

ELIZABETH II



1965 CHAPTER ii

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1936 relating to
Glasgow Corporation. [2nd June 1965]

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 1936 c.52.
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 Glasgow Corporation Order Short title.
Confirmation Act 1965.

SCHEDULE

GLASGOW CORPORATION

Provisional Order to enact provisions as to the rates to be paid in respect of partially occupied properties; to make provision as to the abandonment by the trustees of the Clyde Navigation when required by the Corporation of the city of Glasgow of certain ferries across the river Clyde in the said city; to confirm a deed relating to certain lands in the parish of Callander in the county of Perth; to make provision for the carrying into effect in relation to certain lands in the said city of the agreement scheduled to and confirmed by the Glasgow Corporation Order, 1936, and for other purposes.

1866 c. cclxxiii.

Whereas it is expedient to make provision as to the apportionment of the rateable value of lands and heritages in the city and royal burgh of Glasgow (hereinafter referred to as "the city") which are partially occupied or part of which has ceased to exist and as to the rates payable on the occupied parts of such lands and heritages and it is further expedient, consequent on the passing of public general legislation, to amend certain provisions of the Glasgow Police Act, 1866, with respect to the partial exemption from rates of certain lands and heritages:

And whereas it is expedient to authorise the Clyde Navigation Trustees to abandon and discontinue such of the passenger and vehicular ferries across the river Clyde in the city at present operated by them as they may be required by the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation") so to abandon and discontinue:

And whereas it is expedient that the deed set out in the schedule to this Order respecting certain lands in the parish of Callander and county of Perth in the catchment area of the Glen Finglas reservoir now being constructed by the Corporation should be sanctioned and confirmed:

And whereas the period within which the agreement scheduled to and confirmed by the Glasgow Corporation Order, 1936, provided for the giving possession by the Corporation of a certain area of ground mentioned in the said agreement has expired and it is expedient that, notwithstanding the expiry of the said period, provision should now be made for the carrying into effect of the said agreement so far as relating to the said area of ground:

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

1936 c. 52.

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under 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:—

1.—(1) This Order may be cited as the Glasgow Corporation Order 1965. Short title and citations.

(2) This Order and the Glasgow Water Acts, 1855 to 1955, may be cited together as the Glasgow Water Acts, 1855 to 1965.

(3) This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts, 1855 to 1965.

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

“ Act of 1866 ” means the Glasgow Police Act, 1866; 1866 c. cclxxiii.

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

“ Clyde Trustees ” means the trustees of the Clyde Navigation;

“ Corporation ” means the Corporation of the city of Glasgow.

3. If it appears to the Corporation that any part of any lands and heritages entered in the valuation roll for the city as a unum quid is— Rating of lands and heritages partly occupied or where part has ceased to exist.

(a) unoccupied; or

(b) has ceased to exist;

the Corporation may, if they think fit—

(i) in any case where a part of such lands and heritages is unoccupied, make such apportionment of the rateable value of such lands and heritages as between the occupied and unoccupied parts thereof as they may consider reasonable in the circumstances; or

(ii) in any case where a part of such lands and heritages has ceased to exist, apportion such amount of the rateable value thereof against the part which is occupied as they may consider reasonable in the circumstances;

and, if such apportionment is agreed between the Corporation and the person liable for the rates in respect of such lands and heritages, then, as from such date as the Corporation may determine, not being earlier than the date upon which the said lands and heritages became partly occupied or the part thereof ceased to exist, until—

(A) in the case where a part of the said lands and heritages is unoccupied (i) the date on which the unoccupied part of the said lands and heritages or any portion of such part is reoccupied or (ii) until a further apportionment of the rateable value of the said lands and heritages takes effect under this section, or (iii) until the end of the year in which such apportionment is agreed, whichever is the earliest; or

(B) in the case where a part of the said lands and heritages has ceased to exist, until the end of the said year;

the occupied part of the said lands and heritages shall for rating purposes be treated as if the value apportioned to or against such part thereof were the rateable value thereof.

Abandonment
of ferries.

4.—(1) If at any time the Corporation require the Clyde Trustees to abandon any of the vehicular or passenger ferries in the city maintained by the trustees they shall notwithstanding anything contained in the Clyde Navigation Acts, 1858 to 1960, or in the Glasgow Corporation Acts, 1855 to 1963, abandon and close such ferry.

(2) Notwithstanding anything in section 24 of the Glasgow Corporation (Parks Harbour Tunnel Gas &c.) Order, 1915, or in the agreement sanctioned and confirmed by the said section—

- (a) the annual contribution of two thousand pounds referred to in head A of article sixth of the said agreement made by the Clyde Trustees to the Corporation towards the expense incurred in relation to the said ferries; and
- (b) the annual payment of one thousand two hundred and fifty pounds made by the Corporation to the Clyde Trustees in accordance with head B of the said article sixth of the said agreement,

shall be discontinued as from 1st January, 1965.

Confirming
deed
relative to
certain lands
in the parish
of Callander
and county of
Perth.

5. Subsections (4), (5), (7), (8), (9), (10), (11) (so far as relating to the giving to the owner his tenants and vassals in Glen Finglas a supply of water and to the provision and maintenance of the pipe therein referred to), (13), (14), (15), (16) (so far as relating to the planting of trees by the Corporation) and (19) of section 8 (For protection of Earl of Moray) of the Glasgow Water Order, 1915, so far as applicable to and for the protection of John Bell Cameron as owner of the estate therein referred to or any portion thereof, shall cease to have effect and the agreement between The Right Honourable Morton Gray, Earl of Moray, and the Corporation dated 24th and 28th June, 1915, so far as enuring for the benefit of the said John Bell Cameron is hereby annulled and the Deed of Alteration, Modification and Discharge by the said John Bell Cameron in favour of the Corporation set forth in the schedule to this Order is hereby confirmed and shall have effect accordingly.

Implementation
of agreement
with James
Templeton and
Company
Limited.

6. Whereas by an agreement dated the 15th, 16th and 24th October, 1935, between the Corporation of the first part and Messrs. James Templeton and Company (now James Templeton and Company Limited) of the second part (hereinafter referred to as the "company") the Corporation agreed to sell to the company (inter alia) an area of ground at Glasgow Green containing one thousand five hundred and eighty square yards or thereby described in the said agreement and shown on the plan thereto annexed:

And whereas by article 4 of the said agreement it was provided that possession of the said area of ground should be given by the Corporation to the company not later than Whitsunday, 1941:

And whereas by section 4 (Confirming agreement with James Templeton and Company) of the Glasgow Corporation Order, 1936, the said agreement was sanctioned and confirmed:

And whereas the date for the giving of possession of the said area of ground was extended from time to time until Whitsunday, 1953, but on that date possession of the said area of ground had not been given by the Corporation to the company:

And whereas the Corporation and the company are now desirous of implementing the provisions of the said agreement relating to the said area of ground and it is accordingly expedient that provision should be made for implementing the said agreement as hereinafter provided:

Be it therefore enacted as follows:—

- (1) article 4 of the said agreement as modified by section 16 (Extending period for giving possession of ground under agreement with James Templeton and Company) of the Glasgow Corporation Order, 1952, shall be read and have effect as if for the reference therein to Whitsunday, 1953, there had been substituted a reference to such date as may be agreed upon between the Corporation and the company;
- (2) section 4 of the said Order of 1936 and the said agreement shall have effect and be deemed always to have had effect accordingly; and
- (3) section 16 of the said Order of 1952 shall be and is hereby repealed.

7. Section 34 (Transfer of property from one department to another) of the Glasgow Corporation (Improvements and General Powers) Act, 1897, shall be read and have effect as if the words " estates officer of the Corporation " were substituted for the words " city engineer ".
As to valuation of property transferred between Corporation departments. 1897 c. ccxv.

8. Section 39 (Power to make ordinary Assessments for the Purposes of Act) of the Act of 1866 as modified by the Glasgow Corporation (Burgh Rate Partial Exemptions) Order, 1950, and as amended by subsequent enactments, shall be read and have effect as if the second proviso to the said section (which provides that certain premises shall not be assessed for the purposes of the police assessment to be imposed under the said section) were omitted therefrom.
Amendment of section 39 of Glasgow Police Act, 1866.

9. 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 and shall be allocated among the several undertakings and services of the Corporation in such proportions as the Corporation may deem expedient.
Costs of Order.

SCHEDULE

DEED OF ALTERATION, MODIFICATION AND DISCHARGE BY JOHN BELL
CAMERON IN FAVOUR OF THE CORPORATION OF THE CITY OF GLASGOW

Whereas by the Glasgow Water Order 1915 which was confirmed by the Glasgow Water Order Confirmation Act, 1915 the Corporation of the City of Glasgow (hereinafter referred to as "the Corporation") was empowered to acquire certain lands in the Parish of Callander and the County of Perth and make and maintain thereon in the lines and according to the levels shown on the deposited plans and sections referred to in the said Order inter alia (One) an impounding reservoir for the purpose of obtaining an additional supply of water from the River Turk, the Finglas Water and waters flowing into the same (Two) an aqueduct for the purpose of conveying the water from the said reservoir to Loch Katrine (Three) a railway (Number One) one furlong forty-six yards or thereabouts in length commencing by a junction with the Callander and Oban Railway at a point thereon One hundred and thirty-three yards or thereabouts measured along the said railway in a south-easterly direction from the bridge carrying the public road from Kilmahog to Trossachs over the said Callander and Oban Railway and terminating at a point specified in Section 6 Sub-section 3 of the said Order (Four) a railway (Number Two) five miles seven furlongs and one hundred and thirty-two yards or thereabouts in length commencing at or near the termination of railway Number One above mentioned and terminating at the dam or embankment to be constructed in the formation of the said reservoir and (Five) a road (hereinafter referred to as the substitute road) in substitution of part of the private road leading from the village of Brig O'Turk to Duart commencing at a point on the said private road six hundred and fifty yards or thereabouts measured along that road in a north-westerly direction from the intersection of the line of the north-west gable of Brig O'Turk school with that road and terminating at or near the east end of the said dam or embankment all as specified in Section 6 Sub-section 5 of the said Order:

And whereas for the protection of the Right Honourable Morton Gray, Earl of Moray, the then owner of the lands of which the lands to be acquired by the Corporation in terms of the said Order formed part or other the owner or owners for the time being of the said lands there were incorporated in the said Order the provisions contained in Section 8 thereof:

And whereas the lands required for the formation of the said reservoir and the said aqueduct have been acquired and the compensation therefor paid by the Corporation:

And whereas it is now not regarded as necessary to construct the said railways Numbers One and Two:

And whereas the Corporation have decided to alter the line of the said substitute road and to abandon their intention of forming a roadway on top of the said dam or embankment:

And whereas I, John Bell Cameron, Balbuthie, Kilconquhar, Fife, and the successor in title to certain lands of the said Earl of Moray on part of which the aforesaid works are or were to be constructed and in respect of the lands now belonging to me am the sole person now entitled to enforce the said provisions contained in Section 8 of the said Order in so far as these have not already been implemented:

SCH.
—cont.

And whereas I have agreed in consideration of the sum after-mentioned to renounce my right to enforce certain of the said provisions contained in Section 8 of the said Order:

Therefore I, the said John Bell Cameron in consideration of the sum of Eight thousand two hundred and fifty pounds to be paid to me by the Corporation within ten days of the date of confirmation of these presents by Parliament as hereinafter provided for, hereby agree as follows:—

First To renounce and surrender all right competent to me in terms of Section 8 Sub-section 4 of the said Order to require the Corporation to construct at any time any continuation of the said substitute road beyond a point immediately to the north of the Casaig Burn, declaring that the line of the continuation of the said road as now curtailed, and the point of termination thereof have been agreed with me by the Corporation.

Second To renounce and surrender all right competent to me in terms of Section 8 Sub-section 10 of the said Order to erect and maintain in the drainage or catchment area of the reservoir before mentioned a shooting lodge with gardens, offices and the usual works and conveniences connected therewith together with suitable cottages not exceeding five in number and offices for keepers and watchers and further to restrict the number of such cottages as might be necessary or expedient for or incidental to (a) the afforestation and (b) the pasturing of the lands within the said drainage or catchment area to two (one of which may be classified as a farmhouse) in place of the four permitted by the said Order.

Third To free and relieve the Corporation of the obligation incumbent on them in terms of Section 8 Sub-section 11 of the said Order to give free of charge to me and my tenants and vassals in Glenfinlas below the dam or embankment of the said reservoir a continuous supply of water and for such purpose at their own expense and to my reasonable satisfaction to provide and maintain a cast iron main pipe of four inches diameter from the said reservoir to a point in or near the village of Brig O'Turk to be selected by me and at such point to provide and maintain to my satisfaction and keep filled by means of said main pipe a tank of sufficient capacity to afford such supply of water and to permit me to make such connections with the said main pipe and tank as I might consider necessary at such point or points as I might select.

Fourth To renounce and surrender my rights under Section 8 Sub-section 14 of the said Order to use the roadway which

SCH.
—cont.

was to be constructed by the Corporation on top of the dam or embankment of the said reservoir, and to consent and concur in the decision of the Corporation not to construct the said roadway but to substitute therefor a branch road leading off from the existing private road between the village of Brig O'Turk and Duart and crossing the River Turk by a bridge below the said dam or embankment (the line of which branch road has been agreed with me by the Corporation), and to accept on behalf of myself, my lessees and tenants in lieu of the rights hereby renounced and surrendered the right to use the said branch road for the purpose of pedestrian and vehicular traffic.

Fifth To free and relieve the Corporation of the obligation incumbent on them in terms of Section 8 Sub-section 15 of the said Order to afford me suitable accommodation for a garage or stable in one of their buildings at the eastern end of the dam or embankment of the said reservoir.

Sixth To free and relieve the Corporation of the obligation incumbent on them in terms of Section 8 Sub-section 16 of the said Order to plant and keep planted to my satisfaction trees at such points and for such distances and width on the margin of the said reservoir as I might reasonably select.

Seventh To free and relieve the Corporation of the obligation incumbent on them in terms of Section 8 Sub-section 19 of the said Order to pay from time to time to me on demand the reasonable cost of the employment by me of not more than two additional keepers or watchers for the protection of the game and the prevention of persons trespassing on my estate near any of the works of the Corporation during the construction or repair of the same.

Eighth To consent to and concur in the alteration by the Corporation of the line of the substitute road, the new line of the road having been agreed with me by the Corporation.

Ninth To consent to and concur in the decision of the Corporation not to proceed with the construction of the said railways (One) and (Two).

Tenth To renounce and surrender all right competent to me in terms of Section 8 Sub-section 13 of the said Order (a) to shoot on or over any of the lands acquired by the Corporation for the purpose of constructing the said reservoir (b) to fish in the waters impounded in the said reservoir (c) to erect and maintain a boathouse or boathouses on any part of such lands and (d) to place and use boats for fishing on the said reservoir, but reserving to me (firstly) the right to place one boat on the said reservoir for the use of myself and my staff for the purpose of facilitating access to certain parts of my adjoining lands and (secondly) a right of fishing from a boat only in the said reservoir for myself and my personal guests, but declaring that this last mentioned reservation is personal to me and shall not descend to my heirs or be transmissible to singular successors.

And further I, the said John Bell Cameron in so far as I am entitled as proprietor of the said lands now belonging to me to enforce the reservations, conditions, declarations, obligations, prohibitions and others contained in the Disposition and Grant of Servitude by the Right Honourable Morton Gray Stewart, Earl of Moray in favour of the Corporation dated Eleventh April and registered in the Division of the General Register of Sasines for the County of Perth for publication and also as in the Books of Council and Session for preservation on Twenty-fifth May, Nineteen hundred and seventeen, by which deed there was *inter alia* disposed to the Corporation part of the lands authorised to be acquired by them by the said Order for the purpose of the construction of the said reservoir, namely, ALL and WHOLE that area of ground and others in Glenfinlas lying in the Parish of Callander and County of Perth containing Three hundred and seventy-two acres or thereby Imperial Measure delineated and coloured red on the plan annexed and subscribed as relative thereto, hereby renounce and discharge the said reservations, conditions, declarations, obligations, prohibitions and others in so far as these are inconsistent with or contrary to or otherwise conflict with the renunciations, discharges and others contained in paragraphs First to Tenth of these presents.

SCH.
—cont.

And I, the said John Bell Cameron hereby renounce and discharge all rights if any competent to me under paragraph Fifth of the Agreement between the Right Honourable Morton Gray, Earl of Moray and the Corporation, dated Twenty-fourth and Twenty-eighth June, Nineteen hundred and fifteen: Moreover it is agreed between the Corporation and me, the said John Bell Cameron that the Corporation shall make application to Parliament to confirm these presents in the Provisional Order which they are at present in the process of promoting and that until such confirmation has been obtained, these presents shall not be binding in law upon the Corporation or me the said John Bell Cameron:

In witness whereof these presents typewritten on this and the six preceding pages are executed by the parties hereto as follows, videlicet:— they are subscribed by the said John Bell Cameron at Balbuthie Kilconquhar, Fife, on the Tenth day of February, Nineteen hundred and sixty-four before these witnesses Margaret Cameron, Widow, Balbuthie, Kilconquhar, Fife and Margaret Clapperton, Nurse, Craigtoun Maternity Hospital, St. Andrew's, Fife and they are sealed with the Common Seal of the said Corporation of the City of Glasgow and subscribed by Mary Welsh Reilly (subscribing "M. Reilly") and Philip Stinton, two Members of the said Corporation and by Alexander Rooke, Town Clerk of the said City for and on behalf of the said Corporation all at Glasgow on the Twentieth day of the month and year last mentioned before these witnesses William Hall and John Robertson, both Clerks in the Town Clerk's Office, Glasgow.

Margaret Cameron
Witness

(Sgd.) J. B. Cameron.

Margaret Clapperton
Witness

*Glasgow Corporation Order
Confirmation Act 1965*SCH.
cont.—William Hall
Witness

(Sgd.) M. Reilly.

(Sgd.) P. Stinton.

J. Robertson
Witness

(Sgd.) Alex. Rooke.



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SIR PERCY FAULKNER, K.B.E., C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 3d. net

PRINTED IN ENGLAND



Glasgow Corporation Order Confirmation Act 1965

CHAPTER ii

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

GLASGOW CORPORATION

1. Short title and citations.
2. Interpretation.
3. Rating of lands and heritages partly occupied or where part has ceased to exist.
4. Abandonment of ferries.
5. Confirming deed relative to certain lands in the parish of Callander and county of Perth.
6. Implementation of agreement with James Templeton and Company Limited.
7. As to valuation of property transferred between Corporation departments.
8. Amendment of section 39 of Glasgow Police Act, 1866.
9. Costs of Order.

SCHEDULE—Deed of Alteration, Modification and Discharge by John Bell Cameron in favour of the Corporation of the City of Glasgow.