CHAPTER clii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow Corporation (Police). [11th August 1903.]

A.D. 1903.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

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 shall be and the same is hereby confirmed.

Confirmation of Order in schedule.

2. This Act may be cited as the Glasgow Corporation (Police) Order Confirmation Act 1903.

Short title.

A.D. 1903.

SCHEDULE.

GLASGOW CORPORATION (POLICE).

Provisional Order to authorise the Corporation of the city of Glasgow to construct a deviation of an authorised sewer to abandon certain authorised sewers to vest the bridge over the River Kelvin at Woodlands Road in the Corporation and for other purposes.

WHEREAS it is expedient that the Sewer (No. 4) authorised by the Glasgow Corporation (Sewage &c.) Act 1898 (hereinafter referred to as "the Act of 1898") should be deviated and that the Corporation of the city of Glasgow (hereinafter called "the Corporation" and "the city" respectively) should be authorised to acquire additional lands for the purposes of their sewage undertaking as by this Order provided and that they should be authorised to abandon so much of the said Sewer (No. 4) as will be rendered unnecessary by the construction of the deviation thereof by this Order authorised the Sewer (No. 5) authorised by the Act of 1898 and the deviation of the Sewer (No. 4) authorised by the Glasgow Corporation (Police) Order 1901:

And whereas by a determination of the Secretary for Scotland issued under section 88 of the Roads and Bridges (Scotland) Act 1878 dated the 19th day of August 1887 it was provided inter alia that the bridge over the River Kelvin on the Woodlands Road should belong in common to the city the then burgh of Hillhead and the burgh of Partick and that the burden of managing maintaining and repairing and if need be of rebuilding the said bridge and of paying the debt affecting or which might affect the same should be borne in the following proportions viz. by the city fifty-seven per cent. by the burgh of Hillhead thirty-three per cent. and by the burgh of Partick ten per cent.:

And whereas by the City of Glasgow Act 1891 the burgh of Hillhead was annexed to the city and the said bridge is now entirely within the city and the burdens in respect of it are now borne by the city to the extent of ninety per cent.:

And whereas it has been agreed between the Corporation and the burgh of Partick that the city should take over the whole

bridge and the burden of managing maintaining repairing and if need be rebuilding the same and of paying any debt affecting or which may affect the same : A.D. 1903.

And whereas by subsection (5) of section 88 of the Roads and Bridges (Scotland) Act 1878 it is enacted that any determination of the Secretary for Scotland under the said section 88 shall have the same effect as if it were contained in the said Act and it is expedient that such determination should be recalled and repealed as hereinafter provided :

And whereas plans and sections showing the lines and levels of the deviation of sewer and other works and of the lands required or which may be taken for the purposes or under the powers of this Order and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the principal sheriff-clerk of the county of Lanark with the town clerk of the city the town clerk of the burgh of Kinning Park and the town clerk of the burgh of Govan which plans sections and books of reference are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

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

Short title and citations.

1. This Order may be cited as the Glasgow Corporation (Sewage &c.) Order 1903.

This Order and the Glasgow Police Acts 1866 to 1901 may be cited as the Glasgow Police Acts 1866 to 1903.

This Order and the Glasgow Sewage Acts 1891 to 1901 may be cited as the Glasgow Sewage Acts 1891 to 1903.

This Order and the Glasgow Corporation Acts 1855 to 1902 and any other Order confirmed or Act passed during the present Session relating to the Corporation may be cited as the Glasgow Corporation Acts 1855 to 1903.

Order divided into Parts.

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

Part I.—Preliminary.

Part II.—Sewage.

Part III.—Miscellaneous.

A.D. 1903.

Part I.

Preliminary.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except where expressly varied by this Order) incorporated with and form part of this Order and this Order shall be deemed to be a special Act within the meaning of those Acts.

Interpretation.

4. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Order the expressions "the promoters of the undertaking" "the Commissioners" and "the Company" in the incorporated Acts mean respectively the Corporation.

Further interpretation.

5. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say):—

"The city" means the city and royal burgh of Glasgow:

"The Corporation" means the Corporation of the city:

"Sheriff" means the sheriff of the county of Lanark and includes his substitutes:

"The Act of 1891" means the Glasgow Police (Sewage &c.) Act 1891:

"The Act of 1896" means the Glasgow Corporation Sewage Act 1896:

"The Act of 1898" means the Glasgow Corporation (Sewage &c.) Act 1898:

"The Order of 1901" means the Glasgow Corporation (Police) Order 1901.

Part II.

Sewage.

Power to execute works and take lands.

6. Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the deviation of sewer and works hereinafter described together with all necessary and proper appliances works and conveniences incidental or subsidiary thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose and for the other purposes of this Order The sewer and works hereinbefore referred to are the following:—

A deviation of Sewer (No. 4) authorised by section 5 of the Act of 1898 wholly in the parish of Govan and the county

of Lanark commencing in the city in Paisley Road at a point 14 yards or thereabouts westward from the intersection of the east side of Pollok Street passing through the burgh of Kinning Park and terminating in the city by a junction with the Sewer (No. 1) authorised by section 5 of the Act of 1898 in the centre of St. Andrew's Drive at a point 214 yards or thereabouts westward from the west side of Shields Road.

Power to maintain sewage works on certain lands.

7. Subject to the provisions of this Order the Corporation may construct upon lands acquired or to be acquired by them under the powers of this Order or some part thereof hereinafter described (but not elsewhere) and thereafter maintain and use all necessary and proper erections appliances pumping and other engines buildings apparatus and works for pumping and conveying sewage.

The lands above referred to are—

A piece of land 2880 square yards or thereabouts in extent situate wholly in the parish of Govan the burgh of Kinning Park and the county of Lanark and lying within the following boundary Commencing at a point on the east building line of Great Wellington Street and extending northward along the said building line for a distance of 36 yards or thereabouts to the south building line of Park Street thence eastward along the south building line of Park Street for a distance of 80 yards or thereabouts to the west building line of Saint James Street thence southward along the west building line of Saint James Street for a distance of 36 yards or thereabouts thence westward along a line parallel to Park Street for a distance of 80 yards or thereabouts to the point of commencement.

Corporation may abandon portion of Sewer (No. 4) and Sewer (No. 5) authorised by Act of 1898 and deviation of Sewer (No. 4) authorised by Order of 1901.

8. The Corporation shall abandon the construction of—

(1) So much of the Sewer (No. 4) authorised by the Act of 1898 as is rendered unnecessary by the construction of the deviation of the said Sewer (No. 4) by this Order authorised:

(2) The Sewer (No. 5) authorised by the Act of 1898:

(3) The deviation of the Sewer (No. 4) authorised by the Order of 1901.

Compensation for damage to land by entry &c. for purposes of

9. The abandonment by the Corporation under the authority of this Order of the portion of Sewer (No. 4) and of Sewer (No. 5) authorised by the Act of 1898 and of the deviation of Sewer (No. 4) authorised by the Order of 1901 shall not prejudice or affect the

A.D. 1903.

right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof.

portion of sewer abandoned.

Compensation to be made in respect of portion of sewer abandoned.

10. Where before the passing of the Act confirming this Order any contract has been entered into or notice given by the Corporation for the purchasing of any land or wayleave for the purposes of or in relation to any portion of the Sewer (No. 4) and the Sewer (No. 5) authorised by the Act of 1898 and the deviation of the Sewer (No. 4) authorised by the Order of 1901 and authorised to be abandoned by this Order the Corporation shall be discharged of all liability to purchase or to complete the purchase of any such land or wayleave but nevertheless full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such land or wayleave for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Applying provisions of Act of 1898 to deviated sewer.

11. The provisions of the Act of 1898 shall apply to the deviation of Sewer (No. 4) and to the works by this Part of this Order authorised and to the incidental or subsidiary works connected therewith and to the lands hereinbefore authorised to be taken for the purposes of this Part of this Order in the same manner and to the like effect as if that deviation and those works had been authorised by and were being carried out and the Corporation had been authorised to enter upon take and use the said lands under and subject to the provisions of the Act of 1898.

For protection of burgh of Kinning Park

12. The provisions of section 40 (For protection of Commissioners of Pollokshaws and Lanarkshire and Renfrewshire Councils) of the Act of 1898 shall apply to the deviation of Sewer (No. 4) and to the works by this Part of this Order authorised and to the incidental and subsidiary works connected therewith so far as the said deviation and works and incidental and subsidiary works are

situated within the burgh of Kinning Park as if the preamble of section 40 of the Act of 1898 were as follows "For the "protection of the Town Council or Commissioners of the Burgh "of Pollokshaws the Town Council of Kinning Park the Lanark- "shire Council and the County of Lanark and the Renfrewshire "Council and the County of Renfrew (hereinafter for their "respective rights and interests called 'the Protected Authorities' "and 'the Protected Areas' as the case may be) the following "provisions shall unless otherwise agreed have effect and be "binding on the Corporation namely:—"

For protection of railway companies.

13. Whereas the works for carrying out the deviation by this Order authorised will pass under the lines of the Caledonian Railway Company the main line and the Paisley Canal line of the Glasgow and South Western Railway Company and under the main line of the Glasgow and Paisley Joint Railway under the control and management of the Glasgow and Paisley Joint Line Committee Therefore the following provisions for the protection of the said Caledonian Railway Company Glasgow and South Western Railway Company and the said Glasgow and Paisley Joint Line Committee shall (unless otherwise agreed upon) apply and have effect (that is to say):—

(1) In this section the expression "the companies" means the before-mentioned companies and committee of management or such one or more of them as may be affected by the exercise of the powers by this Order conferred upon the Corporation and the expression "the railway and works" means any railway or tramway of the companies and all sidings stations depôts roads bridges bridge approaches tunnels and other works and conveniences connected therewith or any property or buildings of the companies:

(2) In constructing the said deviated sewer the Corporation shall not without the consent of the said Glasgow and South Western Railway Company and the Glasgow and Paisley Joint Line Committee depart from the lines and levels shown upon the deposited plans and sections:

(3) The deviated sewer and works by this Order authorised where the same are intended to be constructed under or which may in any way affect the railways and works of the companies shall be constructed of such design strength and durability as shall be sufficient for the effectual and safe support of the railways and works of the companies and the

A.D. 1903.

buildings and erections in connection therewith and shall be constructed and completed and thereafter altered repaired and renewed at the expense in all things of the Corporation and in accordance only with plans and specifications to be submitted to the companies previously to the commencement of any such works alterations repairs or renewals or if the companies shall object to any such works alterations repairs or renewals as shown on any plans and specifications so submitted to them then failing agreement as to any modifications thereof in accordance only with plans and specifications to be settled by the arbiter to be appointed as hereinafter provided and of which last-mentioned plans and specifications a copy shall be delivered to the companies previously to the commencement of any such works alterations repairs or renewals Provided that if the companies shall not express their approval or disapproval of any plans and specifications within fourteen days after the same shall have been submitted to them as aforesaid the Corporation shall be entitled to proceed with the execution of said works alterations repairs and renewals in accordance with such plans and specifications but the companies shall not be held to have approved or acquiesced in such plans and specifications:

(4) The Corporation shall not either temporarily or permanently enter upon or interfere with the railways and works of the companies further or otherwise than may be necessary for constructing maintaining or effecting repairs to the deviated sewer and the works of the Corporation by this Order authorised which may be constructed under or near to the railways and works and buildings and erections in accordance with any such plans and specifications as aforesaid and they shall not alter or interfere with the lines or levels of the railways and works and they shall not unless with the consent of the companies under seal acquire any land or property of the companies but only such a servitude or wayleave underneath the land or property of the companies as may be necessary for such works Provided that in constructing the said deviated sewer where such sewer crosses underneath the railways and works and buildings and erections the Corporation shall not without the consent of the companies under seal enter upon or interfere with

A.D. 1903.

the surface of the railways and works and buildings and erections except that the Corporation may for the purpose of constructing the deviated sewer temporarily occupy the surface of the railways and works at such place to such extent and at such time as may be arranged between the engineers of the Corporation and the engineers of the companies due regard being had to the continuous working of the traffic as hereinafter provided:

(5) In constructing altering renewing repairing or maintaining the deviated sewer and works by this Order authorised where the same pass or are situated under any railways of the said Caledonian Railway Company the said deviated sewer and works shall be formed of such dimensions that there shall be a clear space of not less than three feet from the top of the rails of any such railway to the extrados or upper surface of the crown of the new deviated sewer:

(6) Notwithstanding anything contained in this Order the Corporation shall not discharge or allow to be discharged the contents of any sewer or works by this Order authorised into any drain sewer or watercourse formed or used exclusively for the drainage of the railways and works:

(7) The deviated sewer and works by this Order authorised shall be constructed altered renewed repaired and maintained by the Corporation so as not to injure or endanger the stability of the railways and works and buildings and erections or to cause any interruption impediment or danger to the traffic on the said railways and works or use thereof and all such operations shall be effected at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the engineers of the companies:

(8) If in constructing altering renewing repairing or maintaining the deviated sewer and works of the Corporation by this Order authorised or any of them the railways and works buildings and erections shall be injured or endangered or the railway traffic interrupted impeded or endangered or if any such injury danger interruption or impediment shall otherwise arise in consequence of the deviated sewer or works of the Corporation or of any failure or defect therein or of any act or operation of the Corporation in connection therewith the companies may enter upon the works and property of the Corporation and execute and do

A.D. 1903.

all such works and things as may be necessary to restore remove or prevent such injury danger interruption or impediment without being liable to the Corporation for any injury or interference thereby occasioned to the works and property of the Corporation and the Corporation shall on demand repay to the companies all costs and expenses reasonably incurred or paid by them in connection therewith and shall compensate the companies for all losses damages or compensation which they may sustain or incur or which may be recovered from them by reason of any such injury danger interruption or impediment:

(9) Nothing in this section shall prejudice or affect the rights powers and immunities reserved to and conferred on the Corporation and the companies by any Acts public or private or any agreements with or relating to the companies conferring rights powers and immunities and imposing liabilities duties and obligations upon the Corporation and the companies with reference to any sewers property and works of the Corporation and to the railways and works:

(10) If any difference shall at any time arise between the Corporation and the companies or their engineers with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the Board of Trade on the application of either the Corporation or the companies and the award or decision of such arbiter shall not free or relieve the Corporation of their liability to the companies for the injury damage interruption or impediment as provided in subsection (8) hereof If any question of law shall arise in course of such arbitration the arbiter shall have power at the request of either party to state a case for the opinion of the Court of Session and the Court shall determine such question.

Extension of time for completion of works authorised by Acts of 1896 and 1898.

14. The period limited for the completion of the works authorised by the Act of 1896 is hereby extended for a period of two years from the seventh day of August one thousand nine hundred and three and the period limited for the completion of the works authorised by the Act of 1898 so far as not authorised to be abandoned under the authority of the Order of 1901 and of this Order is hereby extended for a period of two years from the

twelfth day of August one thousand nine hundred and five and on the expiration of those periods the powers conferred by the said Acts respectively shall cease except as to so much of the works authorised by the said Acts as are then completed. A.D. 1903.

Extension of time for completion of certain works.

15. The period limited by the Act of 1898 for the completion of the sewers connections and other works referred to in section 6 (Special provision with respect to Renfrewshire) section 36 (Special provision with respect to Kinning Park) and section 37 (Special provision with respect to Rutherglen Burgh and Parish) thereof is hereby extended to the twelfth day of August one thousand nine hundred and seven.

Correction of errors &c. in deposited plans and books of reference.

16. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation after giving ten days' notice to the owners lessees and occupiers may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff-clerk of the county of Lanark and a duplicate thereof with the town clerk of the city the town clerk of the burgh of Kinning Park or the town clerk of the burgh of Govan as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by the said sheriff-clerk and town clerks respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with such certificate and the Corporation may purchase take and use the lands and execute the works in accordance with such certificate.

Power to take servitudes &c. by agreement.

17. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are

A.D. 1903.

applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Borrowing powers.

18. Subsection (3) of section 42 of the Act of 1898 authorising the Corporation to borrow money for sewage purposes shall be read and have effect as if the sum of twenty-one hundred thousand pounds were therein mentioned instead of the sum of eleven hundred thousand pounds and as if the works by this Order authorised had been authorised and were to be constructed under the Acts of 1891 1896 and 1898.

Special provision with respect to Rutherglen burgh and parish.

19. With respect to the sewage purification assessment to be imposed in terms of section 37 of the Act of 1898 by the town council of the burgh of Rutherglen on the said burgh and the county council of Lanark on Area No. 1 described in the Third Schedule to the said Act the following provisions shall have effect:—

(1) Subsection (B) of subsection (2) of said section 37 of said Act is hereby repealed and in lieu thereof be it enacted that the town council and county council shall be entitled to deduct each year from the proceeds of the assessment to be imposed by them respectively and paid over to the Corporation all payments made by them in respect of interest and sinking fund on the cost of construction of the Rutherglen sewers until such cost shall be extinguished Provided always that such deduction shall not in any year exceed the sum of one thousand pounds:

(2) As regards the construction of the Rutherglen sewers it is hereby provided that at least two months before commencement of the construction of the said sewers the town council and county council shall submit to the Corporation plans and sections working drawings and specifications showing the works proposed and the manner in which they are to be executed which plans sections working drawings and specifications shall be subject to the approval of the Corporation or in the event of difference of opinion between the Corporation and the said councils of an arbiter to be agreed on by the Corporation and the councils or failing agreement to be appointed by the sheriff on the application of any of the parties Provided that if the Corporation do not within one month after the delivery to them or to their clerk of said plans sections working drawings and specifications intimate objections thereto to the foresaid councils

the said councils may thereafter proceed to execute the said works in accordance with said plans sections working drawings and specifications.

As to assessment in defined area of Order of 1901.

20. With respect to the sewage purification assessment to be imposed by the county council of Lanark on the area described in the Schedule to the Order of 1901 the following provision shall have effect:—

The assessment to be so imposed shall not exceed for a period of ten years from the date when it was first imposed in the Barony Drainage District a maximum rate of four pence per pound in each year.

Sinking fund.

21. The Corporation shall annually set apart such sum as will secure that the amount borrowed by them under the authority of this Order for sewage purposes shall be repaid within a period not exceeding sixty years and they shall apply such sum as a sinking fund in paying off the principal sums so borrowed.

Application of money borrowed.

22. Money borrowed by the Corporation under the Act of 1891 as amended by the Acts of 1896 and 1898 and by this Order shall be applied in payment first of the costs charges and expenses incurred by the Corporation preliminary and incidental to the preparing applying for obtaining and confirming of this Order or otherwise in relation thereto and secondly in and for the purchase of and payment for lands and the construction of the works authorised by this Order and in carrying the Acts of 1891 1896 and 1898 the Order of 1901 and this Order into execution and not otherwise but they shall not apply any money borrowed or any other moneys of the nature of capital to the maintenance and management of works or to other purposes to which capital is not properly applicable.

PART III.

MISCELLANEOUS.

Vesting of Woodlands Road Bridge in Corporation.

23. The determination of the Secretary for Scotland dated the nineteenth day of August one thousand eight hundred and eighty-seven which provided that the bridge over the River Kelvin at Woodlands Road should belong in common to the city the then police burgh of Hillhead and the burgh of Partick is hereby recalled and repealed but without prejudice to anything done thereunder and the said bridge is by virtue of this Order and on the passing of the Act confirming this Order vested in the

A.D. 1903.

Corporation and the Corporation shall thereafter manage maintain repair and if need be rebuild the bridge and shall pay and discharge all debts and obligations which now affect or may hereafter affect the same and the provisions of the Roads and Bridges (Scotland) Act 1878 so far as applicable shall continue to apply to the Corporation in respect of such bridge.

Expenses of Order.

24. 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 if paid out of borrowed money shall be repaid out of revenue within five years.

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