



CHAPTER ciii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Glasgow and Rutherglen Corporations. A.D. 1922.
[4th August 1922.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63
Vict. c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Glasgow and Rutherglen Corporations Order Confirmation Act 1922. Short title.

[Ch. ciii.] *Glasgow and Rutherglen* [12 & 13 GEO. 5.]
Corporations Order Confirmation Act, 1922.

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SCHEDULE.

GLASGOW AND RUTHERGLEN CORPORATIONS.

Provisional Order to repeal section 89 of the Roads and Bridges (Scotland) Act 1878 and for other purposes.

WHEREAS by section 89 (Special provisions for highways in counties of Lanark and Renfrew) of the Roads and Bridges (Scotland) Act 1878 (hereinafter referred to as "the Act of 1878") the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) and the provost magistrates and councillors of the royal burgh of Rutherglen (hereinafter referred to as "the Town Council" and "the burgh" respectively) are required to make the annual payment in that section mentioned towards the cost of maintaining the roads highways and bridges within the counties of Lanark and Renfrew :

And whereas section 89 of the Act of 1878 so far as not repealed enacts as follows :—

" This Act shall have effect within the counties of Lanark and Renfrew (including the burghs situated or partly situated therein) but subject to the provisions following (that is to say) :—

" (2) The city of Glasgow and the burghs of Rutherglen Govan Partick Maryhill Hillhead Crosshill Kinningpark Pollockshields and Govanhill shall jointly contribute the sum of twelve thousand five hundred pounds annually towards the cost of maintaining the roads highways and bridges within the counties of Lanark and Renfrew The said sum shall be a charge upon and be paid by the said city and the said burghs in the proportion of their respective valuations at the commencement of this Act and shall be divisible between and be paid to the said

counties or any districts into which the same may be divided in terms of this Act in the manner and in the proportions which shall be determined by a commissioner appointed for the purpose by the Secretary of State and shall be applied towards the maintenance of the roads highways and bridges within such counties or districts respectively and in diminution pro tanto of the assessments for such maintenance leviable therein in terms of this Act The amount falling to be paid by each such city and burgh to each such county or district respectively shall be payable at the expiration of one year from the date at which tolls shall cease to be exigible within such county or district and at the expiration of each successive year thereafter and if not paid when due may be recovered with expenses in the court of session at the instance of the county road clerk of the county Provided always that if at any time after the expiration of five years from and after the commencement of this Act within the counties of Lanark and Renfrew it shall appear to the trustees of the said counties or either of them or to the burgh local authority of the city of Glasgow or of any one of the said burghs that having regard to the cost of maintaining the roads highways and bridges within the said counties or either of them the payment of the said sum of twelve thousand five hundred pounds sterling should be altered the trustees of the said counties or either of them or the said burgh local authority may from time to time apply to the Secretary of State to make a Provisional Order altering the said payment and the Secretary of State may issue a Provisional Order under his hand and seal of office in relation to the matters mentioned in

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the application either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite and the whole procedure prescribed by section nine of this Act with reference to the Provisional Orders thereby authorised and the confirmation thereof shall be and are hereby made applicable to the Provisional Orders authorised by this section or the trustees of the said counties or either of them or the burgh local authority may instead of applying to the Secretary of State to make a Provisional Order apply to Parliament by Private Bill to effect the said objects provided that such Private Bill shall not contain any provisions except such as may be necessary to effect such alteration;

“(3) If it shall appear to the local authority of Glasgow or of any of the burghs mentioned in this section that any road highway or bridge within two miles of their respective boundaries is not in whole or in part maintained in a sufficient state of repair having regard to the traffic passing over the same it shall be lawful for the clerk of such local authority to apply in a summary way to the Lord Ordinary on the Bills in the court of session and the Lord Ordinary after enquiry may make such order as to him shall seem proper to remedy the evil complained of and may ordain the said Order to be carried into effect by and at the sight of such persons as he may think fit and at the expense of the county or district as the case may be and such order which may also dispose of the expenses of the application shall be final and not subject to review The sums expended in terms of this section shall be deemed to be sums expended in the execution of this Act;

“ (5) The populous places of Govan Partick Maryhill Hillhead Crosshill Kinningpark Pollockshields and Govanhill shall irrespective of their population be deemed to be burghs within the meaning and for the purposes of this Act ” : A.D. 1922.

And whereas since the passing of the Act of 1878 the said burghs of Govan Partick Maryhill Hillhead Crosshill Kinningpark Pollockshields and Govanhill have been annexed to and form part of the city :

And whereas since the passing of the Act of 1878 considerable areas of the counties of Lanark and Renfrew have also been annexed to and form part of the city :

And whereas since the passing of the Act of 1878 the boundaries of the burgh have been extended so as to include portions of the county of Lanark :

And whereas upwards of forty-four miles of roads which the county road trustees of the counties of Lanark and Renfrew maintained as from the coming into operation in the said counties of the provisions of the Act of 1878 on the 1st day of June 1882 are situated in the areas so annexed to the city and the burgh and are now maintained by the Corporation and the Town Council :

And whereas by the provisions of the Local Government (Scotland) Act 1889 the powers and duties of the said county road trustees were transferred to and vested in the county councils of the counties of Lanark and Renfrew and the said counties were divided into districts for the purposes of the Act of 1878 and district committees (hereinafter referred to as “ the district committees ”) were constituted for each district :

And whereas the said annual payment by the Corporation and the Town Council of twelve thousand five hundred pounds was in pursuance of the provisions of section 89 (2) of the Act of 1878 divisible between and paid to the counties of Lanark and Renfrew or any districts into which the same were divided and is now paid in the manner following :—

By the Corporation to the district committee of the lower ward of the county of Lanark five thousand nine hundred and fifty-six pounds thirteen shillings

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and sixpence to the district committee of the middle ward of the county of Lanark one thousand four hundred and eighty-nine pounds three shillings and five pence and to the district committee of the first or upper district of the county of Renfrew four thousand nine hundred and sixty-three pounds seventeen shillings and eleven pence by the Town Council to the district committee of the lower ward of the county of Lanark forty-three pounds six shillings and sixpence to the district committee of the middle ward of the county of Lanark ten pounds sixteen shillings and seven pence and to the district committee of the first or upper district of the county of Renfrew thirty-six pounds two shillings and one penny :

And whereas the Corporation and the Town Council on the one hand and the county council of the county of Lanark on their own behalf and on behalf of the district committees of the lower and the middle wards thereof for their respective interests and the county council of the county of Renfrew on their own behalf and on behalf of the district committee of the first or upper district thereof for their respective interests on the other hand have agreed to commute the said annual payment of twelve thousand five hundred pounds and it is expedient that section 89 of the Act of 1878 should be repealed so far as relating to the said annual payment :

And whereas the purpose aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1899 :

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

1. This Order may be cited as the Glasgow and Rutherglen Corporations Order 1922.

This Order and the Glasgow Corporation Acts 1855 to 1921 and any other Act or Order passed during the present Session of Parliament relating to the Corporation may be cited together as the Glasgow Corporation Acts 1855 to 1922.

Short title
and
citation.

[12 & 13 GEO. 5.] *Glasgow and Rutherglen* [Ch. ciii.]
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2. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say) :—

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Interpreta-
tion.

“ Act of 1878 ” means the Roads and Bridges (Scotland) Act 1878;

“ City ” means the city and royal burgh of Glasgow;

“ Corporation ” means the Corporation of the city of Glasgow;

“ Burgh ” means the royal burgh of Rutherglen;

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

“ County councils ” means the county council of the county of Lanark and the district committees of the lower and the middle wards thereof for their respective interests and the county council of the county of Renfrew and the district committee of the first or upper district thereof for their respective interests.

3. The Corporation and the Town Council shall on the fifteenth day of August one thousand nine hundred and twenty-two pay to the county councils the sum of one hundred and fifteen thousand pounds in commutation and extinction of the annual payment of twelve thousand five hundred pounds (including in the said sum the proportion thereof for the period from the first day of June one thousand nine hundred and twenty-two till the fifteenth day of August one thousand nine hundred and twenty-two) payable by the Corporation and the Town Council towards the cost of maintaining roads highways and bridges within the counties of Lanark and Renfrew under the Act of 1878 which sum of one hundred and fifteen thousand pounds shall be paid by the Corporation and the Town Council in the same proportions as the said annual payment has hitherto been paid by them and shall be divisible between the county councils in the same proportions as the said annual payment has hitherto been divisible between them.

Redemption
of road
subvention.

4. For the purpose of raising the money to be paid to the county councils as provided for in the section of this Order of which the marginal note is “ Redemption of road subvention ” the Corporation and the Town Council may borrow such sums as they may think fit not exceeding the amounts respectively payable by them

Borrowing
powers.

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A.D. 1922. in the same way and manner as money borrowed by them for the construction of new streets or roads or bridges under the Act of 1878 and the provisions of that Act relating to the borrowing of such money and the repayment thereof shall extend and apply to the money borrowed by the Corporation and the Town Council under this section.

Application
of money
paid to
county
councils.

5. The county councils may defray out of the said sum of one hundred and fifteen thousand pounds such share or proportion of the expenses incurred by them in connection with this Order as they with the sanction of the Secretary for Scotland may consider just and proper and the balance of the said sum of one hundred and fifteen thousand pounds with any interest accrued or that may accrue on the said sum of one hundred and fifteen thousand pounds may be applied from time to time by the county councils respectively as they think fit within the wards or districts of the counties of Lanark and Renfrew respectively within which the subvention has been expended and in the same proportions for any purpose for which borrowed money may be applied under the Act of 1878 or in accordance with a scheme or schemes approved by the Secretary for Scotland Provided that any interest accrued or that may accrue as aforesaid may be applied within the aforesaid wards or districts and in the aforesaid proportions for any purpose for which the subvention could have been expended.

Repeal of
part of
Section 89
of Roads
and Bridges
(Scotland)
Act 1878.

6. On and from the fifteenth day of August one thousand nine hundred and twenty-two the whole of section 89 (Special provisions for highways in counties of Lanark and Renfrew) of the Act of 1878 except the words "this Act shall have effect within the counties of Lanark and Renfrew (including the burghs situated or partly situated therein)" occurring therein shall be and is hereby repealed.

Bond stamp
duty.

7. Within three months of the date of the passing of the Act confirming this Order the Corporation and the Town Council shall produce to the Commissioners of Inland Revenue a King's Printers copy of that Act duly impressed with the ad valorem bond duty (if any) which would be chargeable on instruments providing for payment of the sum of one hundred and fifteen thousand

pounds which the Corporation and the Town Council oblige themselves to pay under the section of this Order of which the marginal note is "Redemption of road subvention" and in default of such production the duty (if any) with interest thereon at the rate of five per centum per annum from the date of the passing of the said Act shall be a debt due to His Majesty from the Corporation and the Town Council and recoverable as such.

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8. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and the Town Council in such proportions as may be agreed on between them and if paid out of borrowed moneys shall be repaid out of revenue within five years from the passing of the Act confirming this Order.

Costs of
Order.

Printed by EYRE and SPOTTISWOODE, LTD.,
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Acts of Parliament.

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