

CHAPTER xix

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Glasgow Corporation. [30th July 1949.]

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:—

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 Order Confirmation Act 1949. Short title.

SCHEDULE

GLASGOW CORPORATION

Provisional Order to authorise the Corporation of the city of Glasgow to borrow further moneys for the purposes of their sewage undertaking to confer further powers on the said Corporation in connection with their parks and markets undertakings and with respect to the regulation of traffic to provide for the abandonment of the construction of the bridge over the river Clyde at Finnieston authorised by the Glasgow Corporation Order 1927 and to confer powers on the said Corporation with respect to the development of lands acquired by them in connection therewith to confer further powers on the said Corporation with respect to their tramway undertaking and for other purposes

WHEREAS by the Glasgow Corporation Sewage Order 1935 the Corporation of the city of Glasgow (hereinafter called "the Corporation" and "the city" respectively) were authorised to acquire lands and to construct sewers for the drainage of the city and of certain adjacent areas:

And whereas by the said Order the Corporation were authorised to borrow the sum of one million five hundred thousand pounds for the acquisition of lands and the construction of the works authorised by the said Order and of that sum the Corporation have borrowed one million and eighteen thousand pounds:

And whereas owing to increases in the cost of labour and materials consequent on the war the amount which the Corporation were authorised to borrow as aforesaid is insufficient and it is expedient that the Corporation should be authorised to borrow further moneys for the purposes aforesaid as provided in this Order:

And whereas by the Glasgow Corporation Order 1912 the Corporation were authorised to assess levy and recover an annual assessment not exceeding four pence halfpenny per pound for defraying the expense attending the execution of the Glasgow Parks Acts 1878 to 1909 and the said Order of 1912 and by the Glasgow Corporation Order 1920 the amount of the said assessment was increased to seven pence halfpenny:

And whereas the amount of the said assessment is insufficient to meet the expense attending the execution of the Glasgow Parks Acts 1878 to 1948 and it is expedient that the limitation on the amount of the said assessment should be removed:

And whereas by the Glasgow Corporation Order 1921 the Corporation were authorised to demand and take the rates tolls charges and rents specified in the Second Schedule to the said Order in respect of (inter alia) the slaughtering of cattle and sheep in the slaughter-houses of the Corporation and for accommodation for the sale of meat in the dead meat market of the Corporation;

And whereas the said rates tolls charges and rents are insufficient and it is expedient that they should be increased as provided in this Order:

And whereas by the Glasgow Corporation Order 1927 the Corporation were authorised to construct a high level bridge over the river Clyde and approaches thereto at Finnieston in the city but in view of the fact that the said bridge would not now be capable of meeting the traffic and communication needs of the city nor be reasonably adaptable to any adequate system of roads within the city and having regard to the powers conferred on the Corporation by the Glasgow Corporation Order 1948 to construct tunnels for vehicular traffic under the river Clyde between Linthouse and Whiteinch in the city the construction of the said bridge and relative works is unnecessary and it is expedient that the construction of the said bridge and relative works should be abandoned and that the powers contained in this Order should be conferred on the Corporation with respect to the lands acquired by them under the said Order of 1927:

And whereas it is expedient that further powers should be conferred on the Corporation with respect to the regulation and control of vehicular traffic in the city:

And whereas it is expedient that the time limited for the construction of the tramways authorised by the Glasgow Water and Tramways Order 1939 should be further extended:

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 Private Legislation Procedure (Scotland) Act 1936: 26 Geo. 5. & 1 Edw. 8. 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. This Order may be cited as the Glasgow Corporation Order 1949.

This Order and the Glasgow Loans Acts 1883 to 1948 may be cited together as the Glasgow Loans Acts 1883 to 1949.

This Order and the Glasgow Markets Acts 1865 to 1948 may be cited together as the Glasgow Markets Acts 1865 to 1949.

This Order and the Glasgow Parks Acts 1878 to 1948 may be cited together as the Glasgow Parks Acts 1878 to 1949.

This Order and the Glasgow Police Acts 1866 to 1948 may be cited together as the Glasgow Police Acts 1866 to 1949.

This Order and the Glasgow Sewage Acts 1935 to 1948 may be cited together as the Glasgow Sewage Acts 1935 to 1949.

This Order and the Glasgow Tramways Acts 1905 to 1948 may be cited together as the Glasgow Tramways Acts 1905 to 1949.

This Order and the Glasgow Corporation Acts 1855 to 1948 may be cited together as the Glasgow Corporation Acts 1855 to 1949.

Interpretation.

2. The following words and expressions in this Order have unless there be something in the subject or 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;

"Loans Acts" means the Glasgow Loans Acts 1883 to 1948;

"loans fund" means the fund provided by the Loans Acts;

"magistrate" means a magistrate or judge having jurisdiction under the Police Acts;

"Order of 1927" "Order of 1935" and "Order of 1939" mean respectively the Glasgow Corporation Order 1927 the Glasgow Corporation Sewage Order 1935 and the Glasgow Water and Tramways Order 1939;

"Police Acts" means the Glasgow Police Acts 1866 to 1948;

"police offence" means any offence consisting either of an act or the neglect or omission to do an act which the magistrate is authorised by this Order to try;

"Sewage Acts" means the Glasgow Sewage Acts 1935 to 1948;

"Tramways Acts" means the Glasgow Tramways Acts 1905 to 1948.

"transport commission" means the British Transport Commission and any reference to the transport commission in relation to the functions of the transport commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive.

10 & 11 Geo. 6. c. 49.

Further borrowing powers for sewage purposes.

3.—(1) The Corporation may for the purpose of carrying out the powers conferred on them by the Order of 1935 borrow any moneys not exceeding in the whole the sum of six hundred and eighty thousand pounds in addition to the sum of four million three hundred and sixty-five thousand two hundred and eighty-two pounds eight shillings and sixpence authorised to be borrowed under the Sewage Acts.

(2) The Corporation may again borrow any sums which may have been repaid by them otherwise than by the application of money received for lands and properties sold by them and by sinking fund provided by the immediately succeeding subsection of this section and any money so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of the Sewage Acts and shall form part of the money authorised to be borrowed under the Sewage Acts.

(3) The Corporation shall annually set apart as a sinking fund and pay into the loans fund such sums as are necessary to provide for the repayment of the money borrowed under the powers of subsection (1) of this section within sixty years from the date or dates of borrowing the same and not paid off by other means than such sinking fund and they shall apply such sinking fund in paying off the principal sums so borrowed.

(4) The provisions of the Loans Acts shall apply to the money borrowed by the Corporation under the powers of this section.

Removal of limitation on assessment under Parks Acts.

4.—(1) The limitation on the amount of the annual assessment for defraying the expense attending the execution of the Glasgow Parks Acts 1878 to 1948 imposed by section 21 (Assessment under Parks Acts) of the Glasgow Corporation Order 1912 as such section is amended by section 4 (Parks assessment) of the Glasgow Corporation Order 1920 is hereby removed and the Glasgow Parks Acts 1878 to 1948 shall be read and construed accordingly.

(2) This section shall be deemed to have come into operation on and from the first day of June one thousand nine hundred and forty-nine.

Increase of rates for slaughter of cattle and sheep &c.

5. The Second Schedule to the Glasgow Corporation Order 1921 shall be read and have effect as if—

(*a*) for the rate of two shillings and sixpence prescribed in Part 1 (Rates and tolls to be taken in the slaughterhouses) of the said schedule in respect of every ox cow bull or heifer slaughtered there were substituted a rate of three shillings and sixpence;

(*b*) for the rate of sixpence prescribed in Part 1 (Rates and tolls to be taken in the slaughterhouses) of the said schedule for every sheep lamb or goat slaughtered there were substituted a rate of ninepence; and

(*c*) for the rent of three-eighths of a penny per week for every superficial foot contained in each stance prescribed in Part 4 (Rates tolls and rents in dead meat market) of the said schedule there were substituted a rent of one halfpenny;

and the said Order shall be read and construed accordingly.

Remuneration of stipendiary magistrates. 58 & 59 Vict. c. cxliii.

6.—(1) Section 24 (Power to appoint stipendiary magistrates and regulate office) of the Glasgow Corporation and Police Act 1895 shall be read and have effect as if the following subsection were substituted for subsection (4) thereof:—

"(4) The Corporation may pay such stipendiary magistrates such salaries as may be fixed by the Corporation from time to time with the approval of the Secretary of State."

(2) Section 75 (Stipendiary magistrates' remuneration) of the Order of 1927 is hereby repealed.

Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith.

7.—(1) The Corporation shall abandon the construction of the works authorised by Part II (Finnieston Bridge) and of Tramways Nos. 2 3 and 4 authorised by section 31 (New tramways) of the Order of 1927.

(2) The Corporation may—

(*a*) lay out and develop the lands acquired by them under the powers of the Order of 1927 for the purposes of Part II (Finnieston Bridge) of the Order of 1927;

(*b*) construct sewer drain pave flag channel and kerb streets roads and ways thereon ;

(*c*) erect and maintain houses shops offices industrial buildings warehouses and any other buildings thereon ;

(*d*) appropriate the said lands or any of them for the purposes of any of their functions or undertakings ;

(*e*) sell feu lease or otherwise dispose of the said lands or any of them and of any buildings thereon upon and subject to such terms conditions and restrictions (including conditions and restrictions upon the use thereof or as to buildings to be erected thereon or as to the use to which such buildings or any other buildings thereon may be put) as they think fit.

(3) The provisions of the Order of 1927 and of the Glasgow Corporation Order 1937 specified in the schedule to this Order are hereby repealed.

For protection of Clyde Navigation Trustees.

8. Nothing in the section of this Order of which the marginal note is "Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith" shall affect prejudicially any rights or claims of the trustees of the Clyde Navigation against the Corporation competent to the said trustees at the date of the passing of the Act confirming this Order.

For protection of British Transport Commission.

9.—(1) The Corporation shall at their own expense erect and thereafter maintain to the satisfaction of an engineer to be appointed by the transport commission a suitable fence of such type and height as may be agreed between the city engineer of the Corporation and the said engineer or (failing agreement) settled by arbitration along the north-eastern boundary of the area of land containing 2,675 square yards or thereby belonging to the Corporation situated between Govan Road and property belonging to the transport commission which area of land is shown coloured red on the plan marked "B" referred to in subsection (2) (*b*) of section 17 of the Order of 1927.

(2) Where any lands or heritages of the transport commission shall wholly or partially front adjoin or abut upon any street or road or part thereof to be constructed by the Corporation under the provisions of the section of this Order of which the marginal note is "Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith" the Corporation shall not be entitled to recover from the transport commission any part of the costs charges and expenses of the construction or maintenance thereof effeiring to such lands and heritages.

(3) Any difference arising under this section shall be determined by an arbiter to be mutually agreed upon between the Corporation and the transport commission or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Power to stop up streets.

10. The Corporation may for the purposes of and in connection with the exercise by them of the powers conferred on them by the

section of this Order of which the marginal note is "Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith"—

(*a*) stop up Tunnel Street and the harbour tunnel approaches or any portion thereof and thereupon all rights of way over the same shall cease and be extinguished, but the Corporation shall not stop up such street and approaches or any portion thereof unless they are owners in possession of all buildings and lands on both sides of such street or approaches or portion to be stopped up except so far as the owners lessees and occupiers of such buildings and lands may otherwise agree; and

(*b*) within the limits of deviation defined on the plans deposited in connection with the Order of 1927 appropriate the site and soil of such street and approaches or any portion thereof so stopped up and the site and soil thereof shall vest in the Corporation.

Power to borrow money and levy assessments for development of lands at Finnieston.

11.—(1) The Corporation may for the purpose of carrying out the powers conferred on them by the section of this Order of which the marginal note is "Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith" borrow with the consent of the Secretary of State such sum or sums of money as may be required for such purposes.

(2) The Corporation may again borrow any sums which may have been repaid by them otherwise than by the application of money received for lands and properties sold by them and by sinking fund provided by the immediately succeeding subsection of this section and any money so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of this Order and shall form part of the money authorised to be borrowed under this Order.

(3) The Corporation shall annually set apart as a sinking fund and pay into the loans fund such sums as are necessary to provide for the repayment of the money borrowed under the powers of subsection (1) of this section within fifty years from the date or dates of borrowing the same and not paid off by other means than such sinking fund and they shall apply such sinking fund in paying off the principal sums so borrowed.

(4) The provisions of the Loans Acts shall apply to the money borrowed by the Corporation under the powers of this section.

(5) All expenditure incurred by the Corporation in carrying out the powers conferred on them by the section of this Order of which the marginal note is "Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith" and not otherwise recovered shall be defrayed by the Corporation out of the burgh fund as part of such branch or branches of expenditure as the Corporation may determine and any rate levied in respect of such expenditure shall be payable by owners and occupiers in equal proportions.

Regulations as to traffic on special occasions.

12.—(1) The Corporation may from time to time make regulations or orders—

(*a*) diverting temporarily out of any street traffic of every kind or traffic of any particular kind and prescribing the route to be observed by all vehicles or vehicles of different classes on occasions of ceremonies processions rejoicings shows exhibitions entertainments sports races or on any occasions when the streets are liable to be thronged or the traffic likely to be abnormal and for keeping order and preventing obstruction on such occasions ;

(*b*) for keeping order and preventing the obstruction of streets in the neighbourhood of theatres and other places of public resort.

(2) Any person who contravenes any regulation or order of the Corporation under the provisions of this section shall be guilty of a police offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in such manner as unreasonably to obstruct or interfere with the access to or exit from any railway station or railway or canal depot belonging to the transport commission.

Application of section 46 of Road Traffic Act 1930 to Corporation.
20 & 21 Geo. 5. c. 43.
23 & 24 Geo. 5. c. 53.

13.—(1) For the purposes of subsection (2) of section 46 (Power to restrict use of vehicles on specified roads) of the Road Traffic Act 1930 (as that section is amended by section 29 (Power to prohibit or restrict use of vehicles on certain roads) of the Road and Rail Traffic Act 1933) the Corporation shall be deemed to be a county council within the meaning of paragraph (*b*) of section 60 (Application to Scotland) of the said Act of 1930.

(2) An order made under the said section 46 of the said Act of 1930 as applied to the Corporation by this section shall not apply to or with respect to any street wharf quay harbour dock or similar work belonging to the trustees of the Clyde Navigation and used by them for the purposes of their undertaking.

(3) Section 38 (Regulations for controlling vehicular traffic) of the Glasgow Corporation Order 1929 and section 3 (Application of section 46 of the Road Traffic Act 1930 to Corporation) and section 4 (Saving in respect of quays &c. of Clyde Navigation Trustees) of the Glasgow Corporation Act 1946 are hereby repealed.

Posting of notices of intended marriages.
41 & 42 Vict. c. 43.

14.—(1) Notwithstanding anything in section 8 of the Marriage Notice (Scotland) Act 1878 (which relates to the posting up of particulars of intended marriages) the posting or putting up by the registrar of a notice of any intended marriage in a conspicuous and accessible place on the door or outer wall of any central offices established or to be established in the city for the registration of births deaths and marriages shall be deemed to be sufficient compliance with the requirements of the said section 8 of the said Act of 1878 and it shall not be necessary for the said notice to be posted or put up in the office of the registrar to whom such notice has been given.

(2) For the purpose of this section "registrar" has the same meaning as in the Marriage Notice (Scotland) Act 1878.

Substitution of term "chief inspector" for "lieutenant of police" &c.

15. The term "chief inspector" shall be substituted for the terms "lieutenant of police" and "lieutenant" wherever occurring in the Police Acts.

Extending time for construction of tramways authorised by Order of 1939.

16. The time limited by section 39 (Period for completion of tramways) of the Order of 1939 for the construction of the tramways authorised by the Order of 1939 as extended by the Glasgow Corporation Orders 1936 and 1939 (Extension of Time) Order 1943 and further extended by the Glasgow Corporation (Extension of Time) Order 1946 is hereby further extended until the thirty-first day of December one thousand nine hundred and fifty-one.

Application of section 301 of Local Government (Scotland) Act 1947 to tramway &c. byelaws. 10 & 11 Geo. 6. c. 43.

17.—(1) Notwithstanding anything in the Tramways Acts the provisions of section 301 (Procedure &c. for making byelaws) of the Local Government (Scotland) Act 1947 shall extend and apply to the making of any byelaws made by the Corporation under the powers of the Tramways Acts with respect to the tramway undertaking or the tramways or the trolley vehicles authorised by the Tramways Acts.

(2) Section 63 (Section 301 of Local Government (Scotland) Act 1947 not to apply to tramway and trolley vehicle byelaws) of the Glasgow Corporation Order 1948 is hereby repealed.

Trial of police offences.

18. All police offences under this Order may be prosecuted in a summary manner before the magistrate and any penalties in respect of such offences shall be recoverable and applied in the same manner as penalties imposed by the magistrate under the Police Acts.

Saving for town and country planning. 10 & 11 Geo. 6. c. 53.

19. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Saving for emergency restriction on borrowing. 8 & 9 Geo. 6. c. 18. 9 Geo. 6. c. 10. 9 & 10 Geo. 6. c. 58.

20. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving from effect of repeal.

21.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

(*a*) All property vested in the Corporation under the provisions of the repealed Acts at the date of the passing of the Act confirming this Order shall continue vested in the Corpora-

tion to the same extent and effect and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the date of the passing of the Act confirming this Order valid and available or in progress and all existing notices agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights decrees orders and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed;

(*b*) All actions arbitrations submissions prosecutions and proceedings by reason of any matter or thing done before the date of the passing of the Act confirming this Order in the execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted as if the Act confirming this Order had not been passed;

(*c*) All existing regulations orders consents sanctions and things done in execution of or in relation to any of the repealed Acts shall in so far as not inconsistent with the provisions of this Order continue in force until repealed altered or revoked under the provisions of this Order or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;

(*d*) All sums of money at the date of the passing of the Act confirming this Order due to the Corporation under or in respect of any of the provisions of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed;

(*e*) All books registers deeds documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed.

(2) For the purposes of this section the expression "repealed Acts" means the provisions of the Act and Orders repealed by this Order.

Costs of Order.

22. The costs charges and expenses of and incident 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 between the several undertakings and services of the Corporation in such proportions as the Corporation may deem expedient and if paid out of borrowed money (which the Corporation are hereby authorised to borrow for the purpose) shall be repaid out of revenue within five years from the date of the passing of the Act confirming this Order.

The SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Abandonment of construction of Finnieston Bridge &c. and development of lands acquired in connection therewith")

GLASGOW CORPORATION ORDER 1927

Section 5. (New bridge).
Section 6. (Subsidiary works).
Section 7. (Subsidiary works affecting river Clyde).
Section 8. (For protection of Postmaster-General).
Section 9. (Restriction as to landing places).
Section 10. (Power to stop up streets).
Section 11. (Limits of deviation).
Section 12. (Period for completion of works).
Section 13. (Underpinning or otherwise strengthening houses).
Section 15. (Abandonment of Finnieston ferries).
Section 16. (For protection of trustees of Clyde Navigation).
Section 17. (For protection of London Midland and Scottish Railway Company).
Section 18. (For protection of shipowners).
Section 19. (For protection of Barclay Curle and Company Limited).
Section 20. (For protection of Shell-Mex Limited and others).
Section 21. (For protection of Glasgow Sailors' Home).
Section 24. (Works below high-water mark to be subject to approval of Board of Trade).
Section 25. (Survey of works by Board of Trade).
Section 26. (Abatement of work abandoned or decayed).
Section 27. (Lights on works during construction).
Section 28. (Permanent lights on works).
Section 29. (Provision against danger to navigation).
Section 31. (New tramways) (so far as relating to Tramways Nos. 2 3 and 4 therein described).

GLASGOW CORPORATION ORDER 1937

Section 10. (Temporary continuance of Finnieston ferries).

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