CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Airdrie Burgh Extension &c. [11th December 1936.]

A.D. 1936.

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Short title.

2. This Act may be cited as the Airdrie Burgh Extension &c. Order Confirmation Act 1936.

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SCHEDULE.

AIRDRIE BURGH EXTENSION &c.

Provisional Order to extend the municipal and police boundaries of the burgh of Airdrie in the county of Lanark to confer further powers on the provost magistrates and councillors of the said burgh with regard to their gas undertaking to authorise them to borrow money to make provision with respect to the local government health and finance of the burgh and for other purposes.

WHEREAS the burgh of Airdrie in the county of Lanark (hereinafter called "the burgh") is a burgh which formerly contributed to send a member to Parliament but is now included within the Coatbridge Parliamentary Division of the county of Lanark and the provost magistrates and councillors of the burgh (hereinafter called "the Corporation") are the police public health municipal local and road authority within the burgh and are charged with the administration and management thereof:

And whereas the lands available for the erection of dwelling-houses within the burgh are limited and it is necessary to provide for the erection of houses on lands outwith the existing boundaries thereof for the accommodation of persons employed therein and additional lands will be required for such purposes:

And whereas the demand for additional houses arising from and in consequence of an increased population the necessity of relieving the overcrowding which prevails in parts of the burgh and the clearance of slum property cannot be met within the existing burgh and it is expedient that such houses should be built within the burgh boundaries:

And whereas for the purposes of providing housing accommodation for the inhabitants of the burgh the Corporation have purchased land in the county of Lanark outside the burgh boundaries and have erected

and are proceeding with the erection of houses thereon and additional lands which can only be obtained in the county of Lanark will be required for such purposes and it is expedient that such lands should be included within the boundaries of the burgh:

And whereas owing to the insufficiency of open spaces within the existing burgh available for the purposes of health and recreation ground outwith and immediately adjoining the existing burgh is used for such purposes by the inhabitants and others and it is expedient that the use thereof should be subject to municipal regulation:

And whereas the areas described in the First Schedule to this Order are situate in the county of Lanark and immediately adjoin the existing burgh and there is community of interest between the said areas and the burgh and the Corporation are owners of certain lands and properties in the said areas:

And whereas it is expedient that the boundaries of the existing burgh should be extended so as to include the said areas as in this Order provided and that all franchises rights privileges and immunities of and pertaining to the existing burgh and the powers and jurisdictions of the Corporation and all other powers and jurisdictions applicable within the existing burgh and all public and local Acts and Orders relating to and in force for the time being within or applicable to the existing burgh should as by this Order provided be applied to the burgh as extended by this Order and to the inhabitants thereof:

And whereas it is expedient that subject to the provisions of this Order the said areas should be separated and disjoined for the purposes of this Order from the county of Lanark and that subject to the provisions of the Local Government (Scotland) Act 1929 and of this Order all matters of administration and management and all jurisdictions powers functions and authorities within the said areas should devolve upon and be vested in the Corporation: 19 & 20 Geo. 5. c. 25.

And whereas it is expedient that the said areas should be added to certain existing wards of the burgh as in this Order provided:

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And whereas it is expedient to authorise the Corporation to borrow further money for the purposes in this Order mentioned and to make further provision with regard to the finances of the Corporation:

And whereas it is expedient that the further provisions in this Order contained should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the said last-mentioned Act the Secretary of State orders as follows:—

PART I.

PRELIMINARY.

Short and collective titles.

1. This Order may be cited as the Airdrie Burgh Extension &c. Order 1936.

This Order and the Airdrie Corporation Acts 1821 to 1927 may be cited together as the Airdrie Corporation Acts 1821 to 1936.

This Order and the Airdrie Corporation Gas Orders 1904 to 1927 may be cited together as the Airdrie Corporation Gas Orders 1904 to 1936.

Commencement.

2. This Order shall except as otherwise expressly provided come into operation on the date of the passing of the Act confirming this Order (which date is hereinafter referred to as "the commencement of this Order").

Order divided into Parts.

3. This Order is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Extension of boundaries.

Part III.—Gas.

Part IV.—Financial and rating.

Part V.—Miscellaneous.

4. The following Acts are hereby incorporated with this Order (namely) :— Incorporation of Acts.

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) and section 38 (relating to accounts); 10 & 11 Vict. c. 15.

The Gasworks Clauses Act 1871 (except sections 7 (relating to receipts of guardians &c.) 8 (relating to appointment of a receiver) and 35 (relating to accounts)); 34 & 35 Vict. c. 41.

and this Order shall be deemed to be a special Act within the meaning of those Acts.

5. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order or by any public or local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings And in this Order unless the context otherwise requires the following expressions shall have the meanings assigned to them in this section (that is to say) :— Interpretation.

"Added areas" means the portions of the county of Lanark by this Order incorporated with the existing burgh and shown on the map to be deposited in accordance with the provisions of the section of this Order of which the marginal note is "Map of burgh";

"Burgh" means the burgh of Airdrie as extended by this Order;

"Burgh fund" means the burgh fund established under and in pursuance of Part IV of this Order;

"Common good" means the common good of the burgh;

"Consolidated rate" means the consolidated rate of the burgh;

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PART I. —*cont.*

"Corporation" means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be;

"County council" means the county council of the county of Lanark;

"Daily penalty" in relation to any offence means a penalty in respect of every day on which the offence is continued after conviction therefor;

"Dean of guild" means the dean of guild of the burgh elected in pursuance of the Airdrie Burgh Extension Act 1885; 48 & 49 Vict. c. xl.

"Dean of guild court" means the dean of guild court of the burgh;

"District councils" means the No. 7 and the No. 9 district councils of the county of Lanark;

"Election Acts" means the Acts in force for the time being relating to the registration of parliamentary and local government electors and the election of town councillors;

"Electricity agreement" means the agreement between the Corporation and the Clyde Valley Electrical Power Company dated the twenty-ninth day of October one thousand nine hundred and thirty-four and the sixth day of November one thousand nine hundred and thirty-four relating to the electricity undertaking;

"Electricity undertaking" means the electricity undertaking of the Corporation for the time being authorised;

"Existing burgh" means the burgh of Airdrie within the limits and boundaries existing immediately previous to the commencement of Part II of this Order;

"Gas limits" means the limits within which the Corporation are authorised by the Gas Orders to supply gas;

"Gas Orders" means the Airdrie Corporation Gas Orders 1904 to 1927;

"Gas undertaking" means the gas undertaking of the Corporation;

"Lands and heritages" means lands and heritages as defined in the Valuation Acts;

"Liabilities" unless where otherwise expressly provided includes all debts and liabilities to which any person is or but for the confirmation of this Order would be liable or subject whether accrued due at the commencement of Part II of this Order or subsequently accruing;

"Local rates" means the consolidated rate;

"Magistrates" means the magistrates of the existing burgh or of the burgh as the case may be;

"Office" includes any place situation or employment;

"Powers" includes rights authorities jurisdictions civil and criminal capacities privileges and immunities;

"Property" includes all property heritable and moveable and all estates interests servitudes and rights in to and out of property heritable and moveable including things forming the subject of suit claim or process and registers books and documents and when used in relation to any sheriff clerk town clerk clerk of the peace county clerk town council county council district council justices board or other authority means and includes any property which at the commencement of Part II of this Order belongs to or is vested in or held in trust for or would but for the passing of the Act confirming this Order have on or after that date belonged to or been vested in or held in trust for such sheriff clerk town clerk clerk of the peace county clerk town council county council district council justices board or other authority;

"Public utility undertakings" means the gas undertaking and the electricity undertaking;

"Sheriff" and "sheriff clerk" mean respectively the sheriff of the county of Lanark and any of his substitutes and the sheriff clerk of the county of Lanark;

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PART I. —*cont.*

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed or of any county council or municipal corporation or other local authority including the Corporation but does not include any security transferable by delivery;

"Town clerk" and "chamberlain" mean respectively the town clerk and the town chamberlain of the existing burgh or of the burgh as the case may be;

"Valuation Acts" means the Acts in force for the time being relating to the valuation of lands and heritages.

PART II.

EXTENSION OF BOUNDARIES.

Commencement of Part II of Order.

6. This Part of this Order shall (except as hereinafter provided) come into operation on and from the sixteenth day of May one thousand nine hundred and thirty-seven.

Extension of boundaries.

7. The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend in addition to the area embraced in the existing burgh the lands and areas within the limits defined in the First Schedule to this Order situated in the parishes of New Monkland and Old Monkland and the county of Lanark Provided that the rules prescribed by the Representation of the People Acts shall be observed and receive effect with reference to the description of boundaries contained in the said schedule.

Map of burgh.

8. A map of the burgh (distinguishing the added areas) of which twelve copies have been signed by Sir Samuel Chapman the chairman of the commissioners to whom this Order was referred shall within one month after the date of the passing of the Act confirming this Order be deposited as follows (that is

to say) one copy with the town clerk at his office two copies with the sheriff clerk that is one at each of his offices in Glasgow and Airdrie respectively one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Committee and Private Bill Office of the House of Commons one copy at the Scottish Office Whitehall one copy with the Ministry of Agriculture and Fisheries one copy with the Commissioners of Inland Revenue one copy with the Commissioners of Customs and Excise one copy with the Board of Trade one copy with the Minister of Transport and one copy with the Registrar-General of Births Deaths and Marriages in Scotland If there be any discrepancy between the said map and the descriptions in the First Schedule to this Order the said map shall be deemed to be correct and shall prevail.

Added areas disjoined from county.

9. The added areas shall be and are hereby for the purposes of this Order separated and disjoined from the county of Lanark.

Added areas to form part of existing wards.

10. Subject to the provisions of this Order the portions of the added areas described in the Second Schedule to this Order shall respectively be added to and form part of the existing wards of the existing burgh mentioned in that schedule.

Property of existing burgh vested in Corporation.

11. Subject to the provisions of this Order the common good and all property (including all means revenues and income of every description arising therefrom) belonging to or leviable within the existing burgh or to which the existing burgh is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be vested in and be held by the Corporation for the behoof and benefit of the burgh or (as the case may be) be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh and all debts due to the Corporation by any person prior to the commencement of this Part of this Order may be demanded and recovered from such person and received and applied by the Corporation for the behoof of the burgh.

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PART II. —*cont.*

Powers of local authorities to cease in added areas.

12. Subject to the provisions of this Order all jurisdictions rights powers and authorities which previous to the commencement of this Part of this Order were exercised or exerciseable by the county council or other local or licensing or other authority within or over the added areas or any part or parts thereof (with the exception of such powers as are presently exercised by the county council or other local or licensing or other authority other than the Corporation within the existing burgh or any part thereof) shall cease and determine.

Powers extended over added areas.

13. The Corporation the provost the magistrates and the dean of guild of the existing burgh and their respective courts shall have possess and may exercise the same powers including (subject to the provisions of this Order) powers of assessment respectively in and over the burgh and over the inhabitants thereof as they and their respective courts have possess and exercise in their several characters and capacities in and over the existing burgh and over the inhabitants thereof whether at common law or by statute and all rights and privileges and immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the inhabitants of the burgh.

Existing trusts vested in Corporation.

14. Subject to the provisions of this Order all mortifications endowments and trusts however constituted charitable bequests or other grants held or administered by the Corporation or the magistrates or office-bearers of the existing burgh by themselves or in conjunction with any person or persons body or bodies (but under the liabilities to which the same are legally subject) shall be vested in held and administered by the Corporation or the magistrates or office-bearers of the burgh or so many of their number to be chosen by the Corporation for that purpose as are appointed by the deeds or writings under which such mortifications endowments trusts bequests or other grants are constituted together with the other trustees also therein nominated for the purposes and with the rights powers and authorities and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the grantors or makers of such mortifications endowments trusts bequests or other grants.

15. For the purpose of the Election Acts the added areas shall notwithstanding anything in this Order contained be deemed to be and to have always been a part of the existing burgh and to have been included in the wards specified in the section of this Order of which the marginal note is "Added areas to form part of existing wards" for the making up of the register of voters.

Register of voters and valuation roll.

16. The several officers of or appointed by the Corporation shall possess and may exercise in their several characters and capacities the same powers in and over the burgh as they have possess and exercise in their several characters and capacities in and over the existing burgh whether at common law or by statute but without prejudice to the right of the Corporation to make such arrangements in regard to the said officers and their respective duties as before the commencement of this Part of this Order they were entitled to make with reference to the officers of the existing burgh.

Officers in existing burgh.

17.—(1) Subject to the provisions of this Order and except as otherwise in this Order expressly provided the lands buildings depots sewers lamps lamp-posts pipes mains cables wires apparatus plant and all other property assets and powers of every description vested in held by or due or belonging to the county council district councils or other authorities in the added areas are by virtue of this Order and without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing transferred to and vested in and shall be held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of the county council the district councils or such authorities and shall be received held and enjoyed by the Corporation accordingly.

Transfer of property and liabilities.

(2) All the powers duties liabilities contracts and agreements of the county council the district councils or such authorities in relation to the added areas are by virtue of this Order transferred and shall attach to the Corporation and shall form part of the powers duties liabilities contracts and agreements of the

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PART II. —*cont.*

Corporation and be enjoyed performed paid and discharged by them.

(3) For the purpose of enabling the Corporation to complete a title if thought fit to any part of the lands buildings and other heritable property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands buildings and other property in favour of the Corporation.

(4) The Corporation shall determine any question which shall arise as to the department of the Corporation to which any part of such property ought to belong and any question as to the fund of the Corporation out of which such liabilities and obligations shall be defrayed.

(5) This section shall not apply to the property and assets situated beyond the burgh which belong to the county council district councils or other authority.

Assessment of burgh.

18. Subject to the provisions of this Order every rate charge or assessment authorised to be requisitioned for levied and collected by the county council over the added areas or any part or parts thereof which shall not have been actually imposed previous to the commencement of this Part of this Order shall thereupon cease and determine within the added areas and thereafter all assessments and rates leviable within the existing burgh by the Corporation shall be leviable on and within the burgh in the same way and manner as the same are leviable on and within the existing burgh.

Recovery of assessments within added areas.

19. Every rate charge or assessment which shall have been actually imposed by the county council within the added areas or any part thereof before the commencement of this Part of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council and by the same ways and means and under the same restrictions and regulations as if the Act confirming this Order had not been passed and shall be received and applied by the county council to and for the purposes for which the same were authorised to be levied.

Roads streets and footpaths.

20. All bridges highways roads streets footpaths lanes courts sewers and drains in the added areas which are vested in the county council the district councils or other authorities (other than railway companies) or which the said councils or authorities by minute or otherwise at or before the commencement of this Part of this Order shall have taken over or have agreed to take over and maintain or have maintained are by virtue of this Order transferred to and vested in and shall be managed maintained and repaired by the Corporation along with and in the same way and manner and to the same extent as the bridges highways roads streets footpaths lanes courts sewers and drains within the existing burgh and the said councils or authorities shall be freed and relieved of the liability to repair and maintain all such bridges highways roads streets footpaths lanes courts and sewers in all time coming.

Books to be evidence.

21.—(1) All books documents (including certified copies of agreements relating to the added areas) maps and plans directed or authorised to be kept by the county council or any other authority in the added areas or any of them by any Act or otherwise shall so far as they relate to the added areas belong and be transferred to the Corporation and in so far as they would at the commencement of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council or other authorities.

(2) The foregoing provision shall not apply to the books documents maps and plans kept by the county council and other authorities which relate to parts of the county other than the added areas but the Corporation and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the added areas and the respective clerks or other officers of the county council and other authorities shall afford all reasonable facilities for that purpose.

Application of general and local Acts.

22.—(1) Except so far as inconsistent with or varied by this Order all public and general and local and personal Acts and Orders relating to and in force in the existing burgh and all byelaws rules regulations and

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PART II. —*cont.*

orders made thereunder shall subject to the provisions of this Order be exercised over and be applicable to the burgh Provided that nothing in this Order shall extend the area of supply defined by the Airdrie Burgh Electric Lighting Orders 1898 and 1905 Provided further that the provisions of the Gas Orders and of Part III of this Order shall not extend or apply to so much of the added areas as is within the limits of supply of the Coatbridge Gas Company at the commencement of Part II of this Order.

(2) Notwithstanding anything in this section contained the byelaws and regulations which shall be made to affect the added areas in regard to the construction occupation use cleansing or sanitation of or any other matter affecting any dwelling-houses cottar-houses cowbyres dairy premises and sculleries milk-houses piggeries dungsteads and other buildings and erections thereon or any renewals extensions or enlargements thereof shall not during the period of five years after the commencement of this Part of this Order be made in terms more onerous on owners or tenants than the byelaws and regulations in regard to such matters in force at the time in the respective districts of the county of Lanark of which the added areas formed part prior to the commencement of this Part of this Order.

Provision as to roads forming boundaries of added areas.

23. Subject to the provisions of this Order in all cases where one side of a road or street forms the boundary of the added areas (the road or street itself being in the county of Lanark) the Corporation shall be entitled to lay down construct and maintain in such road or street any sewer or drain or any gas mains or pipes necessary for the added areas and for the protection of the county council the provisions of section 35 (For protection of burghs of Hamilton Motherwell and Wishaw) of the Lanarkshire (Middle Ward District) Water Order 1913 shall apply as if the construction of any sewer or drain or any gas mains or pipes by the Corporation or repair thereof in such road or street were works authorised by the said Order and as if for the expression "the district committee" wherever occurring in the said section there were substituted the expression "the Corporation" and for the expression "the Corporation" wherever occurring in the said section there were substituted the expression "the county council."

PART II. —*cont.*

Applications for certificates under Licensing (Scotland) Acts 1903 to 1923.

24. After the commencement of this Part of this Order all applications for certificates or renewal of certificates or confirmation of new certificates and all appeals under and in terms of the Licensing (Scotland) Acts 1903 to 1923 in respect of premises in the added areas shall be made to the licensing court for the burgh and court of appeal for the burgh and shall be dealt with and finally disposed of by the said licensing court and court of appeal.

Variation of procedure under Temperance (Scotland) Act 1913. 3 & 4 Geo. 5. c. 33.

25.—(1) Until the next poll after the commencement of this Part of this Order under the provisions of the Temperance (Scotland) Act 1913 is taken in the burgh the resolutions at present in force in (*a*) the existing burgh and (*b*) the added areas shall respectively continue in force.

(2) The resolutions to be submitted to the electors at the first poll (which shall if required be held in the year one thousand nine hundred and thirty-eight but not earlier) in the burgh after the commencement of this Part of this Order shall be those which would have been submitted if the existing burgh had not been extended.

(3) The Secretary of State may in order to meet the circumstances arising from the extension of the boundaries of the existing burgh by this Order authorised by order vary the procedure prescribed by or in pursuance of the Temperance (Scotland) Act 1913 in connection with the taking of polls under the last-mentioned Act or otherwise including any dates fixed in connection with such procedure.

Insurance committees.

26. The powers of the Department of Health for Scotland (hereinafter in this section referred to as "the department") shall operate for the purpose of reconstituting by order made by the department the insurance committees for the county of Lanark and for the burgh as from the commencement of this Part of this Order or such subsequent date as shall be determined by the department and that in such manner and to such extent if any as the department may deem necessary in consequence of the provisions of this Order and for the adjustment consequent on the said provisions of the boundaries of the areas and the financial rights and obligations of the said committees

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PART II. —*cont.*

and any such order made by the department may contain such incidental supplemental and consequential provisions as may appear to the department necessary or expedient for carrying the order made by them into effect and for adapting thereto the provisions of the National Health Insurance Acts 1924 to 1935 Provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made.

Poor law settlement.

27.—(1) Every person whose settlement is derived from birth or residence for the statutory period of three years in the added areas shall be deemed to have a settlement within the burgh.

(2) Every person who at the commencement of this Part of this Order is resident in the added areas and is in course of acquiring a settlement in the county of Lanark by reason of such residence shall for the purposes of his settlement be deemed to have resided within the burgh during the period during which he has prior to the commencement of this Part of this Order resided within the added areas.

(3) Where at the commencement of this Part of this Order a person has a settlement within the county of Lanark by reason of residence partly in the added areas and partly in another part of the county of Lanark the burgh or the county of Lanark as the case may be shall be deemed to be the area of settlement of that person according as the place of his residence at the time of his acquiring a settlement was within the added areas or within another part of the county of Lanark.

(4) The foregoing provisions of this section shall subject to the necessary modifications apply as respects the status of irremovability under the Poor Law (Scotland) Act 1898 and as respects the making of an order for the removal of a poor person under subsection (3) of section 3 of the Poor Law (Scotland) Act 1934 in like manner as the said foregoing provisions apply as respects settlement.

61 & 62 Vict. c. 21.

24 & 25 Geo. 5. c. 52.

Corporation may enter into agreements.

28.—(1) Subject and without prejudice to any of the provisions of this Order the Corporation and the county council or the district councils or other authority (all of whom are hereinafter in this section referred to as "the authorities") or any of them may make

and carry into effect agreements with respect to the transfer of property from the authorities or any of them to the Corporation and for settling and adjusting any claims or any doubt or difference arising in relation thereto.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Corporation and of the authorities or any of them respectively and shall have and be carried into effect accordingly.

(3) Any difference arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property liabilities or powers of the authorities or any of them shall failing agreement be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned If any question of law shall arise in the course of such arbitration the arbiter shall have power at the request of any of the parties concerned to state a case for the opinion of the court of session and the said court shall determine such question.

Financial adjustments.

29. The financial adjustments as between the Corporation and the county council consequent upon the inclusion within the boundaries of the burgh of the added areas shall be made upon the basis of the provisions of the Local Government (Adjustments) (Scotland) Act 1914 and in accordance with the rules contained in the schedule to that Act and section 50 of the Local Government (Scotland) Act 1889 shall apply and have effect on the extension of the boundaries of the existing burgh by this Order and any dispute or difference arising in connection with such adjustments shall be settled by arbitration by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of the Corporation or the county council.

4 & 5 Geo. 5. c. 74.

52 & 53 Vict. c. 50.

Compensation to clerks of peace &c.

30.—(1) The Corporation shall pay to the persons now holding the respective offices of justice of the peace procurator fiscal clerk of the peace and county assessor under the Election Acts for the added areas compensation in respect of any loss which they may respectively sustain by diminution of salary or emoluments or loss of office consequent upon the extension of the boundaries of the existing burgh by this Order authorised.

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PART II. —*cont.*

(2) In the event of the several compensations to be paid under this section not being agreed between the parties or in so far as such compensations are not so agreed the same shall be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned and the decision of such arbiter shall be final.

Saving of existing jurisdictions &c.

31. Nothing in this Order contained shall transfer or be deemed or construed to transfer to the Corporation—

(1) (*a*) any jurisdiction power or right hitherto exercised or exerciseable by the county council within the added areas which was also exercised or exerciseable within the existing burgh by the county council previous to the commencement of this Part of this Order;

(*b*) any liability debt duty or obligation incurred by or incumbent on the county council in connection with the exercise of any such jurisdiction power or right; or

(*c*) any property officer or servant held or employed for the future exercise of any such jurisdiction power or right or for the discharge of any such liability debt duty or obligation:

(2) any property in the added areas belonging to a railway company the Airdrie Coatbridge and District Water Board the Coatbridge Gas Company or an electricity supply company or any powers of such companies or board exercised or exerciseable in the added areas.

Saving for county councillors.

32. Notwithstanding anything contained in the Local Government (Scotland) Act 1889 or this Order any member of the county council who at the commencement of this Part of this Order represents any electoral division situated partly within and partly without the added areas shall continue to be a member of the county council (unless he resigns) until the next election of county councillors after the commencement of this Part of this Order.

Actions &c. not to abate.

33.—(1) No action arbitration prosecution or proceeding commenced pending or existing by or against the county council the district councils or any other

authority in relation to any powers duties liabilities or property by this Order transferred to the Corporation shall in anywise abate or be discontinued or prejudicially affected by reason of the passing of the Act confirming this Order but may be continued prosecuted and enforced by or in favour of or against the Corporation as successors to the county council the district councils or such other authority as fully and effectually as if the Act confirming this Order had not been passed.

(2) All deeds contracts bonds agreements and other instruments entered into or made and subsisting at the commencement of this Part of this Order and affecting any such powers duties liabilities or property shall be of as full force and effect in favour of or against the Corporation and may be enforced as fully and effectually as if instead of the said councils or either of them or other authority the Corporation had been a party thereto.

For protection of water board.

34. Nothing in this Part of this Order shall affect the powers of the Airdrie Coatbridge and District Water Board.

Part III.

Gas.

Charge for gas supplied by means of prepayment meters.

35.—(1) The Corporation may demand in respect of gas supplied through a prepayment meter a charge not greater than the charge made in respect of gas supplied to private consumers within the same part of the gas limits through any other kind of meter or by any other method of supply.

(2) (*a*) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be—

for a prepayment meter and fittings (including a cooking stove) three decimal five pence per therm;

for a prepayment meter and fittings (not including a cooking stove) three pence per therm.

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PART III. —*cont.*

(*b*) The charge for the hire of a prepayment meter without fittings shall be a sum of money not exceeding ten per centum per annum on the cost of the meter.

(*c*) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Corporation in connection therewith.

(3) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

As to streets forming boundary of gas limits.

36.—(1) Where the gas limits are bounded by or abut upon any street or part of a street wholly outside the gas limits the Corporation may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street or part of a street and being within the gas limits exercise with respect to such street or part of a street outside the gas limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the gas limits subject nevertheless to the observance of the like conditions as those imposed on an exercise of such powers within the gas limits.

(2) Nothing in this section shall entitle or require the Corporation to supply gas for any premises outside the gas limits.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Service pipes in tenements.

37.—(1) The Corporation may for the purpose of supplying gas to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to one or more owners fit up lay and maintain service pipes in such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any other owner or occupier as the case may be doing as little damage as may be and making good any damage done Provided that any difference thereanent between any

owner or occupier on the one hand and the Corporation on the other hand shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

(3) Section 28 (Power to fix service pipes in tenements) of the Airdrie Corporation Gas Order 1904 is hereby repealed.

Power to lay pipes against buildings.

38. The Corporation may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against any such building for the purpose of supplying gas to the occupier of such building and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of the supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

Charges for special reading of meters.

39. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Corporation may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

PART IV.

FINANCIAL AND RATING.

Commencement of certain provisions of Part IV of Order.

40. The sections of this Order of which the marginal notes respectively are—

"Establishment of burgh fund";

"Accounts";

"Application of revenue of undertakings";

"Reserve funds";

"Provision as to surplus electricity revenue"; and

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"As to deficiencies on town hall and old library";

shall be deemed to have come into operation on and from the sixteenth day of May one thousand nine hundred and thirty-six.

Further borrowing powers.

41. The Corporation in addition to any other powers of borrowing which they now have may for the purposes of—

(*a*) the payment of any capital sum which may be paid under the provisions of the section of this Order whereof the marginal note is "Financial adjustments"; and

(*b*) the payment of any capital sum in respect of any land buildings drainage works or others taken over by the Corporation under the provisions of Part II of this Order; and

(*c*) of paying the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto;

borrow such money as may be necessary for those purposes respectively Provided that any money borrowed under this section for the purposes (*a*) and (*b*) above mentioned shall be repaid within a period of twenty-five years from the date or dates of borrowing the same and that any money borrowed for the purpose (*c*) above mentioned shall be repaid within five years from the commencement of this Order.

Establishment of burgh fund.

42.—(1) The Corporation shall establish and administer a fund to be called the "burgh fund" to which shall be carried and credited in each year the moneys grants and revenues following which moneys grants and revenues shall form part of the burgh fund (that is to say):—

(*a*) The total moneys raised on account of the local rates;

(*b*) The total amount of Government grants contributions and other revenues received by the Corporation;

(*c*) All moneys received by the Corporation on account of the revenues of the public utility undertakings (including the revenues of any

reserve contingent depreciation or renewal fund of such undertakings) and on account of the revenues of all other undertakings or services carried on by the Corporation out of or on the security of the local rates; and

(*d*) The revenues of any insurance or other fund and all other revenues of the Corporation as rating authority.

(2) There shall be charged upon and be paid or satisfied out of the said fund—

(*a*) all expenditure of the Corporation payable out of the produce of the local rates; and

(*b*) all expenditure of the Corporation on revenue account in respect of the public utility undertakings and in respect of all other undertakings or services carried on by the Corporation out of or on the security of the local rates.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Accounts.

43.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings or services of the Corporation for the time being (each of which is in this section separately referred to as the "undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

(*a*) the working and establishment expenses and costs of maintenance of the undertaking;

(*b*) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(*c*) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

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(*d*) all other expenses (if any) of the undertaking properly chargeable to revenue including any sums appropriated to the reserve or depreciation funds of the undertaking;

(*e*) any money applied out of the revenues of the burgh fund to any of the purposes mentioned in subsection (1) of the section of this Order of which the marginal note is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

Application of revenue of undertakings.

44.—(1) If in any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being exceed the moneys expended by the Corporation in respect of the expenses of that undertaking mentioned in paragraphs (*a*) (*b*) (*c*) and (*d*) of subsection (1) of the section of this Order of which the marginal note is "Accounts" the Corporation may in that year (if they think fit) apply out of the revenues of the burgh fund a sum equal to the amount of such excess in any of the following ways:—

(*a*) In reduction of càpital moneys borrowed for the purposes of the undertaking;

(*b*) Subject in the case of the electricity undertaking (after the termination of the electricity agreement) to the consent of the Electricity Commissioners in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking;

(*c*) In providing or maintaining a reserve fund in accordance with the provisions of this Order in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable.

(2) If in any year the moneys received by the Corporation on account of any undertaking of the Corporation for the time being are less than the moneys

expended by the Corporation in respect of that undertaking and the deficiency cannot be met out of the reserve fund of such undertaking or cannot otherwise be provided under the enactments in force applicable to such undertaking the Corporation shall fix and determine the amount of such deficiency to be met out of the local rates and thereafter such amount shall be payable out of the local rates.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Reserve funds.

45.—(1) The Corporation may at any time in respect of each of the public utility undertakings establish and maintain reserve funds to which contributions may be made out of the burgh fund subject to the provisions of this Part of this Order.

(2) The amount from time to time standing to the credit of any reserve fund shall not exceed one-tenth of the aggregate capital expenditure of the particular undertaking and such amount may be invested in statutory securities.

(3) Any reserve fund which has been formed for the purpose of any undertaking of the Corporation as from time to time existing from which revenue is derived and which was in existence on the sixteenth day of May one thousand nine hundred and thirty-six shall be deemed to have been formed under this section and any moneys standing to the credit of any such reserve fund shall be carried to the credit of the reserve fund authorised by this section.

(4) Any reserve fund shall be applicable—

(*a*) to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(*b*) subject in the case of the electricity undertaking (after the termination of the electricity agreement) to the consent of the

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Electricity Commissioners for the renewal improvement or extension of any part of the undertaking or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Provision as to surplus electricity revenue.

46. Notwithstanding anything in this Order or in any Act contained the following provisions shall after the termination of the electricity agreement apply with respect to the electricity undertaking (in addition to the provisions of the section of this Order the marginal note of which is "Application of revenue of undertakings") (viz.):—

(1) If in respect of any year the receipts shown under a separate heading or division in respect of the electricity undertaking by virtue of the section of this Order the marginal note of which is "Accounts" (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of the reserve fund) exceed the total amount of the payments and expenses so shown then—

(*a*) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(*b*) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure the Corporation shall fix such amount as they may think

fit (not being less (in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking) than the difference between the said excess and that sum) and a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed:

(2) The Corporation shall in every year so long as the electricity reserve fund provided by the Corporation is less than the prescribed maximum transfer to that fund out of the burgh fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the electricity reserve fund and carried to the burgh fund.

Investment of reserve funds &c.

47. Notwithstanding anything in any Act or Order contained the Corporation may invest in statutory securities any reserve contingent depreciation renewal superannuation insurance or other funds belonging to or held by them on account of or in connection with any of the departments or undertakings administered by them or under their control.

Housing schemes insurance fund.

48.—(1) The Corporation may at any time establish and maintain a fund to be called the "housing schemes insurance fund" for the purpose of making good losses damages costs and expenses arising from or in consequence of any fire at or in connection with any of the housing schemes of the Corporation or in respect of any other risk arising in connection with any of such housing schemes against which in the absence of such fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

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PART IV. —*cont.*

As to deficiencies on town hall and old library.

49. All expenditure incurred by the Corporation on revenue account in respect of the Sir John Wilson Town Hall and the Old Public Library Building situate respectively in Stirling Street and Anderson Street in the burgh may in so far as the income derived therefrom respectively is insufficient for defraying such expenditure be defrayed out of the burgh fund and shall be deemed to be expenditure payable out of such rate payable by owners and occupiers in equal proportions as the Corporation may determine.

PART V.

MISCELLANEOUS.

Regulation of tents vans &c.

60 & 61 Vict. c. 38.

50.—(1) It shall not be lawful for any person without the consent of the Corporation acting as the local authority for the burgh under the Public Health (Scotland) Act 1897—

(*a*) to let or use or permit to be used any land situate within the burgh for occupation by any tent van shed or similar structure used or intended to be used for human habitation; or

(*b*) to place or keep on any land within the burgh any such tent van shed or similar structure;

and such consent may be given for such period and on such conditions as the Corporation think fit Provided that consent shall not be required by any person in respect of—

(i) any tent van shed or similar structure placed or kept by the occupier of a dwelling-house upon any land connected therewith and used by him or members of his household;

(ii) any tent van shed or similar structure used or intended to be used by the occupier for human habitation where such use shall not exceed a period of three months in any period of twelve months;

(iii) any tent van shed or similar structure provided by or belonging to or used by—

(*a*) any duly constituted religious or charitable society or body to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary;

(*b*) any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;

(*c*) any cadet unit of the British National Cadet Association officially recognised by the Army Council or any university air squadron officially recognised by the Air Council;

(iv) any tent van shed or similar structure erected or to be erected on the property of a railway company for railway purposes;

(v) any tent van shed or similar structure used or intended to be used for human habitation by a person whose regular employment or occupation is that of a roundabout proprietor or travelling showman (not being a pedlar or hawker) Provided that the period during which such tent van shed or similar structure is so used in the burgh shall not exceed a period of six months in any period of twelve months and such tent van shed or similar structure is only used in connection with his employment or occupation.

(2) Any person aggrieved by the withholding by the Corporation of consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to the sheriff and the sheriff may make such order and on such terms and conditions as to the sheriff may seem just.

(3) If any person offend against any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and all offences against the said provisions may be prosecuted in the police court.

(4) Section 73 (Tents and vans used for human habitation) of the Public Health (Scotland) Act 1897 shall in its application to the burgh be extended so as to authorise the Corporation to make byelaws with respect to the number of tents vans sheds or similar

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PART V. —*cont.*

structures used or intended to be used for human habitation to be permitted on any land the area to be allotted to each such tent van shed or similar structure the provision of adequate lighting of such land or area and precautions against fire and sections 183 to 187 of the said Act shall extend and apply to any byelaws made by the Corporation under this section.

(5) Nothing in this section shall prejudice or affect the powers and jurisdiction of the dean of guild.

Display of advertisements.

51.—(1) The Corporation may serve a notice on the owner or occupier of any land in respect of any serious injury to the amenities of any public open space which may be caused by the display of advertisements on such land within fifty yards of such open space requiring him within a reasonable time not being less than twenty-eight days to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Corporation may cause a complaint relating to the injury to be made to the sheriff and the sheriff may require the person to appear before him and if satisfied that the alleged serious injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order but if not so satisfied may refuse to make any such order.

(3) If any person fails to comply with the requirements of an order made under subsection (2) of this section he shall be liable to a penalty not exceeding fifty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Corporation themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) For the purposes of this section "public open space" means any land laid out as a public pleasure ground or place of public resort or recreation including an open space for rest or recreation.

(6) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(7) Nothing in this section shall apply to—

(*a*) advertisements upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to such land or any property thereon or to advertisements on the doors or in the windows of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding twelve inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

(*b*) (for a period of five years from the passing of the Act confirming this Order) hoardings or similar structures erected or in use for advertising purposes prior to that date and any advertisement from time to time displayed thereon during that period or any other advertisement displayed at the date of the passing of the Act confirming this Order;

(*c*) advertisements on or upon any railway station yard platform or railway approach or any canal dock wharf lock or toll station belonging to a railway company.

Lopping of overhanging trees hedges and shrubs.

52.—(1) Where any tree hedge or shrub overhangs any street footway or footpath so as to obstruct or interfere with the light from any public lamp or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop or cut the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference or danger and in default of compliance the Corporation

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PART V. —*cont.*

may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost as a debt from the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any notice of the Corporation under this section may appeal to the sheriff within the foresaid period of fourteen days provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Dustbins &c.

53.—(1) The Corporation may require the owners or occupiers of houses shops or other premises to provide portable dustbins for domestic refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) The Corporation may purchase suitable or standard dustbins and supply the same to owners or occupiers of houses shops or other premises on such terms and conditions as may be agreed upon.

Nuisance by dogs.

54. Every person in charge of a dog in any street and having the dog on a lead who shall allow or permit such dog to deposit its excrement upon a public pavement or footway shall be liable to a penalty not exceeding forty shillings.

Byelaws as to loud-speakers &c.

55.—(1) The Corporation may make byelaws for regulating and controlling the use of loud-speakers gramophones and any other devices for the reproduction and amplification of sound (in this section referred to as "loud-speakers") used in such manner as to be audible in any street to the annoyance of the lieges or if they think fit for prohibiting the use in such a manner as to be audible in any street of loud-speakers for advertising purposes.

55 & 56 Vict. c. 55.

(2) Sections 317 to 323 of the Burgh Police (Scotland) Act 1892 shall extend and apply to any byelaws that may be made by the Corporation under the provisions of this section.

Chairman of dean of guild court.

56. In the event of the dean of guild or depute dean of guild not being in attendance at any meeting of the dean of guild court the councillors of the dean of guild court may appoint one of their members to act

as chairman of the meeting and such member when so presiding shall have all the rights powers and privileges of the dean of guild.

Reduction or suspension of salary or wages.

57.—(1) In the event of the salary or wages of an officer or servant of the Corporation being either—

(*a*) reduced on account of his mental or physical infirmity; or

(*b*) suspended by reason of illness;

he may if he so desires with the consent of the Corporation continue to contribute to the superannuation fund of the Corporation in all respects as if such reduction or suspension had not taken effect and in the event of his so continuing to contribute the amount of his salary or wages for the period in respect of which he so continues to contribute shall for the purposes of the Local Government and other Officers' Superannuation Act 1922 be deemed to be the amount of the salary or wages which he would have received in respect of that period if such reduction or suspension had not taken place.

12 & 13 Geo. 5. c. 59.

(2) For the purposes of this section words and expressions to which meanings are assigned by the said Act of 1922 have in this section the same respective meanings unless there is something in the subject or context repugnant to such construction.

Dwelling-houses for persons in Corporation's employment.

58. The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

Recovery of penalties.

59. Any penalty under this Order or under any byelaws or regulations made under this Order unless otherwise specially provided for may be recovered in the sheriff court in manner provided by the Summary Jurisdiction (Scotland) Acts.

Repeal of laws inconsistent with Order.

60. All laws statutes powers and usages in force in the burgh in so far as they are inconsistent or at variance with the provisions of this Order are subject to the provisions of this Order hereby repealed.

PART V. —*cont.*

Order not to affect election of members to serve in Parliament.

61. Nothing in this Order contained shall interfere with the election of members to serve in Parliament for the county of Lanark and that county shall for Parliamentary purposes remain the same as if the Act confirming this Order had not been passed.

Saving for Clyde Valley Electrical Power Company.

62. Nothing in this Order contained shall prejudice or affect the electricity agreement or the proviso to section 20 (Application of general and local Acts) of the Airdrie Burgh Extension &c. Order 1927.

Crown rights.

63. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Costs of Order.

64. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed by them under this Order for that purpose.

The SCHEDULES referred to in the foregoing Order. A.D. 1936.

THE FIRST SCHEDULE.

Description of Added Areas.

Part I.

New Monkland Poorhouse Area.

Commencing at a point on the boundary of the existing burgh at the north-west corner of enclosure No. 2688A on the Ordnance survey map of Lanarkshire scale 25·344 inches to one mile (1912 edition) thence in a straight line in a northerly direction to the point where the boundaries between enclosures Nos. 2636 2637 and 2638 meet on the said map thence in a straight line in an easterly direction to the centre of the road leading from Airdrie to Burnfoot known as Whinhall Road at a point 150 feet or thereabouts north-westward from the road junction at the west corner of enclosure No. 2648 on the said map thence in a straight line in a north-easterly direction to the centre of the road from Airdrie to Glenmavis at a point opposite to the north-west corner of enclosure No. 2581 on the said map thence in a straight line in a south-easterly direction to the north-east corner of enclosure No. 2698 on the said map thence in a straight line in an easterly direction to the north corner of enclosure No. 2725 on the said map thence in a straight line in a south-easterly direction to the point in the centre of Airdriehill Street where the boundary of the existing burgh crosses that street thence in a westerly south-westerly southerly and again south-westerly direction along the north boundary of the existing burgh to the point of commencement.

Part II.

Cairnhill and Gartlea Areas.

Commencing at a point on the boundary of the existing burgh 150 feet or thereabouts westward from the west side of Towers Road where the boundary of the existing burgh takes a sharp angle to the north thence in a straight line in a south-westerly direction to the triangulation point near the north boundary of enclosure No. 3112 on the Ordnance survey map of Lanarkshire scale 25·344 inches to one mile (1912 edition)

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1ST SCH. —*cont.*

thence again in a straight line in a south-westerly direction to a point on the south side of the embankment of Gartness Branch Railway where the east side of the service road to Spade Forge leaves the embankment of the said railway thence in continuation in a straight line to the south side of the said road thence in a westerly and south-westerly direction along a line distant 25 feet south from and parallel to the south side of the fence bounding the said railway to the boundary between the parishes of Old Monkland and New Monkland thence in a straight line in a south-westerly direction to a point on the south side of the road from Cairnhill Cottage to Hillhead in enclosure No. 989 on the said map which point is 150 feet south of the south side of the said road and 170 feet east of the west boundary of the said enclosure No. 989 thence in a straight line in a westerly direction to the boundary of the burgh of Coatbridge on the west side of the Monkland Canal at a point 200 feet or thereabouts south of the south side of the canal bridge adjacent to Cairnhill Cottage thence in a northerly direction along the boundary of the burgh of Coatbridge to a point on the canal bank opposite the boundary of the existing burgh thence in an easterly direction in a straight line to the boundary of the existing burgh thence in a north-easterly easterly again north-easterly and south-easterly direction along the boundary of the existing burgh to the point of commencement.

THE SECOND SCHEDULE.

PORTIONS OF ADDED AREAS TO BE ADDED TO EXISTING WARDS.

PART I.

PORTIONS OF ADDED AREAS TO BE ADDED TO NO. 1 WARD.

Area No. 1.

Commencing at a point on the boundary of the existing burgh at the north-west corner of enclosure No. 2688A on the Ordnance survey map of Lanarkshire scale 25·344 inches to one mile (1912 edition) thence in a straight line in a northerly direction to the point where the boundaries between enclosures Nos. 2636 2637 and 2638 meet on the said map thence in a straight line in an easterly direction to the centre of the road leading from Airdrie to Burnfoot known as Whinhall Road at

a point 150 feet or thereabouts north-westwards from the road junction at the west corner of enclosure No. 2648 on the said map thence in a straight line in a north-easterly direction to a point 150 feet west from the west side of Glenmavis Road thence in a south-easterly direction in a line parallel to and distant 150 feet or thereabouts westward from the west side of the said road to the boundary of the existing burgh thence south-westerly westerly and again south-westerly and again westerly along the boundary of the existing burgh to the point of commencement.

Part II.

Portion of Added Areas to be added to No. 2 Ward.

Commencing at a point on the boundary of the existing burgh 150 feet westward of the west side of Glenmavis Road thence in a north-westerly direction parallel to and distant 150 feet from the west side of the said road until it intersects the boundary of the New Monkland Poorhouse Area described in the First Schedule to this Order between the said Whinhall Road and the said road from Airdrie to Glenmavis thence in a north-easterly direction to the centre of the said road from Airdrie to Glenmavis at a point opposite to the north-west corner of enclosure No. 2581 on the said map thence in a straight line in a south-easterly direction to the north-east corner of enclosure No. 2698 on the said map thence in a straight line in an easterly direction to the centre of the road from Rawyards Station to Thrashbush thence in a southerly direction along the centre of the said road to the boundary of the existing burgh thence in a westerly direction along the north boundary of the existing burgh to the point of commencement.

Part III.

Portion of Added Areas to be added to No. 3 Ward.

Commencing at a point on the boundary of the existing burgh where the said boundary crosses Cairnhill Road and meets the boundary between the parishes of Old Monkland and New Monkland thence in a south-easterly direction along the boundary between the said parishes to a point 25 feet south from the south fence of the Gartness Branch Railway thence in a straight line in a south-westerly direction to a point on the south side of the road from Cairnhill Cottage to Hillhead in enclosure No. 989 on the said map which point is 150 feet south of the south side of the said road and 170 feet east of the west boundary of the said enclosure No. 989 thence in a straight line in a westerly direction to the boundary of the burgh of Coatbridge on the west side of the Monkland Canal

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2nd Sch. —*cont.*

at a point 200 feet or thereabouts south of the south side of the canal bridge adjacent to Cairnhill Cottage thence in a northerly direction along the boundary of the burgh of Coatbridge to a point on the canal bank opposite the boundary of the existing burgh thence in an easterly direction in a straight line to the boundary of the existing burgh thence in an easterly and north-easterly direction along the boundary of the existing burgh to the point of commencement.

Part IV.

Portion of Added Areas to be added to No. 4 Ward.

Commencing at a point on the boundary of the existing burgh in the centre of South Biggar Road thence in a south-easterly direction along the centre of that road and along the centre of the Old Biggar Road to a point 25 feet beyond the south side of the Gartness Branch Railway thence along a line distant 25 feet south from and parallel to the south side of the fence bounding the said railway to the boundary between the parishes of Old Monkland and New Monkland thence in a north-westerly direction along the said boundary to the point where the said boundary meets the boundary of the existing burgh thence in a northerly and north-easterly direction along the boundary of the existing burgh to the point of commencement.

Part V.

Portions of Added Areas to be added to No. 5 Ward.

Area No. 1.

Commencing at a point on the boundary of the existing burgh in the centre of the road from Rawyards Station to Thrashbush where the boundary of the existing burgh crosses the said road thence in a northerly direction along the centre of the said road to the point where the boundary of the New Monkland Poorhouse Area described in the First Schedule to this Order meets the centre of the said road thence in a straight line in an easterly direction to the north corner of enclosure No. 2725 on the said map thence in a straight line in a south-easterly direction to the point in the centre of Airdriehill Street where the boundary of the existing burgh crosses that street thence in a westerly and south-westerly direction along the north boundary of the existing burgh to the point of commencement.

Area No. 2.

Commencing at a point on the boundary of the existing burgh 150 feet or thereabouts westward from the west side of

Towers Road where the boundary of the existing burgh takes a sharp angle to the north thence in a straight line in a south-westerly direction to the triangulation point near the north boundary of enclosure No. 3112 on the Ordnance survey map of Lanarkshire scale 25·344 inches to one mile (1912 edition) thence again in a straight line in a south-westerly direction to a point on the south side of the embankment of Gartness Branch Railway where the east side of the service road to Spade Forge leaves the embankment of the said railway thence in continuation in a straight line to the south side of the said road thence in a westerly direction along a line distant 25 feet south from and parallel to the south side of the fence bounding the said railway to a point in the centre of the Old Biggar Road thence in a north-westerly direction along the centre of the said road and South Biggar Road to the boundary of the existing burgh thence in a north-easterly easterly and south-easterly direction along the boundary of the existing burgh to the point of commencement.

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