



### CHAPTER iii

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
Paisley Corporation. [20th December 1962.]

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

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 Paisley Corporation Order Short title.  
Confirmation Act 1962.

## SCHEDULE

## PAISLEY CORPORATION

*Provisional Order to authorise the provost, magistrates and councillors of the burgh of Paisley to construct works in the White Cart Water, and to borrow money; to confer powers on them for the control of street trading, chimney sweeps, window cleaners and hairdressers; to enact other provisions with respect to the administration, public health, amenity, finances and general administration of the burgh; and for other purposes.*

Whereas the provost, magistrates and councillors of the burgh of Paisley (hereinafter respectively referred to as "the Corporation" and "the burgh") are the police, public health, municipal, local and road authority within the burgh and are charged with the administration and management thereof:

And whereas by the Paisley Corporation (Cart Navigation) Order, 1938, the undertaking of the Cart Navigation Trustees was transferred to and vested in the Corporation and powers were conferred on the Corporation for the carrying on of the said undertaking:

And whereas it is expedient that the Corporation should be authorised for the purpose of improving the amenities of the burgh to construct weirs in the White Cart Water (hereinafter called "the river") and that rights of navigation in part of the river should be extinguished as provided in this Order:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are authorised to borrow money and such estimates are as follows:—

For the construction of weirs in the river	...	£9,000
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For the excavation of the river bed	... ..	£14,000
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And whereas it is expedient that provision should be made for the regulation and control of street trading, the licensing and control of chimney sweeps and window cleaners and the registration of hairdressers and that the other provisions in this Order relating to public health, amenity and general administration within the burgh should be enacted:

And whereas it is expedient to remove the limit on the amount of money recoverable by the Corporation in respect of expenditure on lighting common stairs:

And whereas it is expedient to authorise the Corporation to borrow further money for the purposes mentioned in this Order and to make further provision with regard to the finances of the burgh:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas plans and sections showing the lines, situations and levels of the works to be constructed under the powers of this Order were deposited with the sheriff clerk of the county of Renfrew and such plans and sections are respectively called the deposited plans and sections:

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

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

## PART I

### PRELIMINARY

1.—(1) This Order may be cited as the Paisley Corporation Order, Short title. 1962.

(2) This Order and the Paisley Corporation (Cart Navigation) Acts, 1787 to 1947, may be cited together as the Paisley Corporation (Cart Navigation) Acts, 1787 to 1962.

2.—(1) Except as provided in this section this Order shall come into Commencement operation on the date of the passing of the Act confirming this Order. of Order.

(2) The following provisions of this Order shall come into operation one year after the date of the passing of the Act confirming this Order:—

Head A of Part III—Public health and safety;

Part IV—Street trading;

Part V—Chimney sweeps and window cleaners:

Provided that applications for registration, the issue of permits and the issue of licences, as the case may be, under the said provisions may be made and such applications may be granted before the coming into operation of the said provisions.

3.—(1) In this Order unless there be something in the subject or Interpretation. context repugnant to such construction the several words and expressions to which meanings are assigned by any public Act applicable to the Corporation or to the burgh wholly or partially incorporated with this Order have the same respective meanings and the following words and expressions have the meanings hereby assigned to them, that is to say:—

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

“ burgh ” means the burgh of Paisley;

“ burgh surveyor ” means the burgh surveyor of the burgh;

“ Corporation ” means the provost, magistrates and councillors of the burgh;

“ daily fine ” means a fine for every day on which any offence is continued after conviction therefor;

“ deposited plans ” and “ deposited sections ” mean, respectively, the plans and sections deposited in connection with this Order;

“ high-water mark ” means the level of mean high-water springs;

PART I  
—cont.

- “ Lands Clauses Acts ” means the Lands Clauses Acts and any Acts modifying, amending or extending the same;
- “ medical officer ” means the medical officer of the burgh;
- “ Navigation ” has the same meaning as in the Paisley Corporation (Cart Navigation) Order, 1938;
- “ river ” means the White Cart Water;
- “ sanitary inspector ” means the sanitary inspector of the burgh;
- “ sheriff ” means the sheriff of Renfrew and Argyll and any of his substitutes in the county of Renfrew;
- “ town clerk ” means the town clerk of the burgh;
- “ works ” means the works authorised by this Order or, as the case may require, any part thereof.

(2) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

Incorporation  
of Acts.

4. The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order, are hereby incorporated with and form part of this Order:—

- (i) the Lands Clauses Acts (with the exception of sections 120 to 126 of the Lands Clauses Consolidation (Scotland) Act, 1845, relating to the sale of superfluous lands); and
- (ii) the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof and in the interpretation of those provisions for the purposes of the incorporation thereof “ the railway ” shall mean the works;

and for the purposes of such incorporation the expression “ the special Act ” in the said Acts shall mean this Order.

## PART II

## WHITE CART WATER

## A. Works

Power to  
construct  
works.

5. Subject to the provisions of this Order, the Corporation may, when they have acquired such lands, or servitudes or rights therein, as may be required for the purpose, in the situations and lines and within the limits of deviation and according to the levels shown on the deposited plans and sections, construct the following works wholly in the burgh and parish of Paisley:—

Work No. 1. A weir formed with steel sheet piles to be constructed across the river commencing at a point in the east bank of the river two hundred and twenty feet or thereby north of the north face of St. James' Bridge in the burgh and extending in a straight line across the river and terminating at a point in the west bank of the river two hundred and fifty-two feet or thereby north of the north face of the said bridge;

Work No. 2. A weir formed with steel sheet piles to be constructed across the river commencing at a point in the east bank of the river one hundred and twenty-three feet or thereby north of the north face of Abbey Bridge in the burgh and extending in a straight line across the river and terminating at a point in the west bank of the river one hundred and thirty-five feet or thereby north of the north face of the said bridge;

Work No. 3. A weir formed with steel sheet piles to be constructed across the river commencing at a point in the east bank of the river two hundred and ninety feet or thereby south of the south face of the said Abbey Bridge in the burgh and extending in a straight line across the river and terminating at a point in the west bank of the river two hundred and eighty five feet or thereby south of the south face of the said bridge;

Work No. 4. Excavating in river bed to remove debris and accumulated silt, regrading the river channel, removing surplus materials adjacent to river banks and walls and dressing and trimming the river banks commencing downstream at the site of the proposed weir (Work No. 1) and extending upstream for a distance of 1,860 feet or thereby to the Seedhill Craigs.

6. Subject to the provisions of this Order, in constructing the works the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on the said plans and may deviate vertically from the levels of the works as shown on the deposited sections to any extent not exceeding, in respect of Works Nos. 1, 2 and 3, six inches and, in respect of Work No. 4, two feet: Power to deviate.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Secretary of State.

7. Subject to the provisions of this Order, the Corporation may from time to time erect, construct and maintain, whether temporarily or permanently, within the limits of deviation shown on the deposited plans, all such necessary works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance and use of Works Nos. 1, 2 and 3 and the carrying out of Work No. 4 and may within those limits deposit materials excavated or dredged in the making and maintenance of the works. Powers as to subsidiary works.

8. Any person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works, or who pulls up or removes any poles or stakes driven into the ground for the purpose of such setting out, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five pounds and shall in addition be liable to repay to the Corporation any expenses incurred by them in making good such damage. Penalty for obstructing works.

PART II  
—cont.Powers to cease  
in certain  
events.

9.—(1) If the works are not substantially commenced within five years from the date of commencement, or such extended time as the Secretary of State may in the circumstances by order direct, the powers granted to the Corporation by this Order for the construction of the works shall cease.

(2) If the execution of the works after having been substantially commenced is virtually suspended for twelve consecutive months, the said powers shall cease except as to so much of the works as is then completed unless the Secretary of State by order directs that the said powers shall continue and remain in force but, subject to the foregoing provision as to completion, the said powers shall cease in any event within eight years from the date of commencement.

(3) A certificate of the Secretary of State to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall, for the purposes of this section, be conclusive evidence of the facts stated in such certificate.

Power to  
maintain river.

10. Without prejudice to the provisions of section 5 (Power to construct works) and section 7 (Powers as to subsidiary works) of this Order, the Corporation may from time to time, within the limits of deviation shown on the deposited plans in respect of Work No. 4 authorised by this Order, carry out such works of excavation of the river bed, regrading of the river channel, removal of surplus materials and dressing and trimming of the river banks as may be necessary for the maintenance of the amenity of the river and of Works Nos. 1, 2 and 3 authorised by this Order:

Provided that nothing in this section shall derogate from the provisions of subsection (1) of section 24 of the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

*B. Miscellaneous*Access to  
works.

11. Notwithstanding anything in any enactment, deed or other writing, the Corporation may, for the purposes of access to or construction and maintenance of the works and of access to the river for the purposes of section 10 (Power to maintain river) of this Order use any lands for the time being belonging to them or under their control.

Extinction of  
rights of  
navigation.

12. All rights of navigation in or over so much of the river as lies between the waterfall known as the Seedhill Craigs and the southern limit of the Navigation are hereby extinguished.

Preservation of  
amenities of  
the Navigation.

13.—(1) Where it appears to the Corporation that the amenity of the Navigation or of any land in the burgh is seriously injured by reason of the condition of any land (including any river bank or river wall) adjoining the Navigation or by reason of any derelict piles or other works in the Navigation, the Corporation may by notice require the owner, lessee or occupier of such land or of the land nearest to such derelict piles or other works, as the case may be, to take such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

(2) The provisions of subsection (2) of section 31 of the Town and Country Planning (Scotland) Act, 1947 (which relates to the abatement of injury to any land by reason of the condition of any building or land), shall, subject to any necessary modification, apply in relation to any notice served under this section as those provisions apply in relation to a notice served under the said section 31.

PART II  
—cont.

### PART III

#### PUBLIC HEALTH AND SAFETY

##### A. *Hairdressers and barbers*

14.—(1) A person shall not by himself or any other person carry on the business of a hairdresser or barber in any premises occupied by him unless he is registered by the Corporation in respect of such premises. Hairdressers and barbers to be registered.

(2) Any person who makes an application for registration in respect of any such premises shall, subject as hereinafter provided, be registered in respect of such premises in a register to be kept by the Corporation for the purpose and the Corporation shall issue to such person a certificate of registration specifying the premises in respect of which he is registered.

(3) (a) The Corporation shall refuse to register any person in respect of any premises only if such premises are not suitable or adequate for the purpose of carrying on the business of a hairdresser or barber.

(b) Any person aggrieved by any refusal of the Corporation to register any premises under this section may appeal to the sheriff within twenty-one days of receipt of notification of such refusal.

(4) The Corporation may charge a fee, not exceeding one pound, in respect of each application for registration under this section.

(5) Any person who carries on business as a hairdresser or barber in any premises in respect of which there is not in force a certificate of registration under this section shall be guilty of an offence under this head of this Part of this Order.

(6) (a) A person registered under this section shall keep a copy of—

(i) his certificate of registration; and

(ii) any byelaws made under section 15 (Byelaws as to hairdressers and barbers, etc.) of this Order and for the time being in force;

displayed in a conspicuous position in the premises in respect of which he is registered.

(b) Any person acting in contravention of any provision of this subsection shall be guilty of an offence under this head of this Part of this Order.

(7) 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 and inspect any premises in which he has reason to believe that the business of a hairdresser or barber is carried on or in which he suspects there is any contravention of the provisions of this section or of any byelaw made under section 15 (Byelaws as to hairdressers and barbers, etc.) of this Order and for the time being in force.

PART III  
—cont.Byelaws as to  
hairdressers and  
barbers, etc.

15.—(1) The Corporation may make byelaws—

(a) for regulating the internal arrangement and construction of premises registered under section 14 (Hairdressers and barbers to be registered) of this Order; and

(b) for the purpose of securing—

(i) the cleanliness of such premises and of the instruments, towels, materials and equipment used therein; and

(ii) the cleanliness of persons employed in such premises in regard to themselves and their clothing.

(2) Section 47 of the Paisley Corporation Order, 1947, shall be read and have effect as if the words “ hairdresser barber ” and “ hairdressers barbers ” were omitted therefrom.

Power of court  
to suspend  
registration of  
hairdressers  
and barbers.

16.—(1) On conviction of any person registered under section 14 (Hairdressers and barbers to be registered) of this Order of a contravention of any byelaws made under section 15 (Byelaws as to hairdressers and barbers, etc.) of this Order, the court may (in lieu of or in addition to imposing a fine) order the suspension of the registration of such person for a period not exceeding twelve months.

(2) Where the registration of any person is suspended as aforesaid such person shall within seven days deliver up to the town clerk his certificate of registration and if he fails to do so he shall be guilty of an offence under this head of this Part of this Order.

Fine for  
offences under  
head A of  
Part III.

17. Any person who is guilty of an offence under this head of this Part of this Order shall be liable on summary conviction to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

*B. Miscellaneous*Derelict petrol  
tanks.

18.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is situated on any premises in the burgh, the occupier or if there is no occupier the proprietor of such premises shall give notice to the officer appointed by the Corporation for the administration of the Petroleum (Consolidation) Act, 1928, and Acts amending that Act, that such tank or container is no longer so used and on being required by the said officer shall in the manner directed and within the period specified by him take such steps as may be reasonably practicable to prevent danger from such tank or container.

(2) Any officer of the Corporation duly authorised by them and producing if required a copy of his authority purporting to be signed by the town clerk may require the occupier or if there is no occupier the proprietor of such premises to afford such officer all necessary facilities for inspecting such tank or container and for ascertaining whether steps have been taken to prevent danger from such tank or container in accordance with the provisions of this section.

(3) Any person who fails to comply with the provisions of this section or who obstructs any such officer shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds and to a daily fine not exceeding forty shillings:

Provided that any person aggrieved by a requirement under subsection (1) of this section may appeal to the sheriff.

PART III  
—cont.

(4) In this section the expression “petroleum spirit” has the meaning assigned to it by the Petroleum (Consolidation) Act, 1928.

#### PART IV

##### STREET TRADING

###### *A. Definitions for Part IV of Order*

19. In this Part of this Order, unless the subject or context otherwise requires—

Definitions for  
Part IV of  
Order.

“parks” has the same meaning as in the Paisley Corporation Order, 1947;

“public place” includes any street, any common passage or court, common stair, garden or yard pertaining to any tenement or group of separately occupied houses but does not include the parks;

“street” means any highway, road, bridge, square, lane, footpath, close, court or passage (not being or forming part of any railway station or depot) or any part thereof open and accessible to the public whether the same is a thoroughfare or not;

“street trader” means a person carrying on the business of hawking or selling or otherwise dealing or offering to deal in any article or thing of any description in any street or public place and includes any person offering or exposing for sale any article or thing as aforesaid.

###### *B. Street traders and others*

20.—(1) The Corporation may, from time to time, for the purpose of regulating street trading, issue permits to persons to carry on the business of street traders and may cause a register to be kept of such persons and may, from time to time, suspend or revoke such permits as they see cause.

Regulation of  
street traders.

(2) An application for a permit under this section shall be in such form as the Corporation from time to time direct and shall be signed by the applicant and shall specify—

(a) the christian name and surname and place of abode of the applicant;

(b) the nature of the articles and things which the applicant intends to sell or expose or offer for sale, or in which he intends to deal or offer to deal, under the authority of the permit if granted;

(c) the streets or area or public places in which, and the days on which, the applicant intends to carry on business under the authority of such permit; and

PART IV  
—cont.

- (d) particulars as to any application for permits for street trading made by the applicant to any other local authority and as to the decision of such authority thereon.

(3) A permit granted under this section shall be signed as the Corporation direct and shall be in force for one year only from the day of the date of such permit or until the next general day for the expiry of permits in case any such general day be appointed by the Corporation as they are hereby authorised to do.

(4) There shall be specified in every such permit the christian name and surname and place of abode of the person to whom the same is granted.

(5) Any such permit may prescribe—

- (a) the streets or area or public places in which, and the position or place in any such streets or area or public places at which, the holder of such permit may carry on business under the authority of such permit;
- (b) the classes of articles or things which may be sold or exposed or offered for sale or dealt in under the authority of such permit;
- (c) the number of barrows, carts, stalls or other receptacles which may be used for those purposes under the authority of such permit; and
- (d) conditions with respect to—
  - (i) the prevention of obstruction; and
  - (ii) the securing of cleanliness of persons and of such barrows, carts, stalls or other receptacles as aforesaid;

and on any occasion of the renewal of a permit the Corporation may vary such prescriptions.

(6) It shall be a condition of every such permit that the holder thereof shall, on being so required by a constable or by any officer duly authorised by the Corporation in that behalf, produce such permit for examination by such constable or other officer, as the case may be.

(7) It shall be a condition of any permit granted under this section for the sale of food that an article of food shall not be carried in or on or sold from or exposed or offered for sale in or on any barrow, cart, stall or other receptacle in or on which any other commodity is carried not being a commodity specified in such permit for the purposes of such condition:

Provided that for the purposes of this subsection the expression “food” shall not include any substance which is sold to the public in containers of such materials and so closed as to exclude all risk of contamination.

(8) For every permit granted under this section and for every renewal thereof there shall be paid to the Corporation the sum of ten shillings and every holder of such permit shall be provided by the Corporation with a badge for which he shall pay the sum of five shillings, which latter sum shall be returnable when the permit is withdrawn or given up and the badge returned to the Corporation.

(9) Any such permit may be suspended or revoked by any magistrate or court before whom the holder of such permit is convicted of any offence which, in the opinion of the magistrate or court renders it expedient that such permit should be suspended or revoked.

(10) Any person who carries on the business of a street trader without first obtaining from the Corporation a permit to do so or contrary to any condition or prescription of such permit or during the time his permit is suspended or after it has been revoked or has ceased to be in force or obtains a permit or the renewal of a permit by wilful misrepresentation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

21.—(1) If the Corporation refuse to grant or renew a permit or suspend, revoke or vary a permit under section 20 (Regulation of street traders) of this Order they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal, suspension, revocation or variation. Notice of refusal or revocation of permit.

(2) Any person aggrieved by such refusal, suspension, revocation or variation or by any condition imposed or prescription made by the Corporation with respect to any permit granted under the said section may appeal to the sheriff:

Provided that—

- (i) an appeal by any person aggrieved by any such refusal, suspension, revocation or variation shall be made within fourteen days of the notification of such person thereof by the Corporation, or, in any case where such person has required particulars in writing of the ground or grounds therefor in pursuance of the foregoing subsection, within fourteen days of the sending or delivery to him of such particulars; and
- (ii) an appeal by any person aggrieved by any such condition or prescription shall be made within fourteen days of the notification of such person thereof by the Corporation.

22. In addition to the power to make byelaws conferred upon the Corporation by any other enactment the Corporation may make byelaws for regulating the carrying on of the business of a street trader. Byelaws as to street trading.

23. Nothing in this head of this Part of this Order or in any byelaws made thereunder shall— Savings in respect of head B of Part IV.

- (a) authorise the employment of any person or the carrying on of any business at any time when it would under any enactment be unlawful for such person to be employed or such business to be carried on; or
- (b) restrict the dealing or offering to deal in any article or thing for the benefit of charitable or other purposes in accordance with any other enactment or any byelaws made thereunder; or

PART IV  
—cont.

- (c) apply to the engagement or employment in street trading of any person who holds a licence granted under byelaws made under subsection (2) of section 30 of the Children and Young Persons (Scotland) Act, 1937; or
- (d) apply to the hawking or selling of or otherwise dealing or offering to deal in or offering or exposing for sale of newspapers or periodicals by any person provided that a vehicle is not used for the purpose of such hawking, selling or offering to deal or exposing for sale; or
- (e) apply to the taking of photographs for press purposes by any duly accredited representative of a newspaper, periodical or news agency or by any person systematically selling or supplying photographs to newspapers, periodicals or news agencies; or
- (f) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street apply to that trader in respect of—
  - (i) the delivery of any article or thing to such premises; or
  - (ii) the sale in any such street on any day not being a Sunday of—
    - (A) coal, coke, char or other fuel of which coal or coke is a constituent; or
    - (B) oil for heating, cooking or lighting; or
- (g) apply to the sale of ice-cream by any person registered under any regulations made under the Food and Drugs (Scotland) Act, 1956, or any other enactment; or
- (h) apply to the sale of milk by any person holding a certificate of registration given under section 7 of the Milk and Dairies (Scotland) Act, 1914, in respect of any vehicle.

## PART V

## CHIMNEY SWEEPS AND WINDOW CLEANERS

Chimney  
sweeps and  
window  
cleaners to be  
licensed.

## 24. The Corporation may—

- (1) from time to time license such numbers of persons as they think fit—
  - (a) as chimney sweeps; and
  - (b) as window cleaners; and
- (2) cause registers to be kept of such persons so licensed:

Provided that the Corporation may, subject to the provisions of section 26 (Restriction on power of Corporation to refuse, revoke or suspend licences) of this Order, refuse for any reasonable cause to grant a licence.

Power to  
Corporation  
to revoke or  
suspend  
licences.

25.—(1) Subject to the provisions of the next succeeding section of this Order the Corporation may revoke or suspend a licence granted in pursuance of this Part of this Order for any reasonable cause including (without prejudice to the generality of the foregoing provision)—

- (a) a conviction of the licence holder for an offence under any provision of this Part of this Order; or

(b) a breach of any condition to which the licence is subject.

(2) A licence while suspended shall not be of any effect for the purposes of this Part of this Order.

26. The Corporation shall not—

(a) refuse an application for grant of a licence in pursuance of the provisions of this Part of this Order;

(b) revoke any such licence; or

(c) suspend any such licence for more than seven days on any one occasion;

Restriction on power of Corporation to refuse, revoke or suspend licences.

without first giving the applicant or licence holder as the case may be an opportunity of being heard in person or by a representative.

27. (1) Subject to the provisions of this Part of this Order where the Appeals Corporation—

(a) refuse an application by a licence holder for a succeeding licence;

(b) revoke a licence; or

(c) suspend a licence for more than seven days;

they shall intimate their reasons for so doing to the licence holder in writing and he, if aggrieved thereby, may within fourteen days after such intimation appeal to the sheriff.

(2) For the purposes of this section the expression “succeeding licence” means a licence granted or which may be granted to a person under the provisions of this Part of this Order, being a licence taking effect on the expiry by effluxion of time of another licence granted under the said provisions to the same person.

28.—(1) A licence granted in pursuance of this Part of this Order shall be in such form as the Corporation may determine and shall be in force for one year only from the day of the date of such licence or until the next general licensing day in case any such general licensing day is appointed by the Corporation as they are hereby authorised to do or until such licence is revoked or suspended or otherwise ceases to have effect.

Form and conditions of licences.

(2) Any such licence shall be subject to such terms and conditions as may be prescribed therein and without prejudice to that generality may make provision for the safety of persons engaged in chimney sweeping and window cleaning and of members of the public and on any occasion of the renewal of a licence the Corporation may vary such prescriptions.

(3) For every such licence and for every renewal thereof there shall be paid to the Corporation such sum not exceeding ten shillings as the Corporation direct and every holder of such a licence may be provided by the Corporation if they think fit with a badge for which he shall pay a sum not exceeding five shillings which latter sum shall be returnable when the licence is withdrawn or given up and the badge returned to the Corporation.

29. A person who—

(a) by way of trade or employment sweeps chimneys or cleans windows within the burgh—

(i) without first obtaining a licence from the Corporation;

Penalty for sweeping chimneys or cleaning windows without licence

PART V  
—cont.

- (ii) contrary to any prescription of such licence;
- (iii) during the time his licence is suspended; or
- (iv) after his licence has been revoked or has ceased to be in force; or

(b) in the course of trade carried on by him as a chimney sweep or window cleaner causes or permits another person to act as a chimney sweep or window cleaner unless that other person is licensed for the purpose under this Part of this Order: or

(c) obtains a licence or the renewal of a licence under the provisions of this Part of this Order by wilful misrepresentation;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

## PART VI

## FINANCIAL

As to  
expenditure for  
purposes of  
Order.

30. All expenditure incurred by or on behalf of 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 defrayed out of the burgh fund.

Borrowing for  
purposes of  
Order.

31.—(1) The Corporation may from time to time borrow such money as may be necessary—

(a) for the purposes of this Order to which capital is properly applicable and for which borrowing powers are not otherwise available; and

(b) for paying the costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order or otherwise in relation thereto;

in the same manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947.

(2) Notwithstanding anything contained in section 262 of the Act of 1947, any money borrowed for the purposes specified in paragraph (a) of the preceding subsection shall be repaid within forty years from the date or dates of borrowing the same and any money borrowed for the purpose of paragraph (b) of the preceding subsection shall be repaid within five years from the twenty-ninth day of May first occurring after the commencement of this Order.

Application of  
moneys  
borrowed.

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

Saving for  
control on  
borrowing.

33. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, or of section 259 of the Act of 1947.

## PART VII

## MISCELLANEOUS AND GENERAL

34. Section 105 (which relates to the lighting of common stairs, etc.) of the Burgh Police (Scotland) Act, 1892, shall in its application to the burgh be read and have effect as if the proviso to the said section were omitted therefrom. Amendment of section 105 of Burgh Police (Scotland) Act, 1892.

35. Section 7 (Amendment of Town Councils (Scotland) Act, 1900, relating to casual vacancies in Corporation) and section 8 (Vacancy within three months of annual election) of the Paisley Corporation Order, 1911, are hereby repealed and the provisions of section 59 of the Act of 1947 (which relates to the filling of casual vacancies) shall apply to the Corporation. Filling of casual vacancies in Corporation.

36. Notwithstanding anything contained in section 16 (Width of streets) of the Paisley Police and Public Health Act, 1901, in any case in which a petition is presented to the Dean of Guild Court for the formation and laying out of a new street and the Corporation are satisfied upon the certificate of the burgh surveyor that a new street having an overall width of not less than thirty feet, comprising a carriageway of not less than eighteen feet and footways of not less than six feet, would be adequate in all the circumstances of the case, it shall be competent for the Dean of Guild Court to grant a warrant for the formation and laying out of such new street in accordance with such measurements. As to width of new streets.

37. Section 72 of the Paisley Police and Public Health Act, 1901 (which empowers the burgh surveyor to grant permission in the case of any alteration of any building of a minor and unimportant character), shall be read and have effect as if after the word "alteration" wherever occurring in the said section there were inserted the words "construction, demolition or removal". As to minor constructions.

38.—(1) Where any provision of this Order provides for an appeal to the sheriff against a requirement, refusal or other decision of the Corporation such appeal shall be by way of initial writ under the Sheriff Courts (Scotland) Acts, 1907 to 1939, and shall be disposed of as a summary application as defined in the said Acts. Appeals to sheriff.

(2) In any case where such an appeal lies the document intimating to the person concerned the decision of the Corporation in the matter shall state the right of appeal and the time within which such appeal may be brought.

(3) On an appeal under this Order the sheriff may make such order confirming, varying or reversing the requirement, refusal or other decision of the Corporation as he shall think fit and it shall be the duty of the Corporation to give effect to the decision of the sheriff and in particular to grant or issue any permit, licence or certificate of registration and to make any necessary entry in any register.

(4) Where a decision of the Corporation under this Order refusing, suspending, revoking or varying any permit, licence or registration

PART VII  
—cont.

makes it unlawful for a person to carry on any business which he or his immediate predecessor in the business was lawfully carrying on at the date when the decision of the Corporation was given, or to use any premises for any purpose for which he or his immediate predecessor in the business was lawfully using them at the said date, he may carry on that business and use those premises for that purpose until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned or has failed for want of prosecution.

Confirming  
authority  
for byelaws.

39. As respects byelaws made under this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the Secretary of State.

## Crown rights.

40. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein shall authorise the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary, or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for  
town and  
country  
planning.

41. 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 and, for the purposes of the last-mentioned subsection, shall be further deemed to be an enactment whereby provision is made for authorising or regulating the development of land.

## Costs of Order.

42. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming 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 borrowed by them under this Order for that purpose.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Lands Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 19.
Railways Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 20.
Burgh Police (Scotland) Act 1892 ...	55 & 56 Vict. c. 55.
Town Councils (Scotland) Act 1900 ...	63 & 64 Vict. c. 49.
Paisley Police and Public Health Act 1901	1 Edw. 7 c. cciv.
Milk and Dairies (Scotland) Act 1914 ...	4 & 5 Geo. 5 c. 49.
Petroleum (Consolidation) Act 1928 ...	18 & 19 Geo. 5 c. 32.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Children and Young Persons (Scotland) Act 1937	1 Edw. 8 & 1 Geo. 6 c. 37.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Local Government (Scotland) Act 1947 ...	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6 c. 53.
Rivers (Prevention of Pollution) (Scotland) Act 1951	14 & 15 Geo. 6 c. 66.
Food and Drugs (Scotland) Act 1956 ...	4 & 5 Eliz. 2 c. 30.

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*Order Confirmation Act 1962*

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