



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART IV

COMMUNITY COUNCILS

Modifications etc. (not altering text)

C1 Pt. IV extended by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), s. 16, [Sch. 3 para. 1\(1\)](#)

51 Establishment and general purpose of community councils.

- (1) Every local authority ^{F1} . . . shall, before 16th May 1976, or such later date as may be agreed by the Secretary of State, submit to the Secretary of State, in accordance with the provisions of this Part of this Act, a scheme for the establishment of community councils for their area.
- (2) In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable.

^{F2}(3)

Textual Amendments

- F1 Words in s. 51(1) repealed (1.4.1996) by [1994 c. 39](#), s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(d), [Sch. 2](#)
- F2 S. 51(3) repealed (1.4.1996) by [1994 c. 39](#), s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(d), [Sch. 2](#)

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52 Schemes.

- (1) Every local authority shall give public notice of their intention to frame a scheme for the establishment of community councils, and any such notice shall invite the public, within a period of not less than eight weeks from the date of the notice, to make suggestions as to the areas and composition of the community councils.
- (2) After considering suggestions made under subsection (1) above, the local authority shall prepare and give public notice of a draft scheme which shall contain—
 - (a) a map showing the boundaries of the proposed areas of community councils and their populations, and the boundaries of any area for which the local authority consider a community council to be unnecessary;
 - (b) where a local authority consider that a community council is unnecessary for any area, a statement of their reasons for arriving at this conclusion;
 - (c) provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils;
 - (d) provisions concerning the procedures to be adopted by which the community councils on the one hand and the local and public authorities with responsibilities in the areas of the community councils on the other will keep each other informed on matters of mutual interest; and
 - (e) such other information as, in the opinion of the local authority, would help the public to make a reasonable appraisal of the scheme.
- (3) The notice mentioned in subsection (2) above shall invite the public, within a period of not less than eight weeks from the date of the notice, to make to the local authority representations as respects the draft scheme.
- (4) After considering any representations made under subsection (3) above, the local authority may amend the draft scheme to take account of those representations and shall submit the scheme to the Secretary of State for his approval along with any outstanding representations and their comments upon them.
- (5) The Secretary of State, after holding, if he thinks fit, a local inquiry in relation to the whole scheme or any part thereof, may approve, with or without modifications, a scheme submitted to him under subsection (4) above, or may refer the scheme back, in whole or in part, for further consideration by the local authority concerned.
- (6) After the Secretary of State has approved a scheme, the local authority shall give public notice of the scheme in its approved form together with public notice of such a scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned to apply in writing to the local authority for the establishment of a community council in accordance with the scheme.
- (7) Where not less than 20 electors apply as mentioned in subsection (6) above, the local authority shall, within not more than six weeks from the date of the application, organise, in accordance with the scheme, elections or other voting arrangements for the purpose of establishing the community council.

53 Amendment of schemes.

- (1) Having regard to changing circumstances and to any representations made to them, every local authority shall from time to time review schemes made and approved under section 52 of this Act and, where they consider that such a scheme ought to

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be amended, they shall give public notice of their proposals, inviting any community council concerned and the public to make to the local authority representations as respects the proposals.

[^{F3}(2) The local authority shall consider any representations made under subsection (1) above and may amend the scheme in accordance with—

- (a) the notified proposals; or
- (b) those proposals as amended to take account of any such representations:

Provided that the scheme shall not be amended under paragraph (b) of this subsection unless public notice of the amendments to the proposals has been given with a further invitation to make representations under subsection (1) above.

(3) A decision of the local authority—

- (a) to review, under subsection (1) above; or
- (b) to amend, under subsection (2) above,

a scheme, shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.]

^{F4}(4)

Textual Amendments

- F3** S. 53(2)(3) substituted for s. 53(2)–(4) by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\)](#), s. 25, [Sch. 2 para. 31\(1\)](#) by Sch. 2 para. 3(2) it is provided that [para. 31\(1\)](#) has no effect as regards the operation of s. 53 in relation to proposals which were submitted to the Secretary of State before 11.6.1981 under s. 53(3))
- F4** S. 53(4) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\)](#), s. 25, [Sch. 2 para. 31\(2\)](#), [Sch. 4](#) (by Sch. 2 para. 31(2) it is provided that [para. 31\(1\)](#) and, in so far as relating to s. 53, Sch. 4 to that Act have no effect as regards the operation of s. 53 in relation to proposals which, before 11.6.1981, were submitted to the Secretary of State under s. 53(3))

^{F5}54

Textual Amendments

- F5** S. 54 repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\)](#), [Sch. 4](#)

55 Assistance to community councils.

^{F6} . . . [^{F7}councils for local government areas] may make such contributions as they think fit towards the expenses of community councils within their areas, may make loans to those councils and may, at the request of such community councils, provide them with staff, services, accommodation, furniture, vehicles and equipment, on such terms as to payment or otherwise as may be agreed between the councils concerned.

Textual Amendments

- F6** Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [Sch. 4 Pt. I](#)

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F7 Words in s. 55 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 92(13)**; S.I. 1996/323, **art. 4(1)(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)