CHAPTER v

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to Largs Burgh. [15th March, 1962.]

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:

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 Largs Burgh Order Confirmation Act, 1962. **Short title.**

SCHEDULE

LARGS BURGH

Provisional Order to confer powers on the provost magistrates and councillors of the burgh of Largs with respect to the local government, health and administration of the burgh, to authorise the said provost magistrates and councillors to borrow money, and for other purposes.

Whereas the provost magistrates and councillors of the burgh of Largs (hereinafter referred to as " the town council " and " the burgh " respectively) are the municipal and local authority for the burgh of Largs in the county of Ayr and are charged with the management and administration thereof:

And whereas it is expedient that further provision should be made with reference to the local government, health and administration of the burgh:

And whereas it is expedient that the town council should be authorised to borrow money for the purposes mentioned in 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 and citation.

1. This Order may be cited as the Largs Burgh Order, 1962.

Commencement of Order.

2. This Order shall commence and have effect on 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.

3. 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 1947 " means the Local Government (Scotland) Act, 1947;

" burgh " means the burgh of Largs;

" county " means the county of Ayr;

PART I —*cont.*

"daily fine" means a further fine for every day on which any offence is continued after conviction therefor;

"magistrates" means the magistrates of the burgh;

"public place" includes any street, any common passage or court, common stair, garden or yard pertaining to any tenement or group of separately occupied houses, the sea-beach and the parks;

"public service vehicle" has the same meaning as in the Road Traffic Act, 1960;

"sheriff" means the sheriff of the county;

"street" means any highway, road, bridge, square, lane, footpath, close, court or passage (not being or forming part of any railway, railway station or depot), or any part thereof open and accessible to the public, whether the same is a thoroughfare or not;

"street trader" means a person carrying on the business of hawking or selling or otherwise dealing or offering to deal in any article or thing of any description in any street or public place and includes any person offering or exposing for sale any article or thing as aforesaid;

"town clerk" means the town clerk of the burgh;

"town council" means the provost magistrates and councillors of the burgh.

"transport commission" means the British Transport Commission.

PART II

REGULATIONS AND BYELAWS

Regulation of street traders.

4.—(1) The town council may from time to time for the purpose of regulating street trading issue permits to persons to carry on the business of street traders and may cause a register to be kept of such persons and may from time to time suspend or revoke such permits as they see cause.

(2) An application for a permit under this section shall be in such form as the town council from time to time direct and shall be signed by the applicant and shall specify—

(*a*) the christian name and surname and place of abode of the applicant;

(*b*) the nature of the articles and things which the applicant intends to sell or expose or offer for sale or in which he intends to deal or offer to deal under the authority of the permit if granted;

(*c*) the streets or area or public places in which and the days on which the applicant intends to carry on business under the authority of such permit; and

(*d*) particulars as to any application for permits or licences for street trading made by the applicant to any other local authority and as to the decision of such authority thereon.

PART II —*cont.*

(3) A permit granted under this section shall be signed as the town council direct and shall be in force for one year only from the day of the date of such permit or until the next general day for the expiry of permits in case any such general day be appointed by the town council as they are hereby authorised to do.

(4) There shall be specified in every such permit the christian name and surname and place of abode of the person to whom the same is granted.

(5) Any such permit may prescribe—

(*a*) the streets or area or public places in which and the position or place in any such streets or area or public places at which the holder of such permit may carry on business under the authority of such permit;

(*b*) the classes of articles or things which may be sold or exposed or offered for sale or dealt in under the authority of such permit;

(*c*) the number of barrows, carts, stalls or other receptacles which may be used for those purposes under the authority of such permit;

and on any occasion of the renewal of a permit the town council may vary such prescriptions.

(6) For every such permit and for every renewal thereof there shall be paid to the town council the sum of five shillings and every holder of such permit shall be provided by the town council with a badge for which he shall pay the sum of five shillings which latter sum shall be returnable when the permit is withdrawn or given up and the badge returned to the town council.

(7) Any such permit may be suspended or revoked by any magistrate or court before whom the holder of such permit is convicted of any offence which in the opinion of the magistrate or court renders it expedient that such permit should be suspended or revoked.

(8) Any person who carries on the business of a street trader without first obtaining from the town council a permit to do so or contrary to any condition or prescription of such permit or during the time his permit is suspended or after it has been revoked or has ceased to be in force or obtains a permit or the renewal of a permit by wilful misrepresentation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

Notice of refusal or revocation of permit.

5.—(1) If the town council refuse to grant or renew a permit or suspend, revoke or vary a permit under the section of this Order of which the marginal note is " Regulation of street traders " they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal, suspension, revocation or variation.

PART II —*cont.*

(2) Any person aggrieved by such refusal, suspension, revocation or variation or by any condition imposed or prescription made by the town council with respect to any permit granted under the said section may appeal to the sheriff.

Savings in respect of street traders.

6. Nothing in the section of this Order of which the marginal note is " Regulation of street traders " shall—

(1) restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence; or

(2) authorise the employment of any person or the carrying on of any business at any time when it would under any enactment be unlawful for such person to be employed or such business to be carried on; or

(3) restrict the dealing or offering to deal in any article or thing for the benefit of charitable or other purposes in accordance with any other enactment or any byelaws made thereunder; or

(4) apply to the engagement or employment in street trading of any person who holds a licence granted under byelaws made under subsection (2) of section 30 of the Children and Young Persons (Scotland) Act, 1937; or

(5) apply to the hawking or selling of or otherwise dealing or offering to deal in or offering or exposing for sale of newspapers or periodicals by any person provided that a vehicle is not used for the purpose of such hawking, selling or offering to deal or exposing for sale; or

(6) apply to the taking of photographs for press purposes by any duly accredited representative of a newspaper, periodical or news agency or by any person systematically selling or supplying photographs to newspapers, periodicals or news agencies; or

(7) apply to the delivery by a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street or public place of any article or thing to such premises; or

(8) apply to the sale of ice-cream by any person registered under any regulations made under the Food and Drugs (Scotland) Act, 1956, or any other enactment; or

(9) apply to the sale of milk by any person holding a certificate of registration given under section 7 of the Milk and Dairies (Scotland) Act, 1914, in respect of any vehicle; or

(10) apply to the hawking, selling or offering or exposing for sale or otherwise dealing or offering to deal in—

(*a*) coal, coke, char or other fuel of which coal or coke is a constituent; or

(*b*) oil for heating, cooking or lighting.

PART II —*cont.*

For protection of Henry Kemp of Saltcoats.

7.—(1) Nothing in the section of this Order the marginal note of which is "Regulation of street traders" shall apply to any street trader who carries on the business of hawking or selling or otherwise dealing or offering to deal in any article or thing of any description on and within the area of ground in the burgh of about one-half acre in extent which area of ground was disponed to Henry Kemp of Saltcoats by a disposition by London, Midland and Scottish Railway Company in his favour dated the twenty-fourth day of July nineteen hundred and thirty-five and recorded in the division of the General Register of Sasines for the county of Ayr on the first day of September nineteen hundred and thirty-six and is bounded on the south by Main Street, on the east by Gallowgate Street, on the north by land belonging to the town council and on the west by the Promenade and is more particularly delineated on a plan three copies of which have been signed by Colin Neil Fraser, Counsel to the Secretary of State, under the Private Legislation Procedure (Scotland) Act, 1936.

(2) If there is any discrepancy between the said plan and the description in the said disposition the plan shall be deemed to be correct and shall prevail.

Restrictions on display of goods in areas, etc.

8.—(1) The town council may by notice prohibit the occupier of any premises from placing, hanging up or exposing for sale or hire any goods, wares, merchandise, matter or thing whatsoever (hereinafter in this section referred to as "goods")—

(*a*) within or on or over any railing enclosing any area or space of ground fronting, abutting on or adjoining any street and forming part of such premises or of any adjoining premises;

(*b*) on any outside steps, passage, platform or landing giving access to any part of such premises from the street or to any adjoining premises;

or they may by notice require any such occupier to comply with such restrictions or conditions with respect to the placing, hanging up or exposing of any goods as aforesaid as may be specified in such notice.

(2) The provisions of the immediately preceding subsection shall also apply in relation to goods displayed as samples of or advertisements for goods available for sale or hire and to goods stored in connection with any business carried on in the premises or in any adjacent premises.

(3) In the exercise of their powers under this section the town council shall have regard only to—

(*a*) the amenities of the locality in which such premises are situated; and

(*b*) the possibility of danger, obstruction or inconvenience to the public.

(4) (*a*) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to confirm such notice (with or without modification) or to annul such notice.

PART II —*cont.*

(*b*) Notice of the right to appeal shall be endorsed on every notice under this section.

(5) Any person who fails to comply with any notice given under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(6) The provisions of this section shall not apply—

(*a*) in relation to the sale or display for sale of newspapers or to the display of posters or bills relating to newspapers; or

(*b*) to any advertisement to which regulations made under section 29 of the Town and Country Planning (Scotland) Act, 1947, for the time being apply.

Byelaws as to marking of footways, etc.

9. The town council may make byelaws for prohibiting the marking of streets, footways and walls by writing, chalking or painting thereon:

Provided that nothing in any byelaw made under the provisions of this section shall apply to any advertisement to which regulations made in pursuance to section 29 of the Town and Country Planning (Scotland) Act, 1947, for the time being apply.

Unauthorised structures on seashore.

10.—(1) No person shall without the consent of the town council erect, provide, place or use any structure, or place any chair on any part of the seashore belonging or let to them unless he is authorised to do so by or under an enactment:

Provided that nothing in this section shall prevent a person's placing a chair or chairs on the seashore for his own personal use or that of his family.

(2) Any person aggrieved by the refusal of the town council to give their consent under the foregoing subsection may appeal to the sheriff.

(3) If any person erects, provides or places a structure or chair in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding five pounds, and if, after his conviction thereof, the structure or chair remains on any such part of the seashore, he shall be liable to a fine not exceeding two pounds for each day on which it so remains.

(4) If any person uses a structure in contravention of subsection (1) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(5) In this section " structure " means any shed, hut, shelter, tent, booth, stall, stand, shop or other erection or obstruction, whether on wheels or not.

Byelaws as to boats.

11.—(1) For the prevention of noise, or of danger, obstruction or annoyance to persons boating or bathing or using the seashore, the town council may make byelaws—

(*a*) regulating the speed and use of mechanically propelled boats;

PART II —*cont.*

(*b*) requiring the fitting and use of effectual silencers on boats propelled by internal combustion engines;

(*c*) prohibiting, regulating or controlling the keeping or landing of boats on such parts of the seashore as may be specified in the byelaws;

(*d*) for regulating the distance at which boats and vessels let for hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within such prescribed limits.

(2) Byelaws made under paragraph (*c*) of the foregoing subsection may also provide for charging such fee as may be prescribed by the byelaws for any licence or permission to keep a boat on any part of the seashore owned by, or let to, the town council.

(3) Byelaws made under this section may contain different provisions for different classes or descriptions of boats.

(4) A byelaw made under this section may provide—

(*a*) that it shall have effect not only within the burgh but also within a distance seaward from the burgh not exceeding one thousand yards from low-water mark of ordinary spring tides; and

(*b*) that any offence against any such byelaw committed within that distance may be inquired into and dealt with as if it had been committed within the burgh.

(5) A byelaw made under this section shall not—

(*a*) affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of the byelaw; or

(*b*) prevent the owner of any part of the seashore, or any person with his consent, exercising any rights which he could have exercised if the byelaw had not been made; or

(*c*) in the case of a byelaw made under paragraph (*b*) of subsection (1) of this section, apply to any boat which is ordinarily kept outside the burgh and is not required to be licensed by the town council; or

(*d*) prohibit, defeat, alter or derogate from any power, authority or jurisdiction of the Trustees of the Clyde Lighthouses or of the Clyde Pilotage Authority.

Application of sections 270 and 271 of Burgh Police (Scotland) Act, 1892.

12. In the application to the burgh of sections 270 and 271 and the Fifth Schedule of the Burgh Police (Scotland) Act, 1892 (which relate to the licensing and regulations of hackney carriages), the expressions " carriage " or " hackney carriage " in such sections and schedule shall be deemed to include every wheeled carriage whatever its form or construction and however drawn or propelled which stands for hire or plies for passengers for hire within the burgh and also includes any

carriage kept by the owner in any building, garage, yard or other premises within the burgh for the purpose of being let out for hire with a driver but shall not include—

(*a*) any carriage so kept for the purpose of being let out for hire for the day or any longer period or so kept by any person in connection with any business carried on by such person as funeral director or owner of funeral vehicles and used wholly or partly in connection with such business; or

(*b*) a public service vehicle;

and the Burgh Police (Scotland) Act, 1892, shall be read and construed accordingly.

PART III

FINANCE

Reception and entertainment of distinguished persons and delegates.

13.—(1) The town council may pay out of the burgh rate the reasonable expenses of the town council in connection with the reception and entertainment of distinguished persons residing in or visiting the burgh and of delegates to conferences being held in the burgh.

(2) The sums by virtue of this section paid out of the burgh rate shall not in any one year exceed the produce of twopence in the pound.

Borrowing powers.

14. The town council may borrow at interest for the payment of the costs, charges and expenses of and in relation to this Order such sum as may be requisite and if such costs, charges and expenses are paid out of borrowed money the same shall be repaid within five years from the date or dates of borrowing the same.

PART IV

MISCELLANEOUS

Prizes for garden and other competitions.

15. The town council may—

(*a*) expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sum as they may think fit, not exceeding in any one year the sum of fifty pounds; and

(*b*) expend on the provision of prizes in connection with any competitive sporting events they may hold or to which they may grant their patronage or sponsorship or any recreation or activity of a social, cultural or scientific nature such sum as they may think fit not exceeding in any one year the sum of two hundred pounds.

Power to provide illuminations, floodlighting, etc.

16.—(1) The town council may in, on, over or in proximity to any of the parks, buildings, premises or other places belonging to the town council, or (with the consent of the owner) any other building or premises, provide or arrange on such terms and conditions as they may think fit for the provision of floodlights, flashlights, decorative

PART IV —*cont.*

lighting or other illuminations and displays of fireworks, and may for such purposes provide, fit up, maintain and operate all such lamps, fittings and apparatus and appurtenances, and do all such things as may be necessary or requisite in connection therewith.

(2) Any floodlights, flashlights, decorative lighting or other illuminations and any lamps, fittings, apparatus and appurtenances provided, fitted up, maintained or operated under this section shall be so constructed, fitted up, maintained and operated as to prevent interference with—

(*a*) any telegraphic line (as defined by the Telegraph Act, 1878) belonging to or used by the Postmaster General, or with telegraphic communication by means of any such line; or

(*b*) the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways; or

(*c*) any wires or apparatus belonging to or used by James Henderson or his successors in title in connection with the business of the diffusion by wire of sound or television programmes.

(3) The town council shall not continue any illumination under this section which in the opinion of the transport commission hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway.

Power to establish information bureau.

17. The town council may—

(*a*) establish and maintain or may subscribe towards the establishment and maintenance of an information bureau in the burgh for the purpose of supplying information with regard to the burgh and neighbourhood, and with regard to accommodation and vacancies at hotels, boarding-houses and private houses therein; and

(*b*) employ and pay such number of clerks, assistants and servants as they may think fit for the purpose, and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

Sale of food and articles on verges, etc.

18.—(1) A person shall not provide, erect or place and habitually use any shed, hut, shelter, booth, stall, shop or other erection whether on wheels or not or any vehicle or any container used with or without a stall on the verge of any road within the burgh or on any roadside waste adjacent thereto for the purpose of selling, offering, depositing or exposing for sale any food, goods, provisions, articles or things other than newspapers.

(2) If any person contravenes the provisions of this section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

PART IV —*cont.*

(3) This section applies to such parts of the trunk roads A.78 and A.760 as are situate within the burgh and to any other road or part of a road within the burgh to which the Secretary of State may by order on the application of the highway authority apply this section.

(4) Nothing in this section shall apply to—

(*a*) any shed, hut, shelter, booth, shop or other erection or any vehicle provided, erected or placed on private property by or with the consent of the owner of such property; or

(*b*) the sale of food, provisions, articles or things from a vehicle when in use solely for the purpose of itinerant trading with the occupants of premises adjoining any verge of any road or roadside waste within the burgh.

Confirming authority for byelaws.

19. Where byelaws are made under the powers of this Order the confirming authority for the purpose of section 301 of the Act of 1947 shall be the Secretary of State.

As to penalties and recovery thereof.

20. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order or any byelaws made under this Order shall be instituted and conducted under and in conformity with the Summary Jurisdiction (Scotland) Act, 1954.

Costs of Order.

21. All 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 town council 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 to be borrowed by them under this Order for that purpose.

Table of Statutes referred to in this Act

Short title	Session and chapter
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Burgh Police (Scotland) Act, 1892	55 & 56 Vict. c. 55.
Milk and Dairies (Scotland) Act, 1914 ...	4 & 5 Geo. 5 c. 46.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 37.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6 c. 53.
Summary Jurisdiction (Scotland) Act, 1954 ...	2 & 3 Eliz. 2 c. 48.
Food and Drugs (Scotland) Act, 1956	4 & 5 Eliz. 2 c. 30.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.

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LARGS BURGH

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