

ELIZABETH II



1971 CHAPTER lxxiii

An Act to confirm a Provisional Order under the Private
Legislation Procedure (Scotland) Act 1936, relating to
Glasgow Corporation. [16th December 1971]

WHEREAS the Provisional Order set forth in the schedule
hereunto annexed has after inquiry held before Com-
missioners 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 1936 c. 52.
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 Confirmation
annexed is hereby confirmed. of Order in
schedule.
2. This Act may be cited as the Glasgow Corporation Order Short title.
Confirmation Act 1971.

SCHEDULE

GLASGOW CORPORATION

Provisional Order to make provision with respect to the granting of certificates for the sale of excisable liquor at the City Hall, Candleriggs, Glasgow; to amend the provisions of the Glasgow Streets Sewers and Buildings Consolidation Order 1937 with respect to the provision of wash-houses; to make provision with respect to the acquisition of land by agreement; to make provision for the imprisonment of convicted persons in certain circumstances without the option of a fine; to make further provision as to the powers of the trustees of the Ure Elder Fund for indigent widow ladies; 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 it is expedient that provision should be made as hereinafter provided with respect to the granting of certificates for the sale of excisable liquor at the City Hall, Candleriggs, Glasgow:

1937 c. xliii. And whereas it is expedient to amend the provisions of the Glasgow Streets Sewers and Buildings Consolidation Order 1937 with respect to the provision of wash-houses:

And whereas it is expedient that the Lands Clauses Acts should continue to apply in any case in which the Corporation acquire land by agreement for the purpose of constructing or improving a highway:

1963 c. 39.
1960 c. iii. And whereas consequently upon the enactment of section 30 of the Criminal Justice (Scotland) Act 1963 doubts have arisen as to the power of magistrates under section 188 of the Glasgow Corporation Consolidation (General Powers) Order 1960 to imprison without the option of a fine persons convicted in the circumstances set forth in the last-mentioned section and it is expedient that the magistrates should continue to have such power:

And whereas it is expedient that the provisions contained in this Order with respect to the Ure Elder Fund for indigent widow ladies 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:—

1.—(1) This Order may be cited as the Glasgow Corporation Order 1971. Short and collective titles.

(2) This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1971.

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:— Interpretation.

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

“ City Hall ” means the City Hall, Candleriggs, Glasgow;

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

3. For the avoidance of doubt it is hereby declared that the members of the licensing court of the city shall not be disqualified from acting in the granting or confirming of a certificate for the sale of excisable liquor in the City Hall solely by virtue of their being town councillors. Members of licensing court not disqualified from granting certificates in respect of City Hall.

4. Section 173 (Wash-houses) of the Glasgow Streets Sewers and Buildings Consolidation Order 1937 shall be read and have effect as if the following words were omitted therefrom, namely:— Amendment of section 173 of Glasgow Streets Sewers and Buildings Consolidation Order 1937.

“ or (b) to provide a new wash-house (including the fittings and appliances therein) or offices in lieu of any such wash-house or offices which have been closed or removed ”. 1937 c. xliii.

5. Notwithstanding the repeal of section 11 of the Development and Road Improvement Funds Act 1909, for the purpose of enabling the Corporation to complete the acquisition by agreement of any lands for the purpose of constructing or improving a highway, title may be taken by the Corporation by a conveyance in the form set out in Schedule (A) to the Lands Clauses Consolidation (Scotland) Act 1845 and the provisions of the Lands Clauses Acts (except the provisions of those Acts with respect to the purchase and taking of land other than by agreement) shall apply to any such acquisition. As to acquisition of land by agreement. 1909 c. 47. 1845 c. 19.

6. For the avoidance of doubt it is hereby declared that the powers of the court under section 188 (Additional penalty in case of certain previous convictions) of the Glasgow Corporation Consolidation (General Powers) Order 1960 are not affected by the provisions of section 30 (1) of the Criminal Justice (Scotland) Act 1963. Penalty in case of previous convictions. 1960 c. iii. 1963 c. 39.

7. Whereas the indigent widow ladies connected with Glasgow or Govan to whom relief may be granted in terms of the Ure Elder Fund Order 1906 (in this section referred to as “ the Order of 1906 ”) and the trust deed therein referred to are by the said trust deed defined as those who have not an income of fifty pounds per annum: Amendment of Ure Elder Fund Order 1906. 1906 c. ccviii.

1929 c. ix.
(19 Geo. 5.)
1956 c. lviii.
1962 c. xxxii.

And whereas the said amount of fifty pounds, having by the Glasgow Corporation Order 1929 been increased to one hundred pounds, was further increased to two hundred pounds by the Glasgow Corporation Order 1956 and to three hundred pounds by section 8 (Amendment of Ure Elder Fund Order 1906) of the Glasgow Corporation Order 1962:

And whereas it is no longer relevant that indigent widow ladies should be defined by reference to their income and it is expedient that the powers of the trustees incorporated by the Order of 1906 should cease to be restricted in this respect:

Be it therefore enacted as follows:—

Notwithstanding anything in the Order of 1906 or the said trust deed or in the said Order of 1962 the said trustees shall have power to grant relief in terms of the Order of 1906 and the said trust deed to indigent widow ladies connected with Glasgow or Govan notwithstanding that the income of such indigent widow ladies exceeds three hundred pounds.

Costs of Order. 8. 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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