1967 No. 715 (S. 51)

LOCAL GOVERNMENT, SCOTLAND

The Rate Support Grant (Scotland) Regulations 1967

Made - - - -	8*th May* 1967
Laid before Parliament	15*th May* 1967
Coming into Operation	16*th May* 1967

In exercise of the powers conferred on me by section 6(1) of and paragraphs 5 of Part I and 2 of Part III of Schedule 1 to the Local Government (Scotland) Act 1966(a) and of all other powers enabling me in that behalf, and, in relation to regulations 3 to 7 of these regulations, after consultation with such associations of local authorities as appear to me to be concerned, I hereby make the following regulations:—

1. These regulations may be cited as the Rate Support Grant (Scotland) Regulations 1967 and shall come into operation on 16th May 1967.

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

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

"the Act" means the Local Government (Scotland) Act 1966;

"approved" means approved by the Secretary of State either in a specific approval of any arrangements, courses or item of expenditure or in a general approval of any class of such matters;

"certificated teacher", "education authority", "educational establishment", "further education", "public school", "pupil" and "special educational treatment" have respectively the meanings assigned to them by the Education (Scotland) Act 1962(c);

"dwelling-house" has the same meaning as in section 7(3) of the Act;

"in-service course" has the meaning assigned to it by the Teachers (Education, Training and Certification) (Scotland) Regulations 1965(d);

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

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

"local authority" means a county council or the town council of a burgh and includes joint county councils of which local authorities are constituent councils;

"relevant expenditure" has the meaning assigned to it by regulation 4 of these regulations;

"road mileage" means the mileage of roads maintained and managed by the Secretary of State or a local authority; and

"voluntary home" has the meaning assigned to it by the Children and Young Persons (Scotland) Act 1937(f).

(a) 1966 c. 51. (b) 1889 c. 63. (c) 1962 c. 47.
(d) S.I. 1965/55 (1965 I, p. 72). (e) 1947 c. 27. (f) 1937 c. 37.

Rate Support Grant Adjustments

3. This regulation and the three next succeeding regulations shall apply for the purpose of the adjustment, under paragraph 5 of Part I of Schedule 1 to the Act, of the needs element payable to local authorities.

4. Paragraph 5 of Part I of Schedule 1 to the Act shall apply to relevant expenditure incurred by local authorities, being approved expenditure relating to—

(1) the provision of facilities for the purpose of or in connection with further education at educational establishments used or to be used therefor by day or by day and in the evening;

(2) the attendance of certificated teachers at approved in-service courses;

(3) the training of certificated teachers as educational psychologists;

(4) arrangements made and approved under section 14 of the Education (Scotland) Act 1962 for pupils who are patients in hospitals to receive education there;

(5) the provision of education for pupils attending public schools and residing in voluntary homes, other than—

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

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

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

(6) the training of persons undertaking approved courses of social work training;

(7) the training of persons to become health visitors or midwives;

(8) training for administrative or supervisory posts in the midwifery, health visiting and home nursing services; and

(9) the exercise of any of the functions specified in section 39(1) of the Children Act 1948, with respect to children in the care of a local authority, being children determined by the Secretary of State not to be ordinarily resident in the area of the authority, so far as not recoverable by the local authority under section 1(4)(*b*) of the Children Act 1948 from the authority in whose area the child is ordinarily resident.

5.—(1) Before the beginning of each year the Secretary of State shall, upon the best information available to him, ascertain the aggregate of the relevant expenditure for that year and shall apportion such aggregate among local authorities in the same proportions as those in which the needs element for that year as reduced under paragraphs 3 and 4 of Part I of Schedule 1 to the Act is apportioned among them, and the needs element payable to each authority for that year shall be reduced by the appropriate amount so derived.

(2)(*a*) The needs element payable for each year to any local authority incurring relevant expenditure for that year shall be increased by the amount of such expenditure so estimated to be incurred by that authority.

(a) 1948 c. 43.

(*b*) For the purposes of the preceding sub-paragraph, any relevant expenditure of—

(i) a joint county council or of a joint committee or combination of local authorities allocated to, or falling to be defrayed by, a local authority by virtue of section 118(4) or section 119(3), both as read with section 214(2) of the Local Government (Scotland) Act 1947(a);

(ii) a county council falling to be allocated to a local authority by virtue of the said section 214(2),

shall be deemed to be relevant expenditure of that local authority.

6. The Secretary of State may from time to time and in like manner make such further apportionments and adjustments in respect of relevant expenditure for any year, taking into account information not previously available, as he considers necessary, and may give effect thereto by adjustments of the amounts of needs element payable to any local authority in any subsequent year.

Distribution of the Domestic Element

7.—(1) The amount of the domestic element payable to a local authority for any year shall be the amount which bears to the domestic element for that year the same proportion as the aggregate rateable value according to the valuation roll of all dwelling-houses in the area of the authority as at 16th May in that year bears to the aggregate rateable value of all dwelling-houses in Scotland according to the valuation rolls as at 16th May in that year.

(2) For the purposes of this regulation, the said aggregate rateable values shall be taken to be as estimated by the Secretary of State on the basis of the best information available to him at the time he makes the apportionment.

Population and Road Mileage

8. For the purposes of Part II of Schedule 1 to the Act and Schedule 3 to the Rate Support Grant (Scotland) Order 1967(b)—

(1) the population of and the number of children under 15 years of age in any area shall be calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages in Scotland relating to the 30th June in the year in respect of which the payment of resources element is made; and, in the case of the variation weighting, to estimates of the Registrar General of Births, Deaths and Marriages in Scotland relating to the 30th June next after the first and last days respectively of the period of 5 years in question;

(2) the road mileage for an area shall be calculated by reference to estimates of the Secretary of State relating to the 16th May in the last-mentioned year.

Estimates and Conclusive Calculations

9.—(1) Before the beginning of each year the Secretary of State shall, upon the best information available to him, estimate and notify to each local authority the amounts of the constituent elements of rate support grant for that year payable to the authority in that year; and during that year he may make and notify to any authority such further estimates of those amounts or any of them, taking into account information not previously available, as he considers necessary.

(a) 1947 c. 43. (b) S.I. 1967/270 (1967 I, p.981).

(2) The Secretary of State may from time to time make any further estimates which he considers necessary of the amount of any constituent element of rate support grant payable to any local authority for any preceding year and shall notify the amount of any estimate so made to the authority concerned.

(3) As soon as practicable after he has received what appears to him to be sufficient information for the purpose, the Secretary of State shall in respect of each year make a conclusive calculation of the amounts of the constituent elements of rate support grant payable to each local authority for that year, and shall notify these accordingly.

Excess Payments

10. Where it appears from any estimate or calculation made under the last preceding regulation that a sum in excess of the amount of the estimate or calculation has already been paid to a local authority in respect of any element of rate support grant for the year, the Secretary of State may recover the said sum by deduction from the amount payable in respect of any element for that or any subsequent year or by payment by the authority to him after a demand therefor or partly by such a deduction and partly by such a payment, as he thinks fit.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
8th May 1967.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations—

(*a*) provide for ascertaining the total expenditure incurred each year by certain local authorities on certain aspects of education, child care, health and welfare; for apportioning this expenditure among all local authorities in the same proportions as the aggregate amount of the relevant portion of the needs element of rate support grants is apportioned among them; and for giving effect to this redistribution of expenditure by means of increases and decreases in the needs element payable to each authority;

(*b*) set out the method of determining the amount of the domestic element of rate support grants payable to each local authority for 1967–68 and subsequent years; and

(*c*) determine the manner in and time at which population, the number of children under 15 and road mileages for any area are to be ascertained for the calculation of weighted population for the purpose of determining the standard penny rate product of a local authority for any year, and to provide for the making of estimates and conclusive calculations of the amounts of the constituent elements of rate support grants and for the recovery of excess payments thereof.