

Greenock Corporation Order Confirmation Act, 1952

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**CHAPTER i**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Greenock Corporation.

[16th December 1952.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the Greenock Corporation Order Short title.
Confirmation Act 1952.

SCHEDULE

GREENOCK CORPORATION

Provisional Order to confer powers on the corporation of Greenock with respect to parks crematorium cabs and the local government health administration and finance of the burgh of Greenock and for other purposes.

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

And whereas by the Greenock Corporation Act 1909 the local Acts and Orders relating to the burgh were consolidated and by the Greenock Corporation Acts 1909 to 1937 further powers were conferred upon the Corporation:

And whereas it is expedient that further provision should be made with regard to the parks of the Corporation:

And whereas it is expedient that the Corporation should be empowered to establish a crematorium:

And whereas it is expedient that the powers of the magistrates of the burgh with respect to the regulation and control of cabs as defined in this Order should be extended and that the provisions contained in this Order with respect thereto should be enacted:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to streets and to make further and better provision with reference to the local government health and administration of the burgh as provided in this Order:

And whereas it is expedient to provide for the removal of the limitation imposed by section 191 of the Local Government (Scotland) Act 1947 on the amount of the public library rate leviable by the Corporation within the burgh and that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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

PART I

PRELIMINARY

Short title.

1. This Order may be cited as the Greenock Corporation Order 1952.

Citation of Acts.

2. The Greenock Corporation Acts 1909 to 1937 and this Order may be cited together as the Greenock Corporation Acts 1909 to 1952.

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

PART I
—cont.

Commencement
of Order.

4. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the following words and expressions shall have the meanings hereinafter respectively assigned to them (that is to say):—

Interpretation.

“ Act of 1909 ” means the Greenock Corporation Act 1909 ;

“ Act of 1927 ” means the Greenock Burgh Extension &c. Act 1927 ;

“ Act of 1947 ” means the Local Government (Scotland) Act 1947 ;

“ burgh ” means the burgh of Greenock ;

“ commission ” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

“ Corporation ” means the corporation of Greenock ;

“ food ” means any article used as food or drink for human consumption other than drugs or water and includes—

(a) any substance which is intended for use in the composition or preparation of food ;

(b) any flavouring matter or condiment ; and

(c) any colouring matter intended for use in food ;

Provided that notwithstanding anything in this definition the addition of any colouring or flavouring matter or condiment to the article used as food or drink shall be deemed to be the addition of a substance to food ;

“ Order of 1921 ” means the Greenock Corporation Order 1921 ;

“ Order of 1937 ” means the Greenock Burgh Extension &c. Order 1937 ;

“ parks ” means and includes any land whether situated within or beyond the burgh provided owned leased or occupied by the Corporation and used for the purpose of recreation games sports or amusement or as a public playground public open space public walk and ornamental or pleasure ground and all buildings works apparatus appliances machinery plant servitudes rights powers and privileges connected therewith ;

“ powers ” includes rights authorities jurisdictions civil and criminal capacities privileges and immunities ;

“ Public Parks Act ” means the Public Parks (Scotland) Act 1878.

And other words and expressions construed in the Act of 1909 shall if and when used in this Order and when not inconsistent with any of the provisions of this Order respectively have the same meanings assigned to them as in the Act of 1909.

PART II

PARKS

Acquisition of
land for parks.

5. The Corporation may from time to time as they think fit by agreement purchase feu or lease any lands situated either within or beyond the burgh for the purposes of this Part of this Order and for the purposes of the Public Parks Act.

Powers as to
parks.

6.—(1) Subject to the provisions of this Part of this Order the Corporation shall in addition to the powers conferred on the Corporation by the Public Parks Act and any other enactments have and may exercise all or any of the following powers in connection with the parks (that is to say):—

(a) They may reclaim drain and improve the surface of the parks or any part thereof and execute construct and maintain all necessary works for that purpose ;

(b) They may form improve and maintain roads drives foot-paths riding tracks and walks in the parks and do such other things as from time to time may appear to the Corporation to be expedient for the use and enjoyment of the parks by the public ;

(c) They may—

(i) lay out and maintain or set apart in any part of the parks golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches and grounds for other outdoor games and places for dancing ;

(ii) form and maintain thereon yachting ponds swimming pools boating ponds curling and skating ponds ; and

(iii) regulate the playing of games in the parks and the use of such places for dancing and as ponds and pools ;

(d) They may provide and maintain in any of the parks any apparatus and facilities for games recreation and amusement and may make reasonable charges for the use of the same ;

(e) They may—

(i) provide erect maintain manage and carry on in the parks or authorise other persons to provide erect maintain and carry on therein museums collections of natural history science or art refreshment rooms stands pavilions waiting-rooms shelters stores club-houses baths lavatories and other conveniences band-stands conservatories tool-houses dwelling-houses for park-keepers and other similar officers of the Corporation and other such erections ; and

(ii) charge and take such rents rates or charges as they think fit in respect of the use of the parks and of such yachting ponds swimming pools boating ponds curling and skating ponds golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket

pitches hockey pitches grounds places for dancing refreshment rooms stands pavilions waiting-rooms shelters stores club-houses baths lavatories and other conveniences band-stands or other erections ;

- (f) They may provide and sell and may enter into any agreement or arrangement with any person for the provision and sale in any of the parks of refreshments subject to the provisions of all enactments orders byelaws or regulations relating thereto and may also upon such terms and conditions and for such periods as they may think fit grant to any person the right so to provide and sell refreshments ;
- (g) They may from time to time on such terms and subject to such conditions and for such period as they think fit—
- (i) let or permit to be used for any special or temporary purpose portions of the parks ;
- (ii) let the right to provide apparatus for the purposes of games recreation or amusement ; and
- (iii) let to any persons or clubs for or in connection with the playing of games any portion of any park laid out and maintained or set apart for the playing of such games and any buildings works apparatus and appliances connected therewith or permit the use thereof by such persons or clubs :
- Provided always that reasonable facilities for the playing of such games shall be available to the public in that park at all times during the playing season for such games.
- (h) They may set apart any portion of the parks as a children's playground and provide gymnastic or other apparatus therefor and may fix the age above which persons shall not be permitted to play therein ;
- (i) They may levy reasonable charges for admission into any museum conservatory winter garden collections of natural history science or art and other similar places and buildings under their control.

(2) A certificate shall not be granted under the Licensing (Scotland) Acts 1903 to 1949 for the sale of excisable liquor in any premises provided under this section but nothing in this subsection shall render it unlawful to grant under section 40 of the Licensing (Scotland) Act 1903 a special permission for an entertainment in the parks.

7. In addition to the powers to make byelaws conferred upon the Corporation by the Public Parks Act the Corporation may make byelaws for all or any of the following purposes (that is to say):—

- (1) For the general management regulation control and better preservation of the parks and for regulating and ensuring good order in the use of the parks and the regulation and control of golf or any other games now played or which may hereafter be played in the parks and the regulation and control of dancing in the parks :

PART II
—cont.

- (2) For licensing appointing and regulating golf caddies and professional golfers and golf experts and all other persons who may be employed in the parks for remuneration or reward and for fixing and regulating the charges for their services:
- (3) For the prevention of unlicensed persons being employed or taking employment in the parks:
- (4) For the orderly conduct of persons frequenting or using the parks or playing golf or any other games therein:
- (5) For excluding and removing from the parks gypsies hawkers and beggars and all persons committing a breach of the peace or infringing any byelaw:
- (6) For regulating and prescribing the days on which games may be played and the hours during which games will be permitted in the parks or in any part or parts thereof:
- (7) For preventing or regulating the admission to the parks of vehicles and of horses and other animals:
- (8) For protecting from injury any golf courses and turf and greens and all tee boxes guide posts bunkers golf holes pins flags and other fittings connected therewith and any yachting ponds swimming pools boating ponds curling and skating ponds tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches or grounds set apart for any other games or any places for dancing or any apparatus or implements used for or in connection with any games recreation or amusement established or provided in any part of the parks:
- (9) For regulating and varying from time to time any charges to be exacted from persons using any places for the playing of games or for dancing in the parks and the recovery thereof and the exclusion and removal of persons refusing or evading payment thereof.

As to
temporary use
of parks for
other purposes.

8. Subject to the provisions of this Order the Corporation may use or permit the use of the whole or any part of any of the parks for any periods not exceeding in the whole one month in any one year for any special purpose other than a purpose for which such park may ordinarily be used and may when the park is being so used close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons to such park or portion thereof as they may fix.

Powers as to
neglected
ground.

9.—(1) Without prejudice to the powers of the Corporation under the Town and Country Planning (Scotland) Act 1947 where any garden ground or policy ground attached to any dwelling-house or other building is in such a neglected condition as in the opinion of the Corporation to be injurious to the amenity of adjoining land the Corporation may serve a notice on the owner or occupier of such neglected ground requiring him within fourteen days to take such steps as may be specified in the notice to abate the injury to the adjoining land.

(2) The Corporation may at the request of any person on whom notice has been served under this section or in default of compliance with any such notice themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost from the owner or occupier upon whom the notice was served.

(3) Any person aggrieved by any notice of the Corporation under this section may appeal to the sheriff within the aforesaid period of fourteen days provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

10. Whereas by a deed of gift dated the sixth and seventh both days of June and recorded in the division of the general register of sasines applicable to the county on the third day of October both in the year nineteen hundred and twenty-eight the several lands known respectively as The Lady Octavia Park The Well Park The Wellington Park Broomhill Park The Lady Alice Park and Battery Park were disposed to the Corporation by Sir Michael Hugh Shaw Stewart of Greenock and Blackhall with consents therein mentioned:

Removal of
restrictions on
use of certain
parks.

And whereas by the terms of the said deed of gift the said lands were to be held and administered by the Corporation and their successors in office in all time coming only as public parks and open spaces for behoof of the inhabitants of the burgh:

And whereas it is desirable that the Corporation should have power to let or permit the use of portions of the said parks for the purpose of games sports flower shows and for other recreational activities:

Be it therefore enacted that the Corporation shall have power in respect of the said parks notwithstanding anything contained in the said deed of gift to do all such things as they may deem necessary for the purposes of this Part of this Order.

11. Any park which has been or may be provided or administered by the Corporation outside the burgh shall be deemed to be within the burgh for the purpose of the control regulation and management of the same and the provisions of the Public Parks Act and of this Part of this Order as to the making of rules regulations and byelaws shall extend and apply to every such park:

As to parks
outside burgh.

Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices of the peace or any court of competent jurisdiction or any police force:

Provided also that such byelaws shall before confirmation be subject to the approval of the county council of the county in which such park is situated.

12. Nothing in this Part of this Order shall affect the rights of the South West Scotland Electricity Board or extend or authorise any interference with any of their electric lines conduits works or property (whether such lines conduits works or property be situated above or below the ground) except in accordance with and subject to the provisions of sections 15 and 17 of the Electric Lighting Act 1882 and sections 17 18 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 as adapted or modified by the Electricity Act 1947 and the Public Utilities Street Works Act 1950 respectively.

For protection
of South West
Scotland
Electricity
Board.

PART III

CREMATORIUM

Power to
establish
crematorium

13.—(1) The Corporation may build provide fit up equip maintain and manage a crematorium proper and sufficient for the cremation of human remains on the land described in the First Schedule to this Order.

(2) Section 5 of the Cremation Act 1902 shall not apply in respect of any crematorium to be constructed upon the said land.

PART IV

CABS

Definition of
cab.

14. For the purposes of this Part of this Order "cab" means every wheeled carriage whatever its form or construction and however drawn or propelled which stands for hire or plies for passengers for hire within the burgh and also includes any carriage kept by the owner in any building garage yard or other premises within the burgh for the purpose of being let out for hire with a driver but shall not include—

(a) any carriage so kept for the purpose of being let out for hire for the day or any longer period ; or

(b) a public service vehicle within the meaning of the Road Traffic Act 1930.

Cabs to be
licensed.

15.—(1) The magistrates shall from time to time license to ply for hire or let out for hire within the burgh such number of cabs as they think fit.

(2) Every application for a licence under this section shall be signed by the person requiring such licence and if made on behalf of any limited liability company or partnership firm such application shall be made by the secretary or manager or other duly authorised official of the company or a partner of the partnership firm as the case may be.

(3) A licence under this section shall not be granted to an individual person under the age of eighteen years.

(4) A licence granted under this section shall not include more than one cab.

Occasional
licences for cabs.

16. The magistrates may in their discretion grant occasional licences for cabs to be in force for such day or days as may be specified in such licences.

Penalty for
plying for hire
without licence.

17.—(1) Any person who within the burgh stands or plies for hire with or lets out for hire a cab in relation to which there is not in force a licence granted under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(2) Any person who causes or permits to stand or ply for hire within the burgh or lets out for hire a cab in relation to which there

is not in force a licence granted under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART IV
—cont.

18.—(1) The magistrates shall from time to time license such persons as they think fit to act as cab drivers. Drivers of cabs to be licensed.

(2) A licence under this section shall not be granted to any person under the age of eighteen years.

19. The magistrates may require any person making application for the grant or renewal of a cab driver's licence— Provisions as to physical fitness of cab drivers.

(a) to produce a certificate signed by a registered medical practitioner to the effect that he is fit physically to be the driver of a cab ; or

(b) (whether or not such a certificate has been produced) to submit to examination by a registered medical practitioner selected by the magistrates as to his physical fitness to be the driver of a cab.

20.—(1) A person shall not stand or ply for hire with a cab within the burgh unless he is licensed under the section of this Order of which the marginal note is " Drivers of cabs to be licensed " and a person shall not employ or cause or permit to stand or ply for hire with a cab within the burgh any person who is not so licensed nor shall any carriage kept by the owner within the burgh for the purpose of being let out for hire with a driver be so let out for hire unless the driver thereof is so licensed. Penalty in case of driver acting without licence.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

21.—(1) If the holder of a licence in respect of a cab or of a cab driver's licence changes his address during the currency of the licence he shall give notice of such change of address in writing to the town clerk within seven days of such change specifying in such notice his new address and shall at the same time send or deliver such licence to the town clerk who shall endorse thereon the particulars of such change. Notification of change of address.

(2) A holder of a licence in respect of a cab or of a cab driver's licence who changes his address and fails to give notice of such change or to send or deliver such licence to the town clerk in accordance with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

22. Any holder of a licence in respect of a cab or any driver of a cab who demands or takes as a fare a greater sum than the fare allowed under any byelaw made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings. Penalty for demanding more than authorised fare.

23. A person shall not be bound by any agreement whatever made with the driver or with any person having or pretending to have the care of any cab for the payment of a fare in excess of that allowed under any byelaw made under this Part of this Order and any Agreement to pay more than authorised fare not to be binding.

PART IV
—cont.

person who has made such agreement may notwithstanding the agreement refuse on discharging such cab to pay any sum beyond the fare allowed as aforesaid.

Penalty for demanding more than sum agreed for though less than authorised fare.

24. Any holder of a licence in respect of a cab or driver of a cab and any other person on behalf of any such licence-holder or driver who agrees beforehand with any person hiring such cab to charge for such hire a sum less than the fare allowed under any byelaw made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings if he demands or takes for such hire more than the sum so agreed upon.

Penalty on persons refusing to pay fare.

25. A person who refuses on completion of the hire of a cab to pay the fare due by him for such hire in accordance with any byelaw made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Byelaws for regulating cabs.

26. The magistrates may make byelaws for all or any of the following purposes (that is to say):—

- (1) For regulating the conduct of the drivers of cabs in their several employments ;
- (2) For the examination and inspection of cabs at such times and places as may be prescribed in the byelaws ;
- (3) For the numbering of cabs and for regulating the issue and display of plates indicating such numbers and fixing the charges for the use of such plates ;
- (4) For prescribing the type and construction of vehicles which may be licensed as cabs and for prescribing the age in excess of which mechanically propelled vehicles shall not be licensed as cabs :
 Provided that byelaws made under the powers of this paragraph shall not be of any effect if and so far as they conflict with the provisions of any regulations made under the Road Traffic Act 1930 ;
- (5) For securing that every cab shall be properly equipped and kept in a proper state of repair and cleanliness ;
- (6) For requiring that every cab which stands for hire or plies for passengers for hire within the burgh shall be equipped with a taximeter or other similar apparatus and for regulating the fixing and testing or re-testing of every such taximeter or other apparatus and for prohibiting interference with any such taximeter or other apparatus or the causing of the same to register incorrectly ;
- (7) For the suspension or revocation of the licence in respect of a cab which at any time fails in any way to comply with the requirements of the byelaws ;
- (8) For regulating all matters affecting or relating to the safety comfort or convenience of persons hiring or using cabs and of the public ;

- (9) For regulating the number of persons to be carried by cabs and for securing the due display of the prescribed number in or on each cab ;
- (10) For regulating all matters relating to luggage carried on or in cabs and the disposal of articles found on or in cabs ;
- (11) For fixing and regulating the stances for cabs :
Provided that byelaws made under the powers of this paragraph shall not empower the magistrates to fix or regulate the stance for cabs standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission ;
- (12) For fixing the fares to be paid for cabs for securing the due publication of such fares and for providing for passengers withholding fares in prescribed circumstances ;
- (13) For fixing the distance to which drivers of cabs shall be obliged to drive but not exceeding a distance by road of eight miles from the principal post office of the burgh ;
- (14) For every holder of a licence in respect of a cab supplying to any officer of the Corporation authorised in that behalf or to any constable on request being made by such officer or constable the name and address of any person who was authorised to drive such cab at any specified time within seven days before the request was made ; and
- (15) For declaring and fixing the terms and conditions on which licences shall be granted to and held by owners and drivers respectively of cabs and for specifying what shall constitute and operate as a forfeiture or revocation thereof.

27. Any person acting in contravention of any of the byelaws made under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds. Penalty for contravention of cab byelaws.

28. Where any person who is the holder of—

- (a) a licence in respect of a cab ; or
(b) a cab driver's licence ;

Suspension or revocation of licence on conviction;

is convicted of an offence under this Part of this Order or under any byelaws made under this Part of this Order the magistrates may in addition to or in lieu of imposing any penalty in respect of such conviction suspend or revoke the licence in respect of such cab or the licence of such cab driver as the case may be.

29.—(1) The provisions of this Part of this Order and all byelaws made under this Part of this Order shall in their application to any cab hired within the burgh have effect within a distance by road of not exceeding eight miles from the principal post office of the burgh. Application of Part IV of Order and byelaws relating to cabs.

(2) All prosecutions and proceedings for offences under this Part of this Order or byelaws made under this Part of this Order shall be conducted before the magistrates whether such offences were committed within the burgh or not.

PART IV
—cont.
Provisions as to
licences.

30.—(1) Every application for the grant or renewal of a licence shall be made in writing to the town clerk who shall when requested supply forms of application to intending applicants.

(2) All such applications shall be lodged with the town clerk and in the case of renewal of licence such applications shall be lodged not later than one month before the expiry of the current licence.

(3) Every licence shall remain in force for one year or until the twenty-eighth day of May next ensuing or for such shorter period as may be prescribed in the licence unless the licence is sooner suspended revoked or forfeited.

Charges for
licences.

31. A fee of five shillings may be made for the grant or renewal of any cab-driver's licence granted or renewed under the provisions of this Part of this Order.

PART V

STREETS

Stopping up of
portions of
certain streets.

32.—(1) The Corporation may stop up and discontinue the use by the public of the portions of the following streets situated within the burgh hereinafter referred to or any of them (that is to say):—

So much of Springkell Street as is situated between the north-west side of Carlsburn Street and the south-east side of East Stewart Street.

So much of St. Andrew Square as is situated to the south-east of a line in prolongation south-westwards of the south-east side of St. Andrew Street and to the north-east of a line in prolongation north-westwards of the north-east side of Springkell Street together with so much of the said Square as is situated to the south-west of a line joining the south-eastern extremity of the south-west side of Carnock Street and the north-western extremity of the south-west side of Springkell Street.

So much of Stanners Street as is situated between the south-west side of Arthur Street as widened to fifty feet and a point seventy-one feet or thereby south-westwards therefrom.

So much of Princes Street as is situated between the north side of West Burn Lane and a point one hundred and seven feet or thereby north-westwards therefrom.

So much of Princes Street as is situated between the north side of Nicolson Street and a point one hundred and three feet or thereby northwards therefrom.

(2) Nothing in this section shall affect the rights of any parties in the solum of such streets and portions of streets.

Closing of
streets etc.

33.—(1) The Corporation may by resolution passed or order made at a meeting of the Corporation after notice of the intention to exercise the powers of this section has been given (a) in the notice convening the meeting of the Corporation and (b) by advertisement published once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper published or circulating in the burgh shut up discontinue

and close any public street or right of way or any portion of a public street or right of way which has from change of circumstances or otherwise become useless to the public or dangerous to foot-passengers or may by resolution or order as aforesaid consent to the shutting up and closing of the same on such terms and conditions as may be arranged with the owner of the solum thereof.

(2) (a) Any resolution or order 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 published or circulating in the burgh.

(b) A printed copy thereof shall be affixed in some conspicuous place at both ends of such street or right of way.

(c) A notice narrating such resolution or order and containing a copy of this section shall be served on every owner lessee and occupier of lands and heritages fronting or abutting on or entering from the street or right of way referred to in the resolution or order.

(3) Within one month after the first publication of such resolution or order and the service of such notice the Corporation shall report the resolution or order to the sheriff and any person aggrieved by the resolution or order may within the said period of one month appeal to the sheriff against such resolution or order provided that he gives written notice of such appeal and the grounds thereof to the Corporation.

(4) (a) On such resolution or order being reported to him the sheriff shall take the same into consideration along with any appeal which may have been made against the same under the provisions of this section and shall hear parties and may require them to submit evidence and the sheriff may—

- (i) confirm the resolution or order ; or
- (ii) confirm the resolution or order subject to such modifications as he may think fit ; or
- (iii) if he considers that in the circumstances the resolution or order should not have been made declare the same to be void and of no effect.

(b) The decision of the sheriff shall be final as regards the said resolution or order and he may award expenses.

(5) In the event of the sheriff confirming the resolution or order or confirming the resolution or order subject to modifications the Corporation shall be entitled within one month from the decision of the sheriff to appropriate and remove the causeway setts road metal paving material kerbs water channels gullies lamp-posts or other property of the Corporation thereon.

(6) Nothing in this section shall affect the rights of any parties in the solum of any street or right of way or portion of street or right of way.

34.—(1) Where any street or right of way or portion of a street or right of way is stopped up shut up discontinued or closed in pursuance of the section of this Order of which the marginal note is "Stopping up of portions of certain streets" or the section of this Order of which the marginal note is "Closing of streets etc." For protection
of Postmaster-
General.

PART V
—cont.

the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such street or right of way or portion of a street or right of way at the time of such stopping up shutting up discontinuance or closing:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up shutting up discontinuance or closing of the street or right of way or portion of the street or right of way so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be ;
- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any street or right of way has been stopped up shut up discontinued or closed the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up shutting up discontinuance or closing and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) In this section the expression “ telegraphic line ” has the same meaning as in the Telegraph Act 1878.

Street
openings.

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

(2) The permanent restoration of the street or court surface after the opening has consolidated shall be done by the Corporation at the expense of such person at prices to be fixed by the master of works or in the option of the master of works shall be done by the person opening the street or court to the satisfaction of the master of works.

(3) Every person who opens the solum of any public street or court shall be responsible for the restoration of all damage done to any drain sewer pipe cable or other work or construction affected in the course of his operations.

(4) Nothing in this section shall apply to works carried out in the exercise of a power to which section 1 of the Public Utilities Street Works Act 1950 applies.

36.—(1) Where any tree hedge or shrub overhangs any 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 by notice under the hand of the master of works require the owner of the tree hedge or shrub or the occupier of the premises on which such tree hedge or shrub is growing to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves at the expense of such owner or occupier as the case may be carry out the requisition of their notice doing no unnecessary damage.

Lopping of trees
overhanging
streets.

(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.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

PART VI

PUBLIC HEALTH

37.—(1) A person shall not instal in any premises in the burgh any furnace for the purpose of steam raising or for any manufacturing or trade purpose unless such furnace is so far as practicable capable of being operated continuously without emitting smoke.

As to
installation of
furnaces.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and any person who after conviction of an offence of installing a furnace in contravention of these provisions uses that furnace shall unless it has been altered so as to comply with these provisions be guilty of an offence and shall be liable to a daily penalty not exceeding two pounds.

PART VI
—cont.

(3) (a) Where any person before installing in any premises a furnace for any of the purposes aforesaid submits to the Corporation plans and specifications of the proposed furnace and furnishes them with such other necessary information with regard thereto as the Corporation may require the Corporation shall within a period of six weeks from the date on which such plans and specifications are received by them serve a notice upon such person stating whether they are or are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(b) If the Corporation are so satisfied or if they do not serve a notice upon such person before the expiration of the said period of six weeks proceedings shall not be taken against him under this section in respect of the installation of that furnace in accordance with the plans specifications and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation shall consult with the Minister of Fuel and Power.

(5) (a) The Corporation in satisfying themselves for the purposes of subsection (3) of this section as to whether or not a proposed furnace is so far as practicable capable of being operated continuously without emitting smoke ; and

(b) A court in determining whether or not there has been a contravention of the provisions of this section in regard to any furnace ;

shall have regard to cost and to local conditions and circumstances.

(6) For the purposes of this and the next succeeding section " smoke " includes soot ash grit and gritty particles.

Smokeless
zones.

38.—(1) The Corporation may by order to be confirmed by the Secretary of State prohibit the emission of smoke from any premises or classes or types of premises in any areas within the burgh which may be prescribed in such order.

(2) Before submitting an order under subsection (1) of this section to the Secretary of State the Corporation shall publish in the Edinburgh Gazette and in one or more newspapers published in the burgh a notice—

(a) stating that such an order has been made and is about to be submitted to the Secretary of State for confirmation ;

(b) stating the general effect of the order ;

(c) describing the areas to which the order applies ; and

(d) stating that within the period of twenty-eight days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Secretary of State and sending a copy of such notice to the town clerk.

(3) If objection is not duly made or if all objections so made are withdrawn then the Secretary of State may if he thinks fit confirm

the order with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

(4) (a) The Corporation shall compile and keep a register of the name and address of every person owning or occupying premises within the burgh who at any time after the commencement of this Order by notice in writing to the town clerk requests the Corporation to serve upon the person making such request a copy of any notice published in pursuance of subsection (2) of this section.

(b) Every notice served upon the Corporation by any person under this subsection shall state the name and address of such person and shall specify the premises within the burgh of which such person is the owner or occupier.

(c) The Corporation shall serve upon every such person at the address entered in the said register a copy of any such notice as relates to an order affecting premises owned or occupied by any such person.

(d) The omission to serve a copy of any such last-mentioned notice on one or more of the persons (not being the whole number of such persons affected by any particular order) hereinbefore referred to shall not invalidate or prejudice any order made by the Corporation under subsection (1) of this section or the confirmation of such order by the Secretary of State.

(5) The Secretary of State may for the purposes of this section designate to the Corporation any specified body of persons as being representative of the interests of the owners or occupiers of premises used for carrying on any trade or industry in the burgh or of any class of such owners or occupiers and in the event of any such designation the Corporation shall before submitting an order under subsection (1) of this section to the Secretary of State consult with such body.

(6) An order made under the foregoing provisions of this section may—

(a) in relation to any premises or class or type of premises specified in the order—

(i) provide that the premises or class or type of premises shall be excluded from the operation of the order ;

(ii) provide that the application of the order to the premises or class or type of premises shall be deferred for such period as may be specified ;

(b) provide that the application of the order to premises used for any of the following processes shall be deferred for such period as may be specified or that such premises may be excluded from the operation of the order:—

(i) the working of a mine ;

(ii) the smelting of ores and minerals ;

PART VI
—cont.

(iii) the calcining puddling and rolling of iron and other metals ; and

(iv) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals :

Provided that premises shall not be excluded from the operation of the order on the ground that they are used for any of the processes referred to in paragraph (b) of this subsection unless the Secretary of State is satisfied that the inclusion of the premises within the operation of the order would obstruct or interfere with any such processes.

(7) Immediately after an order made under this section has been confirmed by the Secretary of State the Corporation shall publish in one or more newspapers published in the burgh a notice stating that the order has been confirmed and naming a place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Secretary of State of his objection to the order appeared at the public inquiry in support of his objection but evidence of compliance with the provisions of this subsection shall not be required in any proceedings.

(8) An order made under this section shall come into operation on but not until such date as may be specified in the order which shall be not less than six months after the date of the confirmation of the order.

(9) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order made under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted arose solely from the consumption of coke anthracite or any other fuel of a type specified by the Corporation and used in a furnace stove or other appliance which is suitable for burning such fuel and is properly maintained and used.

(10) An order under this section may contain such provisions as the Secretary of State may think expedient—

(a) for enabling the lessee or tenant of any premises or the lessees or tenants of any class or type of premises within the area to which the order relates who has or have to incur expense in executing works or providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the order and the owners of such premises to enter into and carry out agreements making such variations of the terms of the leases or tenancies of the premises as may be reasonable having regard to the expense to be incurred and to other relevant circumstances ; and

(b) for enabling any lessee or tenant of any such premises who has been unable to make an agreement with the owner thereof under paragraph (a) of this subsection to apply to the sheriff for an order making such variations of the terms of the lease or tenancy of the premises as aforesaid and for enabling the sheriff to make such an order.

(11) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Secretary of State.

(12) Nothing in this section or in any order made thereunder shall apply to smoke emitted from a railway locomotive or from any furnace or engine of a ship.

(13) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of any order made by the Corporation and confirmed by the Secretary of State under this section.

(14) Nothing in this section or in any order made thereunder shall apply—

(a) to any existing generating station of the British Electricity Authority or any existing works of the Scottish Gas Board for the manufacture or storage of gas ; or

(b) to any generating station or works for the manufacture or storage of gas permission for the construction or extension of which by the British Electricity Authority or the Scottish Gas Board (as the case may be) is granted or deemed to be granted in accordance with the provisions of the Town and Country Planning (Scotland) Act 1947.

39. Section 73 (Tents and vans used for human habitation) of the Public Health (Scotland) Act 1897 shall in its application to the burgh be extended so as to authorise the Corporation to make byelaws with respect to—

(a) the number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land ;

(b) the area to be allotted to each such tent van shed or similar structure ;

(c) securing sanitary conditions in such tents vans sheds or similar structures and on any such land ;

(d) securing a sufficient supply of wholesome water to such tents vans sheds or similar structures ;

(e) securing the good and orderly conduct of persons frequenting any such land and of the occupiers of the tents vans sheds or similar structures situated thereon ; and

(f) the provision of adequate lighting of such land or area and precautions against fire :

PART VI
—cont.

Provided that paragraph (e) of this section shall not apply to any tents vans sheds or similar structures used or intended to be used for human habitation by a person whose regular employment or occupation is that of a circus proprietor roundabout proprietor or travelling showman (not being a pedlar or hawker) provided that such tents vans sheds or similar structures are only used in connection with his employment or occupation and that any person occupying such tents vans sheds or similar structures is not guilty of any misconduct.

Hairdressers
and barbers.

40.—(1) As from the commencement of this section a person shall not by himself or any other person carry on the business of a hairdresser or barber on any premises in the burgh unless he and those premises are registered by the Corporation.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a register kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation may charge a fee not exceeding five shillings in respect of each certificate of registration issued by them.

(4) The Corporation may make byelaws for the purpose of securing—

- (a) that any premises used or to be used for the purpose of carrying on the business of a hairdresser or barber are suitable and adequate for such purpose ;
- (b) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and
- (c) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(5) If any person carries on business in contravention of subsection (1) of this section or contravenes or fails to comply with any byelaw made under subsection (4) of this section he shall be guilty of an offence and shall be liable on summary conviction—

- (a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds ; and
- (b) in the case of a contravention of or failure to comply with a byelaw to a penalty not exceeding five pounds ;

and in either case the magistrates may (in lieu of or in addition to imposing a penalty) order the suspension of his registration for such period not exceeding twelve months as the magistrates think fit.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so

he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

PART VI
—cont.

(7) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in any such capacity he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection the expression "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking being a body corporate whose affairs are managed by the members thereof means a member of that body.

(8) The provisions of this section shall come into operation on but not until such date as may be fixed by a resolution of the Corporation which date shall not be earlier than the first day of January one thousand nine hundred and fifty-three.

(9) Not less than one month before the date on which the provisions of this section come into operation public notice of such date and of the effect of the provisions of this section shall be given by the Corporation by advertisement in one or more newspapers published in the burgh but evidence of compliance with the provisions of this subsection shall not be required in any proceedings.

(10) Applications for registration in pursuance of subsection (1) of this section may be made and such registration effected before the provisions of this section come into operation.

41.—(1) A noise nuisance shall be liable to be dealt with summarily in the manner provided in Part II of the Public Health (Scotland) Act 1897 in the same way and to the same effect as in cases under subsection (6) of section 16 of that Act and the Corporation shall have all the powers and duties with reference to a noise nuisance which a local authority has with reference to a nuisance under the said Act. Noise nuisance.

(2) For the purposes of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to the commission or their servants exercising statutory powers on railway or dock premises.

PART VI
—cont.Prohibition of
sale of
verminous
furniture etc.

42.—(1) A dealer shall not sell or expose for sale any second-hand furniture mattress bed-linen or similar articles if the same are to his knowledge infested with bed bugs or if by taking reasonable precautions he could have known the same to be so infested.

(2) A dealer offending against the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) (a) The sanitary inspector or any other officer duly authorised by the Corporation in that behalf and producing his authority if and when required to do so may enter any premises in which second-hand furniture mattresses bed-linen or similar articles are sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section.

(b) Any person who refuses to permit the sanitary inspector or such other officer to enter any premises or make any inspection which the sanitary inspector or such other officer is authorised under the provisions of this section to enter or make or obstructs the sanitary inspector or such other officer in the execution of his duty under such provisions shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) In and for the purposes of this section “dealer” means any person who in the course of his business trades or deals in any of the articles referred to in this section.

Buildings unfit
for occupation.

43.—(1) In any case where it is certified to the Corporation by the medical officer or the sanitary inspector that any building or part of a building (other than a dwelling-house) is unfit for occupation the Corporation may by an order affixed conspicuously on the building or part of the building declare that such building or part of a building is not fit for occupation and such building or part of a building shall not after a date to be specified in such order be occupied.

(2) Any person who after the date specified in such order lets or continues to let or knowingly occupies or suffers to be occupied such building or part of a building shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings for every day during which such building or part of a building is so let or occupied:

Provided that if at any time after such order is made the Corporation are satisfied that such building has become or been rendered fit for occupation they may revoke such order and such order shall thenceforward cease to operate.

(3) Any person aggrieved by any order of the Corporation under the provisions of this section may appeal to the sheriff in the manner provided by section 16 of the Housing (Scotland) Act 1950 and the provisions of that section so far as applicable shall extend and apply with respect to any such appeal.

44.—(1) The contractor engaged in or upon the construction reconstruction or alteration of any building in the burgh shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the sanitary inspector and until the completion of any such work or operation maintain such water or other closets and urinals in or in connection with such building as may be sufficient for the accommodation of the workmen employed.

PART VI
—cont.

Sanitary conveniences for workmen engaged on buildings.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Any person aggrieved by any requirement of the Corporation under the provisions of this section may appeal therefrom and section 339 of the Burgh Police (Scotland) Act 1892 shall extend and apply in respect of any such appeal.

(4) Nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

45.—(1) Where it appears to the Corporation upon a report from the medical officer or from the sanitary inspector that any person or the clothing of any person is verminous then if that person consents to be removed to a cleansing station they may cause him to be removed to such a station and if he does not so consent they may apply to the sheriff and the sheriff if satisfied that it is necessary that such person or his clothing should be cleansed may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

Cleansing of verminous persons and their clothing.

(2) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection the Corporation shall take such measures as may in their opinion be necessary to free him and his clothing from vermin.

(3) The cleansing of females under this section shall be carried out only by a registered medical practitioner or by a woman duly authorised by the medical officer.

(4) Any consent required to be given for the purpose of this section may in the case of a person under the age of sixteen years be given on his behalf by his parent or guardian.

(5) A charge shall not be made in respect of the cleansing of a person or his clothing or in respect of his removal to or maintenance in a cleansing station under this section.

46. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered the sheriff may on the application of the Corporation (who shall give the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other

As to cleansing of certain dwelling-houses.

PART VI
—cont.

dwelling maintained by the Corporation for such period as the sheriff may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may remove such occupier and may carry out such cleansing and disinfection of the dwelling-house as may be necessary:

Provided that upon the completion of such cleansing and disinfection of the dwelling-house the Corporation shall make provision for the return of such occupier to the dwelling-house.

Common stairs
etc. to be
lime-washed
etc. by owners.

47.—(1) The owners of all common stairs or common passages and of water-closets drying rooms and wash-houses used in common and of all common ventilating shafts and lift shafts shall keep the same in repair and shall as often as may be required by the sanitary inspector and to his satisfaction repair and cleanse limewash or paint the same and every part and pertinent thereof and all roof-lights skylights fanlights and windows belonging thereto in such manner and within such time as may be required:

Provided that such owner shall not be required under the powers of this section to limewash more often than once in every year or to paint more often than once in three years any such common stair common passage water-closet drying room wash-house used in common common ventilating shaft lift shaft or any part or pertinent thereof or any roof-light fanlight or window belonging thereto.

(2) Any such owner who fails to comply with the provisions of this section or with any requirement of the sanitary inspector under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

(3) Any person aggrieved by any requirement of the sanitary inspector under this section may appeal therefrom and section 339 of the Burgh Police (Scotland) Act 1892 shall extend and apply in respect of any such appeal.

Byelaws for
cleansing
common stairs
etc. by tenants.

48. The Corporation may make such byelaws as they think fit for the cleansing by the tenants in rotation of stairs lobbies passages drying rooms wash-houses sinks water-closets and areas used in common including any windows thereof.

Byelaws with
respect to
handling
wrapping etc. of
food and
sale of food in
open air.

49.—(1) The Corporation may make byelaws for securing the observance of sanitary and cleanly conditions and practices in connection with the preparation handling wrapping storage and delivery of food sold or intended for sale for human consumption and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

(2) The medical officer the sanitary inspector or any other officer duly authorised by the Corporation in that behalf and showing his authority if required shall be entitled at all reasonable times to enter into and inspect any premises in which he suspects that there is any contravention of a byelaw made under this section.

(3) Any person who refuses such entry or inspection or obstructs any such officer in the execution of his duty shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

50. Any person who within the burgh conveys or causes any other person to convey through any street in an open cart or vehicle or receptacle a carcase or part of a carcase of an animal slaughtered for sale without the cart or vehicle or receptacle being clean or without the said carcase or part of a carcase being so covered with a clean cloth as to be wholly hidden from view and protected from contamination by dust or otherwise shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

PART VI
—cont.

Conveyance of
meat in open
cart vehicle or
receptacle.

51.—(1) Subject to the provisions of this section the following provisions shall have effect in relation to every room in which any food intended for human consumption (other than milk) is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale (that is to say):—

Provisions as to
rooms where
food intended
for sale is
prepared or
stored etc.

- (a) Sanitary conveniences dustbins or ashpits shall not be within or communicate directly with the room or be so placed that offensive odours therefrom can penetrate into the room ;
- (b) A cistern for the supply of water to the room shall not be in direct communication with or discharge directly into a sanitary convenience and there shall not be within the room any outlet for the ventilation of a drain or except with the approval of the Corporation an inlet into any drain conveying sewage or foul water ;
- (c) The walls floor doors windows and ceiling of the room shall be kept in a proper state of repair ;
- (d) The walls ceiling and doors of the room shall be painted whitewashed cleansed or purified as often as may be necessary to keep them clean and the windows of the room shall be kept clean ;
- (e) The room shall not be used as a sleeping place and so far as may be necessary to prevent risk of infection or contamination of food in the room a sleeping place adjoining the room shall not communicate therewith except through the open air or through an intervening ventilated space ;
- (f) Except in the case of an artificially refrigerated room suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained ;
- (g) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in the room except so far as may be necessary for the proper carrying on of the trade or business for which the room is used and the floor of the room shall be cleansed as often as may be necessary to keep it clean ;
- (h) Cleanliness shall be observed by persons employed in the room both in regard to the room and all articles apparatus and utensils therein and in regard to themselves and their clothing ; and
- (i) There shall be provided in or within reasonable distance of the room suitable washing basins and a sufficient supply of soap clean towels and clean water both hot and cold for the use of persons employed in the room :

PART VI
—cont.

Provided that paragraph (i) of this subsection shall not apply in relation to a room which is used for the sale or storage or for the sale and storage of food contained in containers of such materials and so closed as to exclude all risk of contamination but is not otherwise used for any purpose in connection with the preparation storage or sale of food.

(2) If in the case of a room to which the preceding subsection applies—

- (a) any of the requirements of that subsection are not complied with ; or
- (b) any person does or permits any act or thing in contravention of that subsection or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room ; or
- (c) any person prevents the owner of the room from executing any work necessary to make the room comply with the said requirements ;

then in the first-mentioned case the occupier of the room and in the other cases mentioned the person in question whether he be the occupier or not shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(3) If in the case of a room to which subsection (1) of this section applies any of the requirements specified in paragraph (a) (b) (c) or (f) of that subsection is not complied with then in so far as that requirement is of a structural character the owner of the room if he let it for the purpose of being used for the preparation or sale or storage of food or if not having so let it he permits it to be so used after receiving notice from the Corporation shall be guilty of an offence and shall be liable to the same penalty as the occupier of the room but without prejudice to the liability of the occupier under the foregoing subsection.

(4) Where the owner of a room who did not let it for the purpose of being used for the preparation or sale or storage of food executes any work necessary to make the room comply with the requirements of subsection (1) of this section he may recover from the occupier of the room the expenses incurred by him in so doing.

(5) In this section the expression "room" includes a shop or cellar or any other part of a building and shed store or outbuilding or any part thereof and the provisions of this section except paragraphs (e) and (f) of subsection (1) thereof shall so far as applicable apply in relation to a court (that is to say any recess yard or area or enclosed space contiguous or adjacent to any building) as they apply in relation to a room.

Provisions as to
vehicles used in
connection with
sale etc. of food.

52.—(1) The following provisions shall apply and have effect in relation to every vehicle in which any food intended for human consumption (other than milk) is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale (that is to say):—

- (a) Every part of such vehicle adjacent to or liable to come in contact with any such food shall be kept in a proper state of repair ;

- (b) The inside of the floor sides ends roof and doors of such vehicle shall be painted washed cleaned or purified as often as may be necessary to keep them clean ;
- (c) Sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained in such vehicle ;
- (d) Refuse or filth either liquid or solid shall not be deposited or allowed to accumulate in such vehicle except so far as may be reasonably necessary for the proper carrying on of the trade or business for which the vehicle is used ;
- (e) Due cleanliness shall be observed by persons employed in or about such vehicle and in the carrying of any such food to or from the vehicle.

(2) If in the case of a vehicle to which the preceding subsection applies—

- (a) any of the requirements of that subsection are not complied with ; or
- (b) any person does or permits any act or thing in contravention of that subsection or fails to take such steps as may be reasonably necessary to prevent risk of contamination of food in the vehicle ;

the owner of or any person in charge of such vehicle shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section and of the immediately preceding section shall apply to ice cream only in so far as they are in addition to and are not inconsistent with the provisions of the Ice Cream (Scotland) Regulations 1948 and any regulations amending the same.

53.—(1) (a) A person shall not carry on the business of a manufacturer of preserved food unless he is registered by the Corporation. Registration etc. of manufacturers of preserved food and their premises.

(b) Premises shall not be used for the manufacture of preserved food intended for sale unless such premises are registered by the Corporation.

(c) Any person who does not comply with the provisions of this subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises—

- (i) as regards any person on the ground that the public health is or is likely to be endangered by any act or default of the person who is registered or who seeks to be registered in relation to the quality storage or distribution of the preserved food ; and

PART VI
—cont.

(ii) as regards any premises on the ground that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall deliver to the person applying for such registration or the person registered or in whose name the premises are registered a statement in writing of the grounds on which such refusal or revocation is based.

(c) Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such statement.

(d) Any person aggrieved by any such refusal or revocation may appeal to the sheriff provided that such appeal is made within fourteen days from the date of the delivery of the statement referred to in the immediately preceding paragraph of this subsection.

(e) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal.

(3) In this section the expression "preserved food" means sausages or potted pressed pickled or preserved meat or fish or other food and the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(4) The Corporation may make a charge not exceeding five shillings in respect of the registration of any persons or premises under this section.

(5) The provisions of this section shall not in any way affect the operation of the Factories Act 1937.

(6) The provisions of this section shall not apply to any premises licensed for the sale of excisable liquor to be drunk or consumed on the premises or to any premises used as a club or hotel or restaurant or as railway refreshment rooms.

Power to prohibit persons in an advanced state of tuberculosis from handling etc. food.

54.—(1) If the medical officer certifies that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the burgh in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may require such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person fails to comply with such request the Corporation may apply to the sheriff for an order requiring him to

stop his employment and the sheriff shall have power to make such an order if after consideration of all the circumstances he thinks fit to do so and may direct that such compensation as he deems equitable shall be paid by the Corporation to such person.

PART VI
—cont.

(3) If any such person fails to comply with any such order he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

55.—(1) Every registered medical practitioner attending on a person in the burgh who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is residing.

Medical practitioners to notify cases of food poisoning.

(2) The Corporation shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private or National Health Insurance practice and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

56.—(1) If the medical officer or the sanitary inspector or any other officer duly authorised by the Corporation in that behalf has reasonable ground for suspecting that any food of which he has procured a sample is likely to cause food poisoning he may give notice to the person in charge of the food that until his investigations are completed the food or any specified portion thereof is not to be removed or is not to be removed except to some place specified in the notice.

Provisions as to suspected food.

(2) If as a result of his investigations the medical officer or the sanitary inspector or such other officer is satisfied that the food in question may safely be used for human consumption he shall forthwith withdraw his notice but if he is satisfied that such food or any portion thereof is likely to cause food poisoning he may seize and remove it in order to have it dealt with by the magistrate and shall inform the person in whose possession it was found of his intention to have it dealt with by the magistrate and such person shall be entitled to appear before the magistrate and to be heard and call witnesses.

(3) If it appears to the magistrate that any food brought before him whether seized under the provisions of this section or not is unfit for human consumption he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) A person who removes or causes or permits to be removed any food in contravention of the requirements of a notice given under subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART VI
—cont.

(5) If a notice given under subsection (1) of this section is withdrawn by the medical officer or the sanitary inspector or such other officer or if the magistrate before whom any food is brought under this section refuses to condemn it the Corporation shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the medical officer or sanitary inspector or such other officer.

PART VII

LIGHTING

Lighting of
common stairs.

57. The following provisions shall apply to the lighting of common stairs passages and private courts namely:—

- (1) The owners of all common stairs passages or private courts or of lands or premises having a right of access by any common stair or passage or private court or a right to use any such passage or court for any purpose shall provide and fit up when necessary in such common stairs passages and private courts such lamps brackets burners or other lighting and light extinguishing appliances and fittings (hereinafter referred to as "the lighting appliances") as the Corporation shall require them to provide and fit up:
- (2) If any such owners fail to carry out the work required by the Corporation within seven days after the service of notice by the town clerk the Corporation may themselves carry out any such work required by such notice and recover the costs incurred by them in so doing from such owners:
- (3) The cost of the provision of the necessary supply of gas or electric light for such lighting appliances and the maintenance repair or renewal thereof shall be borne by the Corporation and the Corporation shall daily by their servants light the same before the end of the first hour after sunset and shall in like manner daily extinguish the same as soon as the necessity for lights ceases and for such purpose the master of works or any other officer or servant of the Corporation shall be entitled to require and shall have access to and from all such common stairs passages and private courts at all times:

Provided that the owners of heritages having common stairs passages or private courts shall during the period of five years commencing Whitsunday nineteen hundred and fifty-three pay to the Corporation the sum of ten shillings per light or burner annually in respect of such maintenance repair or renewal that such sum shall be payable in advance at Whitsunday in each year commencing the first payment at Whitsunday nineteen hundred and fifty-three and that subject as after provided no further sums will be payable by owners after Whitsunday nineteen hundred and fifty-seven:

- (4) The Corporation may convert such lighting appliances as are presently lighted by gas so that the same shall be lighted by electricity and the cost of such conversion shall be borne by the Corporation:

- (5) The Corporation shall be entitled to recover from the owners of heritages having common stairs passages or private courts the sum of thirty shillings in respect of each light or burner so converted and the aforesaid payment of thirty shillings shall become due and payable at Whitsunday nineteen hundred and fifty-eight:

Provided that where such conversion has not been carried out prior to Whitsunday nineteen hundred and fifty-eight the payment shall become due and payable at the first term of Whitsunday occurring after the completion of the conversion:

- (6) Where there are more owners than one having a right of access by or use of any such common stair passage or private court the sums payable by such owners shall be apportioned amongst them by reference to the number of lights or burners in the common stair passage or private court and to the number of separate heritages belonging to the said owners respectively entered by or having a common use of any such common stair passage or private court:
- (7) Where the lights or burners in any such common stairs or passages within buildings or premises are covered or protected by glass or other transparent substance the occupier of such buildings or premises shall clean or cause the glass or other transparent substance to be cleaned at least once every week and where there are more occupiers than one such cleaning shall be done by such occupiers in weekly rotation to be fixed in case of dispute by the master of works or any other officer of the Corporation and any occupier failing to clean or cause to be cleaned such glass or other transparent substance as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten shillings.

PART VIII

FINANCE

58. Subject to the provisions of this Order the Corporation may from time to time with the sanction of the Secretary of State borrow such sums of money as may be necessary for the purposes of this Order or any of them to which capital is properly applicable and for which borrowing powers have not been otherwise granted or provided for. Borrowing for purposes of Order.

59. All expenditure incurred by the Corporation 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 provided in this Order shall be paid out of the burgh fund and shall be deemed to be expenditure payable out of the burgh rate under the appropriate head. As to expenditure for purposes of Order.

PART VIII

—cont.

Removal of
limitation on
amount of
public library
rate.

60.—(1) The limitation on the amount of the library rate authorised by the Public Libraries Consolidation (Scotland) Act 1887 imposed by section 191 of the Act of 1947 is hereby removed so far as applicable to the burgh and the Public Libraries (Scotland) Acts 1887 to 1920 and the Act of 1947 shall in their application to the Corporation and the burgh be read and construed accordingly.

(2) This section shall be deemed to have come into operation on the sixteenth day of May one thousand nine hundred and fifty-two.

PART IX

MISCELLANEOUS

Penalty for
betting in streets.

61. Section 393 (Penalty for betting in streets) of the Burgh Police (Scotland) Act 1892 shall be deemed to have been duly adopted by the Corporation in terms of the Police Acts and shall come into force in the burgh as part of this Order.

Repeal and
amendment of
Acts etc.

62.—(1) The provisions of the Acts and Orders hereinafter referred to are hereby repealed (that is to say):—

Act of 1909—

Section 55 (Lands and grounds for public recreation);

Section 57 (Corporation to make byelaws as to public parks &c.);

Proviso (2) to section 72 (Corporation to levy burgh general assessment);

Section 359 (Buyers of old metal);

Section 361 (Adoption of Burgh Police (Scotland) Act 1892—Public carriages);

Section 362 (Regulation of carriages plying for hire);

Section 387 (Lighting of common stairs);

Order of 1921—

Section 9 (Lighting of common stairs);

Order of 1937—

Section 51 (Street openings);

Section 60 (Painting of common passages and stairs);

Subsection (4) of section 65 (Regulation of tents vans &c.);

Provided that any existing byelaws of the Corporation with regard to public parks shall continue in force until other byelaws are made under this Order.

(2) Section 37 (Application of Police Acts to streets and sewers) of and the Fourth Schedule to the Act of 1927 shall be read and have effect as if the words “(so far as relating to section 135 of the Burgh Police (Scotland) Act 1892)” had been omitted from the said schedule after the reference to section 20 (Notice of operations on private streets) of the Burgh Police (Scotland) Act 1903.

Entry on
premises for
purposes of
Order.

63.—(1) Any officer appointed by the Corporation and exhibiting his authority if required may at all reasonable hours in the daytime enter into and upon any lands as well for the purpose of inspection

as for the purpose of executing any work authorised to be executed by them under the provisions of this Order without being liable to any legal proceedings on account thereof:

Provided that except in case of emergency or where otherwise provided in this Order such officer shall not make any such entry unless with the consent of the occupier of such lands until after the expiration of twenty-four hours' notice of that purpose given to such occupier.

(2) In the exercise of the powers conferred upon the Corporation by this section in relation to any land belonging to the commission and used by them for the purposes of their railways the Corporation and such officer shall comply with any reasonable requirements of the commission for preventing interference with railway traffic.

64. The foregoing provisions of this Order shall be in addition to and not in derogation of the powers conferred on the Corporation the magistrates the dean of guild or any officer of the Corporation by the Greenock Corporation Acts 1909 to 1937 the provisions of the Burgh Police Acts thereby deemed to have been adopted by the Corporation and the Public Health (Scotland) Act 1897 and any Acts amending the same and the provisions of those Acts and the Act of 1947 with respect to the serving of notices the recovery of expenses from owners or occupiers the prosecution of offences and the execution of works shall with the necessary modifications extend and apply with respect to such matters under this Order.

Powers to be in addition to powers under existing Acts etc.

65. As respects byelaws made under the powers of the sections of this Order of which the marginal notes are respectively set out in the first column of the Second Schedule to this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the authority designated in the second column of the said schedule opposite such sections respectively.

Confirming authority for byelaws.

66. Except where otherwise provided byelaws made or to be made by the Corporation shall be deemed to provide for penalties on offenders against such byelaws not exceeding forty shillings for each offence and a daily penalty not exceeding ten shillings.

Penalties for breach of byelaws.

67. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order or any byelaws made under this Order shall be proceeded with and be conducted in a court of summary jurisdiction under and in conformity with the Summary Jurisdiction (Scotland) Acts.

As to penalties and recovery thereof.

68. Any provision of this Order to the contravention of which a penalty is not attached shall be read and construed as if it were thereby provided that any person contravening the same shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Penalty where no penalty is otherwise stated.

69. Where the doing of any act or thing is made punishable by this Order or by any byelaw thereunder the causing procuring aiding abetting or wilfully permitting or suffering such act or thing to be done shall be punishable in like manner if the nature of the case permits and if an intention to the contrary does not appear in this Order.

Punishment of abettors.

PART IX
—cont.
Recovery of
damages.

70. All damages debts forfeitures and expenses directed to be paid or imposed by the provisions of this Order for the recovery of which special provision is not made therein may be sued for and recovered along with the expenses of the action in the same manner as any debt may be sued for and recovered by the law and practice of Scotland.

For protection
of gas and
electricity
boards.

71. The following provisions for the protection of the Scottish Gas Board and the South West Scotland Electricity Board (each of whom is for their respective interests hereinafter in this section referred to as "the board") shall unless otherwise agreed in writing between the Corporation and the board apply and have effect (that is to say):—

(1) In this section—

"apparatus" means—

(a) in relation to the Scottish Gas Board mains pipes and other works and apparatus belonging to that board; and

(b) in relation to the South West Scotland Electricity Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to that board;

"in" includes in a context referring to apparatus under over across along and upon;

"position" includes depth;

"stopped-up street" means any of the portions of the streets referred to in the section of this Order of which the marginal note is "Stopping up of portions of certain streets" (including any portions of any of such streets stopped up and discontinued before the commencement of this Order) or any public street or right of way or any portion of a public street or right of way shut up discontinued and closed in pursuance of a resolution or order of the Corporation under the section of this Order of which the marginal note is "Closing of streets etc.":

(2) Except in the case of any of the portions of the streets referred to in the section of this Order of which the marginal note is "Stopping up of portions of certain streets" stopped up and discontinued before the commencement of this Order the Corporation shall give to the board not less than one month's notice in writing of their intention to stop up and discontinue the use by the public of any of the portions of the streets mentioned in the section of this Order of which the marginal note is "Stopping up of portions of certain streets":

(3) (a) Whenever by reason of the exercise by the Corporation of the powers conferred on them by the sections of this Order of which the marginal notes are "Stopping up of portions of certain streets" and "Closing of streets etc." respectively it is reasonably necessary for the board to

remove any apparatus in any stopped-up street the board may—

PART IX
—cont.

(i) remove the apparatus to and relay or replace the same in any other street or in such position as may be agreed between the board and the Corporation or determined by arbitration under the provisions of this section ; or

(ii) provide or lay or place other apparatus in any other street or in such other position as aforesaid in lieu of the existing apparatus ;

(b) Whenever any apparatus in a stopped-up street is rendered derelict useless or unnecessary the Corporation shall except as provided in the second proviso to subsection (5) hereof forthwith pay to the board such a sum as may be agreed between the Corporation and the board or as failing agreement between them may be determined by arbitration under the provisions of this section to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation :

(4) Whenever in pursuance of subsection (3) of this section any apparatus belonging to the Scottish Gas Board is to be relaid or replaced or other apparatus is to be laid or placed in a position other than in a street the Corporation shall where reasonably practicable obtain and thereafter grant to the said board in perpetuity such servitude or right as may be required in respect of such apparatus or such other apparatus as the case may be with right of access thereto for all necessary purposes and the cost of obtaining such servitude or right and all expenses of and incidental to the granting thereof to the board shall be borne by the Corporation :

(5) The Corporation shall repay to the board the reasonable expenses incurred by the board of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of subsection (3) of this section and the reasonable cost of and incidental to—

(i) the cutting off of any apparatus from any other apparatus ; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection :

Provided that subsections (3) (4) and (5) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payments) shall so far as applicable extend and apply to any payment to be made by the Corporation under this subsection as if the works therein mentioned were undertakers' works within the meaning of subsection (2) of the said section 23 and as if in the

PART IX
—cont.

said subsection (3) the words from “existing apparatus was” to “then” were omitted:

Provided further that where any existing apparatus is replaced in accordance with the provisions of subsection (3) of this section the Corporation shall not be required to make any payment to the board for any such apparatus which may be replaced and which has been rendered derelict useless or unnecessary and such last-mentioned apparatus shall so soon as the new apparatus has been laid become the property of the Corporation:

- (6) (a) The board shall not be entitled to any payment in connection with the exercise of the powers of the section of this Order of which the marginal note is “Closing of streets etc.” if the existing apparatus of the board was laid or placed within one year immediately preceding the passing of a resolution or the making of an order under the said section and if notice in writing of their intention to exercise the powers of the said section was given by the Corporation to the board within twenty-eight days from the relevant date and a plan and section of the proposals of the Corporation were furnished by them to the board and the proposals of the Corporation were carried out in accordance with the said plan and section or without any departure therefrom materially affecting the board:
- (b) For the purposes of this subsection “the relevant date” means the date on which the intention to lay or place the apparatus was signified to the Corporation by the submission of a plan and section if the laying or placing of the apparatus was a work to which section 3 of the said Act of 1950 applies or by notice under section 6 of that Act if such laying or placing was not such a work:
- (7) Without prejudice to the foregoing provisions of this section the board shall continue to have the same powers and rights in respect of any apparatus on the site of any stopped-up street (other than apparatus rendered derelict and becoming the property of the Corporation under the provisions of paragraph (b) of subsection (3) of this section) as if the same had continued to be a street and if at any time after the stopping up thereof the board deem it necessary to remove or to alter the position of any such apparatus they shall be at liberty to do so and the expenses incurred by them in so doing shall be repaid to them by the Corporation in accordance with the provisions of subsection (5) of this section:
- (8) (a) Any difference which may arise between the Corporation and the board under this section shall be referred to and determined by an arbiter to be mutually agreed upon between the Corporation and the board or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers;

(b) In settling any difference under this section the arbiter shall have regard to any duties or obligations which the board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART IX
—cont.

72. Nothing in this Order shall authorise the exercise of any power of borrowing or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946 or of section 259 of the Act of 1947 as amended by subsection (1) of section 4 of the Local Government (Scotland) Act 1951. Saving powers of Treasury.

73. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act. Saving for town and country planning.

74. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of Her Majesty's Government except to such extent as Her Majesty or such department may voluntarily agree. Crown rights.

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

SCHEDULES

FIRST SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Power to establish crematorium")

LAND FOR CREMATORIUM

That area of land situated within the burgh belonging to the Corporation enclosed by a line commencing at the junction of the south-west side of Denholm Street and the south-east side of Denholm Terrace and running along the south-east side of Denholm Terrace following the curve thereof in a south-westerly direction for a distance of three hundred and two feet nine inches or thereby thence in a generally southerly direction for a distance of three hundred and seventy-four feet six inches or thereby to a point on the boundary of Greenock Cemetery thence in a generally south-easterly direction along the said boundary for a distance of five hundred and twenty feet or thereby thence in a north-north-easterly direction in a straight line for a distance of one hundred and thirty-one feet six inches or thereby thence following a curve in a generally north-easterly direction for a distance of one hundred and fifty-three feet or thereby to a point on the south side of Caddlehill Street thence following a curve in a north-easterly and northerly direction for a distance of two hundred and fifty feet three inches or thereby to a point in Denholm Street thence along the south side of the said street following the curve thereof in a generally north-westerly direction for a distance of three hundred and fifty-nine feet or thereby to the point of commencement.

SECOND SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirming authority for byelaws")

CONFIRMING AUTHORITY FOR BYELAWS

1	2
Number and marginal note of section	Confirming authority
7. Byelaws as to parks	The Secretary of State.
26. Byelaws for regulating cabs	The sheriff.
39. Byelaws as to tents vans etc.	The Secretary of State.
40. Hairdressers and barbers	The Secretary of State.
48. Byelaws for cleansing common stairs etc. by tenants.	The Secretary of State.
49. Byelaws with respect to handling wrapping etc. of food and sale of food in open air.	The Secretary of State.

Table of Statutes referred to in this Act

Short title	Session and chapter
Public Parks (Scotland) Act 1878... ..	41 & 42 Vict. c. 8.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882... ..	45 & 46 Vict. c. 56.
Public Libraries Consolidation (Scotland) Act 1887.	50 & 51 Vict. c. 42.
Burgh Police (Scotland) Act 1892	55 & 56 Vict. c. 55.
Electric Lighting (Clauses) Act 1899	62 & 63 Vict. c. 19.
Public Health (Scotland) Act 1897	60 & 61 Vict. c. 38.
Cremation Act 1902	2 Edw. 7. c. 8.
Licensing (Scotland) Act 1903	3 Edw. 7. c. 25.
Burgh Police (Scotland) Act 1903	3 Edw. 7. c. 33.
Greenock Corporation Act 1909	9 Edw. 7. c. cxxix.
Greenock Burgh Extension &c. Act, 1927	17 & 18 Geo. 5. c. lxxvi.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Private Legislation Procedure (Scotland) Act 1936.	26 Geo. 5. & 1 Edw. 8. c. 52.
Factories Act 1937	1 Edw. 8. & 1 Geo. 6. c. 67.
Local Authorities Loans Act 1945	8 & 9 Geo. 6. c. 18.
Borrowing (Control and Guarantees) Act 1946... ..	9 & 10 Geo. 6. c. 58.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Transport Act 1947	10 & 11 Geo. 6. c. 49.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6. c. 53.
Electricity Act 1947	10 & 11 Geo. 6. c. 54.
Housing (Scotland) Act 1950	14 Geo. 6. c. 34.
Public Utilities Street Works Act 1950	14 Geo. 6. c. 39.
Local Government (Scotland) Act 1951	14 & 15 Geo. 6. c. 15.

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