

ELIZABETH II



1973 CHAPTER xvii

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1936, relating to
Glasgow Corporation (Parks &c.). [18th July 1973]

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 1936 c. 52.
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 Glasgow Corporation Short title
(Parks &c.) Order Confirmation Act 1973.

SCHEDULE

GLASGOW CORPORATION (PARKS &c.)

Provisional Order to relieve the Corporation of the city of Glasgow from certain obligations relating to the Bellahouston Park and the Plantation Park in the city; to confer further powers on the Corporation with regard to sewers; and for other purposes.

Whereas the Corporation of the city of Glasgow (hereinafter referred to as “the Corporation” and “the city” respectively) are vested with the municipal government and administration of the city and are the local authority therein:

And whereas the open spaces known as the Bellahouston Park and the Plantation Park in the city are vested in the Corporation subject to certain obligations and it is expedient in furtherance of the Corporation’s powers to construct roads within the city that certain modifications of such obligations should be authorised:

And whereas it is expedient that the provisions of this Order with regard to sewers belonging to the Corporation should be enacted:

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:

1936 c. 52.

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

Short title and citations.

1.—(1) This Order may be cited as the Glasgow Corporation (Parks &c.) Order 1973.

(2) This Order and the Glasgow Corporation Acts 1855 to 1971 may be cited together as the Glasgow Corporation Acts 1855 to 1973.

(3) This Order and the Glasgow Parks Acts 1878 to 1949 may be cited together as the Glasgow Parks Acts 1878 to 1973.

(4) This Order and the Glasgow Sewage Acts 1935 to 1970 may be cited together as the Glasgow Sewage Acts 1935 to 1973.

Interpretation.

2. In this Order, the following words and expressions have, unless there be something in the subject or context repugnant to such construction, the meanings hereby assigned to them, that is to say:—

“city” means the city and royal burgh of Glasgow;

“Corporation” means the Corporation of the city.

3. Whereas the lands forming the open space known as the Bellahouston Park were conveyed to and are held by the Corporation under a condition that they should be held as a park in all time coming:

Removal of restrictions on use of Bellahouston and Plantation parks.

And whereas the lands forming the open space known as the Plantation Park were conveyed to the Corporation by the former Burgh of Govan together with all the obligations respecting such lands which the said former burgh had undertaken previous to such conveyance:

And whereas the said open space now within the city was, previous to such conveyance, held by the said former burgh under an agreement which provided that the said open space should be held as a park in all time coming and the Corporation are therefore under obligation so to continue to hold the said open space:

And whereas the Corporation are responsible for the construction of various new roads within the city including a portion of the Renfrew Motorway and it is necessary that the said Renfrew Motorway should be constructed through parts of the said open spaces:

Be it therefore enacted that the Corporation shall have power to construct the said Renfrew Motorway through parts of the open spaces known as the Bellahouston Park and the Plantation Park notwithstanding any obligations to the contrary.

4. The powers conferred upon the Corporation by the Petroleum (Regulation) Acts 1928 and 1936 to issue and renew petroleum licences for the keeping of petroleum spirit under those Acts may be exercised on their behalf by the Chief Inspector of Weights and Measures appointed by them.

Exercise of licensing powers under Petroleum (Regulation) Acts.

5.—(1) No person shall without the consent of the Corporation, which consent may be granted on such conditions as the Corporation may deem reasonably necessary—

For protection of sewers.

(a) construct any building or deposit any materials to be used in the construction of any building or the development of any land over any sewer belonging to the Corporation; or

(b) carry out over or under any such sewer any work by which, or by the carrying out of which, the safety of that sewer might be endangered.

(2) If in the opinion of the Corporation any work (not being any work to which the foregoing subsection applies) proposed to be carried out by any person will endanger the safety of any sewer belonging to the Corporation, the Corporation may serve a notice on such person either objecting to the carrying out of such work or directing that such work be carried out subject to such conditions as may be specified in the notice.

(3) Any person aggrieved by a refusal of a consent or by any condition with respect to which any consent is granted under the provisions of subsection (1) of this section or by the terms of a notice served under subsection (2) of this section may require the matter to be referred to and determined by a single arbiter to be appointed in the absence of agreement by the Secretary of State.

*Glasgow Corporation (Parks &c.)
Order Confirmation Act 1973*

(4) The Corporation may demolish any building constructed, or remove any materials or things deposited in contravention of subsection (1) of this section or in contravention of a notice served under subsection (2) of this section and the expense reasonably incurred in so doing shall be recoverable by the Corporation from the person responsible for the construction of such building or the depositing of such materials or things.

(5) Nothing in this section shall prevent the laying, placing, maintaining, repairing or renewing of any mains, pipes or apparatus or the construction or maintenance of other works by any statutory undertaker—

(a) in any street in accordance with the provisions of the Public Utilities Street Works Act 1950; or

(b) otherwise than in a street in pursuance of powers conferred on the statutory undertaker by any enactment.

1950 c. 39.

Amendment
of Order of
1964.

1964 c. xliii.

6. Section 1 (Short title and citation) of the Glasgow Corporation Consolidation (Water, Transport and Markets) Order 1964 shall be read and have effect and shall be deemed always to have been read and to have had effect as if at the end thereof there were added the following words:—

“and this Order and the Glasgow Corporation Acts 1855 to 1963 may be cited together as the Glasgow Corporation Acts 1855 to 1964.”

Costs of Order.

7. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation.

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