) Where trustees hold any property for the benefit of the inhabitants of, or for any public purpose (other than as hereinbefore mentioned) connected with, two or more parishes and there are two or more councils concerned, the councils concerned may if the Secretary of State so decides from time to time appoint, in such manner or rotation and subject to such conditions as may be determined in any order of the Secretary of State, such number of additional persons to act as trustees of the said property as may be approved by the Secretary of State in each case.

(6) The term of office of a trustee appointed under this section shall not be longer than three years, but a trustee shall hold office until his successor is appointed and shall be eligible for re-appointment.

(7) The Secretary of State may by order make rules—

(*a*) as to the form in which the accounts of any property to which this section applies shall be kept; and

(*b*) as to the publication of such accounts.

(8) While a person is trustee of any property or revenues falling within the provisions of this section, neither he nor his spouse nor any of his children shall receive any benefit therefrom.

(9) The provisions of this section with respect to the appointment of trustees shall not apply to any charity until the expiration of forty years from the date of the foundation thereof.

(10) The expression " council concerned " means—

(*a*) if the trust (not being a trust with respect to the poor or to churchyards or to burial grounds) relates to a landward parish, the district council of the district in which the parish is situated, or if such a trust relates to a parish containing a landward part, then, so far as the trust relates to the landward part, the district council of the district in which the landward part is situated;

(*b*) if the trust relates to a churchyard or burial ground situated within a small burgh, the town council of the burgh;

(*c*) in any other case, the county council of the county or the town council of the large burgh in which the parish is situated;

and where in any case under paragraph (*a*) or (*c*) hereof the parish is situated in the areas of two or more such councils, the expression includes the two or more councils.

(11) Nothing in this section shall apply to an educational endowment.

Saving as to election of deacon convener, &c.

360. Nothing in this Act shall be held or construed to impair the right of any craft, trade, convenery of trades or guildry or merchants house or trades house or other such corporation severally to elect their own deacons or deacon convener or dean of guild or directors or other lawful officers for the management of the affairs of such craft, trade, convenery of trades, or guildry, merchants or trades house or other such corporation, but on the contrary the said several bodies shall be in all cases entitled to the free election in such form as shall be regulated by them of the said several office bearers and other necessary officers for the management of their affairs without any interference or control whatsoever on the part of the town council or any member thereof.

Miscellaneous Provisions.

Provision as to alteration of register of electors in certain cases.

361. Where any order or deliverance or district council scheme made under this Act altering the boundaries of electoral divisions in a county or of wards in a burgh or in an electoral division or dividing a burgh into wards involves an alteration of the area of any registration unit within the meaning of the Representation of the People Acts, the Secretary of State may by order make such provision as may be necessary with regard to the register of electors to be used at

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any election of county, town or district councillors for any division or burgh or ward affected by such alteration in the area of the registration unit.

Limitation of liability of certain owners.

362. Where a local authority claim to recover any sum in respect of rates or otherwise under or in pursuance of any provision of this Act from a person as being the owner of premises and that person proves that he—

(*a*) is receiving the rent merely as trustee, tutor, curator, factor or agent for some other person; and

(*b*) has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability should be limited to the total amount of the money which he has or has had in his hands as aforesaid.

Power to apply provisions of Act to joint boards, &c.

363.—(1) Where any enactment makes provision for the establishment by order or otherwise of a joint board or joint committee for the discharge of any of the functions of local authorities, the order or other document constituting or regulating the constitution of the joint board or joint committee may, without prejudice to any provisions of this Act, apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act:

Provided that the provisions of this Act enabling land to be acquired compulsorily shall not be so applied except in so far as this Act or any other enactment authorises land to be acquired compulsorily for the purposes of the functions of the local authorities which are delegated to the joint board or joint committee.

(2) In the case of any such joint board or joint committee established prior to the commencement of this Act, the order or other document constituting or regulating the constitution of the joint board or joint committee may be altered for the purposes aforesaid by order made by the Minister concerned on the application of any of the constituent authorities and after consultation with any other constituent authorities.

(3) Without prejudice to any other provisions of this Act, the Secretary of State, on the application of any joint board established by a local Act passed before the commencement of this Act, may by order apply to the joint board any of the provisions of this Act (other than those relating to the compulsory acquisition of land) subject to such modifications as may be specified in the order, and such provisions of any local Act relating to the joint board passed before the commencement of this Act as are specified in the order shall in consequence cease to have effect.

Member of local authority appointed to any court or body to cease to be member on ceasing to be member of authority.

364. Where a local authority by virtue of any enactment or any statutory order or otherwise appoint a member of the authority to be a member of any court or body, then, unless otherwise specifically provided in the enactment or order or document regulating the constitution of the court or body, the person so appointed shall cease to be a member of the court or body on ceasing to be a member of the authority.

Election and term of office of members of courts for counties under Licensing (Scotland) Act, 1903.

365. The following subsection shall as from the commencement of this Act be substituted for subsection (1) of section five of the Licensing (Scotland) Act, 1903, which relates to the election and term of office of members of courts under that Act:—

"(1).—(*a*) The members of a licensing court or court of appeal being justices of the peace or county councillors holding office at the commencement of the Local Government (Scotland) Act, 1947, shall hold office until the day of the first meeting of the county council held after the election of county councillors in the year nineteen hundred and forty-eight, when they shall retire and their successors be elected, and thereafter the term of office of members of the licensing court or court of appeal, being justices of the peace or county councillors, shall be from the day of their election as hereinafter provided until the day of the first meeting of the county council held after the election of county councillors in the third year thereafter.

"(*b*) The members of such a court being justices of the peace shall be elected at a meeting of the justices of the peace to be held on the same day and at the same place as the first meeting of the county council held after the election of county councillors in the year nineteen hundred and forty-eight and in every third year thereafter.

"(*c*) The members of such a court being county councillors shall be elected at the first meeting of the county council held after the election of county councillors in the year nineteen hundred and forty-eight and in every third year thereafter.

"(*d*) Notwithstanding any enactment providing that a member of a court appointed by a local authority shall cease to be a member of the court on ceasing to be a member of the local authority, a member of the licensing court or court of appeal who is a county councillor until the day of the election of county councillors shall continue to be a member of the court

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until his successor is appointed at the first meeting of the county council held after the election.

"(*e*) A justice of the peace who is not entered in the valuation roll for a county or a burgh situated therein as a proprietor, tenant or occupier of lands or heritages shall not be entitled to vote or submit a motion or, except with leave of the meeting, to take part in a discussion in connection with an election by the justices for the county of representatives from their own number to the county licensing court or court of appeal or to a court of appeal from a burgh licensing court or be eligible as a member of any such court."

Provisions as to Sunday, &c.

366.—(1) Where the day or the last day on which anything is required or permitted by or in pursuance of this Act to be done is a Sunday, Christmas Day, New Year's Day, Good Friday, bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned, but, save as aforesaid or as otherwise expressly provided in this Act, in reckoning a number of days for the purposes of this Act, the days before specified shall not be excluded.

(2) Where under the foregoing provisions of this section an election is postponed, the day on which the election is held shall be treated as the day of election for all purposes of this Act relating to that election:

Provided that where a day is declared to be a bank holiday or day of public thanksgiving or mourning, nothing in this subsection shall affect the validity of any act done in relation to an election before or on the date of the declaration.

References to census.

367. For the purposes of this Act or any other enactment relating to local government, references to the last published census shall as regards any local government area be construed as references to the last census in respect of which the Registrar-General for Scotland has, in pursuance of the Act under which the census was taken, published a report giving the population of that area, not being a report which is or purports to be of a provisional nature.

Adaptation of local Acts relating to local authorities.

368.—(1) In the case of a local authority to whom a local Act passed before the commencement of this Act applies, the Secretary of State may on the application of the authority make an order—

(*a*) modifying provisions of the local Act in consequence of the provisions of this Act; or

(*b*) modifying provisions of this Act in their application to the authority in consequence of the provisions of the local Act; or

(*c*) declaring that provisions of the local Act shall cease to have effect; or

(*d*) declaring that provisions of this Act shall not apply in the case of that authority:

Provided that—

(i) an order under this section shall not, unless the authority consent thereto, be made with respect to any provision of this Act in which reference is made to a local Act;

(ii) an order under this section shall not be made with respect to Part II of this Act so far as relating to offences connected with elections, or Part V of this Act so far as relating to administrative schemes and committees for the purposes of such schemes, or Part X of, or the Second Schedule to, this Act;

(iii) an order under this section shall not affect any provision of a local Act so far as relating to the purpose for which any money may be applied;

(iv) if within five years after the commencement of this Act the Secretary of State has not received an application from the local authority relating to any provision with respect to which it appears to him necessary or proper to make an order under this section, he may make an order with respect to the provision.

(2) An order under paragraph (iv) of the proviso to the immediately preceding subsection shall be subject to special parliamentary procedure.

(3) The Secretary of State shall before making an order under the said paragraph (iv), cause not less than twenty-eight days' notice to be given to the local authority of the purport of the order.

(4) Anything contained in a local Act in its application to a local authority inconsistent with any of the provisions of Part II of this Act so far as relating to offences connected with elections, or Part V of this Act so far as relating to administrative schemes and committees for the purposes of such schemes, or Part X of, or the Second Schedule to, this Act, shall cease to have effect.

(5) Any provision of a local Act applying or adopting any enactment contained in the Burgh Police Acts or in the Town Councils (Scotland) Acts, 1900 to 1923, which is repealed by this Act shall cease to have effect.

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(6) Subject to the two immediately preceding subsections and save as otherwise provided in subsection (2) of section three hundred and eighty-one of this Act, the provisions of this Act so far as inconsistent with the provisions of a local Act shall not apply to or as respects the local authority concerned until an order is made under this section with respect to such provisions.

Adaptation of other local Acts.

369. Without prejudice to any other provisions of this Act, if the Secretary of State, on the application of any local authority or any person concerned, is satisfied that the provisions of any local Act passed before the commencement of this Act (not being a local Act to which the immediately preceding section applies) should be adapted in consequence of the provisions of this Act, the Secretary of State may by order make such adaptations in the provisions of the said local Act as seem to him to be necessary in the circumstances.

(2) An order under this section shall be subject to special parliamentary procedure.

Order by Secretary of State relating to House Letting and Rating (Scotland) Act, 1911.

370.—(1) The Secretary of State may make an order after a local inquiry, if he thinks that such an inquiry should be held, for the purpose of resolving any doubt arising in relation to any assessing authority under the House Letting and Rating (Scotland) Act, 1911, as to the effect of that Act, and any such order shall as soon as may be after it is made be laid before each House of Parliament.

(2) Subsection (7) of section seven of the said Act of 1911 shall have effect subject to the provisions of the foregoing subsection and as if the words from " and in case of doubt " to the end of the subsection were omitted.

Transitional regulations.

371.—(1) The Secretary of State may, if he considers it necessary for the purpose of carrying this Act into effect, make regulations in the case of any body, person, funds or matter affected by this Act for the transition from the provisions of any enactment repealed by this Act to the provisions of this Act, so however that nothing in the said regulations shall be inconsistent with any provision of this Act.

(2) Regulations made under this section shall as soon as may be after they are made be laid before each House of Parliament.

Provisions as to orders.

372.—(1) Any order made by a Minister under this Act may be revoked or altered by an order made in like manner as the previous order.

(2) An order made by a Minister under this Act may contain such incidental, consequential and supplemental provisions as appear to the Minister by whom the order is made to be necessary or proper for bringing the order into operation and giving full effect thereto.

Power to annul regulations or orders laid before Parliament.

373. Where any regulation or order made under this Act is required to be laid before each House of Parliament it shall be so laid for a period of forty days during the Session of Parliament, and if an address is presented to His Majesty by either House of Parliament before the expiration of that period praying that the regulation or order may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation or order:

Provided that in reckoning any such period of forty days as aforesaid no account shall be taken of any time during which both Houses are adjourned for more than four days.

Application to sheriff in cases of difficulty.

374.—(1) Where, from failure to observe any of the provisions of this Act or from any other cause, a difficulty arises in carrying into effect any of the provisions of this Act, or where in any case any question arises as to the procedure to be followed, or where any question arises in connection with the election of members of a local authority or of magistrates of a burgh and no provision is made in this Act for meeting such difficulty or determining such question, it shall be lawful for the local authority or any seven local government electors for the area of the authority (including in the case of a county any burgh within the county) or the clerk of the authority, or in the case of a question relating to an election of members of a local authority for the returning officer at the election, to make application to the sheriff setting forth the circumstances, and after such intimation and inquiry as to the sheriff seems proper, the sheriff may give such directions as in his judgment will enable the provisions of this Act to be complied with as nearly as possible or determine the question, as the case may be, and may make such order as seems proper to him with reference to the expenses in connection with the application and the persons by whom such expenses are payable.

(2) Subject to any order made by the sheriff, all expenses incurred in connection with any application under the preceding subsection shall be defrayed as part of the general expenses of the authority.

Provisions regarding applications to court.

375.—(1) Where any application to the sheriff under this Act is dealt with in the first instance by a sheriff substitute, it shall be competent to appeal to the sheriff against the decision of the sheriff substitute within fourteen days after the date

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thereof, but subject thereto the decision of the sheriff or sheriff substitute shall, except where otherwise specifically provided, be final.

(2) Where the area of a local authority is situated within more than one sheriffdom, any application to the sheriff under this Act shall be presented to the sheriffs (excluding sheriff substitutes) of the sheriffdoms in which the area of the authority is situated, and in any such application the senior sheriff shall preside at any hearing and the senior sheriff clerk shall act as clerk of court.

(3) Where any application is presented to two or more sheriffs under this Act and the sheriffs are unable to reach an unanimous decision, they shall state a case for the Court of Session and the Court may pronounce any deliverance which it would have been competent for the sheriffs to make.

(4) Any deliverance of the Court of Session or of any sheriff under this Act shall be recorded in the sheriff court books of the county in which the area of the local authority to which it applies is situated, and where an application is made to two or more sheriffs under this Act, the senior sheriff clerk shall, after recording any order in the sheriff court books of his county, transmit a certified copy thereof to the sheriff clerk of any other county concerned, and such certified copy shall be sufficient warrant to the sheriff clerk of any other county to record the order in the sheriff court books of his county.

Saving for existing members of local authorities.

376.—(1) A person holding office at the commencement of this Act as a member of a local authority or of any committee, sub-committee or joint committee thereof shall be deemed to have been elected or appointed to that office under this Act:

Provided that he shall retire from office on the date on which he would have retired if this Act had not been passed, and until he so retires from that office he shall not be disqualified for holding the office by reason of any circumstance which occurred before the commencement of this Act and which would not have given rise to a disqualification for that office if this Act had not been passed.

(2) This section shall apply to a person holding office as convener or vice-convener of a county, or as provost, bailie, honorary treasurer, or judge of police of a burgh, or as chairman of a district council, in like manner as it applies to a person holding office as a member of a local authority.

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(3) On a vacancy in any office arising in consequence of the provisions of this section, the vacancy shall be filled as soon as practicable thereafter, and for that purpose the provisions of this Act shall apply subject to any necessary modifications.

Minor consequential amendments of enactments. 42 & 43 Vict. c. 27.

377.—(1) Section three of the Convention of Royal Burghs (Scotland) Act, 1879 (which confers power on certain burghs to make annual payments to the Convention) shall have effect as if for the words " out of the police assessment or other " rates leviable under the provisions of any general or local " Act of Parliament " there were substituted the words " as " part of the general expenses of the burgh."

(2) Section two hundred and eight of the Burgh Police (Scotland) Act, 1892 (which relates to the service of petitions and notices relating to proceedings before the dean of guild court) shall have effect as if for the words " hereinafter " provided with regard to the service of any notice by the " Commissioners " there were substituted the words " pro- " vided with regard to the service of any notice by the town " council by section three hundred and forty-nine of the " Local Government (Scotland) Act, 1947."

(3) Section three hundred and seventy-two of the Burgh Police (Scotland) Act, 1892 (which relates to the recoupment of arrears of private improvement expenses) shall have effect as if for the words " take such expenses out of the burgh " general assessment " there were substituted the words " defray such expenses as part of the general expenses of the " town council."

58 & 59 Vict. c. 42.

(4) Subsection (6) of section six of the Sea Fisheries Regulations (Scotland) Act, 1895 (which relates to the establishment of fishery district committees) shall have effect as if for the words from " shall be levied " to " and the amounts so " collected " there were substituted the words " shall be paid " as part of the general expenses of the county council relating " exclusively to the landward area of the county, and so far " as sanctioned and payable by a town council as part of " the expenditure of the town council falling to be defrayed " out of the burgh rate so far as payable by occupiers only, " and the amounts so payable."

(5) Section one hundred and sixty-eight of the Public Health (Scotland) Act, 1897 (which relates to the exemption from stamp duties of deeds and writings under that Act) shall have effect as if for the words " under this Act " there were substituted the words " for the purposes of this Act."

10 & 11 Geo. 5. c. 49.

(6) The following paragraph shall be substituted for paragraph (*c*) of subsection (1) of section four of the Blind Persons

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Act, 1920 (which subsection relates to the application of that Act to Scotland):—

"(c) The expression 'county borough' means a large burgh for the purposes of the Local Government (Scotland) Act, 1947."

(7) The following subsection shall be substituted for subsection (2) of section two of the Wireless Telegraphy (Blind Persons Facilities) Act, 1926:— 16 & 17 Geo. 5. c. 54.

"(2) In the application of this section to Scotland, 'county borough' means a large burgh for the purposes of the Local Government (Scotland) Act, 1947."

(8) Any reference in any enactment to a local authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891, or any such reference to the like effect shall be construed as a reference to a local authority within the meaning of this Act or any statutory authority, commissioners or trustees to whom section two hundred and seventy of this Act applies. 54 & 55 Vict. c. 34.

Cesser of certain enactments.

378. For the purpose of simplifying and consolidating the law relating to local government, the enactments set out in the Thirteenth Schedule to this Act shall cease to have effect to the extent specified in the third column of that Schedule.

Interpretation.

379.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"alteration of area" includes an alteration of the boundary of a county, burgh, district or parish, the formation of a burgh or the dissolution of a burgh under Part VI of this Act;

"burgh" means a royal burgh, a parliamentary burgh, a burgh incorporated by Act of Parliament or a police burgh to which the Burgh Police (Scotland) Act, 1892, applies, and any other burgh created after the commencement of this Act under this Act or otherwise;

"Burgh Police Acts" means the Burgh Police (Scotland) Acts, 1892 to 1911, and the Acts amending those Acts;

"Burial Grounds Acts" means the Burial Grounds (Scotland) Act, 1855, and the Acts amending that Act; 18 & 19 Vict. c. 68.

"classified road" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II or in any class declared by him to be not inferior to those classes for the purposes of this Act;

" committee ", in relation to a local authority, means a committee to which is referred or delegated any functions vested in the authority;

" delegate ", in relation to a committee appointed by a local authority, means remit to the committee with power to the committee to exercise on behalf of the authority the function specified in the remit, and includes power to grant any obligation or enter into any contract or execute any deed on behalf of the authority in relation to the matter so remitted, and where any function is delegated by an authority to a committee, the committee may exercise the function in like manner in all respects as the authority could have done;

" ecclesiastical charity " includes a charity the endowment whereof is held for one or more of the following purposes:—

(*a*) for theological instruction or for the benefit of any theological institution; or

(*b*) for the benefit of any ecclesiastical person or officer as such; or

(*c*) for use, if a building, as a church, chapel, mission hall or room, or Sunday school or otherwise by any particular church or denomination; or

(*d*) for the maintenance, repair or improvement of any such building as aforesaid, or for the maintenance of divine service therein; or

(*e*) otherwise for the benefit of any particular church or denomination or of any members thereof as such:

Provided that where any endowment of a charity, other than a building held for any of the purposes aforesaid, is held in part only for some of the purposes aforesaid, the charity, so far as that endowment is concerned, shall be an ecclesiastical charity within the meaning of this Act;

" educational endowment " has the same meaning as in Part VI of the Education (Scotland) Act, 1946;

" educational establishment " has the same meaning as in the Education (Scotland) Act, 1946;

" electoral area ", in relation to an election, means the electoral division, burgh, ward or other area for which the election is held;

" emoluments " includes all salary, wages, fees and other payments paid or made to an officer as such for his own use, and the money value of any apartments, rations or other allowances in kind pertaining to his office, but does not include payments for overtime or any sum paid to him to cover travelling expenses,

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cost of office accommodation, assistance of deputies or clerical or other assistance;

" enactment " includes a provision in a provisional order confirmed by Parliament;

" fixed period ", in relation to money borrowed by a local authority, means the period within which the money is to be repaid;

" functions " includes powers and duties;

" General Board of Control " means the General Board of Control for Scotland;

" grant-aided school " means a school in respect of which grants are made by the Secretary of State to the managers of the school, other than grants in aid of the managers' contributions towards the cost of superannuation of teachers, but does not include a residential school or an orphanage or an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1937;

1 Edw. 8 & 1 Geo. 6. c. 37.

" grants under Part III of the Local Government (Scotland) Act, 1929 " includes grants made under any subsequent enactment out of moneys provided by Parliament towards local government purposes in Scotland by way of addition to the General Exchequer Contribution under the said Part III;

" gross annual valuation ", in relation to lands and heritages within an area, means the total of the gross annual values of the said lands and heritages;

" gross annual value ", in relation to lands and heritages, means the yearly rent or value thereof as entered in the valuation roll in accordance with the provisions of the Valuation Acts, but without any deduction therefrom or division thereof under the Rating (Scotland) Act, 1926, or Part II of the Local Government (Scotland) Act, 1929;

16 & 17 Geo. 5. c. 47.

" joint board " means a body corporate, constituted for the purposes of a combination of local authorities under this Act or any other enactment or any statutory order, consisting exclusively of persons appointed by the local authorities;

" joint committee " means a body, not being a body corporate constituted for the purpose of a combination of local authorities under this Act or any other enactment or any statutory order, consisting exclusively of persons appointed by the local authorities;

" land " includes any right or servitude in, to or over land;

" lands and heritages " has the same meaning as in the Valuation Acts;

" landward area ", in relation to a county, means the county excluding any burghs therein;

" large burgh " means any of the burghs mentioned in Part III of the First Schedule to this Act and, save as provided in subsection (4) of section one, includes any of the counties of cities mentioned in Part II of that Schedule;

" levy ", in relation to a rate, includes impose;

" local Act " includes a provisional order under any Act confirmed by Parliament;

" local authority " means a county council, a town council or a district council;

" local government elector " or " elector " means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;

" magistrates " includes the provost;

" Minister " means the Secretary of State or other Minister or the General Board of Control or other Government Department, and includes the Electricity Commissioners;

" Minister concerned " means—

(*a*) in relation to any transaction relating to land, the Minister concerned with the purpose for which the land is proposed to be acquired or for which the land is held;

(*b*) in relation to a combination of local authorities or any joint committee or joint board, the Minister concerned with the purpose for which the combination or joint committee or joint board has or will have effect; and

(*c*) in any other case, the Minister concerned with the purpose or function in the case of which the provisions of the particular section of this Act apply or are sought to be applied;

and if any question arises under this Act as to which Minister is the Minister concerned the question shall be determined by the Treasury;

" occupier " means the tenant or sub-tenant or any person in the actual occupation of land, but does not include a lodger or a person in the occupation as tenant of a furnished house let for a period less than one year, but includes the person by whom such a furnished house is so let;

" officer " includes a servant;

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" owner ", in relation to land, means the person who, for the time being, receives, or, if the land were let, would be entitled to receive the rent of the land, or who, in the case of land which is unlet, is entitled to occupy the land, and includes any trustee, tutor, curator, factor, agent or other person receiving the rent on behalf of any other person, and also a joint owner and a fiar;

" Poor Law Acts " means the Poor Law (Scotland) Act, 1845, and the Acts amending that Act;

" prescribed " means prescribed by regulations, which regulations shall, unless otherwise provided, be made by the Secretary of State;

" property " includes all property, heritable and moveable, and all rights, interests and servitudes in, to and over property;

" public body " includes a local authority and any trustees, commissioners or other persons who as a public body and not for their own profit act under any enactment or statutory order for the improvement of any place or for the supply to any place of water, gas or electricity or for providing or maintaining a market or other public service in any place, and any other authority having power to levy a rate or issue a requisition for payment out of any rate levied for public local purposes;

" Public Health Acts " means the Public Health (Scotland) Act, 1897, and the Acts amending that Act;

" Public Libraries Acts " means the Public Libraries (Scotland) Acts, 1887 to 1920, and the Acts amending those Acts;

" public utility undertaking ", in relation to a local authority, means an undertaking for the provision of water, gas, electricity or transport or any other such revenue-producing service by the authority;

" rate " means any rate, charge and assessment the proceeds of which are applicable to public local purposes and which is leviable in respect of lands and heritages;

" rateable valuation ", in relation to lands and heritages within an area, means the total of the rateable values of the said lands and heritages;

" rateable value " means—

(*a*) in the case of lands and heritages (other than agricultural lands and heritages within the meaning of the Rating and Valuation Apportionment Act, 1928) the gross annual value, subject in

18 & 19 Geo. 5. c. 44.

appropriate cases to the deductions specified in the First Schedule to the Rating (Scotland) Act, 1926, and to the division directed to be made by paragraph (*a*) of subsection (1) of section forty-five of the Local Government (Scotland) Act, 1929;

(*b*) in the case of agricultural lands and heritages within the meaning of the said Act of 1928, the gross annual value subject to the deduction of eighty-seven and one half per centum thereof;

and, after giving effect in the appropriate cases to the above provisions, subject to any adjustment required to be made in accordance with the provisions of section forty-five of the Burgh Police (Scotland) Act, 1903, or subsection (7) of section twelve of the Rating (Scotland) Act, 1926, or any corresponding provisions of a local Act;

" refer ", in relation to a committee appointed by a local authority, means remit to the committee for consideration and report to the authority but without power to the committee to exercise any function on behalf of the authority, and the expressions " reference " and " stand referred " shall be construed accordingly;

" register ", in relation to a security of a local authority, means any register kept under Part XII of this Act or under any regulations made thereunder and includes any book kept by the authority for the purpose of recording therein entries with respect to the title to and notifications relating to the security;

" Registration of Births, Deaths and Marriages Acts " means the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, and the Acts amending those Acts;

" resealed " in relation to a probate or letters of administration, means produced in the commissary court of the county of Midlothian and certified by the commissary clerk of that court or sealed with the seal of that court in accordance with any enactment regulating the same;

" Roads and Bridges Acts " means the Roads and Bridges (Scotland) Act, 1878, and the Acts amending that Act;

" salary " includes allowances;

" sale " includes a sale in consideration of a ground annual or other periodical payment, and the expressions " sell " and " purchase " shall be construed accordingly;

PART XX. —*cont.*

" security ", in relation to a local authority, means a mortgage, a cash credit bond, a deposit receipt or other document of debt issued by the authority and the security created thereby (including stock created by the authority or a certificate in respect of such stock) whether under this Act or any other enactment or any statutory order or any enactment repealed by this Act, but does not include a local bond under section seventy-one of, and the Fourth Schedule to, the Housing (Scotland) Act, 1925, or under any enactment repealed by that Act, or a bond and disposition in security or other deed of security or document of debt affecting the common good of a burgh, except a document of debt for money borrowed for common good purposes under a statutory borrowing power;

" senior bailie " means the bailie who has been longest in office since his last election as bailie and, where more than one bailie is elected at the same time, means the bailie whom the town council determine to be senior bailie under Part I of this Act;

" small burgh " means any burgh other than a large burgh or a county of a city;

" statutory borrowing power " means any power to borrow money conferred on a local authority by this Act or any other enactment or any statutory order or by any enactment repealed by this Act, but does not include the power of the town council of a burgh to borrow for the purposes of the common good other than purposes for which the council are authorised to borrow by or under any enactment;

" statutory order " means any order, rule or regulation made under any enactment, and includes any scheme made under the Highlands and Islands (Medical Service) Grant Act, 1913;

3 & 4 Geo. 5. c. 26.

" statutory undertakers " means any persons (including a local authority) authorised by any enactment or statutory order or any scheme made under or confirmed by an enactment to construct, work or carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of gas, electricity, hydraulic power or water;

" trustee securities " means investments in which trustees are by the law of Scotland authorised to invest, and includes, in the case of a local authority making an investment, any trustee securities created or issued by the authority themselves;

PART XX. —*cont.*

" Valuation Acts " means the Lands Valuation (Scotland) Act, 1854, and the Acts amending that Act;

" working capital ", in relation to a public utility undertaking, means money required from time to time to carry on the undertaking, other than money required to meet expenditure of a capital nature.

(2) Where a county council exercise any function within a burgh, the burgh shall for the purposes of that function be deemed to be within the county.

(3) Where in this Act provision is made for a consent, sanction, or approval by the Secretary of State or other Minister, such consent, sanction or approval may be given subject to such conditions as the Secretary of State or other Minister may determine, and failure to comply with any condition so imposed shall operate as if the consent, sanction or approval had not been given as respects the matter in which the failure occurred.

(4) References in this Act to regulations made, approval given or other thing done by the Secretary of State shall be deemed to include references to regulations made, approval given or other thing done before the commencement of this Act by any Government Department whose functions have been transferred to and are at the commencement of this Act vested in the Secretary of State.

(5) References in this Act to a local Act shall be construed as references to such Act only in its application to the local authority or area to which it applies.

(6) Unless the context otherwise requires, any reference in this Act to an enactment contained in the Burgh Police Acts or in the Town Councils (Scotland) Acts, 1900 to 1923, shall be construed as including a reference to that enactment as applied or adopted by a local Act or by a resolution passed under statutory authority.

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

Interpretation as respects Crown rights.

380. The mention in this Act in relation to any particular matter of His Majesty's royal prerogative shall not be held to prejudice or affect in relation to that or any other matter the general application of any rule of law with respect to any estate, right, power, privilege or exemption of the Crown.

Repeals.

381.—(1) Subject to the provisions of this Act, the enactments mentioned in the Fourteenth Schedule to this Act shall

PART XX. —*cont.*

be repealed to the extent specified in the third column of that Schedule:

Provided that—

(i) nothing in this repeal shall affect any byelaw in force at the commencement of this Act, and any such byelaw which is of such a nature that it could have been made under this Act shall have effect as if made under this Act, and may be amended or revoked and enforced accordingly;

(ii) in the case of a byelaw which has been made before the commencement of this Act but which, by reason of its not having been confirmed or of the time for disallowance not having expired, is not in force at that date, the same proceedings may be taken and with the same effect as if this Act had not been passed;

(iii) if at the commencement of this Act a casual vacancy has occurred in any office, and the vacancy has not been filled, the vacancy shall be filled in the same manner as if this Act had not been passed;

(iv) nothing in this repeal shall affect any steps taken before the commencement of this Act with respect to the formation, alteration, combination or dissolution of special districts under any enactment repealed by this Act, and any such steps and any opposition thereto may be continued and followed forth as if this Act had not been passed;

(v) nothing in this repeal shall affect any proceedings instituted before the commencement of this Act for the alteration of the boundaries of the area of a local authority or for the formation of a burgh under any enactment repealed by this Act, and such proceedings and any opposition thereto may be continued and followed forth as if this Act had not been passed;

(vi) nothing in this repeal shall affect any legal proceedings instituted before the commencement of this Act under or by virtue of any enactment repealed by this Act, and such proceedings may be continued and appealed against as if this Act had not been passed;

(vii) in so far as any appointment, agreement, order, scheme, rule or regulation made or resolution passed, direction or notice given, or other thing done under or by virtue of any enactment repealed by this Act could have been made, passed, given or done under or by virtue of a corresponding provision of this Act, it shall not be invalidated by this repeal but shall have effect as if it had been made, passed, given or

done under or by virtue of that corresponding provision, and may be amended, revoked or enforced accordingly;

(viii) notwithstanding anything in this section, the enactments repealed by this Act relating to the audit of accounts and other matters mentioned in Part X of this Act shall continue to have effect with respect to the accounts of local authorities for the period prior to the first financial year to the accounts for which the provisions of the said Part X apply;

(ix) nothing in this repeal shall affect any rates levied by a local authority under any enactment repealed by this Act, or the liability of any person to the authority for payment of such rates, and any such rates may be recovered in like manner as if this Act had not been passed;

(x) nothing in this repeal shall affect any requisition issued by a requisitioning authority within the meaning of Part XI of this Act to a rating authority within the meaning of that Part under any enactment repealed by this Act, or the liability of the rating authority to make payment to the requisitioning authority of the sum due thereunder, and such sum may be recovered in like manner as if this Act had not been passed;

(xi) nothing in this repeal shall affect any statutory borrowing power exercised by a local authority under any enactment repealed by this Act in respect of which any money borrowed is outstanding at the commencement of this Act, or any security created by the authority in respect of such outstanding money, and such statutory borrowing power and security shall continue to have effect so far as regards such outstanding money as if the statutory borrowing power were contained in this Act, so however that all money borrowed under the said power shall be repaid within the period specified in the repealed enactment relating thereto;

(xii) notwithstanding this repeal, any property or liabilities held or incurred or treated as incurred by a local authority immediately before the commencement of this Act shall continue to be held or incurred or treated as incurred by the authority for the same purposes and subject to the same trusts as they were immediately before the commencement of this Act, and any contract or other document which might have been enforced by or against a local authority

PART XX. —*cont.*

immediately before the commencement of this Act shall continue to be enforceable by or against that authority;

(xiii) nothing in this repeal shall affect any compensation payable or any title to compensation under any enactment repealed by this Act, whether as originally enacted or as applied by any other enactment or statutory order.

63 & 64 Vict. c. 49.

(2) Any resolution by a town council under section one hundred and nine of the Town Councils (Scotland) Act, 1900, shall cease to have effect, and any enactment in a local Act having the same effect as such a resolution is hereby repealed.

(3) Funds and accounts under this Act shall be deemed to be in continuation of the corresponding funds and accounts under the enactments repealed by this Act.

(4) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment, if any, in this Act.

(5) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Short title, commencement and extent.

382.—(1) This Act may be cited as the Local Government (Scotland) Act, 1947, and shall come into operation on the first day of October, nineteen hundred and forty-seven.

(2) This Act shall, except where otherwise expressly provided, extend only to Scotland.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PART I.

COUNTIES.

Aberdeen	East Lothian	Peebles
Angus	Fife	Perth
Argyll	Inverness	Renfrew
Ayr	Kincardine	Ross and Cromarty
Banff	Kinross	Roxburgh
Berwick	Kirkcudbright	Selkirk
Bute	Lanark	Stirling
Caithness	Midlothian	Sutherland
Clackmannan	Moray	West Lothian
Dumfries	Nairn	Wigtown
Dunbarton	Orkney	Zetland.

PART II.

COUNTIES OF CITIES.

Aberdeen Dundee Edinburgh Glasgow.

PART III.

LARGE BURGHS.

Airdrie	Dunfermline	Motherwell and Wishaw
Arbroath	Falkirk	Paisley
Ayr	Greenock	Perth
Clydebank	Hamilton	Port Glasgow
Coatbridge	Inverness	Rutherglen
Dumbarton	Kilmarnock	Stirling.
Dumfries	Kirkcaldy	

PART IV.

SMALL BURGHS.

Aberchirder	Annan	Banff
Aberfeldy	Ardrossan	Barrhead
Aberlour	Armadale	Bathgate
Abernethy	Auchterarder	Biggar
Alloa	Auchtermuchty	Blairgowrie and Rattray
Alva	Ballater	Bo'ness
Alyth	Banchory	

1ST SCH. —*cont.*

Bonnyrigg and Lasswade
Brechin
Bridge of Allan
Buckhaven and Methil
Buckie
Burghead
Burntisland
Callander
Campbeltown
Carnoustie
Castle Douglas
Cockenzie and Port Seton
Coldstream
Coupar Angus
Cove and Kilcreggan
Cowdenbeath
Crail
Crieff
Cromarty
Cullen
Culross
Cumnock and Holmhead
Cupar
Dalbeattie
Dalkeith
Darvel
Denny and Dunipace
Dingwall
Dollar
Dornoch
Doune
Dufftown
Dunbar
Dunblane
Dunoon
Duns
East Linton
Elgin
Elie and Earlsferry
Ellon
Eyemouth
Falkland
Findochty
Forfar
Forres
Fortrose
Fort William
Fraserburgh
Galashiels
Galston
Gatehouse
Girvan
Gourock
Grangemouth
Grantown-on-Spey
Haddington
Hawick
Helensburgh
Huntly
Innerleithen
Inveraray
Inverbervie
Invergordon
Inverkeithing
Inverurie
Irvine
Jedburgh
Johnstone
Keith
Kelso
Kilrenny, Anstruther Easter and Anstruther Wester
Kilsyth
Kilwinning
Kinghorn
Kingussie
Kinross
Kintore
Kirkcudbright
Kirkintilloch
Kirkwall
Kirriemuir
Ladybank
Lanark
Langholm
Largs
Lauder
Laurencekirk
Lerwick
Leslie
Leven
Linlithgow
Loanhead
Lochgelly
Lochgilphead
Lochmaben
Lockerbie
Lossiemouth and Branderburgh
Macduff
Markinch
Maybole
Melrose
Millport
Milngavie
Moffat
Monifieth
Montrose
Musselburgh
Nairn
Newburgh
New Galloway
Newmilns and Greenholm
Newport
Newton-Stewart
North Berwick
Oban
Oldmeldrum
Peebles
Penicuik
Peterhead
Pitlochry
Pittenweem
Portknockie
Portsoy
Prestonpans
Prestwick
Queensferry
Renfrew
Rosehearty
Rothes
Rothesay
St. Andrews
St. Monance
Saltcoats
Sanquhar
Selkirk
Stewarton
Stonehaven
Stornoway
Stranraer
Stromness
Tain
Tayport
Thurso
Tillicoultry
Tobermory
Tranent
Troon
Turriff
Whitburn
Whithorn
Wick
Wigtown.

SECOND SCHEDULE.

Sections 10, 25 and 45.

PART I.

PROVISIONS RELATING TO THE STAGES OF THE ELECTION OF COUNTY COUNCILLORS FOR THE LANDWARD AREA OF A COUNTY OR OF TOWN COUNCILLORS PRECEDING THE POLL.

Notice of Election.

1.—(1) On, or within seven days before, the day appointed for that purpose by Part II of this Schedule, a notice of election shall be published as hereinafter provided.

(2) The notice of election shall—

(*a*) in the case of an election of county councillors, be prepared and signed by the county clerk and published by him by causing the notice or a copy thereof to be conspicuously displayed at or near the entrance to the county buildings or the premises where the meetings of the county council are ordinarily held, and also either by causing copies of the notice to be posted up throughout the landward area of the county or by inserting a copy of the notice at least once in one or more newspapers circulating in the county; and

(*b*) in the case of an election of town councillors, be prepared and signed by the town clerk and published by him by causing the notice or a copy thereof to be conspicuously displayed at or near the entrance to the town hall or the premises where the meetings of the town council are ordinarily held, and also either by causing copies of the notice to be posted up throughout the burgh or by inserting a copy of the notice at least once in one or more newspapers circulating in the burgh.

(3) The notice of election shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect.

Nomination of Candidates.

2.—(1) It shall not be competent to elect to the office of county councillor or of town councillor any person unless a nomination paper in respect of him is delivered in the case of an election of a county councillor to the returning officer at the place specified in the notice of election, or in the case of an election of town councillors to the town clerk at his office, not later than the time appointed for that purpose by Part II of this Schedule.

(2) The nomination paper shall be in the appropriate form contained in Part V of this Schedule, or in a form substantially to the like effect.

(3) The nomination paper in the case of an election of a county councillor shall state—

(*a*) if the name of the candidate appears in the register of local government electors for any electoral division within the county or for any burgh within the county, the name and

2ND SCH. —*cont.*

address and register number of the candidate as appearing in such of the said registers as is specified in the nomination paper;

(*b*) if the name of the candidate does not appear in any of the said registers, the full name of the candidate and his place of residence within the county (including any such burgh as aforesaid) and such information with respect to his place of residence during the twelve months before the date of the nomination as will show whether he has during the whole of the said twelve months resided within the county (including any such burgh as aforesaid);

(*c*) whether, to the best of the knowledge, information and belief of the proposers, the candidate is of full age and a British subject and not subject to any legal incapacity, and whether any of the disqualifications set forth in section fifty-two of this Act applies in his case;

and shall be subscribed by two proposers being local government electors for the electoral division to which the nomination applies.

(4) The nomination paper in the case of an election of town councillors for a burgh or in the case of a burgh divided into wards for a ward shall state—

(*a*) if the name of the candidate appears in the register of local government electors for the burgh, the name and address and register number of the candidate as appearing in the said register;

(*b*) if the name of the candidate does not appear in the said register, the full name of the candidate and his place of residence within the burgh and such information with respect to his place of residence during the twelve months before the date of his nomination as will show whether he has during the whole of the said twelve months resided within the burgh;

(*c*) whether, to the best of the knowledge, information and belief of the proposers, the candidate is of full age and a British subject and not subject to any legal incapacity, and whether any of the disqualifications set forth in section fifty-two of this Act applies in his case;

and shall be subscribed by two proposers being two local government electors for the burgh or, in the case of a burgh divided into wards, for the ward to which the nomination applies, and shall also be subscribed by five other local government electors for the burgh or ward, as the case may be, as assenting to the nomination.

(5) The nomination paper shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him, consenting to be nominated as a candidate and that, if elected, he accepts office as a councillor and will faithfully perform the duties of the office, and a statement whether he is of full age and a British subject and not subject to any legal incapacity, and whether any of the disqualifications set forth in section fifty-two of this Act applies in his case.

(6) It shall not be competent to nominate as a candidate at an election of town councillors a person who at the time of nomination holds the office of town councillor of the burgh unless he falls to retire at the date of the election or has delivered to the town clerk a notice of resignation to take effect at or before the date of the election.

(7) No person shall at an election of a county councillor sign more than one nomination paper in respect of the same electoral division, and if he does so his signature shall be operative only in the case of the paper which is first delivered.

(8) No person shall at an election of town councillors sign more than one nomination paper in respect of the same candidate, nor shall he sign more nomination papers than there are vacancies to be filled in the burgh or, if the burgh is divided into wards, in the ward, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

(9) Neither the returning officer nor any depute returning officer shall sign any nomination paper as proposer, assenter, candidate or solicitor for a candidate and if he does so, his signature shall be inoperative.

(10) The returning officer in the case of an election of a county councillor, and the town clerk in the case of an election of a town councillor, shall receive a nomination paper and deal with it as valid, if—

(*a*) the name and address of the person nominated by the nomination paper appear in the register of local government electors for any part of the county or burgh, as the case may be, or, if the name and address of the person nominated do not so appear, the place of his residence is within the county or burgh, as the case may be, and it is declared in or appears from the nomination paper that he has during the whole of the twelve months preceding the date of nomination resided within the county or burgh, as the case may be; and

(*b*) it appears from the declarations in the nomination paper that the person nominated is of full age and a British subject and not subject to any legal incapacity and that none of the disqualifications set forth in section fifty-two of this Act applies in his case; and

(*c*) the names and addresses of the proposers and (in the case of an election of a town councillor) the assenters in the nomination paper appear in the register of local government electors for the electoral division or burgh, or in the case of a burgh divided into wards for the ward, to which the nomination paper relates; and

(*d*) the nomination paper is in or substantially in the form and contains the particulars required by this Schedule; and

(*e*) the nomination is not invalid by reason of any of the provisions of sub-paragraphs (6), (7), (8) and (9) hereof,

but if the nomination paper does not comply with the foregoing provisions, the returning officer or town clerk, as the case may be, shall reject it and it shall be null and void. For the purpose of this sub-paragraph, a county shall include every burgh within the county.

2ND SCH. —*cont.*

Withdrawal of Nominations.

3.—(1) A nomination may be withdrawn by notice of withdrawal delivered to the returning officer or the town clerk, as the case may be, at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule:

Provided that a nomination may not be withdrawn if its effect would be to reduce the total number of persons nominated for the election below the number necessary to supply the vacancies to be filled up in the electoral division, burgh or ward, as the case may be, at that election, and notices of withdrawal shall take effect in the order in which they are delivered.

(2) A notice of withdrawal shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect and shall be signed by the person nominated or by a solicitor duly authorised by him and shall be attested by two witnesses.

(3) If a candidate dies after his nomination and before the latest time for delivery of nomination papers, his nomination shall be deemed to have been withdrawn, and the election shall proceed as if he had not been nominated.

Nomination in more than one Electoral Division of a County or Ward of a Burgh.

4. A candidate who is validly nominated for more than one electoral division of a county or for more than one ward of a burgh shall, by notice signed, attested and delivered as aforesaid, withdraw from his candidature in all those electoral divisions or wards, as the case may be, except one, and if he does not so withdraw before the expiration of the time appointed by Part II of this Schedule for the delivery of notices of withdrawal, the returning officer shall on the expiration of the said time declare for which of those electoral divisions or wards, as the case may be, for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have duly withdrawn his candidature in those other electoral divisions or wards.

Method of Election and Publication of Result of Uncontested Election.

5.—(1) In the case of an election of a county councillor—

(*a*) if two or more persons remain validly nominated for an electoral division, the county councillor for that division shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;

(*b*) if one person only remains validly nominated for the electoral division, the returning officer shall, not later than the day appointed for that purpose by Part II of this Schedule, cause public notice to be given that there will be no poll in that division and that on the day appointed for declaring the result of the election that person shall be declared to be elected a county councillor.

(2) In the case of the election of town councillors—

(*a*) if the number of persons remaining validly nominated exceeds the number of vacancies in the burgh or in the ward, the town councillors for the burgh or for the ward, as the case

may be, shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;

(*b*) if the number of persons remaining validly nominated does not exceed the number of vacancies in the burgh or in any ward, the town clerk shall, not later than the day appointed for that purpose by Part II of this Schedule, cause public notice to be given that there will be no poll in the burgh or ward, as the case may be, and that on the day appointed for declaring the result of the election those persons shall be declared to be elected town councillors.

(3) The public notice to be given under this paragraph shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect, and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under paragraph 2 of Part III of this Schedule and shall be published in like manner as the said notice of poll.

(4) If a person whose name has been included in a notice given under sub-paragraph (1) (*b*) or sub-paragraph (2) (*b*) of this paragraph dies before the declaration of election, the provisions of this Act shall apply in the case of an election of a county councillor as if no person had remained validly nominated, and in the case of an election of town councillors as if the number of persons validly nominated were less than the number of vacancies.

PART II.

TIMES FOR THE PROCEEDINGS AT AN ELECTION OF COUNTY COUNCILLORS OR OF TOWN COUNCILLORS.

Proceeding.	Time in case of election of county councillors.	Time in case of election of town councillors.
Notice of Election.	The fourth Tuesday preceding the day of election.	The fifteenth day of October in each year.
Delivery of nomination.	4 o'clock afternoon on the third Tuesday preceding the day of election.	4 o'clock afternoon on the Friday preceding the last Tuesday of October.
Delivery of notice of withdrawal of nomination.	4 o'clock afternoon on the second Tuesday preceding the day of election.	4 o'clock afternoon on the Monday preceding the last Tuesday of October.
Notice in case of uncontested election and notice of poll in contested election.	The Friday preceding the day of election.	The Friday preceding the day of election.

2ND SCH. —*cont.*

PART III.

PROVISIONS RELATING TO CONTESTED ELECTIONS.

THE POLL.

General Conduct of Poll.

1. At every contested election of a county councillor or of town councillors the votes shall be taken by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of Poll.

2.—(1) In the case of a contested election of a county councillor the returning officer, and in the case of a contested election of town councillors the town clerk, shall, on or before the day appointed for that purpose by Part II of this Schedule, give public notice of the poll, which notice shall be in the appropriate form contained in Part V of this Schedule, or in a form substantially to the like effect. The said notice shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of an uncontested election under paragraph 5 of Part I of this Schedule.

(2) For the purposes of this Part of this Schedule, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which and in the manner in which the notice of the election is required to be published under Part I of this Schedule.

Hours of Poll.

3. The poll shall commence at eight o'clock in the morning and be kept open till eight o'clock in the afternoon of the same day and no longer:

Provided that if the county council or the town council, as the case may be, are satisfied that it is necessary in order to afford all electors such reasonable facilities for voting as are practicable in the circumstances, they may, by resolution passed not less than one month before the last day appointed by Part II of this Schedule for the issue of the notice of election, extend the hours for the keeping open of the poll, so however that the poll shall not commence earlier than seven o'clock in the morning and shall not be kept open later than nine o'clock in the afternoon.

Use of schools and public rooms.

4.—(1) The returning officer may use free of charge for the purpose of taking the poll or of counting the votes—

(*a*) a room in a grant-aided school; and

(*b*) a room the expense of maintaining which is payable by any county, town or district council:

Provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwelling-house.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the authority or person having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated for ocupiers' rates or to pay any such rates for that house.

5. An election shall not be held in any premises exclusively appropriated to public religious worship.

Death of candidate after time for delivery of notice of withdrawal of nominations.

6. If at or after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Provision of polling stations, ballot boxes, &c.

7. In the case of an election of a county councillor or of town councillors the returning officer shall—

(*a*) provide a sufficient number of polling stations for the electors and allot the electors to the polling stations in such manner as he thinks most convenient, so however that it shall not be necessary that a polling station for an electoral division or a ward of a burgh or a polling district be within the division, ward or district, as the case may be;

(*b*) appoint a presiding officer to preside at each polling station, and such other officers (including polling clerks) as may be necessary for taking the poll and counting the votes;

(*c*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*d*) furnish each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary;

(*e*) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, with copies of the register of electors for the electoral division, burgh or ward, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the polling station, and with copies of forms of declarations and other documents required for the purposes of the poll;

(*f*) do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8. One or more polling stations may be provided in the same building or in the same room.

9. A notice, in the form contained in Part V of this Schedule or in a form substantially to the like effect giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

Ballot Boxes, Ballot Papers, Official Mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein but cannot be withdrawn therefrom without the box being unlocked.

2ND SCH. —*cont.*

11. Every ballot paper shall be in the form contained in Part V of this Schedule or in a form substantially to the like effect and—

(*a*) shall contain the full names and addresses or places of residence of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back; and

(*d*) shall have attached a counterfoil with the same number printed on the face.

12. The official mark shall be kept secret and an interval of not less than four years shall intervene between the use of the same official mark at elections for the same county or burgh, as the case may be.

Appointment of Polling Agents.

13.—(1) Each candidate may appoint one agent (in this Schedule referred to as a "polling agent") to attend at each polling station for the purpose of detecting personation.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer three days at least before the opening of the poll.

(3) If a polling agent dies or becomes incapable of acting, the candidate may appoint another polling agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) A polling agent in respect of whom such notice as aforesaid has been given may during the hours of the poll attend at the polling station to which he has been appointed.

Admission to Polling Station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him:

Provided that where an elector for any electoral area is employed by the returning officer for any purpose in connection with an election for that area and the circumstances of the employment are, in the opinion of the returning officer, such as to prevent the elector from voting at the polling station at which he would otherwise be entitled to vote, the returning officer may authorise the elector by a written authorisation to vote at any other polling station in the area, and that polling station shall be deemed to be the polling station allotted to that elector.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of county councillors and of town councillors by the Police Disabilities Removal Act, 1893.

50 & 51 Vict. c. 9.
56 & 57 Vict. c. 6.

Ballot Boxes to be Sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station so that they may see that it is empty, and shall then lock it and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to Electors.

16.—(1) The presiding officer may, and if required by a candidate or his polling agent shall, put to any person applying for a ballot paper at the time of his application but not afterwards the following questions or either of them, that is to say:—

In the case of an election of a county councillor—

(*a*) Are you the person registered in the register of local government electors now in force for this electoral division as follows (*read the whole entry from the register*)?

(*b*) Have you already voted at the present election of a county councillor for this electoral division or for any other electoral division of the county?

In the case of an election of town councillors—

(*a*) Are you the person registered in the register of local government electors now in force for this burgh (or ward) as follows (*read the whole entry from the register*)?

(*b*) Have you already voted at the present election (*adding, in the case of an election for several wards,* in this or any other ward)?

(2) A ballot paper shall not be delivered to any person required to answer the above questions or either of them unless he has answered the question or questions satisfactorily.

(3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of Elector by Polling Agent.

17.—(1) If at the time a person applies for a ballot paper or after he has applied for a ballot paper and before he has left the polling station a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under this Act, it shall be lawful for the presiding officer to order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer to take the applicant into custody without a warrant.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not by reason thereof be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of electors.

2ND SCH. —*cont.*

Marking of Ballot Papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark either embossed or perforated;

(*b*) the number, name and address of the elector as stated in the copy of the register shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector on receiving the ballot paper shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper so as to disclose the official mark and put the ballot paper so folded up into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application—

(*a*) of an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew and objects on religious grounds to vote in manner directed by this Schedule; or

(*c*) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as " the declaration of inability to read ");

shall in the presence of the polling agents cause the vote of the elector to be marked on a ballot paper in manner directed by the elector and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph and the reason why it is so marked shall be entered on a list (in this Schedule called " the list of votes marked by the presiding officer ").

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as " the companion "), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as " the declaration made by the companion of a blind elector ") that the companion

is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote may be done to, or with the assistance of, the companion, as the case may be.

(3) For the purposes of this paragraph, a person shall be qualified to assist a blind elector to vote if that person is either—

(*a*) a person who is entitled to vote at the election then being held; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called " the list of blind electors assisted by companions ").

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be in the appropriate form contained in Part V of this Schedule or in a form substantially to the like effect; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration.

Tendered Ballot Papers.

23. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called " a tendered ballot paper ") shall be of a colour differing from the other ballot papers and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number on the register of electors and set aside in a separate packet and shall not be counted by the returning officer; and the name of the elector and his number on the register shall be entered on a list (in this Schedule called " the tendered votes list ").

Spoilt Ballot Papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called " a spoilt ballot paper "), and the spoilt ballot paper shall be immediately cancelled.

2ND SCH. —*cont.*

Powers of Presiding Officer in adjourning Poll.

25. Where the proceedings at the taking of the poll are interrupted or obstructed by any riot or open violence, the presiding officer at the polling station where the riot or open violence has occurred may adjourn the poll at that polling station until the following day or some other convenient time, and if necessary may repeat such adjournment until such interruption or obstruction has ceased, and where the poll has been so adjourned by a presiding officer, the presiding officer shall forthwith give notice of such adjournment to the returning officer who shall not finally declare the result of the election until the poll so interrupted or obstructed is closed and the various packets are delivered to the returning officer as provided in the immediately following paragraph.

Packets of Ballot Papers, &c., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall in the presence of the polling agents make up into separate packets sealed with his own seal and the seals of such polling agents as desire to affix their seals—

(*a*) each ballot box in use at his polling station sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(*b*) the unused and spoilt ballot papers placed together;

(*c*) the tendered ballot papers;

(*d*) the marked copies of the register of electors and the counterfoils of the used ballot papers;

(*e*) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads " physical incapacity," " Jews," and " unable to read," the declarations made by the companions of blind electors and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

27. The packets shall be accompanied by a statement (in this Schedule referred to as " the ballot paper account ") made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of—

(*a*) ballot papers in the ballot box;

(*b*) unused and spoilt ballot papers;

(*c*) tendered ballot papers.

COUNTING OF VOTES.

Appointment of Counting Agents.

28.—(1) Each candidate may appoint agents (in this Schedule referred to as " counting agents ") to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer three days at least before the opening of the poll, and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address have not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies or becomes incapable of acting, the candidate may appoint another counting agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The Count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him and the candidates and their counting agents may be present at the counting of the votes:

Provided that a candidate may be present only if he has made the declaration of secrecy required to be made by agents.

31. Before the returning officer proceeds to count the votes, he shall in the presence of the counting agents open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, checking the number against the ballot paper account, and then mix together the whole of the papers contained in the ballot boxes.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment; but he may if he thinks fit and without the consent of any candidate or other person decide not to proceed with the counting of the votes until nine o'clock on the succeeding morning. During the period until he proceeds with the counting the returning officer shall take proper precautions for the safe custody and security of the ballot papers and other documents.

Void Ballot Papers.

34. Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the elector is entitled to vote for; or

2ND SCH. —*cont.*

(*c*) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(*d*) which is unmarked or void for uncertainty;

shall not be counted.

35.—(1) The returning officer shall endorse the word "rejected" on any ballot paper which under the last preceding paragraph is not to be counted, and shall add to the endorsement the words "rejection objected to" if an objection is made by any candidate or counting agent to his decision.

(2) The returning officer shall draw up a statement showing the number of ballot papers rejected and not counted by him under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than entitled to;

(*c*) writing or mark by which elector could be identified;

(*d*) unmarked or void for uncertainty;

and shall on request allow any candidate or counting agent to copy the statement.

36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final but shall be subject to review on an election petition questioning the election.

Equality of Votes.

37. Where an equality of votes is found to exist and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer shall determine by lot which of the candidates whose votes are equal shall be elected.

Declaration of Result.

38.—(1) Subject to the provisions of paragraph 25 of this Part of this Schedule, the returning officer shall—

(*a*) in the case of an election of a county councillor within the county buildings or other public hall or place in the county, forthwith declare to be elected the candidate to whom the majority of votes have been given at the poll or the candidate elected without a poll in terms of paragraph 5 of Part I of this Schedule, and cause a written or printed statement thereof signed by him to be immediately thereafter conspicuously displayed at or near the entrance to the county buildings or the premises where the meetings of the county council are ordinarily held; and

(*b*) in the case of an election of town councillors, within the town hall or other public hall or place in the burgh not later than eight o'clock afternoon of the day after the election declare to be elected the candidates to whom the majority of votes have been given at the poll and also the candidates elected without a poll in terms of paragraph 5 of Part I of this Schedule, and cause a written or printed statement thereof signed by him to be immediately thereafter

conspicuously displayed at or near the entrance to the town hall or the premises where the meetings of the town council are ordinarily held.

(2) The returning officer shall forthwith return the names of the persons elected in the case of an election of a county councillor to the county clerk, and in the case of an election of town councillors to the town clerk, and in either case the returning officer shall forthwith give or cause to be given notice in writing to the persons elected of their election.

Disposal of Ballot Papers, &c., after Poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but if required by a candidate or a counting agent shall proceed in the presence of the counting agents to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall re-seal each sealed packet after examination. The returning officer shall draw up a statement as to the result of any verification required and shall on request allow any counting agent to copy the statement.

40. The returning officer shall forward for retention as hereinafter provided to the county clerk in the case of an election of a county councillor, or to the town clerk in the case of an election of town councillors, or where the county clerk or the town clerk is the returning officer he shall retain among the records of the county or burgh, as the case may be, all the packets of ballot papers in his possession together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils and marked copies of registers sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the electoral division, burgh or ward for which the election was held.

41.—(1) The sheriff (excluding a sheriff substitute) having jurisdiction in the county or burgh, as the case may be, on being satisfied by evidence on oath—

(*a*) that the inspection or production of any rejected ballot papers; or

(*b*) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers;

is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

2ND SCH. —*cont.*

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the sheriff may think expedient, and may direct the county clerk or the town clerk, as the case may be, having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(3) Any power given to a sheriff by this paragraph may be exercised otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the Court of Session from any order of a sheriff made under this paragraph.

42. Except by order of a sheriff or of the Court of Session made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the county clerk or the town clerk, as the case may be, or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the county clerk or town clerk of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered in such manner as may be directed by the order shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be prima facie evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be prima facie evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

44. The county clerk or the town clerk, as the case may be, shall retain for six months among the records of the county or burgh all documents relating to an election forwarded to him by the returning officer in pursuance of this Schedule, and then unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule shall cause them to be destroyed.

45. All the documents forwarded or retained under paragraph 40 of this Part of this Schedule other than ballot papers and counterfoils shall during a period of six months from the day of election be open to public inspection at such time and in such manner as may be determined by the county council or town council with the consent of the Secretary of State, and the county clerk or town clerk shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject

to such conditions as may be determined by the county council or town council with the consent of the Secretary of State.

46. Subject to the provisions of this Part of this Schedule, the county clerk or the town clerk shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the county council or the town council, as the case may be.

General Provisions as to Contested Elections.

47. The returning officer may if he thinks fit preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

48. No returning officer or officer appointed under this Schedule or any partner or clerk of any such officer shall act as a polling or counting agent.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.

50. A presiding officer may by the officers appointed to assist him do any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion or removal of any person from the polling station.

51. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do or may assist his agent in doing any such act or thing, but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents. Where a candidate has no agent for the purposes of any of the paragraphs of this Schedule, any notice under any such paragraph shall be given to the candidate.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Requirement of Secrecy.

53.—(1) Every returning officer and every officer, polling agent or counting agent authorised to attend at a polling station or at the counting of the votes shall before the opening of the poll, or in the case of an officer or agent appointed after the opening of the poll before acting as such officer or agent, make a declaration of secrecy in the form contained in Part V of this Schedule or in a form substantially to the like effect.

(2) In the case of a returning officer, the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made in the presence either of a justice of the peace or of the returning officer.

2ND SCH. —*cont.*

(3) Save as aforesaid, no such returning officer, officer or agent shall be required as such to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer and every candidate, officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer or a candidate or officer appointed under this Part of this Schedule or polling agent or counting agent, shall—

(*a*) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(*b*) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or

(*c*) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, candidate, polling agent or counting agent as aforesaid, shall—

(*a*) interfere with or attempt to interfere with an elector when recording his vote; or

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that place is about to vote or has voted; or

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted or as to the number on the back of the ballot paper given to an elector at that station; or

(*d*) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector intends to vote or has voted or as to the number on the back of the ballot paper given for the use of that elector.

54. Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of Order in Polling Station.

55.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station or fails to obey the lawful orders of the presiding officer, he may immediately by order of the presiding officer be removed from the polling station by a police officer in or near that station or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not without the permission of the presiding officer again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Supplemental Provisions.

56. In computing any period of time for the purposes of sub-paragraph (2) of paragraph 13 or sub-paragraph (2) of paragraph 28 of this Part of this Schedule, a Sunday, Christmas Day, New Year's Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning shall be disregarded.

PART IV.

APPLICATION OF SCHEDULE TO DISTRICT COUNCIL ELECTION.

1. The provisions of this Schedule (including the forms in Part V thereof) as applied to the election of county councillors shall apply to the election of district councillors subject to the provisions of this Part of this Schedule and to such other modifications and adaptations as the circumstances shall require.

2. The election shall take place in the same stations, with the same returning and presiding officers and clerks as the election of county councillors.

3. If there should be a contested election for district councillors but no contested election for a county councillor in any electoral division, the district council election shall be conducted in the same manner as if there were a contested election for a county councillor in such electoral division.

4. The returning officer shall make and publish such other arrangements as he shall think fit for the purpose of enabling nomination papers and copies of the register of electors to be obtained and for nomination papers and notices of withdrawal to be received and dealt with at some place within or adjoining the district, and for that purpose may by writing under his hand delegate such of his powers as he shall think necessary to the clerk of the district council or other fit person, and such person shall for that purpose be deemed to be a depute of the returning officer.

2ND SCH. —*cont.*

5. It shall not be necessary to publish any of the notices under this Schedule elsewhere than in the district, but the returning officer may, if he thinks it expedient, publish them in any manner in which he publishes notices for the election of county councillors, and any of the said notices may relate both to the election of district councillors and to the election of county councillors.

6. The returning officer shall forthwith make a return to the clerk of the district council of the persons elected as district councillors and of the persons elected as members of the county council for the electoral divisions within the district, and give or cause to be given notice in writing to the persons elected of their election.

PART V.

FORMS FOR USE AT THE ELECTION OF COUNTY COUNCILLORS OR OF TOWN COUNCILLORS.

FORM A.

FORM OF NOTICE OF ELECTION.

I.—Form of Notice of Election applicable to the election of county councillors for the landward area of a county.

County of .

County Council Election, 19 .

In terms of the Local Government (Scotland) Act, 1947, notice is hereby given—

1. That the election of a county councillor for each electoral division in the landward area of the county will in the event of there being a poll take place on Tuesday, the day of November next, between the hours of o'clock forenoon and o'clock afternoon at the places aftermentioned.

(*a*) Electoral division of (*here specify name of electoral division*).

Polling place (*here specify polling place or places within which polling stations are situated*).

(*b*) Electoral division of (*here specify name of electoral division*).

Polling place (*here specify polling place or places within which polling stations are situated*).

(*and so on through the whole number of electoral divisions*).

2. That the county council have appointed to be the returning officer for the purposes of the election.

3. That no person can be elected to the office of county councillor in respect of whom a nomination paper is not delivered to the returning officer before four o'clock in the afternoon of Tuesday the day of October current, that all withdrawals of persons nominated must be intimated to the returning officer before four o'clock in the afternoon of Tuesday the day of October current, and that all intimations must be delivered at (*here specify address of place where nomination papers are to be delivered*).

4. That every person proposed for election as a county councillor must be nominated by a separate nomination paper in the appropriate Form contained in Part V of the Second Schedule to the said Act or in a form substantially to the like effect, and every such nomination paper must be subscribed by two proposers being local government electors for the electoral division to which the nomination applies, and shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him consenting to be nominated as a candidate and that, if elected, he accepts office as a county councillor and will faithfully perform the duties of the office.

5. That no person shall sign more than one nomination paper in respect of the same electoral division, and if he does so his signature shall be operative only in the case of the paper which is first delivered.

6. That a candidate who is validly nominated for more than one electoral division shall by notice signed, attested and delivered withdraw from his candidature in all those electoral divisions except one, and if he does not so withdraw before the expiration of the time appointed by Part II of the Second Schedule to the said Act for the delivery of notices of withdrawal the returning officer shall on the expiration of the said time declare for which of those electoral divisions for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have withdrawn his candidature in those other electoral divisions.

7. That in the event of only one person remaining validly nominated in any electoral division of the county there will be no poll in that electoral division, and that on the day appointed for declaring the election the person so nominated shall be declared to be elected a county councillor.

8. That forms of nomination and withdrawal may be had at the place above mentioned on or after 15th October current.

9. That one copy of the register of local government electors for an electoral division may be had free of charge by a candidate for that division or his agent at the place mentioned on or after the said date. Additional copies of the register may be had subject to payment of a charge fixed by Order in Council.

Sgd. A.B.,
County Clerk.
(*Date.*)

II.—Form of Notice of Election applicable to the election of town councillors in a burgh not divided into wards.

Burgh of .

Municipal election, 19 .

In terms of the Local Government (Scotland) Act, 1947, notice is hereby given—

1. That the annual election of councillors to supply the vacant places in the town council of the burgh will in the event of there being a poll take place on Tuesday, the day of November next between the hours of o'clock forenoon and o'clock afternoon at the places following, viz.:—

2ND SCH. —*cont.*

Polling Places

(*Here specify the polling place or places within which polling stations are situated*)

to elect town councillors in the place of

(*Here mention names of councillors retiring, and cause of retirement, whether by rotation or otherwise*).

2. That no person can be elected to the office of town councillor in respect of whom a nomination paper is not delivered to me before four o'clock afternoon of Friday the day of October current, that all withdrawals of persons nominated must be intimated to me before four o'clock afternoon of Monday the day of October current, and that all intimations must be delivered at my office situated at (*here specify address of office*).

3. That every person proposed for election as a town councillor must be nominated by a separate nomination paper in the appropriate form contained in Part V of the Second Schedule to the said Act or in a form substantially to the like effect, and every such nomination paper must be subscribed by two proposers being local government electors for the burgh and also five other local government electors for the burgh as assenting to the nomination, and shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him consenting to be nominated as a candidate and that, if elected, he accepts office as a town councillor and will faithfully perform the duties of the office.

4. That no person shall sign more than one nomination paper in respect of the same candidate nor shall he sign more nomination papers than there are vacancies to be filled, and if he signs nomination papers otherwise than is herein permitted his signature shall be inoperative in all but those papers up to the permitted number which are first delivered.

5. That in the event of the number of persons remaining validly nominated not exceeding the number of vacancies there will be no poll and that on the day appointed for declaring the election the persons so nominated shall be declared to be elected town councillors.

6. That forms of nomination and withdrawal may be had at my office above mentioned on or after 15th October current.

7. That one copy of the register of local government electors for the burgh may be had free of charge by a candidate or his agent at my office aforesaid on or after the said date. Additional copies of the register may be had subject to payment of a charge fixed by Order in Council.

A.B.,
Town Clerk.
(*Date.*)

III.—Form of Notice of Election applicable to the election of town councillors in a burgh divided into wards.

Burgh of .

Municipal election, 19 .

In terms of the Local Government (Scotland) Act, 1947, notice is hereby given—

1. That the annual election of town councillors to supply the vacant places in the town council of the burgh will in the event

of there being a poll take place on Tuesday the day of November next between the hours of o'clock forenoon and o'clock afternoon at the places aftermentioned.

First ward.

Polling place (*here specify polling place or places within which polling stations are situated*).

To elect . town councillor[s] in place of (*here mention name[s] of councillor[s] retiring, and cause of retirement, whether by rotation or otherwise*).

Second ward.

(*As above, and so on through the whole number of wards.*)

2. That no person can be elected to the office of town councillor in respect of whom a nomination paper is not delivered to me before four o'clock afternoon of Friday the day of October current, that all withdrawals of persons nominated must be intimated to me before four o'clock afternoon of Monday the day of October current, and that all intimations must be delivered at my office situated at (*here specify address of office*).

3. That every person proposed for election as a town councillor must be nominated by a separate nomination paper in the appropriate form contained in Part V of the Second Schedule to the said Act or in a form substantially to the like effect, and every such nomination paper must be subscribed by two proposers being local government electors for the ward to which the nomination applies and also by five other local government electors for the said ward as assenting to the nomination, and shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him consenting to be nominated as a candidate and that, if elected, he accepts office as a town councillor and will faithfully perform the duties of the office.

4. That no person shall sign more than one nomination paper in respect of the same candidate nor shall he sign more nomination papers than there are vacancies to be filled in the ward, and if he signs nomination papers otherwise than is herein permitted his signature shall be inoperative in all but those papers up to the permitted number which are first delivered.

5. That a candidate who is validly nominated for more than one ward shall by notice signed, attested and delivered withdraw from his candidature in all those wards except one, and if he does not so withdraw before the expiration of the time appointed by Part II of the Second Schedule to the said Act for the delivery of notices of withdrawal the returning officer shall on the expiration of the said time declare for which of those wards for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have withdrawn his candidature in those other wards.

6. That in the event of the number of persons remaining validly nominated in any of the wards not exceeding the number of vacancies there will be no poll in such ward, and that on the day appointed for declaring the election the persons so nominated shall be declared to be elected town councillors,

2ND SCH. —*cont.*

7. That forms of nomination and withdrawal may be had at my office abovementioned on or after 15th October current.

8. That one copy of the register of local government electors for the ward may be had free of charge by a candidate or his agent at my office aforesaid on or after the said date. Additional copies of the register may be had subject to payment of a charge fixed by Order in Council.

A.B.,
Town Clerk.
(*Date.*)

FORM B.

FORM OF NOMINATION PAPER.

I.—Form of Nomination Paper applicable to the election of county councillors for the landward area of a county.

Front of Nomination Paper.

County of .
County Council Election, 19 .

We, A.B. (*here insert name and address and register number as in the register of local government electors for the electoral division for which the candidate is being nominated*) and C.D. (*here insert name and address and register number as in the said register*), hereby propose and nominate—

E.F. (*if the candidate's name appears in the register of local government electors for any electoral division within the county or for a burgh within the county, here insert name and address and register number of the candidate as in the register in which his name appears, specifying the area to which that register relates*),

(*if the candidate's name does not appear in any of the said registers, here insert his full name and place of residence and if the circumstances warrant it add* " who has resided at (*insert address or addresses*) within the county of (*specify county or any burgh within the county*) during the whole of the twelve months preceding this date ")

for election as a county councillor for the electoral division of (*specify electoral division*) at the next ensuing election of county councillors in the county of (*specify county*).

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said E.F. is of full age and a British subject and not subject to any legal incapacity; and

(*b*) the said E.F. is not disqualified for being nominated as a candidate for election as a county councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

Given under our hand this (*insert date*).

A.B.

C.D.

I, the nominee for election, consent to being nominated as a candidate and, if elected, accept office as a county councillor for the said electoral division. I declare that, if elected, I shall faithfully perform the duties of the office.

I am of full age and a British subject and not subject to any legal incapacity. (*If the candidate is not qualified as a registered local government elector, and if the circumstances warrant it, add* " I have resided within the county of (*including any burgh within the county*) during the whole of the twelve months preceding the date abovementioned ".)

I declare that I am not disqualified for being nominated as a candidate for election as a county councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

E.F.

To the Returning Office,

County of

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—" For and on " behalf of E.F., X.Y., Solicitor, (*here insert address*) duly authorised " by the said E.F. to sign this form."

Back of Nomination Paper.

(*Here print copy of section 52 of the Local Government (Scotland) Act, 1947.*)

Note.—If any person signs any nomination paper as candidate, proposer or solicitor on behalf of a candidate knowing any of the statements contained therein to be false, he shall be liable under the Local Government (Scotland) Act, 1947, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

II.—Form of Nomination Paper applicable to the election of town councillors in a burgh not divided into wards.

Front of Nomination Paper.

Burgh of

Municipal Election, 19 .

We, A.B. (*here insert name and address and register number as in the register of local government electors for the burgh of*) and C.D. (*here insert name and address and register number as in the said register*), hereby propose and nominate—

2ND SCH. —*cont.*

E.F. (*if the candidate's name appears in the said register, here insert name and address and register number as in the said register*),

(*if the candidate's name does not appear in the said register, here insert his full name and place of residence, and if the circumstances warrant it add* " who has resided at (*insert address or addresses*) within the burgh of (*specify burgh*) during the whole of the twelve months preceding this date ")

for election as a town councillor at the next ensuing municipal election in the said burgh of (*specify burgh*).

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said E.F. is of full age and a British subject and not subject to any legal incapacity; and

(*b*) the said E.F. is not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

Given under our hand this (*insert date*).

A.B.
C.D.

We, the undersigned, being registered local government electors for the burgh of (*specify burgh*), do hereby assent to the nomination of the said E.F. as a town councillor as above mentioned.

G.H., of
I.J., of
K.L., of
M.N., of
O.P., of
} (*insert address and register number as in the register for the said burgh.*)

I, the nominee for election, consent to be nominated as a candidate and, if elected, accept office as a town councillor for the said burgh. I declare that, if elected, I shall faithfully perform the duties of the office.

I am of full age and a British subject and not subject to any legal incapacity. (*If the candidate is not qualified as a registered local government elector, and if the circumstances warrant it, add* " I have resided within the burgh of during the whole of the twelve months preceding the date above mentioned ".)

I declare that I am not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

E.F.

2ND SCH. —*cont.*

To the Town Clerk of .

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—" For and on " behalf of E.F., X.Y., Solicitor, (*here insert address*) duly authorised " by the said E.F. to sign this form."

Back of Nomination Paper.

(*Here print copy of section 52 of the Local Government (Scotland) Act*, 1947.)

Note:—If any person signs any nomination paper as candidate, proposer or solicitor on behalf of a candidate knowing any of the statements contained therein to be false, he shall be liable under the Local Government (Scotland) Act, 1947, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

III.—Form of Nomination Paper applicable to the election of town councillors in a burgh divided into wards.

Front of Nomination Paper.

Burgh of .

Municipal Election, 19 .

We, A.B. (*here insert name and address and register number as in the register of local government electors for the ward for which the candidate is being nominated*) and C.D. (*here insert name and address and register number as in the said register*), hereby propose and nominate—

E.F. (*if the candidate's name appears in the register for any ward in the burgh, here insert name and address and register number as in the register in which his name appears, specifying the ward to which the register relates*),

(*if the candidate's name does not appear in the register for any part of the burgh, here insert his full name and place of residence and, if the circumstances warrant it, add* " who has resided at (*insert address or addresses*) within the burgh of (*specify burgh*) during the whole of the twelve months preceding this date ")

for election as a town councillor for the ward (*specify ward*) at the next ensuing municipal election in the burgh of (*specify burgh*).

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said E.F. is of full age and a British subject and not subject to any legal incapacity; and

(*b*) the said E.F. is not disqualified for being nominated as a candidate for election as a town councillor by reason of

2ND SCH. —*cont.*

any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

Given under our hand this (*insert date*).

A.B.

C.D.

We, the undersigned, being registered local government electors for the ward (*specify ward*) in the burgh of (*specify burgh*), do hereby assent to the nomination of the said E.F. as a town councillor as above mentioned.

G.H., of
I.J., of
K.L., of
M.N., of
O.P., of

(*insert address and register number as in the register for the said ward.*)

I, the nominee for election, consent to being nominated as a candidate and, if elected, accept office as a town councillor for the said ward. I declare that, if elected, I shall faithfully perform the duties of the office.

I am of full age and a British subject and not subject to any legal incapacity. (*If the candidate is not qualified as a registered local government elector, and if the circumstances warrant it, add* " I have resided within the burgh of during the whole of the twelve months preceding the date before mentioned ".)

I declare that I am not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

E.F.

To the Town Clerk of

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—" For and on behalf " of E.F., X.Y., Solicitor, (*here insert address*) duly authorised by the " said E.F. to sign this form."

Back of Nomination Paper.

(*Here print copy of section 52 of the Local Government (Scotland) Act, 1947.*)

Note.—If any person signs any nomination paper as candidate, proposer or solicitor on behalf of a candidate knowing any of the statements contained therein to be false, he shall be liable under the Local Government (Scotland) Act, 1947, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

2ND SCH. —*cont.*

FORM C.

FORM OF NOTICE OF WITHDRAWAL.

[County of
County Council Election, 19 .]
[Burgh of
Municipal Election, 19 .]

I, E.F. (*here insert name and address as in nomination paper*) hereby withdraw my nomination as a candidate for election as a [county councillor for the electoral division of (*specify electoral division*)] [town councillor for the burgh] [town councillor for ward (*specify ward*)] at the next ensuing election of [county councillors in the county of (*specify county*)] [town councillors in the burgh of (*specify burgh*)]:

Dated this (*insert date*).....

Name .....
Address .....
Designation .....
Witness. E.F.

Name .....
Address .....
Designation .....
Witness.

[To the Returning Officer,
County of .]
[To the Town Clerk of .]

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows— " For and on " behalf of E.F., X.Y., Solicitor, (*here insert address*) duly authorised " by the said E.F. to sign this form."

FORM D.

FORM OF NOTICE IN CASE OF UNCONTESTED ELECTION.

I.—Form of Notice of Uncontested Election applicable to the election of county councillors for the landward area of a county.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice of poll (Form E.).

County of .
County Council Election, 19 .

In terms of the Local Government (Scotland) Act, 1947, I hereby give notice that the following person[s] remain[s] validly nominated for the electoral division[s] as hereinafter mentioned, and as not more than one person so remains validly nominated for [each of] the said division[s], there will be no poll in that [or those] electoral division[s], and that on the day appointed for declaring the result

2ND SCH. —*cont.*

of the election the said person[s] shall be declared to be elected county councillor[s].

Electoral Division[s].	Name[s] of person[s] elected.	Address[es] or place[s] of residence.	Names of proposers.	Addresses of proposers.

A.B.,
Returning Officer.
(*Date*).

II.—Form of Notice of Uncontested Election applicable to the election of town councillors in a burgh not divided into wards.

Burgh of
Municipal Election, 19 .

In terms of the Local Government (Scotland) Act, 1947, I hereby give notice that the following persons remain validly nominated for the burgh, and as the number of persons so remaining validly nominated does not exceed the number of vacancies to be supplied therein, there will be no poll, and that on the day appointed for declaring the result of the election the said persons shall be declared to be elected town councillors of the burgh.

Names of persons elected.	Addresses or places of residence.	Names of proposers.	Addresses of proposers.

A.B.,
Town Clerk,
(*Date.*)

2ND SCH. —*cont.*

III.—Form of Notice of Uncontested Election applicable to the election of town councillors in a burgh divided into wards.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice of poll (Form E.).

Burgh of .

Municipal Election, 19 .

In terms of the Local Government (Scotland) Act, 1947, I hereby give notice that the following person[s] remain[s] validly nominated for the ward[s] as hereinafter mentioned, and as the number of persons so remaining validly nominated for [each of] the said ward[s] does not exceed the number of vacancies to be supplied therein, there will be no poll therein, and that on the day appointed for declaring the election the said person[s] shall be declared to be elected town councillor[s] of the burgh.

Ward[s].	Name[s] of person[s] elected.	Address[es] or place[s] of residence.	Names of proposers.	Addresses of proposers.

A.B.,
Town Clerk.
(*Date.*)

FORM E.

FORM OF NOTICE OF POLL.

I.—Form of Notice of Poll applicable to the election of county councillors for the landward area of a county.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of uncontested election (Form D.).

County of .

County Council Election, 19 .

In terms of the Local Government (Scotland) Act, 1947, I hereby give notice that the following persons remain validly nominated for election as county councillors as hereinafter mentioned in this county at the election which shall be held on Tuesday the day of November next between the hours of o'clock forenoon and o'clock afternoon at the places mentioned in the

2ND SCH. —*cont.*

Notice of Election dated , one councillor falling to be elected for each electoral division.

Electoral Division[s].	Names of candidates.	Addresses or places of residence of candidates.	Names of proposers.	Addresses of proposers.

The persons entitled to vote at this election are the persons registered under the Representation of the People Acts as local government electors for the [respective] electoral division[s] aforesaid.

Where a person is registered as an elector in respect of more than one electoral division, he may vote in any one of the said electoral divisions, but shall not thereafter vote at this election in any other electoral division.

A.B.,
Returning Officer.
(*Date.*)

II.—Form of Notice of Poll applicable to the election of town councillors in a burgh not divided into wards.

Burgh of
Municipal Election, 19 .

In terms of the Local Government (Scotland) Act, 1947, I hereby give notice that the following persons remain validly nominated for election as town councillors in this burgh as hereinafter mentioned at the municipal election which shall be held on Tuesday the day of November next between the hours of o'clock forenoon and o'clock afternoon at the places mentioned in the Notice of Election dated .

Names of candidates.	Addresses or places of residence of candidates.	Names of proposers.	Addresses of proposers.

To elect town councillors (*specify number*).

The persons entitled to vote at this election are the persons registered under the Representation of the People Acts as local government electors for the burgh.

A.B.,
Town Clerk.
(*Date.*)

III.—Form of Notice of Poll applicable to the election of town councillors in a burgh divided into wards.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of uncontested election (Form D.).

Burgh of .

In terms of the Local Government (Scotland) Act, 1947, I hereby give notice that the following persons remain validly nominated for election as town councillors in this burgh as hereinafter mentioned at the municipal election which shall be held on Tuesday the day of November next between the hours of o'clock forenoon and o'clock afternoon at the places mentioned in the Notice of Election, dated , (*alter if not appropriate*) one councillor falling to be elected for each ward.

Ward[s].	Names of candidates.	Addresses or places of residence of candidates.	Names of proposers.	Addresses of proposers.
I.				
II.				
III.				

The persons entitled to vote at this election are the persons registered under the Representation of the People Acts as local government electors for the [respective] ward[s] aforesaid.

Where a person is registered as an elector in respect of more than one ward, he may vote in any one of the said wards but shall not thereafter vote at this election in any other ward.

A.B.,
Town Clerk.
(*Date.*)

2ND SCH. —*cont.*

FORM F.

FORM OF BALLOT PAPER.

Form of Front of Ballot Paper.

Counterfoil No.			
	1	**BROWN** (John Brown, of 52, George Street, Hamilton.)	
	2	**GRANT** (William David Grant, of Weston, Lanarkshire.)	
	3	**MORRISON** (Hon. John Morrison, of Melville, Lanarkshire.)	
	4	**SMITH** (Mary Smith, of 72, High Street, Rutherglen.)	

NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

Form of Back of Ballot Paper.

No.

Election for the [electoral division of the county of] [burgh of] [ward of the burgh of].

Note:

The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing Ballot Paper.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname also the other names of such candidates, shall be printed in large characters as shown in the form, and the names and addresses or places of residence and the number on the back of the paper shall be printed in small characters.

FORM G.

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE ELECTOR IN VOTING, WHICH SHALL BE PRINTED IN CONSPICUOUS CHARACTERS, AND EXHIBITED OUTSIDE EVERY POLLING STATION AND IN EVERY COMPARTMENT OF EVERY POLLING STATION.

The elector may vote for candidate[s].

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the righthand side of the ballot paper, opposite the name of each candidate for whom he votes, thus ×.

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then in the presence of the presiding officer put the paper into the ballot box and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate[s] or places any mark on the paper by which he may be afterwards identified his ballot paper will be void and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station or puts into the ballot box any other paper than the ballot paper given him by the officer, he will be liable on conviction on indictment or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

FORM H.

FORM OF DECLARATION OF SECRECY BY RETURNING OFFICER AND EVERY OFFICER, POLLING AGENT OR COUNTING AGENT AUTHORISED TO ATTEND AT A POLLING STATION OR AT THE COUNTING OF VOTES.

I solemnly promise and declare that I shall at this election maintain and aid in maintaining the secrecy of the voting and shall not do anything forbidden by sub-paragraphs (5) and (6) of paragraph 53 of Part III of the Second Schedule to the Local Government (Scotland) Act, 1947, which have been read by me.

FORM I.

FORM OF DECLARATION OF INABILITY TO READ.

I, A.B., of , being numbered on the register of local government electors for the [electoral division of the county of] [burgh of] [ward of the burgh of], do hereby declare that I am unable to read.

A.B., his mark

day of 19 .

2ND SCH. —*cont.*

I, the undersigned, being the presiding officer for the polling station for the [electoral division of the county of] [burgh of] [ward of the burgh of], do hereby certify that the above declaration having been first read to the abovenamed A.B. was signed by him in my presence with his mark.

Sgd. C.D.,
day of 19 .

FORM J.

FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A BLIND ELECTOR.

I, A.B., of , having been requested to assist C.D., who is numbered on the register of local government electors for the [electoral division of the county of] [burgh of] [ward of the burgh of], to record his vote at the election now being held for the said [electoral division] [burgh] [ward], do hereby declare that [I am entitled to vote at the said election] [I am the * of the said elector and have attained the age of twenty-one years] and that I have not previously assisted any blind person [except E.F., of] to vote at the said election.

* State the relationship of the companion to the elector.

Signed, A.B.,
day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [electoral division of the county of] [burgh of] [ward of the burgh of], do hereby certify that the above declaration having been first read to the abovenamed declarant was signed by the declarant in my presence.

Signed, G.H.,
day of 19 ,
at minutes past o'clock in the noon.

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will on conviction be liable under the False Oaths (Scotland) Act, 1933, to imprisonment with or without hard labour for a term not exceeding two years or to a fine or to both such imprisonment and fine.

Sections 64, 71.

THIRD SCHEDULE.

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES.

PART I.

County Councils.

1.—(1) A county council shall in every year hold such meetings of the council as are required for the purpose of complying with this Act or any other enactment or any statutory order and such other meetings as are considered necessary for the transaction of the general business of the council.

3RD SCH. —*cont.*

(2) A meeting of the council shall be held in the year of the election on Tuesday fourteen days after the day of election, or on such other day within three weeks after the day of election as the council have, prior to the election by standing order or otherwise, determined, and in other years on such day in the month of November or December as the council determine. The said meeting held in the year of election may for the purposes of this Act and of any other enactment be referred to as the first meeting of the county council after the election of county councillors.

(3) Meetings of the county council shall be held in the case of the first meeting after the election at twelve noon or at such other hour as the council have, prior to the election by standing order or otherwise determined, and in the case of other meetings at such hour and on such dates as the council may by standing order or otherwise fix, or if no hour is so fixed at twelve noon.

(4) Meetings of a county council shall be held at such place either within or without the county as the council may direct.

Convening meetings.

2. Subject to any administrative scheme under this Act or to any standing orders made by a county council, the following provisions shall have effect with respect to convening meetings of the council and of committees and sub-committees thereof:—

(1) Notice of the time and place of a meeting of a county council shall be given by or on behalf of the county clerk not less than seven days before the meeting by being left at or sent by post to the usual place of residence or the place of business of every member of the council, and shall specify the business proposed to be transacted at the meeting:

Provided that want of notice to any member of the council shall not affect the validity of a meeting.

(2) The county clerk shall call a meeting of the county council at any time on being required so to do by the convener of the county or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting signed by one-fourth of the whole number of members of the council, which meeting shall be held within fourteen days of receipt of the requisition.

(3) Except in the case of business which has to be transacted at a meeting of the council required to be held by this Act or any other enactment or any statutory order, no business shall be transacted at a meeting of the council other than that specified in the notice of the meeting.

(4) The provisions of all the sub-paragraphs of this paragraph shall apply to committees and sub-committees of the council in like manner as they apply to the council, with the substitution of references to the committee or sub-committee, as the case may be, and to the chairman of the committee or sub-committee for references to the council and to the convener respectively, and the chairman of the committee or sub-committee, as the case may be, shall for the purpose of ascertaining whether a valid requisition for a meeting has been made determine whether any matter mentioned in the requisition is a matter in respect of which the county councillors representing a large burgh exercise a deliberative vote.

3RD SCH. —*cont.*

Emergency meeting.

3. Where it appears to the convener of the county that an item of business demands special urgency, a meeting of the council shall if he so requires be called by the county clerk to be held at a time which does not permit of notice being given in accordance with sub-paragraph (1) of the last preceding paragraph, or the standing orders, but any resolution passed at such a meeting shall not be valid and binding on the council unless a majority of the whole members of the council are present at the meeting or the resolution is confirmed by a subsequent meeting called after due notice as aforesaid.

Chairman of meeting.

4.—(1) At a meeting of a county council, the convener of the county if present shall preside.

(2) If the convener of the county is absent from a meeting of the council, the vice-convener of the county shall if present preside, but if the convener and the vice-convener are both absent from a meeting of the council, such county councillor as the members of the council present at the meeting shall choose shall preside.

Quorum.

5. Subject to the provisions of Part IV of this Schedule, no business shall be transacted at a meeting of a county council unless at least one-fourth of the whole number of members of the council or such other proportion as the council with consent of the Secretary of State may determine are present thereat.

PART II.

Town Councils.

Meetings.

1.—(1) The town council of a burgh shall in every year hold such meetings of the council as are required for the purpose of complying with any provision of this Act or any other enactment or any statutory order and such other meetings as are considered necessary for the transaction of the general business of the council.

(2) A meeting of the council shall be held on the first Friday after the first Tuesday in November.

(3) Meetings of the town council shall be held in the case of the meeting appointed to be held on the first Friday after the first Tuesday of November at twelve noon or at such other hour as the council may by standing order or otherwise fix, and in the case of other meetings at such hour and on such dates as the council may by standing order or otherwise fix or, if no hour is so fixed, at twelve noon.

(4) Meetings of a town council shall be held at such place as the council may direct.

Convening meetings.

2. Subject to any administrative scheme under this Act and to any standing orders made by a town council, the following provisions shall have effect with respect to convening meetings of the council and of committees and sub-committees thereof:—

(1) Notice of the time and place of a meeting of a town council shall be given by or on behalf of the town clerk not less than twenty-four hours before the meeting by being left at or sent by post to the usual place of residence or the place of business of every member of the council, and shall specify the business proposed to be transacted at the meeting:

Provided that want of notice to any member of the council shall not affect the validity of a meeting.

3RD SCH. —*cont.*

(2) The town clerk shall call a meeting of the town council at any time on being required so to do by the provost or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting signed by one-fourth of the whole number of members of the council, which meeting shall be held within four days of receipt of the requisition.

(3) Except in the case of business which has to be transacted at any meeting of the council required to be held by this Act or any other enactment or any statutory order, no business shall be transacted at a meeting of the council other than that specified in the notice of the meeting.

(4) The provisions of all the sub-paragraphs of this paragraph shall apply to committees and sub-committees of the council in like manner as they apply to the council, with the substitution of references to the committee or sub-committee, as the case may be, and to the chairman of the committee or sub-committee for references to the council and to the provost respectively.

(5) Any reference in this paragraph to the provost shall include a reference to the acting chief magistrate.

Emergency meeting.

3. Where it appears to the provost that an item of business demands special urgency, a meeting of the council shall if he so requires be called by the town clerk to be held at a time less than twenty-four hours from the issue of the notice, or less than the period fixed by standing orders, but any resolution passed at such a meeting shall not be valid and binding on the council unless a majority of the whole members of the Council are present at the meeting or the resolution is confirmed by a subsequent meeting called after due notice as aforesaid.

Chairman of meeting.

4.—(1) At a meeting of a town council, the provost if present shall preside.

(2) If the provost is absent, the senior bailie present at the meeting and failing any bailie such councillor as the members of the council present shall choose shall preside.

Quorum.

5. Subject to the provisions of Part IV of this Schedule, no business shall be transacted at a meeting of a town council unless at least one-fourth of the whole number of members of the council or such other proportion as the council with consent of the Secretary of State may determine are present thereat.

PART III.

District Councils.

Meetings.

1.—(1) A district council shall in every year hold such meetings of the council as are required for the purpose of complying with any provision of this Act or any other enactment or any statutory order and such other meetings as are considered necessary for the transaction of the general business of the council.

3RD SCH. —*cont.*

(2) A meeting of the council shall be held on such day within ten days after the day of election of elected district councillors as the council prior to the election have determined, which meeting may for the purposes of this Act and of any other enactment be referred to as the first meeting of the district council after the election of district councillors.

(3) The meetings of the council shall be held at such hour and at such place as the council may by standing order or otherwise determine.

Convening meetings.

2. Subject to any standing orders made by a district council, the following provisions shall have effect with respect to convening meetings of the council and of committees and sub-committees thereof:—

(1) Notice of the time and place of a meeting of a district council shall be given by or on behalf of the clerk of the council not less than three days before the meeting by being left at or sent by post to the usual place of residence or the place of business of every member of the council, and shall specify the business proposed to be transacted at the meeting:

Provided that want of notice to any member of the council shall not affect the validity of a meeting.

If there is no clerk of the council the chairman shall call any meeting except the first meeting of the council after the election of district councillors, which meeting shall be called by the county clerk.

(2) The clerk of the district council shall call a meeting of the council at any time on being required so to do by the chairman of the council or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting signed by one-fourth of the whole number of members of the council or by three members, whichever is the greater number, which meeting shall be held within ten days of the receipt of the requisition.

(3) Except in the case of business which has to be transacted at any meeting of the council required to be held by this Act or any other enactment or any statutory order or except with leave of the meeting, no business shall be transacted at a meeting of the council other than that specified in the notice of the meeting.

(4) The provisions of all the sub-paragraphs of this paragraph shall apply to committees and sub-committees of the council in like manner as they apply to the council, with the substitution of references to the committee or sub-committee, as the case may be, and to the chairman of the committee or sub-committee for references to the council and to the chairman of the council respectively.

Emergency meeting.

3. Where it appears to the chairman of the council that an item of business demands special urgency, a meeting of the council shall if he so requires be called by the clerk of the council to be held at a time less than three days from the issue of the notice or less than the period fixed by standing orders, but any resolution passed

at such a meeting shall not be valid and binding on the council unless a majority of the whole members of the council are present at the meeting or the resolution is confirmed by a subsequent meeting called after due notice as aforesaid. 3RD SCH. —*cont.*

Chairman of meeting.

4.—(1) At a meeting of a district council the chairman of the council if present shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council shall, if present, preside, but if the chairman and vice-chairman are both absent from the meeting, such district councillor as the members of the council present shall choose shall preside.

Quorum.

5. Subject to the provisions of Part IV of this Schedule, no business shall be transacted at a meeting of the council unless one fourth of the whole number of members of the council or three members, whichever is the greater number, are present thereat.

PART IV.

Provisions relating to local authorities generally.

Notice of meetings required by statute, &c.

1. Notice of any meeting of the authority or of any committee thereof appointed to be held by this Act or any other enactment or any statutory order or by standing order of the authority shall, without instructions, be given by the clerk of the authority or in the case of a committee by the clerk of the committee.

Transaction of business where members disabled by section 73 of Act.

2. No item of business shall be transacted at a meeting of a local authority or of any committee or sub-committee thereof if, in consequence of the provisions of section seventy-three of this Act, less than a quorum of the authority or committee or sub-committee, as the case may be, are entitled to vote on that item.

Adjournment of meeting.

3. A local authority or a committee or sub-committee may adjourn a meeting of the authority, committee or sub-committee, as the case may be, to any other day, hour and place.

Decision on questions.

4.—(1) Subject to the provisions of this Act or any other enactment or any statutory order that may be applicable and to any provisions of standing orders relating to the suspension of such orders, all acts of, and all questions coming and arising before, a local authority or any committee or sub-committee of a local authority shall be done and decided by a majority of the members of the authority or committee or sub-committee, as the case may be, present and voting at a meeting of the authority or committee or sub-committee, as the case may be:

Provided that any decision to transact at an ordinary meeting of a local authority or of any committee or sub-committee thereof business of which notice has not been given shall not, if standing orders made by the local authority so provide, be arrived at except by such majority greater than a bare majority as may be specified.

(2) Save as otherwise provided in this Act, in the case of an equality of votes, the person presiding at the meeting shall give a casting vote.

Names of members present to be recorded.

5. The names of members present at a meeting of a local authority shall be recorded.

3RD SCH. —*cont.*

Minutes.

6.—(1) Minutes of the proceedings of a meeting of a local authority shall be drawn up by or on behalf of the clerk of the authority and shall be signed at the meeting by the person presiding thereat or shall be submitted to the next ensuing meeting of the authority for approval as a record of the meeting and signed by the person presiding at that next ensuing meeting, and, without prejudice to any of the other provisions of this Act, any minute purporting to be so signed shall be received in evidence without further proof.

(2) Subject to any administrative scheme under this Act or any standing orders of or other directions by a local authority, the provisions of the preceding sub-paragraph shall apply with respect to any committee or sub-committee of the authority in like manner as they apply with respect to the authority.

(3) Until the contrary is proved, a meeting of a local authority or of a committee or sub-committee thereof in respect of the proceedings whereof a minute has been made and signed in manner above provided, shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee, as the case may be, shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Standing orders.

7.—(1) Subject to the provisions of this Act and of any administrative scheme thereunder, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke such orders.

(2) Any such standing orders may, without prejudice to any other matters that may be dealt with therein, provide for the closure of debate, for voting by ballot with respect to any matter, and for the suspension by resolution of the local authority for the remainder of a meeting of any member disregarding the authority of the chairman of the meeting or obstructing the meeting or conducting himself offensively at the meeting. Any member of a local authority so suspended shall forthwith leave the meeting and shall not without the consent of the meeting again enter the meeting, and if any member so suspended refuses when so required by the person presiding to leave the meeting, he may immediately by order of the person presiding be removed from the meeting by a police officer or by any other person authorised by the person presiding to remove him.

(3) Any such standing orders shall, unless otherwise provided therein, apply with respect to any committee or sub-committee of the authority in like manner as they apply with respect to the authority.

Vacancies, &c. not to invalidate proceedings.

8.—(1) The proceedings of a local authority or a committee or sub-committee thereof shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof, or by any member voting on or taking part in the consideration or discussion of any question when he is not entitled to do so.

(2) If the proceedings at a meeting of a local authority or of a committee or sub-committee thereof are notwithstanding anything in

this Schedule open to challenge on the ground that the meeting has not been duly convened, such proceedings shall be validated by confirmation of the minutes of the meeting at a subsequent meeting duly convened of the authority, committee or sub-committee, as the case may be. 3RD SCH. —*cont.*

9. The provisions of paragraphs 1, 2, 3, 4, 5, 6 and 8 of this Part of this Schedule and any standing orders made by a town council under paragraph 7 shall apply with respect to the magistrates of the burgh in like manner as they apply with respect to the town council, save as otherwise directed by the magistrates and subject to any necessary modifications. Application of this Part of Schedule to magistrates of burgh.

10. Where there are at the same time vacancies in the case of more than one-third of the members of a local authority, then until the number of members in office is increased to not less than two thirds of the whole number of members of the local authority, the quorum of the authority shall be determined by a reference to the number of members of the authority remaining instead of by reference to the whole number of members of the authority, so however that the quorum shall never in the case of a county council or a town council be less than one-eighth of the whole number of members of the council or three members, whichever is the greater number. Quorum in cases of vacancies.

FOURTH SCHEDULE.

Section 173.

ENACTMENTS CONTAINING PROVISIONS AS TO THE ACQUISITION BY AGREEMENT OF, AND CERTAIN OTHER DEALINGS IN, LAND BY LOCAL AUTHORITIES, NOT AFFECTED BY THE PROVISIONS OF PART VIII OF THIS ACT.

1. The Burial Grounds Acts.	
2. The Electricity (Supply) Acts, 1882 to 1936.	
3. The Military Lands Acts, 1892 to 1903.	
4. The Light Railways Acts, 1896 and 1912.	
5. The Cremation Act, 1902.	2 Edw. 7. c. 8.
6. The Housing (Scotland) Acts, 1925 to 1946.	
7. The Restriction of Ribbon Development Act, 1935.	25 & 26 Geo. 5. c. 47.
8. The Town and Country Planning (Scotland) Act, 1945	
9. The Water (Scotland) Act, 1946.	
10. The Education (Scotland) Act, 1946.	
11. Any local Act.	

Sections 191 and 224.

FIFTH SCHEDULE.

EXPENDITURE OF A TOWN COUNCIL TO BE DEFRAYED OUT OF THE BURGH RATE SO FAR AS PAYABLE BY OCCUPIERS OF LANDS AND HERITAGES ONLY.

1. Expenditure of a town council (not being expenditure included in a requisition made by the county council upon the town council under Part XI of this Act, except any portion thereof to which the proviso to subsection (5) of section two hundred and fourteen of this Act applies) incurred for and in connection with the following:—

(1) Police and police court (including any expenditure under section three hundred and fifteen (so far as unrepealed) of the Burgh Police (Scotland) Act, 1892, and on the provision of halls and other buildings for public meetings and assemblies under section seventy-four of this Act which the town council direct shall be defrayed as expenditure on police, but excluding any expenditure under the Children and Young Persons (Scotland) Act, 1937).

(2) Lighting, including lighting of streets, courts and common stairs.

(3) Cleansing, including public conveniences.

(4) Dean of Guild Court.

(5) Surveys and plans under the Burgh Police Acts.

(6) Markets.

(7) Slaughter houses.

(8) Public clocks.

(9) Public baths, including open air bathing facilities.

(10) Public wash-houses and drying grounds.

(11) Inspection of weights and measures, including provision of public weighing machines.

(12) Issue and supervision of licences under the Burgh Police Acts.

(13) Public libraries.

(14) Supervision of food and drugs.

34 & 35 Vict. c. 56. (15) The Dogs Act, 1871.

34 & 35 Vict. c. 96. (16) The Pedlars Act, 1871.

(17) The Explosives Acts, 1875 and 1923.

(18) The Military Lands Acts, 1892 to 1903.

5TH SCH. —*cont.*

(19) The Fatal Accidents Inquiry (Scotland) Act, 1895.

(20) Section six of the Sea Fisheries Regulation (Scotland) Act, 1895. 58 & 59 Vict. c. 36.

(21) The Light Railways Acts, 1896 and 1912.

(22) Section two of the Telegraph Act, 1899. 62 & 63 Vict. c. 38.

(23) Licensing court under the Licensing (Scotland) Act, 1903. 3 Edw. 7. c. 25.

(24) The Advertisement Regulations Acts, 1907 and 1925.

(25) The Protection of Animals (Scotland) Act, 1912. 2 & 3 Geo. 5. c. 14.

(26) The Temperance (Scotland) Act, 1913.

(27) Application or representation under section seventy-eight of the Railways Act, 1921. 11 & 12 Geo. 5. c. 55.

(28) The Theatrical Employers Registration Act, 1925. 15 & 16 Geo. 5. c. 50.

2. Expenditure which in terms of any enactment relating to any public utility undertaking (other than a water undertaking) falls to be defrayed out of rates.

3. Expenditure to be defrayed out of the sum raised by rate in lieu of petty customs.

SIXTH SCHEDULE.

Section 262.

ENACTMENTS FOR THE PURPOSES OF WHICH MONEY MAY BE BORROWED BY LOCAL AUTHORITIES REPAYABLE WITHIN PERIODS OTHER THAN THIRTY YEARS.

Enactments.	Maximum period for repayment of loan.	
1. The Burial Grounds Acts.	Twenty years.	
2. The Lunacy (Scotland) Acts, 1857 to 1913.	Such period not exceeding sixty years as may be sanctioned by the General Board of Control.	
3. The Burghs Gas Supply (Scotland) Act, 1876.	Such period not exceeding forty years as may be sanctioned by the Secretary of State.	39 & 40 Vict. c. 49.
4. The Electricity (Supply) Acts, 1882 to 1936.	Such period not exceeding sixty years as may be sanctioned by the Electricity Commissioners.	

6TH SCH. —*cont.*

Enactments.	Maximum period for repayment of loan.
5. The Public Libraries Acts.	Such period not exceeding fifty years as may be sanctioned by the Secretary of State.
6. The Small Holdings Act, 1892.	Such period not exceeding fifty years as may be sanctioned by the Secretary of State.
7. The Military Lands Acts, 1892 to 1903.	Such period not exceeding fifty years as may be sanctioned by a Secretary of State.
8. The Allotments (Scotland) Acts, 1892 to 1922.	Such period not exceeding eighty years as may be sanctioned by the Secretary of State.
9. Part IV of the Local Government (Scotland) Act, 1894, so far as relating to the purchase of land or the erection of buildings.	Such period not exceeding forty years as may be sanctioned by the Secretary of State.
10. The Light Railways Acts, 1896 and 1912.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.
11. Section 139 of the Public Health (Scotland) Act, 1897.	Such longer period than thirty years not exceeding sixty years as may be sanctioned by the Secretary of State.
12. The Cremation Act, 1902.	Twenty years.
3 & 4 Geo. 5. c. 38. 13. The Mental Deficiency and Lunacy (Scotland) Act, 1913.	Such period not exceeding sixty years as may be fixed by the General Board of Control.
14. The Housing (Scotland) Acts, 1925 to 1946.	Such period not exceeding eighty years as may be sanctioned by the Secretary of State.
15 & 16 Geo. 5. c. 82. 15. The Roads and Streets in Police Burghs (Scotland) Act, 1925.	The period provided in section two of that Act.
16. The Housing (Rural Workers) (Scotland) Acts, 1926 to 1942.	Such period not exceeding eighty years as may be sanctioned by the Secretary of State.
17. Section 119 (3) of the Road Traffic Act, 1930.	Such period as the Secretary of State may fix.

Enactments.	Maximum period for repayment of loan.	6TH SCH. —*cont.*
18. The Harbours, Piers and Ferries (Scotland) Act, 1937.	Such period as the Secretary of State may fix.	
19. The Children and Young Persons (Scotland) Act, 1937.	Such period not exceeding fifty years as may be sanctioned by the Secretary of State.	
20. The Physical Training and Recreation Act, 1937.	Such period as the Secretary of State may fix.	1 Edw. 8 & 1 Geo. 6. c. 46.
21. The Air Raids Precautions Act, 1937.	Such period as the Secretary of State may fix.	1 & 2 Geo. 6. c. 6.
22. The Fire Brigades Act, 1938.	Such period as the Secretary of State may fix.	1 & 2 Geo. 6. c. 72.
23. The Civil Defence Act, 1939.	Such period as, in the case of a county council or town council as electricity undertakers, the Electricity Commissioners, and in any other case, the Secretary of State, may fix.	
24. The Town and Country Planning (Scotland) Act, 1945.	Such period as the Secretary of State may sanction.	8 & 9 Geo. 6. c. 33.
25. The Water (Scotland) Act, 1946.	Such period not exceeding sixty years as may be sanctioned by the Secretary of State.	
26. The Education (Scotland) Act, 1946.	Such period not exceeding fifty years as may be sanctioned by the Secretary of State.	
27. The National Health Service (Scotland) Act, 1947.	Thirty years or such other period as the Secretary of State may fix.	
28. The Fire Services Act, 1947.	Such period not exceeding sixty years as the Secretary of State may fix.	
29. The Town and Country Planning (Scotland) Act, 1947.	Such period as the Secretary of State may fix.	10 & 11 Geo. 6. c. 53.

SEVENTH SCHEDULE.

Section 267.

(1) FORM OF MORTGAGE BY LOCAL AUTHORITY.

Number..... £.....

We (*insert designation of local authority*) (hereinafter referred to as "the Council"), by virtue of the Local Government (Scotland) Act, 1947, and of all other powers in that behalf, in consideration of the sum of

(*amount in words*) pounds instantly advanced and paid to us by A. B. of C. (hereinafter referred to as "the mortgagee") do hereby bind and oblige the Council

7TH SCH. —*cont.*

out of the funds, rates and revenues of the Council(1) to pay [at the term of] [on the day of] nineteen hundred and to the mortgagee or his executors or assignees the said sum of (amount in words) and also to pay the interest thereon at the rate of per centum per annum from the date hereof half-yearly [at the terms of Whitsunday and Martinmas] [on the day of and the day of] in each year till the said sum is paid; and for the further security of the mortgagee we do hereby assign to the mortgagee and his executors and assignees such proportion of the said funds, rates and revenues for the time being of the Council(1) as shall be equivalent to the said sum now paid to us and the interest thereon as aforesaid; (*where interest is payable by coupons or interest warrants delivered with the mortgage, add* and for and in respect of the said interest we shall pay the several sums contained in the interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants); (*Add also if desired*—Declaring that neither the mortgagee nor his foresaids shall be entitled to grant nor shall we be bound to recognise or register any partial transfer of these presents or of the sums of money principal or interest herein contained); and we consent to the registration hereof for preservation and execution.

(2) Sealed with the common seal of the Council and subscribed on behalf of the Council by one member of the Council, and the Clerk on the day of nineteen hundred and

.....Councillor.

(SEAL)

.....Clerk.

Entered in the Register of Mortgages of date.....

.....

.....Registrar(3).

Notes:

(1) In the case of a burgh having a common good, there should be added here " (other than the common good of the burgh and the revenues thereof)."

(2) In the case of a mortgage by a district council not having a common seal, the mortgage must be subscribed by two members of the council and the clerk and attested by two witnesses, and a testing clause in usual form inserted.

(3) If the treasurer is not the registrar, there shall be added at the end of the mortgage a receipt by the treasurer for the principal sum paid by the mortgagee.

7TH SCH. —*cont.*

(2) FORM OF TRANSFER OF MORTGAGE.

(To be endorsed on Mortgage.)

I, A. B., within designed, in consideration of the sum of (*amount in words*) pounds paid to me by D. E. of F., do hereby transfer to the said D. E. and his executors and assignees the within mortgage and all interest thereon and all my right, title and interest in and to the money thereby secured in and to the funds, rates and revenues thereby assigned.

In witness whereof these presents (*insert testing clause in usual form*).

(3) FORM OF MINUTE OF RENEWAL OF MORTGAGE.

(To be endorsed on Mortgage.)

It has been agreed upon between the Council and the mortgagee within named and designed that the repayment of the principal sum contained in the within mortgage shall be postponed and that the said principal sum shall be repayable [at the term of] [on the day of] nineteen hundred and and that interest thereon at the rate of per centum per annum shall be payable half yearly [at the terms of Whitsunday and Martinmas] [on the day of and the day of] in each year until the said principal sum is repaid, (*where interest is payable by means of coupons or interest warrants delivered with the minute of renewal, add* which interest shall be paid on presentation of the respective interest warrants in number issued herewith).

Dated the day of nineteen hundred and .

Signed for and on behalf of the Council.

.....Clerk.

.....Mortgagee.

(4) FORM OF DISCHARGE OF MORTGAGE.

(To be endorsed on Mortgage.)

Received from the Council within named the sum of (*amount in words*) pounds sterling being the principal sum due under the within mortgage, with all interest due thereon.

Dated the day of nineteen hundred and .

.....Mortgagee.

Section 275.

EIGHTH SCHEDULE.

RULES REGULATING THE ADMINISTRATION OF A LOANS FUND ESTABLISHED BY A COUNTY COUNCIL OR TOWN COUNCIL UNDER THIS ACT.

General.

Interpretation.

1. In these rules, unless the context otherwise requires—

"advance", in relation to the loans fund and a borrowing account of a council, means the transfer of money by way of loan from the loans fund to the appropriate borrowing account in exercise of a statutory borrowing power;

"appointed day" means the day (being the commencement of a financial year) fixed by the council as the day from which a loans fund shall be established by the council;

"borrowing account", in relation to a council, means an account of the council relating to a purpose for which the council have a statutory borrowing power;

"council" means a county council or a town council having a loans fund;

"loans fund" means a loans fund established under this Act;

"year" means the financial year of the council.

Method of exercise of statutory borrowing power.

2. Any statutory borrowing power vested in the council on or after the appointed day shall be exercised by the council in manner following and not otherwise, that is to say:—

(*a*) by borrowing in accordance with the provisions of this Act and carrying to the loans fund such sums as are necessary to enable that fund to make to the appropriate borrowing account of the council or to the other local authority the advances which are required for the purpose for which the statutory borrowing power is available; and

(*b*) by making from the loans fund such advances to the appropriate borrowing account of the council or to the other local authority, as the case may be.

Accounts of Loans Fund.

Accounts of loans fund.

3. The council shall keep the accounts relating to the loans fund separate from the other accounts of the council.

Loans fund to be kept in two parts, assets and liabilities and revenue and expenditure.

4. The loans fund shall be kept in two Parts:—

Part I containing a record of all assets and liabilities of the fund classified as follows:—

(*a*) Assets—

(1) Sums advanced to the various borrowing accounts of the council.

(2) Any loans to other local authorities which the council may be authorised to make.

(3) Investments.

8TH SCH. —*cont.*

(4) Deferred charges.

(5) Any other assets.

(*b*) Liabilities—

(1) Mortgages created by the council.

(2) Stock issued by the council.

(3) Any other liabilities.

Part II containing a record of the revenue and expenditure of the fund classified as follows:—

(*a*) Revenue—

(1) Interest from the various borrowing accounts of the council—

(i) in respect of advances on account of capital;

(ii) in respect of advances for ordinary expenditure.

(2) Interest on loans to other local authorities made by the council.

(3) Income from investments.

(4) Other income including unclaimed interest and dividends.

(*b*) Expenditure—

(1) Interest and dividends on mortgages, stock and other loans to the council.

(2) Loans fund expenses including stamp duties.

Provisions relating to Capital.

Transfer to loans fund of assets and liabilities on appointed day.

5. All money in the hands of the council on the appointed day in respect of any sinking or other fund established for the redemption of loans to the council, all other capital money in the hands of the council on the said day and available for the repayment of loans and any unapplied balance of money borrowed by the council (including any investments representing such money or balance) shall be paid into and form part of the capital money of the loans fund, and all liabilities of the council in respect of borrowed money outstanding on the appointed day shall be transferred to and form part of the liabilities of the fund.

Payments of capital money to loans fund.

6. The following sums shall be paid into the loans fund as capital money when received or, in the case of sums specified in paragraphs (*c*) and (*e*) hereof, when due, that is to say—

(*a*) all money borrowed by the council in the exercise of their statutory borrowing powers, including money forming part of any capital fund (within the meaning of section eight of the Local Authorities Loans Act, 1945) belonging to or held by the council transferred by authority of the council to the loans fund for the purpose of being used under the provisions of this Act in exercise of a statutory borrowing power;

(*b*) all money of a capital nature received by the council whether from the sale of capital assets or otherwise, except such as is properly applicable to another capital purpose;

8TH SCH. —*cont.*

(*c*) the appropriate periodical sums required to be set aside by the council out of the various borrowing accounts for the repayment of advances made from the loans fund to these borrowing accounts;

(*d*) the appropriate periodical sums and other sums paid by other local authorities in repayment of advances to those authorities;

(*e*) any other money which is directed in pursuance of these rules to be carried to the loans fund and treated as capital money in the loans fund.

Capital payments from loans fund.

7.—(1) Capital money in the loans fund may be applied—

(*a*) in the exercise of any statutory borrowing power of the council duly authorised by the council, by advancing the required amount to the appropriate borrowing account of the council or in making loans to other local authorities;

(*b*) in the redemption of securities created by the council, in the purchase of stock for extinction or in the repayment of any money borrowed by the council;

(*c*) in defraying the expenses incurred by the council in the creation and issue of stock so far as the same are not defrayed under rule 13 hereof; and

(*d*) in defraying any other charges which are directed in pursuance of these rules to be defrayed out of capital money in the loans fund.

(2) Any capital money in the loans fund, not so applied or not about to be so applied within a reasonable period, shall be invested in trustee securities, and the sums realised by the sale of such securities shall on receipt be paid into the loans fund as capital money.

(3) Capital money in the loans fund shall not be applied otherwise than in accordance with the provisions of the preceding paragraphs of this rule.

Conditions regulating advances.

8.—(1) Advances from the loans fund to a borrowing account shall so far as practicable be made on the fifteenth day of May in each year, so however that if the advance is made on some other date interest shall be charged in accordance with the provisions of paragraph (4) (*a*) of rule 18 hereof.

(2) The council shall at the time an advance is made determine—

(*a*) the period within which the advance is to be repaid to the loans funds, so however that the period shall not exceed that prescribed by the enactment or statutory order regulating the statutory borrowing power; and

(*b*) the amount of each of the periodical payments required to repay the advance within the period so determined, and the date on which the first of the said payments is to be made. The payments shall be either equal yearly or half-yearly instalments of principal or, where the advance is to be repaid on the annuity system, equal yearly or half-yearly instalments of principal and interest combined, the amount of principal included in each instalment being separately stated.

8TH SCH. —*cont.*

(3) The periodical payments shall so far as practicable be so adjusted as to be expressed in complete pounds.

(4) The appropriate sums required for the repayment of advances to the loans fund shall be set aside, in the case of yearly repayments on the fifteenth day of May, and in the case of half-yearly payments on the fifteenth day of May and the eleventh day of November in each year.

(5) The amount advanced from the loans fund in exercise of a statutory borrowing power of the council to the appropriate borrowing account of the council shall be diminished each year by the amount of capital paid into the loans fund during the year in respect of that borrowing power.

(6) Whenever capital money (other than money borrowed by the council) is paid into the loans fund, the periodical payments in respect of the advances affected, or if there is no such advance affected, the periodical payments in respect of an advance for a like purpose, or if there is no such advance, the periodical payments in respect of such other advance as the council may determine, shall be adjusted.

(7) This rule shall apply with the necessary modifications in the case of loans by the council to another local authority.

Borrowing powers exercised before appointed day.

9.—(1) Any money borrowed by the council before the appointed day in exercise of a statutory borrowing power less—

(*a*) the amount by which the loan has been reduced by repayment or extinction before the appointed day, and

(*b*) the amount on the appointed day of any sinking or other fund provided in connection with the redemption thereof, any investments forming part thereof being taken at the market selling value on that day, and

(*c*) the amount of any unexpended balance of the money borrowed transferred to the loans fund,

shall be deemed to have been provided by means of an advance from the loans fund to the appropriate borrowing account.

(2) The net amounts of the advances so calculated, together with particulars of the appropriate instalments to be repaid during the remainder of the period prescribed by the enactments relating to the statutory borrowing power, shall be entered in the register of advances hereinafter mentioned.

(3) Where before the appointed day provision is being made for the repayment of any sum borrowed by the council by means of an accumulating sinking fund within the meaning of section two hundred and sixty-five of this Act or by instalments on the annuity system, the council may if they think fit determine that the instalments to be transferred to the loans fund during the remainder of the period prescribed by the statutory borrowing power shall be equal yearly or half-yearly instalments of principal.

Register of advances

10. The council shall, in addition to any other registers required to be kept under this Act or under regulations made under this Act, keep a register of the advances made out of the loans fund to the borrowing accounts of the council, setting out all arrangements in

8TH SCH. —*cont.*

regard to repayment, and all periodical payments in respect of such advances shall be duly entered in the register.

Redemption of debt.

11. The council shall so administer the capital money of the loans fund as to ensure that, at the date when the holders of any security created by the council become entitled to claim redemption or repayment thereof, sufficient money is available for the purpose.

Deferred charges and liquidation thereof.

12.—(1) The expenses incurred in the creation and issue of stock by the council which are under rule 7 hereof defrayed out of the capital money in the loans fund, together with any discount liability which has been assumed by the council in respect of the redemption of stock at a value exceeding the price at which the stock was issued, shall be treated for the purposes of these rules as "deferred charges."

(2) There shall be defrayed in each year out of the revenue money of the loans fund, and debited so far as it relates to discount to the interest account hereinafter mentioned, and so far as it relates to expenses to the loans fund expenses account hereinafter mentioned, such proportion of the deferred charges incurred in respect of each issue of stock as the council may determine, not being less than the proportion of the said charges which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the council.

Premiums received on issues of stock.

13. The expenses incurred by the council in the creation and issue of stock shall be a first charge on any sums received as premiums in respect of that issue, and such proportion of the remainder, if any, of the sums so received as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the council shall be appropriated in each year to the revenue purposes of the loans fund and credited to the interest account.

Valuation of assets and liabilities.

14.—(1) All investments transferred to the loans fund on the appointed day under rule 5 hereof shall be entered in the accounts of the loans fund at their market selling value on that day.

(2) Save as aforesaid, any investment of money of the loans fund shall be entered in the accounts of the loans fund at its cost price exclusive of the expenses of investment.

(3) Any stock issued by the council before the appointed day the liabilities in respect of which are transferred to the loans fund shall be entered in the accounts of the loans fund at the value at which the stock is to be redeemed.

Profits and losses.

15. There shall be ascertained at the close of each year the net profit or loss which has arisen during the year on—

(*a*) the realisation of investments,

(*b*) the repayment of loans, and

(*c*) the purchase of stock or other securities of the council below or above the value at which they stand in the books of the loans fund,

and the net profit or loss so ascertained (so far as the same is not transferred or met under the immediately succeeding rule) shall be

transferred to the credit or debit of the loans fund expenses account at the close of the year:

Provided that the Secretary of State may on the application of the council sanction part of the net profit or loss not being so transferred but being applied or liquidated in accordance with a scheme made by the council and approved by the Secretary of State.

Loans fund reserve account.

16.—(1) There shall be transferred to the credit of an account called the loans fund reserve account the net profit ascertained under the immediately preceding rule in any year or such part of the net profit as the council consider proper, having regard to the purposes of the account.

(2) The council may, and if required by the Secretary of State shall, transfer to the credit of the loans fund reserve account from the loans fund expenses account such sum as the council or the Secretary of State, as the case may be, may consider to be reasonable in respect of the depreciation in the valuation of the investments of the loans fund.

(3) A valuation of the investments of the loans fund shall be made as at the close of each year and a statement appended to the balance sheet showing the amount of any depreciation as at the said date in the total selling value of those investments as against the total value at which they are entered in the accounts of the loans fund and the total amount, if any, which has been transferred to the loans fund reserve account under the immediately preceding paragraph of this rule and is at the time available to meet the said depreciation.

(4) Any money at the credit of the loans fund reserve account may be applied in the manner following but not otherwise:—

(*a*) in or towards meeting any net loss ascertained under the immediately preceding rule in any year; or

(*b*) in reduction of the periodical repayment instalments by the borrowing accounts to the loans fund over such period of years as the council may determine, so however that the council shall allocate the total annual amount to be applied towards such reduction among the borrowing accounts in the manner provided for in rule 19 hereof:

Provided that no sum shall be applied under paragraph (*b*) hereof unless the council are satisfied that there will remain in the account an ample reserve in respect of depreciation in the valuation of the investments of the loans fund.

Provisions relating to Revenue.

Revenue and expenditure

17. The council shall from time to time pay to the loans fund such sums as are required from time to time to enable the fund to meet the interest payable on sums borrowed by the council and any other sums directed to be debited to the interest account and the expenses of the loans fund and any other sums directed to be debited to the loans fund expenses account, which sums shall be provided by the several borrowing accounts of the council in accordance with the provisions of rules 18 and 19 hereof.

8TH SCH. —*cont.*

Interest account.

18.—(1) There shall be charged to the interest account and credited to each account of the council which has from time to time during the year any revenue balance in the loans fund interest at a rate to be determined by the council.

(2) There shall be charged to the interest account and credited to each account of the council from which a capital sum (otherwise than by way of reduction of an advance) has during the year been carried to the loans fund interest at a rate to be determined by the council, such rate being equal as nearly as may be to the rate of interest which would be payable on money borrowed during the year of account under a statutory borrowing power.

(3) There shall be charged to each borrowing account of the council which has from time to time during the year received temporary advances of money from the loans fund for current and other expenses, and credited to the interest account interest at a rate to be determined by the council.

(4) Subject to the provisions of this paragraph and of the immediately succeeding paragraph of this rule, the amount of the interest payable during the year by the council on sums borrowed by the council (including interest credited to accounts of the council under paragraphs (1) and (2) of this rule) after deducting the interest received during the year on investments and on loans to other local authorities and the interest charged to borrowing accounts in respect of temporary advances under paragraph (3) of this rule, and allowing for any sums directed by or in accordance with these rules to be debited or credited to the interest account (in this rule referred to as " the net amount "), shall be apportioned at the close of the year between the several borrowing accounts of the council in the manner following, that is to say:—

(*a*) there shall first be charged or allowed to each borrowing account, in respect of any advance or repayment of an advance which has been made or received during the year the appropriate amount in respect of interest for the period between the date of the advance or repayment and the close of the year, calculated at the average rate payable by the council on money borrowed on account of the loans fund;

(*b*) the net amount (adjusted to give effect to paragraph (*a*) hereof) shall be apportioned among the borrowing accounts in the proportion which the advances to each borrowing account outstanding at the commencement of the year bear to the total of the outstanding advances to all the borrowing accounts at such commencement:

Provided that—

(i) the council may, in the case of local bonds under the Housing (Scotland) Acts, 1925 to 1946, or in any other case where special circumstances exist, make such special charge on account of interest as the council think equitable; and

(ii) wherever the charge in respect of interest affects the amount of any Exchequer grant, such charge shall be subject to the approval of the Minister concerned.

8TH SCH. —*cont.*

(5) The council in their discretion may, in lieu of the provisions of the immediately preceding paragraph of this rule but subject always to the proviso thereto, apportion the net amount for any year among the accounts of the council in proportion to the average amount of advances to each borrowing account during the year, so however that if this method of apportionment is adopted, the amount of advances to each borrowing account shall be adjusted by monthly transfers between the loans fund and the several borrowing accounts, and the monthly amounts so ascertained for each account shall form the basis for calculating the average amount of advances to each borrowing account during the year.

Loans fund expenses account.

19. There shall be ascertained at the close of each year all revenue expenditure (exclusive of interest) in connection with the loans fund during the year, including without prejudice to the said generality—

(*a*) any expenses in connection with borrowing money (other than expenses of the creation and issue of stock),

(*b*) any annual contribution to meet deferred charges, so far as they relate to expenses of the creation and issue of stock,

(*c*) any loss in connection with investments debited to the loans fund expenses account under rule 15 hereof, and any sums transferred to the credit of the loans fund reserve account from the loans fund expenses account under rule 16 hereof, and

(*d*) any other expenses incurred in connection with the management or investment of the loans fund, including such proportion of the remuneration of officers and general administration expenses of the council as may reasonably be allocated to the fund;

and from the total expenditure so ascertained there shall be deducted—

(*a*) any items of expenditure during the year which are specifically and properly chargeable to borrowing accounts of the council,

(*b*) any profit in connection with investments credited to the loans fund expenses account during the year under rule 15 hereof, and

(*c*) any fees or other revenue receipts of the loans fund;

and the balance remaining shall be apportioned among the borrowing accounts in the proportion which the advances to each borrowing account outstanding on the last day of the year bear to the total of all such advances at that date:

Provided that the council may in their discretion apportion the said balance among the borrowing accounts of the authority in proportion to the average amount of advances to each borrowing account during the year, so however that, if this method of apportionment is adopted, the amount of advances to each borrowing account shall be adjusted by monthly transfers between the loans fund and the several accounts, and the monthly amounts so ascertained for each account shall form the basis of calculating the average amount of advances to each borrowing account during the year.

8TH SCH. —*cont.*

Balance Sheet, Certification of Accounts and Report by Auditor.

Balance sheet, certification of accounts and report by auditor.

20. A separate balance sheet of the loans fund of the council shall be prepared as at the close of each year, and the accounts relating to the loans fund as well as the balance sheet shall be certified as to the correctness thereof by the treasurer of the council, and the auditor of the accounts of the council shall at least once in every year make a report to the council setting forth—

(*a*) the enactments (including this Act) and statutory orders under which sums have been borrowed by the council and advances made to the borrowing accounts of the council, and whether the council have duly paid into the loans fund the interest due by the borrowing accounts and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to the borrowing accounts; and

(*b*) whether the provisions of these rules have otherwise been duly complied with.

Miscellaneous.

Default by council.

21. In the event of it appearing at any time from a report by the auditor of the accounts of the council or otherwise that the council have failed duly to make payment of interest or of the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid, or that the provisions of these rules have otherwise not been duly complied with, it shall be competent for the Secretary of State to apply by petition to the Court of Session to have the council ordained to make such payment and to comply in such other manner with the provisions of these rules as may be necessary in the circumstances, and the Court are hereby authorised to do therein as shall appear to be just.

Investigation of loans fund.

22. Without prejudice to the provisions of the preceding rule, the Secretary of State may from time to time as he thinks fit cause an investigation to be made into the administration of the loans fund of the council, and the expenses of such investigation shall be defrayed by the council.

Loans fund regulations.

23. Notwithstanding anything in this Schedule, the Secretary of State may from time to time by regulations make such modifications in or additions to any of these rules as appear to him necessary or desirable and such regulations may apply generally or in the case of any particular council or class of council.

Section 315.

NINTH SCHEDULE.

ENACTMENTS UNDER WHICH THE FUNCTIONS OF A COUNTY COUNCIL ARE SO FAR AS RELATING TO A LARGE BURGH TRANSFERRED TO THE TOWN COUNCIL OF THE BURGH.

1. The Explosives Acts, 1875 and 1923.
2. The Destructive Insects and Pests Acts, 1877 to 1927.
3. The Diseases of Animals Acts, 1894 to 1937.

4.	The Blind Persons Act, 1920.	9TH SCH. —*cont.*
5.	The Rats and Mice (Destruction) Act, 1919.	9 & 10 Geo. 5. c. 72.
6.	The Fertilisers and Feeding Stuffs Act, 1926.	16 & 17 Geo. 5. c. 45.
7.	The Wireless Telegraphy (Blind Persons' Facilities) Act, 1926.	

TENTH SCHEDULE.

Section 317.

PROVISIONS WITH RESPECT TO THE CONSTRUCTION OF ACTS AND DOCUMENTS AND OTHER MATTERS IN CASE OF TRANSFER OF FUNCTIONS.

1. All books, records and other documents relating exlusively to any function transferred by or by virtue of this Act shall be delivered to the transferee authority, who shall also have access at all reasonable times to any books, records or other documents relating in part to any function so transferred.

2. Any reference in any enactment or statutory order to the authority being the transferor authority under this Schedule shall, so far as necessary for the purposes of the transfer of functions by or by virtue of this Act, be construed as a reference to the authority being the transferee authority under this Schedule.

3. All contracts, deeds, agreements, regulations, byelaws, notices and other instruments and documents affecting any functions transferred by or by virtue of this Act, so far as relating to such transfer, shall be of full force and effect in favour of or against the transferee authority and may be enforced as fully and effectually as if instead of the authority named in the instrument or document the transferee authority had been a party thereto.

4. Where anything has been commenced by or under the authority of the transferor authority before the date on which the transfer takes effect and such thing is in relation to a function transferred by or by virtue of this Act, such thing, so far as relating to the transfer, may be carried on and completed by or under the authority of the transferee authority.

5. Where at the date on which the transfer takes effect any legal or other proceeding is pending to which a transferor authority are a party and such proceeding has reference to a function transferred by or by virtue of this Act, the transferee authority shall, so far as relating to the transfer, be substituted in such proceeding for the transferor authority, and such proceeding shall not lapse or abate by reason of the substitution.

6. Any cause of action by or against any transferor authority which exists at the date on which the transfer takes effect in relation to any function transferred by or by virtue of this Act shall not be prejudicially affected by the transfer, but may, so far as relating to the transfer, be prosecuted or enforced by or against the transferee authority as successors of the transferor authority.

Section 318.

ELEVENTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS IN CASE OF TRANSFER OF FUNCTIONS.

Procedure for claiming compensation.

1.—(1) For the purpose of enabling a claim for compensation to be assessed, the claimant shall deliver to the local authority with the claim a statement containing such particulars as may be prescribed.

(2) The said statement shall be accompanied by a statutory declaration that it is a true statement to the best of the knowledge, information and belief of the claimant.

(3) The local authority shall forthwith take the claim into consideration and assess the just amount of compensation, if any, and shall forthwith inform the claimant of their decision.

(4) A claimant, if so required by any member of the local authority by notice sent by the clerk of the authority, shall attend at a meeting of the authority or of any committee appointed by the authority for the purpose, and answer on oath all questions asked by any member of the authority or committee touching the matters set forth in his claim and in the said statement, and shall further produce all books, papers and documents in his possession or under his control relating to the claim. The oath shall be administered in the case of a county council by the convener or vice-convener, in the case of a town council by the provost or acting chief magistrate, and in the case of a district council by the chairman of the council, or in any case by any justice of the peace present at the meeting.

(5) If a local authority fail to inform any claimant of their decision on his claim within six months after it has been delivered to them, the Secretary of State may, on application made to him by the claimant, direct the authority to do so within such time not being less than one month as may be specified in the direction.

(6) A claim for compensation against a local authority shall not be maintainable unless it is delivered to the authority within two years of the date on which it is alleged to have arisen.

General considerations to be applied.

2. For the purpose of determining whether compensation is payable to an officer and, if so, the amount of such compensation, regard shall be had to—

(*a*) the conditions upon which his appointment was made;

(*b*) the nature of his office;

(*c*) all the other circumstances of the case.

Power to award compensation by way of a lump sum.

3. Compensation shall be awarded by way of an annual sum unless the local authority and the claimant otherwise agree, in which case the compensation may be awarded by way of a lump sum representing the capital value of an annual sum.

Assessment of compensation for determination of whole-time office.

4.—(1) The annual sum payable as compensation in respect of the determination of a whole-time office shall not exceed the aggregate of the following sums:—

(i) for every year of the officer's service, one-sixtieth of an amount equal to the annual pecuniary loss which he has sustained by reason of the determination of the office;

(ii) in the case of service for twenty years or upwards, a sum equal to ten-sixtieths of the said amount;

in the case of service for fifteen years and less than twenty years, a sum equal to seven-sixtieths of the said amount;

in the case of service for ten years and less than fifteen years, a sum equal to five-sixtieths of the said amount;

in the case of service for five years and less than ten years, a sum equal to three-sixtieths of the said amount;

in the case of service for less than five years, a sum equal to one-sixtieth of the said amount; and

(iii) in the case of an officer who was appointed as a specially qualified person or who before his appointment had been employed (otherwise than in an office within the meaning of this Schedule) as a depute, assistant or clerk by a permanent officer for the purpose of the discharge of the latter's official duties, such additional sum, if any, not exceeding ten-sixtieths of the said amount as the local authority, in their discretion and in consideration of his special qualifications or of his previous employment, as the case may be, may think fit to award:

Provided that the compensation shall not in any event exceed two-thirds of the said amount.

(2) In assessing the amount of any pecuniary loss sustained by an officer by reason of the determination of his office, regard shall be had as respects any emoluments either—

(*a*) to the amount of those emoluments received by him in respect of that office immediately before the material date; or

(*b*) to the average amount of those emoluments received by him in respect of that office during the period of five years next before the material date, or such shorter period as may be reasonable in the circumstances.

(3) In assessing the amount of any pecuniary loss sustained by an officer by reason of the determination of his office, regard shall also be had to—

(*a*) any increase of the emoluments enjoyed by the officer at the material date which he has obtained in consequence of the transfer of functions; and

(*b*) the emoluments of any office or other public appointment which he would have obtained on or after that date if he had accepted an offer made to him.

Assessment of compensation.

5. In the case of a claim for compensation in respect of the determination of a part-time office, the compensation, if any, which would

11TH SCH. —*cont.*

for determination of part-time office.

have been payable if the office had been a whole-time office shall be reduced by one-quarter or by such other amount as may in the circumstances be reasonable:

Provided that no reduction shall be made in the case of an officer who immediately before the material date held two or more offices and who devoted the whole of his time to the duties of such offices.

Assessment of compensation for diminution of emoluments.

6. In the case of an officer who suffers any diminution of the emoluments of an office, the compensation shall not exceed a sum bearing the same proportion to the amount of compensation which could have been awarded if his office had been determined as the amount by which the emoluments of the office are diminished bears to the amount of those emoluments before diminution.

Rules for computing period of service.

7.—(1) In computing the period of service of an officer for the purposes of assessing any compensation payable to him, account shall, subject to the provisions of the sub-paragraphs of this paragraph, be taken of all the service in any capacity of the officer under any local authority, whether he was appointed annually or otherwise.

(2) Where the material date has occurred at any time other than the expiration of a complete year of an officer's service, the portion then expired of that year shall be treated as a complete year if it exceeds six months and, if it does not, shall be ignored.

(3) Where the claim is in respect of the loss of a whole-time office or of two or more offices which in the aggregate involve the whole-time service of the officer, any previous period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(4) Where the claim is in respect of the loss of one or some only of several offices held by the officer, account shall not be taken of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of the several offices held by him.

(5) Where the claim is in respect of the loss of an office held by an officer who while holding that office was also employed in an office the employment in which is ordinarily regarded as full-time employment, no account shall be taken of service in the last-mentioned office.

(6) If an officer was temporarily absent from his office during any war whilst serving in His Majesty's forces or the forces of any Allied or Associated Powers or on any other form of war service within the meaning of the Local Government Staffs (War Service) Act, 1939, such period of temporary absence shall be reckoned as service under that authority:

2 & 3 Geo. 6. c. 94.

Provided that in the case of an officer who after the eleventh day of November nineteen hundred and eighteen voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

Right of appeal.

8. An appeal may be submitted to the Secretary of State—

(*a*) by a claimant who is aggrieved by the failure of a local authority to inform him of their decision upon his claim within the time required by any direction of the Secretary

of State or by the refusal of the authority to grant any compensation or by the amount of compensation assessed, within three months after the failure or after the date on which he receives notice of the decision of the authority, as the case may be, and

(*b*) if not less than one-third of the members of a local authority subscribe to a protest against the amount of compensation granted by the authority as being excessive, by any subscriber to the protest, within three months after the decision of the authority,

and the Secretary of State shall consider the case and determine whether any compensation and if so what amount ought to be granted to the claimant, and his determination shall be final.

Date on which compensation commences.

9. The sum payable as compensation shall be or commence to be payable at the date fixed by the local authority on granting compensation or, in the case of appeal, by the Secretary of State, and shall be recoverable as a debt due from the authority.

Suspension of compensation.

10.—(1) If a person receiving compensation in pursuance of the provisions of this Act—

(*a*) obtains any office or other public appointment, or

(*b*) receives by virtue of anything done in consequence of the transfer of functions any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,

he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving fall short of the emoluments of the office in respect of which compensation was awarded:

Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Secretary of State may, on the application of that person or of any authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is in the opinion of the Secretary of State necessary in order equitably to meet the circumstances of the case.

(2) Where an officer to whom compensation has been awarded in pursuance of the provisions of this Act subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance account is taken of any period of service in respect of which compensation is payable, then if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance.

11TH SCH. —*cont.*

Forms.

11. The Secretary of State may prescribe the form of any notice, statement, award or other document to be used in connection with a claim for compensation, and the forms so prescribed or forms substantially to the like effect shall be used in all cases to which the forms are applicable.

Interpretation.

12. For the purposes of this Schedule—

"Public appointment" means any employment the emoluments of which are payable out of public funds;

"Service" means whole-time or part-time service in any office after the officer has attained the age of eighteen years;

"Material date" means the date on which the determination of office or diminution of emoluments, as the case may be, takes effect.

Section 338.

TWELFTH SCHEDULE.

MAXIMUM RATES OF ALLOWANCES IN RESPECT OF TRAVELLING AND OTHER PERSONAL EXPENSES NECESSARILY INCURRED AND TIME NECESSARILY LOST FROM ORDINARY EMPLOYMENT BY MEMBERS OF A COUNTY COUNCIL OR OF ANY COMMITTEE OR SUB-COMMITTEE THEREOF IN ATTENDING MEETINGS.

PART I.

Travelling Expenses.

A sum representing the amount of third-class railway fare or first-class steamer fare between the place of meeting and the ordinary place of residence of the member of the council, committee or sub-committee. In so far as there is no railway service but a public service by some other means of transport is available, the amount of the fare by such other means of transport, and in so far as there is no railway or other public means of transport, the cost of a hired conveyance if such cost is approved by the council.

PART II.

Other Personal Expenses.

(*a*) When attendance at the meeting has entailed absence from the ordinary place of residence of the member of not less than four hours, the sum of three shillings and fourpence.

(*b*) Where such attendance has entailed an absence from the ordinary place of residence of the member of not less than eight hours, the sum of six shillings and eightpence.

(*c*) Where such attendance has entailed one or more nights of absence from the ordinary place of residence of the member, the sum of one pound for each night necessarily spent away from home. Each such payment of one pound shall cover a period of twenty-four hours, and paragraph (*a*) or (*b*), as the case may be, shall apply in the case of any further period of absence of less than twenty-four hours. 12TH SCH. —*cont.*

PART III.

Time Necessarily Lost from Ordinary Employment.

The sum of seven shillings and sixpence for each half-day, and the sum of fifteen shillings for each full day, necessarily so lost.

THIRTEENTH SCHEDULE.

Section 378.

ENACTMENTS CEASING TO HAVE EFFECT.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
20 & 21 Vict. c. 70.	The Boundaries of Burghs Extension (Scotland) Act, 1857.	The Act so far as relating to the extension of the boundaries of burghs.
20 & 21 Vict. c. 71.	The Lunacy (Scotland) Act, 1857.	Section fifty-seven (which provides for the county making over asylum to the district board having deduction from amount of assessment).
25 & 26 Vict. c. 54.	The Lunacy (Scotland) Act, 1862.	Section ten (which provides for counties or parishes providing asylum accommodation to be relieved from assessments).
38 & 39 Vict. c. 17.	The Explosives Act, 1875.	In section seventy-two (which relates to the provision of magazines by local authorities) the words "in the case of a council of the Treasury and".
39 & 40 Vict. c. 49.	The Burghs Gas Supply (Scotland) Act, 1876.	In section five (which relates to the approval of a resolution to adopt the Act) the words from "and in the event of" to the end of the section.
52 & 53 Vict. c. 56.	The Local Government (Scotland) Act, 1889.	In section fourteen (which relates to the transfer of administration of certain Acts in burghs under 7,000) the words from "Provided also that if" to the end of the section

13TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
52 & 53 Vict. c. 56—*cont.*	The Local Government (Scotland) Act, 1889—*cont.*	Section fifteen (which relates to the transfer to county councils of powers of certain Government Departments and other authorities). In section thirty (which relates to election of councillors in a county), in subsection (7), the words from "and shall at the "same time" to the end of the subsection. In section fifty-one (which relates to alteration of boundaries of areas) paragraph (*b*), and paragraph (*c*) so far as it relates to the alteration of the boundaries of any burgh. In section fifty-five (which confers power on the county council to enforce the provisions of the Rivers Pollution Prevention Act, 1876) in subsection (3), the words "by provisional order "made on the application of the "council of any of the counties "and burghs concerned." Section sixty-one (which relates to proceeding for determining questions as to transfer of powers). Section sixty-three (which relates to power to modify regulations as to rating). Section sixty-four, so far as it relates to inspection of estimates and making copies thereof or extracts therefrom. In section sixty-seven (which relates to borrowing by a county council) in subsection (4), the words "but not to an amount "greater than one-half of such "part of such rates." In section seventy-five (which relates to payments out of the county fund) subsection (4).
54 & 55 Vict. c. 34.	The Local Authorities Loans (Scotland) Act, 1891.	The whole Act (which provides facilities for the raising of money by local authorities) so far as applying to district councils.
54 & 55 Vict. c. 52.	The Public Health (Scotland) Amendment Act, 1891.	Section six (which relates to the power to abolish certain special water districts).

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Section eleven (which relates to revision of boundaries of burghs) so far as applying to large burghs. Section twelve (which enables municipal boundaries to be extended to police boundaries and police boundaries to municipal or parliamentary boundaries). Sections forty-five and forty-six (which provide for conferring special powers by provisional orders). Section two hundred and twenty-six (which relates to the preparation of estimates before execution of works). In section three hundred and six (which relates to the procedure and restrictions in cases of special orders) the words from "Provided always", where those words first occur, to the end of the section. Section three hundred and eighteen (which relates to byelaws to be confirmed) so far as it requires byelaws to be confirmed by the sheriff. In section three hundred and forty (which relates to town councils levying the burgh general assessment) the words from "and the rate of assess-"ment" to "circulating therein." Section three hundred and sixty-three (which relates to separate districts in burghs bearing their share of expenses). In section three hundred and seventy-three (which relates to exemptions and savings) subsection (3) so far as it applies to large burghs. In section three hundred and seventy-three, in subsection (3), as respects small burghs, the words "or its not" to the end of the subsection.

13TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
55 & 56 Vict. c. 55—*cont.*	The Burgh Police (Scotland) Act, 1892—*cont.*	In section three hundred and seventy-four (which relates to the power of town councils to borrow money) the words from " or until the expiration " to the end of the section.
56 & 57 Vict. c. 8.	The Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893.	The whole Act so far as applying to district councils.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section one hundred and thirteen, (which relates to estimates for work).
63 & 64 Vict. c. 49.	The Town Councils (Scotland) Act, 1900.	In section ten (which relates to number of magistrates and councillors) the words from " In burghs " to the end of the section. In section fifty-three (which relates to notice to councillors of their election) the words from " and require them " to the end of the section.
3 Edw. 7. c. 33	The Burgh Police (Scotland) Act, 1903.	Section forty-two (which provides for town councils in certain burghs having powers of dean of guild court). In section one hundred and four; in subsection (2), paragraph (v) (which relates to period of advertisement for borrowing).
8 Edw. 7. c. 62	The Local Government (Scotland) Act, 1908.	In section three (which relates to the power to provide county buildings and dwellings) subsection (6).
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	In section twenty-two (which relates to the application of the Act to Scotland) subsection (2).
6 & 7 Geo. 5. c. 69.	The Public Authorities and Bodies (Loans) Act, 1916.	The whole Act (which provides for borrowing by certain authorities by means of the issue of bearer bonds and other securities to bearer).
14 & 15 Geo. 5. c. 36.	The Local Authorities Loans (Scotland) Act, 1924.	The whole Act (which amends the Local Authorities Loans (Scotland) Acts, 1891 and 1893) so far as applying to district councils.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section two (which relates to transfers of functions to county councils) subsection (2).

FOURTEENTH SCHEDULE.

Section 381.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Geo. 4. c. 22	The Jurors (Scotland) Act, 1825.	In section two, the words "all "magistrates of royal burghs."
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	In section nine, the words from "and also by a summons" to the end of the section. Sections ten to thirteen, so far as unrepealed. Sections sixteen and seventeen. In section thirty, the words from the beginning of the section to "provided always that". Section thirty-three. Section forty-six. Section fifty-three. In section sixty-two, the words from "and for the more" to the end of the section, so far as unrepealed. Section eighty-seven.
17 & 18 Vict. c. 80.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	In section fifty, the words from "and it shall be lawful" to "sheriff may direct." In section fifty-one, the words "out of the assessment to "be levied as hereinbefore "directed" and the word "which" where that word second occurs.
17 & 18 Vict. c. 91.	The Lands Valuation (Scotland) Act, 1854.	In section three, the words from "and every such assessor shall "be removable" to the end of the section. In section eighteen, the words after the words "the just "amount thereof" to the end of the section. Section thirty-one. Section thirty-six, so far as unrepealed.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 68.	The Burial Grounds (Scotland) Act, 1855.	In section fourteen, the words from "and the proportion" to "in manner after-mentioned". In section twenty-six, the words from "to be levied" to the end of the section. In section twenty-seven, the words from "and to charge" to the end of the section. Sections twenty-nine and thirty.
20 & 21 Vict. c. 42.	The Burial Grounds (Scotland) Act, 1857.	The whole Act, so far as unrepealed.
20 & 21 Vict. c. 70.	The Boundaries of Burghs Extension (Scotland) Act, 1857.	The whole Act.
20 & 21 Vict. c. 71.	The Lunacy (Scotland) Act, 1857.	In section fifty-two, the words from "and all the powers" to the end of the section. In section fifty-three, the words from "and it shall be lawful" to the end of the section. Section fifty-seven. In section sixty-one, the words from "on the security" to "any part thereof", the words from "in such district" to "within the same", and the words from "and every such security" to the end of the section. Sections sixty-two to sixty-seven. In section sixty-eight, the words from "and it shall be the duty" to "respectively". Section seventy-two. Section seventy-four. Schedule (K).
20 & 21 Vict. c. 72.	The Police (Scotland) Act, 1857.	Sections two and three. In section four, the words from the beginning of the section to "Secretary of State," the words "on not less than ten or more "than twenty days' notice," the words "according to the "rules," and the words "as "aforesaid."

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Vict. c. 72—*cont.*	The Police (Scotland) Act, 1857—*cont.*	In section twenty-eight, the word "such," the words "as may be "allowed by the rules to be "established under this Act." and the words "out of the "police assessments to be made "and levied by them in terms "of this Act."
		Sections twenty-nine to thirty-three.
		Sections forty to forty-three.
		Section fifty.
		In section fifty-four, the words from "provided always that "in" to the end of the section.
20 & 21 Vict. c. 73.	The Smoke Nuisance (Scotland) Act, 1857.	In section twelve, the words from "to be levied" to the end of the section.
21 & 22 Vict. c. 90.	The Medical Act, 1858.	In section thirty-six, the words "or as a medical officer of "health".
22 & 23 Vict. c. 66.	The Sale of Gas Act, 1859.	Section seven.
23 & 24 Vict. c. 79.	The Sheriff Court Houses (Scotland) Act, 1860.	Section twelve.
		In section fifteen, the words from "as herein provided" to the end of the section.
		Sections nineteen to twenty-one.
		Sections twenty-three to twenty-five.
		In section twenty-six, the words "on bonds or mortgage", and the words from "any sum not "exceeding" to the end of the section.
		Sections twenty-seven and twenty-eight.
23 & 24 Vict. c. 85.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1860.	In section eight, the words from "and the cost" to "first "recited Act", and the word "aforesaid."
24 & 25 Vict. c. 18.	The Poor Law (Scotland) No. 1 Act, 1861.	The whole Act.

14TH SCH —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 69.	The Tramways (Scotland) Act, 1861.	In section eight, the words "on "the credit of such tolls and revenues", the words from "and to grant" to "notwithstanding", and the words from "Provided that" to the end of the section.
25 & 26 Vict. c. 54.	The Lunacy (Scotland) Act, 1862.	Section ten. Sections twelve and thirteen.
26 & 27 Vict. c. 108.	The Vaccination (Scotland) Act, 1863.	In section six, the words from "including any share" to the end of the section. In section sixteen, the words from "and the sums" to the end of the section. Section twenty-eight.
29 & 30 Vict. c. 51.	The Lunacy (Scotland) Act, 1866.	In section twenty-seven, the words from "on the security" to the end of the section.
31 & 32 Vict. c. 82.	The County General Assessment (Scotland) Act, 1868.	The whole Act, so far as unrepealed.
33 & 34 Vict. c. 37.	The Magistrates (Scotland) Act, 1870.	The whole Act, so far as unrepealed.
33 & 34 Vict. c. 42.	The Burgh Customs (Scotland) Act, 1870.	In section two, the words from "but not exceeding" to "boundaries of such burgh", and the words from "and such rate" to "leviable within such burgh."
33 & 34 Vict. c. 78.	The Tramways Act, 1870.	In section twenty, the words "and take up at interest on the "credit of such local rate", and the words from "and for "the purpose of securing" to "and the local authority". In section forty-three, the words "out of the like rate" and "on "the security of the same". In section forty-four, the words from "may pay" to "for such purposes".

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
34 & 35 Vict. c. 56.	The Dogs Act, 1871.	In section five, the words "and "local rate," and the words "and the rate mentioned in the "third column." In the Schedule, the entries in the third column so far as relating to the town council or the police commissioners.
34 & 35 Vict. c. 96.	The Pedlars Act, 1871.	In section twenty, in proviso 6, the words "in aid of the county general assessment" and the words "in aid of the police funds." In section twenty-one, the words "police assessment levied for "support of the police of the", and the words "in aid of such "assessment."
35 & 36 Vict. c. 33.	The Ballot Act, 1872.	In section fourteen, the words "municipal or". Sections twenty to twenty-two. In section twenty-four, the words "and municipal" wherever those words occur, and the words "or at a municipal elec- "tion". In section twenty-nine, paragraph (*b*) in the definition of the expression "Municipal "Corporation Acts", and paragraph (*b*) in the definition of the expression "municipal elec- "tion". In the First Schedule, in Part II, paragraphs 64 and 65. In the Second Schedule, the note regarding the form of nomination paper in a municipal election.
35 & 36 Vict. c. 91.	The Borough Funds Act, 1872.	The whole Act, so far as unrepealed.
38 & 39 Vict. c. 17.	The Explosives Act, 1875.	In section seventy, the words from "In a borough" to "borough "rate", the words from "In "any place" to "county rate", and the words from "and the "local rate" to the end of the section.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 17.—*cont.*	The Explosives Act, 1875—*cont.*	In section seventy-two, the words from "acquire any land" to "to them and", the words from "Such sums shall be "applied" to "out of the local "rate", the words "on the "security of the local rate" and the words from "Any such "loan" to "to include any "right over land", except so far as relates to harbour authorities. In section one hundred and nine, subsection (11), except so far as relates to harbour authorities. In section one hundred and eleven, paragraphs (*a*) and (*c*), and the words from "the rates or "assessments" to the end of the section, except so far as relates to harbour authorities. In section one hundred and twelve, the words from "provided that" to the end of the section.
39 & 40 Vict. c. 49.	The Burghs Gas Supply (Scotland) Act, 1876.	In section five, the words from "and in the event of" to the end of the section. In section six, the words from the beginning of the section to "powers of this Act". Section eight. Sections ten to thirteen. Sections fifteen to seventeen. In section eighteen, the words from "and may purchase" to "for these purposes". Section nineteen. In section twenty-seven, the words "on mortgage", and the words from "and to grant" to the end of the section. Sections twenty-eight to thirtyone. In section thirty-two, in paragraph 1, the words "or mort-"gagee", and the words "or "interest on a mortgage", paragraph 2, in paragraph 3, the words "or mortgagees" and the words "or interest on "mortgages," and paragraph 4.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 49—*cont.*	The Burghs Gas Supply (Scotland) Act, 1876—*cont.*	In section thirty-three, the words "whether", "principal", and "or interest". Sections thirty-four and thirty-five. In section thirty-eight, the words "under the provisions and". Sections thirty-nine and forty. In section forty-one, the words "required by this Act". Schedules (C), (D) and (E).
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876.	In section eight, the paragraph commencing "Any expenses incurred". In section fourteen, the words from the beginning of the section to "such order and". Section fifteen. In section twenty-one, subsections (3), (8) and (9).
40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877.	Sections twenty-four and twenty-five. In section fifty-five, the words from "as one loan" to the end of the section. Section fifty-six. Section sixty. Section sixty-three.
40 & 41 Vict. c. 68.	The Destructive Insects Act, 1877.	In section four, the words from "the expenses incurred" to "local rate".
41 & 42 Vict. c. 8.	The Public Parks (Scotland), Act, 1878.	In section five, the words from the beginning of the section to "Provided that," and the words "in terms of this section". Section seven. Section thirteen. In section fourteen, the words from "on the security", where first occurring, to the end of the section. Section fifteen. Sections sixteen to twenty. Sections twenty-two to twenty-four. In section twenty-seven, the words from "The Lands Clauses", where those words first occur, to "1860" and the words from "sell" to "inner house thereof."
41 & 42 Vict. c. 49.	The Weights and Measures Act, 1878.	Section fifty so far as relating to a local rate. Section fifty-one. Fourth Schedule so far as relating to a local rate.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Section thirty-four. In section forty-nine, the words from "and to the clerk" to "district respectively", and the words from "and each "district committee" to the end of the section. Section fifty. Section fifty-two. Sections fifty-four and fifty-five. In section fifty-eight, the words from "at a meeting" to "of "the meeting", the words from "and many require" to "of the same", and the words from "and the expense" to "fifty "years". Section seventy-four. In section seventy-five, the words from "on the security" to "respective boundaries", the word "such" occurring between the words "off" and "debts", and the words from "and such "moneys may be borrowed" to the end of the section. Sections seventy-six to seventy-nine. Section eighty-two. Section eighty-six. In section eighty-seven, the words "in aid of the assessment "authorised to be imposed by "this Act", and the words "under the provisions of this Act". In section eighty-eight, in subsection (3), the words from "and after hearing" to the end of the subsection, and subsection (6). In section ninety, in subsection (2), the words from "and after "hearing" to the end of the subsection, and subsection (5). In section ninety-three, the words from "on the security" to the end of the section. Sections one hundred and five and one hundred and six. Section one hundred and ten. Sections one hundred and seventeen and one hundred and eighteen. Schedule (B) No. 1. Schedule (B) No. 2.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
44 & 45 Vict. c. 6.	The Local Taxation Returns (Scotland) Act, 1881.	The whole Act.
45 & 46 Vict. c. 56.	The Electric Lighting Act, 1882.	Section seven. In section eight, the words from "on such security" to "stock "as aforesaid", excepting so far as the section relates to gas commissioners.
46 & 47 Vict. c. 52.	The Bankruptcy Act, 1883.	In section thirty-two, in subsection (1), paragraph (*d*), and in paragraph (*e*), the words "school "board". In section thirty-four, the words "councillor" and "school "board".
47 & 48 Vict. c. 42.	The Sheriff Court Houses (Scotland) Amendment Act, 1884.	In section six, the words from "and in the case", where those words first occur, to "police "assessment levied therein".
48 & 49 Vict. c. 10.	The Election (Hours of Poll) Act, 1885.	The whole Act, except so far as relates to parliamentary elections.
49 & 50 Vict. c. 51.	The Poor Law Loans and Relief (Scotland) Act, 1886.	Sections one to three. The Schedule.
50 & 51 Vict. c. 39.	The Lunacy Districts (Scotland) Act, 1887.	Section three. In section five, the words from "and all assessments" to the end of the section.
50 & 51 Vict. c. 42.	The Public Libraries Consolidation (Scotland) Act, 1887.	In section two, the words from "library rate" to "execution". In section six, the words "on "the security of the library "rate to be afterwards levied". Sections seven to nine. In section ten, the word "appro- "priate", the words from "any "lands" to "herein provided", and the words from "upon the "land" to "purchased". Sections eleven to thirteen. In section fourteen, the words from "at interest" to "pur- "poses thereof", and the words from "and on repayment" to the end of the section. Sections fifteen and sixteen. In section thirty, the words from "shall provide" to "levied by "them and".

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 50.	The Local Government (Scotland) Act, 1889.	Sections three to six. Sections eight to ten, so far as unrepealed. In section fourteen, the words from "Provided also that if" to the end of the section. Section fifteen. In section sixteen, in subsection (2), paragraphs (*b*) and (*d*). Sections twenty-five to twenty-seven, so far as unrepealed. Part V, so far as unrepealed. In section thirty-seven, subsections (3) to (6). Section thirty-eight. In section thirty-nine, the words from the beginning of the section to "(that is to say)", and subsections (2) to (6). In section forty-one, the words from the beginning of the section to the end of paragraph (*e*), in paragraph (*f*), the words "without prejudice to the provisions of sections twenty-five "and twenty-six of this Act", and paragraph (*g*). Sections forty-three and forty-four. Sections forty-nine to fifty-two, so far as unrepealed. Section fifty-four. In section fifty-five, subsection (3). Sections fifty-six and fifty-seven. Sections fifty-nine to sixty-five. In section sixty-seven, in subsection (1), the words from "on "the security" to "provisions "of this Act; and", and subsections (2) to (6). Section sixty-eight, so far as unrepealed. Sections seventy-one and seventy-two. In section seventy-three, subsections (1) to (5), and subsection (7). Sections seventy-four to seventy-six. Section eighty-one. Sections eighty-three and eighty-four. Sections eighty-nine to ninety-six. Sections ninety-eight to one hundred and one.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 50—*cont.*	The Local Government (Scotland) Act, 1889—*cont.*	Section one hundred and four. In section one hundred and five, the words from "The expression "'parish'" to "ninety-one, "and any Acts amending the "same", and the definitions of the expressions "Summary "Jurisdiction Acts", "rate-"payer", "owner", "costs", "rate" and pension". Sections one hundred and nineteen to one hundred and twenty-one. The Schedule.
52 & 53 Vict. c. 72.	The Infectious Diseases (Notification) Act, 1889.	Section nine. In section eleven, the words from the beginning of the section to "or parochial office".
53 & 54 Vict. c. 11.	The Municipal Elections (Scotland) Act, 1890.	The whole Act.
53 & 54 Vict. c. 13.	The Electric Lighting (Scotland) Act, 1890.	In the Schedule, the entries in the fourth, fifth, sixth and seventh columns, excepting the entries in those columns relating to gas commissioners.
53 & 54 Vict. c. 55.	The Elections (Scotland) (Corrupt and Illegal Practices) Act 1890.	Sections forty-four and forty-five. In section fifty-two, subsection (2).
53 & 54 Vict. c. 71.	The Bankruptcy Act, 1890.	In section nine, the words from "It is hereby declared" to the end of the section.
54 & 55 Vict. c. 32.	The Roads and Streets in Police Burghs (Scotland) Act, 1891.	In section six, the words from "out of the rate" to the end of the section.
54 & 55 Vict. c. 34.	The Local Authorities Loans (Scotland) Act, 1891.	The whole Act.
54 & 55 Vict. c. 52.	The Public Health (Scotland) Amendment Act, 1891.	Section six.
55 & 56 Vict. c. 12.	The Roads and Bridges (Scotland) Amendment Act, 1892.	Section three.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 31.	The Small Holdings Act, 1892.	In section three, subsection (1). In section sixteen, in subsection (1), the words from "Provided "that" to the end of the subsection. In section eighteen, subsection (2). In section nineteen, the words from "in accordance with" in subsection (1) to the end of the section. In section twenty-one, subsection (8).
55 & 56 Vict. c. 43.	The Military Lands Act, 1892.	Section four. Section seven, so far as relating to a local authority. In section twenty-five, subsection (2), and in subsection (3), the words from "may borrow in "like manner" to "1889", the words "in like manner as they", where those words second occur, and the words "under section "fourteen" to the end of the subsection.
55 & 56 Vict. c. 54.	The Allotments (Scotland) Act, 1892.	In section three, subsection (1). Section eleven.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section four, subsections (1), (14), (15), (16), (18) and (26), and in subsection (30), the words from "(1) The duty" to "of land (3)". Sections seven to thirteen. Sections sixteen to nineteen. In section twenty, the words from the beginning of the section to "management is transferred". Sections twenty-one to twenty-three. Sections twenty-five and twenty-six. In section twenty-seven, subsection (1). In section forty-two, the words from "but without prejudice" to the end of the section. Section forty-three. Section forty-five, so far as unrepealed. Sections forty-six to forty-nine.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55—*cont.*	The Burgh Police (Scotland) Act, 1892—*cont.*	In section fifty-five, subsections (1), (3) and (4), subsection (5), so far as unrepealed, and in subsection (6), the words "by "the sheriff", wherever those words occur. Sections fifty-seven to fifty-nine. Sections seventy-three to seventy-seven. In section ninety-seven, the words "out of the burgh general "assessment". In section one hundred and three, the words "out of the burgh "general assessment". In section one hundred and forty-nine, the words from "out of "the" to the end of the section. In section one hundred and fifty, the words "out of the burgh "general assessment". In section one hundred and fifty-one, the words "levied under "this Act" where first occurring, and the words "out of "the assessments levied under "this Act". In section one hundred and fifty-four, the words from "and "they may re-sell" to "for "such purposes", and the words from "and the expense", where those words first occur, to "to be levied", where those words first occur, and the words from "and the expense", where those words second occur, to the end of the section. In section one hundred and fifty-eight, the words from "and "shall form" to the end of the section. In section two hundred and one, the words from the beginning of the section to "as herein-"after provided". Sections two hundred and two to two hundred and six. In section two hundred and thirteen, the words, "out of the "burgh general assessment". Section two hundred and twenty-six.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55—*cont.*	The Burgh Police (Scotland) Act, 1892—*cont.*	In section two hundred and thirty-six, the words from "and" on the security" to "general" sewer rates" where first occurring, and the words from "and" to assign" to the end of the section. In section two hundred and fifty, the words "or police assessment books". In section two hundred and seventy-eight, the words from "on the security of", where those words first occur, to "one" or more thereof", and the words from "And where in" to "money on the security of the" burgh general assessment". In section two hundred and eighty-one, the words "to be" confirmed in the manner" herein provided". In section three hundred and six, the words from "Provided" always", where those words first occur, to the end of the section. In section three hundred and eight, the words from "levied" under" to "1878". In section three hundred and fourteen, the words from "and" sell the lands" to the end of the section. In section three hundred and fifteen, the words "a public" hall" to "court-hall and", the words from "or may" acquire" to "and fitting" up", the words from "upon" the security" to "improve-" ment assessment", and the words "as hereinafter provided" with regard to the borrowing" of money". In section three hundred and sixteen, the words from "The" Commissioners may from" time to time repeal" to the end of the section. Sections three hundred and seventeen to three hundred and twenty-four.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55—*cont.*	The Burgh Police (Scotland) Act, 1892—*cont.*	Sections three hundred and thirty-six to three hundred and thirty-eight. Section three hundred and thirty-nine, so far as relating to provisions of the Act repealed by this Act. Section three hundred and forty, so far as unrepealed. In section three hundred and forty-one, the words "Out of "the burgh general assess- "ment", where those words first occur, the words from "or, "if the Commissioners" to "being established to their "satisfaction", and the words from "out of the burgh", where those words second occur, to "assessment as aforesaid". Sections three hundred and forty-two to three hundred and forty-five. Sections three hundred and forty-eight to three hundred and sixty. Section three hundred and sixty-three. In section three hundred and sixty-nine, the words from "in "the same way", where they first occur, to the end of the section. Sections three hundred and seventy and three hundred and seventy-one. Section three hundred and seventy-three. In section three hundred and seventy-four, the words "and "take up", the words from "or for repayment" to "the "lenders thereof", and the words from "Provided always "that in" to the end of the section. Section three hundred and seventy-five. Sections three hundred and seventy-seven to three hundred and seventy-nine.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55—*cont.*	The Burgh Police (Scotland) Act, 1892—*cont.*	In section four hundred and fifty-five, in paragraph (4), the words "out of the burgh general "assessment". Sections four hundred and sixty to four hundred and sixty-two. Section five hundred and eighteen. Schedule VIII.
56 & 57 Vict. c. 8.	The Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893.	The whole Act.
56 & 57 Vict. c. 25.	The Burgh Police (Scotland) Act, 1893.	The whole Act.
56 & 57 Vict. c. 32.	The Barbed Wire Act, 1893.	Section five.
57 & 58 Vict. c. 20.	The Public Libraries (Scotland) Act, 1894.	In section three, in subsection (1), the words from "either (*a*)" to the end of the subsection.
57 & 58 Vict. c. 24.	The Wild Birds Protection Act, 1894.	Section six.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	In section thirty-three, subsections (2) and (4). In section forty, subsection (1). In section forty-two, in subsection (1), the words "at interest on "the credit of the local rate", and the words from "and may "secure" to the end of the subsection, and subsections (2) to (5). In section sixty, in subsection (1), the words "and the local "rate", the word "respec- "tively", in paragraph (*a*), the words from "and a rate" to "within the burgh", in paragraph (*b*), the words from "and "a rate" to the end of that paragraph, and subsection (7). Section sixty-two. In section sixty-four, in subsection (4), in paragraph (*b*), the words from "in aid of" to "rates of the county," and in paragraph (*d*), the words "in "aid of the police funds".

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Sections eight to ten. Sections thirteen to twenty, so far as unrepealed. Section twenty-three. In section twenty-four, in subsection (1), paragraphs (*a*) and (*d*), and in subsection (2), the word "let," the words "or "exchange," wherever those words occur, and the words "the power of letting for more "than a year and". Sections twenty-seven and twenty-eight. In section twenty-nine, the words from "and the expense" to "special parish rate". In section thirty, subsections (1) to (5), and (7) to (9). Section thirty-one. Sections thirty-three to thirty-five. Sections thirty-seven to forty-one, so far as unrepealed. In section forty-two, subsection (3). Sections forty-three and forty-four. Section forty-six. In section forty-eight, subsection (2). Sections forty-nine to fifty-three. In section fifty-four, the words from "the expression 'muni- "cipal register'" to "assistant "secretary", the words from "the expression 'burghal par- "ish'" to "not comprised "within the boundaries of a "burgh", and the words from "the expression 'ecclesi- "astical'" to the end of the section. Schedule II. Schedule III. Schedule IV.
58 & 59 Vict. c. 1.	The Local Government (Scotland) Act, 1894, Amendment Act, 1895.	The whole Act.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
58 & 59 Vict. c. 36.	The Fatal Accidents Inquiry (Scotland) Act, 1895.	In section four, in subsection (9), the words "as a charge upon "the general purposes rate," and the words from "as a "charge upon the burgh" to "police assessment."
59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	In section sixteen, in subsection (1), the words from "in the case "of a county" to the end of the subsection, in subsection (2), the words "in manner "authorised by the order", and subsection (4). Section seventeen. In section twenty-six, in subsection (5), the words from "imposed along with", where those words first occur, to "parish, as the case may be", the words from "imposed along "with", where those words second occur, to "assessment, "as the case may be", and the words "in the manner author- "ised by the order". Third Schedule.
60 & 61 Vict. c. 31.	The Cleansing of Persons Act, 1897.	In section one, the words from "and any expenses" to the end of the subsection.
60 & 61 Vict. c. 34.	The Municipal Elections (Scotland) Act, 1897.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section four. In section six, the words from "and require answers" to the end of the section. Section seven. In section eight, the words "to "act as a commissioner or "commissioners", and the words from "and the Board" to the end of the section. Sections nine and ten. Sections thirteen and fourteen. In section fifteen, the words from the beginning of the section to "such salaries fixed; and", the word "said", where that word second occurs between the words "the" and "medical", the words from "The medical "officer may" to "sanction of "the Board", and the words from "The medical officer and" to the end of the section.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
60 & 61 Vict. c. 38—*cont.*	The Public Health (Scotland) Act. 1897—*cont.*	In section thirty-four, the words from " on the security " to the end of the section. Section thirty-eight. In section thirty-nine, the words from " out of the assessments " to " 1878, for ". In section ninety-three, the words from " as hereinafter " to " printed ". Section one hundred and thirteen. In section one hundred and twenty-two, subsections (1), (2) and (3), in subsection (4), the words from " out of the assess- " ments " to " 1878 ", and subsection (5). Section one hundred and thirty-one. Sections one hundred and thirty-three to one hundred and thirty-six, so far as unrepealed. Section one hundred and thirty-eight. In section one hundred and thirty-nine, the words from " and on " the security " to " case may " be ", where those words first occur, and the words from " and to assign " to the end of the section. In section one hundred and forty-one, the words " and on the " security of the public health " general assessments ", and the words from " and to assign " to the end of the section. Section one hundred and forty-two. Section one hundred and forty-three. In section one hundred and forty-four, the words from " and " may by agreement " to " with- " out their district " and the words from " They may also " with " to the end of the section. Section one hundred and forty-seven. Section one hundred and fifty-two.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
60 & 61 Vict. c. 38—*cont.*	The Public Health (Scotland) Act, 1897—*cont.*	Sections one hundred and fifty-nine and one hundred and sixty. Section one hundred and sixty-seven. Sections one hundred and eighty-three to one hundred and eighty-eight. In section one hundred and ninety, the words from "or of "the Local" to "1891, as "amended". In section one hundred and ninety-one, the words "and standing "joint committees". Second Schedule.
62 & 63 Vict. c. 38.	The Telegraph Act, 1899.	In section two, in subsection (1), the words from "defray the "expenses" to "and may", the words from "in accordance "with" to "borough rate", and in subsection (2), the words from "and the town council or "commissioners thereof" to the end of the subsection.
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act, 1899.	In section nine, subsection (3). In section twelve, in subsection (1), in paragraph (*a*), the words from "Provided that" to the end of the paragraph, subsection (2), and in subsection (4), the words from "in like "manner" to the end of the subsection.
63 & 64 Vict. c. 28.	The Inebriates Amendment (Scotland) Act, 1900.	In section one, in subsection (1), the words from "in the same "manner" to the end of the subsection, in subsection (2), the words "on the security of "the said assessment", and the words from "in the same "manner" to the end of the subsection.
63 & 64 Vict. c. 49.	The Town Councils (Scotland) Act, 1900.	In section four, subsections (1), (2), (4), (5), (7), (10) to (12) and (14) to (19). Sections five and six. In section eight, the words from "and except in" to the end of the section. Sections nine to twenty-three, so far as unrepealed.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
63 & 64 Vict. c. 49—*cont.*	The Town Councils (Scotland) Act, 1900—*cont.*	Sections thirty-three to forty-six. Sections forty-eight to ninety-three. Sections ninety-six, so far as unrepealed, to one hundred and seven. Sections one hundred and nine to one hundred and seventeen. Schedules II to VI.
1 Edw. 7. c. 24	The Burgh Sewerage Drainage and Water Supply (Scotland) Act, 1901.	Sections one and two, so far as unrepealed. Section three. Section four, so far as unrepealed. In section five, the words from "Provided that all" to the end of the section.
2 Edw. 7. c. 35	The Electric Lighting (Scotland) Act, 1902.	In section one, the words from "Provided that" to the end of the section.
3 Edw. 7. c. 9	The County Councils (Bills in Parliament) Act, 1903.	The whole Act.
3 Edw. 7. c. 25	The Licensing (Scotland) Act, 1903.	In section eight, in subsection (4), the words from "and, save "as" to the end of the subsection, and in subsection (6) the words from "For the "purpose" to "referred to "therein".
3 Edw. 7. c. 33	The Burgh Police (Scotland) Act, 1903.	In section three, the words "The "Burgh Police (Scotland) Act, "1893". Section twenty-two. Section thirty-six. In section thirty-eight, paragraphs (1) and (2). Section forty-two. In section forty-four, the words from "The town council may "defray" to the end of the section. Sections forty-six to forty-nine. Section fifty-five. Section fifty-six, so far as relating to burgh prosecutors, burgh surveyors, treasurers and collectors. In section sixty, the words from "and the town council" to the end of the section.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
3 Edw. 7. c. 33 —*cont.*	The Burgh Police (Scotland) Act, 1903—*cont.*	In section sixty-two, the words from "The said compensation" to the end of the section. Sections ninety-four to ninety-six. In section one hundred and three, paragraph (10). In section one hundred and four, in subsection (2), paragraph (*a*), in paragraph (*g*), the words from "and any expenditure" to the end of the paragraph, and paragraphs (*r*), (*t*), (*v*) and (*w*). In the Schedule, in Column No. II the words "Sec. 11" and the words from "After" to "by special order".
3 Edw. 7. c. 34	The Town Councils (Scotland) Act, 1903.	The whole Act, so far as unrepealed.
6 Edw. 7. c. 14	The Alkali &c. Works Regulation Act, 1906.	Section twenty-four.
7 Edw. 7. c. 27	The Advertisements Regulation Act, 1907.	In section three, subsection (6). In section six, subsection (4).
7 Edw. 7. c. 40	The Notification of Births Act, 1907.	In section one, subsection (6).
7 Edw. 7. c. 41	The Whale Fisheries (Scotland) Act, 1907.	Section seven.
7 Edw. 7. c. 48	The Qualification of Women (County and Town Councils) (Scotland) Act, 1907.	The whole Act, so far as unrepealed.
8 Edw. 7. c. 13	The Polling Districts (County Councils) Act, 1908.	The whole Act.
8 Edw. 7. c. 48	The Post Office Act, 1908.	In section forty-nine, in subsection (8), in paragraph (*d*), the words from "in the same manner" to the end of the paragraph, and paragraph (*g*).
8 Edw. 7. c. 62	The Local Government (Scotland) Act, 1908.	In section one, the words "and the Local Government (Scotland) Act, 1894, Amendment Act, 1895."

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 62 —*cont.*	The Local Government (Scotland) Act, 1908—*cont.*	In section three, in subsection (1), the words from "and subject "to" to "such committee; "and", and the words from "but "subject always" to the end of the subsection, and subsections (2) to (7). In section four, the words from "subject to the" to "the "principal Act". Section six. Section nine. In section ten, the words from the beginning of the section to "made thereunder", subsection (2), and in subsection (3), the words from "and "county or" to "general im- "provement rate". In section eleven, in subsection (4), the words "out of the road "rate". Section fourteen. Sections sixteen and seventeen. In section nineteen, the words "including the provisions "relating to assessment and "borrowing". In section twenty, subsection (1), and in subsection (2), the words "and the fifteenth day of "April", and the words from "and section fifty" to the end of the subsection. Section twenty-three. In section twenty-eight, in subsection (2), the words from "section one hundred" to the end of the subsection.
9 Edw. 7. c. 30	The Cinematograph Act, 1909.	In section six, the words from "and the expenses" to the end of the section. In section eight, in subsection (3), the words from "and the "expression 'borough fund'" to the end of the subsection.
9 Edw. 7. c. 34	The Electric Lighting Act, 1909.	Section twenty-one.
9 Edw. 7. c. 44	The Housing, Town Planning, &c., Act, 1909.	First Schedule as applied by any enactment.
1 & 2 Geo. 5. c. 52.	The Rag Flock Act, 1911.	In section one, in subsection (6), paragraph (*c*), and in subsection (8), paragraph (*c*).

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5. c. 53.	The House Letting and Rating (Scotland) Act, 1911.	In section seven, in subsection (7), the words from "and in case of "doubt" to the end of the subsection.
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	In section sixty-four, in subsection (2), the words from "and any expenses" to the end of the subsection. In section eighty, in subsection (4), the words from "Provided "that" to "Act of 1889", and subsections (12) and (13).
2 & 3 Geo. 5. c. 3.	The Shops Act, 1912.	In section thirteen, in subsection (3), the words from "in the "case of the council of a "borough" to "special county "purposes". In section sixteen, the words from "and the costs" to the end of the section. In section twenty, the words from "and the expenses" to "any "such expenses".
2 & 3 Geo. 5. c. 19.	The Light Railways Act, 1912.	In section five, subsection (5).
3 & 4 Geo. 5. c. 17.	The Fabrics (Misdescription) Act, 1913.	In section five, in subsection (3), the words from "in the case of "the council of a borough" to "special county purposes". In section seven, subsection (3), and the words from "Provided "that" to the end of the section.
3 & 4 Geo. 5. c. 20.	The Bankruptcy (Scotland) Act, 1913.	In section one hundred and eighty-three, subsection (2). In section one hundred and eighty-four, subsection (3).
3 & 4 Geo. 5. c. 26.	The Highlands and Islands (Medical Service) Grant Act, 1913.	In section three, in subsection (3), the words "on the security of "any rate for any purpose".
3 & 4 Geo. 5. c. 32.	The Ancient Monuments Consolidation and Amendment Act, 1913.	In section twenty-one, in subsection (2), the words from "in "the case of any other county "council" to "as a borough "rate", and the words from "in the case of a county "council" to the end of the subsection. In section twenty-three, in subsection (2), the words from "and the expenses" to "general "improvement assessment".

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 33.	The Temperance (Scotland) Act, 1913.	In section five, in subsection (4), the words from "and any "expenses" to the end of the subsection.
3 & 4 Geo. 5. c. 37.	The National Insurance Act, 1913.	In section forty-one, in subsection (1), the words from "in "terms of" to "the principal "Act", and subsection (2).
3 & 4 Geo. 5. c. 38.	The Mental Deficiency and Lunacy (Scotland) Act, 1913.	In section twenty-seven, in subsection (2), the words from "and such payments" to the end of the subsection. In section thirty, subsection (2). In section sixty-eight, in subsection (4), the word "let", and the words from "and shall "apply" to the end of the subsection, and in subsection (7), the words "and section sixty-"two", the words "with the "consent of the Board", and the words from "on the "security" to the end of the subsection.
4 & 5 Geo. 5. c. 31.	The Housing Act, 1914.	In section one, in subsection (2), the words from "Any ex-"penses" to "1890", the words "the like", and the words "as they have for the "purposes of that Part of that "Act".
4 & 5 Geo. 5. c. 39.	The County, Town and Parish Councils (Qualification) (Scotland) Act, 1914.	The whole Act.
4 & 5 Geo. 5. c. 46.	The Milk and Dairies (Scotland) Act, 1914.	Section ten, so far as unrepealed. Section twenty-three. Section twenty-six. Section thirty.
4 & 5 Geo. 5. c. 53.	The Special Constables (Scotland) Act, 1914.	In section two, the words "and "the county police rate", and the words "and the burgh "general assessment respec-"tively".

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Geo. 5. c. 74.	The Local Government (Adjustments) (Scotland) Act, 1914.	The whole Act.
5 & 6 Geo. 5. c. 64.	The Notification of Births (Extension) Act, 1915.	In section two, in subsection (2), the words from the beginning of the subsection to "principal "Act".
5 & 6 Geo. 5. c. 91.	The Midwives (Scotland) Act, 1915.	Section twenty-five.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	In section thirteen, subsection (1). In section twenty-two, in subsection (1), the words from "and references to the Local" to the end of the subsection, and subsection (2).
6 & 7 Geo. 5. c. 43.	The War Charities Act, 1916.	In section two, subsection (7). In section eleven, in paragraph (*e*), the words from "and "shall" to the end of the paragraph.
6 & 7 Geo. 5. c. 69.	The Public Authorities and Bodies (Loans) Act, 1916.	The whole Act.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act, 1918.	In section forty-three, in subsection (8), the words from "Provided that" to the end of the subsection, and in subsection (11), the words from "Provided that" to the end of the subsection. In the Sixth Schedule, in paragraph 8, the words from "The "Local Government" to "word "hereinafter," and the words from "The Town Councils" to "member of Parliament".
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	Sections three and thirty-two. Third Schedule.
9 & 10 Geo. 5. c. 46.	The Police Act, 1919	In section thirteen, subsection (2).
9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section forty-seven.
9 & 10 Geo. 5. c. 72.	The Rats and Mice (Destruction) Act, 1919.	In section five, subsection (3). In section nine, in paragraph (*b*), of subsection (1), the words from "(ii) the expenses" to the end of the paragraph.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Geo. 5. c. 85.	The Mental Deficiency and Lunacy (Amendment) Act, 1919.	The whole Act, so far as unrepealed.
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Section eight.
10 & 11 Geo. 5. c. 41.	The Census Act, 1920.	In section seven, the words from "in the case of a county "council" to the end of the section. In section nine, in subsection (2), the words from "and any "expenses" to the end of the section.
10 & 11 Geo. 5. c. 45.	The Public Libraries (Scotland) Act, 1920.	In section one, in subsection (1), the words from "section eight" to "threepence, and", and the words "as part of the accounts "of the rating authority, or".
10 & 11 Geo. 5. c. 80.	The Air Navigation Act, 1920.	In section nineteen, in paragraph (*a*) of subsection (1), the words from "and the expenses", where those words first occur, to "general purposes rate", the words from "notwithstanding" to "1889", and the words from "and the expenses", where those words second occur, to "of that assessment", and in paragraph (*b*), the words from "on the security of the "general" to "Act, 1889", and the words from "on the "security of the public" to the end of the paragraph.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act, 1921.	In section twenty-two, subsection (5).
11 & 12 Geo. 5. c. 55.	The Railways Act, 1921.	In section seventy-eight, subsection (6), so far as relating to local authorities. In section eighty-three, paragraph (*c*).
11 & 12 Geo. 5. c. 64.	The Poor Law Emergency Provisions (Scotland) Act, 1921.	In section two, in subsection (1), the words from the commencement of the subsection to "in "that section", and the words from "on the security" to "in "the parish", and subsections (2) and (3). In section three, in subsection (4), proviso (ii.)

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
12 & 13 Geo. 5. c. 35.	The Celluloid and Cinematograph Film Act, 1922.	In section four, subsection (2). In section ten, in subsection (1), the words from "and the "expenses" to the end of the subsection.
12 & 13 Geo. 5. c. 46.	The Electricity (Supply) Act, 1922.	In section two, the words "or "by a local authority". In section five, in subsection (1), the words from "(*a*) in cases" to "Minister of Health, or", and in subsection (2), paragraphs (*a*) and (*c*), and the words from "Section twenty-one" to the end of the subsection. Section twenty-nine. In section thirty, in paragraph (*c*) of subsection (2), the words from "to the Local Government "Act" to "1875", the word "respectively,", and the words from "to the Local Government "(Scotland)" to the end of the paragraph, and paragraph (*d*).
12 & 13 Geo. 5. c. 52.	The Allotments (Scotland) Act, 1922.	Section eighteen.
12 & 13 Geo. 5. c. 54.	The Milk and Dairies (Amendment) Act, 1922.	In section fourteen, in paragraph (*f*), the words from "and any "expense" to the end of the paragraph, and in paragraph (*h*), the words from "Any ex- "penses incurred" to "of that "assessment."
13 & 14 Geo. 5. c. 13.	The Rent Restrictions (Notices of Increase) Act, 1923.	In section three, subsection (6).
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	In section two, in subsection (6), the words from "under Part III "of the principal Act" to the end of the subsection.
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	In section eighteen, subsection (4).
13 & 14 Geo. 5. c. 41.	The Town Councils (Scotland) Act, 1923.	The whole Act.
14 & 15 Geo. 5. c. 36.	The Local Authorities Loans (Scotland) Act, 1924.	The whole Act.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 15.	The Housing (Scotland) Act, 1925.	Section sixty-six, so far as unrepealed. In section sixty-eight, subsections (2) (as substituted by the Housing (Scotland) Act, 1930), and (3). In section sixty-nine, subsection (2). In section seventy, in subsection (1), the words from " and that " to the end of the subsection. Section ninety-three. Section ninety-five. In section ninety-six, in subsection (1), the words from " and the expenses " to the end of the subsection, and subsection (2). Section ninety-nine. Section one hundred and one.
15 & 16 Geo. 5. c. 50.	The Theatrical Employers Registration Act, 1925.	In section twelve, in subsection (2), the words from " in the case " of the council of a county " borough " to the end of the subsection. In section fourteen, subsection (2).
15 & 16 Geo. 5. c. 82.	The Roads and Streets in Police Burghs (Scotland) Act, 1925.	In section two, the words from " on the security " to " Act " 1878 ".
15 & 16 Geo. 5. c. 89.	The Education (Scotland) Act, 1925.	The whole Act.
16 Geo. 5. c. 5	The Allotments (Scotland) Act, 1926.	The whole Act.
16 & 17 Geo. 5. c. 45.	The Fertilisers and Feeding Stuffs Act, 1926.	In section seventeen, subsection (3). In section twenty-eight, in paragraph (*b*), the words from " and " the expenses " to the end of the paragraph, and paragraph (*c*).

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Geo. 5. c. 47.	The Rating (Scotland) Act, 1926.	Section one. Sections three and four. Section seven. Section nine. In section eleven, the words from "and section three" to the end of the section. In section twelve, subsection (8). In section fourteen, subsection (4). Sections fifteen to seventeen. Sections nineteen to twenty-four. Section twenty-five, so far as unrepealed. Sections twenty-seven and twenty-eight. In section twenty-nine, in subsection (1), the definitions of "agricultural lands and heritages," "agricultural rates grant", "compensation", "education rate", "lunacy rate", "parish council", "parish rates", and "rating authority", and subsections (3) to (5). Second Schedule.
16 & 17 Geo. 5. c. 56.	The Housing (Rural Workers) Act, 1926.	In section eight, in paragraph (*g*), the words from "and any expenses" to "of that Act," and the words from "in like manner", where those words second occur, to the end of the paragraph.
17 & 18 Geo. 5. c. 17.	The Midwives and Maternity Homes (Scotland) Act, 1927.	In section eight, the words from the beginning of the section to "such joint committee, and".
18 & 19 Geo. 5. c. 29.	The Slaughter of Animals (Scotland) Act, 1928.	In section seven, in paragraph (*c*), the words from "shall be defrayed" to "Provided that" and the words "such expenses".
18 & 19 Geo. 5. c. 31.	The Food and Drugs (Adulteration) Act, 1928.	Section twenty-six, and in section thirty-five, paragraph (*h*).

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section two, subsection (2). In section three, subsection (2). In section five, subsections (5) and (7). In section six, subsections (1), (2) and (4). Sections seven to nine. In section ten, subsections (4), (5), (7) and (8). In section eleven, subsections (1) to (3), (7), (9) and (10). Section twelve, so far as unrepealed. Sections thirteen to seventeen. In section eighteen, subsections (1) to (5). Section nineteen. Sections twenty-one to twenty-three. Section twenty-five. In section twenty-six, subsections (1) to (7). Section thirty-three. Sections thirty-five to forty. Sections forty-two and forty-three. Third Schedule. Fourth Schedule.
19 & 20 Geo. 5. c. 33.	The Bridges Act, 1929.	In section eight, subsection (1), and in subsection (2), the words from "as a highway authority", where those words first occur, to the end of the subsection.
20 & 21 Geo. 5. c. 40.	The Housing (Scotland) Act, 1930.	In section thirty-nine, in subsection (3), the words from "in accordance with" to the end of the subsection.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section one hundred and nineteen, subsection (2), and in subsection (3), the words from "and any sum" to the end of the subsection.
21 & 22 Geo. 5. c. 17.	The Local Authorities (Publicity) Act, 1931.	In section one, in subsection (1), the words from "Provided that" to the end of the subsection, and in subsection (3), the words from "and in Scotland" to the end of the subsection.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 28.	The Public Health (Cleansing of Shellfish) Act, 1932.	In section three, in paragraph (*b*), the words from "(3) Any expenses" to "1897," and the words "in accordance with" to the end of the paragraph.
22 & 23 Geo. 5. c. 49.	The Town and Country Planning (Scotland) Act, 1932.	In section thirty-seven, in subsection (1), the words from "and "the costs incurred" to the end of the subsection, and subsection (2). In section forty-eight, in subsection (1), the words from the beginning of the subsection to "Provided that", and in subsection (2), the words from "in "accordance with" to the end of the subsection. In section forty-nine, the words "Any expenses incurred under "this Act by", the word "by", where that word second occurs, and the words from "shall be "defrayed" to "and such "council".
24 & 25 Geo. 5. c. 28.	The Gas Undertakings Act, 1934.	In section thirty-four, the words "(given with the concurrence of "the Board of Trade)", and the words "under the provisions "and".
24 & 25 Geo. 5. c. 52.	The Poor Law (Scotland) Act, 1934.	In section seven, in subsection (5), the words from "and the "provisions" to the end of the subsection.
25 & 26 Geo. 5. c. 36.	The Public Health (Water and Sewerage) (Scotland) Act, 1935.	The whole Act.
25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Act, 1935.	In section seventy-six, subsection (3). In section seventy-nine, subsections (2) and (3).
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	In section twenty-five, in subsection (12), the words from "and the provisions" to the end of the subsection.
26 Geo. 5. & 1 Edw. 8. c. 32.	The National Health Insurance Act, 1936.	Section one hundred and ninety-four.
26 Geo. 5. & 1 Edw. 8. c. 42.	The Education (Scotland) Act, 1936.	The whole Act.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
26 Geo. 5. & 1 Edw. 8. c. 48.	The Health Resorts and Watering Places Act, 1936.	In section one, in subsection (1), the words from "and (*b*) expend" to "value of the borough or district", and in subsection (2), paragraph (*b*).
26 Geo. 5. & 1 Edw. 8. c. 52.	The Private Legislation Procedure (Scotland) Act, 1936.	In section eleven, subsections (1) to (5).
1 Edw. 8. & 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	In section twelve, subsection (15).
1 Edw. 8. & 1 Geo. 6. c. 28.	The Harbours, Piers and Ferries (Scotland) Act, 1937.	In section twenty-one, in subsection (1), the words from "and the provisions" to the end of the subsection.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	In section thirty-five, in subsection (1), the words from "and shall not" to the end of the subsection, and subsection (2). In section one hundred and one, in subsection (3), the words from "Provided that" to the end of the subsection. In section one hundred and two, subsection (2).
1 Edw. 8. & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act, 1937.	In section ten, in subsection (5), the words, from "or any offices" to "their business", and the words "or offices", wherever they occur, in subsection (7), the words from "and the provisions" to the end of the subsection, and subsection (8).
1 & 2 Geo. 6. c. 6.	The Air Raid Precautions Act, 1937.	In section thirteen, in subsection (10), the words from "and the provisions" to the end of the subsection, and subsection (11).
1 & 2 Geo. 6. c. 72.	The Fire Brigades Act, 1938.	In section twenty-eight, in subsection (16), the words from the beginning of the subsection to "Provided that", and in subsection (17), the words from "and the provisions" to the end of the subsection.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. 6. c. 13.	The Cancer Act, 1939	In section seven, paragraphs (*d*) and (*e*).
2 & 3 Geo. 6. c. 28.	The Local Government Amendment (Scotland) Act, 1939.	The whole Act.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	In section ninety-one, subsection (32), and in subsection (33), the words from "and the provisions" to the end of the subsection.
6 & 7 Geo. 6. c. 44.	The Rent of Furnished Houses Control (Scotland) Act, 1943.	In section four, subsection (3).
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	In section sixty, subsection (1), in subsection (2), the words from "in accordance with" to the end of the subsection, and subsection (3).
8 & 9 Geo. 6. c. 37.	The Education (Scotland) Act, 1945.	Sections forty-four and eighty-seven, and Fourth Schedule so far as it amends sections three, twelve, fourteen and seventeen of the Local Government (Scotland) Act, 1929.
9 & 10 Geo. 6. c. 62.	The Water (Scotland) Act, 1946.	In section thirty-nine, the words from "subject to" to "Act 1929", and the proviso. Sections forty and forty-one. In section forty-two, in subsection (1), in paragraph (*d*), the words from "so however" to "determine." In section forty-five, the words from the beginning to "the commencement of this Act", so far as these words relate to a local authority providing a supply of water under a public general Act, and the words from "or where the authority" to the end of the section.
9 & 10 Geo. 6. c. 71.	The Police (Scotland) Act, 1946.	In section eleven, in subsection (4), the words from "and section" to the end of the subsection.
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	In section eighty-two, subsection (3). In section eighty-seven, the words from "and shall" to the end of the section.

14TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	In section fifty-three, subsection (6), and in subsection (7), the words from "subject to" to "Act, 1929" and proviso (ii); the Fifth Schedule except paragraph 6; and the Eleventh Schedule, so far as relating to subsection (4) of section fourteen of the Local Government (Scotland) Act, 1929.

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