

[1 EDW. 8. & *Glasgow Streets Sewers and Buildings Consolidation Order* [Ch. xliii.]
1 GEO. 6.] *Confirmation Act, 1937.*



CHAPTER xliii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Glasgow Streets Sewers and Buildings. A.D. 1937.
[1st July 1937.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 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 Glasgow Streets Sewers and Buildings Consolidation Order Confirmation Act 1937. Short title.

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SCHEDULE.

GLASGOW STREETS SEWERS AND BUILDINGS
CONSOLIDATION.

Provisional Order to consolidate with amendments the Acts and Orders of the corporation of the city of Glasgow with respect to the dean of guild court of the city and to streets sewers buildings celluloid factories and stores advertising signs and other cognate matters and to confer further powers on the Corporation with reference to such matters and for other purposes.

WHEREAS the corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) are vested with the municipal government of the city and are the local authority therein as regards streets sewers buildings public health sanitation and other matters under among other Acts the Glasgow Corporation Acts 1855 to 1936 :

And whereas the Acts and Orders of the Corporation relating to the dean of guild court of the city and to streets sewers buildings celluloid factories and stores advertising signs and other cognate matters are very numerous and many of the provisions of those Acts and Orders have been superseded by subsequent legislation and ought to be repealed and it is expedient and would be of public and local advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments and additions into one Order :

And whereas it is expedient that the further powers in this Order mentioned should be conferred on the Corporation :

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 :

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

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PART I.

PRELIMINARY.

1. This Order may be cited as the Glasgow Streets Sewers and Buildings Consolidation Order 1937.

Short title
and cita-
tions.

This Order and the Glasgow Boundaries Acts 1872 to 1934 may be cited together as the Glasgow Boundaries Acts 1872 to 1937.

This Order and the Glasgow Police Acts 1866 to 1936 may be cited together as the Glasgow Police Acts 1866 to 1937.

This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1937.

2. The provisions of this Order shall apply to the city and so far as specially provided to places beyond the city.

Limits of
Order.

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

Part I.—Preliminary.

Part II.—Dean of guild court.

Part III.—Master of works.

Part IV.—Streets.

Part V.—Sewers.

Part VI.—Buildings.

(A) Erection alteration adaptation and use of buildings.

(B) Height and cubical extent of buildings &c.

(C) Sites and construction of buildings.

(a) Sites.

(b) Strength.

(c) Foundations.

(d) Walls &c.

(e) Windows and roof-lights in certain buildings.

Order
divided
into Parts.

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(f) Roofs.

(g) Chimneys flues fireplaces and stoves.

(h) Stairs.

(D) Special provisions for certain buildings.

(E) Public buildings.

Part VII.—Through ventilation and free space.

Part VIII.—Waterclosets soil pipes ashbins &c.

Part IX.—Scaffolding barricades hoardings &c.

Part X.—Advertising signs &c.

Part XI.—Noxious and dangerous businesses.

Part XII.—Celluloid factories stores &c.

Part XIII.—Notices.

Part XIV.—Claims of relief of proprietors
occupiers and other persons
inter se.

Part XV.—Byelaws and penalties.

Part XVI.—Miscellaneous.

Part XVII.—Repeal of Acts savings &c.

Incorporation of Acts. 4. The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845) are incorporated with and form part of this Order and this Order shall be deemed to be a special Act within the meaning of those Acts.

Interpretation. 5. The following words and expressions in this Order have unless there is something in the subject or context repugnant to such construction the meanings hereby assigned to them (that is to say):—

29 & 30 Vict. c. cclxxiii. “ Act of 1866 ” means the Glasgow Police Act 1866 ;

63 & 64 Vict. c. cl. “ Act of 1900 ” means the Glasgow Building Regulations Act 1900 ;

8 Edw. 7. c. vii. “ Act of 1908 ” means the Glasgow Corporation Act 1908 ;

“ Advertising sign ” means any hoarding structure standard framework board word letter model sign placard bill poster notice device or representation employed wholly or in part for advertising purposes ;

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- “Apartment” in relation to any dwelling-house means any room therein not being a bathroom boxroom larder scullery or watercloset;
- “Attic storey” means any storey constructed wholly in the roof of any building but does not include any mansard roof storey;
- “Back court” means any recess yard area or enclosed space behind and contiguous or adjacent to any building and used in common by the tenants of separate parts of such building;
- “Basement storey” means any storey of a building the upper surface of the floor of which is four feet or more below the level of the adjoining street or ground;
- “Building” means any structure or erection of any kind or nature whatsoever or any part thereof;
- “Building line” means a frontage line in relation to either side of a street beyond which no building may be erected nearer to the centre line of the street;
- “Carriageway” means any part of a street used or intended to be used for vehicular traffic other than any portion of a footpath constructed or adapted for use as a carriage crossing;
- “Chief constable” means the chief constable appointed in pursuance of the Act of 1866;
- “Chief officer of the fire brigade” means the inspector of fires appointed by the Corporation in pursuance of the Act of 1866;
- “City” means the city and royal burgh of Glasgow;
- “Clerk of court” means the clerk of the dean of guild court and includes any depute clerk of that court;
- “Common passage” means any passage in a building leading to parts thereof separately occupied;
- “Common sewer” means a sewer for the drainage of a private street or court not being a public sewer;

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- “ Common stair ” means any stair in a building leading to parts thereof separately occupied ;
- “ Corporation ” means the Corporation of the city of Glasgow ;
- “ Corporation Acts ” means the Glasgow Corporation Acts 1855 to 1936 ;
- “ Court ” means any court street passage or place (except a common passage or a common stair) used solely for foot passengers and open and accessible to the public from a street and forming an access to lands and heritages separately occupied which at the date of the passing of the Act confirming this Order is not maintained by the Corporation as a public street or is not after that date declared to be a public street in pursuance of the provisions of this Order ;
- “ Cross wall ” means an internal wall not less than nine inches thick dividing a building but not into separate occupancies ;
- “ Cubical extent ” in relation to a building means the space contained within the outer surfaces of the external walls and roof and the upper surface of the floor of the lowest storey thereof ;
- “ Daily penalty ” in relation to any offence means a penalty in respect of every day on which the offence is continued after conviction therefor ;
- “ Dean of guild ” means the person appointed to the office of dean of guild by the Merchants House of Glasgow and includes any member of the dean of guild court acting for him in his absence ;
- “ Dean of guild court ” means the court of the dean of guild ;
- “ Decree ” includes any warrant order sentence or interlocutor ;
- “ Director of cleansing ” means the inspector of cleansing appointed by the Corporation in pursuance of the Act of 1866 ;
- “ Division wall ” means an internal wall dividing a building into separate divisions for fire protection purposes ;

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- “ Drain ” means any drain or pipe which connects the waste pipes soil pipes or rain-water conductors of a building with a sewer or which carries surface drainage to a sewer;
- “ Dwelling-house ” means any building or part of a building used or constructed reconstructed altered or adapted to be used for human habitation as a separate occupancy;
- “ Existing ” means existing at the date of the passing of the Act confirming this Order;
- “ Existing building ” means a building existing at the date of the passing of the Act confirming this Order and includes any building erected in virtue of a decree of lining granted before that date;
- “ External wall ” means an outer wall of any building and includes a mean gable;
- “ Fire-resisting materials ” means any of the materials described or referred to in the First Schedule to this Order;
- “ Footpath ” means any part of a street used or intended to be used mainly for pedestrian traffic and includes any portion thereof constructed or adapted for use as a carriage crossing;
- “ Ground storey ” means that storey of a building (not being a basement storey) the upper surface of the floor of which is on or near the level of the adjoining street or ground;
- “ Guild offence ” means any offence consisting either of an act or the neglect or omission to do an act which the dean of guild is authorised by this Order to try;
- “ Hollow square ” means any area of ground on which buildings have been or may be erected in such a manner as to enclose or partly enclose a space of back ground if any such buildings are used or intended to be used as dwelling-houses and shall include any lane not exceeding fifteen feet in

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width which is or may be formed in such area of ground;

“Lands and heritages” has the same meaning as in the Lands Valuation Acts and “land or heritage” in the singular number means one of such lands and heritages separately valued or entered as separately occupied in the valuation roll;

9 & 10 Geo. 5.
c. 57.

21 & 22
Geo. 5. c. 11.

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931;

“Lands Valuation Acts” means the Acts in force for the time being in the city relating to the valuation of lands and heritages;

“Lane” means any street used mainly as a back entrance to lands and heritages whose principal entrance is by another street;

“Magistrate” means a magistrate or judge having jurisdiction under the Police Acts;

“Master of works” means the master of works appointed or continued in office in pursuance of this Order;

“Medical officer of health” means a medical officer of health appointed by the Corporation in pursuance of the Public Health (Scotland) Act 1897;

“Minute” or “minute of the Corporation” includes a minute of a meeting of a committee of the Corporation approved by the Corporation and a minute of a meeting of a committee of the Corporation acting under powers delegated to them by the Corporation;

“New building” means a building erected after the date of the passing of the Act confirming this Order (other than a building erected in virtue of a decree of lining granted before that date) and includes any existing building which after

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that date has been taken down for more than one half of its cubical extent and is re-erected or commenced to be re-erected wholly or partly on the same site;

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- “New dwelling-house” means a dwelling-house erected re-erected or reconstructed after the date of the passing of the Act confirming this Order and includes any building or part of a building used or intended to be used as a dwelling-house after that date which has not previously been so used but does not include a dwelling-house erected re-erected or reconstructed in virtue of a decree of lining granted before that date;
- “Occupied apartment” means any apartment or workroom in which persons are ordinarily employed during the hours of business in connection with any business trade or manufacture;
- “Occupier” includes the actual occupier or tenant or subtenant;
- “Office building” means any building used or constructed reconstructed altered or adapted to be used wholly or principally as offices;
- “Owner” means proprietor;
- “Party wall” means an internal wall not less than nine inches thick dividing a building into separate occupancies;
- “Paving” includes all modes in which the carriage-way of a street a footpath a court or a back court is or may be constructed or maintained and “pave” shall be construed accordingly;
- “Plan” includes longitudinal sections cross-sections elevations and other detailed drawings;
- “Police Acts” means the Glasgow Police Acts 1866 to 1936;
- “Police offence” means any offence consisting either of an act or the neglect or omission to do an act which the magistrate is authorised by this Order to try;

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“ Private sewer ” means a sewer for the drainage of lands and heritages not being a common sewer or a public sewer ;

“ Private street ” means any street not being a public street ;

“ Procurator fiscal ” means the procurator fiscal of the dean of guild court appointed or continued in office in pursuance of this Order and includes any depute appointed by him ;

“ Proprietor ” means the proprietor or owner or any one of the proprietors or owners of a land or heritage and includes life renters fiars lessees (provided such lessees are not in the actual occupancy of such land or heritage) tutors curators commissioners trustees bondholders in possession or other persons who shall be in the actual enjoyment of or entitled to receive the rents and profits of such land or heritage and the factor or agent for any such proprietor in the management or receipt of the rents or profits thereof and any other person who shall intromit with or draw the rents of such land or heritage ;

“ Public building ” means a building used or constructed reconstructed altered or adapted to be used as a church chapel or other place of public worship or as a school college or place of instruction (not being a dwelling-house so used) or as a hospital asylum poorhouse theatre music-hall picture-house cinema public hall public concert-room public ballroom public lecture-room public library or public exhibition room or as a public place of assembly or a building used or constructed reconstructed altered or adapted to be used for any other public purpose and includes a building used or constructed reconstructed altered or adapted to be used as an hotel containing fifty bedrooms or more and a building used or constructed reconstructed altered or adapted to be used as a lodging-house home refuge or shelter where such building extends to two hundred

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and fifty thousand cubic feet or more or has sleeping accommodation for one hundred persons or more;

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“Public footpath” means a footpath which at the date of the passing of the Act confirming this Order is maintained by the Corporation as a public footpath in pursuance of the Police Acts or a footpath which after that date is declared to be a public footpath in pursuance of the provisions of this Order;

“Public sewer” means a sewer for the drainage of a public street and includes a sewer which at the date of the passing of the Act confirming this Order is maintained by the Corporation as a public sewer in pursuance of the Police Acts (other than the Glasgow Corporation Sewage Order 1935) and a sewer which after that date is declared to be a public sewer in pursuance of the provisions of this Order;

“Public street” means a street entered in the register of public streets or a street which after the date of the passing of the Act confirming this Order is declared to be a public street in pursuance of the provisions of this Order;

“Register of public footpaths” means the register of public footpaths kept in pursuance of the provisions of this Order;

“Register of public streets” means the register of public streets kept in pursuance of the provisions of this Order;

“Repealed Acts” means the provisions of the Acts or Orders specified in the Third Schedule to this Order;

“Road authority” means the Corporation acting in pursuance of the Roads and Bridges (Scotland) Act 1878 and any Acts amending the same;

41 & 42 Vict.
c. 51.

“Sanitary inspector” means any sanitary inspector appointed by the Corporation in pursuance of the Public Health (Scotland) Act 1897;

60 & 61 Vict.
c. 38.

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- “ Self-contained dwelling-house ” means any building in one occupancy as a dwelling-house from the ground upwards to the roof ;
- “ Sewer ” means any public sewer common sewer or private sewer and includes all manholes traps appurtenances and other works and appliances connected therewith ;
- “ Sheriff ” means the sheriff of Lanarkshire and includes his substitutes ;
- “ Street ” means and includes any public street private street highway road bridge square lane footpath court or passage open and accessible to the public or any part of any such public street private street highway road bridge square lane footpath court or passage ;
- “ Tenement ” means a building constructed in flats or storeys and containing two or more dwelling-houses let to separate tenants ;
- “ Terms and conditions ” in relation to the granting of consents by the Corporation or the master of works under the provisions of this Order does not include a money payment ;
- “ Theatre ” means a building used or constructed reconstructed altered or adapted to be used for the performance of stage plays or other theatrical representations and fitted with a stage and stage scenery and includes a music-hall or other place of public resort so fitted ;
- “ Town clerk ” means the town clerk of the city ;
- “ Turnpike road ” has the same meaning as in the Roads and Bridges (Scotland) Act 1878 ;
- “ Upper storey ” means any storey of a building which is above the ground storey thereof but does not include an attic storey ;
- “ Valuation roll ” means the valuation roll made up in pursuance of the Lands Valuation Acts ;
- “ Warehouse building ” means a building used or constructed reconstructed altered or adapted to be used wholly or principally as a warehouse factory manufactory brewery distillery store or for similar purposes ;

“Width” in relation to a street means the width of the carriageway and footpaths and any open space or ornamental or pleasure ground in such street taken together.

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PART I.

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PART II.

DEAN OF GUILD COURT.

6. Nothing in this Order shall prejudice affect alter or limit the powers or jurisdictions of the dean of guild at common law or any right of review at common law of any of his decrees.

Saving jurisdiction of dean of guild.

7. The dean of guild may for the purpose of exercising the powers and jurisdictions vested in him hold courts at such times and places within the city as he may appoint.

Courts to be held.

8. Every proceeding before the dean of guild shall commence by an application or petition in writing or in print or partly in writing and partly in print and except where otherwise specially directed the subsequent procedure shall be as ordered by the dean of guild. Provided that the dean of guild shall on the motion of any party to any proceeding order a record of such proceeding to be made up.

Procedure before dean of guild.

9. Warrants of citation and interlocutors (a) granting continuations or adjournments and (b) fixing diets (except diets of proof) in proceedings in the dean of guild court may be signed by the clerk of court and when so signed shall be of the same force and effect to all intents and purposes as if they had been signed by the dean of guild.

Signing of dean of guild court warrants.

10. Where any consent is required in connection with any application or petition to the dean of guild such consent shall be in writing signed by the party or on behalf of the party whose consent is required and shall be lodged with the clerk of court and until such consent is so lodged the dean of guild shall not grant such application or petition. Provided that in any case in which the consent of the Corporation is required under the provisions of this Order or the byelaws made thereunder and such consent has been refused the person making such application or presenting such petition may (unless pursuant to

Consents.

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the requirements of any other Act or scheme made thereunder the consent of the Corporation would be required to the work proposed to be carried out) appeal to the dean of guild and the dean of guild may after hearing the parties dispense with such consent if such consent has been unreasonably withheld.

Master of works to be called.

11. The master of works shall be called as a party to every application or petition to the dean of guild for a decree of lining and no such application or petition shall be proceeded with until he is called.

Applications to dean of guild.

12. Every person who makes application for a decree of lining to the dean of guild shall produce with such application such plans and other particulars as may be required by this Order and the byelaws made thereunder.

Parties interested to be called.

13.—(1) A copy of every application or petition to the dean of guild for a decree of lining shall be served on the proprietors of the lands and heritages adjoining the land or heritage on which any work is proposed to be carried out.

(2) The dean of guild may cause any other person whom he considers interested to be called as a party to any application or petition.

Appointment of procurator fiscal.

14.—(1) The Corporation may appoint upon such terms and conditions as they may deem reasonable a procurator fiscal of the dean of guild court and such procurator fiscal may with the approval of the Corporation appoint one or more persons to act for him as his depute or deputes. Provided that the person appointed to act as procurator fiscal of police in pursuance of the Act of 1866 may also be appointed procurator fiscal of the dean of guild court.

(2) The procurator fiscal of the dean of guild court appointed in pursuance of the Act of 1866 in office at the date of the passing of the Act confirming this Order shall remain in office as if he had been appointed in pursuance of the provisions of this Order.

Duties of procurator fiscal.

15. The procurator fiscal shall act in all cases before the dean of guild for the enforcement of the provisions of this Order and the byelaws made thereunder and shall also in all proceedings before the dean of guild appear

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for the master of works whenever required by him to do so. A.D. 1937.

16. The dean of guild may grant such decrees as may be necessary to carry into effect the provisions of this Order and the byelaws made thereunder and in granting such decrees may impose such conditions as he may deem expedient and may decide all questions of expenses and fees in any proceedings before him and decern for payment of such expenses and fees against such party to the proceedings as he may determine. PART II.
—cont.
Powers of dean of guild.

17. The dean of guild may try and pronounce sentence upon any person charged with a guild offence and may decern for payment of any penalty he may impose in respect thereof and in default of payment of such penalty within fourteen days may grant warrant for imprisoning the party found liable therefor for any period not exceeding twenty days All penalties when recovered shall be paid to the Corporation. Dean of guild may decern for penalties.

18. Any costs outlays or expenses of the Corporation the master of works or the procurator fiscal incurred in carrying into effect the provisions of this Order and the byelaws made thereunder may where such costs outlays or expenses relate to or are incidental to any application or petition to the dean of guild without prejudice to any other competent procedure be recovered in a summary manner by motion before the dean of guild who may decern for payment of such costs outlays or expenses against such party to the proceedings as he may determine. Recovery of costs.

19. In all cases where the dean of guild decerns for expenses in any proceedings or for any penalty or for any costs outlays or expenses he may grant warrant for the recovery thereof by arrestment poinding and sale and any such warrant may be executed within the city and with the concurrence of the sheriff of the county within which it is sought to be enforced within any other part of Scotland. Decree for expenses &c.

20. All decrees of the dean of guild and any plans or documents relating thereto shall be permanently kept by the clerk of court and be accessible to all parties subject to such provisions conditions and regulations as the dean of guild may prescribe. Decrees &c. to be kept by clerk of court.

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Petitions
for lining
to be
depending
processes.

21. Every application or petition in respect of which a decree of lining has been granted shall be a depending process in the dean of guild court until the work thereby authorised has been completed to the satisfaction of the dean of guild and the process has been discharged by the dean of guild or until such decree of lining shall have been recalled or shall have lapsed as in this Order provided and the master of works or other person interested may appear in such process by motion as occasion may arise.

Report on
carrying out
decree of
lining.

22. The master of works shall report to the dean of guild the completion of every work in respect of which a decree of lining has been granted and in his report shall specify any failure to adhere to or carry out the plans thereof or to comply with the terms of such decree of lining or of the provisions of this Order or any byelaw made thereunder and the dean of guild shall adjudicate on such report and may deal with any failure to adhere to or carry out the said plans or to comply with the terms of such decree of lining or the provisions of this Order or any byelaw made thereunder as a guild offence.

Recall of
decree of
lining.

23. Whenever the dean of guild is satisfied that the work authorised by any decree of lining has been stopped or the completion thereof is unduly delayed he shall have power to recall such decree of lining and to order any uncompleted work to be completed taken down or otherwise dealt with as he may consider just and to order the removal of any hoarding or barricade erected and the restoration of any part of a street or back court which has been interfered with in connection with such work by and at the expense of the person to whom such decree of lining was granted.

Revival of
lapsed
decree of
lining.

24. A decree of lining granted in respect of any building shall lapse when the work thereby authorised has not been commenced within one year from the date of such decree of lining but the dean of guild may within one year from the date of such lapsing on the application of the petitioner and after due intimation to all parties entitled to appear in the process and after hearing such of the parties as may appear revive such decree of lining subject to such terms and conditions as he may determine.

Appeals
from dean
of guild.

25. All decrees of the dean of guild (other than the warrants and interlocutors referred to in the section of

this Order of which the marginal note is "Signing of dean of guild court warrants") shall be subject to review by the court of session For the purposes of such review the dean of guild shall specify his findings in fact and in law and shall state in a note the grounds on which he has proceeded.

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 PART II.
 —cont.

PART III.

MASTER OF WORKS.

26. The Corporation shall appoint on such terms and conditions as they may deem reasonable a master of works who may hold the office of city engineer or any other office to which he may be appointed by the Corporation.

Appoint-
 ment of
 master of
 works.

27.—(1) The master of works appointed in pursuance of the Act of 1866 in office at the date of the passing of the Act confirming this Order shall remain in office as if he had been appointed in pursuance of this Order.

Master of
 works to
 continue in
 office.

(2) References in any Act of Parliament to the master of works appointed in pursuance of the Act of 1866 shall be construed as references to the master of works in office at the date of the passing of the Act confirming this Order or to any master of works appointed in pursuance of this Order as the case may be.

28. Notwithstanding anything contained in section 6 (Partial repeal of section 76 of Act of 1866) of the Glasgow Corporation Order 1935 the master of works (a) shall (subject to the approval of the Corporation in the case of officers and persons of the rank of principal assistant) appoint the several officers and persons employed in his department but the number description and remuneration of such officers and persons shall be fixed by the Corporation (b) may suspend or dismiss any such officer or person under the rank of a principal assistant and (c) may suspend and (with the consent of the Corporation) dismiss any such officer or person of that rank.

Master of
 works to
 appoint
 subordi-
 nates.

29. The master of works shall perform such duties as devolve upon him as master of works under this Order and the byelaws made thereunder and generally exercise any powers competent to him under any Act of Parliament or at common law.

Duties of
 master of
 works.

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PART IV.

STREETS.

Vesting
public
streets and
footpaths
in Corpora-
tion.

30.—(1) Every public street and every public footpath shall for the objects and purposes thereof and of this Order vest in the Corporation.

(2) Nothing in this section shall relieve any person of any liability or obligation in respect of any public street or public footpath imposed or incumbent upon him by or under this Order or any Act of Parliament or otherwise.

Mainten-
ance of
public
streets and
footpaths.

31. The carriageway of every public street and every public footpath shall be maintained by the Corporation subject to any liability or obligation to maintain any portion of any such carriageway or footpath imposed or incumbent on any person by or under this Order or any Act of Parliament or otherwise.

Register of
public
streets.

32.—(1) The Corporation shall cause to be kept a register of public streets (in this section referred to as "the register").

(2) The register of public streets kept in pursuance of the Act of 1900 as amended by the Act of 1908 shall be deemed to be the register to be kept under this Order.

(3) The register shall be kept by the master of works and shall at all reasonable times be open for inspection by any person who may without payment make copies of any entries therein or take extracts therefrom.

(4) The master of works shall enter in the register the name and the points of commencement and termination of every street which is after the date of the passing of the Act confirming this Order declared to be a public street by a minute of the Corporation or by a decree of the dean of guild in pursuance of the provisions of this Order with the date of such minute or decree as the case may be.

(5) When any public street or any part thereof has ceased to exist as a public street or when the Corporation have altered the name of any public street the master of works shall make the necessary alterations in the register and enter therein the date of the minute of the Corporation with reference thereto.

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(6) Any person who may be dissatisfied by any entry in the register or the refusal to make an entry in the register with respect to any street may within a period of two months from the making of such entry or refusal as aforesaid as the case may be appeal to the sheriff and the sheriff may order such entry to be deleted corrected or altered or order the particulars referred to in subsection (4) of this section to be inserted in the register with respect to such street as the case may be all as he shall think fit and his decision shall be final.

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(7) A copy certified by the master of works of any entry in the register shall be furnished by him to any person on payment of a fee of one shilling for each entry in such copy and such copy shall be received as evidence of such entry in any court of law.

33.—(1) The Corporation shall cause to be prepared and kept a register of public footpaths (in this section referred to as "the register") in which shall be entered— Register of
public
footpaths.

(a) the names of the streets in which such footpaths are situate; and

(b) the points of commencement and termination of such footpaths.

(2) The register shall be kept by the master of works and shall at all reasonable times be open for inspection by any person who may without payment make copies of any entries therein or take extracts therefrom.

(3) The master of works shall enter in the register the particulars referred to in subsection (1) of this section with respect to every footpath which—

(a) is at the date of the passing of the Act confirming this Order maintained by the Corporation as a public footpath; or

(b) after the said date is declared to be a public footpath by a minute of the Corporation in pursuance of the provisions of this Order together with the date of such minute.

(4) When the register has been prepared the Corporation shall insert a notice once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers

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circulating in the city intimating that the register has been prepared and the time and place where the register may be inspected and any person who may be dissatisfied with any entry in the register or omission therefrom with respect to any footpath referred to in paragraph (a) of subsection (3) of this section may within two months after the first publication of the notice appeal to the sheriff and the sheriff may order any entry in the register to be deleted corrected or altered or order the name of any street in which any such footpath is situate and the points of commencement and termination of such footpath omitted from the register to be inserted therein all as he shall think fit and his decision shall be final. The foregoing provisions of this subsection as to appeals shall apply in relation to any entry or any refusal to make an entry with respect to any footpath referred to in paragraph (b) of subsection (3) of this section provided that any such appeal shall be made within a period of two months from the making of such entry or refusal to make an entry as aforesaid.

(5) When any public footpath or any part thereof has ceased to exist as a public footpath or when the Corporation have altered the name of any street in which a public footpath is situate the master of works shall make the necessary alterations in the register and enter therein the date of the minute of the Corporation with reference thereto.

(6) A copy certified by the master of works of any entry in the register shall be furnished by him to any person on payment of a fee of one shilling for each entry in such copy and such copy shall be received as evidence of such entry in any court of law.

Naming of streets.

34.—(1) The Corporation shall determine the name by which each street shall be distinguished.

(2) The Corporation may as and when they deem expedient and after notice once in two newspapers circulating in the city alter the name of any street.

(3) The master of works shall cause the name of every street so determined or altered to be affixed painted or marked on a conspicuous part of any building fence lamp-post pole standard or other structure at or near each end corner or entrance of such street and may for

the purpose of this subsection erect poles standards or other structures in such street.

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(4) Any person who destroys pulls down removes obliterates or defaces the name of any street or who affixes paints or marks or suffers to be affixed painted or marked on any such building fence lamp-post pole standard or structure any other name shall be guilty of a police offence.

35.—(1) The Corporation shall number such of the buildings in any street as they may see fit and the master of works shall cause to be affixed painted or marked on any building or fence in or adjoining such street such number in such position as he may see fit and the Corporation may from time to time alter any such number.

Numbering
of buildings.

(2) Any person who destroys pulls down removes obliterates or defaces the number on any such building or fence or who affixes paints or marks or suffers to be affixed painted or marked on any such building or fence any other number shall be guilty of a police offence.

36.—(1) On the application of the proprietors of every land or heritage adjoining and having a right of access by any private street or court to have such street or court declared to be a public street the Corporation may in their option and on such terms and conditions as they think fit by minute of the Corporation declare such street or court to be a public street.

Private
streets may
be declared
public
streets.

(2) On the application of the proprietors of every land or heritage adjoining and having a right of access by any part of a private street or court to have such part of such street or court declared to be a public street the Corporation may in their option and on such terms and conditions as they think fit by minute of the Corporation declare such part of such street or court to be a public street.

(3) On a report by the master of works that any street constructed by the Corporation as road authority has been completed the Corporation may by minute of the Corporation declare such street to be a public street and the footpaths therein to be public footpaths.

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54 & 55 Vict.

c. cxxx.

2 & 3 Geo. 5.

c. xcv.

15 & 16

Geo. 5.

c. cxxxi.

(4) Nothing in this section shall prejudice or affect the provisions of (a) subsection (3) of section 35 (Transferring roads and streets to Corporation) of the City of Glasgow Act 1891 (b) subsection (3) of section 35 (Roads streets and footpaths) of the Glasgow Boundaries Act 1912 and (c) section 56 (For protection of Nether Pollok Limited) of the Glasgow Boundaries Act 1925 and article Fifth of the agreement set out in the Sixth Schedule to that Act.

Private streets may be declared public streets by dean of guild.

37.—(1) The master of works may with the consent of the Corporation jointly with the proprietor or proprietors of any lands and heritages adjoining and having a right of access by any private street or court of which the solum does not belong to the trustees of the Clyde Navigation or any canal company make application to the dean of guild to declare the said street or court or any part thereof to be a public street and the dean of guild shall thereupon grant warrant to cite the remaining proprietor or proprietors of lands and heritages adjoining and having a right of access by such street or court or part thereof and shall inquire into and decide the question raised in such application and may grant decree declaring such street or court or part thereof to be a public street.

(2) No private street or court or part thereof shall be declared to be a public street in pursuance of this section unless it is found by the dean of guild that the proprietor or proprietors who make the said application and any proprietor or proprietors who subsequently enter appearance in the case and approve of the said application possess lands and heritages which have a greater frontage adjoining the said street or court or part thereof and are valued in the last completed valuation roll at the date of the application at a greater gross annual value than the lands and heritages of any dissenting or non-concurring proprietor or proprietors.

Footpaths may be declared public footpaths.

38. On the application of the proprietor of a land or heritage adjoining any footpath or any part thereof in a public street the Corporation may in their option and on such terms and conditions as they think fit by minute of the Corporation declare the footpath or part thereof in respect of which the application is made to be a public

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footpath and thereafter such footpath or part thereof shall be maintained by the Corporation. A.D. 1937.

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Closing
streets &c.

39.—(1) The Corporation may after notice of their intention so to do published once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers circulating in the city resolve to shut up any public street or right of way or any part thereof which has from change of circumstances or otherwise become useless to the public or dangerous to foot passengers or on the application of the proprietors of the lands and heritages adjoining such public street or right of way or part thereof to consent to the shutting up of such public street or right of way or part thereof on such terms and conditions as may be arranged with them and subject to the provisions of this section all public rights of way over such public street or right of way or part thereof shall thereupon be extinguished.

(2) Any resolution of the Corporation under this section shall be published once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers circulating in the city and by a printed copy thereof being affixed in some conspicuous place at each end of such street or right of way or part thereof and a notice narrating such resolution and containing a copy of this section shall be served on every proprietor and occupier of lands and heritages adjoining such street or right of way or part thereof.

(3) Any person aggrieved by any such resolution may within one month after the first publication of the resolution appeal to the sheriff against such resolution and shall at the same time give written notice of such appeal and the grounds thereof to the town clerk and the sheriff may either confirm such resolution or declare the same to be void and of no effect and his decision shall be final.

(4) In the event of the sheriff confirming such resolution he shall in his interlocutor declare the solum of the street or right of way or part thereof referred to in such resolution to be vested in the proprietors whose lands and

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heritages immediately adjoin thereto or in the Corporation and the solum so vested shall thereupon be deemed to be freed and discharged from all public rights of way thereover.

(5) In the event of the sheriff declaring the solum to be vested in the Corporation they may sell convey or otherwise dispose of the same for such consideration as they may consider reasonable Provided that the Corporation shall not (unless the Secretary of State otherwise directs) sell convey or otherwise dispose of the solum except at the best price or on the best terms which can be obtained for the same but a purchaser shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained and in the event of the sheriff declaring the solum to be vested in the proprietors whose lands and heritages immediately adjoin thereto the Corporation shall be entitled to appropriate and remove the causeway setts road metal paving material kerbs water channels gullies lamp-posts pipes cables or other property of the Corporation therein.

Transfer of
portions of
public
streets to
adjoining
proprietors.

40. The Corporation may upon such terms and conditions as they think fit convey any portion of a public street or public footpath to the proprietor of any land or heritage adjoining such portion for the purpose of obtaining a regular line for such public street or public footpath or for the improvement of such public street or public footpath and thereupon all public rights of way over the portion so conveyed shall be extinguished Provided that in the event of any portion of a public street or public footpath being conveyed under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by him which remains in under upon over along or across the site of any such portion of street or footpath as if the same had continued to be part of the street or footpath Provided further that if the Corporation or the proprietor of the adjoining land or heritage desires an alteration of any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the alteration as though the Corporation or the proprietor of the adjoining land or heritage (as the case may be) were "undertakers" within the meaning of the said Act.

41.—(1) No person other than the Corporation as road authority shall lay out or construct any street without having made application to the dean of guild and obtained a decree of lining therefor.

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Laying out street without decree of lining.

(2) The dean of guild may order the land through which any street is laid out or constructed in contravention of the provisions of this section to be restored to the state in which such land was previous to the laying out or construction of such street all at the expense of the person acting in contravention of the provisions of this section.

42.—(1) Where the owner or occupier of any premises fronting adjoining or abutting on any public street habitually uses or permits to be used any kerbed footpath or paved footpath in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Corporation may either—

Crossings for horses or vehicles over foot-paths.

(a) require the construction across such footpath of a carriage-crossing for the purpose aforesaid constructed in such position of such materials and in such manner as they may prescribe; or

(b) allow the use of the footpath for the purpose aforesaid subject to the condition that the footpath is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footpath or allow the use of the footpath subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footpath as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) subject to any condition other than the strengthening or adaptation of the footpath any person who uses or permits to be

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used the footpath as a crossing as aforesaid in contravention of that condition shall be guilty of a police offence and for each such offence be liable to a penalty not exceeding five pounds.

(4) Every person desirous of forming a carriage-crossing across a footpath in any street or of strengthening or adapting any part of any such footpath as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footpath strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Formation
of streets
and pro-
visions
thereanent.

43. The dean of guild shall not grant a decree of lining for laying out or constructing any street unless the plans thereof make satisfactory provision with respect to the following matters (namely):—

- (1) The line level position and direction of the street and its connection with any other street;
- (2) The width of the street and the building lines of the street. Provided that this section shall not authorise the dean of guild unless with the consent of the person making the application for decree of lining to require provision to be made as regards the width or building lines of the street otherwise than as provided for in the section of this Order of which the marginal note is "Consent of Corporation to construction of streets";
- (3) The providing of suitable and convenient accesses to the street by cross streets continuation of streets or otherwise;
- (4) The method of construction of the street;

- (5) The width of the carriageway and footpaths of the street; A.D. 1937.
 (6) The construction in the street of a sewer of such dimensions and at such depths and levels as may be necessary for the conveyance of any sewage and surface drainage that may be required to pass through such sewer and the connection of such sewer with a public sewer or a common sewer; and PART IV.
 (7) Any other matters which the dean of guild may consider to be necessary in order to carry out the provisions of this Order and the byelaws made thereunder. —cont.

44. The dean of guild shall not except with the consent of the Corporation and subject to such conditions (if any) as they may prescribe grant a decree of lining for the laying out or construction of any street— Consent of Corporation to construction of streets.

(1) of a less width than fifty feet provided that—

(a) where the distance of the building lines of the street is at least thirty feet from the centre line of the street thirty-six feet shall be substituted as the minimum width; and

(b) where from the configuration of the ground the street cannot be built upon except on one side thereof thirty feet shall be substituted as the minimum width :

(2) of a greater length than sixty feet unless such street will at each end thereof afford direct communication with another street :

(3) of a gradient steeper than one in twelve :

Provided that the dean of guild may without such consent grant a decree of lining for the laying out and construction of a lane not less than fifteen feet in width if such lane shall either communicate at each end with a street not being a lane or shall for a length of twenty feet at its closed end be not less than twenty feet in width.

45.—(1) No person shall make an opening in the surface of any street except under the powers of an Act of Parliament or by the authority of the dean of guild or with the written consent of the master of works (which consent may be granted on such terms and conditions Opening of streets.

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as he may think fit) or in compliance with a notice given by the master of works.

(2) Every person making any opening in the surface of a street shall fence and light such opening in a sufficient manner and before making such opening shall give two clear days' notice in writing to the master of works except in cases of emergency when notice shall be given as soon as possible.

(3) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of a police offence.

Restoration
of streets.

46. Where any opening has been made in the surface of any street otherwise than under the powers of an Act of Parliament the portion of the street so opened shall on the completion of the work for which the street was opened be temporarily restored by the person by whom or on whose behalf such opening has been made and shall be maintained in a good state of repair by such person for a period of three months and thereafter permanently restored by such person or in the option of the master of works by the master of works at the expense of such person. If such person fails to comply with the provisions of this section the master of works may maintain or restore such portion of street at the expense of such person.

Encroach-
ments and
projections
on streets.

47.—(1) No person shall without the consent of the Corporation (which consent may be granted on such terms and conditions and for such period as may be fixed by the Corporation) make fix or place any erection encroachment obstruction or projection in on or over any street or beyond the building line of any street.

(2) The dean of guild may order the removal of any erection encroachment obstruction or projection made fixed or placed in contravention of the provisions of this section by and at the expense of the person acting in contravention of such provisions.

(3) Nothing in this section contained shall extend to any showcase as defined in the section of this Order of which the marginal note is "Showcases" or to any advertising sign or to any erection otherwise authorised under this Order or any byelaw made thereunder or under any Act of Parliament.

48. The master of works may by notice require the proprietor of any land or heritage on which any door gate or bar has been so erected or hung as to open outwards into or over any street to remove such door gate or bar or so alter the same as not to open outwards into or over such street.

49.—(1) For the purpose of this section “showcase” means any case box receptacle or apparatus whatever be its form or construction used or intended to be used for holding displaying exhibiting or advertising goods materials or other articles of any description.

Showcases.

(2) No person shall after the date of the passing of the Act confirming this Order without the consent of the Corporation (which consent may be granted on such terms and conditions as they may think fit) place erect fix retain or maintain any showcase upon against or in front of any land fence or building so as to project beyond the line of such land fence or building into or over any street or beyond the building line of such street.

(3) The master of works may with the approval of the Corporation by notice to the person responsible for the placing erecting fixing retaining or maintaining of a showcase upon against or in front of any land fence or building and projecting beyond the line of such land fence or building into or over any street or beyond the building line of such street require such showcase if existing at the date of the passing of the Act confirming this Order to be removed or altered in accordance with such notice if such showcase obstructs or interferes with free safe or convenient passage in into or along such street.

(4) If any person feels aggrieved by the refusal of the Corporation to give their consent as aforesaid or by the terms and conditions (if any) on which the consent is granted or by any notice to remove or alter any showcase referred to in the immediately preceding subsection he may within ten days from the date of such refusal or of the granting of any such consent subject to terms and conditions or of such notice as the case may be appeal to to the sheriff and the sheriff may—

(a) in the case of an appeal against such refusal of consent either dismiss the appeal or if he considers that such consent has been unreasonably refused or withheld grant the same;

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- (b) in the case of an appeal against the terms and conditions on which any consent has been granted either dismiss the appeal or alter the said terms and conditions;
- (c) in the case of an appeal against any such notice as aforesaid approve such notice with or without alteration or modification or cancel such notice as to him may seem just;

and his decision in any such appeal shall be final. In the event of the sheriff granting such consent or altering such terms and conditions or cancelling such notice as aforesaid the master of works with the approval of the Corporation in the case of any change of circumstances may give notice to remove or alter such showcase and the foregoing provisions with respect to appeal shall apply to such last mentioned notice.

(5) If any person places erects fixes retains or maintains any showcase in contravention of the provisions of this section or fails to remove or alter any showcase in accordance with any notice given in pursuance of this section or in the case of appeal where the sheriff has approved the notice in accordance with the notice so approved the dean of guild may by decree order such showcase to be removed within a reasonable time to be specified in such decree by and at the expense of such person.

(6) The provisions of Part XIII (Notices) of this Order shall not apply to notices and appeals against notices given under this section.

Paving of
private
streets.

50. The master of works may by notice require the proprietor of every land or heritage adjoining and having a right of access by any private street to form and pave so far as not already done the carriageway of such street or to repair alter or renew the paving of the carriageway of such street.

Paving of
courts.

51. The master of works may by notice require the proprietor of every land or heritage adjoining and having a right of access by any court to pave so far as not already done such court or to repair alter or renew the paving of such court.

52. The master of works may by notice require the proprietor of any land or heritage adjoining any street (a) to form and pave so far as not already done a footpath in such street along such land or heritage and (b) except where the footpath is a public footpath to repair alter or renew the footpath in such street along such land or heritage :

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 Formation
 and repair
 of foot-
 paths.

Provided that in the case of a private street where for a continuous length exceeding one hundred feet such land or heritage is unbuilt on and is not laid out or used as garden or pleasure ground or pertinent of a building the footpath along such land or heritage shall be provided with a kerb and may be formed with ashes or other suitable material laid on a sufficient foundation which ashes or other material shall be renewed from time to time Provided further that if such footpath is not kept in a passable and safe condition and properly maintained the master of works may by notice require such footpath to be paved.

53. The master of works may by notice require the proprietor of any back court to pave and drain so far as not already done such back court or to repair alter or renew the paving and drainage of such back court.

Repair of
 back courts.

54. The master of works may by notice require the proprietor of any back court which in respect of its situation or otherwise is likely to become a source of danger to fence so far as not already done such back court or to repair alter or renew any wall or fence in or in connection with any such back court or to substitute an open iron railing for such wall or fence if such wall or fence is in a state of dilapidation.

Fencing
 of back
 courts.

55.—(1) No spike or similar projection shall form part of any fence railing or wall to be erected in or between back courts.

Railings
 in back
 courts.

(2) The provisions of this section shall after the expiry of four years from the date of the passing of the Act confirming this Order apply to existing fences railings or walls erected in or between back courts.

56. The Corporation shall not incur or be under any liability or responsibility whatsoever in connection with any vaults arches or cellars not belonging to them in or under any street.

Corporation
 not liable
 for vaults
 &c. under
 streets.

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Consent of Corporation to construction of cellars &c.

57.—(1) No person shall without the consent of the Corporation (which consent may be granted on such terms and conditions as may be prescribed by the Corporation) and without having made application to the dean of guild and obtained a decree of lining therefor construct any vault arch cellar or passage in or under any street.

(2) The dean of guild may order the removal of any vault arch cellar or passage constructed in contravention of the provisions of this section and the restoration of the street by and at the expense of the person acting in contravention of such provisions.

Structures over streets.

58.—(1) No person shall without the consent of the Corporation (which consent may be granted on such terms and conditions as may be prescribed by the Corporation) and without having made application to the dean of guild and obtained a decree of lining therefor construct a bridge gangway canopy verandah or similar erection over any street.

(2) The dean of guild may order the removal of any bridge gangway canopy verandah or similar erection constructed in contravention of the provisions of this section by and at the expense of the person acting in contravention of such provisions.

Repair of vaults &c.

59. The master of works may by notice require the proprietor of any land or heritage to repair alter or renew—

(a) any vault arch cellar or passage under any street or back court;

(b) any pavement lights manholes gratings covers steps or other appurtenances in any street or back court; or

(c) any bridge gangway canopy verandah or similar erection over any street;

belonging to such proprietor and used in connection with such land or heritage so far as required for the purpose of securing structural stability and safety. Provided that this section shall not apply to any bridge belonging to a railway company or the trustees of the Clyde Navigation.

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60. In order to secure as far as possible a regular line and satisfactory width and level for the footpaths in any street the Corporation may after notice by the master of works to the person responsible for the maintenance of any such footpath or the part thereof affected alter the line and level of the footpath increase or reduce the width thereof and carry out such other operations thereon as may be necessary or desirable for the improvement of the footpath or street and thereafter such footpath when so altered or increased or reduced in width shall be subject to the provisions of this Order and the byelaws made thereunder The compensation (if any) to be paid to such person in respect of damage (if any) done to his property by any such alteration shall failing agreement be assessed in manner provided by the Lands Clauses Acts for determining the amount of compensation to be paid for lands taken otherwise than by agreement under the provisions thereof Provided that this section shall not apply to any footpath constructed on a bridge belonging to a railway company or the trustees of the Clyde Navigation without their consent.

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 —cont.
 Corporation may alter line &c. of footpaths.

61.—(1) No person shall without the consent of the Corporation (which consent may be granted on such terms and conditions and for such period as may be prescribed by the Corporation) construct pavement lights in the footpath of any street except that the proprietor of a land or heritage whose title to such land or heritage includes such footpath may without such consent but subject to the provisions of this Order construct pavement lights (other than gratings) in such footpath for the purpose of giving light to any apartment cellar or vault in or in connection with any building on such land or heritage provided that no pavement lights shall extend more than thirty inches from the wall of such building.

Pavement lights.

(2) The dean of guild may order the removal of any pavement lights constructed in contravention of the provisions of this section and the restoration of the footpath by and at the expense of the person acting in contravention of such provisions.

62.—(1) The master of works may by notice require the proprietor of any land or heritage adjoining any street to erect so far as not already done a fence along such land or heritage so far as adjoining such street and to repair

Proprietor to fence property.

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A.D. 1937. alter or renew any fence or wall along such land or heritage so far as adjoining such street.

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(2) This section shall not apply to any land requiring to be fenced in pursuance of the Railways Clauses Consolidation (Scotland) Act 1845 so long as used for railway purposes.

Lopping
of trees
overhang-
ing private
streets.

63.—(1) Where any dead or decaying tree overhangs any private street so as to be a source of danger to passengers or where any tree hedge or shrub overhangs any private street so as to obstruct or interfere with the light from any public lamp or to come into contact with any existing or proposed overhead public lighting electric cable or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the proprietor of the lands and heritages on which such tree hedge or shrub is situate requiring him to remove the dead or decaying tree or to lop the tree hedge or shrub within seven days so as to prevent such danger obstruction or interference and in default of compliance the Corporation may themselves at the expense of such owner or proprietor (as the case may be) carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to the sheriff within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit and to award expenses such expenses to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Water from
adjoining
lands to be
kept off
streets.

64. The master of works may by notice require the proprietor of any land or heritage adjoining any street to carry out such works as will prevent water from such land or heritage flowing on to or over such street and to repair alter or renew the said works.

Rhones
and pipes.

65. The master of works may by notice require the proprietor of any building to provide such gutters rhones pipes and drains as may be necessary for carrying away

the water from the roof of such building and to connect such pipes and drains with a sewer and to repair alter or renew such gutters rhones pipes and drains and the connections with such sewer.

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 —
 PART IV.
 —cont.

66. Where any public street is or exceeds eighty feet in width the Corporation may lay out or enclose in such street a portion thereof as open space or as ornamental or pleasure ground.

Enclosure
 in street.

67. The Corporation may grant on such terms and conditions and for such period as they think fit permission to any person to lay or continue in along or across any public street tramways or railways for the purpose of facilitating the passage of traffic in along or across such street.

Tramways
 for facilita-
 ting traffic.

68. The Corporation may sell convey or let or may retain or build on any surplus land acquired by them for the purpose of widening enlarging extending or otherwise improving a public street Provided that the Corporation shall not (unless the Secretary of State otherwise directs) sell or convey such land except at the best price or on the best terms which can be obtained for the same but a purchaser shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

Surplus
 lands
 acquired
 for street
 improve-
 ments.

PART V.

SEWERS.

69. Every public sewer shall vest in the Corporation and shall be maintained and cleansed by them.

Vesting public
 sewers in
 Corporation.

70.—(1) The master of works shall lay down on a copy of an Ordnance map the size depth and position of the public sewers and shall from time to time make such corrections alterations and additions thereon as are necessary.

Map of
 sewers.

(2) Such map or copies thereof shall at all reasonable times be accessible to any person interested.

71.—(1) The Corporation shall make provision for draining in a suitable manner the public streets or any part thereof and may with that object construct or

Construc-
 tion of
 public

[Ch. xliii.] *Glasgow Streets Sewers and Buildings Consolidation Order* [1 EDW. 8. & 1 GEO. 6.]
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A.D. 1937. continue in or under any street such public sewers as may be necessary and may construct continue and carry the said sewers in or through any lands and heritages and may repair alter renew extend or enlarge such public sewers.

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PART V.
—cont.
sewers by
Corpora-
tion.

(2) The Corporation shall make reasonable compensation to the proprietors lessees and occupiers of any lands buildings or minerals for any loss or damage caused by the Corporation to such proprietors lessees or occupiers in relation to such lands buildings or minerals in exercising the powers of this section and such compensation shall failing agreement be assessed in manner provided by the Lands Clauses Acts for determining the amount of compensation to be paid for land taken otherwise than by agreement under the provisions thereof Provided that compensation for such loss or damage shall be recoverable from time to time as such loss or damage may accrue or be discovered but no claim for such compensation shall be made or allowed unless the occurrence of the loss or damage in respect of which it is intended to claim if known to the claimant shall be notified in writing to the Corporation without unreasonable delay by the person intending to claim nor shall any such claim be recoverable unless it shall be presented to the Corporation by such person within six months from the discovery of the loss or damage complained of.

Corpora-
tion may
take over
sewers.

72. The Corporation may in their option by minute of the Corporation declare any common sewer or any private sewer in so far as it is a sewer for the drainage of the lands and heritages of more than one proprietor to be a public sewer.

Inspection
of sewers.

73. The master of works or any person authorised by him and producing his authority if required may at all reasonable times enter any land or heritage and make such openings therein and carry out such operations thereon as may be necessary for the purpose of inspecting any sewer doing as little damage as may be and if such sewer be found to be in proper order and condition he shall cause the ground to be filled in and made good at the expense of the Corporation and every person who wilfully obstructs or interferes with the master of works or any person authorised by him in making such inspection

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A.D. 1937. consent of the master of works (which consent may be granted on such terms and conditions as he may think fit) or in pursuance of a notice given by him or without having made application to the dean of guild and obtained a decree of lining therefor.

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PART V.
—cont.

(2) The dean of guild may order any connection made in contravention of the provisions of this section to be removed and such common sewer private sewer or drain to be reconnected in such manner as he may approve by and at the expense of the person acting in contravention of such provisions.

Buildings
over sewers.

25 & 26
Geo. 5. c. xli.

78.—(1) The dean of guild shall not except with the consent of the Corporation (which consent may be granted on such terms and conditions as the Corporation may prescribe) grant a decree of lining for the erection of any building over any public sewer or common sewer or subject to the provisions of the Glasgow Corporation Sewage Order 1935 any sewer forming part of the sewage undertaking of the Corporation as defined in that Order.

(2) The dean of guild may order any building erected in contravention of the provisions of this section to be taken down and the materials thereof removed by and at the expense of the person acting in contravention of such provisions.

Construc-
tion of
common
and private
sewers and
drains by
master of
works.

79. Where a common sewer private sewer or drain requires to be constructed repaired or renewed in any public street the master of works may if he thinks fit either by himself or by contractors employed by him construct repair or renew such common sewer private sewer or drain and may connect such common sewer private sewer or drain with a public sewer and the expense of such construction repair renewal or connection shall be borne by the proprietors of such common sewer private sewer or drain.

Removal
of disused
sewers.

80.—(1) Where any public sewer common sewer private sewer or drain is provided in lieu of any sewer or drain which ceases to be used the master of works may by notice require the person making such substituted sewer or drain on the completion thereof to remove the disused sewer or drain and any contaminated soil surrounding it and thereafter to make up the ground with clean material.

[1 EDW. 8. & *Glasgow Streets Sewers and* [Ch. xliii.]
 1 GEO. 6.] *Buildings Consolidation Order*
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 —cont.

or who refuses to give all reasonable facilities for the purpose of such inspection shall be guilty of a police offence Provided that nothing contained in this section shall entitle the master of works or any person authorised by him to enter any land or heritage of a railway company or canal company or the trustees of the Clyde Navigation used for railway purposes or canal purposes or for harbour dock or navigation purposes respectively without having obtained their consent previously.

74. The master of works may by notice require the proprietor of every land or heritage adjoining and having a right of access by any private street or court to construct so far as not already done a common sewer in such street or court and to connect such common sewer with a public sewer or other common sewer or to repair alter renew extend enlarge or cleanse the common sewer in such street or court or to carry out such works on or in connection with such sewer as he may consider necessary.

Construc-
 tion and
 repair of
 common
 sewers.

75. The master of works may by notice require the proprietor of any land or heritage to construct so far as not already done a private sewer for the drainage of such land or heritage and to connect such sewer with a public sewer or common sewer or to repair alter renew extend enlarge or cleanse any private sewer draining such land or heritage.

Construc-
 tion and
 repair of
 private
 sewers.

76.—(1) No person shall construct alter extend or enlarge any common sewer or private sewer except with the written consent of the master of works (which consent may be granted on such terms and conditions as he may think fit) or in pursuance of a notice given by him or without having made application to the dean of guild and obtained a decree of lining therefor.

Construct-
 ing sewer
 without
 authority.

(2) The dean of guild may order any common sewer or private sewer constructed altered extended or enlarged in contravention of the provisions of this section to be removed altered or reconstructed by and at the expense of the person acting in contravention of such provisions.

77.—(1) No person shall connect or cause to be connected any common sewer private sewer or drain with any public sewer or common sewer except with the written

Connec-
 tions with
 sewers.

[1 EDW. 8. & Glasgow Streets Sewers and [Ch. xliii.]
 1 GEO. 6.] Buildings Consolidation Order
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(2) Where any public sewer common sewer private sewer or drain ceases to be used the master of works may by notice require the proprietor thereof or other person who was liable to maintain such sewer or drain to remove the same and any contaminated soil surrounding it and thereafter make up the ground with clean material.

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 —cont.

81. The occupier of any land or heritage on which any trade or manufacture is carried on shall before permitting any liquid effluent substance or matter therefrom to flow or pass into any sewer use the best practicable means for preventing the production of noxious effluvia therein.

Prevention of noxious effluvia in connection with sewers.

82.—(1) The proprietor of any building used for the purposes of trade or gain as a motor garage or motor works or of any petroleum filling station shall provide on every private sewer or drain in or connected with such building or station which may receive the discharge or overflow from the operations of cleaning and washing motor vehicles and supplying petroleum and oil to motor vehicles or otherwise an efficient deep-sealed trap or tank properly ventilated and fitted with accessible surface covers for the interception and removal of oil grease and petroleum or other volatile substances or liquids.

Drainage from garages &c.

(2) For the purposes of this section "petroleum filling station" and "petroleum" have the same meanings as in the Petroleum (Consolidation) Act 1928.

18 & 19
 Geo. 5. c. 32.

83. No steam and no hot water or other liquid at a temperature exceeding one hundred and ten degrees Fahrenheit shall be discharged into any sewer except with the written consent of the master of works which consent may be granted on such terms and conditions as he may think fit.

Steam &c. not to be discharged into sewer.

84. No building shall be erected upon a lower level than will allow the drainage to pass into a sufficient sewer and no floor of a new building or existing building and no cellar vault or chamber requiring drainage shall be formed or constructed at a lower depth than will admit of the drainage of the same passing to the satisfaction of the master of works into a sufficient sewer either then in existence or authorised to be constructed. The Corporation shall not be liable for any flooding of or for

No building to be erected upon a lower level than will permit of sufficient drainage.

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Sewer may
drain into
septic tank.

providing drainage for any floor cellar vault or chamber formed or constructed at such lower depth as aforesaid.

85.—(1) No person shall discharge or permit to be discharged into a cesspool stream or watercourse any liquid effluent substance or matter from any sewer or drain.

(2) Where there is no sewer within one hundred yards of any land or heritage the drainage of such land or heritage shall be discharged into a septic tank installation which shall be constructed maintained worked and used to the satisfaction of the master of works and the effluent therefrom may be discharged into such stream or watercourse as the master of works may approve.

(3) No such installation shall be constructed within one hundred feet of any dwelling-house or within two hundred feet of any well or spring of water.

(4) In the event of any sewer being subsequently constructed within one hundred yards of such land or heritage the master of works may by notice require the proprietor of such land or heritage to construct a private sewer for the drainage of such land or heritage and to connect such private sewer with such sewer and thereafter to remove such installation.

(5) This section shall not apply to water taken from any river stream watercourse or canal for condensing or cooling purposes and returned to such river stream watercourse or canal and nothing in this section contained or in the section of this Order of which the marginal note is "Construction of common and private sewers and drains by master of works" shall apply to the existing pipe belonging to I.C.I. (General Chemicals) Limited which conveys the drainage of the Pinkston Bog in the city to the river Clyde.

PART VI.

BUILDINGS.

(A) *Erection alteration adaptation and use of buildings.*

Erection or
alteration
of buildings.

86.—(1) No person shall erect any building or reconstruct or alter the structure of any building or alter the mode of occupancy of any building so as to affect or be

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1 GEO. 6.] Buildings Consolidation Order
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likely to affect the structural stability of the building or subdivide any building so as to increase or vary the number of dwelling-houses in such building (whether or not any alteration of the structure is proposed in connection with any such alteration of the mode of occupancy or such subdivision) without having made application to the dean of guild for and obtained a decree of lining therefor.

(2) The dean of guild may order any building erected reconstructed or altered or the mode of occupancy of which has been altered or which has been subdivided or in which the number of dwelling-houses has been increased or varied in contravention of the provisions of this section to be taken down or restored by and at the expense of the person contravening the provisions of this section.

87. No application to the dean of guild for a decree of lining to erect add to or alter more than one building shall be granted unless such buildings with the ground attached thereto occupy contiguous sites.

88. The dean of guild shall not grant a decree of lining for the erection of any building except a fence or wall not exceeding six feet in height within thirty feet of the centre line of any public street which was formerly a turnpike road unless the said building could have been erected within a less distance of the centre of such turnpike road without contravention of the Acts relating to such turnpike road.

89. Subject to the provisions of this Order the dean of guild shall not grant a decree of lining for the erection of any building nearer to the centre line of any street than the building line of such street Provided that when any existing building which or any part of which is beyond or in front of the building line is re-erected or reconstructed and is required to be set back to the building line the Corporation shall make compensation to the proprietor of such building for any loss or damage which he may thereby sustain and the amount of such compensation shall failing agreement be assessed in manner provided by the Lands Clauses Acts for determining the amount of compensation to be paid for lands taken otherwise than by agreement under the provisions thereof.

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Separate applications for discontiguous sites.

Erections adjoining former turnpike roads.

Buildings to be kept within building line.

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—cont.
Access to
buildings.

90. The dean of guild shall not grant a decree of lining for the erection of any building unless he is satisfied that adequate provision is made for access to such building either by a street already formed or by a street in respect of which a decree of lining has been granted and no such building shall be occupied until the street for which a decree of lining has been granted has been laid out and constructed in accordance with such decree of lining so far as is necessary to make adequate provision for access to such building.

Drainage of
buildings.

91. The dean of guild shall not grant a decree of lining in respect of any building unless the plans of such building show that sufficient provision has been made for the drainage thereof including the necessary gutters rhones pipes and drains.

Watercloset
wash-house
and ashbin
accommo-
dation.

92. The dean of guild shall not grant a decree of lining in respect of any building unless he is satisfied that the plans of such building show that adequate provision is made for watercloset and urinal accommodation in such building and for ashbin and wash-house accommodation all in accordance with the provisions of this Order and the byelaws made thereunder.

Ventilation
exits and
water
supply &c.
in buildings.

93. The dean of guild shall not grant a decree of lining in respect of any building unless he is satisfied (a) that adequate provision is made for ventilation (b) that the building is provided with sufficient exits and means of escape in case of fire and (c) that where necessary such building will have an adequate supply of water.

Width &c.
of passages
stairs and
exits.

94.—(1) No common passage to be constructed in any building shall be less than four feet in width and no common stairs to be constructed in any building shall be less than three feet nine inches in width and no pend close or passage to be constructed through any building and intended to be used by vehicles shall be less than twelve feet in width and eleven feet in height.

(2) In every new building (except an existing building which has been taken down for more than one half of its cubical extent and is re-erected wholly or partly on the same site) being a warehouse building or an office building all passages and stairs and other means of entrance and exit shall have a minimum width of four feet.

95. When any application is made to the dean of guild for a decree of lining for the erection reconstruction or alteration of any building fronting or abutting on a public street the dean of guild shall on the motion of the master of works continue consideration of the application for such period as the dean of guild may consider reasonable not exceeding three months in order to afford the Corporation an opportunity of determining the expediency of widening enlarging extending or otherwise improving such street and if so resolved purchasing any lands and heritages required for the purpose.

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—cont.

Continuation of application for decree of lining in certain events.

96.—(1) When any application is made to the dean of guild for a decree of lining for the erection reconstruction or alteration of any building the dean of guild shall on the motion of the master of works continue consideration of the application for such period as the dean of guild may consider reasonable in order to afford the Corporation an opportunity of considering whether having regard to the nature and situation of the site of the building proposed to be erected reconstructed or altered or to the character of any buildings erected or in course of erection in the neighbourhood of such site the character or appearance of the building proposed to be erected reconstructed or altered would be injurious to amenity whether on account of the proximity to other buildings the elevation or design or the materials to be used or the undue repetition of the design and what alterations (if any) should be made in regard to the elevation or design or materials for the preservation of amenity and in the event of the Corporation determining that any alterations are required the dean of guild shall not grant decree of lining until he is satisfied that the plans lodged with such application have been altered in accordance with the requirements of the Corporation or in the event of an appeal to the sheriff as hereinafter provided in this section that the said plans are in accordance with the decision of the sheriff.

External elevation of buildings &c.

(2) Any person deeming himself aggrieved by any requirement of the Corporation under the provisions of this section may appeal to the sheriff who may allow with such modifications (if any) as he may think fit or disallow any requirement of the Corporation under this section.

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(3) The grounds on which such appeal may be brought may include the ground that compliance with the requirement of the Corporation under this section would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

Buildings
to be certi-
fied before
occupation.

97. No person shall occupy or use or permit the occupation or use of any building erected reconstructed or altered or subdivided so as to increase or vary the number of dwelling-houses therein after the date of the passing of the Act confirming this Order until (1) the waste pipes soil pipes rain-water conductors and the drains of and leading from such building have been tested by the sanitary inspector and found satisfactory and a certificate to that effect has been deposited with the master of works and until (2) the master of works has reported to the dean of guild in accordance with the provisions of the section of this Order of which the marginal note is "Report on carrying out decree of lining" and that such building is fit for occupation or use. Such certificate shall be reported by the master of works to the dean of guild and along with such report shall be open to the inspection of any person interested.

Temporary
occupation
of portions
of street
or back
court.

98.—(1) The dean of guild on granting a decree of lining for the erection reconstruction or alteration of any building may authorise the person making application for such decree of lining to enclose and use such portion of a street or back court as appears to him to be necessary to facilitate the work. Provided that the portion of street or back court so enclosed and used shall not exceed one-fourth of the width of such street or one-fourth of the area of such back court respectively and that every such portion of street or back court is enclosed with a barricade as provided in the section of this Order of which the marginal note is "Barricades."

(2) The dean of guild shall in authorising the enclosure and use of any portion of a street or back court under this section prescribe a period during which such portion of street or back court may be so enclosed and used and may on special cause shown grant an extension of such period.

99. The procurator fiscal shall on a report by the master of works that any building is in a dangerous condition or appears likely to become a source of danger or is so ruinous or dilapidated as to be unsafe for occupation or use or is from neglect or otherwise in a structural condition prejudicial to the property in or to the inhabitants of the neighbourhood apply to the dean of guild for a remit to one or more competent persons to inspect and report on the condition of such building and the dean of guild—

- (i) shall grant warrant to cite the proprietor of the building referred to in the application or if such proprietor is unknown may cause notice of the application to be given in one or more newspapers published in the city or in the Edinburgh Gazette or in such other manner as he thinks proper;
- (ii) may in case of urgency after a visit to and personal inspection of the building order the occupiers of the building and of any adjoining building to remove and may cause the streets and back courts adjoining or any part thereof to be closed and take such other steps as appear to him to be necessary for the public safety; and
- (iii) may at once grant the application for such remit.

In the event of such person or persons to whom a remit has been made as aforesaid reporting that such building is in a dangerous condition or is a source of danger or is so ruinous or dilapidated as to be unsafe for occupation or use or is from neglect or otherwise in a structural condition prejudicial to the property in or to the inhabitants of the neighbourhood the dean of guild may take such steps as appear to him to be necessary for the public safety and may order the occupiers of such building to remove and such building to be taken down secured or repaired by the proprietor or to be taken down by the master of works at the expense of such proprietor.

100. When in the opinion of the master of works any building is in such a condition as to be a source of immediate danger to the public or to property in the neighbourhood the master of works or the procurator fiscal may

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Dangerous buildings to be taken down or secured.

Interim precautions in case of dangerous buildings.

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cause the occupiers thereof and of any adjoining building to remove and the streets and back courts adjoining or parts thereof to be closed and take such further steps as may be considered necessary in the circumstances while such source of danger exists but in every such case application shall as soon as possible thereafter be made by the procurator fiscal to the dean of guild in pursuance of the provisions of the section of this Order of which the marginal note is "Dangerous buildings to be taken down or secured."

Watchmen
to be
placed in
charge of
dangerous
buildings.

101. When in the opinion of the master of works or of any inspector appointed by him any building or any street or any appurtenance therein is dangerous to the public the master of works or such inspector may place a watchman in charge and the expense thereby incurred shall be paid by the proprietor of such building or the person responsible for the maintenance of such street or appurtenance.

Sale of
waste or
ruinous
properties.

102. When any building belongs to two or more proprietors and has in whole or in part been taken down by order of the dean of guild or has become waste and ruinous or has been rendered or become unfit for use or occupation and where such building cannot be repaired or rebuilt in consequence of all the proprietors being unable or unwilling or delaying to agree to repair or rebuild the same and where such state of matters has continued for at least one year any one or more of such proprietors may apply to the dean of guild for a warrant to sell or dispose of the land on which such building was erected and any buildings thereon and the dean of guild may thereupon proceed as follows:—

He may grant warrant to cite all the proprietors and other persons interested and if there be any who are unknown he may cause notice of the application to be given in one or more newspapers published in the city or in the *Edinburgh Gazette* or in such other manner as he thinks proper;

He may proceed to inquire into and ascertain and fix the state during the year preceding and the value of the said land and of any buildings thereon referred to in the application;

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If he finds that the said land with any buildings thereon is and has been in such a state as to justify the application he may ascertain and fix the nature and extent of the interests of the said several proprietors and other persons and the proportion of the ascertained value effecting to each;

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If the several proprietors and other persons interested who have entered appearance in the application agree among themselves to the purchase by any one or more of them of the said land and of any buildings thereon at a price not less than the ascertained value he may on behalf of any proprietor or other person interested who has not entered appearance concur in such purchase on condition of the price being paid before a certain date into one of the banks of Scotland incorporated by Act of Parliament or royal charter subject to his orders;

If the said several proprietors and other persons cannot so agree or if he shall not so concur or if the said payment is not so made he shall cause the said land with any buildings thereon to be sold by public auction and to be exposed in the first instance at an upset price not less than the ascertained value and if no offerers appear to be re-exposed from time to time at reduced upset prices;

He shall remit to the clerk of court to advertise the sale to adjust the articles of roup which shall provide for payment of the price before a certain date into one of the said banks subject to his orders and to attend and conduct the sale;

On payment of the price whether fixed by agreement or by public auction as aforesaid he shall pronounce decree declaring the purchase duly completed and shall authorise possession of the said land with any buildings thereon to be taken by the purchaser at the date fixed by the agreement or by the articles of roup and such decree shall upon being registered in the division of the

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general register of sasines for the county of the barony and regality of Glasgow be a valid and sufficient title to the purchaser;

If the price is not paid by the purchaser before the date fixed by the articles of roup he may declare the sale cancelled (without prejudice to enforcing against such purchaser any penalties due under the said articles) and shall proceed as if the last exposure had not taken place;

On the completion of the sale he shall apportion the price among the proprietors and other persons interested in the said lands and buildings according to the ascertained nature and extent of their interests and shall order payment to be made to them respectively under deduction of such share of the expenses attending the proceedings and sale as he thinks reasonable and the proportion of the price effecting to any proprietor or person interested who has not entered appearance in the application shall under a like deduction remain in one of the said banks subject to the future orders of the dean of guild.

Repair of chimney-stalks &c.

103.—(1) The master of works may by notice require the proprietor or occupier of any land or heritage to repair alter or renew any chimney-stalk flue chimney-head chimney-can roof flag-pole snow-board sign-board lamp or other thing connected with or appertaining to any building on such land or heritage which appears likely to become a source of danger.

(2) Before any notice is given by the master of works under the powers of this section requiring the height of any chimney-stalk situated within one mile of an aerodrome licensed pursuant to an Order made under the Air Navigation Acts 1920 and 1936 to be increased the consent of the Secretary of State for Air shall be obtained to the increase of height proposed to be required by such notice.

Provision of dungsteads.

104. The master of works may by notice require the proprietor of any land or heritage to repair alter renew extend or enlarge the dungstead in connection with such land or heritage or to provide and construct a dungstead for such land or heritage if no adequate dungstead is provided.

(B) *Height and cubical extent of buildings &c.*

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Height of
buildings.

105.—(1) Subject to the provisions of this Order no building other than a church shall without the consent of the Corporation (which consent may be granted on such terms and conditions as the Corporation may prescribe) be erected fronting or abutting on any street of a greater height than one and one-half times the width of such street or one hundred feet whichever is the less (in this section referred to as “the prescribed height”) and no addition shall be made to any building so as to increase the height of such building above the prescribed height provided that where any existing building which forms part of a continuous block or of a continuous row of buildings exceeds the prescribed height nothing in this section shall prevent any other contiguous building in the same block or row belonging at the date of the passing of the Act of 1900 to the same proprietor from being erected to a height equal to but not exceeding that of such existing building.

(2) In measuring the height of any building for the purposes of this section the height of the building shall be measured from the level of the street to the ridge of the roof and in the case of a flat roof to the top of the wall or balustrade surrounding such roof and no account shall be taken of ornamental towers turrets or other architectural features or decorations.

(3) Whenever the Corporation consent to the erection of any building of a greater height than the prescribed height notice of such consent shall within one week after such consent has been given be published in such manner as the Corporation may direct and such consent shall not be acted on till twenty-one days after such publication and the proprietor or occupier of any lands and heritages within one hundred yards of the site of such intended building who may deem himself aggrieved by the grant of such consent may within twenty-one days after such publication appeal to the dean of guild who shall have power to deal with the case as shall seem to him just.

(4) The provisions of this section shall not apply to a tenement or self-contained dwelling-house or to the

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Height of buildings with upper storeys set back.

erection on the site of an existing building of a new building of a height not exceeding the height of such existing building.

106.—(1) Notwithstanding anything contained in the section of this Order of which the marginal note is "Height of buildings" a building may be erected fronting or abutting on any street of a height not exceeding twice the width of such street or one hundred and twenty feet whichever is the less provided that the following provisions are complied with (that is to say) :—

(a) The building shall be constructed of fire-resisting materials throughout and shall be provided with sufficient exits and means of escape in case of fire;

(b) The external walls of every storey of the building above a height of one and one-half times the width of such street or one hundred feet whichever is the less (in this section referred to as "the prescribed height") shall be constructed on vertical planes and be set back so that no part of such building above the prescribed height shall project beyond planes inclined at an angle of seventy-five degrees from the horizontal inwards from the outer face of the top of each external wall of the building at the prescribed height.

(2) In measuring the height of any building for the purposes of this section the height of the building shall be measured from the level of the street to the ridge of the roof and in the case of a flat roof to the top of the wall or balustrade surrounding such roof and no account shall be taken of ornamental towers turrets or other architectural features or decorations.

(3) The provisions of this section shall not apply to a tenement or self-contained dwelling-house.

Height of tenements and dwelling-houses.

107.—(1) No tenement or self-contained dwelling-house shall without the consent of the Corporation (which consent may be granted on such terms and conditions as the Corporation may prescribe) be erected fronting or abutting on any street of a greater height than the width of such street nor shall any such tenement

or self-contained dwelling-house without such consent contain more than three storeys exclusive of basement storeys and attic storeys and no building of a greater height than the width of the street which it fronts or upon which it abuts or containing more than three storeys exclusive as aforesaid shall without such consent be altered so as to be used as a tenement or self-contained dwelling-house.

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(2) In measuring the height of any tenement or self-contained dwelling-house for the purposes of this section the height of such tenement or self-contained dwelling-house shall be measured from the level of the street or the adjoining ground (where higher than the street level) to the top of the front wall of such tenement or self-contained dwelling-house.

(3) No tenement or self-contained dwelling-house shall contain more than one attic storey.

108. Where any building is erected or intended to be erected on a corner site at the junction of streets of different widths the height of such building shall be regulated by the width of the widest of such streets not only so far as such building fronts or abuts or will front or abut upon such widest street but also so far as it fronts or abuts or will front or abut upon such other streets to a distance of fifty feet from such widest street.

Building
in two
streets.

109. In every new building used in part for purposes of business trade or manufacture and in part as a dwelling-house and in every existing building altered adapted or reconstructed for use in part for purposes of business trade or manufacture and in part as a dwelling-house the dean of guild may require the part used for the purposes of business trade or manufacture to be separated from the part used as a dwelling-house by walls and floors constructed of fire-resisting materials and all passages stairs staircases stair landings and other means of approach to the part used as a dwelling-house shall be constructed throughout of fire-resisting materials :

Dwelling-
houses in
buildings
used for
business
purposes.

Provided that subject to the provisions of the section of this Order of which the marginal note is " Rules as to uniting certain buildings " there may be constructed in the walls of such passages and stairs such openings fitted

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Garages
under
dwelling-
houses.

with fire-resisting doors as are necessary for affording communication between the different parts of the building.

110.—(1) The dean of guild shall not except with the consent of the Corporation (which consent may be granted on such terms and conditions as the Corporation may prescribe) grant a decree of lining for the erection of any building intended to be used as a tenement in which provision is made for the construction of a garage (as in this section hereinafter defined) therein or thereunder.

(2) In addition to anything prescribed in any byelaw made under this Order any such garage shall—

- (a) be completely separated from the tenement by floors walls and ceilings constructed of fire-resisting materials of such thickness as the master of works may approve;
- (b) be provided with not less than two exits the widths and positions of which shall be such as are determined by the master of works in consultation with the chief officer of the fire brigade;
- (c) have sufficient means of ventilation so as to ensure a complete change of air in the garage every four hours;
- (d) have every window (including the glazing thereof) in such garage constructed of fire-resisting material and so placed that it will not be situated immediately underneath or in close proximity to windows or entrances to the tenement;
- (e) be provided with such number of fire extinguishers placed in such position and of such type as may be required by the chief officer of the fire brigade;
- (f) have any petrol storage tanks and petrol pumps provided in the garage or in the vicinity thereof placed in such positions and of such size and constructed of such materials and so insulated as may be required by the chief officer appointed by the Corporation for the administration of the Petroleum (Consolidation) Act 1928 and Acts amending that Act.

18 & 19
Geo. 5. c. 32.

(3) For the purposes of this section "garage" means any premises in respect of which a licence is required under the Petroleum (Consolidation) Act 1928 and Acts amending that Act but does not include any premises in respect of which a licence is not required by virtue of any regulations made under the said Act of 1928 or Acts amending that Act.

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111.—(1) Subject to the provisions of this Order—

Cubical
extent of
warehouse
and office
buildings.

- (i) No warehouse building or office building shall be erected the cubical extent of which exceeds one million cubic feet unless such building is constructed wholly of fire-resisting materials and the consent of the Corporation is obtained thereto which consent may be granted on such terms and conditions as the Corporation may prescribe;
- (ii) No warehouse building or office building shall be erected the cubical extent of which exceeds three hundred and fifty thousand cubic feet and no addition shall be made to a warehouse building or office building so that such building shall exceed in cubical extent three hundred and fifty thousand cubic feet unless—
- (a) such building is constructed wholly of fire-resisting materials; or
- (b) the consent of the Corporation is obtained thereto which consent may be granted on such terms and conditions as the Corporation may prescribe;
- (iii) No addition shall be made to any warehouse building or office building in respect of which the consent of the Corporation has been granted without the like consent.

(2) Nothing in this section shall prevent the re-erection of any building or of any part of such building in accordance with the plans which were approved by the dean of guild under subsection (3) (c) and (d) of section 65 (Cubical extent of buildings) of the Act of 1900 but

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- (a) If such building was divided by division walls no division thereof shall on re-erection exceed in cubical extent seven hundred and fifty thousand cubic feet ;
- (b) If such building was not divided by division walls it shall not on re-erection without the consent of the Corporation (which consent may be given on such terms and subject to such conditions as the Corporation may prescribe) exceed in cubical extent nine hundred thousand cubic feet unless such building is divided by division walls in such a manner that while one division thereof may extend to nine hundred thousand cubic feet no other division thereof shall exceed in cubical extent three hundred and fifty thousand cubic feet.

(3) The restrictions contained in this section upon the cubical extent of buildings shall not apply to any building which consists of one storey only and is constructed wholly of fire-resisting materials.

(4) In computing for the purposes of this section the cubical extent of any warehouse building or office building of which the ground storey or part thereof (including any basement storey) is separated from the remaining part of the building by walls and floors constructed of fire-resisting materials and access from outside the building is obtained to such ground storey or part thereof and basement storey and to the remaining part of such building by separate entrances and stairs such ground storey or part thereof and basement storey shall not be included in the measurement of the cubical extent of such building.

Rules as
to uniting
certain
buildings.

112.—(1) No warehouse building or office building shall be united to any other building except in accordance with the following provisions (that is to say) :—

- (a) No opening made in any wall for the purpose of uniting any building shall exceed seven feet in width and eight feet in height and the total

width of such opening or openings taken together shall not exceed one-half of the length of the wall in which they occur;

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- (b) Every such opening shall have the floor jambs and lintel constructed of fire-resisting materials and shall be fitted on each side of the wall with a fireproof door constructed of iron or steel and not less than one-fourth of an inch thick in the panel and fitted with rebated frames without woodwork of any kind or with a sliding door of similar construction closely fitted against the wall and with an overlap beyond the opening of six inches on each side thereof or with any other door constructed of fire-resisting materials and approved by the master of works.

(2) Whenever any such opening has been so made and the necessity therefor has ceased such opening shall forthwith be built up with brick or stone work properly bonded with the wall and not less in thickness than the wall.

(c) *Sites and construction of buildings.*

(a) *Sites.*

113. No building shall be erected until the site thereof has been prepared by removing therefrom all vegetable matter or refuse and the dean of guild may require the whole or any part of the site of any building to be covered with a layer of concrete or other impervious material of such thickness and quality as he may approve and may also require the site of any building to be efficiently drained.

Preparation
of site.

114. The dean of guild shall not grant a decree of lining for the erection of any dwelling-house on any land liable to flooding until adequate measures have been taken to his satisfaction to prevent the flooding of such land.

Prohibition
of building
on land
subject to
flooding.

(b) *Strength.*

115.—(1) Subject to the provisions of this Order no building shall be erected reconstructed or altered unless it is of sufficient strength and so designed and constructed that the completed structure and each floor

Strength of
buildings
and floors
Weight on
floors.

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thereof shall in addition to the weight of the materials of which it is composed be able to carry as a safe load such weights as may be prescribed by the byelaws made under this Order.

(2) No person shall place or fit up on any floor of a building any machinery materials goods merchandise furnishings or equipment the weight of which per square foot of floor occupied thereby exceeds the safe load which the floor was designed to carry until such floor has been strengthened so as to carry such greater weight.

Notice of loads on floors of warehouse and office buildings.

116.—(1) In every warehouse building and office building erected reconstructed or altered after the date of the passing of the Act confirming this Order a notice shall be exhibited in a conspicuous position on each floor of such building as near as practicable to the entrance to such floor stating the weight per square foot of floor which such floor is designed to carry as a safe load as prescribed by the byelaws made under this Order.

(2) The occupier of any such building any floor of which is loaded with a load in excess of the safe load stated in the notice shall be guilty of a guild offence.

Strength of materials.

117. For the purposes of this Order and the byelaws made thereunder a safe load for timber shall be held to be one-seventh of the breaking load for wrought iron or steel one-fourth of the breaking load and for cast iron one-sixth of the breaking load.

(c) *Foundations.*

Foundations.

118.—(1) In every new building the foundation of every wall pier column and stanchion shall be constructed of cube stones concrete reinforced concrete bricks laid in cement or other suitable and substantial material and shall be laid at such depth and be of such thickness and breadth as to secure a solid foundation for the building.

(2) The foundation of every wall except where any such foundation is in contact with another building or rests upon solid rock shall project beyond each face of such wall to the extent of not less than one-half of the thickness of such wall and where any such foundation is laid at a lower level than the foundation of any wall

contiguous thereto such contiguous wall shall be under-
built and supported in a safe and satisfactory manner
Where such contiguous wall has been built with a founda-
tion projecting beyond the line of boundary any person
building against such wall may in the absence of any
contract or agreement with respect thereto require the
proprietor of such wall to cut off the projection and
failing such proprietor complying with such requisition
the person building may cut off such projection and charge
such proprietor with the additional cost of the operation
over the ordinary cost of excavating for a foundation
of similar dimensions on such a site The projection of
the foundation of any wall may be reduced by regular
offsets.

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(d) Walls &c.

119. Every wall pier column and stanchion used or
intended to be used as a support for any part of a building
erected reconstructed or altered after the date of the
passing of the Act confirming this Order shall rest upon a
sufficient foundation or upon a sufficient beam arch lintel
or other support resting upon sufficient walls piers columns
or stanchions and every such beam arch lintel or other
support shall be constructed of fire-resisting materials
and every metal beam column stanchion and lintel or
other metal support shall be protected against fire in such
manner as may be prescribed by the byelaws made under
this Order.

Walls
columns
&c. to be
founded.

120. Except as otherwise provided in this Order in
every new building the external walls party walls cross
walls division walls and all walls piers columns and
stanchions used to support any floor or roof and the walls
of all common passages and common stairs and all walls
separating dwelling-houses and (except within dwelling-
houses) all walls enclosing stairs and the steps and stair
landings thereof shall be constructed of fire-resisting
materials.

Walls to be
incombust-
ible.

121. In every new building erected as described in
the Second Schedule to this Order the walls shall be of
such minimum thickness as is prescribed in the said
Second Schedule Provided that on the coming into

Thickness
&c. of walls.

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A.D. 1937. operation of any byelaws made under this Order prescribing the minimum thickness of walls the said Second Schedule shall be repealed.

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Conditions
as to
temporary
buildings.

122.—(1) Notwithstanding anything in this Order or the byelaws made thereunder the dean of guild may grant a decree of lining for the erection of a temporary building constructed of timber provided that such building is (a) separated from any other building by a wall constructed of fire-resisting materials or (b) detached from any other building by an area of unbuilt-on ground equal in breadth to the height of such temporary building and provided that in either of these cases the roof of such temporary building is covered with fire-resisting materials and that where such temporary building is a public building the walls ceilings and floors of all passages corridors staircases stairs and stair landings thereof are protected against fire with fire-resisting materials.

(2) The dean of guild shall in any decree of lining for the erection of any temporary building fix the period during which such building is to be permitted to continue and may impose such other conditions with respect to such building as he may consider expedient. The proprietor of any such building who desires to continue such building for a further period or periods shall make application to the dean of guild for permission to do so and the dean of guild may permit such building to continue for such further period or periods as he may consider expedient. On the expiration of such period or periods the proprietor shall forthwith remove such building.

Gables &c.
to be carried
up through
roof.

123. Every gable wall between tenements or self-contained dwelling-houses erected after the date of the passing of the Act confirming this Order shall be carried up nine inches thick above the roof thereof to the extent of twelve inches measured at right angles to the slope of the roof or six inches measured as aforesaid above the higher of two roofs of unequal height. Every gable wall between buildings erected after the date of the passing of the Act confirming this Order not being tenements or self-contained dwelling-houses shall be carried up nine inches thick above the roof to the extent of two feet measured as aforesaid and where the roof projects beyond the face of the wall every such wall shall be corbelled out

to the full extent of such projection and carried up above the projecting eaves to the extent aforesaid. Provided that in the case of any building with a flat roof constructed of fire-resisting materials the gable wall or division wall may stop at the underside of the roof and that in the case of a continuous range of self-contained dwelling-houses not exceeding two storeys in height exclusive of basement or attic storeys each gable wall may stop at the underside of the roof covering unless the said range consists of more than five of such houses in which case at least every fourth gable wall shall be carried up nine inches thick above the roof to the extent aforesaid.

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124. Every wall of a new building in direct contact with the ground shall (unless otherwise approved by the master of works) have a damp-proof course throughout its entire length and breadth of such durable material impervious to moisture as may be prescribed by the byelaws made under this Order and the damp-proof course shall be under the level of the underside of the joists of the lowest floor and above the level of any ground with which the wall is in direct contact. Where necessary the damp-proof course shall be stepped to suit different levels in the lowest floor.

Damp-proof
courses.

125. In the case of every floor of a new dwelling-house either—

Floors of
dwelling-
houses.

- (a) The sleeper joists of the floor shall be bedded in concrete or other impervious material; or
- (b) The floor shall have beneath it a space of not less than twelve inches sufficiently ventilated.

126.—(1) Recesses and openings may be made in any external wall (other than a mean gable wall separating tenements or self-contained dwelling-houses) provided that—

Recesses
and open-
ings in
walls.

- (a) The back of any such recess is not of less thickness than nine inches; and
- (b) The areas of such recesses and openings in any such wall in any storey do not taken together exceed one-half of the whole area of that wall.

(2) Recesses may be made in mean gable walls separating tenements or self-contained dwelling-houses

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A.D. 1937. and in division walls party walls and cross walls provided that—

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- (a) The back of any such recess is not of less thickness than nine inches or in the case of any party wall or cross wall is not of less thickness than four and a half inches;
- (b) Over every such recess an arch of at least two rings of brickwork or a lintel of fire-resisting materials approved by the master of works is constructed to the full depth of the recess;
- (c) The areas of such recesses in any such wall in any storey do not taken together exceed one-half of the whole area of that wall; and
- (d) No such recess is within six inches of the inner face of an external wall or any other division wall party wall or cross wall.

(3) For the purposes of this section the word "area" shall mean the area of the vertical face or elevation of the wall or recess to which it refers and the word "recess" shall include the area of any part of a wall where the thickness is less than that prescribed by this Order or the byelaws made thereunder.

Buildings
not to
overhang.

127. No part of any building shall overhang encroach on or project into or over any street or beyond the building line of any street except such projections as may be authorised by this Order or such architectural ornaments and oriel or bay windows as may be in conformity with the byelaws made under this Order.

Hoists.

128. Wherever in connection with any building a hoist or lift is constructed within walls such walls shall be constructed of fire-resisting materials and the space between such walls shall at the top thereof be enclosed with a ceiling constructed of fire-resisting materials and where any such hoist or lift reaches the uppermost storey such walls shall be carried up through the roof of the building to the height of three feet or such other height as may be prescribed by the byelaws made under this Order. The provisions of this section shall not apply to factories as defined by the Factory and Workshop Acts 1901 to 1929 or any statutory modification thereof.

(e) *Windows and roof-lights in certain buildings.*

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129. Subject to the provisions of this Order in all warehouse buildings office buildings and public buildings erected or reconstructed after the date of the passing of the Act confirming this Order all skylights lantern-lights and roof-lights and all windows lighted from any street or well which measures less than twenty feet across in any direction shall be constructed of fire-resisting materials in such manner as shall be prescribed by the byelaws made under this Order.

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 —cont.
 Skylights
 and
 windows
 in certain
 buildings
 to be of
 fire-
 resisting
 materials.

(f) *Roofs.*

130.—(1) Every roof of a new building and every turret or other erection upon such roof and every gutter water conductor or trough in connection with such roof shall be constructed of or covered with fire-resisting materials.

Roofs to
 be of fire-
 resisting
 materials
 Hatch on
 and slope
 of roof.

(2) Every building exceeding one storey in height shall be provided with a sky-light window or hatchway by which access may be had to the outside of the roof of such building from a common stair or the uppermost storey of the building.

(3) No building other than a self-contained dwelling-house not exceeding two storeys in height shall be constructed with a roof steeper than forty-five degrees unless special provision is made by parapets and gangways or otherwise for firemen being upon such roof but a mansard roof tower turret or spire may be constructed in such form and of such dimensions as the dean of guild may approve.

131. Subject to the provisions of this Order no roof shall be erected or reconstructed unless it is of sufficient strength and so designed and constructed that such roof shall in addition to the weight of the materials of the roof itself be able to carry as a safe load such weight as may be prescribed by the byelaws made under this Order.

Strength of
 roofs.

(g) *Chimneys flues fireplaces and stoves.*

132.—(1) Every new chimney-stalk connected with the furnace of a steam-boiler or other furnace shall be built as high as the highest of the chimney tops of any

Chimney-
 stalks for
 furnaces.

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buildings situate within two hundred feet thereof or of such less height sufficient to carry off the products of combustion without offence to the occupants of neighbouring buildings as the master of works may approve.

(2) The master of works may by notice require the proprietor of any chimney-stalk connected with any furnace to carry up such chimney-stalk to a height sufficient to carry off the products of combustion without offence to the occupants of neighbouring buildings.

(3) No person shall add to the number of furnaces connected with a chimney-stalk situate within one hundred feet of any building belonging to a different proprietor without first giving notice to the master of works and if required by him making application to the dean of guild for a decree of lining therefor and the dean of guild may grant such decree of lining upon such conditions as he may think proper.

(4) Before any notice is given by the master of works under the powers of this section requiring the height of any chimney-stalk situated within one mile of an aerodrome licensed pursuant to an Order made under the Air Navigation Acts 1920 and 1936 to be increased the consent of the Secretary of State for Air shall be obtained to the increase of height proposed to be required by such notice.

Construction of chimneys.

133.—(1) Every chimney-stalk chimney vent and flue shall be constructed of fire-resisting materials and of such dimensions and in such manner as may be prescribed by the byelaws made under this Order.

Chimney-heads to be protected.

(2) Every chimney-head shall be sufficiently protected and shall if required by the master of works be stayed to the roof of the building.

Openings into chimneys.

(3) No opening shall be made into any chimney vent of flue unless such opening is at least nine inches distant from any timber or other combustible material.

Chimneys off the perpendicular.

(4) Every chimney vent and flue which is more than forty-five degrees off the perpendicular shall be provided with a metal door for the inspection and cleaning of such chimney vent and flue and such door shall be not less than fifteen inches distant from any timber or other combustible material. No such chimney vent or flue shall be less than six inches in thickness on its upper side.

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 1 GEO. 6.] Buildings Consolidation Order
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(5) No timber joist beam or woodwork shall be placed or retained in any wall or chimney-breast of any building nearer than four and a half inches to any chimney opening or to the inside of any chimney vent or flue or to any pipe for conveying smoke or other products of combustion or under any chimney opening nearer than seven inches to the upper surface of the hearth thereof nor shall any person drive a wooden plug or pin into any wall or chimney-breast nearer than four and a half inches to any chimney opening or to the inside of any chimney vent or flue.

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 —cont.
 No wood
 to be near
 chimney.

(6) No chimney vent or flue constructed for domestic purposes or for an open fire or grate shall be adapted to or used for any furnace steam-boiler baker's oven or close fire or to or for the range or cooking apparatus of any hotel restaurant or eating-house unless such chimney vent or flue is constructed of brickwork at least nine inches thick from the floor on which such furnace steam-boiler baker's oven close fire range or cooking apparatus is situate to the level of the ceiling of the room next above such furnace steam-boiler baker's oven close fire range or cooking apparatus and to such further height as may be necessary to prevent nuisance or risk of fire.

Flues of
 ovens &c.

(7) The master of works may by notice require the proprietor of any chimney vent or flue which is used in connection with a furnace steam-boiler baker's oven or close fire or in connection with the range or cooking apparatus of any hotel restaurant or eating-house to carry out such operations upon such chimney vent or flue as may be necessary to prevent nuisance or risk of fire.

Adaptation
 of old flues
 for fur-
 naces &c.

(8) No pipe for discharging smoke gas or other products of combustion or steam or hot water shall be fixed on any building against the outside of or through a wall fronting any street nor shall any such pipe be fixed on or carried through any other external wall if it is likely to cause offence to the occupants of neighbouring buildings No pipe shall discharge smoke gas or other product of combustion or steam or hot water through any window or door.

Smoke-
 pipes
 outside
 buildings.

(9) No pipe for conveying smoke gas or other products of combustion shall be placed or retained in any building nearer than four and a half inches to any timber

Smoke-
 pipes in
 buildings.

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or other combustible material Where any such pipe passes through a roof ceiling or floor or through any wall or partition which is not constructed of fire-resisting materials such roof ceiling floor wall or partition shall be adequately protected against risk of fire.

Inspection.

(10) For the purposes of this section the master of works and the chief officer of the fire brigade or any person appointed by either of them and producing his appointment if required may at all reasonable times examine any such pipe chimney-stalk chimney vent or flue.

Fireplace openings &c. to be of fire-resisting materials.

134. Every fireplace opening or chimney opening and all jambs lintels or arches thereof shall be constructed of fire-resisting materials.

Disused fireplaces.

135.—(1) Every fireplace opening or chimney opening which is disused shall be stopped up with fire-resisting materials and the chimney top shall be stopped up with like materials.

(2) The provisions of this section shall not apply to any fireplace opening or chimney opening in a dwelling-house.

Stoves on floors.

136. No stove oven furnace or steam-boiler shall be placed on a wooden floor in any building used for commercial or manufacturing purposes except in accordance with the byelaws made under this Order.

(h) *Stairs.*

Common passages and stairs to be kept in repair lighted and ventilated Handrails on common stairs.

137.—(1) The master of works may by notice require the proprietor of any building to which access is obtained by means of a common passage or common stair to repair alter or renew such common passage or common stair and the stairs staircases stair landings stair railings and passages connected therewith and to provide repair alter or renew handrails at the side of such stairs staircases stair landings and passages and to repair alter or renew all windows in such stairs staircases stair landings and passages and to fence such windows and to repair alter or renew such fencing.

(2) In all new buildings every common passage and common stair shall be adequately lighted and ventilated

[1 EDW. 8. & Glasgow Streets Sewers and [Ch. xliii.]
I GEO. 6.] Buildings Consolidation Order
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by means of windows in an external wall on every storey above the ground storey provided that in the case of buildings where a common passage or common stair cannot be so lighted and ventilated such common passage or common stair shall have an open well-hole and shall be lighted and ventilated by a cupola louvre or sky-light as may be prescribed by the byelaws made under this Order.

For the purpose of this subsection "external wall" means an external wall which cannot afterwards be built against in such a manner as to exclude light and ventilation.

(3) The master of works may by notice require the proprietor of any existing building to light and ventilate the common passages and common stairs therein.

(4) The handrail of every common stair having an open well-hole shall be fitted with metal knobs guards or projections in such manner as may be prescribed by the byelaws made under this Order.

138. Every common passage and common stair and the stairs staircases stair landings and passages connected therewith and every passage stair staircase and stair landing used as an exit from any building or from any floor thereof shall be kept free from obstruction. The provisions of this section shall not apply to any passage stair staircase or stair landing within a dwelling-house.

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—cont.

Passages
and stairs
to be kept
free from
obstruction.

139.—(1) Where a dwelling-house or occupied apartment is situated over a pend close or entry open to vehicular traffic or over a garage bakehouse restaurant-kitchen eating-house stable byre laundry or washing house or over other premises from which effluvia vapours or fumes arise or are likely to arise (all of which are in this section referred to as "premises") such premises shall be separated from such dwelling-house or occupied apartment by a ceiling and walls constructed of fire-resisting materials and of such thickness as may be approved by the master of works.

Dwelling-
houses &c.
over
garages &c.

(2) Any lobby passage stair staircase or stair landing giving access to such dwelling-house or occupied apartment shall be separated from the premises to which it may adjoin by walls constructed of fire-resisting materials.

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(D) *Special provisions for certain buildings.*

PART VI.

—cont.

Height of rooms in dwelling-houses.

140. In every new dwelling-house the height from floor to ceiling of every apartment bathroom scullery and watercloset shall not be less than (a) nine feet in the basement storey (b) nine feet in the ground storey (c) eight feet six inches in the upper storeys and (d) eight feet in the attic storey measured over a horizontal area of not less than one-half of the floor area of the apartment bathroom scullery and watercloset in such attic storey.

Height of rooms in buildings other than dwelling-houses.

141. In every new building (not being a dwelling-house) the height from floor to ceiling shall be not less than that prescribed by the byelaws made under this Order.

Minimum accommodation for dwelling-houses.

142.—(1) Subject to the provisions of this section every new dwelling-house shall have at least three apartments.

(2) Every new dwelling-house shall have at least one apartment having a floor area of not less than one hundred and fifty superficial feet and one apartment having a floor area of not less than one hundred and thirty-two superficial feet and no apartment in a new dwelling-house shall contain less than eight hundred cubic feet.

(3) There shall be provided in every new dwelling-house a sink a hot-water installation a suitable water-closet scullery and larder a bathroom with a fixed bath and such other conveniences in or in connection with such dwelling-house as may be prescribed by the byelaws made under this Order.

(4) In computing the floor area and cubic space for the purpose of this section no account shall be taken of any lobbies closets presses and recesses nor of any part of an apartment in an attic storey which has a less height than five feet.

(5) The Corporation may on application being made to them consent (on such terms and conditions as they may prescribe) to any new dwelling-house having less than three apartments but such consent shall only be granted in exceptional circumstances.

[Ch. xliii.] *Glasgow Streets Sewers and Buildings Consolidation Order* [1 EDW. 8. & 1 GEO. 6.]
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A.D. 1937. they were new dwelling-houses and whether or not any alteration of the structure is made.

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PART VI.

—cont.

(3) For the purposes of this section “reasonably practicable” means reasonably practicable in all the circumstances including the expense which would be involved in carrying out the provisions of this Order and the byelaws made thereunder relating to or affecting new dwelling-houses and any question arising under this section shall be determined by the sheriff whose decision shall be final.

Ventilation
and light-
ing of
apartments.

146. On receiving a report from the medical officer of health that any apartment in any dwelling-house or any occupied apartment is not provided with sufficient ventilation and light the master of works may by notice require the proprietor of such dwelling-house or occupied apartment to make such alterations and to execute such works as may be necessary to provide sufficient ventilation and light for every apartment in such dwelling-house or for such occupied apartment.

Enclosed
beds.

147. No dwelling-house shall contain an enclosed bed or a bed recess which is not open in front for three-fourths of its length and from floor to ceiling but such recess shall be deemed to be open although it is crossed by a carrying beam close to the ceiling.

Number of
houses in a
tenement.

148. Subject to the provisions of this Order—

(1) No tenement erected after the date of the passing of the Act confirming this Order shall without the consent of the Corporation (which consent may be granted on such terms and conditions as the Corporation may prescribe) contain more than two dwelling-houses in any storey :

(2) No block of tenements erected after the date of the passing of the Act confirming this Order shall consist of more than six tenements and at each end of every such block there shall be an opening of at least ten feet in width and such opening shall not be built on or over in all time coming :

143.—(1) In every new dwelling-house every apartment shall have at least one window in an external wall which cannot afterwards be built against in such a manner as to exclude light and ventilation and the total area of glass in the window or windows of any such apartment shall be at least one-tenth of the floor area of such apartment (unless the Corporation consent on such terms and conditions as they think fit to such window or windows having a less area of glass) and the top of at least one window in such apartment shall not be less than seven feet six inches above the floor of such apartment and subject to the provisions of the section of this Order of which the marginal note is "Construction of windows in dwelling-houses" every window in every apartment in a new dwelling-house shall in the case of a casement window be made to open to at least one-half of its total area of glass and in the case of a sash window be made so that both sashes shall open to their full width.

(2) In every new dwelling-house the windows of every apartment in an attic storey shall be vertical and hinged or fitted with running sashes.

144. In every new dwelling-house every window in each storey above the ground storey shall except where there is a sufficient and railed balcony or platform outside such window be of such type as may be approved by the master of works and so constructed as to admit of the outside of such window being cleaned from the inside of such dwelling-house.

145.—(1) Notwithstanding anything in this Order contained the provisions of this Order and the byelaws made thereunder relating to or affecting new dwelling-houses shall apply to any dwelling-house which is reconstructed after the date of the passing of the Act confirming this Order only so far as is reasonably practicable.

(2) Where after the said date any building is so reconstructed altered or subdivided or is so used or occupied as to vary or increase the number of dwelling-houses therein the provisions of this Order and the byelaws made thereunder relating to or affecting new dwelling-houses shall so far as reasonably practicable extend and apply to each of the dwelling-houses in such building as if

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PART VI.

—cont.

Windows
 in rooms
 and
 opening of
 windows.

Construc-
 tion of
 windows
 in dwelling-
 houses.

Application
 of Order
 to recon-
 structed
 dwelling-
 houses.

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(3) No tenement reconstructed altered or subdivided or so used or occupied as to increase or vary the number of dwelling-houses therein after the date of the passing of the Act confirming this Order shall contain more than four dwelling-houses in any storey.

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PART VI.
—cont.

149.—(1) Where any part of a building is occupied as a public building or as premises for making storing or selling hazardous goods no person shall let or take on lease or use or suffer to be used as a dwelling-house or occupied apartment any part of such building situated above or abutting on such public building or premises unless such public building or premises is or are completely separated from such dwelling-house or occupied apartment by a floor walls and ceilings constructed of fire-resisting materials and of such thickness as may be approved by the master of works and the stairs staircases stair landings stair railings lobbies and passages leading to such dwelling-house or occupied apartment are also constructed of fire-resisting materials and are completely disconnected from the part of the building occupied as aforesaid.

Dwelling-
houses
above
buildings
used for
certain
purposes.

(2) For the purposes of this section premises for making storing or selling hazardous goods mean and include asphalt works benzine or benzole distilleries candle factories creosote works firework factories japan works match works naphtha works petroleum works oil works pitch tar and resin works brunswick black works tarpaulin works turpentine paint and varnish works stores for all or any of the foregoing goods premises for making storing or selling nitric acid or carbide of calcium and premises to which the Explosives Act 1875 the Petroleum (Consolidation) Act 1928 and any Acts amending those Acts and Part XII (Celluloid factories stores &c.) of this Order apply as also any other premises in which other trades or businesses of a hazardous nature are carried on as such trades or businesses may be defined in the byelaws made under this Order.

38 & 39 Vict.
c. 17.
18 & 19
Geo. 5. c. 32.

(3) The provisions of this section shall not apply (a) to any part of a building in which small quantities of all or any of the foregoing goods are kept for use or are sold or kept for sale by retail only along with other articles of merchandise or (b) to any building in which the only

[Ch. xliii.] *Glasgow Streets Sewers and Buildings Consolidation Order* [1 EDW. 8. & 1 GEO. 6.]
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A.D. 1937. dwelling-house therein is that of the caretaker of such building.

PART VI.

—cont.

Means of escape from upper storeys of buildings.

150. Where in any building any storey above the ground storey is used for the purposes of any business trade or manufacture and access to such storey is provided by a stair which is not enclosed within walls constructed of fire-resisting materials and does not communicate direct with a street or back court the master of works may by notice require the proprietor of such storey to provide adequate and safe means of exit to be available in case of fire for the persons employed in such storey. The provisions of this section shall not apply to factories as defined by the Factory and Workshop Acts 1901 to 1929 or any statutory modification thereof.

Means of escape at top of high buildings.

151. Every storey in a building where the upper surface of the floor thereof is more than sixty feet above the level of the adjoining street or ground shall be provided with such means of escape in the case of fire for the persons dwelling or employed therein as can be reasonably required under the circumstances of the case and no such storey of such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with.

(E) *Public buildings.*

Public buildings accesses and exits.

152.—(1) Every public building erected after the date of the passing of the Act confirming this Order shall be provided with at least two separate and independent means of exit and in every such building the walls ceilings and floors of all lobbies passages corridors and stairs and all staircases stair landings stair railings and all other means of entrance and exit shall be constructed of fire-resisting materials and such lobbies passages corridors stairs staircases stair landings and other means of entrance and exit shall have a minimum width of four feet and shall be placed so as to provide adequate and safe exit from every part of the building and while such building is being used shall be sufficiently lighted and be kept in good order and repair and free from impediment or obstruction. The treads of the steps of a stair shall be of such uniform width and the risers of such uniform height

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—cont.

other sides at least it is distant not less than fifteen feet from the nearest building is constructed throughout of fire-resisting materials and is provided with sufficient exits giving direct access to at least three streets.

(2) The provisions of this section shall apply to a building reconstructed altered or adapted for the purposes of a theatre to accommodate more than one thousand persons which has not been previously used for those purposes.

Audi-
torium of
theatres.

155. No building shall be erected reconstructed altered or adapted for the purposes of a theatre in which the level of the principal floor of the auditorium at any exit therefrom is more than three feet above the level of the street.

Construc-
tion of
floors
passages
&c. in
theatres.

156. In every theatre—

- (a) every wall floor and ceiling separating such theatre from any other building or premises or in contact with any other building or premises; and
- (b) every passage forming an entrance to or exit from such theatre and passing through or in contact with any other building or premises; shall be constructed of fire-resisting materials.

Internal
arrange-
ment of
theatres.

157. In every theatre not being an existing theatre—

- (a) adequate dressing room watercloset lavatory and other accommodation constructed of fire-resisting materials and properly lighted and ventilated and independent adequate and safe means of exit from the theatre shall be provided for the performers;
- (b) every floor or section of a floor of the auditorium shall be provided with separate exits; and
- (c) on every floor of the auditorium where the seats are arranged in rows passages of an aggregate width of not less than nine feet shall be provided and no passage shall be less than two feet six inches wide.

as shall be prescribed by the byelaws made under this Order.

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PART VI.
—cont.

(2) In every public building (not being an hotel) all exit doors shall open outwards and shall with all barriers be so constructed as to yield to slight pressure from within and the exit doors from such building and from each floor or section thereof shall when taken together be not less than one foot in width for every seventy persons who can be seated within such building or floor or section thereof respectively and the minimum width of any exit door shall be four feet.

153.—(1) The dean of guild may on the application of the master of works cause any public building to be inspected by one or more competent persons and may after considering their report and hearing any person interested order such works to be executed by the proprietor of such building as to the dean of guild shall seem fit for—

Inspection
of public
buildings.

- (a) the adequate drainage and ventilation of such building;
- (b) providing sufficient means of entrance to and exit from such building; and
- (c) the protection of the public in case of fire and other dangers.

(2) The dean of guild may interdict the use of any such building unless and until such works have been executed in terms of his order.

(3) Any person failing to comply with any such order shall be guilty of a guild offence and shall be liable to a penalty not exceeding twenty-five pounds and any person failing to observe or obey any such interdict shall be guilty of a guild offence and shall be liable to a penalty not exceeding twenty-five pounds for every occasion on which such building is used in contravention of any such interdict.

(4) For the purposes of this section the expression "public building" includes an hotel containing less than fifty bedrooms.

154.—(1) No building shall be erected for the purposes of a theatre to accommodate more than one thousand persons unless it fronts or abuts on a street and on two

New
theatres.

158.—(1) No person shall after the date of the passing of the Act confirming this Order establish and carry on a garage or a business for making storing or selling hazardous goods as defined by the section of this Order of which the marginal note is “ Dwelling-houses above buildings used for certain purposes ” under or partly under any theatre public ball-room or public concert-room.

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 PART VI.
 —cont.
 Prohibiting
 garages
 under
 theatres &c.

(2) For the purposes of this section “ garage ” means any premises in respect of which a licence is required under the Petroleum (Consolidation) Act 1928 and Acts amending that Act but does not include any premises in respect of which a licence is not required by virtue of any regulations made under the said Act of 1928 or Acts amending that Act.

159. The provisions of this Part of this Order (other than the provisions of the section of this Order of which the marginal note is “ New theatres ” so far as relating to distance from buildings and access to streets) and the byelaws made thereunder relating to theatres shall apply to any building erected reconstructed altered or adapted for any purpose for which a licence is required under the Cinematograph Act 1909 as if such building were a theatre.

Cinema
 theatres
 and picture
 houses.

 9 Edw. 7.
 c. 30.

PART VII.

THROUGH VENTILATION AND FREE SPACE.

160. The dean of guild shall not grant a decree of lining for the erection of any building on any part of a hollow square unless and until he is satisfied that proper provision has been made for the ventilation of the back ground in such hollow square (a) by means of two or more openings of not less than ten feet in width into such back ground which openings shall not be built upon or over or (b) by such other means as may be approved by him provided that this section shall not apply to the re-erection of any building to its original or any less dimensions.

Ventilation
 of hollow
 squares.

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PART VII.

—*cont.*
Buildings
in back
ground of
hollow
squares.

161. Subject to the provisions of this Order the dean of guild shall not grant a decree of lining for the erection of any building other than the usual one-storey wash-houses and offices not exceeding twelve feet in height (measured from the level of the adjoining ground to the ridge of the roof) on the back ground in any hollow square. Provided that the dean of guild may with the consent of the Corporation (which consent may be granted on such terms and conditions as the Corporation may prescribe) grant decree of lining for the erection on such back ground of buildings (other than dwelling-houses) not exceeding thirty feet in height measured from the level of the adjoining ground to the ridge of the roof—

- (i) where such back ground free of erections other than the usual one-storey washhouses and offices extends to more than one thousand eight hundred square yards and has an average width of not less than ninety feet and where none of the buildings on the hollow square exceed four storeys in height; or
- (ii) where such back ground free of erections other than the usual one-storey washhouses and offices extends to more than one thousand four hundred square yards and has an average width of not less than sixty-five feet and where none of the buildings on the hollow square exceed three storeys in height;

on condition that—

- (a) the arrangements for access drainage cleansing lighting and ventilation and prevention of nuisance from smoke are adequate suitable and satisfactory;
- (b) such buildings are not to be used for purposes which may be injurious or offensive to the inhabitants of the surrounding or adjacent buildings; and
- (c) access to such buildings is by an entry not less than ten feet in width leading from a street to such buildings.

162. No person shall let or take on lease or use or suffer to be used any sleeping apartment in a dwelling-house unless—

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 PART VII.

—cont.

Free space
 for sleeping
 apartments.

- (a) one-half at least of the height of such apartment measured from floor to ceiling is above the level of the street or back court adjoining or near to it;
- (b) there is an open area or space along the whole length of such apartment between it and such street or back court;
- (c) such open area or space is as broad as the height of the portion of such apartment below the level of such street or back court; and
- (d) the level of such open area or space is at least one foot lower than the floor of such apartment.

163. No person shall let or take on lease or use or suffer to be used as a sleeping apartment any apartment in an existing building unless there is in the case of—

Open space
 in front of
 windows in
 sleeping
 apartments
 in existing
 buildings.

- (a) buildings existing prior to the thirtieth day of July one thousand nine hundred in front of at least one-third of every window in such apartment; and
- (b) buildings erected or reconstructed subsequent to that date in front of at least one-half of every window in such apartment;

an open space extending in a straight line from and at right angles to the plane of the window for a distance equal to at least three-fourths of the height of the wall in which such window is placed measured from the floor of such apartment to the ceiling of the highest room in the building:

Provided that where in any such apartment there are two or more windows it shall be sufficient if the required open space is in front of one window if that window has the total area of glass required by the section of this Order of which the marginal note is "Windows in rooms and opening of windows."

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PART VII.

—cont.

Space
about new
and existing
buildings.

164.—(1) The following provisions in regard to the open space to be provided about new buildings shall apply and have effect (that is to say) :—

- (i) Every self-contained dwelling-house not exceeding two storeys in height shall have directly attached and pertaining thereto and used exclusively in connection with the same by the occupiers thereof an open space not less than three-fourths of the area of the ground occupied by the building and where such dwelling-house shall exceed two storeys in height additional open space not less than one-fourth of the area of the ground occupied by the building shall be provided for every storey exceeding two;
- (ii) Every tenement not exceeding two storeys in height shall have directly attached and pertaining thereto and used exclusively in connection with the same by the occupiers thereof an open space at least equal in area to the area of the ground occupied by the building and where such tenement shall exceed two storeys in height additional open space not less than one-fourth of the area of the ground occupied by the building shall be provided for every storey exceeding two;
- (iii) In computing the open space about buildings for the purposes of this subsection (a) there shall not be included any part of the land lying between the building and the adjoining street except such portion of the land as may be situated between the building and a line drawn parallel with such street and at a distance of fifteen feet therefrom and (b) there shall be included the land lying at either side of the building but only to the extent that the same exceeds a width of six feet.

(2) Existing self-contained dwelling-houses and tenements shall as regards any open space provided for or used in connection therewith at the date of the passing of the Act confirming this Order and belonging to the proprietor of the said buildings be subject to the provisions of this section applicable to new buildings

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to the extent to which such open space is available at that date. A.D. 1937.

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PART VII.

—cont.

(3) The provisions of subsection (1) of this section shall apply to every building reconstructed altered or adapted after the date of the passing of the Act confirming this Order for the purpose of being used as a dwelling-house and not previously so used.

(4) For the purposes of this section the expression "storey" in relation to any building shall not include any attic storey or basement storey.

165.—(1) The open space about buildings provided or to be provided in terms of the immediately preceding section of this Order shall in the case of a self-contained dwelling-house and a tenement be free from any erections thereon other than the usual one-storey washhouses and offices to be used in connection with such self-contained dwelling-house or tenement which washhouses and offices shall not exceed twelve feet in height (measured from the level of the adjoining ground to the ridge of the roof) and shall not occupy a greater area of ground than two hundred superficial feet Provided that the provisions of this subsection shall not prevent the erection on the open space in connection with a self-contained dwelling-house of a garage for use in connection with such self-contained dwelling-house if the dean of guild is satisfied that the erection of such garage will not prejudicially affect the light and ventilation of such self-contained dwelling-house or of any adjoining dwelling-house.

Open space
to be free
from
erections.

(2) Where the ground storey of a tenement is used for the purposes of a shop or as business premises a saloon to be used exclusively in connection with such shop or business premises may be erected contiguous thereto and directly connected therewith on the open space in rear of the tenement or on such part thereof as may be approved by the dean of guild but such saloon shall not be higher than the level of the floor of the storey of the tenement immediately above such ground storey and such saloon shall be constructed with a flat roof which

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A.D. 1937. shall be available for the use of the occupiers of the tenement.

PART VII.

—cont.

Buildings
on corner
stances.

166. Where any building is situated within sixty feet of the junction of the building lines of any two streets the provisions of the section of this Order of which the marginal note is "Space about new and existing buildings" may be modified to such extent as in the opinion of the dean of guild shall be necessary to allow a corner site to be built upon.

PART VIII.

WATERCLOSETS SOIL PIPES ASHBINS &C.

Water-
closets.

167.—(1) Every watercloset and urinal constructed in any building after the date of the passing of the Act confirming this Order (other than a watercloset or urinal constructed underground or in the basement storey of a building or in a public building) shall be adequately lighted and ventilated by means of a window or windows in an external wall of such building or in the roof thereof and shall as regards position lighting and ventilation comply with the byelaws made under this Order.

(2) Every watercloset and urinal constructed after the date of the passing of the Act confirming this Order underground or in the basement storey of a building or in a public building shall as regards position lighting and ventilation comply with the byelaws made under this Order.

(3) For the purposes of this section "external wall" means an external wall which cannot afterwards be built against in such manner as to exclude light and ventilation.

(4) This section shall not apply to a watercloset or urinal constructed by the Corporation in or under any street for the public convenience or by a railway company or the trustees of the Clyde Navigation in connection with any building forming part of their respective

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undertakings and not being a building used for the purpose of a dwelling-house. A.D. 1937.

PART VIII.

—cont.

168. Every watercloset and urinal shall be provided with a flushing cistern in accordance with the byelaws made under this Order separate and distinct from any cistern used for supplying drinking water and a water-supply service pipe other than that carrying water to the flushing cistern shall not be connected to any part of the fittings of a watercloset or urinal. Water-closet cisterns.

169. Every building having watercloset or urinal accommodation and water fittings shall be provided with soil pipes and waste pipes constructed fitted and ventilated in accordance with the byelaws made under this Order. Soil pipes and waste pipes.

170. Any proprietor renewing in whole or in part or adding to the drainage of any building shall do so in accordance with the provisions of this Order and the byelaws made thereunder and before commencing to renew or add to such drainage shall give two clear days' notice in writing to the sanitary inspector except in cases of emergency when notice shall be given as soon as possible. Renewal of drainage.

171.—(1) The master of works may by notice require the proprietor of any building (a) to repair alter or renew any ashpit used in connection with such building or to construct a roof over such ashpit (b) to remove any ashpit which has fallen into disuse or has become unnecessary or is unroofed or is wholly or partially below the level of the adjoining ground or is on an unsuitable site in relation to any dwelling-house or occupied apartment (c) to remove the ashpit provided for or used in connection with such building and to provide an ashbin shelter in lieu thereof or (d) to repair alter or renew any ashbin shelter used in connection with such building. Ashpits and ashbin shelters.

(2) Every ashpit and every ashbin shelter shall be placed in such position as the master of works shall determine being not less than twelve feet from any tenement or occupied apartment or in the case of a corner tenement not less than six feet from such tenement.

[Ch. xliii.] *Glasgow Streets Sewers and Buildings Consolidation Order* [1 EDW. 8. & 1 GEO. 6.]
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PART VIII.
—cont.
Ashbins.

172. The Corporation may require the proprietor of any building to provide maintain or renew portable ashbins of a construction approved by the director of cleansing and in such number as may be determined by such director and in the event of such proprietor failing after ten days' notice to comply with such requirement the Corporation may provide maintain or renew such portable ashbins at the expense of such proprietor.

Wash-houses.

173. The master of works may by notice require the proprietor of any tenement (a) to repair alter or renew any wash-house (including the fittings and appliances therein) or offices erected for use in connection with such tenement or (b) to provide a new washhouse (including the fittings and appliances therein) or offices in lieu of any such wash-house or offices which have been closed or removed.

Use of buildings in connection with tenement.

174. Buildings erected for use as washhouses or offices in connection with tenements shall not except with the written consent of the master of works (which consent may be granted on such terms and conditions as he may think fit) be applied to any other use or purpose and in the event of any such buildings being without such consent applied to any other use or purpose than the use or purpose for which they were erected the master of works may by notice require the proprietor of such buildings to restore them to the use or purpose for which they were erected or to remove them.

PART IX.

SCAFFOLDING BARRICADES HOARDINGS &c.

Erection and use of platforms &c.

175.—(1) No person shall erect any stand platform balcony or other structure which is intended to be let or used for the purpose of affording sitting or standing accommodation without having obtained a decree of lining therefor.

(2) Every stand platform balcony roof or other structure intended to be let or used for the purpose aforesaid shall be safely constructed and secured and be provided with sufficient means of access and exit.

[1 EDW. 8. & *Glasgow Streets Sewers and* [Ch. xliii.]
1 GEO. 6.] *Buildings Consolidation Order*
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(3) Every person who intends to let or use for the purpose aforesaid any stand platform balcony roof or other structure shall give written notice of such intention to the master of works at least seven days before the date on which such stand platform balcony roof or structure is so used or intended to be so used.

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(4) Any person who lets or uses or allows to be let or used any stand platform balcony roof or other structure in contravention of the provisions of this section shall be guilty of a guild offence and liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

176. The dean of guild may interdict the erection or use of any crane scaffolding staging or shoring in connection with the construction erection demolition alteration repair or securing of any building or in connection with any excavations where such crane scaffolding staging or shoring is likely to be or to become a source of danger Any person failing to observe or obey such interdict shall be guilty of a guild offence and liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Scaffolding
&c.

177.—(1) Before commencing to erect reconstruct alter take down or remove any building the proprietor thereof shall give two clear days' notice in writing to the master of works and shall when required by the master of works construct for the protection of persons using any street or back court which such building adjoins or on which it abuts a barricade and a footpath with a substantial overhead covering.

Barricades.

(2) During the continuance of any operations in connection with the erection reconstruction alteration taking down or removal of any building the proprietor thereof shall keep and maintain such barricade footpath and overhead covering in good condition and shall regularly cleanse such footpath and if he fails to do so the master of works may prohibit and stop the operations.

(3) Every such barricade shall be sufficiently lighted at night by means of lamps with red glass to the satisfaction of the master of works and the chief constable.

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(4) No such barricade or overhead covering shall be used for advertising purposes except for announcements painted thereon by the tenants or occupiers of the premises at which such barricade or overhead covering is erected and relating to their trade or business.

(5) The master of works may by notice to such proprietor where he thinks it expedient so to do prohibit (a) the dressing of stones or the carrying on of other work on the portion of street or back court enclosed by any such barricade and (b) carts or other vehicles from standing within or near to such barricade so as to obstruct or incommode the passage of traffic in or along such street or back court during such hours as he may prescribe.

(6) Every such barricade shall be removed and the street or back court restored on the expiry of the period prescribed by the dean of guild in terms of the section of this Order of which the marginal note is "Temporary occupation of portions of street or back court" or where no period is so prescribed when required by the master of works.

Protection
of public
during
repair &c. of
buildings.

178. Before any person commences to carry out any work in connection with the repair maintenance or securing of any building involving the use of any scaffolding or staging in on over or above any street or back court he shall give two clear days' notice in writing to the master of works (or in case of emergency such notice as may be reasonably practicable) and shall take such precautions in connection therewith and carry out the work in such manner and during such hours as the master of works may require for the protection of persons using such street or back court.

Hoardings
and
structures
for adver-
tising
purposes.

179.—(1) The dean of guild shall not grant a decree of lining for the erection of any hoarding or structure which requires to be licensed by the Corporation under the section of this Order of which the marginal note is "Licences for advertising signs" until the Corporation have granted a licence therefor.

(2) The master of works may by notice require the proprietor of and every person using any such hoarding or structure to repair alter or renew the same.

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ADVERTISING SIGNS &C.

180. For the purpose of enabling the Corporation to exercise control over advertising signs the following provisions shall have effect :—

Licences
for adver-
tising signs.

(1) No person shall place erect exhibit fix retain or maintain any advertising sign in on over or above any land building or street if such advertising sign projects in whole or in part over any street and the projecting part of such sign or any part thereof is less than eight feet above the level of such street :

(2) Subject to the provisions of this section no person shall place erect exhibit fix retain or maintain any advertising sign in on over or above any land building or street unless he has obtained a licence for such advertising sign from the Corporation and in exercising their discretion to grant or refuse a licence for an advertising sign the Corporation shall have regard to the following matters :—

(a) the amenities of the locality in which the advertising sign is to be placed erected exhibited fixed retained or maintained ; and

(b) the position design and size of the advertising sign and the materials to be used in the construction thereof in relation to such amenities :

(3) A licence under the provisions of this section shall be in writing and may be granted on such terms and conditions and for such period as may be fixed by the Corporation and in respect of such licence a fee not exceeding five shillings shall be payable to the Corporation :

(4) A licence shall not be necessary (except in the case of illuminated advertising signs whether illuminated from within or by some external means other than such signs within any building) for—

(a) An advertising sign which does not in whole or in part project over any street unless

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such sign or any part thereof exceeds twelve feet above the ground;

(b) An advertising sign exhibited within any building;

(c) An advertising sign relating solely to the trade or business carried on upon or in the land or building upon which such advertising sign is placed. Provided that if such sign projects in whole or in part over any street it does not project more than three feet over the street and does not exceed six superficial feet in area;

(d) An advertising sign relating to any sale feu or letting of any land or building or of any furniture or furnishings therein upon which land or building such advertising sign is placed or relating to any entertainment or meeting to be held upon or in the same;

(e) An advertising sign exhibited within any railway station or upon any wall or other property of a railway company except an advertising sign exhibited upon any portion of the surface of such wall or property fronting any street;

(f) An advertising sign relating solely to the business of any railway company. Provided that if such sign projects in whole or in part over any street it does not project more than three feet over the street and does not exceed six superficial feet in area;

(g) Any bill or poster which is posted on or attached to an advertising sign which has been licenced under the provisions of this section :

- (5) Any person aggrieved by the refusal of a licence or by the terms or conditions attached to a licence granted under the provisions of this section may within fourteen days after intimation to him of the refusal of the licence or of the terms and conditions attached to the licence appeal to the sheriff and the sheriff may and is hereby empowered to make such order in the

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premises and on such terms and conditions as to the sheriff may seem just Notice of the right to appeal shall be endorsed on every intimation of the refusal of a licence or of the terms and conditions attached to a licence :

(6) In any of the following cases a licence for an advertising sign under this section shall become void :—

(a) If any material addition be made to the advertising sign except for the purpose of making it secure ;

(b) If any material structural alteration be made in the advertising sign ;

(c) If any material addition or alteration be made to or in the building in on over or above which the advertising sign is placed or to which it is attached if such addition or alteration affect the stability of the advertising sign ;

(d) If the building in on over or above which the advertising sign is placed or to which it is attached be demolished or destroyed :

(7) If any advertising sign be placed erected exhibited fixed retained or maintained in on over or above any land or building save and except as licensed or exempted from licence as hereinbefore provided the proprietor or occupier of such land or building shall be deemed and taken to be the person who has placed erected exhibited fixed retained or maintained such advertising sign in contravention of the provisions of this section unless he prove that such contravention was committed without his consent or permission and by a person not in his employment and not under his control :

(8) Any person who places erects exhibits fixes retains or maintains any advertising sign in contravention of the provisions of this section or after the licence for the placing erection exhibition fixing retention or maintenance thereof

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for any period shall have expired or become void shall be guilty of a police offence and the Corporation may require the proprietor or occupier of the land or building in on over or above which the same is placed or rests to take down or remove such advertising sign within a specified time and in the event of his failing so to do the Corporation may take down and remove such advertising sign at the expense of such proprietor or occupier :

- (9) Nothing in this section shall apply to aircraft in flight.

PART XI.

NOXIOUS AND DANGEROUS BUSINESSES.

Buildings
for noxious
trades.

60 & 61 Vict.
c. 38.

Restricting
establishing
certain
businesses.

181. The dean of guild shall not grant a decree of lining for the erection reconstruction structural alteration or adaptation of any building with a view to the establishment or carrying on of any business trade or manufacture for which the sanction of the Corporation as the local authority under the Public Health (Scotland) Act 1897 is required until he is satisfied that such sanction has been given.

182.—(1) After the date of the passing of the Act confirming this Order no person shall without the consent of the Corporation which consent may be granted on such terms and conditions as the Corporation may prescribe establish or carry on—

- (a) the business of a blood boiler bone boiler or lime burner ; or
- (b) any business for the manufacture or production of matches turpentine naphtha varnish tar resin brunswick black or celluloid or of other substances liable to explosion or sudden ignition or any other business dangerous on account of the liability of the materials or substances used therein to cause explosion or sudden ignition ;

within forty feet of any street or within fifty feet of any building or of any ground belonging to any other person.

(2) Any person acting in contravention of the provisions of this section shall be guilty of a police offence.

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183. The dean of guild shall not grant a decree of lining for the erection of any building within fifty feet of any premises used for any business referred to in the section of this Order of which the marginal note is "Restricting establishing certain businesses."

Restriction on building near certain business premises.

184. For the purposes of this Part of this Order a business trade or manufacture shall be deemed to be established after the date of the passing of the Act confirming this Order not only if it is established newly but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of twelve months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a business trade or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership or occupancy of such premises is wholly or partially changed or that the building in which it is established after being wholly or partially taken or burnt down has been reconstructed without any extension of its area.

Meaning of "establish."

185. The provisions of this Part of this Order shall not apply to any public gasworks or to any works of any authorised undertaker under the Electricity (Supply) Acts 1882 to 1936 or to any premises used for the purpose of distillation or the rectification of spirits under the survey of the Commissioners of Customs and Excise or their officers.

Saving for gasworks &c.

PART XII.

CELLULOID FACTORIES STORES &C.

186. In this Part of this Order the following words and expressions shall have the meanings hereby assigned to them :—

Interpretation for Part XII.

"Celluloid" means the substances known as celluloid and xylonite and other similar substances containing nitro-cellulose or other nitrated products;

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—cont.

“Celluloid factory” means any building (not being a raw celluloid factory) in which for the purposes of sale hire or profit celluloid or cinematograph film is subjected to any process of manufacture involving the coating moulding cutting perforating or filing of celluloid or cinematograph film;

“Celluloid store” means any building (not being a raw celluloid factory or a celluloid factory) in which for the purpose of sale hire or profit—

(a) Cinematograph film is kept or stored (i) in quantities at any one time exceeding twenty reels or in the aggregate eighty pounds in weight; or (ii) in smaller quantities unless each reel is kept (except when required to be temporarily removed) in a separate and properly closed metal box or case; or

(b) Celluloid which has not been subjected to any process of manufacture is kept or stored in quantities at any one time exceeding in the aggregate one hundred and twelve pounds in weight;

“Cinematograph film” means any film containing nitro-cellulose or other nitrated products which is used or intended for use in cinematograph or other similar apparatus;

“Raw celluloid factory” means any building in which celluloid is made for the purposes of trade.

Restricting
establish-
ment
of raw
celluloid
factories.

187. No person shall use any premises as a raw celluloid factory unless and until he has obtained the approval in writing of the Corporation of the site to be used and of the building proposed to be erected reconstructed altered adapted or used for such factory and such factory shall thereafter be maintained substantially as so approved.

Registra-
tion of
celluloid
stores.

188.—(1) No person shall use any premises for the purpose of a celluloid store unless the name of such person the address of the premises so used and the nature of the businesses or the processes to be carried on in the premises are registered with the Corporation and any person

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Provisions
as to
celluloid
stores.

from all or any of such provisions subject to such conditions as may be prescribed in the said order.

191.—(1) No person shall except with the consent of the Corporation in writing use for the purposes of a celluloid store any part of any building which is situate beneath or at a lower level than any other part of such building used as a dwelling-house and the Corporation in giving any such consent may if they think fit attach such conditions thereto as they may deem expedient with a view to the prevention or diminution of danger to life and property arising from fire and explosion.

(2) In the case of any building used for the purposes of a celluloid store or in part for those purposes and in part for other purposes the Corporation may require the provision of adequate means of ready escape in case of fire from such building.

Application of
regulations
under Factory
and Work-
shop Act
1901.
1 Edw. 7.
c. 22.

192. No requirement as to the provision of means of escape in case of fire shall be made under this Part of this Order in the case of any building in which such means of escape can be required to be provided under any regulations made under section 79 of the Factory and Workshop Act 1901 and for the time being in force.

Provisions
as to certain
celluloid
factories
and celluloid
stores.

193. The following provisions shall apply with respect to any building which is used—

(a) in part for the purposes of a celluloid factory and in part for purposes other than those of a celluloid factory or a celluloid store; or

(b) for the purposes of a celluloid store or partly for those purposes and partly for other purposes;

where cinematograph film is used or handled in such factory or store (that is to say):—

(1) Where in the case of any such building the Corporation attach to any consent given under the provisions of this Part of this Order any condition involving the execution of structural works or require under this Part of this Order the provision of means of escape in case of fire they shall (simultaneously with the intimation to the person applying for such consent of their decision as to such condition or with the making

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requiring registration in respect of a celluloid store shall make application therefor in writing to the Corporation.

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(2) Every person when making application for registration under this section shall furnish the Corporation with particulars in writing as to the premises in respect of which the registration is required and the nature of the businesses or processes to be carried on in such premises and shall pay to the Corporation such fee as they may fix not exceeding ten shillings and six pence.

(3) As soon as reasonably practicable but within one month after the receipt of an application for registration under this section the Corporation shall effect the registration required in respect of the premises to which the application relates.

(4) Any person who has been registered under the provisions of this section and who ceases to use for the purposes of a celluloid store premises in respect of which he is registered may give notice in writing thereof to the Corporation requesting that his registration in respect of such premises shall be cancelled and the Corporation shall forthwith cancel the same.

189. Subject to the provisions of this Order—

Provisions
as to
celluloid
factories.

(1) No person shall use for the purpose of a celluloid factory any part of any building which is situate beneath or at a lower level than any other part of such building used as a dwelling-house or occupied apartment.

(2) In the case of any building used in part for the purposes of a celluloid factory and in part for purposes other than those of a celluloid factory or a celluloid store adequate means of ready escape in case of fire from such building shall be provided.

190. On the application of any person using or desiring to use any premises as a celluloid factory if the Corporation are satisfied that by reason of the small quantity of celluloid in use in the factory at any one time or for any other reason compliance with all or any of the provisions of this Part of this Order is not necessary the Corporation shall make an order (which the Corporation may in their discretion revoke) exempting such factory

Power to
exempt
certain
celluloid
factories.

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57 & 58 Vict.
c. 13.

Notices as
to and
execution
of works.

Conditions
and re-
quirements
not to be
extended
except
under

of the Glasgow Institute of Architects The said arbiter shall have regard to and take into consideration any regulations affecting the building in question the terms of tenancy of the building and any circumstances of or affecting the particular case Each party shall pay his own costs of the arbitration and the fees and charges of the arbiter shall be paid as to one-half thereof by the Corporation and as to the other half by the person aggrieved and if there be more than one such person in such proportions as the arbiter determines The decision of the arbiter shall as between the parties to the arbitration be binding upon them and subject to the express provisions of this section the provisions of the Arbitration (Scotland) Act 1894 shall apply to any such arbitration.

194. In the case of any building to which subsection (2) of the section of this Order of which the marginal note is "Provisions as to celluloid factories" or subsection (2) of the section of this Order of which the marginal note is "Provisions as to celluloid stores" applies the Corporation may serve on the proprietor of such building a notice in writing specifying the measures necessary for the provision of adequate means of ready escape in case of fire from such building and (subject to the provisions of this Part of this Order) such proprietor shall within such period as may be prescribed in such notice take such steps as are necessary for complying with the requirements of the Corporation as set out in such notice.

Simultaneously with the service of such notice by the Corporation they shall give to the person using the building in question for the purpose of a celluloid factory or a celluloid store notice in writing of the requirements made on the proprietor.

195. In the case of any building which is used for the purpose of a celluloid factory or celluloid store and which is so used with the consent of the Corporation or for which the provision of adequate means of ready escape from fire has been required by the Corporation and the conditions attached to such consent have been

of such requirement) give (in the case of any such condition) to the proprietor of the building affected by such condition or (in the case of any such requirement) to the person using for the purposes of a celluloid factory or celluloid store the building to which such requirement relates (as the case may be) notice in writing of such condition or requirement :

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- (2) Where in the case of any such building any person applying for the consent of the Corporation under the provisions of this Part of this Order is aggrieved by the refusal of the Corporation to give such consent or by any condition attached thereto or where any person on whom the Corporation have served a notice under this Part of this Order requiring the provision of means of escape in case of fire is aggrieved by such requirement or where any person to whom the Corporation have given a notice pursuant to the provisions of subsection (1) of this section is aggrieved by the decision of the Corporation referred to in such notice the person so aggrieved may at any time within one month after the intimation to him by the Corporation of the decision whereby he is aggrieved give to the Corporation notice in writing of his objection thereto and thereupon (unless within the said period of one month an agreement is arrived at between the Corporation on the one hand and the person aggrieved on the other hand in which case the notice of objection shall be deemed to be withdrawn) a difference shall be deemed to have arisen with respect to that decision between the Corporation and the person giving such notice of objection :
- (3) Any difference arising under this section shall be referred to and determined by an arbiter to be agreed upon by the Corporation and the person giving as aforesaid notice of objection to the decision to which the difference relates or failing such agreement to be appointed on the application of either of the parties (after notice in writing to the other of them) by the President

complied with or the means of escape from fire provided no further conditions shall be imposed and no other means of escape from fire shall be required.

certain
circum-
stances.

196.—(1) (a) All cinematograph film shall except when required to be exposed for the purpose of examination checking cleaning packing rewinding repairing or projecting be kept in properly closed metal film boxes.

Provisions
as to
celluloid
and cine-
matograph
film in
celluloid
stores.

(b) No film box shall unless otherwise permitted by the Corporation contain more than one thousand feet or one reel of cinematograph film whichever is the greater.

(c) All film boxes containing cinematograph film and all stocks of celluloid shall subject as in this section provided be kept in a fire-resisting storeroom or in a fire-resisting receptacle (in this section referred to as a "storeroom" or a "receptacle" respectively) or partly in a storeroom and partly in a receptacle.

(2) (a) Every storeroom shall unless otherwise permitted by the Corporation be constructed of—

- (i) Brick not less than four and one-half inches in thickness; or
- (ii) Concrete not less than three inches in thickness; or
- (iii) Fire-resisting materials (other than brick or concrete) in such manner as to secure a reasonable probability of any fire which may occur in a storeroom and any products of combustion which may be occasioned thereby being prevented from spreading to other parts of the premises or to other premises and to protect as far as reasonably practicable the contents of the storeroom from any fire which may occur outside such storeroom.

(b) Every receptacle shall unless otherwise permitted by the Corporation be constructed of steel plates not less than one-eighth of an inch in thickness with steel shelves.

(c) Every storeroom shall unless otherwise permitted by the Corporation be properly ventilated so as to communicate in a safe manner either directly or indirectly with the outer air.

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(d) No storeroom or receptacle shall be used for any purpose other than the keeping of celluloid or cinematograph film and every such storeroom and receptacle shall be clearly marked "Celluloid" or "Film". Every storeroom shall be kept securely locked except when celluloid or cinematograph film is being placed therein or removed therefrom and every receptacle shall be kept securely closed except when celluloid or cinematograph film is being placed therein or removed therefrom.

(e) Not more than one ton of celluloid or not more than one ton or 560 reels of cinematograph film (whichever is the greater) shall except with the approval of the Corporation be kept in a storeroom. Provided that where a storeroom is divided into separate compartments by a partition or partitions without any opening therein and constructed of brick concrete or other fire-resisting materials of the thickness and in the manner prescribed in subsection (2) (a) of this section each separate compartment shall be regarded as a storeroom.

(f) No person shall keep more than four hundred pounds of celluloid or cinematograph film in any one receptacle or except with the approval of the Corporation more than one ton of celluloid or one ton of cinematograph film in receptacles in any one building occupied by such person.

(g) Where both celluloid and cinematograph film are kept the aggregate quantity in any one storeroom shall not except with the approval of the Corporation exceed one ton and the aggregate quantity in any one receptacle shall not exceed four hundred pounds and no person shall keep in any one building occupied by such person an aggregate quantity in such receptacles exceeding one ton.

(3) Every receptacle shall be situate in a suitable position having regard to the means of ready escape in case of fire from the building in which such receptacle is situate.

(4) (a) All examining cleaning rewinding and repairing of cinematograph film shall be carried out in a suitable room (in this section referred to as a "manipulation room") constructed of fire-resisting materials and fitted with a self-closing door constructed of fire-resisting

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materials and not more than ten reels or forty pounds of cinematograph film (whichever is the greater) shall be out of metal film boxes or be in such boxes not properly closed at any one time in a manipulation room.

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(b) The checking of cinematograph film and all packing and unpacking of metal film boxes containing such film shall be carried on either in a manipulation room or in any other room (in this section referred to as a "receiving room") Provided that the number of reels of cinematograph film which may be out of metal film boxes or be in such boxes not properly closed in a receiving room at any one time for such purposes shall not exceed such number as may from time to time be prescribed for receiving rooms by an order made by the Secretary of State.

(c) No fire flame or other agency likely to ignite cinematograph film shall be in a receiving room at a time when checking and packing operations are in progress No cinematograph film in such room shall be out of a metal film box or be in a metal film box not properly closed for a longer period than is absolutely necessary The amount of cinematograph film in a receiving room shall be kept as small as practicable without unduly interfering with the work carried on therein Cinematograph films packed for transit may be retained in a receiving room during business hours pending collection provided that the metal film boxes containing such films are packed in suitable metal transit cases.

(d) The following provisions shall apply to all projecting machines used in any celluloid store subject to such modifications (if any) as may from time to time be prescribed by an order made by the Secretary of State and in the event of any such modifications being so prescribed the said provisions as modified shall be deemed to be provisions of this Part of this Order:—

- (i) Lanterns shall be placed on firm supports constructed of fire-resisting materials and shall be provided with a metal shutter which can be readily inserted between the source of light and the film-gate;
- (ii) The film-gate shall be of massive construction and shall be provided with ample heat-radiating

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surface The passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light-opening;

- (iii) Cinematograph projectors shall be fitted with two metal film boxes of substantial construction and not more than fourteen inches in diameter inside measurement and to and from these the films shall be made to travel;
- (iv) The film boxes shall be made to close in such a manner and shall be fitted with a film-slot so constructed as to prevent the passage of flame to the interior of such boxes;
- (v) Spools shall be chain or gear driven and films shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool;
- (vi) During the exhibition all films when not in use shall be kept in closed metal film boxes.

(5) The fittings of every storeroom and manipulation room shall so far as practicable be constructed of fire-resisting materials and there shall be no fireplace in a storeroom or manipulation room.

(6) (a) Except with the approval of the Corporation no electric or other appliance likely to produce an exposed spark and no fire or flame or other agency likely to ignite celluloid or cinematograph film shall be allowed in or dangerously near to a storeroom or manipulation room. All electric wiring in a storeroom or manipulation room shall unless otherwise permitted by the Corporation be run in screwed iron barrel efficiently earthed and all electric lamps shall be fitted with outer globes.

(b) All soldering or sealing of cases or packages containing celluloid or cinematograph film shall be done in a suitable portion of the premises and all due precautions shall be taken effectually to prevent the heat generated in the soldering or sealing operations from affecting the celluloid or film.

(c) No unauthorised person shall enter or be allowed to have access to any room or place in which celluloid or cinematograph film is manipulated kept or stored.

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(7) All waste celluloid and waste cinematograph film shall be collected at frequent intervals and placed in a strong metal box or bin with hinged lid.

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(8) An automatic sprinkler installation and an adequate supply of blankets made of asbestos or other fire-resisting material buckets of water and sand and of such other appliances for extinguishing fires as may be required by the byelaws made under this Order shall having regard to the amount of celluloid or cinematograph film on the premises at any time be kept constantly provided thereon for the purpose of extinguishing any fire which may occur.

(9) Notices shall be kept adequately exhibited in celluloid stores prohibiting smoking where celluloid or cinematograph film is stored or exposed and setting out instructions as to the action to be taken in case of fire on the premises and indicating the means of escape in case of fire.

(10) Copies of the foregoing provisions of this section shall be kept exhibited in all celluloid stores in such positions and in such manner as will enable them to be easily read by all persons employed in such stores.

(11) For the purposes of the section of this Part of this Order of which the marginal note is " Appeals " any refusal of permission or of approval by the Corporation under this section shall be deemed to be a refusal of consent relative to a celluloid store.

197. All means of escape in case of fire provided under or in pursuance of this Part of this Order shall be kept and maintained by the proprietor of the building in respect whereof they are provided in good condition and repair and in efficient working order and no person shall knowingly or wilfully obstruct or render less commodious or permit or suffer to be obstructed or rendered less commodious any such means of escape.

Means of escape to be maintained by owners.

198.—(1) Where (a) any person to whom the Corporation have given any intimation or notice pursuant to this Part of this Order of their decision as to the refusal of any consent relative to a celluloid factory or celluloid store or as to the attachment of any condition or as to any requirement relative to any such

Appeals.

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factory or store or (b) any person or proprietor to whom a notice is given pursuant to the section of this Order of which the marginal note is "Proprietor to execute or maintain works in certain cases" is aggrieved by such decision he may appeal to the sheriff provided that such appeal is made within twenty-one days from the date upon which such person or proprietor receives such intimation or notice and that not less than four days' notice in writing of such appeal is sent to the Corporation Provided that the right of appeal conferred by this section shall not be exerciseable by a person or proprietor who has given pursuant to the section of this Order of which the marginal note is "Provisions as to certain celluloid factories and celluloid stores" a notice of objection to a decision of the Corporation if such notice of objection is still subsisting or has not been disposed of by an agreement or by the decision of an arbiter under that section.

(2) The sheriff shall have regard to and take into consideration any regulations affecting the building in question the terms of tenancy of the building and any circumstances of or affecting the particular case and after considering any representations made on behalf of the Corporation may if he thinks fit direct the Corporation—

(a) to give such consent; or

(b) to vary or withdraw any such condition or requirement as aforesaid or make any other condition or requirement as he may deem expedient and as soon as reasonably practicable the Corporation shall give effect to such direction.

Proprietor
to execute
or maintain
works in
certain
cases.

199. In any case in which the Corporation under the provisions of this Part of this Order attach any condition or make any requirement involving the execution or maintenance in connection with any building wholly or partly in the occupation of the person to whom such condition or requirement relates (in this section referred to as "the occupier") of works which cannot be executed by the occupier having regard to provisions contained or implied in any lease or contract affecting such building the proprietor of such building shall execute and do all such things as may be necessary for the purpose of giving effect to such condition or requirement Provided that

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within fourteen days from the date upon which the Corporation intimate to the occupier their decision to attach such condition or make such requirement as aforesaid the occupier gives notice in writing of such condition or requirement to such proprietor and from and after such notice any obligations under this Part of this Order (other than under the section of this Part of this Order of which the marginal note is "Apportionment of expenses of works") in respect of such works or by reason of the failure or neglect of the proprietor to carry out the same shall attach to the proprietor and not to the occupier Provided that if by reason of the provisions contained or implied in any lease or contract affecting the building any such proprietor is not entitled to execute works as aforesaid the person whose consent is necessary to entitle such proprietor to execute the works shall execute and do all such things as otherwise the proprietor would have been required to do provided that within fourteen days after notice as aforesaid has been given to him he serves a similar notice in writing on the said person and in any such case the preceding provisions of this section shall be construed and have effect as if such person had been named therein instead of the proprietor.

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 PART XII.

—cont.

200. For the purpose of executing or maintaining any works required to be executed or maintained by the proprietor of any building under or in pursuance of the provisions of this Part of this Order the proprietor and any person on whom a notice has been served by a proprietor in pursuance of the provisions of the section of this Part of this Order of which the marginal note is "Proprietor to execute or maintain works in certain cases" notwithstanding any provision to the contrary contained or implied in any lease or contract affecting the building upon which such works are required to be executed or maintained may enter such building and do all such things therein or in relation thereto as may be necessary or proper for the purpose of executing or maintaining such works.

Power to proprietor to enter for execution or maintenance of works.

201. The proprietor of any building and any person on whom a notice has been served by a proprietor in pursuance of the provisions of the section of this Part of this Order of which the marginal note is "Proprietor to

Apportionment of expenses of works.

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—cont.

execute or maintain works in certain cases” who has paid or incurred or may incur any expenses in executing or maintaining any works under or in pursuance of the provisions of this Part of this Order may if he thinks fit apply to the sheriff who may thereupon require the several persons having any interest in the building to appear before him and may make such order concerning such expenses or their apportionment among all or any of the several persons entitled to any estate or interest in the building as appears to him to be just and equitable in the circumstances of the case :

Provided that where a celluloid store situate in any building is the property of a proprietor who is not also the proprietor of the portion of the building situate above or at a higher level than such celluloid store no part of the expense incurred in executing or maintaining any works under or in pursuance of the provisions of this Part of this Order shall be paid by the proprietor or other persons having any interest in the portion of such building situate above or at a higher level than such celluloid store.

Procedure
where
proprietors
cannot be
found.

202. Where under or in pursuance of the provisions of this Part of this Order any notice is required to be served on or any other thing to be done by or to any proprietor if there is no proprietor or if any such proprietor cannot be found the sheriff may do or cause to be done such thing on such terms and conditions as he may think fit and may dispense with the service of any notice which would otherwise be required to be served.

Arbitration
as to
incidence
of damage.

203. Where the occupier of any building claims to have sustained any damage directly and solely caused by the execution or maintenance of any works executed or maintained under or in pursuance of the provisions of this Part of this Order such claim shall unless otherwise agreed between the parties interested be referred to and determined by an arbiter to be appointed by the sheriff on the application of such occupier or any other person interested.

Powers as
to entry
inspection
and
samples.

204.—(1) Any officer duly authorised by the Corporation in that behalf and producing his authority if required may at all reasonable times enter and inspect any premises which are used or which such officer has

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reasonable cause to believe are used wholly or in part for the purposes of a raw celluloid factory or of a celluloid factory or of a celluloid store and such officer may require the occupier of such premises to furnish him on payment of the value thereof with samples of any celluloid or cinematograph film that may be on such premises or of any substance thereon which such officer has reasonable cause to believe to be celluloid. Provided that the samples so required to be furnished shall not exceed in the case of a cinematograph film more than two of the photographs or pictures in any one scene comprised in a film and not more than six of the photographs or pictures comprised in any reel of film.

(2) When an officer has obtained a sample as aforesaid he shall give notice in writing to the occupier of such premises that such sample may be tested as to its chemical composition by a duly qualified chemist at a convenient place and time to be notified in writing to such occupier and such occupier and any person appointed by him may be present at such test.

205. Subject to the provisions of this Part of this Order every person who—

- (a) fails to comply with or uses any premises or does any other thing in contravention of (i) the provisions of this Part of this Order or (ii) any condition attached or requirement made under the said provisions; or
- (b) refuses to permit any officer of the Corporation to enter or inspect any premises which such officer is authorised under the provisions of this Part of this Order to enter and inspect and who produces his authority if required or refuses or neglects to furnish any sample as required under the said provisions or obstructs any such officer in the execution of such provisions or the enforcement of any condition attached or requirement made thereunder; or
- (c) hinders or obstructs any person empowered under or in pursuance of the provisions of this Part of this Order to enter and remain on any premises

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PART XII.
—cont.

Penalties
for offences
in respect
of celluloid
factories
&c.

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—cont.

for the purpose of executing or maintaining any works required under or in pursuance of the said provisions to be executed or maintained thereon;

shall be guilty of a police offence and be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds:

Provided that a person who appeals in accordance with the provisions of this Part of this Order against a decision of the Corporation thereunder shall not be liable to any proceedings for an offence in respect of the subject matter of such decision until such appeal has been heard and determined or has been abandoned.

Application
of Corpora-
tion Acts.

206. Nothing in this Part of this Order contained shall relieve any person from any obligation to comply with the provisions of the other Parts of this Order the Corporation Acts or the byelaws made thereunder so far as such provisions are not inconsistent with the provisions of this Part of this Order.

Handbills
circulars
&c. as to
precautions.

207. The Corporation may by handbills circulars advertisements or otherwise as they think fit bring to the notice of traders and other persons in the city precautions which in the opinion of the Corporation it is desirable to adopt in connection with the keeping storing and use of celluloid.

Saving for
certain
premises.

208. Nothing contained in this Part of this Order shall apply to premises or parts of premises on which cinematograph film is kept or exhibited in pursuance of a licence under the Cinematograph Act 1909 or any other Act.

Saving
existing
consents &c.
5 & 6 Geo. 5.
c. cix.

209. Where under any of the provisions of the Glasgow Celluloid Act 1915 any approval or consent of the Corporation has been given in respect of any raw celluloid factory or celluloid factory or any premises have been registered as a celluloid store such consent approval or registration shall notwithstanding anything in this Part of this Order continue in force subject to any conditions attached thereto as if the Act confirming this Order had not been passed.

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210. Notwithstanding anything contained in this Part of this Order the expressions celluloid and cinematograph film as defined by this Order shall not include any film or substance while in course of conveyance on any railway or in any vessel or while temporarily deposited on any railway premises or on any premises of the trustees of the Clyde Navigation used for harbour or dock purposes as an incident of carriage.

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 PART XII.
 —*cont.*
 Saving for railway companies &c. in respect of Part XII.

211. The provisions of Part XIII (Notices) of this Order shall not apply to notices and appeals against notices given under this Part of this Order.

Part XIII not to apply to this Part of this Order.

PART XIII.

NOTICES.

212. Wherever under the provisions of this Order or the byelaws made thereunder any act or work is or may be required to be done the master of works may by notice require such act or work to be done.

Notices by master of works.

213. Wherever any act or work has been done in contravention of or anything exists which is contrary to the provisions of this Order or the byelaws made thereunder the master of works may without prejudice to any other provisions of this Order in relation thereto by notice require such act or work to be undone or altered or such other works to be done as will secure compliance with the provisions of this Order or the byelaws made thereunder.

Notice by master of works as to violations of Order.

214. Wherever under the provisions of this Order or the byelaws made thereunder any act or work is done or required to be done such act or work shall be done to the satisfaction of the master of works or in the event of dispute to the satisfaction of the dean of guild.

Work to be done to satisfaction of master of works.

215. Every notice given by the master of works in pursuance of the provisions of this Order or the byelaws made thereunder may be in print or in writing or partly in print and partly in writing and shall have the written or lithographed or printed signature of the master of works affixed thereto and any person who without authority gives any such notice shall be guilty of a police offence.

Form of notice.

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PART XIII.
—cont.
Particulars
to be stated
in notice.

216.—(1) The master of works shall in every notice given by him in pursuance of the provisions of this Order or the byelaws made thereunder where any work is required to be done describe such work either directly or by a reference to plans specifications or specimens and specify the period within which such work shall be done.

(2) A copy of the sections of this Order of which the marginal notes are "Objections to and failure to comply with notice" and "Penalties" shall be printed on every such notice.

Mode of
service of
notice.

217. Every notice given by the master of works in pursuance of the provisions of this Order or the byelaws made thereunder may be given by handing it to the person to whom it is addressed or by leaving it at or sending it through the post office to his usual place of business or residence or if these are unknown by leaving it at or by sending it through the post office to the address of such person as appearing in the valuation roll or by leaving it at the land or heritage to which it relates.

Power to
cancel or
vary notice.

218. The master of works may cancel any notice given by him to any person in pursuance of the provisions of this Order or the byelaws made thereunder or give a new notice to the same person or to any other person.

Objections
to and
failure to
comply with
notice.

219.—(1) Any person to whom a notice has been given by the master of works in pursuance of the provisions of this Order or the byelaws made thereunder requiring any act or work to be done who considers himself aggrieved by such notice may within fourteen days from the date of such notice lodge with the town clerk written objections thereto with respect to the necessity for or reasonableness of such act or work or his liability therefor and where such objections are not adjusted between such person and the master of works and are not withdrawn the dean of guild shall on the application of the procurator fiscal inquire into try and decide the questions competently raised in such objections and in so far as such objections have not been sustained may grant a warrant to the master of works to do the act or work referred to in such notice.

(2) In the event of any person to whom a notice has been given by the master of works in pursuance of the

provisions of this Order or the byelaws made thereunder failing to comply with the terms of such notice or to lodge written objections thereto the dean of guild may on the application of the procurator fiscal grant a warrant to the master of works to do the act or work referred to in such notice.

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 PART XIII.

—cont.

(3) On the completion by the master of works of the act or work referred to in the preceding subsections of this section he shall make up for the approval of the dean of guild an allocation of the cost thereof and the dean of guild shall ascertain fix and allocate the amount of such cost and decern against the persons liable therefor and may award expenses to or against any party to the proceedings as he may determine.

220. Any person who complies with any notice given by the master of works in pursuance of the provisions of this Order or the byelaws made thereunder shall be entitled to recover from all other persons liable their proportions of the expenses incurred by him in complying with such notice and failing agreement the dean of guild may on the application of such person fix the proportions of such expenses due by such other persons and decern against them for payment thereof.

Claim of relief by proprietor who complies with notice.

221. Where compliance with the terms of a notice given by the master of works in pursuance of the provisions of this Order or the byelaws made thereunder is required to render any building fit for occupation or for use in a particular manner the dean of guild may interdict the occupation or use of such building until the requirements of such notice have been complied with Any person failing to observe or obey such interdict shall be guilty of a guild offence and be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Dean of guild may interdict use of building.

PART XIV.

CLAIMS OF RELIEF OF PROPRIETORS OCCUPIERS AND OTHER PERSONS INTER SE.

222. Where several persons are interested jointly as proprietors or as occupiers of any land or heritage they shall relieve each other from any liability imposed on

Joint proprietors or occupiers

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PART XIV.

—cont.

to relieve each other.

Relief as regards works in a public street to be fixed by valuation roll.

them by the provisions of this Order or the byelaws made thereunder and from any expense incurred in the fulfilment of such liability according to the extent of their respective interests in such land or heritage.

223. Where any work is done or upon a public street is by the provisions of this Order or the byelaws made thereunder required to be done or maintained by any proprietor or occupier of a land or heritage adjoining such street and where there are several proprietors or occupiers who in respect of flats or portions of the same building or otherwise are jointly interested in the said work and might be called on to do or maintain the said work and there is no special provision or agreement with respect thereto all of such proprietors or occupiers as the case may be shall relieve each other from the expense incurred in doing or maintaining the said work according to the extent of their respective interests as shown by the gross annual values of their lands and heritages in the last completed valuation roll at the date when the expense was incurred.

Apportioning cost of works in any private street.

224. Where any work is done or upon a private street is by the provisions of this Order or the byelaws made thereunder required to be done or maintained by the proprietors or occupiers of lands and heritages adjoining and having a right of access by such street and there is no special provision or agreement with respect to the liability for such work the expense shall in the first instance be divided into parts corresponding to the extent of frontage of the respective lands and heritages adjoining and having a right of access by such street and all the proprietors or occupiers as the case may be of each of such lands and heritages shall relieve each other from the part of such expense effecting thereto according to the extent of their respective interests as shown by the gross annual values of their lands and heritages in the last completed valuation roll at the date when the expense was incurred.

Relief as regards works in lands and heritages

225. Where any work is done or upon or connected with a land or heritage is under the provisions of this Order or the byelaws made thereunder required to be done or maintained by any proprietor or occupier thereof and where there are several proprietors or occupiers who

in respect of flats or portions of the same building or otherwise are jointly interested in the said work or in the solum in under or upon which it is to be done or maintained and might be called on to do or maintain the said work and there is no special provision or agreement with respect thereto all of such proprietors or occupiers as the case may be shall relieve each other from the expense incurred in doing or maintaining the said work according to the extent of their respective interests as shown by the gross annual values of their lands and heritages in the last completed valuation roll at the date when the expense was incurred.

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 —
 PART XIV.
 —cont.
 to be fixed
 by valua-
 tion roll.

226. Every liability imposed by the provisions of this Order or the byelaws made thereunder with respect to which there is no agreement or special provision in this Order or otherwise shall in any question of relief be equitably apportioned among the several persons on whom the liability is laid.

Apportion-
 ing other
 claims of
 relief.

227. Every claim of relief under this Order may be made sued for and recovered as a debt according to the ordinary procedure before any competent court.

How claims
 of relief to
 be enforced.

PART XV.

BYELAWS AND PENALTIES.

228. The Corporation may make byelaws with respect to the following matters (that is to say) :—

Byelaws.

- (1) The plans to be produced and the particulars to be furnished with any application to the Corporation or to the dean of guild :
- (2) The level width formation construction paving drainage and building line of streets :
- (3) The position structure materials dimensions strength and form of pavement lights in streets :
- (4) The protection and maintenance of trees shrubberies and ornamental or pleasure grounds in streets :
- (5) The preparation of the sites of buildings :
- (6) The sites construction and stability of and the materials to be used in buildings :

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—cont.

- (7) The construction alteration and adaptation of buildings of steel construction and of buildings constructed wholly or partly of reinforced concrete and the use composition and strength of steel and reinforced concrete in such construction :
- (8) The position structure materials dimensions strength and form of walls foundations damp-proof courses floors hearths staircases stairs stair landings lobbies entrances exits corridors passages roofs windows doors chimneys or any other parts of buildings and of chimney stalks :
- (9) The height of buildings and of the rooms and apartments therein :
- (10) The protection of buildings against fire and the materials to be used for that purpose :
- (11) Projections canopies verandahs balconies ornaments and overhanging walls on or in connection with buildings and recesses and openings in walls of buildings :
- (12) The erection stability maintenance inspection and removal of scaffolding cranes barricades hoardings stands platforms bridges over streets gangways canopies verandahs and balconies and the materials structure dimensions position and use of the same :
- (13) The ventilation of hollow squares and the provision of space about buildings and the erection of buildings on the back ground of hollow squares :
- (14) The ventilation and lighting of buildings staircases stairs stair landings lobbies entrances exits corridors passages rooms apartments water-closets and urinals :
- (15) The formation dimensions construction paving and drainage of and means of access to back courts :
- (16) The erection and height of and the materials to be used for walls or fences in back courts :

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- (17) The protection of dwelling-houses or occupied apartments above or contiguous to buildings where noxious or dangerous businesses are carried on :
- (18) The position dimensions materials stability and structure of and space about temporary buildings :
- (19) The protection of dwelling-houses or occupied apartments situated over stables garages byres laundries wash-houses bake-houses restaurant-kitchens or other businesses :
- (20) The position dimensions structure and maintenance of sewers drains soil pipes waste pipes and other pipes and of traps waterclosets urinals earth-closets privies wash-houses ashpits portable ashbins ashbin shelters and septic tank installations :
- (21) The position construction capacity use protection ventilation and cleansing of cisterns and the supply and flush of water for waterclosets and urinals :
- (22) The closing or removal of earth-closets privies ashpits cesspools wash-houses and offices :
- (23) The position dimensions stability and structure of chimneys vents flues and other pipes for carrying off the products of combustion stoves furnaces and fireplaces and precautions against nuisance and fire in connection therewith :
- (24) The provision of means of exit from buildings in case of fire :
- (25) The arrangement of the sitting accommodation in public buildings :
- (26) The provision of dressing-room watercloset and lavatory accommodation in theatres cinemas and public halls for the public the performers and other persons employed therein :
- (27) The provision of a water supply and of sanitary conveniences in buildings :

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- (28) The prevention of fire in connection with the use of raw celluloid factories celluloid factories and celluloid stores and the storing and handling of celluloid and cinematograph film :
- (29) The provision of cold and hot water supplies sinks baths wash-basins waterclosets scullery wash-house larder press and coal accommodation and other facilities and conveniences in dwelling-houses :
- (30) The lighting and ventilation of common passages and common stairs and the provision structure and dimensions of handrails of common stairs and the provision character and position of knobs guards or projections on such handrails :
- (31) The materials and character of fittings and apparatus for water gas and electricity installations in buildings and the position of such fittings and apparatus and precautions against fire in connection therewith :
- (32) Notices inspections tests taking of samples plans procedure fees charges expenses costs and other matters incidental to the carrying into effect of the provisions of this Order and the byelaws made thereunder :
- (33) For prescribing anything which under this Order may be prescribed and for the better carrying into effect the purposes and provisions of this Order.

Any byelaws with regard to matters mentioned in this section may be so made and enacted as to apply to existing buildings and different byelaws may be made for different classes of buildings.

Byelaws made under this section other than in respect of the matters mentioned in paragraphs 24 25 28 and 31 (so far as relating to electricity installations) shall not take effect unless and until they have been confirmed by the Department of Health for Scotland and byelaws made under this section in respect of the matters mentioned in paragraphs 24 25 and 28 shall not take effect unless and until they have been confirmed by the Secretary of State and byelaws made under paragraph 31 (so far as relating to electricity installations) shall not take

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effect unless and until they have been confirmed by the Electricity Commissioners and the said department the Secretary of State or the Electricity Commissioners (as the case may be) may allow modify or disallow the same as they may respectively think fit and may subject to the provisions of this Order determine to what extent such byelaws shall affect existing buildings.

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PART XV.

—cont.

No such byelaws shall be confirmed unless notice of intention to apply for confirmation has been published once in each of two successive weeks with an interval between such publications of not less than six clear days in two newspapers circulating in the city one month at least before the making of the application for such confirmation and for such period of one month a copy of the proposed byelaws shall be kept at the office of the town clerk and be open to the inspection of any person during ordinary office hours without fee or reward. The town clerk shall furnish to any person who may apply for the same a copy of such proposed byelaws on payment of sixpence for each such copy.

The said department the Secretary of State and the Electricity Commissioners may before allowing modifying or disallowing any such byelaws cause such further intimation and institute such inquiry as they may think proper in the manner and subject to the conditions mentioned in 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.

52 & 53 Vict.
c. 50.

All such byelaws when so confirmed shall be binding upon and be observed by all persons and shall be sufficient to justify all persons acting under the same.

The byelaws made under the Act of 1900 shall so far as not inconsistent with the provisions of this Order remain in force until the byelaws made under this Order have come into operation whereupon the byelaws made under the Act of 1900 shall cease and determine.

229. In the event of any byelaws made in pursuance of section 70 of the Housing (Scotland) Act 1935 coming into force in the city relating to matters in respect of which there are corresponding provisions in this Order or which are the subject of byelaws made under the

Certain provisions as to dwelling-houses to cease to

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PART XV.

—cont.

operate in
certain
events.
25 & 26
Geo. 5. c. 41.

powers of this Order such corresponding provisions of this Order or byelaws made under the powers of this Order shall to the extent to which the matters to which such provisions or byelaws relate are dealt with in such byelaws made under the said section 70 cease to have effect.

Proof of
byelaws.

230. Any byelaws made and confirmed in pursuance of the provisions of this Order may be proved by the production of a copy thereof purporting to be certified as a true copy by the town clerk and any such byelaws so proved shall be taken to have been duly made and confirmed in pursuance of the provisions of this Order unless and until the contrary is proved.

Penalties.

231. Except as otherwise provided in this Order any person—

- (a) acting in contravention of any of the provisions of this Order or the byelaws made thereunder :
- (b) omitting failing or refusing to do any act or thing prescribed by this Order or the byelaws made thereunder after notice by the master of works requiring such act or thing to be done ; or
- (c) omitting failing or refusing to comply with the terms of any decree of the dean of guild or with any conditions imposed by any such decree ;

shall be guilty of a guild offence and every person who is guilty of a guild offence shall except where other provision is made in this Order be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound besides being bound to comply with such order as the dean of guild may pronounce in pursuance of the provisions of this order Provided that a person who has lodged objections to a notice by the master of works in accordance with the provisions of the section of this Order of which the marginal note is " Objections to and failure to comply with notice " shall not be deemed to have omitted failed or refused to do such act or thing in the event of his objections being sustained and in any event pending a decision on such objections.

Trial of
police
offence.

232. All police offences under this Order may be prosecuted in a summary manner before the magistrate and every person guilty of a police offence shall except where other provision is made in this Order be liable to a

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penalty not exceeding five pounds and any penalties in respect of such offences shall be recoverable and applied in the same manner as penalties imposed by the magistrate under the Police Acts.

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PART XV.
—cont.

PART XVI.

MISCELLANEOUS.

233. The dean of guild may with the consent of the Corporation (which consent may upon a report in writing by the medical officer of health that adequate provision is made for light and ventilation or sanitary requirements be granted on such terms and conditions as the Corporation may prescribe) relax or modify to such extent and under such conditions as he may think proper all or any of the provisions of this Order or the byelaws made thereunder with regard to—

Power
to relax
certain
provisions
as to
buildings.

Hotels being public buildings;

Dwelling-houses situate in warehouse buildings office buildings or public buildings and occupied by the caretakers thereof;

Poorhouses hospitals and asylums;

Buildings constructed wholly of fire-resisting materials; and

Buildings of steel construction and buildings of reinforced concrete;

Any other building of a special description :

Provided that the Corporation and the dean of guild are of opinion that there are exceptional circumstances justifying such relaxation or modification.

234.—(1) The factor or agent for a proprietor of a land or heritage in the management or receipt of the rents or profits of such land or heritage who has become liable or responsible as such factor or agent for carrying out and implementing the obligations imposed by this Order or the byelaws made thereunder upon such proprietor and for payment of the penalties imposed by or costs and expenses incurred under this Order or the byelaws made thereunder shall be liable to the extent only of the funds rents and other assets belonging or payable to such proprietor in the hands or under the control of such

Restricting
liability of
factors.

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factor or agent or which shall come into his hands or pass under his control and in the event of such factor or agent having paid or become liable for any sums of money in implementing such obligations and paying such penalties costs and expenses he shall have a right and claim of relief against such proprietor for any sums so paid or penalties costs and expenses incurred by him. Provided that any notice given to such factor or agent or any action raised against him in respect of such land or heritage shall be effective against the proprietor or any new factor or agent appointed by him and against the land or heritage and any such proprietor or factor or agent may be sisted as a party in any action at any stage thereof. Provided further that nothing contained in this section shall affect the liability of any factor or agent in respect of his personal delict.

(2) In ascertaining the extent of the liability of the factor or agent for the proprietor of a land or heritage under the provisions of this section account shall not be taken of any funds rents and other assets belonging or payable to such proprietor in the hands or under the control of such factor or agent or which shall come into his hands or pass under his control to the extent to which these have been applied or are required to meet all charges properly incurred in the management and maintenance of the said land or heritage.

Continuance
of actions
&c. by or
against any
officer.

235. Upon the death or removal of any officer appointed or acting under this Order all actions submissions arbitrations prosecutions and proceedings to which he was officially a party may be proceeded with by or against his successor in office in the same way and to the same effect as they might have been proceeded with by or against the officer so dying or being removed if he had been living and still in office.

Cost of
works to be
real lien.

236.—(1) Wherever under the provisions of this Order or the byelaws made thereunder the Corporation or the master of works do any work upon or in connection with any land or heritage the cost of such work together with the expense of any proceedings connected therewith shall upon the failure of the proprietor liable to pay such cost and expense form a real and preferable lien and burden on the land or heritage on or in connection with which

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such cost and expense have been incurred and may be recovered in any method competent from such land or heritage as well as from such proprietor by personal action or diligence Provided always that purchasers lenders and others acquiring right to such lands and heritages or any part thereof for value without notice of such lien and burden shall not be affected thereby unless notice thereof with warrant of registration has been registered in the division of the general register of sasines for the county of the barony and regality of Glasgow and the keeper of the said register shall be bound to receive and register any notice under this section signed by the town clerk or by any law agent on behalf of the Corporation.

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—
 PART XVI.

—cont.

(2) Nothing in this section shall prejudice the operation of the provisions of the Housing (Scotland) Acts 1925 to 1935.

237. Where the proprietor of a land or heritage is liable to the Corporation or to any officer on behalf of the Corporation in any sum due in pursuance of the provisions of this Order or the byelaws made thereunder the Corporation or such officer may recover the amount from the occupier of such land or heritage to the extent of the rent due by such occupier at the date when notice of the said claim is given to him or which thereafter becomes due by him to such proprietor and the occupier shall after such notice be bound to retain and account for any rents due by him to the Corporation or to such officer and shall be entitled to an abatement from the proprietor corresponding to the sums so retained and accounted for.

Power to Corporation to recover from occupier sums due by proprietor.

238. When in pursuance of the provisions of this Order notice has been given to the master of works in respect of the commencement of any work and such work has been suspended for any period exceeding one month the person responsible for such work shall give the master of works two clear days' notice in writing of the resumption of such work.

Notices to be given to master of works of resumption of work.

239. The master of works or any inspector appointed by him and producing his appointment if required may at all reasonable times enter upon and inspect—

Master of works may inspect buildings.

(a) any public building warehouse building or office building;

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PART XVI.

—cont.

- (b) any other building or premises upon which any operations are being carried out under a decree of lining;
- (c) any building or premises which are undergoing structural alteration or being taken down or removed; or
- (d) any building which appears to be dangerous or likely to become dangerous :

Any person who obstructs or interferes with the master of works or such inspector or who refuses to give all reasonable facilities for the purpose of such inspection shall be guilty of a guild offence.

Facilities for inspection of buildings.

240. Any person who obstructs or interferes with or refuses to give reasonable facilities to any person appointed by the dean of guild and producing his appointment if required to inspect any building or premises in pursuance of the provisions of this Order shall be guilty of a guild offence.

Testing strengths of materials.

241.—(1) The master of works may apply or cause to be applied tests to determine the quality and strength of any material used or proposed to be used in the construction of any street sewer building or work and the proprietor of such street sewer building or work shall if required provide facilities and assistance to enable the master of works to test such quality and strength and the determination of the master of works as to such quality and strength shall be subject to the review of the dean of guild.

(2) The costs of such tests and the expenses of procedure connected therewith and consequent thereon shall be borne by the proprietor of such street sewer building or work and the dean of guild may decern for payment of such costs and expenses against such proprietor.

Decree of lining to be carried out at sight of master of works.

242. Every work in respect of which a decree of lining has been granted shall be carried out at the sight of the master of works but neither such decree of lining nor any inspection by the master of works shall relieve the person to whom such decree of lining has been granted from any responsibility or liability under this Order in respect of such work.

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243. Whenever the master of works or any inspector appointed by him and producing his appointment if required finds any operation in progress or work being done or anything being used contrary to the provisions of this Order or the byelaws made thereunder or any decree of lining or other decree of the dean of guild the master of works may forthwith stop such operation work or use and may take precautions by the appointment of watchmen and otherwise to insure that such operation or work or use shall not be resumed until the master of works has brought the matter in question before the dean of guild or other competent tribunal and police constables shall be bound to render such assistance as may be required to enable the master of works to carry into effect the provisions of this Order and the byelaws made thereunder and any decree of lining or other decree of the dean of guild.

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—
PART XVI.
—cont.
Master of works may stop infringements.

244. No person shall take down or remove any building except after notice to the master of works or in pursuance of a decree of lining authorising him so to do.

Building not to be taken down without authority.

245. All expenses incurred by the Corporation the master of works or the procurator fiscal in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder and not otherwise recovered as in this Order provided may be paid out of the assessment for the maintenance of roads under the Roads and Bridges (Scotland) Act 1878 and references in section 40 (Assessment on private streets and courts) and section 42 (Annual value of lands and heritages to be fixed by valuation roll) of the Act of 1866 to the statute labour assessment shall be construed as references to the said assessment for the maintenance of roads.

Expenses of administering Order.

246. The Corporation may from time to time borrow and reborrow such sums of money as may be necessary for the purposes of this Order to which capital is properly applicable in the same way and manner as they borrow money for the construction of new streets or roads or bridges under the Roads and Bridges (Scotland) Act 1878 and Acts amending that Act and the provisions of the Roads and Bridges (Scotland) Act 1878 and Acts amending that Act relating to the borrowing of money and the

Borrowing powers.

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A.D. 1937. repayment thereof shall extend and apply to the money
— borrowed by the Corporation under the provisions of this
PART XVI. section.
—cont.

Repayment
of money
borrowed
under
repealed
Acts.

247. All moneys borrowed by the Corporation for the purposes of the repealed Acts and outstanding and not paid off at the date of the passing of the Act confirming this Order shall as from that date be deemed to have been borrowed under the provisions of the Roads and Bridges (Scotland) Act 1878 and Acts amending that Act and the provisions of the Roads and Bridges (Scotland) Act 1878 and Acts amending that Act relating to the borrowing of money and the repayment thereof shall extend and apply to the said moneys. Provided that notwithstanding anything in this section the provisions of the repealed Acts shall continue to extend and apply in respect of the said moneys for the purpose of determining the amount of the sinking fund to be set aside in any year for the repayment of the said moneys as if the Act confirming this Order had not been passed.

Costs of
Order.

248. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and if paid out of borrowed moneys which the Corporation are hereby authorised to borrow shall be repaid within five years from the date of the passing of the Act confirming this Order.

PART XVII.

REPEAL OF ACTS SAVINGS &C.

Repeal of
Acts.

249.—(1) Subject to the provisions of this Order the Acts and Orders specified in the Third Schedule to this Order are hereby repealed to the extent indicated in the third column of that schedule and on and after the date of the passing of the Act confirming this Order all references to the repealed Acts or any of them in the Corporation Acts and in any other Acts and Orders shall be read and have effect as if this Order or any Act or Order amending the same were mentioned therein instead of the repealed Acts or any of them.

55 & 56 Vict.
c. 55.

(2) Section 228 of the Burgh Police (Scotland) Act 1892 adopted by the Corporation on the twenty-second

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day of June one thousand nine hundred and three shall A.D. 1937.
cease to apply to the city.

250.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

PART XVII.

—cont.

Saving
from effect
of repeal.

- (a) All property vested in the Corporation under the provisions of the repealed Acts at the date of the passing of the Act confirming this Order shall continue vested in the Corporation to the same extent and effect and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the date of the passing of the Act confirming this Order valid and available or in progress and all existing notices agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights decrees orders and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed;
- (b) All existing annuities bonds mortgages stock or other securities made granted payable or created by the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;
- (c) All actions arbitrations submissions prosecutions and proceedings by reason of any matter or thing done before the date of the passing of the Act confirming this Order in the execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted as if the Act confirming this Order had not been passed;
- (d) All existing byelaws rules regulations orders consents licences and registrations in execution of or in relation to any of the repealed Acts shall in so far as not inconsistent with the provisions of this Order continue in force until repealed altered or revoked under the provisions of this Order or

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—
PART XVII.

—cont.

until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;

(e) All sums of money at the date of the passing of the Act confirming this Order due to the Corporation under or in respect of any of the provisions of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed;

(f) All books registers deeds documents and writings which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

52 & 53 Vict.
c. 63.

Crown
rights.

251. 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 land 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.

Saving for
Postmaster-
General.

252. Nothing in this Order shall be deemed to prejudice or affect any of the Postmaster-General's rights powers and authorities under the Telegraph Acts 1863 to 1926.

Saving
common
law liability.

253. Nothing in this Order shall relieve any person of any responsibility or liability which he may incur at common law and compliance with the provisions of this Order or the byelaws made thereunder or with any decree of the dean of guild or any notice of the master of works shall not relieve any person of responsibility or liability at common law in connection with any land or heritage or any operations thereon.

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254. Without prejudice to any special powers conferred by Act of Parliament upon any railway company or canal company or on the Trustees of the Clyde Navigation the provisions of this Order shall not except with respect to streets sewers and sanitary provisions apply to the railways stations depots or station-yards of any railway company or to the canals wharves depots quays or towing paths of any canal company or to the harbour docks or wharves of the said trustees or to buildings or the sites of buildings belonging to such railway company canal company or the said trustees connected with and forming part of such railways stations depots station-yards canals wharves quays towing paths harbour or docks other than a dwelling-house.

“ Streets ” in this section shall not include (1) any road forming part of any such railway station depot station-yard canal wharf quay towing path harbour or dock (2) any road footpath or lane formed or laid out by a railway company or canal company or the said trustees and used as an approach to such railway station depot station-yard canal wharf quay towing path harbour or dock or to land used for railway purposes canal purposes or navigation purposes and wholly maintained by such railway company or canal company or the said trustees or (3) any private street road common passage court footpath or lane the lands abutting on which and to which lands there is access from such street road common passage court footpath or lane belong wholly to a railway company or canal company or the said trustees respectively.

“ Sewers ” in this section shall not include or apply to any sewers situated or to be situated upon or adjoining any land or heritage belonging to a railway company or canal company or the said trustees constructed by them under their statutory powers.

255. Nothing in this Order with respect to the vesting in the Corporation of public streets public footpaths or public sewers shall prevent any superiors proprietors or other persons from recovering the cost or any proportion of the cost of forming such streets footpaths or sewers from feuars or other persons under any agreements made between the said parties respectively.

A.D. 1937.
 —
 PART XVII.
 —cont.
 Saving for railway companies and navigations.

Saving for superiors and proprietors.

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

THE FIRST SCHEDULE.

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

The following materials shall for the purposes of this Order and of the byelaws made thereunder be deemed to be fire-resisting materials :—

(I) For general purposes—

Brick terra-cotta concrete plaster cement granite and other stone suitable for building purposes iron steel copper zinc lead asbestos slates tiles and flagstones.

(II) For special purposes—

- (1) In the case of doors and shutters and their frames oak teak jarrah karri or other hard timber not less than one and three-quarters inches finished thickness the frames being bedded solid to the walls or partitions;
- (2) In the case of floors and roofs brick slate tile terra-cotta or concrete not less than five inches thick in combination with iron and steel;
- (3) In the case of walls enclosing lobbies passages corridors stairs staircases and stair landings brick terra-cotta concrete or other fire-resisting material not less than three inches thick;
- (4) In the case of glazing for windows skylights lantern and roof lights glass not less than one-fourth of an inch in thickness in direct combination with metal the melting point of which is not lower than 1,800 degrees Fahrenheit in squares not exceeding sixteen square inches and in panels not exceeding two feet across either way the panels to be secured with fire-resisting materials in frames of hard timber not less than one and three-quarters inches finished thickness or of iron.

(III) Any other material from time to time prescribed by the British Standards Institution as fire-resisting and approved by the Corporation.

(IV) Any other material approved by the Corporation.

THE SECOND SCHEDULE.

A.D. 1937.

(Referred to in the section of this Order of which the marginal note is "Thickness &c. of walls.")

1. The minimum thickness of the external walls of buildings shall be as follows :—

	Height of storey not exceeding 10 feet.	Thickness of external walls.	
		Height of storey exceeding 10 feet and not exceeding 14 feet.	Height of storey exceeding 14 feet.
(i) If built of stone (natural or synthetic)—			
Buildings of one storey - - -	14 in.	16 in.	
Buildings of two storeys :—			
1st storey - - - -	16 "	18 "	
2nd storey - - - -	16 "	16 "	
Buildings of three storeys :—			
1st storey - - - -	18 "	20 "	
2nd storey - - - -	18 "	18 "	
3rd storey - - - -	16 "	16 "	
Buildings of four storeys :—			
1st storey - - - -	22 "	24 "	
2nd storey - - - -	20 "	22 "	
3rd storey - - - -	18 "	20 "	
4th storey - - - -	16 "	18 "	

In such buildings exceeding four storeys in height the thickness of the external walls of the four uppermost storeys shall be as above stated in the case of buildings of four storeys in height and the thickness of the external walls of each succeeding storey below shall respectively and in succession be four inches more than the thickness of the external walls of the storey immediately above.

	Height of storey not exceeding 10 feet.	Thickness of external walls.	
		Height of storey exceeding 10 feet and not exceeding 14 feet.	Height of storey exceeding 14 feet.
(ii) If built of stone (natural or synthetic) and brick—			
Buildings of one storey - - -	10 in.	10 in.	
Buildings of two storeys :—			
1st storey - - - -	10 "	15 "	
2nd storey - - - -	10 "	10 "	
Buildings of three storeys :—			
1st storey - - - -	15 "	19 "	
2nd storey - - - -	10 "	15 "	
3rd storey - - - -	10 "	15 "	

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2ND SCH.
—cont.

	Height of storey not exceeding 10 feet.	Height of storey exceeding 10 feet and not exceeding 14 feet.
Buildings of four storeys :—		
1st storey - - -	19 in.	24 in.
2nd storey - - -	15 „	19 „
3rd storey - - -	15 „	15 „
4th storey - - -	10 „	15 „

In such buildings exceeding four storeys in height the thickness of the external walls of the four uppermost storeys shall be as above stated in the case of buildings of four storeys in height and the thickness of the external walls of each succeeding storey below shall respectively and in succession be four and one-half inches more than the thickness of the external walls of the storey immediately above.

	Height of storey not exceeding 10 feet.	Height of storey exceeding 10 feet and not exceeding 14 feet.
(iii) If built of brick—		
Buildings of one storey - - -	9 in.	9 in.
Buildings of two storeys :—		
1st storey - - -	9 „	14 „
2nd storey - - -	9 „	9 „
Buildings of three storeys :—		
1st storey - - -	14 „	18 „
2nd storey - - -	9 „	14 „
3rd storey - - -	9 „	14 „
Buildings of four storeys :—		
1st storey - - -	18 „	23 „
2nd storey - - -	14 „	18 „
3rd storey - - -	14 „	14 „
4th storey - - -	9 „	14 „

Provided that in buildings of one storey not exceeding nine feet six inches in height and not intended for human habitation the dean of guild may sanction the construction of brick walls four and one-half inches thick if built in cement mortar and reinforced to his satisfaction.

In such buildings exceeding four storeys in height the thickness of the external walls of the four uppermost storeys shall be as above stated in the case of buildings of four storeys in height and the thickness of the external walls of each succeeding storey below shall respectively and in succession be four and one-half inches more than the thickness of the external walls of the storey immediately above.

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(iv) If built as hollow walls of brick or of concrete blocks or of concrete blocks and brick or of stone (natural or synthetic) and brick having a cavity two inches wide the width of this cavity to be included in the total thickness of the wall—

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 —
 2ND SCH.
 —cont.

	Height of storey not exceeding 10 feet.		
	Brick or stone and brick.	Concrete blocks.	Concrete blocks and brick.
Buildings of one storey	11 in.	10 in.	10½ in.
Buildings of two storeys :—			
1st storey -	11 „	10 „	10½ „
2nd storey -	11 „	10 „	10½ „
Buildings of three storeys :—			
1st storey -	15½ „	14 „	14½ „
2nd storey -	11 „	10 „	10½ „
3rd storey -	11 „	10 „	10½ „
Buildings of four storeys :—			
1st storey -	15½ „	14 „	14½ „
2nd storey -	15½ „	14 „	14½ „
3rd storey -	11 „	10 „	10½ „
4th storey -	11 „	10 „	10½ „

Where the cavity exceeds two inches in width the total thickness of the walls shall be increased to the extent of such increase in width.

The dean of guild may with the consent of the Corporation sanction the erection of hollow walls of less thicknesses than those hereinbefore prescribed.

The walls of any building containing storeys of a greater height than fourteen feet shall be increased in thickness in proportion to such greater height.

At the top of each storey where the respective thicknesses of the walls change as specified in this Schedule a course of through headers shall be provided under the joisting.

Any wall or part of a wall not exceeding fourteen inches in thickness which is longer than thirty feet measured from one return wall to the next return wall shall be increased in thickness or sufficiently strengthened by pilasters buttresses or counterforts at intervals of fifteen feet apart and any such wall which is a bearing wall for a floor or roof with a span of more than thirty feet shall be increased in thickness or sufficiently strengthened as aforesaid at intervals of fifteen feet apart.

The walls of newel stairs shall be not less than four and a half inches thick The walls of hanging stairs shall be not less than nine inches thick.

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2ND SCH.
 —cont.
 Dimensions
 of cross
 walls.

Height of
 storeys.

2. Party walls and cross walls except so far as they contain chimney vents or smoke-flues shall be of not less thicknesses than two-thirds of the thicknesses hereinbefore respectively prescribed for external walls.

3. The height of a storey shall be measured from the underside of the floor joists to the underside of the floor or ceiling joists of the storey next above it.

THE THIRD SCHEDULE.

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

Session and chapter.	Title of Act or Order.	Extent of repeal.
29 & 30 Vict. c. cclxxiii.	Glasgow Police Act 1866.	Section 39 so far as it relates to the imposition of the statute labour assessment. Section 58. Section 61 so far as it relates to the borrowing of money on the security of the statute labour assessment. Section 64 so far as it relates to the setting apart of a sum out of the statute labour assessment as a sinking fund. Section 66 so far as it relates to the appointment of a master of works and an inspector of sewers the duties to be entrusted to them and the powers to be exercised by them. Section 67 so far as it relates to the procurator fiscal of the dean of guild court. Section 76 so far as it relates to the master of works. Section 77 so far as it confers powers on the master of works. Section 78 so far as it relates to an inspector suspended by the master of works. Section 105 so far as it relates to the dean of guild and guild offences.

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3RD SCH.
—cont.

Session and chapter.	Title of Act or Order.	Extent of repeal.
2 & 3 Geo. 5. c. cxlix.	Glasgow Corporation Order Confirmation Act 1912.	Section 27 of the Order scheduled thereto.
4 & 5 Geo. 5. c. clxxviii.	Glasgow Corporation Order Confirmation Act 1914.	Sections 18 24 25 and 26 of the Order scheduled thereto.
5 & 6 Geo. 5. c. cix.	Glasgow Celluloid Act 1915.	The whole Act.
10 & 11 Geo. 5. c. xl.	Glasgow Corporation Order Confirmation Act 1920.	Section 9 so far as it relates to the borrowing of money for streets purposes. Section 10 so far as it relates to the sinking fund for money borrowed for streets purposes. Sections 16 and 17 of the Order scheduled thereto.
12 & 13 Geo. 5. c. xlviii.	Glasgow Corporation Order Confirmation Act 1922.	Sections 43 and 44 of the Order scheduled thereto.
15 Geo. 5. c. iv.	Glasgow Corporation Order Confirmation Act 1924.	Sections 35 and 38 of the Order scheduled thereto.
15 & 16 Geo. 5. c. cxxxi.	Glasgow Boundaries Act 1925.	Section 25 the proviso thereto.
17 & 18 Geo. 5. c. lix.	Glasgow Corporation Order Confirmation Act 1927.	Sections 68 and 69 of the Order scheduled thereto.
20 & 21 Geo. 5. c. clxxvii.	Glasgow Corporation Act 1930.	Sections 32 to 35 inclusive. Section 41.
24 & 25 Geo. 5. c. lxix.	Glasgow Corporation Order Confirmation Act 1934.	Section 31 of the Order scheduled thereto.

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Session and chapter.	Title of Act or Order.	Extent of repeal.
29 & 30 Vict. c. cclxxiii —cont.	Glasgow Police Act 1866—cont.	Section 149 subsection (26) so far as it relates to any showcase. Part XXI (Jurisdiction of and procedure before the dean of guild). Section 279 the words “the formation improvement and maintenance of streets courts foot pavements and other places the construction and repair of sewers the erection alteration and use of buildings.” Sections 281 282 284 285 and 294 to 303 inclusive. Sections 305 to 314 inclusive. Sections 316 and 317. Sections 319 to 343 inclusive. Sections 364 to 369 inclusive. Sections 373 and 374. Sections 380 to 386 inclusive.
35 & 36 Vict. c. xli.	Glasgow Municipal Act 1872.	Section 31 so far as it relates to the borrowing of money on the security of the statute labour assessment.
40 & 41 Vict. c. cxxviii.	General Police and Improvement (Scotland) Act 1862 Order Confirmation (Glasgow) Act 1877.	Section 12 of the schedule to the Act so far as it relates to the procurator fiscal of the dean of guild court. Section 15 of the schedule to the Act.
55 & 56 Vict. c. clxv.	Glasgow Police (Further Powers) Act 1892.	Section 3 so far as it relates to “sky signs.” Section 23. Section 33.
56 & 57 Vict. c. ccviii.	Glasgow Corporation Act 1893.	Sections 56 and 57.
63 & 64 Vict. c. cl.	Glasgow Building Regulations Act 1900.	The whole Act so far as not already repealed.
8 Edw. 7. c. vii.	Glasgow Corporation Act 1908.	The whole Act.
9 Edw. 7. c. cxxxvii.	Glasgow Corporation Act 1909.	Section 45.
2 & 3 Geo. 5. c. xc.	Glasgow Boundaries Act 1912.	Section 33 the proviso thereto.

A.D. 1937.

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3RD SCH.
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