

SCHEDULES

FOURTH SCHEDULE

Section 6.

CONSEQUENTIAL MODIFICATIONS OF ENACTMENTS

PART I

Modifications consequential on Part I of this Act

The Ministry of Transport Act, 1919

- 1 In section seventeen of the Ministry of Transport Act, 1919, in subsection (2) the words from " and may " to the end shall cease to have effect.

The Road Traffic Act, 1930

- 2 In section fifty-seven of the Road Traffic Act, 1930, subsections (3) and (4) shall cease to have effect.

The Children and Young Persons (Scotland) Act, 1937

- 3 (1) In subsection (3) of section ninety of the Children and Young Persons (Scotland) Act, 1937, after the words " for the time being residing, and" there shall be inserted the words " in the case of a child or young person ordered to be sent to an approved school " ; for the words " such authority " there shall be substituted the words " the education authority " ; and at the end of the subsection there shall be added the words " and in any other case shall (unless the child or young person has been committed to, or received into, the care of the authority to whom the contributions were payable) be paid over to the local authority to whose care the child or young person has been committed, or into whose care the child or young person has been received, but subject to such deductions in respect of services rendered by the local authority to whom the contributions were payable as may be agreed between the authorities concerned or as, in default of agreement, may be determined by the Secretary of State.
- (2) Any reference in paragraph (b) of subsection (2) of section ninety-one, and in subsection (1) of section ninety-two, of the said Act of 1937 to a local authority entitled to receive contributions made under Part V of that Act in respect of a child or young person shall be construed as a reference to the local authority to whom the contributions are payable by the person liable to make them.
- (3) In section ninety-three of the said Act of 1937 in subsection (1), after the words " fit person " there shall be inserted the words " not being a local authority " .

The Physical Training and Recreation Act, 1937

- 4 In section three of the Physical Training and Recreation Act, 1937, in paragraphs (a) and (b) of subsection (1), for any reference to a local authority there shall be substituted a reference to a district council.

The Pensions (Increase) Act, 1944

- 5 In section nine of the Pensions (Increase) Act, 1944, for paragraph (d) there shall be substituted the following paragraph, that is to say—

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“(d) any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Education (Scotland) Act, 1946, shall be defrayed out of moneys provided by Parliament.”

The Education (Scotland) Act, 1946

6 (1) In section one of the Education (Scotland) Act, 1946, there shall be added at the end the following subsection, that is to say—

“(8) The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in exercising their functions under this section.”

(2) Section sixty-nine of the said Act of 1946 shall cease to have effect.

(3) In section seventy of the said Act of 1946—

- (a) for the words "The Education (Scotland) Fund in any year shall be applied " there shall be substituted the words " The Secretary of State may, out of moneys provided by Parliament, apply such sums as he thinks necessary ";
- (b) in paragraph (1) the words " in so far as such expenses are not provided for from moneys voted by Parliament" shall be omitted ;
- (c) paragraph (4) shall cease to have effect;
- (d) in paragraph (7) the words " in addition to any sums voted by Parliament for the training of teachers " shall be omitted ;
- (e) in paragraph (12) the words " to the application of the balance as nearly as may be " shall be omitted ; and
- (f) in paragraph (12) after the words " education authorities " there shall be inserted the words " not being relevant expenditure for the purposes of Part I of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958. "

(4) In section seventy-one of the said Act of 1946, in subsection (1), the words from " The said regulations " to the end of the subsection shall cease to have effect.

(5) In section seventy-six of the said Act of 1946, in subsection (1), the words " from the Education (Scotland) Fund or" shall be omitted.

(6) In section one hundred and three of the said Act of 1946, in subsection (4), after the words "made by the Secretary of State", there shall be inserted the words " or under any enactment, to the body or education authority, or, in the case of an education authority which is a joint county council, to any constituent council thereof, " , and after subsection (5) there shall be added the following subsection, that is to say—

“(6) All sums collected or recovered by the Secretary of State under this section shall be paid into the Exchequer.”

(7) In section one hundred and forty-three, in subsection (1), for the definition of "code" there shall be substituted the following definition, that is to say—

“‘ code ’ means regulations made under subsection (8) of section one of this Act.”

(8) In the Third Schedule to the said Act of 1946, in paragraph 3 of Part I, there shall be added at the end the words " and may include provision for the treatment as having been paid into the revenue of the account kept under section one hundred and six of this Act of a sum which in the opinion of the Secretary of State represents the

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employers' interest in the Fund having regard to the sums contributed to the Fund by teachers and employers, to the extent to which the employers' contributions were aided by grant from moneys provided by Parliament and to the expenditure from the Fund. "

- (9) In the Fourth Schedule to the said Act of 1946, in sub-paragraph (b) of paragraph 2, for the words "the Education (Scotland) Fund" there shall be substituted the words " moneys provided by Parliament ".

The National Health Service (Scotland) Act, 1947

- 7 In section fifty-three of the National Health Service (Scotland) Act, 1947, subsections (1) to (3) shall cease to have effect.

The Fire Services Act, 1947

- 8 Section twenty-five and subsection (17) of section thirty-six of the Fire Services Act, 1947, shall cease to have effect.

The Local Government (Scotland) Act, 1947

- 9 In section one hundred and four of the Local Government (Scotland) Act, 1947, subsection (2) shall cease to have effect.

The Town and Country Planning (Scotland) Act, 1947

- 10 In section eighty-nine of the Town and Country Planning (Scotland) Act, 1947, in subsection (1), in paragraph (a), after the word " acquisition " there shall be inserted the words " for major redevelopment ", and after the word " acquired " there shall be inserted the words " for such redevelopment " ; in paragraph (b), after the word " compensation " where it first occurs, there shall be inserted the words " in respect of land of the National Coal Board to which the Fifth Schedule to this Act applies by virtue of regulations under section eighty-six of this Act, being compensation payable ", and for the words from the first " twenty-two " to the end of the paragraph there shall be substituted the words " twenty-three or twenty-four of this Act in respect of such land of the National Coal Board as aforesaid " ; paragraph (c) shall cease to have effect; at the end of the subsection there shall be inserted—

“In this Act " major redevelopment " means redevelopment of an area as a whole (including the re-location of population or industry, and the replacement of open space, for the purposes of such redevelopment) which appears to the Secretary of State, after consultation with the local planning authority concerned to be, by reason of the scale of the operations involved of major importance to the proper planning of the local planning authority's district and to be likely (either by itself or along with commitments already undertaken or proposed to be undertaken by way of redevelopment by the authority) to impose an unreasonable burden on the financial resources of the local planning authority ; and in subsection (4) the proviso shall cease to have effect.”

The Local Government Act, 1948

- 11 (1) Section twenty-three of the Local Government Act, 1948, shall cease to have effect.
- (2) Subsection (1) of section twenty-four of the Local Government Act, 1948, shall have effect as if any reference therein to an exchequer equalisation grant were a reference to a general grant payable under this Act.
- (3) In section one hundred and fourteen of the Local Government Act, 1948, in the proviso to subsection (2), the words " or out of the Education (Scotland) Fund " shall be omitted, and in subsection (4), after the word " Parliament ", there shall be inserted

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the words " under any enactment, whether passed before or after the passing of this Act ".

The National Assistance Act, 1948

- 12 Section twenty-eight of the National Assistance Act, 1948, shall cease to have effect.

The Superannuation (Miscellaneous Provisions) Act, 1948

- 13 (1) In section one of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (3), the words "or into or out of the Education (Scotland) Fund " shall be omitted.
- (2) In section two of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (4), the words " or out of the Education (Scotland) Fund " and the words " into the Education (Scotland) Fund " shall be omitted, and subsection (8) shall cease to have effect.
- (3) In section seventeen of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (1), the definition of " pension fund " shall have effect with the substitution for the reference to the Education (Scotland) Fund of a reference to the Exchequer.

The Children Act, 1948

- 14 (1) In section forty-six of the Children Act, 1948, in subsection (2), the words " with the consent of the Secretary of State " shall be omitted.
- (2) Section forty-seven of the Children Act, 1948, shall cease to have effect.

The Prevention of Damage by Pests Act, 1949

- 15 Section eleven of the Prevention of Damage by Pests Act, 1949, shall cease to have effect.

The Representation of the People Act, 1949

- 16 (1) In section forty-three of the Representation of the People Act, 1949, in subsection (1), paragraph (a) shall cease to have effect, and in subsection (3) the words from " and any sums " to " the Exchequer of the United Kingdom" shall be omitted.
- (2) In section forty-four of the Representation of the People Act, 1949, in subsection (3), for the words " the Treasury", in each place where they occur, there shall be substituted the words " the Secretary of State " , but nothing in this sub-paragraph shall affect any scale of expenses framed, or sanction given, before the coming into effect of this paragraph.

The Vehicles (Excise) Act, 1949

- 17 In section twenty-four of the Vehicles (Excise) Act, 1949, paragraph (b) of subsection (1) shall cease to have effect.

The School Crossing Patrols Act, 1953

- 18 In section three of the School Crossing Patrols Act, 1953, subsections (1) and (2) shall cease to have effect.

The Pensions (Increase) Act, 1956

- 19 (1) In section two of the Pensions (Increase) Act, 1956, in subsection (1), the words " or out of the Education (Scotland) Fund " shall be omitted.
- (2) In section twelve of the Pensions (Increase) Act, 1956, in subsection (2), for the words "the Education (Scotland) Fund" there shall be substituted the words " moneys provided by Parliament " and the words from " and for the purpose of " to the end of the subsection shall cease to have effect.

The Road Traffic Act, 1956

- 20 In section five of the Road Traffic Act, 1956, in subsection (2), at the end there shall be added the words " being arrangements made by authorities or bodies other than local authorities. " ; and in subsection (4), the words "and grants in respect thereof" shall cease to have effect.

PART II

Modifications consequential on the Local Government Act, 1958

- 21 In section one of the Act of 1954, in subsection (1), in paragraph (b), for the words " Exchequer Equalisation Grants " there shall be substituted the words " Rate-deficiency Grants ".
- 22 In section twenty-six of the Act of 1956, in subsection (2), paragraph (a) shall cease to have effect.
- 23 In the Sixth Schedule to the Act of 1956—
- (a) for paragraph 1 there shall be substituted the following paragraph, that is to say—
 - “1 (1) The Minister of Housing and Local Government (hereinafter referred to as " the Minister") shall estimate and certify—
 - (a) the total amount of the expenditure (as defined in subsection (5) or, as the case may be, subsection (6), as read with subsections (7) and (8) of section five of the Local Government Act, 1958) of all local authorities (as defined for the purposes of the said section five) in England and Wales for the twelve months ending on the thirty-first day of March in the year in question; and
 - (b) the total of the weighted populations of all counties and county boroughs in England and Wales.
 - (2) In this paragraph the expression " the weighted population " in relation to a county or county borough means the population thereof plus the number of children under fifteen years of age therein and, in the case of a county the population whereof divided by the road-mileage thereof is less than seventy, plus also one-third of the additional population needed in order that the population thereof divided by the road-mileage thereof should be seventy.”;
 - (b) in paragraph 3, for the words "sub-paragraph (a)" there shall be substituted the words " head (a) of sub-paragraph (1) ";
 - (c) in paragraph 4, for the words "Exchequer Equalisation Grants" there shall be substituted the words " Rate-deficiency Grants ", and for the words " total amount of the relevant local expenditure of all the counties and county boroughs in England and Wales " there shall be substituted the words " amount certified under head (a) of sub-paragraph (1) of paragraph 1 of this Schedule "; and
 - (d) for paragraph 7 there shall be substituted the following paragraph, that is to say—

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- “7 (1) The Secretary of State shall estimate and certify the amount arrived at by deducting from the total of the relevant local expenditure of all burghs and landward areas in Scotland for the year in question the cost of the collection of rates for that year, and adding an amount equal to the total of the sums falling to be paid for that year to the Secretary of State by the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board and the British Transport Commission under Part V of the Local Government Act, 1948, for the benefit of local authorities in Scotland.
- (2) There shall be calculated the sum which bears to the amount certified under the foregoing sub-paragraph the same proportion as the notional Exchequer Grant for Scotland bears to the notional relevant local expenditure for Scotland, and the sum so arrived at is the amount last mentioned in subsection (1) of section twenty-six of this Act.”

PART III

Commencement of Fourth Schedule

- 24 (1) The following provisions of this Schedule, that is to say—
paragraph 5,
in paragraph 6, sub-paragraph (2), heads . (a) to (e) of sub-paragraph (3), sub-paragraphs (5), (6), (8) and (9),
in paragraph 11, sub-paragraph (3),
paragraph 13, and
paragraph 19,
shall come into operation on the first day of April, nineteen hundred and fifty-nine.
- (2) Subject to the foregoing sub-paragraph the provisions of this Schedule shall come into operation for the purposes of 'the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and subsequent years, but not for those of any earlier year.