STATUTORY INSTRUMENTS

1975 No. 653 (S. 91)

LOCAL GOVERNMENT, SCOTLAND

The Rate Support Grant (Scotland) Regulations 1975

Made - - - -	16*th April* 1975
Laid before Parliament	25*th April* 1975
Coming into Operation	16*th May* 1975

In exercise of the powers conferred on me by section 6(1) of and paragraph 5 of Part I and paragraph 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:—

Citation and commencement

1. These regulations may be cited as the Rate Support Grant (Scotland) Regulations 1975 and shall come into operation on 16th May 1975.

Interpretation

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;

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

"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;

"education authority", "educational establishment", "further education", "public school", "pupil" and "special education" 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;

"expenditure" means net expenditure after deducting from gross expenditure all receipts, other than charges for further education vocational courses and for courses sponsored by Industrial Training Boards, specifically applicable towards meeting such expenditure;

(a) 1966 c. 51.
(b) 1889 c. 63.
(c) 1962 c. 47.

"local authority" means a regional, islands or district council;

"rating authority" has the same meaning as in section 109 of the Local Government (Scotland) Act 1973**(a)**;

"registered teacher" means a teacher registered under the Teaching Council (Scotland) Act 1965**(b)**; and

"year" has the meaning given to the financial year of a local authority in section 96(5) of the Local Government (Scotland) Act 1973.

Adjustment of needs element

3. This regulation and the next 3 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 regional and islands councils, being the classes of local authority specified in terms of that paragraph.

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

(*a*) 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;

(*b*) the attendance of registered teachers at approved in-service courses;

(*c*) the training of registered teachers as educational psychologists;

(*d*) the provision of education for children within the meaning of the Education (Scotland) Act, 1962 who—

(i) suffer from emotional instability or psychological disturbance;

(ii) an education authority have decided require special education; and

(iii) are in attendance at a residential school at which special education is provided;

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

(*f*) the provision for the purpose of the Social Work (Scotland) Act 1968**(c)** of residential establishments for children, established on or after 16th August 1972, providing education or long-term care in conditions of security;

(*g*) the provision for the purposes of the Social Work (Scotland) Act 1968 of residential establishments for persons specified in section 27(1)(*b*)(i) and (ii) of the said Act of 1968 (being persons subject to probation or subject to supervision following on release from detention) or for persons who are former offenders; and

(*h*) the training of persons undertaking approved courses of youth and community service training.

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 admissible expenditure for that year and shall apportion such aggregate among regional

(a) 1973 c. 65. **(b)** 1965 c. 19.
(c) 1968 c. 49.

and islands councils being the classes of local authority specified in terms of paragraph 5 of Part I of Schedule 1 to the Act in the same proportions as their populations bear to the total population 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 regional or islands council incurring admissible expenditure for that year shall be increased by the amount of such expenditure so estimated to be incurred by that authority.

(*b*) For the purpose of the preceding sub-paragraph, any admissible expenditure of a joint committee falling to be defrayed by a regional or islands council by virtue of section 58 of the Local Government (Scotland) Act 1973 shall be deemed to be admissible expenditure of that council.

6. The Secretary of State may from time to time and in like manner make such further apportionments and adjustments in respect of admissible 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 paid to any regional or islands council in any subsequent years.

Distribution of the Domestic Element

7.—(1) The amount of the domestic element payable to a rating 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 rolls in force as at the commencement of that year of all houses in the area of the authority bears to the aggregate rateable value of all dwelling-houses in Scotland according to the valuation rolls in force as at the commencement of 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 Area

8.—(1) For the purposes of Part I of Schedule 1 to the Act—

(*a*) the total population, the number of the population under 16 years of age and the number of the population 65 years of age and over in any area shall be calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages in Scotland relating to 30th June in the year immediately preceding the year to which the relevant rate support grant order relates;

(*b*) in relation to a region or an islands area, decrease of population shall be calculated by deducting total population calculated as in (*a*) above from total population calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages in Scotland relating to 30th June six years prior to 30th June in the year to which the order relates;

(*c*) in relation to a district, decrease of population shall be calculated by deducting total population calculated as in (*a*) above from total population calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages in Scotland relating to 30th June eleven years prior to 30th June in the year to which the order relates;

(*d*) any area expressed in square miles or in acres shall be as certified by the Ordnance Survey as at 31st December in the year prior to the year to which the relevant rate support grant order relates; and

(*e*) the population of a former county of a city shall be calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages in Scotland relating to 30th June 1974.

(2) In relation to the year 1975-76 for the purposes of Part II of Schedule 1 to the Act and in particular the calculation of the standard penny rate product for an area, the population of any area shall be the total population of the area calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages relating to 30th June 1975.

(3) In relation to any year subsequent to 1975-76, for the purposes of Part II of Schedule 1 to the Act and in particular the calculation of the standard penny rate product for an area, the population of any area shall be the total population of the area calculated by reference to estimates of the Registrar General of Births, Deaths and Marriages relating to 30th June in the year immediately preceding the year to which the relevant rate support grant order relates.

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 constituent elements of rate support grants for that year payable to the local authority in that year; and during that year he may make and notify to any local authority such further estimates of those amounts or any of them, taking into account information not previously available, as he considers necessary.

(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 grants payable to any local authority for any preceding year and shall notify the amount of any estimates so made to the local 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 grants payable to each local authority for that year, and shall notify these accordingly.

Excess Payments

10. If it appears from any estimate or calculation made under the last three preceding regulations 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 grants 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 therefore or partly by a deduction and partly by such a payment, as he thinks fit.

Regulations ceasing to have effect

11. The Rate Support Grant (Scotland) Regulations, 1967,(**a**), the Rate Support Grant (Scotland) (Amendment) Regulations 1968,(**b**), the Rate Support Grant (Scotland) (Amendment) Regulations 1969,(**c**), the Rate Support Grant (Scotland) Amendment Regulations 1970,(**d**), and the Rate Support Grant (Scotland) (Amendment) Regulations 1972,(**e**), shall not apply in relation to any years after 1974-75.

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

St Andrew's House,
Edinburgh.

16th April 1975.

(**a**) S.I. 1967/715 (1967 II, p. 2162).
(**b**) S.I. 1968/1889 (1968 III, p. 5033).
(**c**) S.I. 1969/670 (1969 II, p. 1843).
(**d**) S.I. 1970/705 (1970 II, p. 2238).
(**e**) S.I. 1972/1090 (1972 II, p. 3221).

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 and welfare; for apportioning this expenditure among regional and islands area councils and for giving effect to this re-distribution 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 1975-76 and subsequent years;

(*c*) determine the manner in and time at which total population, numbers of population under 16 years of age and aged 65 years of age and over, population of former counties of cities and area in square miles or acres for any area are to be ascertained for the purposes of distributing the needs and resources element; and

(*d*) 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.

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