Glasgow Corporation (Control of Parking &c.) Order Confirmation Act 1974

CHAPTER vi

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ELIZABETH II



1974 CHAPTER vi

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Glasgow Corporation (Control of Parking &c.).

[10th April 1974]

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: **1936 c. 52.**

Be it therefore 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:—

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

2. This Act may be cited as the Glasgow Corporation (Control of Parking &c.) Order Confirmation Act 1974. Short title.

SCHEDULE

GLASGOW CORPORATION (CONTROL OF PARKING &c.)

Provisional Order to enable the Corporation of the city of Glasgow to control the establishment and operation of off-street parking places within the city; to enact further powers as to libraries; and for other purposes.

Whereas the Corporation of the city of Glasgow (hereinafter referred to as " the Corporation " and " the city " respectively) are vested with the municipal government and administration of the city and are the local authority therein:

And whereas it is expedient in order to control the provision of public parking places for vehicles within the city that such parking places should be established only with the consent of the Corporation:

And whereas it is expedient that the powers of the Corporation under the Glasgow Libraries Acts 1899 to 1948 should be extended as hereinafter provided:

And whereas it is expedient that the further provisions contained in this Order 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: 1936 c. 52.

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

Short title and citations.

1.—(1) This Order may be cited as the Glasgow Corporation (Control of Parking &c.) Order 1974.

(2) This Order and the Glasgow Libraries Acts 1899 to 1948 may be cited together as the Glasgow Libraries Acts 1899 to 1974.

(3) This Order may be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1974.

Interpretation.

2. The following words and expressions in this Order have, unless there is something in the context repugnant to such construction, the meanings hereby assigned to them, that is to say:—

" city " means the city and royal burgh of Glasgow;

" Corporation " means the Corporation of the city of Glasgow;

'public parking place" means a parking place or that part of a parking place where vehicles may wait for a money consideration whether by payment of a single sum or otherwise but does not include any place provided or used, in relation to any premises, as an area where vehicles are, or wait to be, loaded or unloaded for the purpose of the business conducted at those premises or any place where any vehicles may wait where such waiting is for the purpose of or incidental to sale or hire or other commercial distribution of such vehicles, or for the purpose of or incidental to the commercial construction, reconstruction, restoration, repair, maintenance, fuelling, washing or dismantling thereof.

Public parking places requiring consent.

3.—(1) No person shall, without the consent of the Corporation, establish a public parking place in the city:

Provided that nothing in this subsection shall apply to any public parking place in respect of which planning permission has been granted and is in force at the commencement of this Order or in respect of which an enforcement notice under the Town and Country Planning (Scotland) Act 1972 could not validly be served. 1972 c. 52.

(2) In considering whether or not to grant consent under the foregoing subsection to the establishment of a public parking place the Corporation shall have regard to the need for such facilities within the area in which it is proposed to establish a public parking place and the capacity of and the need to maintain the free passage of vehicles in the roads in the vicinity of the proposed public parking place and in the city as a whole.

(3) The Corporation may, without prejudice to the foregoing generality, attach to such consent conditions as to the numbers, classes and descriptions of the vehicles which may be accommodated and the periods for which the vehicles or any number of the vehicles may be parked in the public parking place and the charges which may be imposed and may alter or add any condition after giving to the operator thereof not less than six months' notice and shall, at the time of giving such notice, state their reasons therefor.

(4) The operator of a public parking place may at any time apply to the Corporation to alter any condition attached to a consent granted under subsection (1) of this section, and, on such application being made, the Corporation may refuse the said application or may alter the said condition and any other condition attached to the said consent in such manner as they shall think fit and may add any condition.

(5) If, within two months from the date upon which the Corporation receive an application for a consent under subsection (1) of this section or for alteration of a condition under subsection (4) of this section, or within such longer period as may be agreed between the Corporation and the applicant, the Corporation do not notify the applicant of their decision upon his application they shall be deemed to have refused the application.

(6) In the case of an application for a consent under subsection (1) of this section or for alteration of a condition under subsection (4)

of this section, where the Corporation decide to refuse such consent or to grant it subject to conditions or, as the case may be, decide to refuse such alteration or to allow such alteration but to alter or add any condition, they shall state their reasons in writing and notify the applicant thereof.

(7) (*a*) If a person who is the operator, or who proposes to become the operator, of a public parking place is aggrieved—

(i) by a decision of the Corporation to refuse, or by a deemed refusal of, an application for a consent under subsection (1) of this section; or

(ii) by a decision of the Corporation as to a condition attached to such consent; or

(iii) by a decision to refuse, or by a deemed refusal of, an application for an alteration of any such condition or to grant such application but to alter or add any condition; or

(iv) by a decision of the Corporation to alter or add any condition in pursuance of subsection (3) of this section;

he may appeal to the Secretary of State against the decision or deemed refusal as the case may be.

(*b*) On an appeal under this subsection the Secretary of State may dismiss the appeal or substitute for the decision, or deemed refusal, of the Corporation in respect of which the appeal is brought such other decision as he thinks fit, and the Corporation shall take such steps as may be necessary to give effect to the decision of the Secretary of State.

(*c*) Section 4 (Appeals) of this Order shall apply in respect of any appeal made under this subsection.

Appeals.

4.—(1) An appeal under subsection (7) of section 3 (Public parking places requiring consent) of this Order shall be made by notice to the Secretary of State within twenty-eight days of the notification by the Corporation to the appellant of the decision against which the appeal is brought or, in the case of an appeal against a deemed refusal of an application, within twenty-eight days of the date on which the application is deemed to have been refused, and the notice of appeal shall in all cases state the circumstances in which the appeal is brought.

(2) Not later than the date upon which notice of an appeal is given to the Secretary of State a copy thereof shall be served by the appellant upon the Corporation.

(3) (*a*) Before determining any such appeal the Secretary of State shall, if either the appellant or the Corporation so request, afford to each of them an opportunity of appearing before, and being heard by, a person appointed in that behalf by the Secretary of State.

(*b*) If the Secretary of State thinks fit in any case where such a request is made, he may, instead of complying with that request, cause a local inquiry to be held in connection with the appeal; and subsections (2) to (9) of section 210 of the Local Government (Scotland) Act 1973 (Local inquiries) shall apply to any such inquiry.

1973 c. 65.

(4) The decision of the Secretary of State on the appeal shall be final and binding on both the appellant and the Corporation.

Offences.

5.—(1) If any person being a person by whom a public parking place is operated wilfully acts in contravention of the provisions of subsection (1) of section 3 of this Order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds and to a daily penalty not exceeding one hundred pounds.

(2) If any person wilfully acts in contravention of any condition attached to a consent under this Order he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred pounds and to a daily penalty not exceeding fifty pounds.

(3) For the purposes of this section "daily penalty" means a further fine for every day on which any offence is committed after conviction therefor.

Compensation.

6.—(1) Where an operator or a proprietor of a public parking place is aggrieved by the alteration or addition by the Corporation of any condition of a consent granted under this Order and claims that as a result of such alteration or addition he has suffered loss or damage in consequence of the depreciation of the value of his interest in those premises or by being disturbed in the enjoyment of those premises or by loss of business he shall, subject to the provisions of this section, be entitled to recover compensation from the Corporation in respect of that loss or damage.

(2) Any difference arising between such person and the Corporation as to the amount (if any) of compensation payable under the foregoing subsection shall be determined by the Lands Tribunal for Scotland.

Further powers as to libraries.

7.—(1) The powers of the Corporation under the Glasgow Libraries Acts 1899 to 1948 shall include powers—

(*a*) to provide and lend out or permit the use of records, other than any record which has been bequeathed for the purpose of reference only or subject to the provision that it shall not be lent out;

(*b*) to make such charges as the Corporation think fit for the borrowing of any record;

(*c*) to prescribe a period within which any record lent out or borrowed from any of the public libraries of the Corporation must be returned thereto and to exact additional charges for the retention by borrowers of any record beyond such period;

(*d*) to require any person to whom any record is lent or by whom any record is borrowed to deposit with the Corporation such sum as may be prescribed by them as security for the safe return thereof.

(2) Where the Corporation are entitled under this section to recover any additional charge from any person or where any person retains any record after the expiry of any period prescribed by the Corporation,

such person shall not be entitled to borrow any other record from any of the public libraries of the Corporation until such additional charge has been paid or such record returned as the case may be.

(3) Where any person habitually fails to return within the prescribed period any record borrowed by him from any public library of the Corporation the Corporation may prohibit such person from borrowing any record from any of the public libraries of the Corporation for such period as they may prescribe.

(4) For the purposes of this section the expression " record " means a gramophone record, tape recording or other similar record.

Costs of Order.

8. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and shall be allocated amongst the several undertakings and services of the Corporation in such proportions as the Corporation may deem expedient.

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