CHAPTER xxxvii.

An Act to authorise the Magistrates and Council of the City and Royal burgh of Glasgow as the Police Commissioners thereof to acquire lands for sewage purposes and to raise further moneys and for other purposes. [11th June 1891.] A.D. 1891.

WHEREAS an Act was passed in the twenty-ninth and thirtieth years of the reign of Her present Majesty intituled "An Act "to regulate the police and statute labour of the city of Glasgow "and for other purposes" (hereinafter called the Act of 1866) and that Act has been amended by Acts passed in the years 1872 1873 1875 1877 1878 1879 1882 1885 and 1890 and by the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Glasgow) Act 1877: 29 & 30 Vict. c. cclxxiii.

And whereas the Police Commissioners are the local authority under the Public Health Acts as hereinafter defined and all the existing sewers not being private property within the city and royal burgh of Glasgow are vested in the Police Commissioners:

And whereas the Police Commissioners are authorised by the Act of 1866 and by the Public Health Acts from time to time to construct and maintain such new sewers as they may deem expedient:

And whereas it is expedient that the Police Commissioners should be authorised to acquire lands for the purpose of constructing and maintaining sewage purification and other works and machinery for the treatment and disposal of sewage or the products thereof:

And whereas it is expedient that further powers should be conferred on the Police Commissioners to enable them to carry into effect some of the purposes of the recited Acts:

And whereas it is expedient that the Police Commissioners should be authorised to levy additional assessments and to borrow additional moneys for the purposes of this Act and of the recited Acts:

And whereas a plan showing the lands which may be acquired or taken by compulsion under the powers of this Act and also a book

A.D. 1891.

of reference 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 for the county of Lanark and are hereinafter respectively referred to as the deposited plan and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Glasgow Police (Sewage &c.) Act 1891 This Act and the recited Acts and any other Act which may be passed in the present session of Parliament relating in whole or in part to the Police Commissioners may be cited as the Glasgow Police Acts 1866 to 1891.

Incorporation of general Acts.

2. The Lands Clauses Acts as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to or inconsistent with such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Glasgow Police Acts 1866 to 1890 have the same respective meanings:

"The Police Commissioners" means the Glasgow Police Commissioners;

"The Police Acts" means the Glasgow Police Acts 1866 to 1891;

"Public Health Acts" means the Public Health (Scotland) Act 1867 and the Acts amending the same;

"Local Authority" means the local authority in Glasgow acting under the Public Health Acts;

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

"Sewage purposes" means the carrying into execution the provisions of the Police Acts and of the Public Health Acts with respect to sewage purification and the treatment and disposal of sewage or the products thereof;

"Police purposes" means any purposes of the Police Acts except sewage purposes;

"City manure" means the city manure as defined by the Glasgow Police Act 1890.

I.—Sewage Purposes.

Power to take lands.

4. Subject to the provisions of this Act the Police Commissioners may enter upon take and use for sewage purposes the lands hereinafter described delineated on the deposited plan and described in the deposited book of reference:

The lands hereinbefore referred to are—

Certain lands houses and other property in the barony parish and city and royal burgh of Glasgow situate and lying within the limits and boundaries aftermentioned (that is to say) Commencing at the river Clyde at the western boundary of property belonging or reputed to belong to the Caledonian Railway Company near the crossing of that river by the Caledonian Railway (Dalmarnock Branch) thence running along the river Clyde to a point thereon at the north boundary of property belonging or reputed to belong to the Glasgow Water Commissioners thence running eastward along the north boundary of the last-mentioned property to the centre of Swanston Street thence running northward along the centre of Swanston Street to the centre of Arthur Street thence running eastward along the centre of Arthur Street to the western boundary of property belonging or reputed to belong to Messieurs Crawford and Hay ironfounders thence running southward eastward and northward along the last-mentioned property to the centre of Arthur Street thence running eastward along the centre of Arthur Street to the western boundary of property belonging or reputed to belong to the Caledonian Railway Company thence running southward along the said western boundary to the point first described:

And the Police Commissioners may from time to time construct on those lands or any part thereof and thereafter maintain use and manage all necessary and proper erections appliances tanks reservoirs basins pumping and other engines mains buildings machinery apparatus and works for pumping receiving conveying storing filtering precipitating disinfecting using and distributing and for the chemical or other treatment of the whole or any portion of the sewage within the jurisdiction of the Police Commissioners with all necessary rails sidings landing piers and other accessory works.

Swanston Street not to be shut up permanently.

5. Except as after mentioned nothing in this Act shall authorise the Police Commissioners to shut up or interfere with Swanston Street from Dalmarnock Road to the River Clyde but they may occupy or interfere with the same within the limits mentioned in

A.D. 1891.

section four hereof for temporary purposes during the construction or repair of the works by this Act authorised and nothing in this Act shall prejudice or affect the right (if any) of the persons after mentioned namely John Marshall and Sons W. and J. Bowie W. and J. G. Smith and Company the Clyde Spinning Company Limited George Wilson and Company the Glasgow Cotton Spinning Company Limited and the trustees of the late Robert Bartholomew or their successors being owners or reputed owners of lands or buildings in or near Swanston Street to have such street formed kept open and maintained by the Police Commissioners.

Power to grant easements.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Police Commissioners any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction of errors in deposited plan and book of reference.

7. 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 plan or specified in the deposited book of reference the Police Commissioners after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county of Lanark for the correction thereof and if it appears to such sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he 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 with the session clerk of the barony parish and with the town clerk of the city and shall be kept by such sheriff clerk session clerk and town clerk respectively with the other documents to which the same relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and the Commissioners may enter upon take and use the lands and execute the works in accordance with such certificate.

Power to extinguish easements rights &c.

8. All easements rights and privileges in under or upon any lands acquired by the Police Commissioners under the compulsory powers of this Act are hereby extinguished

Limitation of time for compulsory purchase of lands.

9. The powers of the Police Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to sell or otherwise dispose of products of sewage purification.

10. The Police Commissioners may sell or otherwise dispose of the sludge deposit or other residuum resulting from the purification or other treatment of sewage upon such terms and on such conditions as they think fit.

Power to acquire and use patent rights.

11. The Police Commissioners may from time to time acquire from any person and use patent rights or licenses not being exclusive for or in connection with sewage purposes.

Restriction on taking houses of labouring class.

12. The Police Commissioners shall not under the powers of this Act without the consent of the Secretary for Scotland take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Defining labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to borrow for sewage purposes.

13. In addition to the moneys which the Police Commissioners are authorised to borrow by the Police Acts and the Public Health Acts they may from time to time borrow any moneys which they may require for sewage purposes not exceeding in the whole one hundred thousand pounds on the security of the sewage assessment by this Act authorised and they shall apply the same for sewage purposes so far as such purposes are properly chargeable against capital and the Police Commissioners may from time to time reborrow any moneys which have been repaid by them otherwise than by means of the sinking fund hereinafter provided.

Sinking fund for sewage purposes.

14. The Police Commissioners shall after the first day of June one thousand eight hundred and ninety-two annually set apart a sum not less than three pounds six shillings and eight pence per centum on the amount borrowed by them under the authority of this Act for sewage purposes and they shall apply the same as a sinking fund in paying off the principal sums so borrowed.

Assessment for sewage purposes.

15. The Police Commissioners shall annually at their last fortnightly meeting in the month of August or at any adjournment thereof take into consideration the accounts of expenditure for sewage purposes during the year ending on the thirty-first day of May immediately preceding and also the estimates of expenditure for those purposes during the year then current and shall thereupon

A.D. 1891.

in addition to the assessments which they are authorised or required to impose under the Police Acts and the Public Health Acts impose and direct to be paid at such times and places as they may think proper an assessment not exceeding two pence in the pound on the annual value of all lands and heritages within the city to be called the sewage assessment and such assessment shall be paid one-half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same is imposed The sewage assessment shall be assessed levied and recovered under the like powers and provisions and subject to the like exemptions and restrictions so far as applicable as the police assessment under the Act of 1866 is assessed levied and recovered.

II.—Police Purposes.

Utilisation of lands.

16. The Police Commissioners may from time to time for police purposes purchase by agreement or take on lease any lands not exceeding thirty acres and may erect and construct thereon such buildings stables depôts loading banks and all necessary accesses sidings and other works and appliances in connection therewith as they may from time to time deem necessary or expedient for the efficient execution of their duties under the Police Acts.

Disposal of city manure.

17. The Police Commissioners may use any lands which they from time to time acquire by agreement or take on lease under the Police Acts for distributing and utilising or otherwise disposing of the city manure and they may lay out reclaim and prepare such lands for those purposes or any purposes incidental thereto and provide the necessary accesses sidings works plant erections and appliances thereon and they may again sell and dispose of such lands Nothing in this or the immediately preceding section of this Act shall exempt the Police Commissioners from any action or other proceeding for nuisance in the event of any nuisance being caused by them on any lands taken by them for police purposes.

Power to borrow.

18. In addition to the moneys which the Police Commissioners are authorised to borrow by the Police Acts they may from time to time borrow any moneys which they may require not exceeding in the whole one hundred thousand pounds for police purposes on the security of the assessments leviable in virtue of the Police Acts and they shall apply the same in providing police offices and stations and for other police purposes so far as such purposes are properly chargeable against capital and the Police Commissioners may from time to time reborrow any moneys which have been repaid by them otherwise than by means of the sinking fund hereinafter provided.

Sinking fund for police purposes.

19. The Police Commissioners shall after the first day of June one thousand eight hundred and ninety-two annually set apart a sum of not less than two pounds ten shillings per centum on the amount borrowed by them under the authority of this Act for police purposes and they shall apply the same as a sinking fund in paying off the principal sums so borrowed.

Amendment of section 39 of the Act of 1866.

20. Section thirty-nine of the Act of 1866 shall be read and construed as if the words eight pence were substituted for the words seven pence halfpenny and the words one shilling and four pence were substituted for the words one shilling and three pence where they occur in that section.

Amendment of section 41 of the Act of 1866.

21. The special assessment which the Police Commissioners are authorised by section forty-one of the Act of 1866 to impose may also in addition to the purposes mentioned in that section be imposed and applied by the Police Commissioners for the purpose of paying the interest upon moneys borrowed and to be borrowed by them for police purposes and repaying the principal sums so borrowed or paying and setting apart the instalments of sinking funds specfied in the Police Acts and that section shall be read and construed as if the payment of such interest and the repayment of such principal sums had been among the objects for which special assessments are authorised to be imposed and recovered thereunder.

III.—General.

Provisions of Glasgow Corporation Loans Act 1883 to apply.

22. For the purposes of the Glasgow Corporation Loans Act 1883 (hereinafter called the Loans Act) the powers by this Act granted to the Police Commissioners to borrow and any power which they now have to borrow by virtue of the Public Health Acts shall be deemed a borrowing power within the meaning of section seven of the Loans Act and are transferred to and vested in and shall apply to and be exerciseable by the lord provost magistrates and council of the city acting as a Municipal Corporation (in this section called the Corporation) as the other borrowing powers mentioned in the Loans Act and the provisions of that Act shall be applicable and shall apply to the borrowing powers by this Act granted to the Police Commissioners :

Provided always that any agreement which may be made or entered into between the Corporation and the Commissioners of Inland Revenue as to composition for stamp duty shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887.

Saving existing annuities and securities.

23. Nothing in this Act contained shall prejudice any bonds annuities debentures mortgages or assignations in security granted by the Police Commissioners under the authority of the Police Acts

A.D. 1891.

or the Public Health Acts or any of them and subsisting at the date of the passing of this Act and such bonds annuities debentures mortgages and assignations shall be and remain in full force and be as valid and effectual in all respects as if this Act had not been passed.

Power to allocate expenses common to sewage and police purposes.

24. The Police Commissioners may from time to time allocate any expenditure common to sewage purposes and police purposes between the sewage assessment and the police assessment in such proportions as having regard to all the circumstances they consider equitable.

Amendment of section three of the Glasgow Police Act 1890.

25. Section three of the Glasgow Police (Amendment) Act 1890 shall be read and construed as if the eighth paragraph thereof read as follows:—

"Drains" includes soil-pipes waste pipes rain conductors traps and all connections required in any drainage system of a house or other building.

Expenses of Act.

26. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Police Commissioners in equal moieties out of the police and sewage assessments.

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