



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART V

INTERNAL ORGANISATION

Discharge of functions

[^{F1}62A Incorporation of joint committees.

(1) Where—

- (a) arrangements are made (whether under this Act or any other enactment) for two or more local authorities (in this Part of this Act referred to as “the relevant authorities”) to discharge any of their functions, or any functions in any area, jointly;
- (b) the relevant authorities have—
 - (i) appointed, or propose to appoint, a joint committee to discharge those functions; and
 - (ii) advertised their proposals in accordance with subsection (2) below; and
- (c) application is made, in writing, to the Secretary of State by the relevant authorities for the incorporation of that joint committee (or proposed joint committee) as a joint board to carry out those functions,

the Secretary of State may by order establish a joint board in accordance with this section to discharge those functions.

(2) Before applying to the Secretary of State under subsection (1)(c) above, the relevant authorities shall place in at least one daily newspaper circulating in their areas an advertisement—

- (a) giving brief details of what they propose to do;
- (b) giving an address to which representations about the proposal may be sent; and

Changes to legislation: Local Government (Scotland) Act 1973, Section 62A is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) fixing a date, being not less than 8 weeks after the date on which the advertisement appears, within which representations may be made, and they shall include with their application evidence that an advertisement has been placed.
- (3) Where any representations are timeously made in response to an advertisement placed in accordance with subsection (2) above, the relevant authorities shall consider them and shall include with their application a statement that they have done so.
- (4) An order under subsection (1) above shall delegate to the joint board such of the functions of the relevant authorities as may be specified in the order and may include provision with respect to—
- (a) the constitution and proceedings of the joint board;
 - (b) matters relating to the membership of the joint board;
 - (c) the transfer to the joint board of any property, rights and liabilities of the relevant authorities;
 - (d) the transfer to the joint board of any staff of the relevant authorities;
 - (e) the supply of services or facilities by the relevant authorities to the joint board,
- and may, without prejudice to the generality of paragraphs (a) to (e) above, apply (with or without modifications) any of the provisions of Part V of this Act to a joint board as those provisions apply to a joint committee.
- (5) A joint board established under this section shall be a body corporate and shall have a common seal.
- (6) An order under subsection (1) above shall be in terms agreed by the relevant authorities.
- (7) An instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F1 Ss. 62A-62C inserted (1.4.1996) by 1994 c. 39, s. 20; S.I. 1995/702, art. 6

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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](#)