



Burgh Trading Act 1846

1846 CHAPTER 17 9 and 10 Vict

An Act for the Abolition of the exclusive Privilege of trading in Burghs in Scotland. [14th May 1846]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble, which recites exclusive privileges and rights possessed by guilds, crafts and incorporations in burghs, omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

[1.] ^{X1}† After the passing of this Act exclusive privileges and rights in burghs to cease; and in lieu of the stamp duties now payable on admission a duty of 5s. shall be paid.

..... ^{F1} It shall be lawful for any person to carry on or deal in merchandise, and to carry on or exercise any trade or handicraft, in any burgh and elsewhere in Scotland, without being a burgher of such burgh, or a guild brother, or a member of any guild, craft, or incorporation: ^{F2}

Editorial Information

- X1 Unreliable marginal note.

Textual Amendments

- F1 Words repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)
- F2 Proviso repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

2 **Incorporations still to retain their corporate character, and their names and titles.**

Notwithstanding the abolition of the said exclusive privileges and rights, all such incorporations as aforesaid shall retain their corporate character, and shall continue to be incorporations, with the same names and titles as heretofore; and nothing herein

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Changes to legislation: There are currently no known outstanding effects for the Burgh Trading Act 1846. (See end of Document for details)

contained shall anyway affect the rights and privileges of such incorporations, or of the office bearers or members thereof, except as herein-before enacted.

3 Incorporations may make bye laws relative to application of its funds, &c. subject to the approbation of the Court of Session. Such bye laws, when sanctioned by Court of Session, to be valid.

.....^{F3} It shall be lawful for every such incorporation from time to time to make all bye laws, regulations, and resolutions relative to the management and application of its funds and property, and relative to the qualification and admission of members, in reference to its altered circumstances under this Act, as may be considered expedient, and to apply to the Court of Session, by summary petition, for the sanction of the said court to such bye laws, regulations, or resolutions; and the said court, after due intimation of such application, shall determine upon the same, and upon any objections that may be made thereto by parties having interest, and shall interpose the sanction of the said court to such bye laws, regulations, or resolutions, or disallow the same in whole or in part, or make thereon such alterations, or adject thereto such conditions or qualifications, as the said court may think fit, and generally shall pronounce such order in the whole matter as may to the said court seem just and expedient; and such bye laws, regulations, or resolutions, subject to such alterations and conditions as aforesaid, shall be, when the sanction of the said court shall have been interponed thereto, valid and effectual and binding on such incorporations: Provided always, that nothing therein contained shall affect the validity of any bye laws, regulations, or resolutions that may be made by any such incorporation without the sanction of the said court, which it would have been heretofore competent for such incorporation to have made of its own authority or without such sanction.

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Textual Amendments
F3 Recital omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

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.....
Textual Amendments
F4 [S. 4](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

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