



CHAPTER cxxxviii.

An Act to authorise the provost magistrates and councillors of the burgh of Dunoon to make charges for admission to the Castle Gardens and concerts therein to make provision for preserving the amenity of the seashore and for other purposes. [20th September 1909.] A.D. 1909.

WHEREAS the provost magistrates and councillors of the burgh of Dunoon (hereinafter called "the Town Council") acting under the Burgh Police (Scotland) Acts 1892 to 1903 are the local and sanitary authority within the burgh under those Acts and the Public Health (Scotland) Act 1897 and are also the local authority under the Public Parks (Scotland) Act 1878:

And whereas it is expedient that the Town Council should be authorised to make charges for admission to the pleasure grounds of the Town Council known as Castle Gardens during the performances of concerts or other musical entertainments held in the said gardens:

And whereas it is expedient that powers should be conferred on the Town Council with respect to the use preservation and regulation of the seashore of the burgh:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

A.D. 1909.

Short title.

1. This Act may be cited for all purposes as the Dunoon Burgh Act 1909.

Interpretation.

2. In this Act and for the purposes of this Act (unless there be something in the subject or context repugnant to such construction) the following words and expressions shall have the meanings respectively herein assigned to them (namely):—

“The burgh” means the burgh of Dunoon;

“The Town Council” means the provost magistrates and councillors of the burgh;

“The magistrates” means the provost and bailies of the burgh;

“The Burgh Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1903.

Admission to Castle Gardens.

3. The Town Council may make such charges for admission to the portion of the pleasure grounds of the Town Council within the burgh known as Castle Gardens during the performance of concerts or other musical entertainments held in the said gardens as they may from time to time think fit.

The Town Council may apply the revenue received for such admission after paying the expenses incurred in connection with such concerts and entertainments in payment of the costs incurred after the passing of this Act of advertising in the burgh and on steamers calling at Dunoon the concerts or other entertainments held in the said pleasure grounds and such revenue so far as not so applied shall be carried to the credit of the public parks account of the burgh.

Special enactments as to seashore.

4. The following provisions shall in addition and without prejudice to the powers already possessed by the Town Council under the Burgh Police Acts and without prejudice to any existing right of property be applicable to the seashore and strand within the burgh (that is to say):—

(1) No person shall erect any booth stall or stand or any other structure for the sale of goods wares or merchandise of any kind or for any other purpose on the seashore or strand within the burgh except under authority from the magistrates and only at such places thereon as the magistrates may appoint and any person who shall contravene this enactment shall be liable to a penalty not exceeding forty shillings:

(2) The Town Council may make a charge not exceeding five pounds a year for each booth stall stand or other structure so erected upon any seashore belonging to or held under lease by the Town Council Provided that as to such part of the said seashore as lies below high-water mark of ordinary spring tides every such authority shall be given under and subject to all and every the rights privileges powers or authorities in and over the same which belong to and are exerciseable by the King's most Excellent Majesty in right of His Crown or the Board of Trade or the Commissioners of His Majesty's Woods Forests and Land Revenues respectively on His Majesty's behalf and in accordance with the terms and conditions of any lease contract or engagement for the time being subsisting between His Majesty and the Board of Trade and the Town Council and between His Majesty and the Commissioners of Woods Forests and Land Revenues and the Town Council respectively with reference to the said seashore or of any sanction in relation thereto which may be given or granted by His Majesty or the Board of Trade or the Commissioners of Woods Forests and Land Revenues respectively to the Town Council. A.D. 1909.

5. All costs charges and expenses attending the preparation obtaining and passing this Act and incidental thereto shall be paid by the Town Council out of rates revenues or assessments authorised by the Burgh Police Acts. Costs of Act.

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