



Local Government (Scotland) Act 1966

1966 CHAPTER 51

PART IV

Miscellaneous and General

35 Placing of staff etc. of local authority at disposal of Secretary of State or of another local authority.

- (1) A local authority [^{F1}within the meaning of [^{F2}section 227(1) of the Town and Country Planning (Scotland) Act 1997]] may enter into an agreement with the Secretary of State or another local authority for the placing at his or their disposal, for the purposes of any function of a party to the agreement under any enactment (including an enactment in any local Act) or any instrument whether passed or made before or after the passing of this Act, on such terms as may be provided by the agreement, of the services of persons employed by the local authority and of any premises, equipment and other facilities under their control.
- [^{F3}(1A) A local authority within the meaning of section 33 of the ^{M1}Vehicle and Driving Licences Act 1969 may enter into an agreement with the Minister of Transport for the placing at his disposal, for the purpose of any of the relevant functions within the meaning of the said Act of 1969, on such terms as may be provided by the agreement, of the services of persons employed by the local authority and of any premises, equipment and other facilities under their control.]
- (2) For the avoidance of doubt it is hereby declared that for superannuation purposes, in the absence of agreement to the contrary, service rendered by a person whose services are placed by a local authority at the disposal of the Secretary of State [^{F1}or the Minister of Transport] or another local authority in pursuance of this section is service rendered to the first-mentioned local authority.
- (3) In this section . . . ^{F4}“premises” includes land and buildings.

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, Part IV. (See end of Document for details)

Textual Amendments

- F1** Words inserted by [Vehicle and Driving Licences Act 1969 \(c. 27\)](#), [Sch. 1 para. 10\(a\)\(c\)](#)
F2 Words in [s. 35\(1\)](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 11\(1\)](#)
F3 [S. 35\(1A\)](#) added by [Vehicle and Driving Licences Act 1969 \(c. 27\)](#), [Sch. 1 para. 10\(b\)](#)
F4 Words repealed, by [Vehicle and Driving Licences Act 1969 \(c. 27\)](#), [Sch. 1 para. 10\(d\)](#), Sch. 3

Modifications etc. (not altering text)

- C1** [S. 35](#) applied (*temp.* from 6.4.1995 until 31.3.1996) by S.I. 1995/789, art. 2, [Sch. para. 1](#)
[S. 35](#) extended (8.9.2000) by [2000 asp 10](#), s. 36, [Sch. 5 para. 1](#) (with s. 32); S.S.I. 2000/312, [art. 2](#)
C2 [S. 35\(1\)\(2\)](#) applied with modification by [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), [s. 24\(5\)](#)
C3 Functions of Minister of Transport now exercisable by Secretary of State: S.I. 1970/1681
C4 [S. 35\(3\)](#) applied by [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), [s. 24\(5\)](#)

Marginal Citations

- M1** [1969 c. 27](#).

36, 37. **F5**

Textual Amendments

- F5** [Ss. 11\(3\), 36, 37, 39](#), [Sch. 5 paras. 1, 4](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

38 Amendment of section 187 of the Local Government (Scotland) Act 1947.

The fee payable to clerks of the peace when justices of the peace qualify as such shall henceforth be paid by the county council or town council concerned, and accordingly there shall be inserted at the end of section 187 of the ^{M2}Local Government (Scotland) Act 1947 the following words:—

“ In this section ”fees’ includes the fee for the time being prescribed by virtue of section 29 of the Licensing (Scotland) Act 1959 which is payable to clerks of the peace when justices of the peace qualify as such. ”.

Modifications etc. (not altering text)

- C5** Functions of clerk of the peace now generally exercisable in each commission area by an officer of local authority concerned: [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [s. 18](#)

Marginal Citations

- M2** [1947 c. 43](#).

39 **F6**

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, Part IV. (See end of Document for details)

Textual Amendments

F6 Ss. 11(3), 36, 37, 39, Sch. 5 paras. 1, 4 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

40 Interpretation of “public utility undertaking” in section 379(1) of Local Government (Scotland) Act 1947.

For the avoidance of doubt it is hereby declared that the definition of “public utility undertaking” in section 379(1) of the ^{M3}Local Government (Scotland) Act 1947 does not include an aerodrome undertaking or any business ancillary thereto.

Marginal Citations

M3 1947 c. 43.

41 Payments by local authorities to offset effect of selective employment tax.

A local authority within the meaning of [^{F7}the Town and Country Planning (Scotland) Act 1997] may make to any person such payments as the authority consider appropriate for the purpose of offsetting, either wholly or in part, payments by way of the selective employment tax made by that person in respect of persons employed for the purposes of any contract entered into by the authority before 4th May 1966.

Textual Amendments

F7 Words in s. 41 substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 11\(2\)](#)

42 Amendment of certain enactments relating to licences.

- (1) ^{F8}
- (2) The enactments mentioned in the first column of Part II of Schedule 4 to this Act (which specify fees or maximum fees for licences, certificates or permits to which those enactments relate or for registration under those enactments) may be amended, by an order made by the Minister or department specified in relation to the enactment in question in the second column of the said Part II, so as to vary any sum specified by that enactment or so as to provide that any sum payable under that enactment shall cease to be so payable; and an order under this subsection may be limited to such cases as may be specified by the order and may make different provision for different cases specified by the order.
- (3) Any statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F8 Ss. 42(1), 48(2), Sch. 4 Pt. I, Sch. 6 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, Part IV. (See end of Document for details)

Modifications etc. (not altering text)

C6 S. 42: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7)

43 F9

Textual Amendments

F9 S. 43 repealed by Local Government Act 1988 (c. 9, SIF, 81:1), s. 41, Sch. 7 Pt. IV

44 Game Licences.

- (1) The duties chargeable in Scotland under the ^{M4}Game Licences Act 1860 and section 5 of the ^{M5}Customs and Inland Revenue Act 1883 shall be levied by [^{F10}local authorities]and accordingly those duties shall cease to be Excise duties.
- (2) The Secretary of State may by order make such provision as it seems necessary or expedient to make for giving effect to the foregoing subsection, and without prejudice to that generality may make provision for—
 - (a) transferring to [^{F10}islands and district councils] the powers of the Commissioners of Customs and Excise in relation to duties and licences under the said Act of 1860;
 - (b) ^{F11}
 - (d) the form of, and the keeping of registers of, such licences.
- (3) Any statutory instrument containing an order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) This section shall come into force on 16th May 1967.

Textual Amendments

F10 Words in s. 44(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 67(3); S.I. 1996/323, art. 4(1)(c)

F11 S. 44(2)(b)(c) repealed by Post Office Act 1969 (c. 48), Sch. 11 Pt. II

Marginal Citations

M4 1860 c. 90.

M5 1883 c. 10.

45 Orders and regulations.

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) Any power conferred by this Act to make an order includes the power to vary or revoke the order by a subsequent order made in the like manner and subject to the like conditions.

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, Part IV. (See end of Document for details)

46 General interpretation.

- (1) In this Act, unless the context otherwise requires—
- “the Act of 1963” means the ^{M6}Local Government (Financial Provisions) (Scotland) Act 1963;
- ^{F12}
- “housing revenue account” has the same meaning as in section ^{F13}203 of the Housing (Scotland) Act 1987;
- “joint board” includes a combination or joint committee of local authorities;
- “land” includes land covered by water and any interest in or right over land;
- “local authority” means a ^{F14}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- ^{F15}
- ^{F16}“product of a rate of ^{F17}one new penny] in the pound” and “standard penny rate product” have the meanings assigned to them by section 9 of the Act of 1963;]
- ^{F18}
- ^{F19} “rating authority” has the meaning assigned to it by section 30 of the Local Government etc. (Scotland) Act 1994;]
- ^{F20} “road” has the same meaning as in the Roads (Scotland) Act 1984;]
- “Valuation Acts” means the ^{M7}Lands Valuation (Scotland) Act 1854, . . . ^{F21} the Acts amending that Act ^{F22}and any other enactment relating to valuation];
- ^{F23}
- “water undertaking” means an undertaking for the supply of water carried on by ^{F24}Scottish Water];
- “year” has the meaning assigned to it by section 26(2) of the Act of 1963; and
- “year of revaluation” has the meaning assigned to it by section ^{F25}37 of the ^{M8}Local Government (Scotland) Act 1975].
- (2) References in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment including this Act.

Textual Amendments

- F12** Definitions repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), **Sch. 11**
- F13** Words (which were substituted by [Housing \(Financial Provisions\) \(Scotland\) Act 1972 \(c. 46\)](#), Sch. 9 para. 13) substituted by virtue of [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(2), **Sch. 23 para. 11**
- F14** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), s. 122, **Sch. 9 para. 68**
- F15** Definition of “local water authority” repealed by [Water \(Scotland\) Act 1967 \(c. 78\)](#), **Sch. 6 Pt. II**
- F16** Definitions repealed (1.4.1994) by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, **Sch. 6**
- F17** S. 46(1): words in definition of “local authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 67(4)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F18** S. 46(1): definition of “rate” repealed (1.4.1995) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1994/3150, art. 4(d), **Sch. 2**
- F19** S. 46(1): definition of “rating authority” substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 67(4)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F20** Definition substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 58**

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, Part IV. (See end of Document for details)

- F21** Word repealed by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 103:2), s. 6, **Sch. 1 Pt. III para. 23(b)(i)**
- F22** Words inserted by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 103:2), s. 6, **Sch. 1 Pt. III para. 23(b)(ii)**
- F23** Definition of “Valuation roll” repealed by Local Government (Scotland) Act 1975 (c. 30), **Sch. 7**
- F24** Words in s. 46(1) in definition of “water undertaking” substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(2), **Sch. 7 para. 4** (with s. 67); S.S.I. 2002/118, **art. 2** (subject to art. 3)
- F25** Words substituted by Local Government (Scotland) Act 1975 (c. 30), **Sch. 6 Pt. II para. 36**

Modifications etc. (not altering text)

- C7** S. 46(1) applied by Local Government (Scotland) Act 1975 (c. 30), s. 6(1), **Sch. 1 para. 1**

Marginal Citations

- M6** 1963 c. 12.
M7 1854 c. 91.
M8 1975 c. 30.

47 Expenses.

There shall be defrayed out of moneys provided by Parliament—

- (a) any sums required for the payment of grants under this Act or of other expenses of the Secretary of State under this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other Act.

48 Amendments and repeals.

- (1) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) **F26**

Textual Amendments

- F26** Ss. 42(1), 48(2), Sch. 4 Pt. I, Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

Modifications etc. (not altering text)

- C8** The text of ss. 13 para. (b), 21, 48(1), Sch. 5 paras. 2, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

49 Short title and extent.

- (1) This Act may be cited as the Local Government (Scotland) Act 1966.
- (2) This Act shall extend to Scotland only.

Status:

Point in time view as at 01/04/2002.

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Scotland) Act 1966, Part IV.