Glasgow Corporation (Works &c.) Order Confirmation Act 1970

CHAPTER lvii

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ELIZABETH II



1970 CHAPTER lvii

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

[17th December 1970]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has 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 (Works &c.) Order Confirmation Act 1970. Short title.

SCHEDULE

GLASGOW CORPORATION (WORKS &c.)

Provisional Order to authorise the Corporation of the city of Glasgow to acquire lands and to construct works; to confer powers on the Corporation to require fire precautions in certain buildings used as places of public assembly; 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 by the Glasgow Corporation Sewage Order 1935 (hereinafter referred to as "the Order of 1935") the various Acts and Orders relating to the sewage undertaking of the Corporation were with certain amendments and additions consolidated into one Order and by the Order of 1935 the Corporation were empowered to construct additional sewers and other works and provision was made for the interception, treatment and disposal by the Corporation of the sewage of the city, of the burghs of Rutherglen and Clydebank and of certain portions of the counties of Dunbarton, Lanark and Renfrew:

And whereas in view of the circumstances now prevailing and anticipated on the eastern side of the city it is expedient that the Corporation should be empowered to construct the storm-water sewers authorised by this Order and to discharge the contents thereof into the river Clyde:

And whereas it is expedient that provision should be made for the interception and disposal under certain conditions of rainfall of the overflow from the burns and sewers within the city crossed by the said storm-water sewers as described in this Order:

And whereas it is expedient that the powers contained in this Order with respect to fire precautions in certain places of public assembly should be conferred on the Corporation:

And whereas estimates have been prepared by the Corporation in respect of the following purposes and such estimates are as follows:—

For the purchase of lands and servitudes	£50,000
For the construction of the said storm-water sewers and relative works	£3,700,000

And whereas the works included in such estimates are permanent works and should form part of the sewage undertaking of the Corporation and it is expedient that the cost thereof should be spread over a term of years:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Order with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff-clerk of the county of Lanark and with the town clerk of the city and such plans, sections and book of reference are in this Order respectively referred to as the deposited plans, sections and book of reference:

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:—

PART I

PRELIMINARY

Short title and citations.

1.—(1) This Order may be cited as the Glasgow Corporation (Works &c.) Order 1970.

(2) This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1970.

(3) This Order and the Glasgow Sewage Acts 1935 to 1965 may be cited together as the Glasgow Sewage Acts 1935 to 1970.

Interpretation.

2. In this Order the following words and expressions 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;

" Order of 1935 " means the Glasgow Corporation Sewage Order 1935;

" Order of 1950 " means the Glasgow Corporation Sewage Order 1950;

" storm-water sewers " means Work No. 1 and Work No. 2 authorised by this Order;

PART I —*cont.*

"sewage undertaking" has the same meaning as in the Order of 1935;

"sheriff" means the Sheriff of Lanarkshire and includes his substitutes;

"works" means the works authorised by this Order.

Incorporation of Acts.

3.—(1) The following Acts, so far as they are applicable to the purposes of and are not inconsistent with this Order, are hereby (except where expressly varied by this Order) incorporated with this Order:—

1845 c. 19. The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845);

1845 c. 33. The Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of land near the railway during the construction thereof and in that Act where applied to this Order the expressions "the promoters of the undertaking" and "the company" mean the Corporation, and the expressions "the railway" and "the undertaking" mean the storm-water sewers;

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

(2) Section 66 (For protection of railway companies in respect of new sewers) of the Order of 1935 is hereby incorporated with this Order and for the purposes of such incorporation references to the London Midland and Scottish Railway Company and the London and North Eastern Railway Company shall be deemed to be references to the British Railways Board and in that section the expression "the railway company" shall mean the said Board.

PART II

LANDS

Power to acquire lands.

4. Subject to the provisions of this Order the Corporation may enter upon, take and use all or any of the lands within the limits of deviation delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the storm-water sewers.

Period for compulsory purchase.

5. The powers of the Corporation for the compulsory purchase of lands under this Order shall cease on the 31st December 1973.

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to the sheriff for the correction thereof.

(2) If on any such application it appears to the sheriff that the misstatement or wrong description arose from mistake he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

PART II —*cont.*

(3) The certificate shall be deposited in the Office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office, House of Commons, and with the sheriff clerk of the county of Lanark and with the town clerk of the city, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Application of provisions of Order of 1950 to acquisition of lands.

7. The following provisions of the Order of 1950 shall extend and apply with respect to the acquisition by the Corporation of the lands which the Corporation are by this Order authorised to enter upon, take and use to the same extent as if the said provisions were with all necessary modifications re-enacted in this Order, that is to say:—

Section 7 (Servitudes, etc., by agreement);

Section 9 (Set-off of betterment against compensation);

Section 10 (As to private rights of way over lands taken compulsorily);

Section 11 (Power to enter upon property for survey and valuation):

Provided that not less than seven days' notice shall be given before the first entry under the powers of the said section and not less than twenty-four hours in the case of any entry thereafter;

Section 12 (Further powers of entry);

Section 13 (Power to acquire servitudes only);

Section 14 (Power to enter on lands for construction of sewers);

Section 15 (Power to purchase cellars, etc.);

Section 16 (Compensation for damage);

Section 17 (Underpinning or otherwise strengthening houses).

Compensation in case of recently altered buildings.

8. In settling any question of disputed purchase money or compensation payable under this Order by the Corporation, the arbiter shall not award any sum of money for or in respect of any improvement, alteration or building made, or for or in respect of any interest in the lands created after the 20th November 1969, if in the opinion of such arbiter the improvement, alteration or building, or the creation of the interest in respect of which the claim is made, was not reasonably necessary and was made or created with a view to obtaining or increasing purchase money or compensation under this Order.

PART III

CONSTRUCTION OF EASTERN STORM-WATER SEWERS

Power to construct works.

9. Subject to the provisions of this Order the Corporation may construct and maintain in the lines and according to the levels shown on the deposited plans and sections the storm-water sewer works

PART III —*cont.*

hereinafter in this section described, together with all necessary and proper appliances, works and conveniences incidental or subsidiary thereto, that is to say:—

WORK NO. 1—A storm-water sewer (Eastern storm-water sewer No. 1) 3 miles, 9 chains and 2 yards or thereabouts in length and not more than 12 feet in internal diameter wholly in the city and parish of Glasgow commencing on the north bank of the river Clyde at a point in enclosure No. 1560 on the 1/2500 Ordnance Survey map of Lanarkshire, N.S.6362 (edition of 1955) 43 yards or thereabouts northwards from the centre of the river Clyde and 162 yards or thereabouts westwards from the south-eastern boundary of enclosure No. 2366 on the said Ordnance map and terminating at a point 30 yards or thereabouts southwards of the northern boundary of enclosure No. 2110 on the 1/2500 Ordnance Survey map of Lanarkshire, N.S.6266 (edition of 1955) and 80 yards or thereabouts westwards from the centre line of Provan Road;

WORK NO. 2—A storm-water sewer (Eastern storm-water sewer No. 2) 3 furlongs, 8 chains and 2 feet or thereabouts in length and not more than 5 feet in internal diameter wholly in the city and parish of Glasgow commencing by a junction with Work No. 1 at a point on the centre line of Ruchazie Road produced, 77 yards or thereabouts south of the centre line of Cardowan Road and terminating by a junction with the overflow sewer from sewer No. 3 authorised by the Order of 1935 at a point 52 yards or thereabouts south of the centre line of Carntyne Road and 62 yards or thereabouts east of the centre line of Cardowan Road.

Power to deviate.

10. In the construction of the works the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding 3 feet upwards and to any extent downwards.

Certain provisions of Order of 1935 to apply to works.

11.—(1) The following provisions of the Order of 1935 shall with all necessary modifications extend and apply to and in respect of the works in the same way and manner and to the same extent as they extend and apply to and in respect of the sewers authorised by the Order of 1935 and the Order of 1935 shall be read and construed accordingly:—

The provisions of the Order of 1935 hereinbefore referred to are:—

Section 13 (Corporation to restore roads, etc.);
Section 14 (Prevention of issue of smoke from works);
Section 15 (Hours between which works not to be carried on);
Section 18 (Power to alter roads &c. temporarily);
Section 30 (Sewers and drains to be connected with works);
Section 31 (Sewage may be discharged into rivers in certain events);
Section 35 (Injurious matter not to be allowed to pass into sewers).

PART III —*cont.*

(2) (*a*) The exercise of the powers conferred in relation to streets and highways by the said section 18 as extended and applied to the works by this section shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up any street or highway for any of those purposes.

(*b*) In its application to this Order, subsection (3) (*a*) of the said section 18 shall have effect with the substitution of a reference to "the Post Office" for the reference to "His Majesty's Postmaster General".

Discharge into river Clyde.

12. Subject to the provisions of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965, the Corporation shall have power to discharge the contents of the storm-water sewer (Work No. 1) into the river Clyde.

Works to form part of sewage undertaking.

13. The works shall form part of the sewage undertaking.

Power to make connections with sewers and burns.

14.—(1) Subject to the provisions of this Order the Corporation may, within the limits of deviation shown on the deposited plans, in carrying out the works make junctions with any of their sewers or with any burn or open watercourse where such sewers, burns and watercourses are crossed by the storm-water sewer (Work No. 1) and the said storm-water sewer in such manner that such quantity of the contents of such sewers and of water from such burns and watercourses as is necessary for the prevention of overloading or flooding thereof shall be intercepted and discharged into the said storm-water sewer and in connection therewith may construct, provide and maintain all culverts, chambers, sluice valves and other works necessary for and ancillary thereto.

(2) In exercising the powers of this Order the Corporation shall so far as is reasonably practicable—

(*a*) ensure that the normal dry weather flow of such burns below the point of interception shall be permitted to continue as if the storm-water sewer (Work No. 1) had not been constructed;

(*b*) take all steps to limit to a minimum the quantity of sewage entering either of the storm-water sewers from the sewers with which junctions are made under the powers of this Order.

For protection of South of Scotland Electricity Board.

15. Section 23 (For protection of South-West Scotland Electricity Board) of the Order of 1950 shall for the protection of the South of Scotland Electricity Board extend and apply to and in respect of the works in the same way and to the same effect as if the works had been included among the works authorised by the Order of 1950.

PART IV

MISCELLANEOUS AND GENERAL

Power to require fire precautions in certain buildings used as places of assembly.

16.—(1) Where, upon consideration of a report by the firemaster, the Corporation are of opinion that there is an undue risk of fire in any building to which this section applies or, in the event of fire, an undue

PART IV —*cont.*

risk of injury or danger to persons resorting to such building (having regard to the number of persons likely to resort to the building at any one time) the Corporation may, by notice—

(*a*) require the owner of such building—

(i) to provide satisfactory and sufficient means of ingress and egress and passages and gangways;

(ii) to alter any installation, apparatus and fittings for the lighting and heating of the building, or to provide a new installation, apparatus or fittings for such purposes; and

(*b*) require the occupier of such building—

(i) to fix the chairs and seating accommodation securely in a satisfactory position;

(ii) to secure that open fires or stoves shall be suitably and adequately protected;

(iii) to provide adequate fire-fighting appliances and effective means of giving warning in case of fire in the building; and

(*c*) specify the maximum number of persons who may be in the building at any one time while the building is being used by the persons referred to in subsection (6) of this section.

(2) Where any building in relation to which a notice under the preceding subsection has been served is not occupied by the owner—

(*a*) a copy of the notice served on the owner shall be sent by the Corporation to the occupier; and

(*b*) a copy of the notice served on the occupier shall be sent by the Corporation to the owner;

in each case as nearly as practicable at the same time as the notice is served on the owner or the occupier, as the case may be.

(3) Any person aggrieved by any requirement of a notice under subsection (1) of this section may appeal to the sheriff.

(4) (*a*) The person having the control of any building to which this section applies shall ensure—

(i) that the means of ingress and egress and the passages and gangways shall be left free and unobstructed; and

(ii) that the fire-fighting appliances and means of giving warning in case of fire are maintained;

at all times during which the persons referred to in subsection (6) of this section are assembled in the building and that at no time while such persons are so assembled does the number of persons in the building exceed the number specified by the Corporation under subsection (1) (*c*) of this section:

Provided that sub-paragraph (i) of this paragraph shall not apply in relation to any building if the person having the control of that building has not control over the use of the part of the building used as a place of assembly by persons and for the purposes referred to in subsection (6) of this section.

(*b*) Any person acting in contravention of any provision of this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

PART IV —*cont.*

(5) (*a*) If, in the opinion of the Corporation, immediate action for the prevention or reduction of danger from fire should be taken in the case of any building to which this section applies the sheriff may, on the application of the Corporation, interdict the owner and occupier of such building from using it, or permitting it to be used, for the purposes mentioned in the succeeding subsection.

(*b*) Applications to the sheriff for interdict under the provisions of this subsection shall proceed by way of initial writ under the Sheriff Courts (Scotland) Acts 1907 to 1939, and shall proceed in all respects as if they were actions for interdict at common law.

(6) This section applies to any building used, whether occasionally or not, by the members of any club, organisation or other body which has been formed for the purposes of, or the objects of which include, the entertainment of, or participation in dancing or the playing of games by, the members thereof, but shall not apply in relation to any dwelling-house or to any premises licensed for entertainment, provided that the conditions attached to the licence or permit in respect of such premises are complied with while the premises are being used for such purposes.

(7) Section 177 (Power to enter premises) of the Glasgow Corporation Consolidation (General Powers) Order 1960 shall, with any necessary modification, apply and have effect for the purposes of this section as if the said section were re-enacted in this Order.

(8) For the purposes of this section " firemaster " means the chief officer of the fire brigade of the city.

Saving for town and country planning.

17. The provisions of the Town and Country Planning (Scotland) Acts 1947 to 1969, and any restrictions thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be regulated by or under this Order.

Crown rights.

18. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown or shall subject to the provisions of this Order any lands, buildings or works vested in or occupied by the Crown or any department of Her Majesty's Government, except to such extent as Her Majesty or such department may voluntarily agree, and in particular nothing herein contained shall authorise the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea, or any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of the said commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of Order.

19. 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.

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