

ELIZABETH II



1965 CHAPTER XLVI

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Glasgow Corporation.

[22nd December 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 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 (No. 2) Order Confirmation Act 1965. Short title,

SCHEDULE

GLASGOW CORPORATION (No. 2)

Provisional Order to confer further powers on the Corporation of the city of Glasgow with respect to their tunnels under the river Clyde between Linthouse and Whiteinch; to extend the time for the acquisition of lands for the construction of certain sewers; to confer further powers on the Corporation with respect to the acquisition of lands, the investment of their superannuation fund, the administration of the city and for other purposes.

Whereas by the Glasgow Corporation Order, 1948, the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation") were authorised to construct and have constructed tunnels for vehicular traffic under the river Clyde between Linthouse and Whiteinch in the city and royal burgh of Glasgow (hereinafter referred to as "the city") and it is expedient to authorise the Corporation, subject to the need for meeting normal traffic requirements, to close at night one or other of the said tunnels as provided in this Order:

And whereas it is expedient that the time limited for the acquisition of lands for the construction of certain sewers and relative works authorised by the Glasgow Sewage Acts, 1935 to 1963, should be extended:

And whereas powers were conferred on the Corporation by the Glasgow Streets Sewers and Buildings Consolidation Order, 1937, with respect to the demolition or securing or repair of dangerous buildings in the city and the recovery from the proprietors thereof of the expense incurred by the Corporation in connection therewith and it is expedient that provision should be made for the acquisition by the Corporation of any such buildings and the sites thereof in cases in which such expense cannot be recovered:

And whereas it is expedient to extend the powers of the Corporation with respect to the investment of their superannuation fund:

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 (No. 2) Order, 1965.

(2) This Order and the Glasgow Sewage Acts, 1935 to 1963, may be cited together as the Glasgow Sewage Acts, 1935 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 :—

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

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

“ master of works ” means the person holding the office of master of works for the city in pursuance of section 21 of the Building (Scotland) Act, 1959;

1959 c. 24.

“ Order of 1960 ” means the Glasgow Corporation Consolidation (General Powers) Order, 1960.

3.—(1) Notwithstanding anything in the Glasgow Corporation Order, 1948, the Corporation may at any time and for such period or periods as they may think fit, close to traffic during such hours of the night (not being earlier than 10 p.m. on any day or later than 7 a.m. on the following day) as they may determine either of the tunnels authorised by the said Order of 1948 provided that they are satisfied that the other of the said tunnels (which shall be kept open and available for the use of mechanically propelled vehicular traffic) makes reasonably adequate provision for normal traffic under the river Clyde between Linthouse and Whiteinch during the hours when the other of the said tunnels is closed to traffic.

Power to Corporation to close one of Linthouse-Whiteinch tunnels at night.

(2) For the purposes of the Telegraph Acts, 1863 to 1962, each of the said tunnels shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act, 1878.

1878 c. 76.

(3) Nothing in this section shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

4. The time limited—

(a) by section 6 (Period for compulsory purchase) of the Glasgow Corporation Sewage Order, 1950; and

(b) by section 6 (Period for compulsory purchase) of the Glasgow Corporation Order, 1953;

Extension of time for acquisition of lands for sewers.

for the compulsory purchase of lands for the construction of the sewers and relative works authorised by the said Order of 1950, and by the said Order of 1953, respectively, as respectively extended from time to time and as subsequently extended by section 3 (Extension of time for acquisition of lands for sewers) of the Glasgow Corporation Order, 1961, is hereby further extended until the 31st December, 1968.

5.—(1) In any case where, in accordance with the provisions of the Glasgow Streets Sewers and Buildings Consolidation Order, 1937, a building has been taken down, secured or repaired by the master of works and the expense thereby incurred cannot be recovered by the Corporation from the proprietor of the building the Corporation may be authorised by the Secretary of State to purchase compulsorily the site of the building or the building together with the site thereof as the case may be.

Acquisition by Corporation of buildings demolished or secured as dangerous buildings or of sites thereof.

1947 c. 42.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to a compulsory purchase of land under the foregoing subsection as if that subsection had been in force immediately before the commencement of that Act.

(3) The Corporation shall be entitled to deduct from the compensation payable on the compulsory purchase of land under this section the amount of the expense referred to in subsection (1) of this section so far as not otherwise recovered.

(4) For the purposes of this section—

- (a) “proprietor” has the same meaning as in the Glasgow Streets Sewers and Buildings Consolidation Order, 1937; and
- (b) “site” in relation to a building includes any land vested in the proprietor of such building which is adjacent to or contiguous with and appurtenant to such building.

Amendment of
superannuation
scheme.

6.—(1) Article 32 (Management of fund, use of moneys and investment of surpluses) of the Glasgow Corporation Superannuation Scheme, 1955, as amended by section 5 (Amendment of Superannuation Scheme) of the Glasgow Corporation Order, 1958, and by section 3 (Amendment of Superannuation Scheme) of the Glasgow Corporation Order, 1962, shall be read and have effect as if in place of paragraph (4) (B) thereof there were substituted the following paragraph:—

“(B) Notwithstanding anything in the foregoing paragraph an investment shall not be made under the powers of subparagraphs (d) and (e) of the foregoing paragraph—

(a) in the securities or obligations of any company unless the issued capital of such company amounts to or exceeds one million pounds sterling and such securities or obligations are quoted on a recognised stock exchange within the meaning of the provisions of the Prevention of Fraud (Investments) Act, 1958, or the Belfast Stock Exchange and the company have, for not less than four years prior to the date of investment, paid dividends on their ordinary share capital (excluding any shares which, in accordance with the terms of issue thereof, did not rank for such dividends):

Provided that a company formed—

- (i) to take over the business of another company or companies; or
- (ii) to acquire the securities of, or control of, another company or companies;

or for either of those purposes and for any other purpose shall be deemed to have paid a dividend as mentioned in

1958 c. 45.

this sub-paragraph in any year in which such a dividend has been paid by the other company or all the other companies as the case may be;

(b) so long as the book value of all the investments made under the powers of the said sub-paragraphs (exclusive of moneys invested in or upon mortgages or other securities of the Corporation) equals or exceeds fifty per centum of the book value of all the assets, investments, securities and obligations in which the fund is invested;

(c) for the purposes of this paragraph the expression 'book value' in relation to any investment means the cost of the investment at the time at which it was made including brokerage, stamp duty and other expenses incidental to the making of the investment."

(2) Section 3 (Amendment of superannuation scheme) of the Glasgow Corporation Order, 1962, is hereby repealed.

7.—(1) In any case in which the driver of a cab agrees to carry the hirer thereof from any place within the city to any place outwith the city within a distance of eight miles from the Head Post Office, George Square, Glasgow, the fare and other charges payable in respect of so much of the journey as is outwith the city shall be the fare and other charges which would be payable for a journey of the like distance within the city and for the purposes of this section shall be deemed to be the proper fare.

Cab fares etc.,
to apply to
certain journeys
outwith city.

(2) The provisions of subsections (2) to (7) of section 44 (Miscellaneous provisions as to cab-drivers and others) of the Order of 1960 shall, with any necessary adaptations, apply and have effect in relation to any such journey and to the proper fare for such journey as if such journey were wholly within the city.

(3) Subject to the provisions of the Summary Jurisdiction (Scotland) Act, 1954, and of this Order, the magistrates, or any one or more of such magistrates, including any stipendiary magistrate and any sheriff acting in the police court of the city, shall have jurisdiction under the city Acts for the trial in summary manner and punishment of offences under section 44 of the Order of 1960 as applied by this section and the provisions of the city Acts with respect to the prosecution of offences and the recovery of penalties and expenses shall apply with respect to any such offences:

1954 c. 48

Provided that, except as hereinbefore provided, nothing in this section shall affect or interfere with the jurisdiction of any justices of the peace or any court of competent jurisdiction or any police force.

(4) In this section words and expressions to which meanings are assigned by the Order of 1960 shall have the same respective meanings.

8.—(1) Any person in charge of a vehicle who brings such vehicle or causes or permits it to be brought upon any street unless he has first taken or caused to be taken such steps as are reasonably practicable to remove any mud, clay, lime or other substance adhering to the wheels or tracks or other parts of the vehicle which is likely, if not so

Penalty for
failing to
remove mud
etc. from wheels
of vehicles
brought upon
street.

removed, to cause obstruction or danger to or to incommode persons using the street or injury to the surface thereof shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(2) Section 196 (As to penalties and recovery thereof) of the Order of 1960 shall extend and apply with respect to proceedings for the recovery of penalties imposed under this section.

(3) In this section "street" has the same meaning as in the Order of 1960.

Amendment
of section 109
of Order of
1960.

9. Section 109 (Byelaws as to cleansing of common stairs etc.) of the Order of 1960 shall be read and have effect as if in place of paragraph (a) thereof there were substituted the following paragraph, namely:—

"(a) for the cleansing of common stairs, common passages, lobbies, sinks and water-closets in any premises by the occupiers of such premises in rotation;"

Crown rights.

10. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown or shall subject to the provisions of this Order any lands, buildings or works vested in or occupied by the Crown or any department of Her Majesty's Government except to such extent as Her Majesty or such department may voluntarily agree 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 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 Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of
Order.

11. 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 amongst the several undertakings and services of the Corporation in such proportions as the Corporation may deem expedient.

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Glasgow Corporation (No. 2) Order Confirmation Act 1965

CHAPTER xlvii

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SCHEDULE

GLASGOW CORPORATION (NO. 2)

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