

[21 & 22 GEO. 5.] *Perth Corporation* [Ch. lxxxv.]
Order Confirmation Act, 1931.



CHAPTER lxxxv.

An Act to confirm a Provisional Order under A.D. 1931.
the Private Legislation Procedure (Scotland)
Act 1899 relating to Perth Corporation.
[31st July 1931.]

WHEREAS the Provisional Order set forth in the
schedule hereunto annexed has been made by
one of His Majesty's Principal Secretaries of State under
the provisions of the Private Legislation Procedure
(Scotland) Act 1899 as read with the Secretaries of
State Act 1926 and it is requisite that the said Order
should be confirmed by Parliament :

62 & 63 Vict.
c. 47.
16 & 17
Geo. 5. c. 18.

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

1. The Provisional Order contained in the schedule
hereunto annexed is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Perth Corporation
Order Confirmation Act 1931.

Short title.

A.D. 1931.

SCHEDULE.

PERTH CORPORATION.

Provisional Order to authorise the lord provost magistrates and councillors of the city and royal burgh of Perth to establish an art gallery and museums and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation") are vested with the municipal and police administration of the said city and royal burgh (hereinafter called "the burgh") :

And whereas the Natural History Museum and other buildings and land in Tay Street Perth with the whole fittings furnishings and scientific collections and other contents (with the exception of the contents of the library and lecture room) were conveyed to the Corporation by the Perthshire Society of Natural Science on condition that the buildings fittings furnishings and scientific collections and other contents thereby disposed were maintained by the Corporation in a thorough state of efficiency under the charge of a thoroughly qualified scientific curator and that the Perthshire Society of Natural Science should have the sole and exclusive use of the lecture room and library subject to their paying a fair rent for the same :

And whereas by the Perth Corporation Order nineteen hundred and eight it was provided that the annual cost of and in connection with the maintenance and management of the said Natural History Museum and other buildings should be defrayed by the Corporation out of the proceeds of any rate or assessment that they might resolve on leviable by them within the burgh equally on owners and occupiers of lands and heritages therein :

And whereas the annual deficit on the cost of managing and maintaining the said museum has been

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met out of the public health assessment and amounted A.D. 1931.
in the year ending the fifteenth of May nineteen hundred
and thirty to nine hundred and forty-six pounds twelve
shillings and sixpence :

And whereas by a minute of agreement between the office bearers and the committee of management of the Literary and Antiquarian Society of Perth and the Corporation dated the eighth twelfth fourteenth twenty-fifth twenty-sixth and twenty-ninth days of January and fifth day of February and the eighth day of March nineteen hundred and fifteen and registered in the books of Council and Session for preservation on the eleventh day of March nineteen hundred and fifteen it was agreed that the subjects hereinafter referred to should be conveyed to the Corporation to be held by the Corporation subject to the standing and unalterable rules and regulations of the Perth Library contained in an extract registered articles of agreement dated the second day of May and recorded in the sheriff court books of Perthshire the thirtieth June seventeen hundred and eighty-six and to other provisions in a disposition and assignation by the committee of the subscribers to Marshalls Monument in favour of the trustees for the Literary and Antiquarian Society of Perth dated the twenty-second October eighteen hundred and thirty-eight and the fourteenth November eighteen hundred and thirty-nine and recorded in the burgh court books of Perth the ninth September eighteen hundred and forty-seven :

And whereas by two several dispositions recorded in the Perth burgh register of sasines on the second day of March nineteen hundred and fifteen the said Literary and Antiquarian Society of Perth conveyed to the Corporation the ground on the west side of George Street belonging to the said society together with the building or tenement thereon called Marshalls Monument and also the subjects and others belonging to the said society also situated on the west side of George Street together with the buildings thereon and the whole contents of all the said buildings including the books scientific and antiquarian collections exhibits coins furniture and fittings subject to the condition that the subjects were to be used and held as a public museum or library in all time coming and for no other purpose :

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— And whereas the said George Street Museum has not been opened to the public since it was taken over by the Corporation as the Corporation had no funds out of which to meet the costs and it is expedient that the same should become part of the new museum freed from the conditions aforesaid :

And whereas by his trust disposition and settlement the late Robert Brough of Ochilview Bridge of Earn who died on the twenty-seventh December nineteen hundred and twenty-six directed his trustees to deliver to the Corporation twenty of his pictures as they might select and to pay the Corporation the sum of five thousand pounds upon trust to be known as "The Robert Brough Bequest" the interest of the said sum to be used and applied by them for the promotion and encouragement of the fine arts painting engraving and sculpture in the city of Perth and for the purchase of such works of art as the Corporation might deem expedient. The said pictures and works of art to be placed in such public building in the city of Perth as the Corporation might fix and to be identified with a plate affixed thereto containing the words "The Robert Brough Bequest" And the said Robert Brough also directed his trustees to hand over to the Corporation the residue of his estate to be applied as the Corporation might deem expedient for the promotion and encouragement of the fine arts painting engraving and sculpture including the power to expend it on acquiring heritable property or in building :

And whereas the money bequeathed by the said Robert Brough will be sufficient to meet the capital expenditure for the building of an art gallery but the amount of such bequest may not provide sufficient for the maintenance of the said gallery :

And whereas by his trust disposition and settlement the late Robert Hay Robertson merchant Perth who died on the thirtieth January nineteen hundred and twenty-six directed his trustees to set aside the sum of five thousand pounds to be applied as follows. If at the time of his death there was no art gallery or art institute in the city of Perth or within a radius of one mile thereof his trustees were to hold the said five thousand pounds for a time not exceeding fifteen years and if within such time a gallery or institute as aforesaid should

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have been founded his trustees should pay over to the managing body thereof if the trustees were satisfied as to the constitution and public utility and stability thereof the said sum of five thousand pounds together with the increment thereon and also to hand over such pictures as might be contained in a list to be made up by the said Robert Hay Robertson : A.D. 1931.

And whereas the said trustees will upon the erection of the proposed art gallery hand over the said bequest for the purpose of the same :

And whereas as a result of the said sum becoming available it with the balance from the bequest of the late Robert Brough will almost provide sufficient to maintain the art gallery :

And whereas the Natural History Museum in Tay Street is inadequate to meet the requirements of the present time and additional premises are necessary and it is therefore expedient and in the public interest that new premises should be erected and that the opportunity afforded by the erection of the art gallery should be taken to combine the Natural History Museum and the George Street Museum and the art gallery on one site :

And whereas it is expedient and would be to the public advantage that after the exhibits at the Natural History Museum have been transferred to the new museum the present premises in Tay Street should be sold or otherwise disposed of freed from all conditions and restrictions and that the proceeds of such sale should be applied for the purposes of the new museum :

And whereas it is expedient and will be to the public advantage that the Corporation should be empowered to borrow money for the purposes of the new museum and to impose a rate in respect thereof and of the maintenance of the same and the art gallery :

And whereas under the Church of Scotland (Property and Endowments) Act 1925 the Corporation is under certain liabilities in connection with the transfer of the burgh churches of Perth and it is expedient that the Corporation should be authorised to borrow money to discharge such liabilities :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should

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A.D. 1931. be conferred on the Corporation and made as by this Order provided :

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

Now therefore in pursuance of the powers contained in the last mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

Short title. 1. This Order may be cited for all purposes as the Perth Corporation Order 1931.

Commence-
ment of
Order. 2. This Order shall commence and have effect on and from the date of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Division of
Order into
Parts. 3. This Order is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Art gallery and museums.
Part III.—Finance.
Part IV.—Miscellaneous.

PART I.

PRELIMINARY.

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

“the burgh” means the city and royal burgh of Perth ;

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

“the Order of 1904” means the Perth Corporation Order 1904 ;

“the Order of 1908” means the Perth Corporation Order 1908.

PART II.

A.D. 1931.

ART GALLERY AND MUSEUMS.

5.—(1) The Corporation may appropriate and use for the purposes of an art gallery and museum all or any part of the property in George Street Bridge Lane and Castlegate in the city of Perth now or hereafter to be vested in them and the Corporation may upon such land or upon any part thereof erect construct provide and fit up in accordance with plans previously submitted to and approved by the Corporation an art gallery and a museum or museums with all necessary and convenient dwelling-houses buildings offices yards approaches and conveniences and may manage maintain and conduct the same in such manner as the Corporation may think fit.

Power to appropriate property for purposes of art gallery and museums.

(2) The Corporation may from time to time repair enlarge rebuild or alter in accordance with plans submitted to and approved by the Corporation any art gallery or museum and any dwelling-houses buildings offices yards approaches and conveniences so provided by them on the said lands as aforesaid in such manner as to them shall seem fit.

(3) The Corporation shall hold the said art gallery and museum or museums when completed free from any rights of any parties and from all restrictions whatever and shall manage and conduct the same in the public interest as the Corporation shall deem fit.

6.—(1) As soon as the Corporation shall have provided an art gallery and museum in George Street and the exhibits from the Natural History Museum in Tay Street are housed therein the Corporation shall notwithstanding anything to the contrary contained in any conveyance charter or other deed or document be at liberty either to use or sell lease or otherwise dispose of the buildings forming the said museum in Tay Street together with all the land and property held by or vested in the Corporation in connection therewith and remove and use any furniture fittings or effects held by the Corporation in connection with the museum in Tay Street free from all conditions or provisions restrictive of the user of the same or otherwise subject only to the feu-duty or the Corporation may use or take down and

Power to Corporation to sell premises in Tay Street.

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PART II.
—cont.

remove the said buildings and sell and dispose of the materials and use or sell lease or otherwise dispose of all the said land free from all conditions or provisions restrictive of the user of the same subject only to the feu-duty.

(2) The Corporation shall receive and apply the proceeds of any such sale or lease to or for the purposes of the new museum.

(3) As soon as the Corporation shall have removed the exhibits from the said Natural History Museum in Tay Street to the new museum they shall cease to levy any assessment under section 113 (Maintenance of Natural History Museum) of the Order of 1908.

Donations
for purposes
of art gal-
lery and
museums.

7. The Corporation may accept legacies bequests and donations of land or money or other property for any of the purposes of the art gallery or museums or this Order.

Power to
make rules.

8. The Corporation may make rules and regulations for the management and use of the new art gallery and museum and the admission of the public thereto and may by such rules or regulations fix fees and charges for admission to the new art gallery and museum or to any part thereof Provided that admission shall be free on not less than two hundred days in each year.

Power to
enter into
agreement
with Perth-
shire Society
of Natural
Science.

9. Without prejudice to their powers under this Order the Corporation are hereby authorised and empowered to enter into an agreement with the Perthshire Society of Natural Science for regulating the use by the said society of the lecture hall and library forming part of the new art gallery and museum and from time to time to consent to any alterations or variation of such agreement.

PART III.

FINANCE.

Power to
borrow for
museum.

10.—(1) The Corporation may from time to time borrow at interest such sums of money as shall be necessary for the erection of the new museum not exceeding in the whole the sum of thirteen thousand pounds and such sums of money as shall be necessary for the equipment of the said museum not exceeding in the whole the sum of two thousand pounds and with

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the sanction of and subject to the conditions as to period of repayment and otherwise prescribed by the Secretary of State such further sums as may be requisite for the said purposes.

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PART III.
—cont.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

11. So much of the cost of the maintenance and management of the art gallery and museum as shall not be provided by the endowment fund hereinafter mentioned and the interest on any moneys borrowed by the Corporation under the section of this Order the marginal note of which is "Power to borrow for museum" and the instalments or sums to be repaid or set apart annually as a sinking fund for moneys so borrowed shall be defrayed by the Corporation out of any assessment leviable by them which is payable by owners and occupiers in equal proportions Provided that the amount to be so defrayed in any year shall not exceed a sum representing the produce of a rate of threepence per pound on the rateable value of the city.

Rates to include interest and sinking fund &c.

12.—(1) The Corporation may from time to time borrow at interest such sums of money as may be necessary to discharge the liability of the Corporation in connection with the transfer of the burgh churches of Perth under the Church of Scotland (Property and Endowments) Act 1925 not exceeding in the whole the sum of thirteen thousand pounds.

Power to borrow in respect of burgh churches.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are

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PART III.
—cont.

authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

(4) The interest on any moneys borrowed by the Corporation under this section and the instalments or sums to be repaid or set apart annually as a sinking fund for money so borrowed shall be defrayed by the Corporation out of any assessment leviable by them which is payable by owners and occupiers in equal proportions.

Periods of
repayment
of moneys.

13. The Corporation shall pay off all moneys borrowed by them under the powers of this Order within the respective periods following (that is to say):—

(1) As to moneys borrowed under the authority of the section of this Order of which the marginal note is “Power to borrow for museum” (not being money borrowed with the sanction of the Secretary of State) (a) moneys borrowed for the erection of the new museum within forty years from the date or dates of the borrowing of the same and (b) moneys borrowed for the equipment of the new museum within twenty years from the date or dates of the borrowing of the same :

(2) As to moneys borrowed under the authority of the section of this Order of which the marginal note is “Power to borrow in respect of burgh churches” within twenty years from the date of the borrowing of the same.

Application
of sections
of Order of
1904 to

14. The following sections of the Order of 1904 shall *mutatis mutandis* be and are hereby made applicable to all moneys borrowed or raised by the Corporation under the

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powers of this Order in the same manner as if such moneys had been borrowed or raised under the powers of the Order of 1904 (that is to say) :—

- Section 46 (Mode of re-payment);
- Section 47 (Sinking fund);
- Section 48 (Power to Corporation to borrow on cash account);
- Section 49 (Protection of lenders from inquiry);
- Section 50 (Order not to restrict borrowing powers of Corporation).

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 PART III.
 —cont.

borrowings
 under this
 Order.

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

Powers of
 Secretary of
 State in
 relation to
 borrowing.

16.—(1) The balance of the moneys received by the Corporation from the residue of the estate of Mr. Robert Brough after payment of the cost of building and equipping the art gallery the money received from the trustees of Mr. Robert Hay Robertson and any other moneys received by the Corporation from time to time for the endowment of the art gallery shall together constitute the endowment fund.

Endowment
 fund.

(2) The said moneys shall from time to time be invested by the Corporation in securities in which trustees in Scotland may invest money and the income arising therefrom shall be applied by the Corporation in managing and maintaining the art gallery and the exhibits therein and in adding thereto from time to time as the Corporation shall see fit and also in repairing the buildings.

PART IV.

MISCELLANEOUS.

17. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order shall be proceeded with in any court of summary jurisdiction and be conducted under

As to penal-
 ties and
 recovery
 thereof.

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A.D. 1931. and in conformity with the Summary Jurisdiction
(Scotland) Act 1908 and any Acts extending or amending
the same.
PART IV.
—cont.

Costs of
Order.

18. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation out of moneys which the Corporation are hereby authorised to borrow for the purpose and any money so borrowed shall be repaid within five years from the borrowing of the same.

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