



Greenock Corporation Order Confirmation Act 1974

CHAPTER vii

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ELIZABETH II



1974 CHAPTER vii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Greenock Corporation. [10th April 1974]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners 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 confirmed by Parliament: 1936 c. 52.

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 Greenock Corporation Order Confirmation Act 1974. Short title.

SCHEDULE

GREENOCK CORPORATION

Provisional Order to confer powers on the Corporation of Greenock with respect to the registration of entertainment clubs; and for other purposes.

Whereas the Corporation of Greenock (hereinafter referred to as "the Corporation") are vested with the municipal government of the burgh of Greenock in the county of Renfrew (hereinafter referred to as "the burgh") and are the local authority therein for public health, road, sanitary and other purposes:

And whereas it is expedient that powers be conferred on the Corporation to regulate the conduct of entertainment clubs within the burgh in the interests of public order:

And whereas it is expedient that further provision should be made with regard to entertainment clubs within the burgh:

And whereas these purposes 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 hereby orders as follows:—

Short title and citation.

1.—(1) This Order may be cited as the Greenock Corporation Order 1974.

(2) The Greenock Corporation Acts 1909 to 1967, and this Order may be cited together as the Greenock Corporation Acts 1909 to 1974.

Interpretation.

2.—(1) In this Order—

"burgh" means the burgh of Greenock;

"Corporation" means the Corporation of Greenock;

"entertainment club" means a club, organisation or body which, in furtherance of the objects or purposes for which the club, organisation or body was formed, is used by the members thereof for the purpose of dancing, music or any other entertainment of the like kind in any premises;

"registered" means registered with the Corporation under this Order and "registration" shall be construed accordingly;

"Sheriff" means any Sheriff in the Sheriffdom of Renfrew and Argyll but does not include an Honorary Sheriff;

“ specified drug ” means any substance which the Corporation, with the approval of the Secretary of State, by resolution determine should, from a date to be specified in the resolution, be included among the drugs to which section 14 (Disorderly conduct, etc., of entertainment clubs) of this Order applies;

“ the appointed day ” means such day as may be fixed in pursuance of section 3 (The appointed day) of this Order.

(2) For the purposes of this Order a person shall be deemed to be concerned with the management of any premises if he has a direct pecuniary interest in such management otherwise than as the holder of shares or other securities of a body corporate.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Order.

3.—(1) The Corporation shall by resolution fix the date of the appointed day for the purposes of this Order and shall cause to be published in a local newspaper circulating in the burgh notice—

The appointed day.

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Order coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(2) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the town clerk of the burgh to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(3) Where any provision of this Order coming into operation on a day fixed by resolution under this section requires the registration of premises, it shall be lawful for any such premises which immediately before that date were used by an entertainment club to continue to be so used until 28th May, 1975 and any such premises shall be registered by the Corporation without condition under this Order accordingly upon an application for such registration being made in accordance with the provisions of section 6 (Requirements on application for registration) of this Order before the day fixed by the said resolution.

(4) The registration of any such premises as are mentioned in subsection (3) hereof shall be without prejudice to the power of the Corporation under section 11 (Provision for revocation of registration) of this Order to revoke such registration provided that before exercising their said power the Corporation shall by notice served on the applicant—

(a) inform him of the intention of the Corporation to exercise their said power and of the grounds for such intended exercise;

- (b) inform him of the steps which would have to be taken to satisfy the Corporation that they should refrain from exercising their said power;
- (c) notify him that they will proceed to exercise their said power unless those steps are taken (whether by the applicant or otherwise) within a specified time.

Provision for exemption.

4. If, in the opinion of the Corporation, it becomes unnecessary that premises of any particular class or description should remain subject to the provisions of this Order, the Corporation may by resolution determine that, as from a date to be specified in the resolution, such class or description of premises shall be exempted from the provisions of this Order:

Provided that the Corporation may, after the day so fixed in any such resolution, apply to the Sheriff for an order that, having regard to any relevant circumstances, any specified premises exempted from the provisions of this Order by such a resolution shall again become subject to the provisions of this Order, and, if the Sheriff so orders, those premises shall become subject to the provisions of this Order from such date as may be specified, being a date not earlier than twenty-eight days from the date of service upon the owner or occupier of those premises of a copy of the order of the Sheriff.

Registration of entertainment clubs.

5. Subject to the provisions of this Order, on and after the appointed day—

- (a) any premises in the burgh used, whether occasionally or not, by an entertainment club shall be registered with the Corporation in accordance with the provisions of this Order;
- (b) if the owner or occupier of any premises in the burgh uses the premises for the purposes of an entertainment club or permits the premises to be used for those purposes he shall, unless the premises have been registered with the Corporation and the registration remains in force, be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

Requirements on application for registration.

6.—(1) An application for registration or renewal of registration shall be made in writing to the Corporation by the owner or occupier of the premises to which the application relates, and every such application shall state—

- (a) the address or situation of the premises to which the application relates; and
- (b) the name and address of the applicant and his trade or calling during the six months next preceding the date of application; and
- (c) the names and addresses of the owner and occupier of the premises and of every other person who at the date of the application is, or is intended to be, concerned with the management of the premises; and
- (d) such other information regarding the premises to which the application relates and the manner in which the premises are proposed to be used as the Corporation may reasonably require.

(2) An applicant for registration or renewal of registration shall when making application pay to the Corporation in respect thereof such fee not exceeding one pound as the Corporation may prescribe.

(3) Every application for a renewal of registration shall be lodged with the Corporation not later than two months before the expiry of the current registration.

7.—(1) An applicant for registration of any premises or for renewal of registration in respect of additional or enlarged premises shall give public notice of the application (identifying the premises)—

Notices required on certain applications for registration.

- (a) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for fourteen days beginning with the date of the application; and
- (b) by advertisement in a local newspaper circulating in the burgh not later than seven days after the date of the application.

(2) A person intending to oppose an application for registration of any premises or for renewal of registration shall, not later than twenty-one days after the date of the application, give notice in writing of his intention to the Corporation, stating in general terms the grounds of opposition, and serve a copy of such notice upon the applicant:

Provided that an application may not be opposed except by a person owning or occupying property situated in the neighbourhood of the premises in respect of which the application for registration or renewal of registration is made.

8. The Corporation may refuse to register or renew the registration of any premises for use by an entertainment club if the Corporation are satisfied that—

Grounds for refusal of registration.

- (a) the premises are not suitable for use by an entertainment club having regard to their situation and to the character of adjacent properties; or
- (b) the premises are not safe for such use; or
- (c) the premises are not provided with satisfactory means of lighting and ventilation or satisfactory sanitary conveniences and washing facilities; or
- (d) proper precautions against fire on the premises have not been taken; or
- (e) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises:

Provided that the Corporation shall not refuse to register or renew the registration of any premises as aforesaid solely on the grounds that they do not comply with the requirements of this section if the premises comply with the requirements of the Building Standards (Scotland) (Consolidation) Regulations 1971.

9.—(1) The Corporation may, on registering or renewing the registration of any premises for use by an entertainment club, impose conditions as to—

Provision for imposition of conditions on registration.

- (a) the maintenance of order and safety;

- (b) the number of persons who may be allowed on the premises at any time;
- (c) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, fire-fighting appliances and means of lighting, sanitation and ventilation;
- (d) the maintenance in safe condition of the premises and of means of heating the premises;
- (e) the days and hours of opening and closing the premises, regard being had to the desirability of avoiding nuisance to residents in the neighbourhood; and
- (f) the provision of sanitary conveniences and washing facilities:

Provided that no condition imposed under this subsection shall contain any requirement which is more onerous than the requirements of the Building Standards (Scotland) (Consolidation) Regulations 1971.

(2) Any owner or occupier or other person concerned with the management of an entertainment club who contravenes a condition imposed under this section or who knew or had reasonable cause to suspect that such a condition was being contravened by some other person, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds and, on a second or subsequent conviction, to a fine not exceeding one hundred pounds:

Provided that if a person against whom proceedings are being brought under this subsection proves that he has used all due diligence to secure that the condition in question was complied with, he shall be acquitted of the offence under this subsection.

Duration of registration.

10. Registration shall, unless revoked, remain in force for one year or until the twenty-eighth day of May next ensuing.

Provision for revocation of registration.

11. The Corporation may at any time by notice revoke the registration of any premises on any ground on which they might, under section 8 (Grounds for refusal of registration) of this Order, refuse to renew the registration of those premises, or if they are satisfied that any condition imposed under subsection (1) of section 9 (Provision for imposition of conditions on registration) of this Order has been contravened.

Requirements as to notice of refusal or revocation of registration.

12. Before refusing to register or renew the registration of any premises, or imposing a condition under section 9 (Provision for imposition of conditions on registration) of this Order or revoking the registration of any premises, and in any case if any person has given notice to the Corporation under subsection (2) of section 7 (Notices required on certain applications for registration) of this Order, the Corporation shall give to the person applying for registration or renewal of registration, or in whose name the premises are registered, and to any person who has given notice to the Corporation under the said subsection (2), an opportunity of appearing before, and of being heard by, a committee of the Corporation and the Corporation shall within seven days of their decision give to him notice of such decision with a statement of the grounds on which it was based.