CHAPTER cxxviii.

An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Royal Burgh of Glasgow. [23d July 1877.]

A.D. 1877.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is contained in the schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed:

25 & 26 Vict. c. 101.

Be it enacted by the Queen'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 Provisional Order.

1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act.

Short title.

2. This Act may be cited as "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Glasgow) Act, 1877."

SCHEDULE.

GLASGOW.

The General Police and Improvement (Scotland) Act, 1862.

(25 & 26 Vict. cap. 101.)

WHEREAS by "The General Police and Improvement (Scotland) Act, 1862," it is, inter alia, enacted (section 79) that, "whenever it appears desirable to "the magistrates and council or commissioners of police of any royal or "parliamentary burgh, or to the commissioners for executing this Act in any "burgh or populous place, that provision should be made in order the better "to apply and execute therein the provisions of this Act, in whole or part, or "for the future application and execution of any Acts in force therein having "relation to the purposes of this Act, or to the roads or streets within such "burgh or populous place, or to any other matter or thing connected with "the management and administration of the municipal or police affairs of "such burgh or populous place, or that any such Acts, or any exemptions "from rating therefrom derived, or that any Provisional Order or Order in "Council applying this Act, hereby authorised to be made, should be wholly "or partially repealed or altered: Or whenever it appears desirable to the "magistrates and council of any royal or parliamentary burgh where there is "a board of commissioners of police separate from such magistrates and "council to unite the municipal and police government and jurisdiction of "any such royal or parliamentary burgh in the magistrates and council "thereof, to transfer to them all the powers and jurisdictions of police, "paving, lighting, watching, and others, granted to the commissioners of "police by any Local Acts, and to extend such jurisdictions over the whole "limits of such burgh:" The magistrates and council "may present a "petition to one of Her Majesty's Principal Secretaries of State, praying "for such provision, repeal, and alteration as aforesaid, or for any of such "things, and such petition shall be supported by such evidence as the said "Secretary requires:"

And whereas there is in the city and royal burgh of Glasgow a board of police, constituted a body corporate under the name and style of "The Board of Police of Glasgow," separate from the magistrates and council of the said city and burgh, which board of police is appointed and acts under and in virtue of the following Local Acts now in force, viz.:—(1) The Act 29 & 30 Vict.

cap. 273, intituled "An Act to regulate the Police and Statute Labour of the City of Glasgow, and for other purposes," and the short title of which Act is "The Glasgow Police Act, 1866;" (2) The Act 35 & 36 Vict. cap. 41, intituled "An Act to extend the Municipal Boundaries of the City of Glasgow, to regulate the office of the Town Clerk, and for other purposes," and the short title of which Act is "The Glasgow Municipal Act, 1872;" (3) The Act 36 Vict. cap. 38, intituled "An Act to enable the Board of Police of Glasgow to make and maintain new streets and other improvements in the City of Glasgow," and the short title of which Act is "The Glasgow Police Act, 1873;" (4) The Act 38 Vict. cap. 53, intituled "An Act to enable the Board of Police of Glasgow to make and maintain a new Street in the City of Glasgow, and to confirm an Agreement relative thereto," and the short title of which Act is "The Glasgow Police Act, 1875;" and (5) The Act 40 & 41 Vict. cap. 167, intituled "An Act to enable the Board of Police of Glasgow to effect certain Street and other Improvements in the City of Glasgow, to raise further moneys, to acquire additional lands, and for other purposes," and the short title of which Act is "The Glasgow Police Act, 1877," and by which last-mentioned Act it is enacted that "The Glasgow Police Act, 1866," and "The Glasgow Municipal Act, 1872," (in so far as the said Act alters the constitution of the board and confers further powers and jurisdiction thereon), and "The Glasgow Police Act, 1873," and "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," may be cited together as "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877:"

And whereas a petition under the provisions of the said General Police and Improvement (Scotland) Act has been addressed to me as one of Her Majesty's Principal Secretaries of State by the Lord Provost, magistrates, and council of the said city and royal burgh of Glasgow under their corporate seal, praying that after the inquiry directed by the statute a Provisional Order may be issued uniting the municipal and police government and jurisdiction of the said city and royal burgh in the magistrates and council thereof, and transferring to them the several powers and jurisdictions of police and others granted to the said board of police by "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877:"

And whereas the foresaid petition further prays that certain parts of "The Glasgow Police Act, 1866," "The Glasgow Municipal Act, 1872," "The Glasgow Police Act, 1873," "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," therein set forth should be repealed or amended, and that provision should otherwise be made to regulate the future application and execution of the said Acts:

And whereas the foresaid petition further prays that certain parts of "The Glasgow Corporation Water Works Act, 1855," therein set forth should be repealed, and that provision should otherwise be made for regulating the future application and execution of the said Act, and of "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks

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Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877:"

And whereas due inquiry has been directed and held in respect of the matters mentioned in the said petition:

Now therefore, in pursuance of the powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand and seal of office, direct that from and after any Act of Parliament confirming the same,—

(1.) The Municipal and Police Government and Jurisdiction of the city and royal burgh of Glasgow shall be united in the magistrates and council thereof.

(2.) The parts of "The Glasgow Police Act, 1866," set forth in the Schedule hereunto annexed shall be repealed; and as regards the other parts of the said Act and "The Glasgow Municipal Act, 1872," and "The Glasgow Police Act, 1873," and "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," in so far as not hereby amended, the whole powers, authority, and jurisdictions of police and others granted to and vested in the board of police by the said Acts, and by any Acts with the said Acts incorporated, or by any other Act of Parliament, shall be and the same are hereby transferred to and vested in the magistrates and council of the said city and royal burgh, who shall thenceforward have and exercise the whole powers, authority, and jurisdictions foresaid, and perform the whole duties and obligations and fulfil all contracts incumbent on the said board of police: and in construing "The Glasgow Police Act, 1866," "The Glasgow Municipal Act, 1872," "The Glasgow Police Act, 1873," "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," or any Act or the Schedule to any Act in which "the board of police of Glasgow" are referred to, the expressions "the board of police of Glasgow," or "the board," or other similar expression, shall (except when the context is repugnant thereto) be read as if the expression "the magistrates and council" had been inserted instead thereof; and when the word "undertaker" in any Act incorporated with the said Acts is held by the said Acts to mean or include the board of police, the said word shall instead mean or include the magistrates and council; and the word "promoters," or "commissioners," in any such incorporated Act shall also mean or include the said magistrates and council.

(3.) The whole lands and heritages, assessments, claims, demands, rights, properties, and effects of every kind, heritable or moveable, belonging to or vested in the board of police of Glasgow, or in any person on their behalf, under and in virtue of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," (but subject to any liabilities which legally attach thereto,) shall become vested in and shall belong to the magistrates and council for the purposes of the said Acts, as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in

them, with full power, right, and authority to the magistrates and council to levy, adjudge, sue for, and recover the same.

(4.) All mortgages, bonds, assignations, leases, grants, conveyances and other deeds or securities, made or granted to or by the board of police of Glasgow, or to which they have acquired right, and all claims for annual or other payments for which they are liable, under or by virtue or in pursuance of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," and all contracts and agreements entered into with them, and all judgments or decreets arbitral pronounced in any suit or arbitration to which they were a party, shall be good, valid, and effectual to all intents and purposes, and may be enforced by or against the magistrates and council to the same extent and effect as they might have been enforced by or against the board of police of Glasgow.

(5.) All rates and assessments, fines, penalties, and expenses imposed under or by virtue or in pursuance of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," and remaining unpaid, may be levied and recovered by the magistrates and council, or the officers appointed by them, in the same way and by the same means as they would have been recoverable by the board of police of Glasgow or the officers appointed by them if this Order and the Act confirming the same had not been passed, and when so levied and recovered shall be applied by the magistrates and council to and for the purposes of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877."

(6.) All actions, suits, and proceedings, and all arbitrations to which the board of police of Glasgow, or the officers appointed or acting under "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," were parties when the Act confirming this Order is passed, may be proceeded with by or against the magistrates and council or the corresponding officers appointed by or acting under the magistrates and council under "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," without the necessity of intimating such action, suit, proceeding, or arbitration, or making them respectively formally parties thereto.

(7.) Notwithstanding the transfer of the powers, authority, and jurisdictions of the board of police of Glasgow to the magistrates and council, the assessors, procurator-fiscal, clerk, treasurer, surveyor, collector, chief constable, master of works, inspector, and other officers appointed by the board of police, in pursuance of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," or continued in office under the same, and who may at the time of the said transfer be employed by the board of police, shall severally continue to exercise their respective offices, and shall receive their respective salaries and emoluments under and from the magistrates and council, upon the same terms, as to period of appointment and otherwise, as they exercised and received the same respectively under and from the board of police before the said transfer, and all bonds or securities for the acts and intromissions of such officers, granted to the board of police of Glasgow, shall from and after the passing of the Act confirming this Order be enforceable by the magistrates and council.

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(8.) The books, register of mortgages and other registers, lists of ratepayers, accounts, and other documents and vouchers of the board of police of Glasgow, and the minutes of proceedings of the board, and their committees and sub-committees, shall be deemed the books, registers, lists, accounts, documents, vouchers, and minutes of the magistrates and council and their committees, and shall receive effect in the same way and to the same extent as they would have done in any question or proceeding to which the board of police of Glasgow might have been parties if the Act confirming this Order had not been passed.

(9.) The several accounts of the pecuniary transactions of the magistrates and council, as in place of the board of police, shall be kept distinct from those of the affairs of the corporation of the city and of the other trusts under the administration of the magistrates and council, and shall be closed, balanced, audited, reported on, inspected, and annually published in the way and manner prescribed by "The Glasgow Police Act, 1866," as hereby amended.

(10.) Nothing herein contained shall confer or impose upon the town-clerk of Glasgow the right, duty, or obligation to act as clerk or agent of the magistrates and council in relation to the administration of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," nor affect in any respect (except in so far as is herein expressly authorised) the rights, duties, and obligations of the magistrates and council or of the town-clerk of Glasgow under "The Glasgow Municipal Act, 1872," and the existing arrangement between them. But the magistrates and council may, from time to time, anything in "The Glasgow Police Act, 1866," and in "The Glasgow Municipal Act, 1872," to the contrary notwithstanding, enter into such arrangements with the present or any future town-clerk as they may think proper, under which the said town-clerk may by himself, or by his deputies or assistants, act as such clerk or agent, or perform such other business connected with the police of the city as the magistrates and council may intrust to him.

(11.) Section 18 of the "Glasgow Police Act, 1866," is hereby amended to the effect of substituting for the word "seven" the word "fourteen."

(12.) Section 67 of the "Glasgow Police Act, 1866," is hereby amended to the effect of substituting for the words "a procurator-fiscal, who may, if appointed "by the board, act as their clerk," the following words, "one or more pro-"curators-fiscal of police, or one procurator-fiscal of police and one or more "assistant procurators-fiscal of police, and a procurator-fiscal of the Dean of "Guild Court, which last named shall act exclusively in all cases before the "said court, for the enforcement of the provisions of 'The Glasgow Police "Acts, 1866, 1872, 1873, 1875, and 1877,' and any Acts amending the same: "Provided always, that one person may be appointed to the office of pro-"curator-fiscal or assistant procurator-fiscal of police and also of procurator-"fiscal of the Dean of Guild Court." And in construing "The Glasgow Police Act, 1866," "The Glasgow Municipal Act, 1872," "The Glasgow Police Act, 1873," "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877,"

the expression "the procurator-fiscal" wherever used therein shall mean the procurator-fiscal or any one of the procurators-fiscal or assistant procurators-fiscal appointed under the provisions of "The Glasgow Police Act, 1866," as hereby amended, and the expression "the fiscal" wherever used therein shall mean any one of such procurators-fiscal or assistant procurators-fiscal or other persons authorised to act as procurator-fiscal in the absence of the procurator-fiscal, or of any procurator-fiscal, or assistant procurator-fiscal.

(13.) In the event of more than one procurator-fiscal of police being appointed under the provisions of "The Glasgow Police Act 1866," as hereby amended, or of one procurator-fiscal of police and one or more assistant procurators-fiscal of police being so appointed, the magistrates' committee appointed under the said Act may, from time to time, assign to each procurator-fiscal of police, or assistant procurator-fiscal of police, the police court or police courts in which he shall give ordinary attendance and perform the duties of the office: Provided always, that in the absence of the procurator-fiscal of police, or assistant procurator-fiscal of police, from the court to which he may have been so assigned, his duties may be performed by any of the other procurators-fiscal of police or assistant procurators-fiscal of police. Any assistant procurator-fiscal of police so appointed may, in the absence of the procurator-fiscal of police, if only one procurator-fiscal of police is appointed, or in the absence of any procurator-fiscal of police, if more than one is appointed, act in his stead and name: and in the absence of a procurator-fiscal of police or assistant procurator-fiscal of police, the chief constable, or any superintendent or lieutenant, may act in the stead and name of the procurator-fiscal of police, either at the first or at any adjourned diet, but the procurator-fiscal of police shall not be responsible for his acts.

(14.) The provisions of "The Petroleum Act, 1871," (34 & 35 Vict. c. 104), and of "The Explosives Act, 1875" (38 Vict. c. 17), in so far as they confer on the town council of the city and royal burgh of Glasgow the power to grant licenses, and otherwise to carry into effect the provisions of the said Acts, shall be exercised by the magistrates' committee appointed under "The Glasgow Police Act, 1866," as hereby amended, and the said committee shall also have and possess as regards the said Acts all the powers conferred upon them by "The Glasgow Police Act, 1866," with reference to the Act 23 & 24 Vict. c. 139.

(15.) Sections 275, 276, 295, 303, 309, 322, 325, 341, 380, 381, 382, and 383 of "The Glasgow Police Act, 1866," shall hereafter be read as if the words "the procurator-fiscal of the Dean of Guild Court appointed by the magistrates and council" were substituted for the words, "the procurator-fiscal," wherever the latter words are used therein.

(16.) For the purpose of executing the provisions of "The Sale of Food and Drugs Act, 1875," within the city and royal burgh of Glasgow, the term "sheriff" in the 33rd Section of the said Act shall include the "police

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" magistrate of the city and royal burgh appointed under the provisions of " the Act 38 & 39 Vict. c. 81."

(17.) Section 8 of "The Glasgow Corporation Waterworks Act, 1855" (18 & 19 Vict. c. 118), is hereby repealed, and from and after the passing of the Act confirming this Order the magistrates and council of the city of Glasgow, as commissioners appointed under the said Act, shall have power at any meeting, from time to time, to appoint a committee of their own number for transacting the business of the commissioners, or such portion thereof as they may specially define; and the commissioners may name a convener and sub-convener, and fix the quorum of such committee, and may continue, alter, or discontinue such committee. And the committee so appointed may appoint sub-committees of their number. And the minutes and proceedings of such committee or sub-committees shall be reported to the commissioners at such time and in such manner as the commissioners may from time to time direct. And wherever the expression " water committee," or " the committee," is used in " The Glasgow Corporation Waterworks Act, 1855," "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," " The Glasgow Corporation Waterworks Amendment Act, 1873," and " The Glasgow Corporation Waterworks Amendment Act, 1877," the same shall be held to mean the committee appointed under the provisions hereof.

(18.) Notwithstanding the provisions of the Act passed in the third and fourth years of the reign of King William the Fourth, chapter seventy-six, and the other Acts relating to municipal elections in burghs in Scotland, it shall be sufficient that the notices of the annual municipal elections in the burgh of Glasgow shall be affixed to or near the door of the cathedral church of St. Mungo within the said burgh, and that they be also inserted at least once in one of the newspapers published in Glasgow; and the appointment by the Lord Provost or senior magistrate for the time being of the said burgh of Glasgow immediately before any annual municipal election therein of legal substitutes to preside at the polling places, and of persons to officiate as poll clerks in the several wards at such elections, shall be valid, notwithstanding such Lord Provost or senior magistrate shall have respectively ceased to hold office after the making of such appointments, and before the elections in respect of which such appointments were made.

SCHEDULE referred to in Section 2 of this Order.

The Glasgow Police Act, 1866.
(29 & 30 Vict. cap. 273.)

Section 4, in so far as it defines the meaning of the expressions "the procurator-fiscal," and "the fiscal."

Section 6, in so far as it vests the general power and duty of carrying into effect the objects and purposes of the Act in, and appoints the same to be performed by "The Board of Police of Glasgow," and in so far also as it provides that they shall not appoint to any office under them any of the town-clerks or the chamberlain of the city of Glasgow.

Sections 7, 8, 9, and 10.

Section 12, the words "provided one of the magistrates be a member of each such committee."

Section 13, the words "as *ex officiis* members of the board."

Section 19.

Section 27, the words "and to each member of the town council of Glasgow."

Section 89.

Given under my hand and Seal at Whitehall, this fourteenth day of June, One thousand eight hundred and seventy-seven.

(L.S.) Rich. Assheton Cross.

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