Greenock Burgh Extension &c. Order Confirmation Act, 1956

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CHAPTER xxxviii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Greenock Burgh Extension &c. [28th March 1956.]

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:

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 Greenock Burgh Extension &c. Order Confirmation Act 1956. Short title.

SCHEDULE

GREENOCK BURGH EXTENSION &c.

Provisional Order to extend the boundaries of the burgh of Greenock and for other purposes

WHEREAS the corporation of Greenock (hereinafter referred to as "the Corporation") are vested with the municipal government of the burgh of Greenock (hereinafter referred to as "the burgh") in the county of Renfrew and are the local authority therein for police public health road sanitary and other purposes and are also the local authority for the port of Greenock:

And whereas by the Greenock Corporation Act 1909 the local Acts and Orders relating to the burgh as then existing were consolidated and by the Greenock Corporation Acts 1909 to 1952 further powers were conferred upon the Corporation:

And whereas certain areas within the burgh have been defined by the development plan for the burgh as areas of comprehensive development and are being or will be developed or re-developed by the Corporation as the local planning authority and the lands available within the burgh for the purposes of providing housing accommodation for the inhabitants thereof including persons displaced from such areas and for removing the overcrowding which prevails in the burgh are limited in extent and it is necessary for such purposes to provide for the erection of houses outwith the existing boundaries of the burgh:

And whereas the areas in the county of Renfrew described in Part I of the schedule to this Order (hereinafter referred to as "the added areas") adjoin the burgh and include lands suitable for housing development:

And whereas it is expedient that the boundaries of the burgh should be extended so as to include the added areas as provided in this Order and that all franchises rights privileges and immunities of and pertaining to the burgh and the powers and jurisdictions of the Corporation and all other powers and jurisdictions applicable within the burgh and all public and local Acts and Orders relating to and in force for the time being within or applicable within the burgh should as provided by this Order be applied to the burgh as extended by this Order and to the inhabitants thereof:

And whereas it is expedient that subject to the provisions of this Order the added areas should be separated and disjoined for the purposes of this Order from the county of Renfrew and that all matters of administration and management and all jurisdictions powers functions and authorities within the added areas should devolve upon and be vested in the Corporation:

And whereas it is expedient that the added areas should be added to the existing ninth ward of the burgh as in this Order provided:

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes of this Order:

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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. 1. This Order may be cited as the Greenock Burgh Extension &c. Order 1956.

Citation of Acts. 2. The Greenock Corporation Acts 1909 to 1952 and this Order may be cited together as the Greenock Corporation Acts 1909 to 1956.

Commencement of Order. 3. This Order except where otherwise expressly provided shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is in this Order referred to as "the commencement of this Order."

Interpretation. 4. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the following words and expressions shall have the meanings hereinafter respectively assigned to them (that is to say):—

"Act of 1909" means the Greenock Corporation Act 1909;

"Acts of 1909 to 1952" means the Greenock Corporation Acts 1909 to 1952;

"Act of 1947" means the Local Government (Scotland) Act 1947;

"added areas" means the portions of the parish of Inverkip within the county incorporated by this Order with the existing burgh and described in Part I of the schedule to this Order;

"burgh" means the existing burgh as extended by this Order;

"common good" means the common good of the burgh;

"Corporation" means the corporation of Greenock;

"costs" includes charges and expenses;

"county" means the county of Renfrew;

"county council" means the county council of the county;

"district council" means the fifth district council of the county;

"duties" includes responsibilities and obligations;

"existing" means existing immediately before the coming into operation of Part II of this Order;

"existing burgh" means the burgh of Greenock within the limits and boundaries thereof existing immediately before the coming into operation of Part II of this Order;

"liabilities" unless where otherwise expressly provided includes all debts and liabilities to which any person is or but for the passing of the Act confirming this Order would be liable or subject whether accrued due at the coming into operation of Part II of this Order or subsequently accruing;

PART I —*cont.*

"magistrates" means the magistrates of the burgh and includes the provost and bailies;

"powers" includes rights authorities jurisdictions (civil and criminal) capacities privileges and immunities;

"property" includes all property heritable and movable and all interests servitudes and rights in to and out of property heritable and movable including things forming the subject of claim or action and registers books and documents and when used in relation to the county council or county clerk includes any property which at the coming into operation of Part II of this Order belongs to or is vested in or held in trust for or would but for the passing of the Act confirming this Order have belonged to or been vested in or held in trust for the county council or county clerk;

"provost" means the provost of the burgh;

"sheriff" means the sheriff of Renfrew and Argyll and includes the salaried sheriff substitutes or any one of them within the county.

And other words and expressions construed in the Act of 1909 shall if and when used in this Order and when not inconsistent with any of the provisions of this Order respectively have the same meanings assigned to them as in the Act of 1909.

PART II

EXTENSION OF BOUNDARIES

Commencement of Part II of Order.

5. This Part of this Order shall except as hereinafter provided come into operation on the sixteenth day of May one thousand nine hundred and fifty-six.

Extension of boundaries.

6.—(1) The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include in addition to the area embraced in the existing burgh the added areas as described in Part I of the schedule to this Order.

(2) The municipal boundary of the burgh shall include the area comprised within the boundary set forth and described in Part II of the schedule to this Order.

(3) The police boundary of the burgh shall include the area comprised within the boundary set forth and described in Part III of the schedule to this Order.

Map of burgh.

7.—(1) A map showing the boundaries of the burgh of which eleven copies have been signed by James Clunie the Chairman of the Commissioners to whom this Order was referred shall within one month after the commencement of this Order be deposited as follows (that is to say) one copy with the town clerk at his office one copy with the sheriff clerk of the county at his office in Greenock one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons one copy at the Scottish Office London one copy with the Registrar-General of Births Deaths and Marriages in Scotland one copy with the Minister of Agriculture Fisheries and Food one copy with the

PART II —*cont.*

Commissioners of Inland Revenue one copy with the Commissioners of Customs and Excise one copy with the Minister of Transport and Civil Aviation and one copy with the Minister of Fuel and Power.

(2) If there is any discrepancy between the said map and the description in Part II of the schedule to this Order the said map shall be deemed to be correct and shall prevail.

Added areas disjoined from county.

8. The added areas shall be and the same are hereby for the purposes of this Order disjoined from the county.

Abolition of special districts.

9.—(1) The special drainage scavenging and lighting districts so far as situated within the added areas shall be and the same are hereby abolished and to that extent all resolutions of the county council and all orders and decrees of the sheriff or of any other authority constituting or relating to the said special districts shall not be of any force or effect so far as extending to or affecting any part of the burgh and the county council shall be relieved by the Corporation from all obligations in respect of the said special districts so far as the same are situated within the added areas.

(2) The Corporation shall not in respect of such special districts be under any obligations nor except by agreement with the local authority of such districts exercise any powers in such districts so far as they are beyond the burgh.

Added areas added to ninth ward.

10. The added areas shall be added to and shall form part of the existing ninth ward of the existing burgh.

Corporation to administer affairs of burgh.

11. The Corporation shall in all respects stand in relation to the administration of the affairs and property of the burgh and of property under the care and management of the burgh in the same position as that in which the Corporation of the existing burgh stood before the coming into operation of this Part of this Order and the Corporation shall have the same rights and powers of administration of the said affairs and property and of making all usual and necessary appointments as lawfully belonged to and were exercisable or exercised by the Corporation of the existing burgh in regard thereto notwithstanding anything in the set usage or customs of the existing burgh to the contrary.

Powers of Corporation etc. extended.

12. The Corporation the provost the magistrates and the dean of guild of the existing burgh and their respective courts shall have possess and may exercise over the burgh and the inhabitants thereof all the same powers which they respectively now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates assessments dues and charges and all rights privileges immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the burgh.

Officers in existing burgh.

13. The several officers of or appointed by the Corporation shall possess and may exercise in their several characters and capacities the same powers in and over the burgh as they have possess and exercise in their several characters and capacities in and over the

PART II —*cont.*

existing burgh whether at common law or by statute but without prejudice to the right of the Corporation to make such arrangements in regard to the said officers and their respective duties as before the coming into operation of this Part of this Order they were entitled to make with reference to the officers of the existing burgh.

Powers of local authorities to cease in added areas.

14. Subject to the provisions of this Order all powers and duties which before the coming into operation of this Part of this Order were exercised or exercisable by the county council or any other local or licensing or other authority within the added areas or any part thereof (with the exception of such powers as were before the coming into operation of this Part of this Order exercised by the county council or other licensing local or other authority other than the Corporation within the existing burgh or any part thereof) shall cease and determine.

Property of existing burgh vested in Corporation.

15. Subject to the provisions of this Order—

(*a*) the common good and all property (including all means revenues and income of every description arising therefrom) belonging to the Corporation at the coming into operation of this Part of this Order or to which the Corporation is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be vested in and be held by the Corporation for the behoof and benefit of the burgh or as the case may be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof ; and

(*b*) all debts and obligations due by or exigible from the Corporation at the coming into operation of this Part of this Order shall be due by and exigible from the Corporation and all debts due to the Corporation by any person before the coming into operation of this Part of this Order may be demanded and recovered from such person and received and applied by the Corporation for the behoof of the burgh.

Existing trusts vested in Corporation.

16. Subject to the provisions of this Order all mortifications endowments and trusts however constituted charitable bequests or other grants held or administered by the Corporation or the magistrates or office-bearers of the existing burgh by themselves or in conjunction with any persons (but under the liabilities to which the same are legally subject) shall be vested in held and administered by the Corporation or the magistrates or office-bearers of the burgh or so many of their number to be chosen by the Corporation for that purpose as are appointed by the deeds or writing under which such mortifications endowments trusts bequests or other grants are constituted together with the other trustees also therein nominated for the purposes and with the powers and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the grantors or makers of such mortifications endowments trusts bequests or other grants.

Transfer of property and liabilities.

17.—(1) Subject to the provisions of this Order and except as otherwise in this Order expressly provided all property assets and powers of every description vested in held by or due or belonging to

PART II —*cont.*

the county council the district council or other authorities in the added areas are by virtue of this Order transferred to and vested in and shall be held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interest therein of the county council the district council or such authorities and shall be received held and enjoyed by the Corporation accordingly.

(2) All the powers duties liabilities contracts and agreements of the county council the district council or such authorities in relation to the added areas are by virtue of this Order transferred and shall attach to the Corporation and shall form part of the powers duties liabilities contracts and agreements of the Corporation and be enjoyed performed paid and discharged by them.

(3) Except as otherwise provided in this Order the Corporation shall determine any question which arises as to the department of the Corporation to which any part of such property and assets ought to belong and any question as to the fund of the Corporation out of which such liabilities and obligations are to be defrayed.

(4) This section shall not apply to the property and assets situated beyond the burgh which belong to the county council the district council or any other authority.

Assessments.

18. Subject to the provisions of this Order every rate charge or assessment authorised to be requisitioned for levied and collected by the county council over the added areas or any part thereof which has not been actually imposed before the coming into operation of this Part of this Order shall thereupon cease and determine within the added areas and thereafter all rates charges and assessments leviable by the Corporation within the existing burgh shall be leviable on and within the burgh in the same way and manner as the same are leviable on and within the existing burgh.

Recovery of assessments within added areas.

19. Every rate charge or assessment which has been imposed by the county council within the added areas or any part thereof before the coming into operation of this Part of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council and by the same ways and means and under the same restrictions and regulations as if the Act confirming this Order had not been passed and shall be received and applied by the county council to and for the purposes for which the same were authorised to be levied.

Roads etc. in added areas.

20. Subject to the provisions of this Order the roads streets highways lanes bridges foot-pavements and footpaths and the sewers and drains in the added areas so far as the same are vested in and managed maintained and repaired by the county council shall by virtue of this Order be transferred to and vested in and managed maintained and repaired by the Corporation subject to the provisions of the Acts of 1909 to 1952 and this Order along with and in the same way and manner and to the same extent as the roads streets highways lanes bridges foot-pavements and footpaths and the sewers and drains within the existing burgh and the county council shall be freed and relieved in all time coming of the maintenance and repair of all such roads streets highways lanes bridges foot-pavements and footpaths and sewers and drains so far as within the added areas.

PART II —*cont.*

Saving rights in roads etc.

21. Nothing contained in this Part of this Order with respect to the vesting in the Corporation of roads streets highways lanes bridges foot-pavements footpaths sewers or drains within the added areas shall prevent any superiors owners or other persons by whom or by whose predecessors the same have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between such persons respectively.

Books to be evidence.

22.—(1) All books documents maps and plans directed or authorised to be kept by the county council or by any other authority in the added areas by any Act or otherwise shall so far as they relate solely to the added areas belong and be transferred to the Corporation and in so far as they would at the coming into operation of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council or other authorities.

(2) The foregoing provision shall not apply to the books documents maps and plans kept by the county council and other authorities which relate to parts of the county other than the added areas but the Corporation and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the added areas and the respective clerks or other officers of the county council and other authorities shall afford all reasonable facilities for

Application of general and local Acts and byelaws.

23.—(1) Except so far as inconsistent with or varied by this Order the provisions of all public and general and local and private Acts and Orders which apply to the existing burgh and all byelaws rules regulations and orders made thereunder shall extend and apply to the burgh in the same way and to the like extent as they apply to and have effect within the existing burgh.

(2) Subject to the provisions of this Order all byelaws rules regulations and orders made under the provisions of any Act or Order relative to and in force in the added areas or any part thereof shall cease to have effect except in so far as the same may have been acted upon.

Provision as to roads forming boundaries of burgh.

24. Subject to the provisions of this Order in all cases where one side of a road or street forms the boundary of the burgh (the road or street itself being in the county) the Corporation shall be entitled to lay down construct and maintain in such road or street any sewer or drain necessary for the burgh.

Applications for certificates under Licensing (Scotland) Acts 1903 to 1949.

25. After the coming into operation of this Part of this Order all applications for certificates or renewals of certificates or confirmation of new certificates and all appeals under and in terms of the Licensing (Scotland) Acts 1903 to 1949 in respect of premises in the added areas shall be made to the licensing court for the burgh and court of appeal for the burgh and shall be dealt with and finally disposed of by the said licensing court and court of appeal.

Application of Temperance (Scotland) Act 1913.

26. In the application to the burgh of the Temperance (Scotland) Act 1913 the following provisions shall apply and have effect:—

(1) For the purposes of this section the following words have the meanings hereby assigned to them (that is to say):—

"Act of 1913" means the Temperance (Scotland) Act 1913;

PART II —*cont.*

"additional areas" means the area added to the existing burgh by deliverance of the sheriff dated the twenty-fifth day of January and registered in the Sheriff Court books of Renfrewshire at Greenock on the eighteenth day of February both in the year one thousand nine hundred and fifty-two and now forming part of the ninth ward of the existing burgh and the added areas;

"poll" means a poll under and for the purposes of the Act of 1913;

"resolution" means a resolution under section 2 (Poll of electors on resolutions submitted) of the Act of 1913:

(2) Any resolution which at the coming into operation of this Part of this Order is in force in the part of the ninth ward of the existing burgh which the additional areas adjoin shall extend and apply to the additional areas:

(3) The Secretary of State may at any time after the commencement of this Order in order to meet the circumstances arising from the application of any such resolution to the additional areas by order vary any procedure prescribed by or in pursuance of the Act of 1913 in connection with the taking of polls or otherwise including any dates fixed in connection with such procedure.

Adjustment of property and liabilities.

27. The provisions of section 141 (Adjustment of property and liabilities) of the Act of 1947 shall apply to this Order as if the alteration of area made thereby were an alteration of area made under Part VI of that Act.

Corporation may enter into agreements.

28.—(1) Subject and without prejudice to any of the provisions of this Order the Corporation and the county council or the district council or any other authority (all of whom are hereinafter in this section referred to as "the authorities") or any of them may make and carry into effect agreements with respect to the transfer of property from the authorities or any of them to the Corporation and for settling and adjusting any claims or any doubt or difference arising in relation thereto and generally with respect to the execution of the provisions of this Order to which any such agreement may relate.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Corporation and of the authorities or any of them respectively and shall have and be carried into effect accordingly.

(3) Any difference arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property liabilities or powers of the authorities or any of them shall (failing agreement) be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned.

(4) If any question of law arises in the course of such arbitration the arbiter shall have power at the request of any of the parties concerned to state a case for the opinion of the Court of Session and the said court shall determine such question.

PART II —*cont.*

(5) This section shall come into operation at the commencement of this Order.

New contracts or agreements.

29. The county council shall not after the commencement of this Order without the previous consent of the Corporation make or enter into any contract or agreement in respect of the added areas or any part thereof which imposes or might at any time thereafter impose any obligation or liability on the Corporation except such contract or agreement as is necessary for carrying into effect obligations existing at and discharging liabilities incurred prior to the commencement of this Order and such as shall be in the ordinary course of the proper administration of the added areas and the due observance of their statutory obligations and the county council shall liquidate as far as practicable before the coming into operation of this Part of this Order all current liabilities incurred by them so far as affecting the added areas.

Proceedings not to abate.

30. All legal or other proceedings begun before the transfer of and relating to any property or liabilities transferred to the Corporation under this Part of this Order may be carried on with the substitution of the Corporation as party to the proceedings in place of the transferor authority from whom the property or liabilities was or were transferred and any such proceedings may be amended in such manner as may be necessary for that purpose.

Saving of existing jurisdictions etc.

31. Nothing in this Part of this Order shall transfer or be deemed or construed to transfer to the Corporation—

(1) any property in the added areas belonging to the gas or electricity authorised undertakers in the added areas or any powers exercisable in the added areas by such authorised undertakers;

(2) (*a*) any jurisdiction power or right hitherto exercised or exercisable by the county council within the added areas which was also exercised or exercisable within the existing burgh by the county council before the coming into operation of this Part of this Order;

(*b*) any liability or duty incurred by or incumbent on the county council in connection with the exercise of any such jurisdiction power or right;

(*c*) any property held or any officer or servant employed for the future exercise of any such jurisdiction power or right or for the discharge of any such liability or duty.

Town planning.

32.—(1) As from the coming into operation of this Part of this Order the Corporation shall be entitled at all reasonable times to inspect and take copies of all plans or documents relating to any land within the added areas which are in the possession or under the control of the county council for the purposes of or in connection with the Town and Country Planning (Scotland) Acts 1947 to 1954 and the county council shall supply to the Corporation such information and shall afford to them such assistance for the purposes of or in connection with the said Acts as the Corporation may reasonably require.

PART II —*cont.*

(2) An office copy of every entry in—

(i) the register relating to any land within the added areas kept by the county council under section 12 (Applications to local planning authorities for planning permission) of the Town and Country Planning (Scotland) Act 1947; and

(ii) the register relating to the display of advertisements within the added areas kept by the county council under paragraph 31 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1948;

shall within one month after the date of the coming into operation of this Part of this Order be supplied to the town clerk by the clerk of the county council.

(3) Any application for planning permission or for any consent or approval under the said Acts of 1947 to 1954 or for a determination under section 15 (Applications to determine whether planning permission required) of the said Act of 1947 made to the county council before the coming into operation of this Part of this Order and not determined before the coming into operation of this Part of this Order shall so far as it relates to land within the added areas be treated as a like application made to the Corporation and shall be treated as having been so made at the coming into operation of this Part of this Order:

Provided that it shall not be necessary for the Corporation to consult with any authority or person with whom consultation has already taken place in relation to that application.

(4) Any order agreement permission approval determination consent notice proceeding or decision made taken or given by the county council as local planning authority under the said Act of 1947 or having effect as if so made taken or given and in force immediately before the coming into operation of this Part of this Order shall so far as it relates to any land within the added areas have effect as if it had been made taken or given by the Corporation as such authority in respect of that land.

(5) Any order direction approval consent or decision made or given by the Secretary of State or the Minister of Transport and Civil Aviation under or in pursuance of the said Act of 1947 or any enactment thereby repealed affecting the County Council as local planning authority and in force immediately before the coming into operation of this Part of this Order shall so far as it relates to any land within the added areas have effect as if the same had been made or given to the Corporation as local planning authority.

(6) The provisions of this section shall apply notwithstanding anything contained in the section of this Order of which the marginal note is "Books to be evidence".

Extension of water limits.

33. Subject to the provisions of this Order the limits within which the Corporation are by the Acts of 1909 to 1952 authorised to supply water are as on the coming into operation of this Part of this Order hereby extended to and shall include the burgh and the Acts of 1909 to 1952 are hereby amended accordingly.

PART II —*cont.*

Repeal of laws etc. inconsistent with Order.

34. All laws statutes powers and usages in force at the coming into force of this Part of this Order in relation to the added areas in so far as they are inconsistent or at variance with the provisions of this Order are subject to the provisions of this Order hereby repealed.

PART III

FINANCE

Borrowing for purposes of Order.

35. Subject to the provisions of this Order the Corporation may from time to time with the sanction of the Secretary of State borrow such sums of money as may be necessary for the purposes of this Order or any of them to which capital is properly applicable and for which borrowing powers have not been otherwise granted or provided for.

As to expenditure for purposes of Order.

36. All expenditure incurred by the Corporation in the exercise of the powers conferred and the performance of the duties imposed on them by this Order shall be paid out of the burgh fund and shall be deemed to be expenditure payable out of the burgh rate under the appropriate head.

PART IV

MISCELLANEOUS

Vesting of property transferred to Corporation etc.

37.—(1) All property transferred to and vested in the Corporation by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing.

(2) For the purpose of enabling the Corporation to complete a title if thought fit to any part of any property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

As to interior decorating of Corporation houses.

38. The Corporation may at the request of the occupier of any house provided or to be provided by them in the exercise of the powers vested in them by any enactment agree with such occupier for the interior decorating of any such house to be carried out by the building department of the Corporation and the Corporation may make such charge for carrying out such interior decorating as may be agreed upon with the occupier.

Saving for control on borrowing.

39. It shall not be lawful to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs of this Order) otherwise than in compliance with any order for the time being in force made under section 1 (Treasury control of borrowing, etc.) of the Borrowing (Control and Guarantees) Act 1946.

Saving for town and country planning.

40. 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 (Development orders) and subsection (1) of section 112 (Application to land regulated by special enactments) of that Act.

Crown rights.

41. Nothing in this Order shall affect prejudicially any estate power or exemption of the Crown 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 of 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 Commissioners of Crown Lands without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of Order.

42. All costs preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys which the Corporation are hereby authorised to borrow for that purpose and if paid out of borrowed moneys shall be repaid within five years from the commencement of this Order.

SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Extension of boundaries")

PART I

DESCRIPTIONS OF BOUNDARIES OF ADDED AREAS

AREA 1

Commencing at a point on the boundary of the existing burgh on the northern boundary of enclosure numbered 1064 160 feet or thereby distant from the north-east corner of the said enclosure and thence in a north-westerly direction in a straight line bearing 315 degrees from Ordnance Survey Grid North across enclosure numbered 1063 to a point 760 feet or thereby from the point of commencement thence in a westerly direction in a straight line parallel to the eastern part of the southern boundary of enclosure numbered 1063 for a distance of 1,870 feet or thereby thence in a southerly direction in a straight line across enclosures numbered 1063 and 1064 to the westmost corner of enclosure numbered 855 thence in a south-westerly direction in a straight line across enclosures numbered 856 936 and 937 to the north-west corner of enclosure numbered 938A thence generally in an easterly direction across enclosure numbered 937 to the north-west corner of enclosure numbered 932 and continuing in a straight line generally in an easterly direction across enclosures numbered 936 931 and 930 to the junction of the last-mentioned enclosure and enclosures numbered 856 and 857A thence along the southern boundary of enclosure numbered 856 to its junction with the boundary of the existing burgh and thence generally in a northerly direction along the boundary of the existing burgh to the point of commencement.

AREA 2

Commencing at a point on the boundary of the existing burgh on the south side of road A.742 being enclosure numbered 779 and thence continuing in a south-westerly direction along the south and south-easterly boundaries of the said road to the most westerly point of enclosure numbered 748 thence in a south-easterly direction along the south-westerly boundary of the last-mentioned enclosure and continuing generally in a straight line across enclosure numbered 743A thence along the south-westerly boundaries of enclosures numbered 743 and 742 to a point on the north-western boundary of the Wemyss Bay Branch Railway of the British Transport Commission thence in a north-easterly direction along the last-mentioned boundary to the boundary of the existing burgh at the southmost corner of enclosure numbered 752 and thence in a north-westerly south-westerly and again north-westerly direction along the boundary of the existing burgh to the point of commencement.

NOTE. The numbers of the enclosures referred to in this Part of this schedule are those given on the 1/2500 Ordnance survey maps Renfrewshire sheets I–8 (revision of 1938) I–11 (edition of 1914) and 1–12 (edition of 1914).

PART II

SCH. —*cont.*

DESCRIPTION OF MUNICIPAL BOUNDARY OF THE BURGH AS EXTENDED

Commencing at a point on the west of the burgh at which the shore of the Firth of Clyde is met by the march between the parishes of Greenock and Inverkip thence southward along the said march to the north-east corner of enclosure numbered 711 thence westward along the south face of the stone wall separating enclosure numbered 711 from the footpath or enclosure numbered 710c to the north-east corner of enclosure numbered 1130 thence in a southerly direction along the eastern boundary of the last-mentioned enclosure to the service road leading from Auchneagh Farm to Gourock and along the west side of the said service road and in a straight line in continuation thereof through enclosures numbered 1127 and 1126B to the top of the "Long Craig" thence in a south-westerly direction along the top of the said Craig to the boundary of enclosure numbered 1093A thence in a south-easterly south-westerly southerly westerly northerly north-westerly and south-westerly direction along the boundaries of the last-mentioned enclosure and enclosure numbered 1093 to the south-eastern corner of enclosure numbered 1095 thence in a south-westerly direction along the boundary of the last-mentioned enclosure to Larkfield Road and in a straight line across the last-mentioned road thence in a north-westerly direction along the south-west side of that road to the north-east corner of enclosure numbered 1098A thence in a westerly direction along the north boundaries of enclosure numbered 1098A and enclosures numbered 1098 1099 and 1072 to the south-east corner of enclosure numbered 1105 and proceeding in a northerly direction along the eastern boundary of enclosure numbered 1105 to a point on the line of kerb on the north side of York Road thence in a westerly northerly and again westerly direction along the said line of kerb and across Cumberland Road to the point where the line of kerb on the west side of Cumberland Road is intersected by the line of kerb on the north side of York Road produced in a westerly direction thence in a northerly direction along a continuation of the line of kerb on the west side of Cumberland Road for a distance of 140 feet or thereby thence in a westerly direction in a straight line across enclosure numbered 1106 and across the road from Gourock to Ravenscraig and across enclosures numbered 1107 1108 and 1064 to a point on the northern boundary of the last-mentioned enclosure 160 feet or thereby distant from the north-east corner thereof thence in a north-westerly direction in a straight line bearing 315 degrees from Ordnance Survey Grid North across enclosure numbered 1063 to a point 760 feet or thereby from the point of commencement thence in a westerly direction in a straight line parallel to the eastern part of the southern boundary of enclosure numbered 1063 for a distance of 1,870 feet or thereby thence in a southerly direction in a straight line across enclosures numbered 1063 and 1064 to the westmost corner of enclosure numbered 855 thence in a south-westerly direction in a straight line across enclosures numbered 856 936 and 937 to the north-west corner of enclosure numbered 938A thence generally in an easterly direction across enclosure numbered 937 to the north-west corner of enclosure numbered 932 and continuing in a straight line generally

SCH. —*cont.*

in an easterly direction across enclosures numbered 936 931 and 930 to the junction of the last-mentioned enclosure and enclosures numbered 856 and 857A thence along the southern boundary of enclosure numbered 856 to the western boundary of enclosure numbered 855 thence in a south-easterly direction along the south-west boundary of the last-mentioned enclosure and the south-west boundary of enclosure numbered 799 to the south-east corner of enclosure numbered 798 thence in a south-westerly direction along the south-east boundaries of the last-mentioned enclosure and enclosure numbered 794 to the south-west corner of the last-mentioned enclosure thence in a south-easterly direction in a straight line across enclosures numbered 861 793 and 786 to the north-west corner of enclosure numbered 790 thence in a south-easterly direction along the south-west boundaries of the last-mentioned enclosure and enclosure numbered 750 and in a straight line in continuation thereof across enclosure numbered 779 to a point on the south side of road A.742 being the last-mentioned enclosure thence in a south-westerly direction along the south and south-easterly boundaries of the said road to the most westerly point of enclosure numbered 748 thence in a south-easterly direction along the south-westerly boundary of the last-mentioned enclosure and continuing generally in a straight line across enclosure numbered 743A thence along the south-westerly boundaries of enclosures numbered 743 and 742 to a point on the north-western boundary of the Wemyss Bay Branch Railway of the British Transport Commission thence in a north-easterly direction along the last-mentioned boundary to the east-most corner of enclosure numbered 764 thence in a straight line across the said railway to the north corner of enclosure numbered 736 thence in a southerly direction along the western boundary of enclosure numbered 735 to the north-west corner of enclosure numbered 733 thence in a south-easterly and southerly direction along the south-western and western boundaries of enclosure numbered 733 across the aqueduct of the Corporation to the south side thereof thence in an easterly direction along the south side of the said aqueduct and following the bends thereof to the east side of the bridge at Overton which carries the road leading to Loch Thom over the said aqueduct thence in a southerly direction along the west face of the western boundary wall of enclosure numbered 356 to the south-west corner thereof thence in an easterly direction along the south face of the south boundary wall of the last-mentioned enclosure and of the wall enclosing the ground on the south side of Overton Reservoir and in a straight line in an easterly direction to the western side of the old road leading to Largs thence in a southerly direction along the western side of the said road to a point 120 feet or thereby south from the Ordnance bench mark 598·0 on the east side of the said road thence eastward across the said road to the south side of the north fence of enclosure numbered 344 thence in a southerly direction along the east side of the said road to the westmost corner of enclosure numbered 336 thence in a southerly and north-easterly direction along the western and south-eastern boundaries of enclosure numbered 336 and along the south-eastern boundaries of enclosures numbered 335 and 333 to the south-west corner of enclosure numbered 89C thence in an easterly and north-easterly direction along the southern boundary of enclosure numbered 89C to the

SCH. —*cont.*

southmost corner of enclosure numbered 191 thence in an easterly direction along the southern boundaries of enclosures numbered 191 and 191B to the south-east corner of enclosure numbered 191B thence in an easterly direction in a straight line through enclosures numbered 195 and 197 in the direction of the south-west corner of enclosure numbered 210 to a point on the last-mentioned straight line 230 feet or thereby west of the point where the said straight line intersects the eastern boundary of enclosure numbered 197 thence in a south-easterly direction in a straight line for a distance of 506 feet across enclosure numbered 197 through a point on the eastern boundary thereof 175 feet distant from the south-east corner thereof and continuing in a south-easterly direction across enclosure numbered 185 thence in a south-easterly direction in a straight line for a distance of 146 feet to a point 100 feet distant from the southmost point of the fence enclosing the Maukinhill service reservoir of the Corporation thence in a north-easterly direction in a straight line to the said southmost point thence in an east-north-easterly direction along the said fence to the eastmost point of the said fence thence in an east-north-easterly direction in a straight line across enclosures numbered 185 202A 202C and 202B to the south-west corner of enclosure numbered 207 thence in an easterly north-easterly and northerly direction along the southern south-eastern and eastern boundaries of enclosure numbered 207 to the point where the eastern boundary of enclosure numbered 207 meets the south side of Kilmacolm Road thence in a northerly direction in a straight line across Kilmacolm Road to the south-west corner of enclosure numbered 210 thence in a northerly north-easterly southerly easterly and again north-easterly direction along the boundary of enclosure numbered 210 and of enclosure numbered 211 to a point where it intersects a straight line drawn from the southmost corner of Maukinhill Farm steading eastwards in the direction of the waterfall of the Devol's Glen Burn thence along the last-mentioned straight line to a march stone fixed at the point where the said straight line is intersected by a line the prolongation of which in a north-easterly direction runs along the centre of Boundary Street thence in a north-easterly direction to and along the centre of Boundary Street to the line of low-water mark of the Firth of Clyde thence westward along the line of low-water mark to a point opposite the north-west corner of the lands on which are situated the Greenock gasworks of the Scottish Gas Board thence in a straight line in a north-westerly direction across the entrance to the Great Harbour to the north side of the existing or authorised works of the trustees of the port and harbours of Greenock thence northward and westward along the north line of those works and the north line of various ship-building yards to a point where the line of low-water mark meets a point in line with the west side of Campbell Street thence following the line of low-water mark in a westerly direction to the point of commencement.

NOTE The numbers of the enclosures referred to in this Part of this schedule are those given on the 1/2500 Ordnance survey maps Renfrewshire sheets I–4 (revision of 1939) I–8 (revision of 1938) II–5 (revision of 1938) I–11 (edition of 1914) I–12 (edition of 1914) II–9 (edition of 1914) II–10 (revision of 1938) and II–11 (revision of 1938).

SCH. —*cont.*

PART III

DESCRIPTION OF POLICE BOUNDARY OF THE BURGH AS EXTENDED

Commencing at a point on the west of the burgh at which the shore of the Firth of Clyde is met by the march between the parishes of Greenock and Inverkip thence southward along the said march to the north-east corner of enclosure numbered 711 thence westward along the south face of the stone wall separating enclosure numbered 711 from the footpath or enclosure numbered 710c to the north-east corner of enclosure numbered 1130 thence in a southerly direction along the eastern boundary of the last-mentioned enclosure to the service road leading from Auchneagh Farm to Gourock and along the west side of the said service road and in a straight line in continuation thereof through enclosures numbered 1127 and 1126B to the top of the "Long Craig" thence in a south-westerly direction along the top of the said Craig to the boundary of enclosure numbered 1093A thence in a south-easterly south-westerly southerly westerly northerly north-westerly and south-westerly direction along the boundaries of the last-mentioned enclosure and enclosure numbered 1093 to the south-eastern corner of enclosure numbered 1095 thence in a south-westerly direction along the boundary of the last-mentioned enclosure to Larkfield Road and in a straight line across the last-mentioned road thence in a north-westerly direction along the south-west side of that road to the north-east corner of enclosure numbered 1098A thence in a westerly direction along the north boundaries of enclosure numbered 1098A and enclosures numbered 1098 1099 and 1072 to the south-east corner of enclosure numbered 1105 and proceeding in a northerly direction along the eastern boundary of enclosure numbered 1105 to a point on the line of kerb on the north side of York Road thence in a westerly northerly and again westerly direction along the said line of kerb and across Cumberland Road to the point where the line of kerb on the west side of Cumberland Road is intersected by the line of kerb on the north side of York Road produced in a westerly direction thence in a northerly direction along a continuation of the line of kerb on the west side of Cumberland Road for a distance of 140 feet or thereby thence in a westerly direction in a straight line across enclosure numbered 1106 and across the road from Gourock to Ravenscraig and across enclosures numbered 1107 1108 and 1064 to a point on the northern boundary of the last-mentioned enclosure 160 feet or thereby distant from the north-east corner thereof thence in a north-westerly direction in a straight line bearing 315 degrees from Ordnance Survey Grid North across enclosure numbered 1063 to a point 760 feet or thereby from the point of commencement thence in a westerly direction in a straight line parallel to the eastern part of the southern boundary of enclosure numbered 1063 for a distance of 1,870 feet or thereby thence in a southerly direction in a straight line across enclosures numbered 1063 and 1064 to the westmost corner of enclosure numbered 855 thence in a south-westerly direction in a straight line across enclosures numbered 856 936 and 937 to the north-west corner of enclosure numbered 938A thence generally in an easterly direction across enclosure numbered 937 to the north-west corner of enclosure numbered 932 and continuing in a straight line generally

SCH. —*cont.*

in an easterly direction across enclosures numbered 936 931 and 930 to the junction of the last-mentioned enclosure and enclosures numbered 856 and 857A thence along the southern boundary of enclosure numbered 856 to the western boundary of enclosure numbered 855 thence in a south-easterly direction along the south-west boundary of the last-mentioned enclosure and the south-west boundary of enclosure numbered 799 to the south-east corner of enclosure numbered 798 thence in a south-westerly direction along the south-east boundaries of the last-mentioned enclosure and enclosure numbered 794 to the south-west corner of the last-mentioned enclosure thence in a south-easterly direction in a straight line across enclosures numbered 861 793 and 786 to the north-west corner of enclosure numbered 790 thence in a south-easterly direction along the south-west boundaries of the last-mentioned enclosure and enclosure numbered 750 and in a straight line in continuation thereof across enclosure numbered 779 to a point on the south side of road A.742 being the last-mentioned enclosure thence in a south-westerly direction along the south and south-easterly boundaries of the said road to the most westerly point of enclosure numbered 748 thence in a south-easterly direction along the south-westerly boundary of the last-mentioned enclosure and continuing generally in a straight line across enclosure numbered 743A thence along the south-westerly boundaries of enclosures numbered 743 and 742 to a point on the north-western boundary of the Wemyss Bay Branch Railway of the British Transport Commission thence in a north-easterly direction along the last-mentioned boundary to the eastmost corner of enclosure numbered 764 thence in a straight line across the said railway to the north corner of enclosure numbered 736 thence in a southerly direction along the western boundary of enclosure numbered 735 to the north-west corner of enclosure numbered 733 thence in a south-easterly and southerly direction along the south-western and western boundaries of enclosure numbered 733 across the aqueduct of the Corporation to the south side thereof thence in an easterly direction along the south side of the said aqueduct and following the bends thereof to the east side of the bridge at Overton which carries the road leading to Loch Thom over the said aqueduct thence in a southerly direction along the west face of the western boundary wall of enclosure numbered 356 to the south-west corner thereof thence in an easterly direction along the south face of the south boundary wall of the last-mentioned enclosure and of the wall enclosing the ground on the south side of Overton Reservoir and in a straight line in an easterly direction to the western side of the old road leading to Largs thence in a southerly direction along the western side of the said road to a point 120 feet or thereby south from the Ordnance bench mark 598·0 on the east side of the said road thence eastward across the said road to the south side of the north fence of enclosure numbered 344 thence in a southerly direction along the east side of the said road to the westmost corner of enclosure numbered 336 thence in a southerly and north-easterly direction along the western and south-eastern boundaries of enclosure numbered 336 and along the south-eastern boundaries of enclosures numbered 335 and 333 to the south-west corner of enclosure numbered 89C thence in an easterly and north-easterly direction along the southern boundary of enclosure numbered 89C to the southmost corner

SCH. —*cont.*

of enclosure numbered 191 thence in an easterly direction along the southern boundaries of enclosures numbered 191 and 191B to the south-east corner of enclosure numbered 191B thence in an easterly direction in a straight line through enclosures numbered 195 and 197 in the direction of the south-west corner of enclosure numbered 210 to a point on the last-mentioned straight line 230 feet or thereby west of the point where the said straight line intersects the eastern boundary of enclosure numbered 197 thence in a south-easterly direction in a straight line for a distance of 506 feet across enclosure numbered 197 through a point on the eastern boundary thereof 175 feet distant from the south-east corner thereof and continuing in a south-easterly direction across enclosure numbered 185 thence in a south-easterly direction in a straight line for a distance of 146 feet to a point 100 feet distant from the southmost point of the fence enclosing the Maukinhill service reservoir of the Corporation thence in a north-easterly direction in a straight line to the said southmost point thence in an east-north-easterly direction along the said fence to the eastmost point of the said fence thence in an east-north-easterly direction in a straight line across enclosures numbered 185 202A 202C and 202B to the south-west corner of enclosure numbered 207 thence in an easterly north-easterly and northerly direction along the southern south-eastern and eastern boundaries of enclosure numbered 207 to the point where the eastern boundary of enclosure numbered 207 meets the south side of Kilmacolm Road thence in a northerly direction in a straight line across Kilmacolm Road to the south-west corner of enclosure numbered 210 thence in a northerly north-easterly southerly easterly and again north-easterly direction along the boundary of enclosure numbered 210 and of enclosure numbered 211 to a point where it intersects a straight line drawn from the southmost corner of Maukinhill Farm steading eastwards in the direction of the waterfall of the Devol's Glen Burn thence along the last-mentioned straight line to a march stone fixed at the point where the said straight line is intersected by a line the prolongation of which in a north-easterly direction runs along the centre of Boundary Street thence in a north-easterly direction to and along the centre of Boundary Street to the line of low-water mark of the Firth of Clyde thence in a north-easterly direction into the Firth of Clyde in continuation of the centre of Boundary Street for a distance of 1,700 lineal yards and there turning at a right angle and running north-westward in a straight line to a point in the Firth of Clyde opposite the march between the parishes of Greenock and Inverkip and there turning at a right angle and running in a south-westerly direction to the point of commencement.

NOTE The numbers of the enclosures referred to in this Part of this schedule are those given on the 1/2500 Ordnance survey maps Renfrewshire sheets I–4 (revision of 1939) I–8 (revision of 1938) II–5 (revision of 1938) I–11 (edition of 1914) I–12 (edition of 1914) II–9 (edition of 1914) II–10 (revision of 1938) and II–11 (revision of 1938).

Table of Statutes referred to in this Act

Short title	Session and chapter
Greenock Corporation Act 1909	9 Edw. 7 c. cxxix.
Temperance (Scotland) Act 1913	3 & 4 Geo. 5 c. 33.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Borrowing (Control and Guarantees) Act 1946...	9 & 10 Geo. 6 c. 58.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6 c. 53.

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