



## CHAPTER xxviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Johnstone Burgh. A.D. 1937.  
[10th June 1937.]

**W**HEREAS 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 Order should be confirmed by Parliament : 26 Geo. 5. & 1 Edw. 8. c. 52.

Be it therefore 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 :—

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 Johnstone Burgh Order Confirmation Act 1937. Short title.

A.D. 1937.

SCHEDULE.

JOHNSTONE BURGH.

*Provisional Order to extend and define the limits of gas supply of the provost magistrates and councillors of the burgh of Johnstone and confer further powers upon them in relation to their gas undertaking to transfer to them the maintenance of certain squares and open spaces and a disused burial ground within the burgh to make provision with respect to bowling greens and tennis courts and to the local government health and finance of the burgh and for other purposes.*

WHEREAS the provost magistrates and councillors of the burgh of Johnstone (hereinafter referred to as "the Town Council") are the municipal and local authority for the burgh of Johnstone (hereinafter referred to as "the burgh") in the county of Renfrew and are charged with the management and administration thereof :

And whereas the Town Council are by virtue of the Burghs Gas Supply (Scotland) Acts 1876 to 1918 the authority for the supply of gas within the burgh and are supplying gas therein and in certain adjoining districts :

And whereas it is expedient that the limits for the supply of gas by the Town Council should be extended and defined as by this Order provided and that the further powers in this Order contained should be conferred upon the Town Council in relation to their gas undertaking :

And whereas the one-time superior of the estate of Johnstone set aside certain areas in the burgh now known as Houstoun Square and Ludovic Square as open spaces to remain open in all time coming with right and privilege in common to all the feuars and proprietors of land within the burgh and their tenants therein to the use of the same and also set aside a certain area adjoining the river Cart as a drying and bleaching green for the use of the inhabitants of the burgh with right of access to and use of the water of the said river Cart and the said areas

remain vested in the present superior of the said estate and the said feuars and proprietors : A.D. 1937.

And whereas the said areas are laid out and maintained by the Town Council :

And whereas the present superior of the estate of Johnstone has agreed to renounce such right and interest other than the right to feu duties (if any) which she may have or hold in the said areas :

And whereas it is expedient and would be of advantage to the inhabitants of the burgh and the public to provide for the transfer to and vesting in the Town Council of the said areas known as Houstoun Square and Ludovic Square as public squares and of the said area set aside as a drying and bleaching green as an open space as in this Order provided :

And whereas the park known as the Thomas Shanks public park is vested in the Town Council in trust for the enjoyment and recreation of the inhabitants of the burgh under the conditions provisions stipulations and others specified in the disposition and deed of gift by the late Mrs. Mary Shanks or Polson in favour of the Town Council dated the eleventh and recorded in the division of the general register of sasines applicable to the county of Renfrew for publication on the eighteenth both days of June one thousand nine hundred and eight and registered in the books of council and session for preservation on the eighteenth day of December one thousand nine hundred and twenty-three as altered extended and amended by deed of waiver of the said conditions granted by the testamentary trustees of the said Mrs. Mary Shanks or Polson in favour of the Town Council dated the eighth tenth and seventeenth days of December one thousand nine hundred and twenty-five and the first day of February one thousand nine hundred and twenty-six and recorded in the said division of the general register of sasines on the ninth day of February one thousand nine hundred and twenty-six for publication and also in the books of council and session for preservation on the tenth day of May one thousand nine hundred and twenty-six :

And whereas certain areas or pieces of ground situated in Graham Street Campbell Street and Canal Road within the burgh are vested in the Town Council to be held by them as recreation grounds or open spaces :



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— And whereas it is expedient to provide for the transfer of the said park and open spaces to the parks department of the Town Council :

2 Edw. 7.  
c. 8.

And whereas the Town Council are the authority within the burgh vested with the functions powers and duties exercisable by the Town Council of a small burgh under the Burial Grounds Acts and the Cremation Act 1902 :

And whereas the burial ground situated in Church Street within the burgh was originally feued off to be held in private trust as a burial ground for and on behalf of the feuars of the town of Johnstone :

And whereas the church now situated there known as the High Parish Church was subsequently built within the precincts of the said burial ground :

And whereas the said trust has lapsed and the said burial ground has been closed under an interlocutor of the sheriff dated the twelfth day of February one thousand nine hundred and eight subject to the exceptions and reservations therein referred to all of which so far as ascertainable have been implemented or renounced :

15 & 16

Geo. 5. c. 33.

23 & 24

Geo. 5. c. 44.

19 & 20

Geo. 5. c. 25.

And whereas the said burial ground is falling into a state of neglect and disrepair and is not subject to the provisions of section 32 of the Church of Scotland (Property and Endowments) Act 1925 or of section 2 of the Church of Scotland (Property and Endowments) Amendment Act 1933 as the said Acts are read with section 1 (1) of the Local Government (Scotland) Act 1929 :

And whereas it is expedient that the said burial ground should be transferred to and vested in the Town Council :

And whereas the Town Council have acquired by conveyance from the liquidator of the Johnstone Bowling and Lawn Tennis Company Limited the bowling green and lawn tennis courts situated in Park Road within the burgh :

And whereas it is expedient that provision be made for the maintenance regulation control and use of the said bowling green and tennis courts and that the Town Council be authorised to levy and recover charges from persons playing bowls or lawn tennis thereon :

And whereas it is expedient that further provision should be made with reference to the removal and disposal of refuse and the local government and health of the burgh : A.D. 1937.

And whereas it is expedient that the Town Council should be authorised to borrow money for the purposes in this Order mentioned :

And whereas it is expedient to make further provision with regard to the finances of the Town Council :

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 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows :—

## PART I.

### PRELIMINARY.

1.—(1) This Order may be cited as the Johnstone Burgh Order 1937. Short title and citation.

(2) The Order of 1924 and this Order may be cited together as the ~~Johnstone Gas~~ Orders 1924 and 1937.

2. This Order except where otherwise expressly provided shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is in this Order referred to as “the commencement of this Order.” Commencement of Order.

3. This Order is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Gas.

Part III.—Squares &c.

Part IV.—Burial ground.

Part V.—Bowling green and tennis courts.

Part VI.—Removal and disposal of refuse &c.

Part VII.—Finance.

Part VIII.—Loans fund accounts &c.

Part IX.—Miscellaneous.

Order divided into Parts.



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PART I.  
—cont.  
Incorporation of Acts.

4.—(1) The following Acts and parts of Acts so far as the same are applicable for the purposes and not varied by or inconsistent with the provisions of this Order are hereby incorporated with and form part of this Order (that is to say) :—

8 & 9 Vict.  
c. 19.

(a) the Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous lands ;

10 & 11 Vict.  
c. 15.

(b) the Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 (relating to accounts); and

34 & 35 Vict.  
c. 41.

(c) the Gasworks Clauses Act 1871 except section 6 (relating to the sale of superfluous lands) section 8 (relating to appointment of a receiver) and section 35 (relating to accounts).

(2) This Order shall be deemed a special Act within the meaning of the Acts wholly or partially incorporated herewith.

Interpre-  
tation.

5. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order or by any public or local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings. And in this Order unless the context otherwise requires the following expressions shall have the meanings assigned to them in this section (that is to say) :—

“ Burgh ” means the burgh of Johnstone ;

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

“ Dean of guild ” means the dean of guild of the burgh ;

- “Town clerk” “chamberlain” and “master of works” mean respectively the town clerk the town chamberlain and the master of works of the burgh; A.D. 1937.  
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PART I.  
—cont.
- “County” means the county of Renfrew;
- “Burial Grounds Acts” means the Burial Grounds (Scotland) Act 1855 as amended by section 69 of the Nuisances Removal (Scotland) Act 1856 and any Acts amending or extending the same; 18 & 19 Vict. c. 68.  
19 & 20 Vict. c. 103.
- “Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Acts amending or extending the same;
- “Public Health Acts” means the Public Health (Scotland) Acts 1892 to 1907 and any Acts amending or extending the same;
- “Order of 1924” means the Johnstone Gas (Charges) Order 1924 made by the Board of Trade under the Gas Regulation Act 1920; 10 & 11 Geo. 5. c. 28.
- “Gas limits” means the limits within which the Town Council are for the time being authorised to supply gas;
- “Gas undertaking” means the gas undertaking of the Town Council;
- “Bowling green and tennis courts” means the bowling green and lawn tennis courts conveyed to the Town Council by the liquidator of the Johnstone Bowling and Lawn Tennis Company Limited and any other bowling greens and lawn tennis courts for the time being belonging to the Town Council;
- “Burial ground” means the disused burial ground situated in Church Street within the burgh;
- “Police offence” means any offence consisting either of an act or the neglect or omission to do an act which a magistrate or judge having jurisdiction under the Police Acts is authorised by this Order to try;
- “Consolidated rate” means the consolidated rate of the burgh;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity



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PART I.  
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rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed;

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority including the Town Council but does not include any security transferable by delivery;

“ Sheriff ” means the sheriff of Renfrew and Bute and includes his substitutes within the county.

## PART II.

### GAS.

Vesting of  
existing  
gas under-  
taking.

6.—(1) The gas undertaking already established by the Town Council under the provisions of the Burghs Gas Supply (Scotland) Acts 1876 to 1918 and the Order of 1924 shall continue vested in the Town Council and be held used and enjoyed by them Provided that as from the commencement of this Order the said undertaking shall be administered by the Town Council under the provisions of this Order.

(2) The sections of the Burghs Gas Supply (Scotland) Acts 1876 to 1918 hereinafter mentioned shall continue to apply (that is to say) :—

39 & 40 Vict.  
c. 49.

Burghs Gas Supply (Scotland) Act 1876—

Section 13 (Contracts for supply of gas not to disqualify commissioners);

Section 14 (Liability for payment of rates not to disqualify);

Section 38 (Gas guarantee rate).



Burghs Gas Supply (Scotland) Amendment Act  
1918—

Section 1 (Guarantee rate to apply to sinking  
fund &c.).

7.—(1) The limits for the supply of gas by the Town Council shall be and include the areas described in the First Schedule to this Order which said areas are more particularly delineated on a map signed by Matthew George Fisher counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936 which said map shall be deposited at the Scottish Office Whitehall within one month after the commencement of this Order.

(2) If there be any discrepancy between the said map and the description in the First Schedule to this Order the said map shall be deemed to be correct and shall prevail.

8. The Town Council may subject to the provisions of this Order manufacture and supply gas for lighting heating motive power and other purposes within the gas limits and generally may carry on the business usually carried on by a gas undertaking and may sell or dispose of the residual products arising from the manufacture of gas by them Provided that the Town Council shall not supply gas within or for use within any part of the gas limits comprised in any area described in the Second Schedule to this Order without the consent of any company or person at the commencement of this Order supplying gas within the said area so long as such company or person continues to supply gas in that area Provided further that nothing in this Order shall affect the powers of the provost magistrates and councillors of the burgh of Port-Glasgow in relation to the supply of gas under the Port-Glasgow Police Act 1865 and the Port-Glasgow Gas and Burgh Extension Order 1915.

9.—(1) If at any time after the commencement of this Order the corporation of Greenock shall apply for an Order to extend the boundaries of the burgh of Greenock to include any part of the parish of Kilmacolm which is within the gas limits and to empower the corporation of Greenock to supply gas therein the Town Council shall not oppose such application and in the event of any such part of the said parish being included

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PART II.

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8 & 9 Geo. 5.  
c. 45.

Gas limits.

General  
powers of  
supply.

28 & 29 Vict.  
c. ccliv.  
5 & 6 Geo. 5.  
lxxviii.

For pro  
tection of  
corpora-  
tion of  
Greenock.

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PART II.  
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in the burgh of Greenock and the corporation of Greenock being authorised to supply gas therein the powers rights and obligations of the Town Council with respect to the supply of gas in such part of the said parish shall cease and determine Provided that if the Town Council are supplying gas in such part of the said parish the Town Council shall sell and the corporation of Greenock shall purchase such part of the undertaking of the Town Council as is situate in such part of the said parish upon and subject to such terms and conditions as may be agreed between the corporation of Greenock and the Town Council or as failing agreement may be settled by an arbiter to be appointed by the sheriff.

(2) This section shall not apply to any part of the gas limits which at the commencement of this Order is supplied with gas by the Kilmacolm Gas Company.

Contracts  
for supply  
and purchase in  
bulk.

10. The Town Council may contract with any local authority company or person for the supply by the Town Council to them or for the supply to the Town Council by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Town Council to lay any mains or interfere with any street beyond the gas limits.

Power to  
continue  
gasworks  
&c.

19 & 20  
Geo. 5. c. 24.

11.—(1) Subject to the provisions of this Order the Town Council may upon the lands described in the Third Schedule to this Order so long as they are possessed of the same continue erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and may also upon the said lands work up and convert residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Town Council may purchase from any source and use such material as is required to work up and convert any such residual products.

(2) The Town Council may continue maintain and use any gas mains pipes and other works belonging to or vested in them within the gas limits as if the same had been laid down or constructed under the powers of this Order.



12. The Town Council shall from time to time fix the charges to be made by them for gas to be supplied. Provided that the Town Council shall so far as can be estimated so regulate the charges that the proceeds of the sale of gas along with the other revenue of the gas undertaking may one year with another produce the amount of money required for carrying on the gas undertaking including the payment of interest on borrowed money and the repayment of such borrowed money by instalments or by sinking fund.

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 PART II.  
 —cont.  
 Price of gas.

13. The Town Council may notwithstanding anything to the contrary in this Order or in any Act incorporated herewith charge a higher rate for gas supplied by them outside the burgh but such higher rate shall not exceed by more than fivepence halfpenny per therm the rate charged within the burgh.

Differential charges.

14.—(1) (a) The charge to be made by the Town Council for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be—

Charge for gas supplied by means of prepayment meters.

for a prepayment meter and fittings (including a cooking stove) three decimal five pence per therm;

for a prepayment meter and fittings (not including a cooking stove) threepence per therm.

(b) The charge for the hire of a prepayment meter without fittings shall be a sum of money not exceeding ten per centum per annum on the cost of the meter.

(c) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Town Council in connection therewith.

(2) For the purpose of this section the expression “prepayment meter” means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

15. In calculating and collecting the charges for gas supplied by the Town Council any fractional part of a penny less than a halfpenny on the amount of such charges shall not be reckoned as part of such amount and any

Fractional parts of a penny in gas accounts.

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PART II.

—cont.—

Power to  
purchase  
additional  
lands.

fractional part of a penny amounting to or exceeding a halfpenny shall be reckoned in such amount as one penny.

16. The Town Council may for the purposes of the gas undertaking purchase or acquire by agreement and hold in addition to the lands described in the Third Schedule to this Order any lands and heritages not exceeding in the whole five acres Provided that the Town Council shall not create or permit a nuisance on any such lands and heritages and that no lands and heritages shall be used by the Town Council for the purpose of manufacturing gas or residual products except the lands described in the Third Schedule to this Order.

Retention  
and disposal  
of lands.

17.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Town Council may retain hold and use for such time as they may think fit or may sell feu lease excamb or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of a feu duty or a ground annual or other rent or of any payment in any other form any lands or any interest therein acquired by them for the purposes of the gas undertaking and may sell excamb or dispose of any feu duties ground annuals or other payments reserved on the sale feuing lease excambion or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale feu lease excambion or other disposition and on any excambion may give or take any money for equality of exchange.

(2) The Town Council shall not without the consent of the Secretary of State sell feu lease excamb or otherwise dispose of any such lands or any interest therein at a price or for a feu duty ground annual or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser feuar or lessee shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

Proceeds  
of sale  
of surplus  
lands.

18. The proceeds of the sale of any lands or other property of the Town Council under the powers of this Order and any grassum or other payment received in respect of any lease granted by the Town Council under this Order shall be distinguished as capital in the accounts



of the gas undertaking and shall be applied in discharge of any money borrowed by the Town Council for the purposes of the gas undertaking and borrowed money so discharged shall not be re-borrowed.

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PART II.  
—cont.

19.—(1) The Town Council may purchase or acquire the undertaking of any company or person supplying gas within any part of the gas limits comprised in any of the areas described in the Second Schedule to this Order for such price or consideration as may be agreed upon between the Town Council and such company or person. Provided that no agreement entered into between the Town Council and any such company or person with reference to the purchase or acquisition by the Town Council of any such undertaking nor any deed of conveyance or transfer following upon such agreement shall be of any force or effect without the consent and approval of the Board of Trade having been first obtained thereto.

Power to purchase other gas undertakings.

(2) Upon the completion of the purchase or acquisition of any such undertaking as aforesaid the said undertaking shall by virtue of this Order be vested in the Town Council and become part of the gas undertaking.

(3) The Town Council may continue maintain and use any mains pipes and other works purchased or acquired by them as aforesaid and the provisions of this Order shall apply to such mains pipes and works in all respects as though the same had been laid down or constructed under the authority of this Order.

20.—(1) Where the gas limits are bounded by or abut upon any street or part of a street wholly outside those limits the Town Council may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street or part of a street and being within the gas limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exercisable by them with respect to streets within the gas limits subject nevertheless to the observance of the like conditions to those imposed on an exercise of such powers within the gas limits.

As to streets forming boundary of gas limits.

(2) Nothing in this section shall entitle or require the Town Council to supply gas for any premises outside the gas limits.

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PART II.

—cont.

Power to  
lay pipes  
in private  
streets.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

21. The Town Council may on the application of the owner or occupier of any premises within the gas limits and abutting on any private street supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order :

Provided that nothing in this section shall extend to any street belonging to and forming the approach to any station or depot of a railway company except with the consent of the railway company which consent shall not be unreasonably withheld nor shall the Town Council in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street Any dispute as to whether a consent under the provisions of this section has or has not been unreasonably withheld or whether any such obstruction or interference is or would be unreasonable shall be referred to the sheriff whose decision shall be final and binding upon the parties.

Service  
pipes in  
tenements.

22.—(1) The Town Council may for the purpose of supplying gas to the occupier of any part of any building occupied in flats or separate dwellings or other premises entering by a common stair or other access and belonging to one or more owners fit up lay and maintain service pipes in such common stair or other access with branches to connect with each separate flat dwelling or premises without the consent of any other owner or occupier as the case may be doing as little damage as may be and making good any damage done Provided that any difference thereanent between any owner or occupier on the one hand and the Town Council on the other hand shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

(2) The provisions of this section shall apply whether such separate flat dwelling or premises has immediate access to such common stair or not.

Power to  
lay pipes  
against  
buildings.

23. The Town Council may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch



pipe into through or against any such building for the purpose of supplying gas to the occupier of such building and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of the supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

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PART II.  
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24.—(1) The Town Council may purchase supply sell loan or let for hire or fix or repair or remove gas meters and fittings engines stoves ranges pipes and other fittings or appliances for lighting motive power heating ventilating cooking or any other purposes for which gas or gas residuals (but restricted as regards gas residuals to fittings or appliances or other things generally in use in connection with a gas undertaking) can or may be used (all of which are in this section referred to as "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

Power to  
supply gas  
fittings &c.

(2) Any fittings loaned or let for hire under the provisions of this section shall not be subject to poinding or distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be and notwithstanding that such fittings may be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises they shall at all times continue to be the property of and removable by the Town Council Provided that this subsection shall only apply to any fittings marked or impressed with a sufficient mark or brand indicating the Town Council as the actual owners thereof.

25. In order to enable the Town Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

As to con-  
struction  
and placing  
of pipes &c.

(1) The Town Council may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the

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PART II.  
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owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

- (2) (a) The Town Council shall publish once in the *Edinburgh Gazette* and once in each of two newspapers circulating within the gas limits a notice in a form to be approved by the Board of Trade of any application made by them to the Board for approval of any specification which notice shall specify a place within the gas limits at which a copy of the proposed specification has been deposited for public inspection and shall contain an intimation that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Town Council shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the gas engineer of the Town Council and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy :



(3) When at any time after any such specification has come into force any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Town Council accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :

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PART II.  
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(4) The Town Council shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :

(5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Town Council and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the receipt of such notice or until the pipe or fittings as laid or placed has been or have been inspected and approved by the Town Council whichever shall happen first :

(6) Any officer of the Town Council duly appointed and showing his appointment if required may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings is or are not according to the appropriate specification of the Town Council they may refuse to supply gas to the premises until the provisions of this section have been complied with :

(7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid

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PART II.  
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between the main and the meter shall be placed as near as practicable to the Town Council's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Town Council the like notice and the Town Council shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the officer is not permitted to make the inspection or the meter is not placed as required by this section the Town Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Town Council for the meter or a separate meter-house such meter may be placed in such accommodation or meter-house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Town Council and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

- (9) For the purposes of this section the expression "fittings" includes only the joints angles and connections used in placing or laying pipes.

Charges  
for special  
reading of  
meters.

26. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Town Council may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.



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—cont.

27. Except so far as is otherwise provided by statute the gas mains and pipes of the Town Council laid within any streets or roads shall not (except in cases of emergency) be uncovered or interfered with until after the service of written notice on the Town Council at least forty-eight hours before such operations are commenced.

Notice to  
Town Council  
before inter-  
fering with  
mains.

28. The Town Council may in addition to their recourse against the actual consumer charge and recover from the tenant of any house who sublets his house furnished or unfurnished for any period not exceeding two months the amount of rates and charges for gas used and consumed and any other sums due to the Town Council in connection with the gas supply by such sub-tenant during such sub-tenancy but the Town Council shall not have any such recourse against the tenant where prior to the commencement of the sub-tenancy he shall have given notice to the Town Council of the date of the commencement of the sub-tenancy and the duration thereof.

Tenants'  
liability  
for sub-  
tenants' gas  
supply.

29. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Town Council is in the opinion of an arbiter appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) ~~of the consumers in the portion of the gas~~ limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Town Council notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

Relief from  
obligation  
to supply.

- (a) a new supply of gas for the premises of any person demanding such supply; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Town Council:

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding

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PART II.  
—cont.

the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Town Council—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Town Council may reasonably require; or
- (ii) to make such payment or payments to the Town Council (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Town Council may reasonably require;

(according as the Town Council may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Town Council in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Town Council may reasonably demand.

If any question shall arise under the provisions of this section between the Town Council and the applicant as to the sufficiency of the distribution works of the Town Council or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Town Council or as to the nature or amount of the security demanded by the Town Council such question shall be referred to and determined by an arbiter to be appointed (failing agreement between the Town Council and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbiter shall be final and binding.

In determining any such question as aforesaid the arbiter shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Town Council may be called upon to supply gas to the applicant:



(b) the capital expenditure which the Town Council would incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

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PART II.  
—cont.

(c) how far such capital expenditure may become unproductive to the Town Council in the event of the cesser of the new or increased supply.

30. A notice to the Town Council from a consumer (a) for the discontinuance of a supply of gas or (b) in accordance with the provisions of this Order shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the gas engineer of the Town Council or be given by the consumer personally at the said office.

Notices to  
Town  
Council.

31. The Town Council may on giving twenty-four hours previous notice in writing remove from any house or premises any meters of the Town Council which the Town Council consider to be unsuitable for such house or premises and may substitute for such meters so removed such other meter or meters as are in the opinion of the Town Council sufficient for the supply of such house or premises with gas. Provided that in the event of any person desiring to retain any such meter of which notice for removal has been so given the Town Council may charge such person a yearly rent for any meter so retained as the Town Council think fit.

Removal  
of meters.

32. The Town Council may within the gas limits lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

Power to  
lay pipes for  
ancillary  
purposes.

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the persons having the control or management of the

A.D. 1937. street or being responsible for the repair thereof having  
— been first obtained but such consent shall not be un-  
PART II. reasonably withheld and any difference arising between  
—cont. the Town Council and such persons shall be determined  
by an arbiter to be appointed by the sheriff on the  
application of either party.

As to show-rooms &c.

33. The Town Council may in connection with and for the purposes of the gas undertaking provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas or resulting from the manufacture of gas and give demonstrations of the uses to which gas or gas residuals can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas or gas residuals and may do all such other acts as they may deem expedient to assist develop or promote the use of gas or gas residuals.

Power to take licences for use of patents.

34. The Town Council may subject to the provisions of this Order but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply distribution or use of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Authenti- cation and service of notices by Town Council.

35. Any notice to be served by the Town Council on a person supplied with gas shall be sufficiently authenticated by the signature of the town clerk or other officer of the Town Council for the time being authorised in writing by the Town Council being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of



the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

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PART II.  
—cont.

### PART III.

#### SQUARES &c.

36.—(1) As on and from the sixteenth day of May one thousand nine hundred and thirty-seven the estate rights and interests of the superior of the estate of Johnstone and of the feuars and proprietors of lands and heritages within the burgh in—

Vesting  
in Town  
Council of  
squares and  
other areas.

- (a) the areas now laid out as public squares known respectively as Houstoun Square and Ludovic Square with the bandstand fountain war memorial and other buildings and erections thereon the walks trees shrubs and others therein or connected therewith and the implements used in connection with the same; and
- (b) the area described in the Fourth Schedule to this Order sometime set apart by the superior of the said estate as a drying and bleaching green for the use of feuars and proprietors of lands and heritages within the burgh with the whole pertinents pertaining thereto;

shall under burden of the feu duties (if any) payable to the superior of the said estate therefor and of the servitudes (if any) upon and affecting the same granted by him in favour of third parties prior to the commencement of this Order and subject as hereinafter provided be transferred to and be vested in the Town Council and the superior of the said estate and the said feuars and proprietors are hereby discharged of all liabilities and obligations in connection therewith.

(2) The Town Council shall maintain the said squares as public squares and shall maintain the area described in the said Fourth Schedule in perpetuity as an open space or recreation ground or for some other like purpose for the use and benefit of the inhabitants of the burgh.

(3) The cost of maintaining the said squares and the area described in the said Fourth Schedule and defraying other necessary expenses connected with the same shall

A.D. 1937. be met and defrayed by the Town Council in the same manner as if the said squares and area had been acquired by the Town Council under the Public Parks (Scotland) Act 1878.

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PART III.  
—cont.  
41 & 42 Vict.  
c. 8.

(4) Notwithstanding anything in this section contained the said feuars and proprietors shall have and may exercise the right of—

(a) using the area described in the said Fourth Schedule for the purposes of drying and bleaching; and

(b) access to and use of the water of the river Cart as aforesaid;

as fully and effectually as if the Act confirming this Order had not been passed.

Transfer to  
parks de-  
partment of  
Thomas  
Shanks  
public  
park &c.

37. As on and from the sixteenth day of May one thousand nine hundred and thirty-seven the Thomas Shanks public park and the areas or open spaces in Graham Street Campbell Street and Canal Road within the burgh vested in the Town Council in trust for the use and behoof of the community of the burgh shall be maintained by the parks department of the Town Council and the expenses connected therewith shall be met and defrayed by the Town Council in the same manner as if the said park and areas or open spaces had been acquired by the Town Council under the Public Parks (Scotland) Act 1878.

#### PART IV.

#### BURIAL GROUND.

Mainten-  
ance by  
Town  
Council of  
burial  
ground.

38.—(1) As on and from the sixteenth day of May one thousand nine hundred and thirty-seven the burial ground shall by virtue of this Order and subject to the provisions thereof be vested in and the custody maintenance and control thereof be transferred to the Town Council.

(2) The burial ground shall remain closed subject to the exceptions and reservations (if any existing) referred to in the interlocutor of the sheriff dated the twelfth day of February one thousand nine hundred and eight and to the following further provisions (that is to say):—

(a) the burial ground shall be held subject to a right of access to the minister and the congregation attending the High Parish Church and such other



persons as may resort thereto for the purpose of public or private worship or of inspecting or repairing the said church or for any other lawful purpose ;

- (b) no funeral shall be allowed to take place during the usual time of the ordinary services in the said church ;
- (c) any road or path through the burial ground giving access to the said church shall be kept in good and sufficient repair by the Town Council ; and
- (d) where the use of part of the burial ground is required for the enlargement or repair of the said church the Town Council may allow such part to be so used and may gift sell feu or lease any such part to the kirk session or to the Church of Scotland General Trustees on such terms and conditions as may be agreed upon.

39. The burial ground shall be held by the Town Council subject to the provisions for the preservation and maintenance of any family burial ground or enclosure tombstone monument or other memorial to the dead contained in section 33 of the Church of Scotland (Property and Endowments) Act 1925.

40. The cost of maintaining and controlling the burial ground shall be defrayed by the Town Council in manner provided by the Burial Grounds Acts and to the same effect as if the burial ground were a churchyard within the meaning of section 30 (6) of the Local Government (Scotland) Act 1894 or section 32 of the Church of Scotland (Property and Endowments) Act 1925 or section 2 of the Church of Scotland (Property and Endowments) Amendment Act 1933 and had been transferred to and vested in the Town Council by virtue of the said Acts as read with section 1 (1) of the Local Government (Scotland) Act 1929.

41.—(1) If at any time the kirk session or the Church of Scotland General Trustees desire to take over the custody maintenance and control of the burial ground the Town Council shall on receiving intimation from the kirk session or the said trustees as the case may be of their desire to do so transfer the custody maintenance and control of the burial ground to the kirk session or the said trustees subject to such

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PART IV.  
—cont.

Preservation of monuments &c.

Cost of maintenance of burial ground.  
57 & 58 Vict. c. 58.

Power to transfer burial ground to kirk session or Church of Scotland General Trustees.

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PART IV.  
—cont.

conditions (if any) as the Town Council may prescribe with respect to the public right of access to the burial ground free of charge.

(2) If and when the custody maintenance and control of the burial ground or any part thereof shall in pursuance of this section or of subsection (2) (d) of the section of this Order of which the marginal note is "Maintenance by Town Council of burial ground" have been transferred to the kirk session or the said trustees the kirk session or the said trustees as the case may be shall thereafter be responsible for such custody maintenance and control and for any expense in connection therewith.

#### PART V.

##### BOWLING GREEN AND TENNIS COURTS.

Mainten-  
ance of  
bowling  
green and  
tennis  
courts.

42. The Town Council may maintain the bowling green and tennis courts and may employ such persons and provide such implements and apply such part of the charges which by this Order they are authorised to levy and recover as may be necessary for that purpose.

Application  
of powers  
under  
Police Acts.

43. The Town Council may exercise and apply to the bowling green and tennis courts and for the maintenance thereof all or any of the powers available to or vested in them by or under the Police Acts for the maintenance and improvement of open spaces.

Charges on  
bowling  
green and  
tennis  
courts.

44. The Town Council may subject to the provisions of this Order levy and recover from every person playing bowls or lawn tennis on the bowling green or tennis courts such charges as the Town Council may think fit.

Power to  
exempt and  
commute  
charges on  
bowling  
green and  
tennis  
courts.

45. The Town Council may in their discretion exempt any class of persons from payment of charges on the bowling green and tennis courts or any of them or make reduced charges in the case of any class of persons as the Town Council think fit and the Town Council may commute any charge on the bowling green and tennis courts or either of them payable by members of bowling or tennis clubs in the burgh for such annual lump sum and subject to such conditions as the Town Council may fix.

As to  
moneys  
received  
from  
charges.

46. All moneys received from charges imposed upon persons playing bowls or lawn tennis on the bowling green or tennis courts shall be the sole property of the Town Council and shall be applied by them in payment of the



rent rates interest on loans payments to sinking fund and any other obligations in respect of the laying out maintenance and administration of the bowling green and tennis courts by the Town Council.

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PART V.  
—cont.

47.—(1) The Town Council may close the bowling green and tennis courts or any of them for such period or periods during the playing season in any year as may be required to repair or rest the same which period or periods shall not exceed two months in such playing season.

Power to close bowling green and tennis courts.

(2) The dates of the opening and closing of the playing season in each year shall be fixed by the Town Council.

48. In addition to any powers to make byelaws under the Police Acts and the exercise thereof the Town Council may from time to time subject to the provisions of this Order make byelaws for all or any of the following purposes and all such byelaws may be enforced by the imposition of penalties (not exceeding forty shillings) and shall be confirmed and published under and according to the provisions contained in the Police Acts as regards the byelaws thereby authorised (that is to say):—

Byelaws for regulation &c. of bowling green and tennis courts.

For the general management regulation protection and control of the bowling green and tennis courts or places for the playing of bowls and lawn tennis and of any other games which may be established on the grounds;

For appointing and regulating keepers and other persons to be employed on or about the bowling green and tennis courts;

For licensing appointing and regulating professional bowlers and lawn tennis experts and all other persons who may be employed on the bowling green and tennis courts for remuneration or reward and for fixing and regulating the charges for their services;

For the prevention of unlicensed persons being employed or taking employment on the bowling green or the tennis courts;

For the orderly conduct of persons frequenting or using the bowling green tennis courts and club-houses or engaging in bowls or tennis or any other games on the grounds;

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PART V.  
—cont.

For regulating the conditions under which persons under fourteen years of age shall be allowed to play on the bowling green or the tennis courts;

For excluding and removing from the bowling green or tennis courts any person committing a breach of the peace or infringing any byelaw or regulation;

For regulating and prescribing the days on which games may be played and the hours at which the same shall be permitted on the bowling green and tennis courts or on any part or parts thereof and for regulating the particular parts or places for the same;

For preventing or regulating the admission to the grounds of carriages or vehicles and of dogs and other animals;

For protecting from injury the bowling green and tennis courts or any of them and all nets and other fittings connected therewith and any ground set apart for any other games or any apparatus or implements used for or in connection with any games established or provided on any part of the grounds;

For the exclusion and removal of persons refusing or evading payment of any charges which may be made under the provisions of this Part of this Order :

Provided that any offender against any byelaw made under this section shall be guilty of a police offence and be liable for any penalty imposed by such byelaw.

## PART VI.

### REMOVAL AND DISPOSAL OF REFUSE &C.

Domestic refuse and trade refuse defined.

49. For the purposes of this Part of this Order—

“ Domestic refuse ” means any dust ashes or other refuse arising from or incidental to the normal occupation of any dwelling-house shop office warehouse cinematograph theatre or other similar premises but does not include manure or trade refuse;



“Trade refuse” means (1) the refuse arising out of or incidental to the carrying on of any trade business or manufacture including (a) ashes clinker and flue dust from any kiln engine furnace oven or stove used in connection with any industrial or commercial purpose or process (b) packing material and similar refuse from shops warehouses and workshops (c) fruit and vegetable rubbish (d) meat and fish offal and (e) garage debris and (2) garden rubbish.

A.D. 1937.

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PART VI.  
—cont.

50. Subject to the provisions of this Order the Town Council shall make or cause to be made provision for the effectual scavenging of the burgh in a suitable manner for keeping the streets clean and for the collection disposal or treatment of domestic refuse but the Town Council shall not be bound to collect and remove manure soot or trade refuse otherwise than as provided in this Part of this Order.

Collection and disposal of refuse.

51. The Town Council may make arrangements with shopkeepers occupiers of factories or business premises or others for the collection removal and disposal of trade refuse manure or soot at such times and on such terms as the Town Council may determine.

Trade refuse.

52.—(1) The Town Council may purchase and acquire from any owner or occupier of houses shops or other premises within the burgh the portable dustbins for domestic refuse presently provided by and belonging to such owner or occupier on such terms as may be agreed upon between the Town Council and such owner or occupier.

Provision and maintenance of dustbins.

(2) Where any portable dustbin has been purchased and acquired from any owner or occupier under the foregoing subsection the Town Council shall supply such owner or occupier with a suitable portable dustbin in lieu of the one so purchased or acquired on the payment of such annual sum for the hire and use of the same and on such conditions as shall be fixed by the Town Council.

(3) The Town Council may purchase suitable standard dustbins for the purpose of replacing any dustbins which have become old and outworn and for hiring out to owners and occupiers of houses shops or other premises erected after the commencement of this Order.

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PART VI.  
—cont.

(4) All portable dustbins so hired out by the Town Council shall remain the property of the Town Council.

(5) (a) The annual sum payable for the hire and use of any portable dustbin as fixed by the Town Council from time to time shall be uniform for all owners and occupiers of the same class of premises.

(b) The Town Council shall so regulate the sum to be paid in respect of the hire and use of such portable dustbins as to secure that (so far as may be reasonably practicable) their receipts under this section may one year with another meet their expenditure thereunder.

## PART VII.

### FINANCE.

Borrowing  
powers.

53.—(1) The Town Council may with the sanction of the Secretary of State but not otherwise borrow by way of mortgage or otherwise any money which may be necessary for the purposes of the gas undertaking.

(2) Any money borrowed under this section shall be repaid within such period or periods and by such method or methods as the Secretary of State may prescribe.

52 & 53 Vict.  
c. 50.

(3) In relation to any sanction to be given by the Secretary of State to the borrowing of money by the Town Council under this section the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purpose of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

Application  
of moneys  
borrowed.

54. All moneys borrowed by the Town Council under the powers of this Order shall be applied only to the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable.

Power to  
re-borrow.

55.—(1) The Town Council shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or



(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Town Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of repayment it was intended to replace by borrowed moneys.

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PART VII.  
—cont.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Town Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Town Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

56. Where sums are set apart as a sinking fund for the purpose of paying off moneys borrowed by the Town Council in the exercise of any statutory borrowing power the interest received in any year from the investment of the sums so set apart may notwithstanding anything contained in any Act or Order instead of being accumulated and invested in statutory securities form part of the revenue of the Town Council for that year but the contribution to be made to the sinking fund shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated thereon at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned.

As to  
interest on  
sinking  
fund.

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PART VII.

—cont.

Use of  
moneys  
forming  
part of  
sinking  
and other  
funds.

57. The Town Council may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund reserve fund or insurance fund of the Town Council (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions :—

- (a) The moneys so used shall be repaid to the lending fund in the same manner as those in respect of other mortgage loans borrowed under the same authority. Provided that nothing in this section shall be held to relieve the Town Council from any obligation under the statutory borrowing power as to borrowing and repayment of loans ;
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Town Council and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power ;
- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Return to  
Secretary of  
State with  
respect to  
repayment  
of debt.

58.—(1) The chamberlain shall if and when he is requested by the Secretary of State so to do transmit to the Secretary of State a return showing the provision made for the repayment of any loans raised by the Town Council.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Secretary of State may require and shall if so required by him be verified by statutory declaration of the chamberlain and be transmitted within one month after the making of the request and in the event of his failing to make such return the chamberlain shall for each offence be liable to a penalty



not exceeding twenty pounds to be recovered by the Secretary of State as a debt to the Crown is recoverable and notwithstanding the recovery of such penalty the making of the return shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

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PART VII.  
—cont.

(3) If it appears to the Secretary of State by such a return as aforesaid or otherwise that the Town Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required to be set apart for any sinking fund (whether such instalment or annual payment or sum is required by any Act or Order or by the Secretary of State in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Secretary of State may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Town Council shall notify the Secretary of State as soon as the order is complied with and any such order shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

(4) Any provision of any enactment in force immediately before the commencement of this Order requiring an annual return to be made to the Secretary of State with regard to the repayment of debt is hereby repealed.

59.—(1) All mortgages to be granted by the Town Council after the commencement of this Order for moneys borrowed in the exercise of any statutory borrowing power may be in or near to the form contained in the Fifth Schedule to this Order and such mortgages may be renewed transferred and repaid by minute of renewal transfer or receipt in or near to the forms in the said schedule contained.

Mortgages.

(2) The Town Council may issue along with any such mortgage and during the period of any renewal thereof interest warrants in or near to the form in the said schedule contained and signed by the chamberlain for the periodical payment of the interest on the principal sum

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PART VII.  
—cont.

thereby secured during the period for which such mortgage is intended to subsist and the delivery to the Town Council or to any person on their behalf of any such interest warrant duly stamped (where necessary) as a receipt shall be a valid and sufficient discharge to the Town Council for the interest in respect of which the same was issued.

(3) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed which register may be inspected at any reasonable time by any person interested in every such mortgage without fee or reward.

(4) Within thirty days after the date of every transfer if executed within the United Kingdom or within thirty days after the arrival of such transfer in the United Kingdom if executed elsewhere the same duly stamped shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of mortgages of its date and of the names and descriptions of the transferor and transferee and until such entry is made the Town Council shall not be in any manner responsible to the transferee.

(5) On the registration of any transfer the transferee or his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

Receipt in  
case of  
persons not  
sui juris.

60. If any money is payable to a holder of any security of the Town Council being a pupil minor idiot or lunatic the receipt of the guardian or trustee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Town Council.

## PART VIII.

### LOANS FUND ACCOUNTS &C.

Commence-  
ment of  
Part VIII  
of Order.

61. This Part of this Order shall be deemed to have come into operation on and from the sixteenth day of May one thousand nine hundred and thirty-seven.



62. The Town Council may as from the commencement of this Part of this Order or as from any succeeding sixteenth day of May (if they think fit) establish and administer a fund to be called "the loans fund" applicable to all moneys borrowed or to be borrowed by the Town Council and the redemption or repayment thereof and the payment of interest or dividends thereon. The loans fund shall be applied and administered by the Town Council in accordance with the rules and regulations contained in the Sixth Schedule to this Order.

A.D. 1937.

—  
PART VIII.

—cont.  
Establishment of  
loans fund.

63.—(1) In the event of any of the principal money borrowed or continued on loan by the Town Council under this Order or any interest or dividend thereon not being paid within two months after such payment is due and demand thereof is made in writing any creditor therein holding any document of debt or assignation thereof to the amount of five thousand pounds or any creditors therein holding together documents of debt or assignation thereof to the amount of ten thousand pounds may apply to the Court of Session by summary petition for the appointment of a judicial factor and the court may appoint a judicial factor on such terms as it thinks fit.

Appoint-  
ment of  
judicial  
factor.

(2) The judicial factor shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this Part of this Order into the loans fund and of assessing making and recovering all rates and revenues for the purpose of obtaining the same as the Town Council or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this Part of this Order.

(3) For the purpose of this section the expression "document of debt" shall include stock certificates mortgages deeds cash credit bonds or any other security for loans raised or issued by the Town Council.

64.—(1) The Town Council shall establish and administer a fund to be called the "burgh fund" to which shall be carried and credited in each year the moneys grants and revenues following which moneys

Establish-  
ment of  
burgh fund.

A.D. 1937. grants and revenues shall form part of the burgh fund  
— (that is to say):—

PART VIII.  
—cont.

- (a) The total moneys raised on account of the consolidated rate;
- (b) The total amount of Government grants received by the Town Council;
- (c) All moneys received by the Town Council on account of the revenues of the gas undertaking (including the revenues of any reserve contingent depreciation or renewal fund of such undertaking) and on account of all other undertakings or services carried on by the Town Council out of or on the security of the consolidated rate; and
- (d) All other revenues of the Town Council as rating authority.

(2) There shall be charged upon and be paid or satisfied out of the said fund—

- (a) All expenditure of the Town Council payable out of the consolidated rate; and
- (b) All expenditure of the Town Council on revenue account in respect of the gas undertaking and in respect of all other undertakings or services carried on by the Town Council out of or on the security of the consolidated rate.

(3) In all cases in which the Town Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between these accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Accounts.

65.—(1) The Town Council shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings or services of the Town Council for the time being (each of which is in this section separately referred to as the "undertaking") on the one side all receipts of the undertaking and on the other side all payments and expenses in respect of the



undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

A.D. 1937.

—  
PART VIII.  
—cont.

- (a) The working and establishment expenses and costs of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Town Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue including any sums appropriated to the reserve fund of the undertaking;
- (e) Any money applied out of the revenues of the burgh fund to any of the purposes mentioned in subsection (1) of the section of this Order of which the marginal note is "Application of revenue of undertakings."

(2) The Town Council shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

66.—(1) If in any year the moneys received by the Town Council on account of the revenues of any undertaking of the Town Council for the time being exceed the moneys expended by the Town Council in respect of the expenses of that undertaking mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Order of which the marginal note is "Accounts" the Town Council may in that year (if they think fit) apply out of the revenues of the burgh fund a sum equal to the amount of such excess in any of the following ways :—

Application  
of revenue  
of under-  
takings.

- (a) In reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) In the construction renewal extension and improvement of the works and conveniences for the purpose of the undertaking;

A.D. 1937.

PART VIII.  
—cont.

(c) In providing or maintaining a reserve fund in accordance with the provisions of this Order in respect of the undertaking by setting aside such an amount as they may from time to time think reasonable.

(2) If in any year the moneys received by the Town Council on account of any undertaking of the Town Council for the time being are less than the moneys expended by the Town Council in respect of that undertaking and the deficiency cannot be met out of the reserve fund or otherwise be provided under the enactments in force applicable to such undertaking the Town Council shall fix and determine the amount of such deficiency to be met out of the consolidated rate and thereafter such amount shall be payable out of the consolidated rate.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Provision as  
to surplus  
gas revenue.

67. The following provisions shall apply with respect to the gas undertaking in addition to the provisions of the section of this Order of which the marginal note is "Application of revenue of undertakings" (viz.) :—

If in any year the accounts of the gas undertaking kept under the section of this Order of which the marginal note is "Accounts" shall show that the revenue of the gas undertaking in respect of that year has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last-mentioned section then an amount equal to such excess shall be deemed for the purposes of the last-mentioned section to be revenue of the gas undertaking in respect of the next following year.

Reserve  
fund.

68.—(1) The Town Council may at any time in respect of the gas undertaking establish and maintain a reserve fund to which contributions may be made out of the burgh fund subject to the provisions of this Part of this Order.

(2) The amount from time to time standing to the credit of any reserve fund shall not exceed one-tenth of the aggregate capital expenditure of the gas undertaking



and such amount may be invested in securities in which the Town Council are authorised to invest.

A.D. 1937.

PART VIII.

—cont.

(3) Any reserve fund shall be applicable—

(a) to answer any deficiency at any time happening in the income of the Town Council from the gas undertaking or to meet any extraordinary claim or demand at any time arising against the Town Council in respect of that undertaking;

(b) for the renewal improvement or extension of any part of the gas undertaking or otherwise for the benefit of that undertaking.

69. Notwithstanding anything in any Act or Order contained the Town Council may invest in statutory securities any reserve contingent depreciation renewal superannuation or other funds belonging to or held by them on account of or in connection with any of the departments or undertakings administered by them or under their control.

Investment  
of reserve  
funds &c.

## PART IX.

### MISCELLANEOUS.

70. In the application in the burgh of the Public Health (Scotland) Act 1897 the definition of the expression "common lodging-house" in section 3 of that Act shall notwithstanding anything contained in section 89 of that Act be read and have effect as if the words "one shilling" were substituted for the word "fourpence" occurring in that definition. Provided that the sum of one shilling hereby substituted may on the application of the Town Council be altered or varied by the Department of Health for Scotland but so as not to exceed one shilling and sixpence.

Amending  
Public  
Health  
(Scotland)  
Act 1897 as  
to common  
lodging-  
houses.  
60 & 61 Vict.  
c. 38.

71. All property transferred to or vested in the Town Council by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing but for the purpose of enabling the Town Council to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by expediting a notarial instrument

Vesting of  
property  
transferred  
to Town  
Council &c.

A.D. 1937.

PART IX.  
—cont.

notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Town Council.

Dwelling-houses for persons employed by Town Council.

72. The Town Council may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

Acceptance of gifts of property.

73.—(1) Subject to the provisions of this section the Town Council may accept hold and administer any gift of property whether heritable or moveable for any local public purpose or for the benefit of the inhabitants of the burgh or of some part thereof and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

(2) Where the purposes of the gifts are purposes for which the Town Council are empowered to expend money raised from a rate they may subject to any condition or ~~restriction attaching to the exercise of that power~~ expenditure incurred in the exercise of the powers conferred by subsection (1) of this section out of money so raised.

Power to grant gratuities.

74.—(1) The Town Council may grant an annual allowance (not exceeding half pay) or a gratuity to any of their officers or servants who may through bodily or mental infirmity duly certified by a legally qualified medical practitioner become incapable of performing his duty or a gratuity to the widow or family of any such officer or servant who may die in the service of the Town Council.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund rate assessment or revenue on which the salary or emoluments of the officer or servant would have been charged or out of which such salary or emoluments would have been paid if he had continued in his office or service and no gratuity shall exceed the amount of one month's pay for every completed year of approved service.

(3) The power conferred upon the Town Council by this section shall cease if and when the officers



and servants of the Town Council become subject to a superannuation scheme under any general Act of Parliament.

A.D. 1937.

—  
PART IX.  
—cont.

75.—(1) The Town Council may make byelaws for or with respect to all or any of the following matters (that is to say) :—

Byelaws  
as to loud  
speakers.

For regulating and controlling the use of loud speakers gramophones and any other devices for the reproduction and amplification of sound (in this section referred to as “loud speakers”) used in such manner as to be audible in any street to the annoyance of the lieges or if they think fit for prohibiting the use in such a manner as to be audible in any street of loud speakers for advertising purposes.

(2) Sections 317 to 323 of the Burgh Police (Scotland) Act 1892 shall extend and apply to any byelaws that may be made by the Town Council under the provisions of this section.

55 & 56 Vict.  
c. 55.

(3) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any loud speakers used in any cinematograph theatre in connection with the entertainment provided thereat.

76. The Town Council may for special purposes and occasions temporarily equip and carry on places of refreshment other than for the supply of exciseable liquor for the convenience of persons frequenting any public park or pleasure ground vested in the Town Council or under their control.

Refresh-  
ment  
rooms.

77.—(1) Every person who under warrant from the dean of guild shall open the solum of any public street or court shall be bound to complete the work on account of which such opening shall be made with all convenient speed and shall fill up and properly consolidate such opening and restore the surface of the street or court and maintain the surface for a period of six months to the satisfaction of the master of works.

Street  
openings.

(2) The permanent restoration of the street or court surface after the opening has consolidated shall be done by the Town Council at the expense of such person at prices to be fixed by the master of works. Every person who shall open the solum of any public street or court

A.D. 1937. shall be responsible for the repair of all damage done to  
any drain sewer pipe cable or other work or construction  
affected in the course of his operations.

PART IX.  
--cont.

Control of  
vacant  
building  
areas and  
derelict  
buildings.

78.—(1) For the protection of the amenity of the burgh and for preventing the disfigurement of the streets by the unsightly condition of adjacent lands and buildings the Town Council may make byelaws for regulating the manner in which vacant building sites fronting or abutting on streets and unoccupied or ruinous buildings in streets shall be kept. Provided that no byelaws made under the authority of this section shall prevent or interfere with the erection of hoardings for advertisements on any vacant building site or building or the exhibition on such site or building of any advertisement as defined by the Advertisements Regulation Acts 1907 and 1925.

7 Edw. 7. c.  
27.

15 & 16  
Geo. 5. c. 52.

(2) Byelaws made under the authority of this section shall not apply to any site or to any building in a street unless at least one-half of the frontage of one side of the street is built upon.

(3) Byelaws made under the authority of this section shall not take effect unless and until they have been confirmed by the Department of Health for Scotland who may allow modify or disallow the same as they may think fit.

(4) The owner and the occupier of a building site or building who fails to comply with the byelaws made under the authority of this section shall be guilty of a police offence and shall be liable to a penalty not exceeding five pounds for each site or building in respect of which he fails to comply and to a daily penalty not exceeding forty shillings.

(5) Not less than one month before application is made by the Town Council to the said department for confirmation of a byelaw under this section notice of the intended application shall be published in one or more local newspapers circulating in the burgh and for a period of not less than one month before making such application a copy of the proposed byelaws shall be kept at the office of the town clerk and shall be available for inspection during office hours without charge and the town clerk shall furnish a copy of the proposed byelaws to any ratepayer on application.



(6) Any person who objects to any proposed byelaw or any proposed alteration of a byelaw may during the last-mentioned period of one month send notice in writing of his objection to the said department and a copy of such objection shall at the same time be sent to the town clerk and the said department shall consider the objection and any answers by the Town Council thereto before confirming the byelaw.

A.D. 1937.  
—  
PART IX.  
—cont.

79. Every person who shall mark any street or foot pavement with paint or any other adhesive substance of a similar nature shall be guilty of a police offence and be liable to a penalty not exceeding forty shillings Provided that this section shall not apply to marking on any street for police or traffic purposes.

Penalty for marking streets and footpaths with paint &c.

80. Every person in charge of a dog in any street and having the dog on a lead who shall allow or permit such dog to deposit its excrement upon a public pavement or footway shall be guilty of a police offence and be liable to a penalty not exceeding forty shillings.

Nuisance by dogs.

81.—(1) The provisions of section 32 of the Public Health (Scotland) Act 1897 so far as relating to byelaws shall within the burgh extend to the trade or business of a fish frier notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of the provisions of the Public Health Acts.

Byelaws in respect of fried fish shops.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any café or restaurant which is carried on in connection with a cinematograph theatre.

82. All police offences under this Order may be prosecuted in a summary manner before a magistrate and any penalties in respect of such offences shall be recoverable and applied in the same manner as penalties imposed by a magistrate under the Police Acts.

Recovery of penalties.

83. 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 His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Crown rights.

A.D. 1937.

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PART IX.  
—cont.  
Costs of  
Order.

84. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Town Council out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed by them for that purpose which moneys the Town Council are hereby authorised to borrow Provided that any moneys borrowed by the Town Council for the purpose of this section shall be repaid within five years from the commencement of this Order.



The SCHEDULES referred to in the foregoing Order. A.D. 1937.

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### FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Gas limits.")

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The burgh.

The parish of Lochwinnoch.

That portion of the parish of *Kilmacolm* lying to the south-east and south of an imaginary straight line running north-east from a point on the south boundary of the said parish at the eastern end of *Calder Dam* to *East Kilbride farm* on the road from *Kilmacolm* to *Port Glasgow* thence in a south-easterly direction to a point at the southern end of *Leperstone reservoir* belonging to the provost magistrates and councillors of the burgh of *Port Glasgow* and thence due east to the eastern boundary of the said parish.

The parish of *Erskine* excepting (1) that portion thereof lying to the west of the road leading from *West Ferry* on the river *Clyde* to *Houston* (so far as the said road lies within the said parish) and (2) that portion thereof lying to the east of an imaginary straight line running due north from a point opposite the centre of *Moss Road* on the main road from *Houston* to *Georgetown* in the parish of *Houston* beginning at the point where the said imaginary line intersects the south-west boundary of the parish of *Erskine* to the river *Clyde*.

The parish of *Kilbarchan* outwith the burgh excepting that portion thereof lying to the north-east and east of an imaginary line drawn along the road known as *Burnbrae Road* (so far as the said road lies within the said parish) from a point at *Ford* on the south boundary of the said parish to the main road leading from *Bridge of Weir* to *Paisley* thence westward along the said last-mentioned road to the point of termination of the existing gas main of the Town Council at or near the eastern boundary of the *Johnstone Combination Smallpox Hospital* and thence due

A.D. 1937. northwards to the point where it intersects the north boundary  
of the said parish.

—  
1ST SCH.  
—cont.

The parish of Houston excepting that portion thereof lying to the east of a continuation of the said imaginary line running northwards from the Johnstone Combination Smallpox Hospital beginning at the point where the said line intersects the southern boundary of the said parish to Loanhead on the road from Houston to Georgetown thence eastwards along the said road to a point opposite the centre of the Moss Road and thence due northwards to the north-east boundary of the said parish.

That portion of the parish of Paisley contained within the boundaries following viz. commencing at the point of junction of the north-eastern boundary of the parish of Lochwinnoch with the south-eastern boundary of the parish of Kilbarchan thence along the said south-eastern boundary of the last-mentioned parish till it meets the western boundary of the burgh thence along the western southern and eastern boundaries of the burgh to the south-eastern boundary of the parish of Kilbarchan thence along the boundary of the last-mentioned parish to the point at or near Ford where it is intersected by the said road known as Burnbrae Road leading from the main highway from Paisley to Johnstone above mentioned thence along the said road in a south-easterly direction to the point where it meets the main line of the London Midland and Scottish Railway Company thence along the northern boundary of the said railway company's ground in an easterly direction to the Linwood Bridge of the said railway company thence in a line drawn south-eastwards across the said railway and the said main highway from Paisley to Johnstone to the north boundary of the tramway depot of the corporation of Glasgow thence along the north north-east and east boundary of the said tramway depot to the London Midland and Scottish Railway (Barrhead Branch Line) thence along the said branch line to the point where it intersects the road known as Fulbar Road where it crosses the Lexwell Burn thence along the said road by Fulbar to Mackiesmill Bridge thence by Mackiesmill to Spout Quarry thence by Low Craigenfeoch to Glenpark thence by High Craigenfeoch to Meiklebog thence to the point where the said road meets the north-eastern boundary of the parish of Lochwinnoch and thence along the said north-eastern boundary to the point of commencement.

All within the county.



## SECOND SCHEDULE.

A.D. 1937.

(Referred to in the section of this Order of which the marginal note is "General powers of supply.")

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First The area in the parish of Kilmacolm comprising the village of Kilmacolm;

Second The area partly in the parish of Houston and partly in the parish of Kilbarchan comprising the village of Bridge of Weir;

Third The area in the parish of Kilbarchan comprising the village of Kilbarchan; and

Fourth The area in the parish of Lochwinnoch comprising the village of Lochwinnoch.

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## THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Power to continue gasworks &c.")

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### LANDS FOR THE MANUFACTURE AND STORAGE OF GAS &c.

A piece of land in the burgh belonging or reputed to belong to the Town Council being the site of the existing gasworks of the Town Council situated on the north side of Gas Street and extending to two acres two roods one pole and thirteen and one-half square yards or thereby imperial standard measure being the subjects particularly described first second and third in the disposition granted by George Ludovic Houstoun of Johnstone and others as then sole partners of the Johnstone Gas Light Company in favour of James Reid writer in Johnstone as clerk to and for behoof of the Commissioners of Police for the burgh of Johnstone and as such commissioners under the Burghs Gas Supply (Scotland) Act 1876 the said disposition dated the fifteenth and seventeenth both days of September and recorded in the division of the General Register of Sasines applicable to the county on the fifth day of November one thousand eight hundred and seventy-nine.

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A.D. 1937.

#### FOURTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Vesting in Town Council of squares and other areas.")

All and whole that area of ground situate in the burgh formerly set off as a drying and bleaching green bounded on the north by the river Cart on the west by ground belonging to Finlayson Bousfield and Company Limited on the south partly by ground belonging to the said Finlayson Bousfield and Company Limited and partly by George Street and on the east by the tail lade of the said Finlayson Bousfield and Company's mill.

#### FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Mortgages.")

#### FORM OF MORTGAGE.

#### BURGH OF JOHNSTONE.

Number

£

By virtue of the Local Government (Scotland) Act 1929 and the Johnstone Burgh Order 1937 and of other powers in that behalf—

We the provost magistrates and councillors of the burgh of Johnstone (hereinafter in these presents referred to as "the Town Council") in consideration of the sum of

advanced and paid to us by C.D. of E. (hereinafter in these presents referred to as "the said mortgagee") do hereby bind and oblige the said burgh out of the funds rates and revenues of the Town Council (other than the common good or the revenues thereof) to pay in the chamberlain's office Johnstone at the term of

to the said mortgagee or his executors or assignees the said sum of \_\_\_\_\_ and also the

interest thereon at the rate of \_\_\_\_\_ per

centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ at the terms of Whitsunday and

Martinmas in each year till the said sum is paid and for the



further security of the said mortgagee we do hereby assign to the said mortgagee and his executors or assignees such proportion of the said funds rates and revenues (other than the common good or the revenues thereof) for the time being of the Town Council as shall be equivalent to the said sum now paid to us and the interest thereon as aforesaid and for and in respect of the said interest we the Town Council shall pay the several sums contained in the interest warrants bearing the number and date hereof and delivered herewith and that at the several times mentioned in such warrants upon delivery of the same respectively and such delivery shall be a sufficient receipt and discharge to us for the contents of such warrants Declaring that the said mortgagee and his foresaids shall not be entitled to make and that we shall not be bound to recognise or register any partial assignation of these presents or of the sums of money principal or interest herein contained and that the Town Council shall not be liable for any expense that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation revision adjustment or execution of this mortgage or of any discharge renunciation assignation or minute of postponement or renewal thereof and we consent to the registration hereof for preservation and execution.

A.D. 1937.

5TH SCH,  
 —conf.

In witness whereof these presents are subscribed and sealed at a meeting of the Town Council held at Johnstone upon the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ years before these witnesses:—

(Witness)

Provost or Chairman.

(Witness)

Town Clerk.

FORM OF INTEREST WARRANT.

BURGH OF JOHNSTONE.

Mortgage No. \_\_\_\_\_ Date \_\_\_\_\_ 19 \_\_\_\_\_

Interest Warrant.

For pounds shillings and pence £ \_\_\_\_\_  
 Less Income Tax \_\_\_\_\_  
 £ \_\_\_\_\_

Payable on \_\_\_\_\_ 19 \_\_\_\_\_ at the \_\_\_\_\_

.....Chamberlain.

A.D. 1937.

MINUTE OF RENEWAL—No.

5TH SCH.  
—cont.

19 . It has been arranged that repayment of the within-mentioned principal sum shall be postponed till the term of one thousand nine hundred and and that the interest to be paid thereon shall be at the rate of per centum per annum and shall be paid half-yearly on presentation of the interest warrants in number issued herewith.

.....Chamberlain.

#### FORM OF TRANSFER.

I (C.D.) within designed [or I (C.D.) executor dative or otherwise as the case may be of (E.F.) within designed] do hereby transfer the within mortgage with all right title or interest which I have under the same to (G.H.) his [or her or their] (as the case may be) executors or assignees In witness whereof (insert testing clause).

#### FORM OF RECEIPT.

Received from the chamberlain of the burgh of Johnstone acting on behalf of the provost magistrates and councillors of that burgh the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid.

Dated this day of one thousand nine hundred and

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#### SIXTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Establishment of loans fund.")

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#### RULES AND REGULATIONS FOR THE OPERATION OF THE LOANS FUND.

Fund divided into two accounts.

1. The loans fund shall contain two separate accounts viz. (i) an account showing all the assets and liabilities of the fund and (ii) an account showing all transactions applicable to income and expenditure of the fund.



Account (i) shall contain a record of all assets and liabilities of the fund under the following headings :—

A.D. 1937.

(a) Assets—

6TH SCH.  
—cont.

- (1) Advances to departments of the Town Council;
- (2) Any other advances which the Town Council may from time to time be authorised to make;
- (3) Investments;
- (4) Deferred charges;
- (5) Any other assets.

Assets and liabilities.

(b) Liabilities—

- (1) Stock;
- (2) Mortgages;
- (3) Any other liabilities.

Account (ii) shall contain a record of the income and expenditure of the fund under the following headings :—

Income and expenditure.

(a) Income—

- (1) Interest from departments of the Town Council;
  - (i) in respect of advances on capital account;
  - (ii) in respect of interest on advances for ordinary expenditure;

- (2) Interest on any other advances made by the Town Council;
- (3) Income from investments;
- (4) Other income e.g. unclaimed dividends.

(b) Expenditure—

- (1) Dividends and interest on stock mortgages and other loans;
- (2) Loans fund expenses including stamp duties.

2. There shall be paid to the loans fund as and when they are received or in the case of the sums specified in paragraph (3) of this article when they are due—

Payments to loans fund.

- (1) All moneys borrowed by the Town Council in the exercise of their statutory borrowing powers;
- (2) All moneys of a capital nature received by the Town Council whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose; and
- (3) The appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Town Council provided that subject to the provisions of this

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Order such appropriate sums shall be set aside in all cases upon like yearly or half-yearly dates and may at the discretion of the Town Council be either equal yearly or half-yearly instalments of principal or the amounts of the principal moneys set out in a schedule prepared at the inception of the advance where such advance is repaid on the annuity system.

Capital  
moneys paid  
into loans  
fund.

3. Whenever capital moneys are paid into the loans fund otherwise than on loan the periodical repayment instalments in respect of the advance or advances affected or if no such advance is affected then the repayment instalments in respect of some other advance for a like purpose or if there be no such advance for a like purpose then the repayment instalments in respect of such other advance as the Town Council may determine shall be adjusted.

Payments  
from loans  
fund.

4. Moneys of a capital nature paid into the loans fund may be used or applied—

- (a) in the exercise of any duly authorised borrowing power by advance of the required amount to the appropriate department of the Town Council. Such advances shall ordinarily be effected on the fifteenth day of May in each year which date shall for the purposes of repayment be regarded as the borrowing date provided that the Town Council shall not be prevented from making any such advance during the year in which event interest shall be charged in accordance with the provisions of the article of this schedule the marginal note whereof is "Interest". The amount advanced in exercise of a borrowing power shall be regarded as due or owing to the loans fund by the appropriate department charged with the repayment of that amount and such amount shall be diminished each year by the amount paid into the fund during the year (including capital moneys if any) in respect of such borrowing power;
- (b) in the redemption of stock or any other securities issued by the Town Council in the purchase of stock for extinction or in the repayment of any moneys borrowed by the Town Council;
- (c) in defraying the expenses incurred by the Town Council in the creation and issue of stock;

and such moneys not used or applied in these ways may be invested in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest and the sums realised by the sale of such securities shall on receipt be paid into the loans fund and the moneys of a capital nature paid into the loans fund shall not be used or applied otherwise than in accordance with the provisions of this article.



5.—(1) The expenses incurred in the creation and issue of stock shall be defrayed out of the capital moneys of the loans fund and shall together with any discount liability which has been assumed by the Town Council in respect of the redemption of stock at a value exceeding the price at which the stock was issued be treated as deferred charges.

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—cont.  
Deferred charges.

(2) Such proportion of the deferred charges incurred in respect of each issue of stock as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the Town Council shall be defrayed in each year out of the revenue moneys of the loans fund and debited in so far as it relates to discounts to the interest account and in so far as it relates to expenses to the loans fund expenses account.

6. The expenses incurred by the Town Council on an issue of stock shall be a first charge on any sums received as premiums in respect of that issue and such proportion of the remainder (if any) of the sums so received as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the Town Council shall be appropriated in each year to the revenue purposes of the loans fund and credited to the interest account.

Premiums received on issues of stock.

7. Any investment of moneys of the loans fund shall be entered and stand in the accounts of the loans fund at its cost price exclusive of the expenses of investment.

Investments of loans fund.

8.—(1) A valuation shall be made after the end of each year of the investments of the loans fund and upon the total selling value of those investments first being found to fall short of the total value at which the investments are entered in the accounts of the loans fund the total depreciation shall forthwith be treated as a loss in the accounts of the loans fund and a sum equal to the amount thereof shall be carried to a reserve fund in the accounts of the loans fund.

Depreciation of loans fund investments.

(2) Any increase or decrease of the total depreciation of investments ascertained under paragraph (1) of this article which may be found to exist upon a revaluation made at the close of any subsequent year shall forthwith be treated in the accounts of the loans fund as a loss or profit as the case may be and the amount of the reserve shall at the same time be adjusted to agree with the net depreciation found on that revaluation.

(3) The reserve fund authorised by this article may be applied in defraying any loss arising on the sale of any investment of the loans fund.

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Profits and  
losses.

9.—(1) The net profit or loss which has arisen during any year on—

- (a) the realisation of investments;
- (b) the repayment of loans; or
- (c) the purchase of stock or other securities of the Town Council below or above the value at which they stand in the books of the loans fund;

shall be ascertained at the end of the year.

(2) The net profit or loss ascertained under paragraph (1) of this article together with the amount of any depreciation in the value of the investments of the loans fund which by the preceding article of this schedule is required to be treated as a loss shall in so far as the net profit or loss does not exceed the product of a rate of one penny in the pound be transferred to the credit or debit of the loans fund expenses account at the close of the year and the remainder shall be carried forward.

(3) If after the transfer required by paragraph (2) of this article has been made there remains a balance of profit or loss greater than three times the product of a rate of one penny in the pound or if there is reason to anticipate that such a balance is about to arise the Town Council shall forthwith submit to the Secretary of State for his approval a scheme for the application ~~or liquidation of the balance and the scheme as approved with~~ or without amendment by the Secretary of State shall be carried into effect by the Town Council.

(4) Subject to the provisions of paragraph (3) of this article any balance of profit carried forward under the provisions of this article shall be treated as capital moneys of the loans fund and as a deferred credit in the accounts of that fund and any balance of loss so carried forward shall be temporarily defrayed by the capital moneys of the loans fund and treated as a deferred charge in the accounts of that fund.

Income and  
expenditure.

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of the expenditure over income effect shall be given to the provisions of the articles of this schedule the marginal notes whereof are respectively "Interest" and "Loans fund expenses."

Interest.

11. The net amount of the interest payable by the Town Council on loans after the deduction of interest receivable on investments and after allowing for any sums directed by these regulations to be debited or credited to the interest account shall be apportioned at the end of each year between the several borrowing accounts in the manner following:—

- (a) There shall first be charged or allowed to each borrowing account in respect of any advance or repayment of an



advance which has been made or received during the currency of the year the appropriate amount in respect of the period between the date of the advance or repayment and the end of the year calculated at the rate per centum which would be payable by the Town Council on loans raised at the time of such advance or repayment;

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- (b) Interest on existing loans from the Public Works Loan Commissioners and interest on existing local housing bonds shall be charged to the housing scheme or schemes liable for the payment of interest on such debt and in the case of any advance for a purpose in respect of which any Government grant in aid is receivable such special charge may be made to such department of the Town Council as may be approved by the Government department concerned;
- (c) The remainder of the net amount shall be apportioned between the borrowing accounts in the proportion which the outstanding advances to each borrowing account at the commencement of the year then ending bears to the total at such commencement of the outstanding advances to all the borrowing accounts :

Provided that in their discretion the Town Council may subject to paragraph (b) of this article apportion the total interest for each year among the departments of the Town Council in proportion to the average balances of indebtedness during the year of each department. If this method of apportionment is adopted the balance of indebtedness shall be adjusted by monthly transfers between the loans fund and departments and the monthly balance so obtained for each department shall form the basis for calculating the average balance of indebtedness during the year.

12.—(1) There shall be brought together in one total for each year all revenue expenditure (exclusive of interest) in connection with the loans fund including—

Loans fund  
expenses.

- (a) any costs in connection with the raising of loans (other than expenses of the issue of stock which under this schedule are treated as deferred charges);
- (b) any annual contribution to meet deferred charges so far as they relate to expenses of issue;
- (c) any proportion of losses debited to the loans fund expenses account of the year under article 9 of this schedule; and
- (d) any other expenses incurred in and about the management or investment of the fund including such proportion of the remuneration of officers and general office expenditure as may reasonably be allocated to the fund.

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(2) There shall be deducted from the total expenditure mentioned in paragraph (1) of this article—

(a) any items which are specifically chargeable to borrowing accounts;

(b) any proportion of profits credited to the loans fund expenses account of the year under this schedule; and

(c) any fees fines or other revenue receipts of the loans fund;

and the remainder shall be apportioned between the borrowing accounts in the proportion which the advances to each borrowing account outstanding on the first day of the year bears to the total of all such advances. Provided that the Town Council in their discretion may make the apportionment required under this article on the same basis as in the proviso to article 11.

Special  
housing  
loans.

13. Except as expressly provided nothing in this schedule shall affect existing local housing bonds and loans from the Public Works Loan Commissioners or the charges in respect thereof but in order that the loans fund may contain a complete record of all loan transactions such debt shall nevertheless form part of the loans fund.

Accounts  
and balance  
sheet.

14. The Town Council shall keep a separate set of accounts and prepare a separate balance sheet of the loans fund and in addition to the requisite mortgage and stock registers they shall also keep a register of advances out of the loans fund to the borrowing departments of the Town Council setting out all arrangements in regard to repayment provided that the register shall show the relation of the total advances to any borrowing department of the Town Council to the total borrowing powers exerciseable by that department.

Bank  
accounts.

15. The Town Council may make such regulations regarding their banking account or accounts as they may think fit.

Certification  
of accounts  
and returns.

16.—(1) The accounts relating to the loans fund shall be certified as to correctness by the chamberlain and the Town Council shall at least once in every year require the auditor of the Town Council accounts to make a report setting forth—

(a) the borrowing and other Acts under which advances have been made and whether the Town Council have duly paid into the loans fund the interest due by the borrowing departments of the Town Council and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Town Council; and

(b) that the terms of the proviso to article 4 of this schedule have been duly complied with.



(2) The said report shall be published annually along with the accounts of the Town Council and shall be open to the inspection of every person interested and a copy of such report shall every year within seven days of such publication be transmitted by the Town Council to the Secretary of State.

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(3) In the event of such report by the auditor at any time showing that the Town Council have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid it shall be competent for the Secretary of State to apply summarily to the Court of Session to compel the Town Council to make such payments and the said court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

17. It shall be in the discretion of the Secretary of State to investigate the administration of the loans fund from time to time as he may determine.

Investiga-  
tion of loans  
fund.

18. The accounts relating to the loans fund shall be in such form as may be prescribed by the Secretary of State.

Form of  
accounts.

19. The Secretary of State may from time to time at the request of the Town Council make such additions to or alterations in this schedule as may be found to be necessary or desirable and thereupon such additions or alterations shall be given effect to as if they had been enacted in this schedule.

Revision of  
schedule.

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