



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART VI

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

##### *Miscellaneous*

#### **83 Power of local authorities to incur expenditure for certain purposes not otherwise authorised**

- (1) A local authority may, subject to the provisions of this section, incur expenditure which in their opinion is in the interests of their area or any part of it or all or some of its inhabitants, but a local authority shall not, by virtue of this subsection, incur any expenditure for a purpose for which they are, either unconditionally or subject to any limitation or to the satisfaction of any condition, authorised or required to make any payment by or by virtue of any other enactment.
- (2) It is hereby declared that the power of a local authority to incur expenditure under subsection (1) above includes power to do so by contributing towards the defraying of expenditure by another local authority in or in connection with the exercise of that other authority's functions.
- (3) A local authority may, subject as aforesaid, incur expenditure on contributions to any of the following funds, that is to say—
  - (a) the funds of any charitable body in furtherance of its work in the United Kingdom ; or
  - (b) the funds of any body which provides any public service in the United Kingdom otherwise than for the purposes of gain; or
  - (c) any fund which is raised in connection with a particular event directly affecting persons resident in the United Kingdom on behalf of whom a public appeal for contributions has been made by a chairman of a regional, islands or district council, a chairman of a community council, a lord-lieutenant or by a body of which any of these persons is a member.

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- (4) The expenditure of a local authority under this section in any financial year shall not exceed the product of a rate of 2p in the pound for their area for that year or, if some other amount, whether higher or lower, is fixed by an order made by the Secretary of State, shall not exceed the product of a rate of that amount in the pound for their area for that year.
- (5) A statutory instrument containing an order under subsection (4) above may apply to all local authorities or may make different provision in relation to local authorities of different descriptions.
- (6) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **84 Powers of local authorities with respect to emergencies or disasters**

- (1) Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and a local authority are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants, the authority may—
  - (a) incur such expenditure as they consider necessary in taking action themselves (either alone or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in their area or among its inhabitants the effects or potential effects of the event; and
  - (b) make grants or loans to other persons or bodies on conditions determined by the authority in respect of any such action taken by those persons or bodies.
- (2) Where a local authority take any such action as aforesaid which will involve their incurring expenditure or make any such grant or loan, they shall as soon as practicable notify the Secretary of State of the action they have taken or of any grant or loan they have made, and the Secretary of State may direct them to cease taking that action or to take it only to such extent as he may specify in the direction or not to make any further grant or loan or to make one not exceeding such amount as he may specify.
- (3) The power conferred by subsection (1) above shall be in addition to, and not in derogation of, any power conferred on a local authority by or under any other enactment, including any enactment contained in this Act.
- (4) In this section, " local authority" includes an existing local authority.

#### **85 Acceptance of gifts of property**

A local authority may accept, hold and administer—

- (a) for the purpose of discharging any of their functions, gifts of property, whether heritable or moveable, made for that purpose ; or
- (b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose ;

and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

## **86 Insurance by local authorities against accidents to members**

- (1) A local authority may enter into a contract with any person whereby, in consideration of payments by the authority by way of premium or otherwise, that person undertakes to pay to the authority such sums as may be provided in the contract in the event of any member of the authority meeting with a personal accident, whether fatal or not, while he is engaged on the business of the authority.
- (2) Any sum received by the authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the member concerned.
- (3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract, but any such contract shall be deemed for the purposes of the Insurance Companies Act 1958 to be a policy of insurance upon the happening of personal accidents.
- (4) In this section, the expression " member of the authority " includes a member of a committee or sub-committee of the authority who is not a member of that authority.

## **87 Research and the collection of information**

- (1) A council may conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning their area or any part thereof and may make, or assist in the making of arrangements whereby any such information and the results of any such investigation are made available to any other local authority in the area, any government department or the public.
- (2) The appropriate Minister with respect to any matter may require a council to provide him with any information with respect to that matter which is in the possession of, or available to, that council or any other local authority in the area of the council in consequence of the exercise of any power conferred by or under any enactment; and where such requirement is made in respect of any information which is in the possession of, or available to, any other local authority in the area, but not the council, the council may require that other authority to furnish them with that information.
- (3) In this section " council " means a regional or islands council.

## **88 Provision of information, etc., relating to matters affecting local government**

- (1) A local authority may make, or assist in the making of, arrangements whereby the public may on application readily obtain, either at premises specially maintained for the purpose or otherwise, information concerning the services available within the area of the authority provided either by the authority or by other authorities or by government departments, or by charities and other voluntary organisations, and other information as to local government matters affecting the area.
- (2) A local authority may—
  - (a) arrange for the publication within their area of information on matters relating to local government; and
  - (b) arrange for the delivery of lectures and addresses and the holding of discussions on such matters; and
  - (c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such matters; and

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- (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held as aforesaid.

## **89 Subscriptions to local government associations**

A local authority may pay reasonable subscriptions, whether annually or otherwise, to the funds—

- (a) of any association of local authorities formed (whether inside or outside the United Kingdom) for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government, or
- (b) of any association of officers or members of local authorities which was so formed.

## **90 Power to encourage visitors and provide conference and other facilities**

- (1) A local authority may (either alone or jointly with any other person or body)—
  - (a) encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes or to hold conferences, trade fairs and exhibitions in their area; and
  - (b) provide, or encourage any other person or body to provide, facilities for recreation, conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.
- (2) Without prejudice to subsection (1) above, a local authority may contribute to any organisation approved by the Secretary of State for the purposes of this subsection and established for the purpose of encouraging persons to visit the United Kingdom or any part thereof.

## **91 Social, cultural and recreative activities**

- (1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for the purpose of the provision of adequate facilities for social, cultural and recreative activities, and in particular, but without prejudice to that generality, for any of the following purposes, that is to say—
  - (a) the provision of an entertainment of any nature or of facilities for dancing;
  - (b) the development and improvement of the knowledge, understanding and practice of the arts and crafts;
  - (c) the provision of a theatre, cultural centre, arts centre, concert hall, dance hall, community centre or other premises suitable for social, cultural or recreative activities;
  - (d) the maintenance of a band, orchestra or theatrical company or any other body for the promotion of all or any of the activities aforesaid ;
  - (e) any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any such activities.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, a local authority—
  - (a) may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control;

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- (b) may permit any premises provided by them for the purposes of subsection (1) above and any part of a park or pleasure ground enclosed or set apart as aforesaid, to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto;
  - (c) may themselves make charges for admission to or participation in any entertainment given or social, cultural or recreative activity promoted by them and for any refreshment or programme supplied at or in connection with any such entertainment or activity.
- (3) Regional councils shall have a duty, in consultation with district councils within their region, to ensure that there is an adequate provision of facilities for the inhabitants of their region for social, cultural and recreative activities.
- (4) Subsection (2) above shall not authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.
- (5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of exciseable liquor.
- (6) No certificate shall be granted under the Licensing (Scotland) Acts 1959 to 1969 for the sale of exciseable liquor in any premises provided under this section in Scotland, but nothing in this subsection shall render it unlawful to grant under section 60 of the Licensing (Scotland) Act 1959 a special permission for an entertainment on any such premises.

## **92 Transfer of securities on alteration of area, etc.**

- (1) Where any securities are standing in the books of a company in the name of a local authority the following provisions shall have effect—
- (a) if the name of the authority is changed, then at the request of the authority and on production of a statutory declaration by the proper officer of the authority specifying the securities and verifying the change of name and identity of the authority, the company shall enter the securities in the new name of the local authority in like manner as if the securities had been transferred to the authority under that name ;
  - (b) if by virtue of anything done under any provision of this Act or any enactment similar to any such provision (whenever passed), any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, a certificate of the proper officer of the council of that other authority or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the securities into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends or interest to that authority;
  - (c) if in any other case any other local authority have become entitled to the securities or any dividends or interest thereon, as the case may be, the Court of Session may on the petition of that other authority make an order vesting

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in that other authority the right to transfer the securities or to receive the dividends or interest, as the case may be.

(2) In this section, the expression—

" company " includes the Bank of England and any company or person keeping books in which any securities are registered or inscribed ;

" securities " has the same meaning as in the Prevention of Fraud (Investments) Act 1958.