



CHAPTER lxi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Glasgow Corporation. A.D. 1934.
—
[25th July 1934.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 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.
23 & 24
Geo. 5. c. 37.
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 Glasgow Corporation Order Confirmation Act 1934.

Short title.

A.D. 1934.

SCHEDULE.

GLASGOW CORPORATION.

Provisional Order to authorise the Corporation of the city of Glasgow to provide and work trolley vehicles to make further provision with respect to the removal and disposal of refuse and the licensing of buildings used for entertainments to empower the Corporation to borrow further money for police purposes and for their tramway undertaking and for other purposes.

WHEREAS by the Glasgow Tramways Acts 1905 to 1932 the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) have constructed and maintain tramways in and in the neighbourhood of the city and it is expedient that they should be authorised to work and run trolley vehicles in the city and adjoining areas and to abandon tramways as in this Order provided :

And whereas it is expedient that the powers in this Order contained with respect to the removal and disposal of refuse should be conferred on the Corporation :

And whereas it is expedient that the powers with respect to buildings used for entertainments contained in this Order should be enacted :

And whereas it is expedient that the Corporation should be authorised to borrow further money for the purposes of the Glasgow Police Acts 1866 to 1930 and the Glasgow Tramways Acts 1905 to 1932 :

And whereas it is expedient that the further provisions in this Order contained 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) Acts 1899 and 1933 :

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

A.D. 1934.
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PART I.

PRELIMINARY.

1. This Order may be cited as the Glasgow Corporation Order 1934.

Short title
and
citations.

This Order and the Glasgow Boundaries Acts 1872 to 1930 may be cited together as the Glasgow Boundaries Acts 1872 to 1934.

This Order and the Glasgow Electric Lighting Acts 1890 to 1932 may be cited together as the Glasgow Electric Lighting Acts 1890 to 1934.

This Order and the Glasgow Gas Acts 1910 to 1932 may be cited together as the Glasgow Gas Acts 1910 to 1934.

This Order and the Glasgow Loans Acts 1883 to 1932 may be cited together as the Glasgow Loans Acts 1883 to 1934.

This Order and the Glasgow Police Acts 1866 to 1930 may be cited together as the Glasgow Police Acts 1866 to 1934.

This Order and the Glasgow Tramways Acts 1905 to 1932 may be cited together as the Glasgow Tramways Acts 1905 to 1934.

This Order and the Glasgow Corporation Acts 1855 to 1932 may be cited together as the Glasgow Corporation Acts 1855 to 1934.

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

Order
divided
into Parts.

Part I.—Preliminary.

Part II.—Trolley vehicles and tramways.

Part III.—Removal and disposal of refuse &c.

Part IV.—Buildings used for entertainments.

Part V.—Registration of births &c.

Part VI.—Electricity.

Part VII.—Police.

Part VIII.—Borrowing powers.

Part IX.—Miscellaneous.

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A.D. 1934.
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Commence-
ment of Order.

3. This Order (except where otherwise specially provided) shall come into force on the date of the passing of the Act confirming this Order.

Interpreta-
tion.

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

“ Act of 1866 ” means the Glasgow Police Act 1866;

“ Act of 1892 ” means the Glasgow Police (Further Powers) Act 1892;

“ Act of 1912 ” means the Glasgow Boundaries Act 1912;

“ Act of 1925 ” means the Glasgow Boundaries Act 1925;

“ Act of 1930 ” means the Glasgow Corporation Act 1930;

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

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

“ Firemaster ” means the inspector of fires appointed in pursuance of the Act of 1866;

“ Loans Acts ” means the Glasgow Loans Acts 1883 to 1932;

“ Loans fund ” means the fund provided by the Loans Acts;

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

“ Master of works ” means the master of works appointed in pursuance of the Act of 1866;

“ Minister ” means the Minister of Transport;

“ Order of 1905 ” means the Glasgow Corporation (Tramways Consolidation) Order 1905;

“ Order of 1922 ” means the Glasgow Corporation Order 1922;

“ Police Acts ” means the Glasgow Police Acts 1866 to 1930;

“ Proprietor ” in relation to any premises means the proprietor or owner or any one of the proprietors or owners of such premises and includes life renters fiars lessees (provided such lessees are

not in the actual occupancy of such premises) tutors curators commissioners trustees bondholders in possession or other persons who shall be in the actual enjoyment of or entitled to the rents and profits of such premises and the factor or agent for any such proprietor in the management or receipt of the rents or profits thereof and any other person who shall intromit with or draw the rents of such premises; A.D. 1934.

“Road authority” means with reference to any road or bridge with the immediate approaches thereto or any part thereof the authority company or person charged with or liable to contribute to the maintenance of such road or bridge with the immediate approaches thereto or any part thereof;

“Sheriff” means the sheriff of Lanarkshire and includes his substitutes;

“Street” means and includes any street highway road bridge square lane footpath court or passage or other place open and accessible to the public;

“Town clerk” means the town clerk of the city;

“Tramways Acts” means the Glasgow Tramways Acts 1905 to 1932;

“Tramway undertaking” means the undertaking authorised by the Tramways Acts;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source.

PART II.

TROLLEY VEHICLES AND TRAMWAYS.

5.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may work and run the same (a) along the route of any tramway owned run over worked or authorised to be constructed by them at the date of the passing of the Act confirming this Order (other than Tramway No. 14 described in section 6 (New tramways) of the Glasgow Power to use trolley vehicles.

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A.D. 1934. (Tramways Bridges &c.) Act 1914 from a point in the
— Milngavie or Balfron Road sixty-one yards or thereby
south-west from the centre of the bridge at Hillfoot
carrying the said road over the London and North
Eastern Railway to the point of termination thereof)
and (b) along—

- (i) Mosspark Boulevard in the city between the points of commencement and termination of Tramroad No. 1 authorised by the Order of 1922;
- (ii) Coatbridge Road in the county of Lanark and Bank Street in the burgh of Coatbridge between the point of commencement in Coatbridge Road of Tramroad No. 2 authorised by the Order of 1922 and the point of termination in Bank Street of Tramroad No. 3 authorised by the Order of 1922;
- (iii) the portions of Parkhouse Road and Nitshill Road in the county of Renfrew alongside the lands on which Tramway No. 2 authorised by the Paisley District Tramways Order 1908 has been constructed; and
- (iv) Great Western Road in the city between the points of commencement and termination of Tramway No. 4 authorised by the Glasgow Corporation Order 1925;

and with the consent of the Minister along any other street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of obtaining access to a trolley vehicle route from any depot garage building or work of the Corporation.

(2) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister for approval and no such turning point shall be fixed upon any street or road without the consent of the road authority which consent shall not be unreasonably withheld.

(3) No turning point shall be provided upon any street or road belonging to or wholly maintained by a railway company without the consent in writing of such

company which consent shall not be unreasonably withheld. A.D. 1934.

(4) Any question as to whether or not any consent under this section has been unreasonably withheld shall be determined by the Minister whose decision shall be final.

6.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised to work trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station or to connect generating stations place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles pillars and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions of Part II of the Tramways Act 1870 as modified by section 4 (Amendment of Tramways Act 1870) of the Order of 1905 and to the provisions of this Part of this Order open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purposes of working and lighting the trolley vehicles :

As to
electrical
works.

Provided that all posts and other apparatus erected by the Corporation under this section shall be placed in such position as the road authority may approve but no post or other apparatus shall be erected on the carriageway except with the consent of the Minister.

(2) Nothing in this Part of this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1933 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways.

(4) If it is necessary for the efficient working of the trolley vehicles to have transforming and converting

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A.D. 1934. — sub-stations the Corporation may by agreement with the owners of the land or with the road authority concerned construct and maintain on land or in or under any public street or road transforming and converting sub-stations or either of them and other works in connection therewith for the purposes of working the trolley vehicles and may in any such land street or road provide and maintain all such means of access and approach to such sub-stations and works as may be necessary or convenient and the Corporation shall have the right of supplying electrical energy at or from such sub-stations for the purpose of working and lighting the trolley vehicles. Provided that the Corporation shall not except with the consent in writing of the railway company interested construct any such sub-station or work (a) in or upon any bridge carrying a street or road over a railway or canal of a railway company or the approaches thereto or under any bridge carrying such a railway or canal over a street or road or within ten feet of any abutment of any such bridge or (b) in any street or road situated over a tunnel belonging to a railway company or (c) in any street or road belonging to or repairable by a railway company and forming the approach to any station or depot of such company or (d) so as to interfere with or render less convenient the access to or exit from any station or depot or hotel of a railway company constructed and maintained under statutory authority.

(5) In this section the expression "generating station" has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

Corporation
to have ex-
clusive right
of using
apparatus
for working
trolley
vehicles.

7. Subject to the provisions of this Order the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person using the said apparatus (except by agreement with the Corporation) shall for every offence be liable to a penalty not exceeding twenty pounds. Provided that nothing in this section shall prejudice or affect the provisions of article 9 of the agreement between the Corporation and the provost magistrates and council of the burgh of Clydebank set out in the Seventh Schedule to and confirmed by the Order of 1905 which article shall have effect as if the poles therein referred to were part of the apparatus in this section mentioned.

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8. Nothing in this Order shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Order as hackney carriages.

A.D. 1934.
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Licence duties
on trolley
vehicles.

9.—(1) The trolley vehicles and the electrical equipment thereof used under the authority of this Order shall be of such form construction weight and dimensions as the Minister may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister.

Approval of
vehicles by
Minister of
Transport.

(2) Before applying to the Minister for his approval of the weight of any trolley vehicle to be used upon any street or road which crosses a bridge belonging to or repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicle proposed to be used by them upon such street or road and the Minister shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as they are submitted to the Minister.

10. No trolley vehicle route shall be opened for public traffic until it has been certified to be fit for such traffic by the Minister.

Certification
by Minister
of Transport.

11.—(1) The following provisions of the Tramways Act 1870 as modified by section 4 (Amendment of Tramways Act 1870) of the Order of 1905 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with this Order and shall apply to the trolley vehicles authorised by this Order and shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways (that is to say) :—

Application
of certain
provisions
of Tram-
ways Act
1870 to
trolley
vehicles.

Part II (Construction of tramways) except sections
25 28 and 29 ;

Section 41 (Tramways to be removed in certain
cases) ;

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- Section 45 (Tolls &c.);
 Section 49 (Penalty for obstruction of promoters in laying out tramway);
 Section 50 (Penalties for wilful injury or obstruction to tramways &c.);
 Section 51 (Penalty on passengers practising frauds on the promoters);
 Section 53 (Penalty for bringing dangerous goods on the tramway);
 Section 55 (Promoters or lessees to be responsible for all damages);
 Section 57 (Right of user only);
 Section 60 (Reserving powers of street authorities to widen &c. roads); and
 Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of the Roads and Bridges (Scotland) Act 1878 as to the side of the road on which any carriage is to be kept.

Application of sections of Tramways Acts to trolley vehicles.

12.—(1) The sections hereinafter specified of the Orders in this section mentioned shall so far as the same are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the trolley vehicles authorised by this Order and to the Corporation and any lessees of the Corporation and to all other persons in respect thereof as fully and effectually as if those sections had been re-enacted in this Order with reference thereto (that is to say):—

Order of 1905—

- Section 5 (Tramways to vest in Corporation);
 Section 7 (Overhead wires &c.);
 Section 37 (Construction of subsidiary works for operating tramways by mechanical power);
 Section 38 (Purchase &c. of mechanical power &c.);
 Section 39 (Section 98 of Town Councils (Scotland) Act 1900 not to apply);
 Section 41 (Mechanical power);

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Section 42 (Use of electrical power); A.D. 1934.

Section 43 (Protection of Commissioners of Works);

Section 44 (Alteration of lines of Postmaster-General);

Section 45 (Protection of lines of Postmaster-General) as amended by section 38 (For further protection of Postmaster-General) of the Glasgow Corporation Order 1927;

Section 48 (Leasing working &c. of tramways);

Section 50 (Through cars);

Section 51 (Special cars);

Section 52 (Byelaws by Board of Trade);

Section 53 (Authentication of Board of Trade byelaws);

Section 54 (Byelaws by Corporation);

Section 55 (Byelaws by local authority) other than the paragraph in the said sections 54 and 55 which reads—

“ For regulating the passage of traffic along or across the roads in which the tramways are or may be laid and along over or across such tramways for preventing obstructions to all or any part of the traffic on such roads or tramways and for providing that all or any part of the slow-going traffic on such roads shall keep as near as possible to the side of such roads ”;

Section 56 (Byelaws as to speed of carriages);

Section 57 (Penalties for offences against byelaws);

Section 58 (Confirmation of byelaws);

Section 59 (Notice of confirmation of byelaws);

Section 60 (Proof of byelaws);

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Section 61 (Carriages &c. not to be licensed) but nothing in the said section 61 as by this section applied to the trolley vehicles of the Corporation shall prevent the application of sections 4 to 8 (both inclusive) of the Road Traffic Act 1930 to such trolley vehicles ;

Section 63 (Protection of local authorities) subsections (3) (5) (7) (8) (9) (10) (11) (12) (14) (15) and (21);

Section 68 (Cutting trees overhanging highways);

Section 69 (Penalty for malicious damage);

Section 75 (Fares on Sundays and holidays);

Section 76 (Fares for labouring classes);

Section 77 (Fares to be paid as directed by Corporation);

Section 78 (Recovery and application of penalties &c.);

Section 79 (Lost property);

Section 80 (Notices under Tramways Act 1870);

Section 94 (References to arbitration);

Section 95 (General Tramway Acts).

Order of 1922—

Section 23 (Cloakrooms &c.);

Section 24 (Power to require intending passengers to wait in lines or queues); and

Section 25 (Attachment of signs indicating stopping places to lamp-posts &c.).

Glasgow Corporation Order 1925—

Section 13 (For protection of Clyde Valley Electrical Power Company).

(2) Section 9 (Use of posts standards &c. by Postmaster-General) of the Glasgow Corporation Act 1907 shall extend and apply to the trolley vehicles.

13. The following provisions for the protection of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company (hereinafter in this section called for their respective interests "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company apply and have effect in relation to the trolley vehicles (that is to say):—

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For protection of London Midland and Scottish and London and North Eastern Railway Companies.

- (1) All apparatus and equipment authorised by or in pursuance of this Part of this Order where the same shall be erected or placed upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the railway company or which will otherwise affect the same shall be erected or placed and maintained according to plans and particulars to be previously submitted to and approved by the railway company or in case of difference between the railway company and the Corporation by an arbiter to be appointed as hereinafter in this section provided. Provided that if the railway company shall not within twenty-one days from the delivery of such plans and particulars signify their approval or disapproval thereof they shall be deemed to have approved thereof:
- (2) All such apparatus and equipment shall be erected or placed under the superintendence (if such superintendence be given) and to the reasonable satisfaction of the railway company. The Corporation shall so construct maintain and use the apparatus and equipment as not to affect injuriously the structure of any such bridge or approaches or other work and in the event of any injury being occasioned to such bridge or approaches or work by the construction maintenance user or removal of the apparatus and equipment upon across under or over the same the railway company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:
- (3) The Corporation shall bear and on demand pay to the railway company the reasonable expense (if any) incurred by the railway company of and

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in connection with the employment by the railway company during the execution or repair by the Corporation under or in pursuance of this Part of this Order of any apparatus and equipment affecting any railway canal bridge or other work belonging to or maintainable by the railway company of such inspectors signalmen and watchmen as may be necessary for inspecting watching and protecting the said railways canals and works and the conduct of the traffic thereon with reference to and during the execution or repair of any apparatus and equipment of the Corporation and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise :

- (4) The Corporation shall not in any manner in the execution maintenance or repair of any such apparatus and equipment obstruct or interfere with the free uninterrupted and safe user of any railway or canal belonging to or maintainable by the railway company or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the railway company all losses damages and expenses which may be occasioned to the railway company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or canals or to any company or person using the same by or by reason of the execution or failure of any of the said apparatus and equipment or by or by reason of any act default or omission of the Corporation or of any person in their employ or of their contractors and the Corporation shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If the railway company shall hereafter require to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other

works under or upon which the said apparatus and equipment is laid or to widen or alter any railway or canal thereunder or thereover the Corporation shall afford to the railway company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that such apparatus and equipment be taken up diverted or removed and if the railway company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus and equipment shall be stopped or delayed or such part of the apparatus and equipment shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus and equipment shall be restored with all practicable despatch and the railway company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal Any extra expense which the railway company may incur in carrying out such operations by reason of the existence of the apparatus and equipment of the Corporation shall be paid by the Corporation as such extra expense may in the event of any difference of opinion be determined by an arbiter to be appointed as hereinafter in this section provided :

- (7) If and when the railway company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer

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of the railway company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer. Provided that the Corporation shall not be required to cut off the electric current at any time for a longer period than shall be absolutely necessary for effecting the purpose of the railway company :

- (8) If having regard to the proposed position of any apparatus of the Corporation when considered in relation to the position of the works of the railway company at any point where any apparatus and equipment will be constructed over or under any railway or other works of the railway company it becomes necessary in order to avoid danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or apparatus or electrical works or apparatus for traction purposes of the railway company shall be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the railway company by the Corporation :
- (9) The Corporation shall not make any additional attachments to any part of any bridge station depot or other property forming part of the railways or canals of the railway company without the consent in writing of the engineer of the railway company which consent shall not be unreasonably withheld and such attachments if allowed shall be temporarily removed at any time when reasonably required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge station depot or other property :
- (10) If any difference shall arise between the Corporation and the railway company under this section the same shall be settled by an arbiter to be mutually agreed on or failing agreement to be appointed by the sheriff (exclusive of his substitutes) on the application of either party.

14. The Corporation shall perform in respect of the trolley vehicles authorised by this Order all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

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Conveyance
of mails.

15.—(1) Subject to the provisions of this Part of this Order the Corporation may demand and take for passengers and parcels goods articles or things carried on the trolley vehicles provided by the Corporation under this Order fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister Any application for the revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such trolley vehicles are run.

Fares and
charges.

(2) Every such passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description which may annoy or inconvenience other passengers.

(3) The Corporation may if they think fit convey on the trolley vehicles parcels goods articles or things not exceeding fifty-six pounds each in weight.

16. Subsection (1) of section 17 (Restricting running of omnibuses in competition) of the Act of 1930 shall be read and have effect as if the words " trolley vehicles " were inserted therein after the word " tramcars " where that word first occurs therein and as if the words " or trolley vehicles and omnibuses " were inserted therein after the words " tramcars and omnibuses " therein.

Application
of section 17
of Act of
1930.

17. Subject to the provisions of this Order the trolley vehicle undertaking authorised by this Order shall form one undertaking with the tramway undertaking.

Trolley
vehicles and
tramways to
be one
undertaking.

18. All regulations and byelaws relating to the tramways so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided in pursuance of this Order.

Application
of tramway
byelaws.

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As to
abandon-
ment of
tramways.

19.—(1) At any time after the date of the passing of the Act confirming this Order the Minister may by order authorise or require the Corporation to abandon or discontinue temporarily or permanently any of the tramways along the route of which they have provided and equipped or are about to provide and equip trolley vehicles under the provisions of this Order.

(2) Before making any order under the provisions of this section the Minister may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to any tramway to be abandoned or discontinued in pursuance of such order.

(4) Upon the making of any such order to abandon or discontinue permanently any such tramway the provisions of subsection (3) of section 13 (Power to abandon tramways) of the Act of 1930 shall extend and apply to the taking up and removal and use or disposal of the rails of such tramway and the posts poles wires cables paving setts and other works and apparatus provided in connection therewith (so far as the same shall not be adapted or used for the purpose of working the trolley vehicles) and the restoration of the portion of the road or footpath disturbed by such taking up and removal as if such tramway had been abandoned in pursuance of the powers conferred on the Corporation by the said section 13 of the Act of 1930 :

Provided that if any road authority so elect they may themselves carry out the works specified in subsection (3) of the said section 13 as applied by this section and in that event the Corporation shall pay to such road authority in respect thereof such sum as shall represent the cost to which the Corporation would have been put in carrying out the said works as the same may be agreed between the Corporation and such road authority or as failing agreement shall be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the sheriff of the county in which such works are situate.

(5) Notwithstanding the abandonment by the Corporation under the powers of this Order of the tramways referred to as "the excepted tramways" in subsection (4) of section 13 (Power to abandon tramways) of the Act of 1930 the provisions contained in the said subsection (4) shall extend and apply as if the said tramways had been abandoned in pursuance of the said section 13. A.D. 1934.

20. The Corporation may abandon or discontinue Tramroad No. 1 Tramroad No. 2 Tramroad No. 3 Tramway No. 2 and Tramway No. 4 aftermentioned when they have made provision for a service of trolley vehicles along— Abandonment of tramroads &c.

(a) in the case of Tramroad No. 1 authorised by the Order of 1922 the portion of Mosspark Boulevard in the city between the points of commencement and termination of the said Tramroad No. 1;

(b) in the case of Tramroad No. 2 and Tramroad No. 3 authorised by the Order of 1922 the portions of Coatbridge Road in the county of Lanark and Bank Street in the burgh of Coatbridge between the point of commencement in Coatbridge Road of the said Tramroad No. 2 and the point of termination in Bank Street of the said Tramroad No. 3;

(c) in the case of Tramway No. 2 authorised by the Paisley District Tramways Order 1908 the portions of Parkhouse Road and Nitshill Road in the county of Renfrew alongside the lands on which the said Tramway No. 2 has been constructed; and

(d) in the case of Tramway No. 4 authorised by the Glasgow Corporation Order 1925 the portion of Great Western Road in the city between the points of commencement and termination of the said Tramway No. 4;

and thereupon all obligations and liabilities imposed on the Corporation in respect of any tramroad or tramway so abandoned or discontinued shall cease and determine.

21. The Corporation shall not after the abandonment under the powers of this Order of any tramway or tramroad or part thereof outwith the city discontinue the working and running of trolley vehicles along the route of such tramway or in the case of the tramroads referred Trolley vehicle services not to be discontinued without consent.

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A.D. 1934. to in paragraph (b) or of the tramway referred to in paragraph (c) of the section of this Order of which the marginal note is "Abandonment of tramroads &c." along the route referred to in the said paragraph (b) or paragraph (c) as the case may be without the consent of all the local authorities within whose districts such route is situate Provided that such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister whose decision shall be final.

Removal
of obstruc-
tions.

22. If any obstruction to the traffic on any of the tramways or trolley vehicle routes of the Corporation is caused by an accident to any vehicle or by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle by civil action in any court of competent jurisdiction.

Accounts
of tram-
way under-
taking.

23. In the accounts of the Corporation relative to the tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the revenue and expenditure upon and in connection with the remainder of such undertaking.

For further
protection
of London
Midland and
Scottish
and London
and North
Eastern
Railway
Companies.

24. The following provisions for the protection of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company (hereinafter in this section called for their respective interests "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company apply and have effect (that is to say):—

- (1) On the taking up and removal by the Corporation of any tramway equipment provided in connection with any tramway or tramroad abandoned by the Corporation under the powers of the sections of this Order of which the marginal notes respectively are "As to abandonment of

tramways" and "Abandonment of tramroads &c." situate on or attached to any bridge or bridge approaches or on any railway level crossing belonging to or maintainable by the railway company the Corporation shall restore the roadway (including footpaths) on the said bridge and bridge approaches and on the said level crossing all to the reasonable satisfaction of the railway company :

- (2) No tramway equipment shall be left in any bridge bridge approach or level crossing belonging to or maintainable by the railway company except with the consent of the railway company :
- (3) The Corporation shall give to the railway company not less than seven days' previous notice in writing of their intention to carry out any such work as is referred to in subsection (1) of this section and shall state in such notice the place and time at which they propose to commence the work and the railway company may where reasonably necessary employ watchmen or inspectors to watch any of the works and operations of the Corporation and the reasonable cost thereof together with any expense to which the railway company may reasonably be put during the carrying out and in consequence of such works and operations shall be borne by the Corporation :
- (4) For the purposes of this section "tramway equipment" means the rails posts poles wires cables paving setts and other works and apparatus provided in connection with any tramway or tramroad so far as the same shall not be adapted or used for the purpose of working the trolley vehicles under the powers of this Order :
- (5) If any difference shall arise between the railway company and the Corporation respecting the matters and provisions aforesaid or any of them such difference shall be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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A.D. 1934.

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For protection of
Trustees
of Clyde
Navigation.

25. For the protection of the Trustees of the Clyde Navigation (in this section referred to as "the trustees") the following provisions shall notwithstanding anything in this Order contained apply and have effect:—

- (1) The Corporation shall not under the powers of this Part of this Order without the consent in writing of the trustees (which consent shall not be unreasonably withheld) interfere with any street road quay wharf or similar work belonging to the trustees or with any other property belonging to and used by them for the purposes of their undertaking:
- (2) Any question as to whether or not any consent under this section has been unreasonably withheld shall be determined by the Minister whose decision shall be final.

For protection of
Coatbridge
Gas Com-
pany.

26. Section 30 of the Tramways Act 1870 as varied by section 4 (Amendment of Tramways Act 1870) of the Order of 1905 and subsections (11) and (12) of section 63 (Protection of local authorities) of the Order of 1905 shall extend and apply for the benefit and protection of the Coatbridge Gas Company.

Costs of
inquiry.

27. Where in the exercise of any powers or duties conferred on the Minister under this Part of this Order the Minister may cause an inquiry to be held the costs incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by the Corporation or party to the inquiry as he may direct and he may certify the amount of the costs so incurred and any amount so certified and directed by him to be paid by the Corporation or other person shall be recoverable from the Corporation or that person either as a debt to the Crown or by him summarily as a civil debt.

PART III.

REMOVAL AND DISPOSAL OF REFUSE &C.

Trade
refuse and
domestic
refuse
defined.

28.—(1) For the purposes of the Police Acts and this Part of this Order—

- (i) "Trade refuse" means (1) the refuse arising from or incidental to the carrying on of any

trade business or manufacture including (a) ashes clinker and flue dust from any kiln engine furnace oven or stove used in connection with any industrial or commercial purpose or process (b) packing material and similar refuse from shops warehouses and workshops (c) fruit and vegetable rubbish (d) meat and fish offal and (e) garage debris and (2) garden rubbish.

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(ii) "Domestic refuse" means any dust ashes rubbish and other refuse arising from or incidental to the normal occupation of any dwelling-house shop office or other similar premises but does not include manure or trade refuse.

(2) References in the Police Acts to "city manure" shall be deemed to be references to "domestic refuse" as defined in subsection (1) of this section and section 34 (Dust &c. collected to be vested in the Corporation) of the Glasgow Police (Amendment) Act 1890 shall be read and have effect as if the words "domestic refuse" were substituted for the words "dust night soil dung ashes" "rubbish filth and manure (excepting always stable and byre dung mill dust and the ashes of any kiln engine furnace or bakers' oven or the clinkers of any stove and the refuse of any breweries tanworks or chemical or other works or from building operations and trade refuse from manufactories or workshops)" occurring in that section and as if the words "(hereinafter called 'the city manure')" also occurring therein were omitted therefrom and section 17 (Disposal of city manure) of the Glasgow Police (Sewage &c.) Act 1891 shall be read and have effect as if the words "trade refuse and domestic refuse" were substituted for the words "the city manure" occurring in that section and the expressions "domestic refuse" and "trade refuse" in the said sections 34 and 17 as amended by this subsection shall have the meanings assigned to those expressions respectively by subsection (1) of this section.

(3) The definition of "city manure" in section 3 (Interpretation) of the Glasgow Police (Sewage &c.) Act 1891 is hereby repealed.

29. The Corporation may make arrangements with shopkeepers warehousemen occupiers of factories workshops garages or business premises and others and with the proprietors and occupiers of gardens for the collection

Removal
and
disposal of
trade refuse.

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A.D. 1934. — removal and disposal of manure or trade refuse at such times and on such terms as the Corporation may determine.

Byelaws
as to
domestic
refuse.

30.—(1) In addition to the powers conferred on the Corporation by section 33 (Power to make byelaws) of the Glasgow Police (Amendment) Act 1890 of making byelaws for the purposes therein referred to the Corporation may make such byelaws as they think fit—

(a) for requiring the occupiers of premises to keep separate from other domestic refuse any substances or materials the separation of which is necessary or desirable for the economical collection removal and disposal of such refuse substances and materials; and

(b) for making a separate collection of any substances or materials so kept separate.

(2) The provisions of the said section 33 of the Glasgow Police (Amendment) Act 1890 with respect to the confirmation of byelaws made under that section as amended by this Order shall extend and apply to any byelaws made under this section as if such byelaws had been made under the provisions of the said section 33 as so amended and any person who commits a breach of the byelaws made under this section shall be guilty of a police offence and shall be liable to such penalty not exceeding five pounds for each offence as such byelaws may prescribe.

(3) The said section 33 of the Glasgow Police (Amendment) Act 1890 is hereby amended by the substitution of the words “ the Department of Health for Scotland ” for the words “ the Secretary for Scotland ” therein occurring.

Abolition
of extra
charge for
emptying
ashpits &c.

31. The words “ The owner of any ashpit constructed after the passing of the Glasgow Building Regulations Act 1892 (twenty-eighth day of June one thousand eight hundred and ninety-two) to which access can only be had by ascending or descending three feet or more by a flight of steps shall pay to the Corporation such a sum not exceeding five pounds per annum as the Corporation may fix as a reasonable charge for the extra trouble of emptying and cleansing the same ” occurring in subsection (1) of section 58 (Ashpits) of the Glasgow Building Regulations Act 1900 shall on the first day of June one thousand nine hundred and thirty-five be repealed.

PART IV.

BUILDINGS USED FOR ENTERTAINMENTS.

32. Section 5 (Theatres &c. to be licensed) of the Act of 1892 shall be read and have effect as if for the words “ any house or other place of public resort for the performance of stage plays or other theatrical representations or any circus or any place for entertainments in the nature of dramatic entertainments or exhibitions or other place of public resort for public dancing music or other entertainment of the like kind (all which places ” occurring therein there were substituted the words “ any house or building or any part of any house or building as a theatre cinema house music hall concert hall dance hall public hall or circus or as a place for the public performance of stage plays or for any public entertainment representation or exhibition of any description or as a place of public entertainment or of public resort for dancing music or other entertainments (all which ” and the Act of 1892 shall be read and construed accordingly.

Applica-
tion of
Act of 1892
to build-
ings used
for enter-
tainments.

PART V.

REGISTRATION OF BIRTHS &C.

33.—(1) Notwithstanding the provisions of the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1910 (in this section referred to as “ the Registration Acts ”) the Corporation may for the purposes of any rearrangement of the registration districts of the city including any registration district not wholly within the city effected under the Registration Acts as amended by this Part of this Order with the approval of the Registrar-General for Scotland and in addition in any case where any registration district is not wholly within the city with the consent of the local authority concerned (a) transfer any registrar of births deaths and marriages of any such district or any assistant registrar or clerical assistant of any such registrar to another district or (b) terminate the appointment of any such registrar assistant registrar or clerical assistant Provided that—

(i) every such registrar and assistant registrar employed at the date of the passing of the Act confirming this Order and every such clerical

Rearrange-
ment of
registration
districts for
births &c.

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assistant so employed and being at the date of any such rearrangement of districts in full-time employment on the work of registration or on such work in conjunction with work of the Corporation who in consequence of such rearrangement or by virtue of this section or anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of salary fees or emoluments shall be entitled to compensation; and

- (ii) every such registrar employed at the date of the passing of the Act confirming this Order who on any rearrangement as aforesaid is required to perform duties which are an unreasonable addition to those which he was required to perform before such rearrangement may relinquish his office and thereupon shall be entitled to compensation.

(2) Compensation shall be payable by the Corporation and the provisions contained in the Second Schedule to the Rating (Scotland) Act 1926 as read with section 7 of the Local Government (Scotland) Act 1929 shall have effect subject to the necessary modifications for the purpose of the determination and payment of compensation. Provided that (a) the reference to "the commencement of this Act" in paragraph (3) of the said schedule shall be construed as a reference to the date of the coming into operation of any such rearrangement of districts and (b) regard shall be had to the emoluments which a registrar assistant registrar or clerical assistant acquires by appointment to any office in the service of the Corporation or to any office under the Registration Acts in the city or elsewhere.

(3) Notwithstanding anything in the Registration Acts a registrar may have his known place of business or office at such place outside the district for which he is registrar as the Corporation with the approval of the Registrar-General may deem expedient.

Amend-
ment of
Registra-
tion of

34. Section 10 of the Registration of Births Deaths and Marriages (Scotland) Act 1854 which relates to the rearrangement of registration districts shall in its

application to the registration districts of the city including any registration district not wholly within the city apply and have effect as if for the notices with respect to division and union of districts required by the said section to be published and affixed there were substituted such publication as may be prescribed by the sheriff having jurisdiction under the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1910.

A.D. 1934.
A
Births
Deaths and
Marriages
(Scotland)
Act 1854.

PART VI.

ELECTRICITY.

35.—(1) The agreement made between the Corporation and the Clyde Valley Electrical Power Company (in this section referred to as “the company”) set forth in the schedule to this Order is hereby confirmed and made binding on the parties thereto and shall have effect according to the true intent and meaning thereof.

Confirming
agreement
with Clyde
Valley
Electrical
Power
Company
&c.

(2) As on and from the first day of October one thousand nine hundred and thirty-three the following provisions shall apply and have effect :—

- (a) Notwithstanding anything contained in the Act of 1912 or any other enactment the company shall not unless otherwise agreed between the Corporation and the company supply electricity within so much of the area of supply defined in the Shettleston and Tollcross Electric Lighting Order 1906 as was included in the city by the Act of 1912; and
- (b) The agreement entered into between the county council of the county of Lanark and the company dated the twenty-fifth and twenty-sixth March one thousand nine hundred and twelve and scheduled to and confirmed by the Clyde Valley Electrical Power Order 1912 and the agreement between the said county council and the company dated the twentieth and twenty-fifth March one thousand nine hundred and eight referred to in that agreement shall cease to apply to so much of the area of supply as is referred to in paragraph (a) of this subsection.

A.D. 1934.

PART VII.

POLICE.

Painting of
common
passages
and stairs.

36. Section 252 (Proprietors may be required to cleanse Dwelling Houses) of the Act of 1866 is hereby repealed and the Act of 1866 shall be read and have effect as if the following section were inserted therein as section 252 thereof:—

“ (1) The inspector of nuisances may by
“ notice to the proprietor of any tenement in
“ which any common passage or common stair
“ or staircase is not in a cleanly state require the
“ said proprietor to cleanse and limewash not
“ more often than once in every year such common
“ passage common stair or staircase or to paint
“ not more often than once in three years such
“ common passage common stair or staircase to
“ such an extent as may be specified in such
“ notice.

“ (2) For the purposes of this section
“ ‘tenement’ means a building constructed in
“ flats or storeys occupied wholly or principally
“ as dwelling-houses let to separate tenants
“ ‘common passage’ means any passage in a
“ building leading to parts thereof separately
“ occupied and ‘common stair’ means any stair
“ in a building leading to parts thereof separately
“ occupied.”

Means of
escape
from
nursing
homes in
case of fire.

37.—(1) If on a report by the master of works and the firemaster the Corporation are of opinion that any nursing home is not provided with proper and sufficient means of escape for the persons therein in case of fire the master of works may serve on the proprietor of such nursing home a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the proprietor shall thereupon provide the means of escape so required.

(2) Where on a report of the master of works and the firemaster the Corporation are of opinion that the means of escape in case of fire provided in connection with any nursing home have become inadequate in consequence of

any alteration in the circumstances or conditions affecting such nursing home the proprietor shall upon notice from the master of works make such alterations in the means of escape as may reasonably be necessary and shall if so required by such notice provide further or other means of escape. A.D. 1934.

(3) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to make such order as he may think fit.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(4) The proprietor of a nursing home shall notwithstanding any agreement with the tenant or occupier thereof have power to enter the nursing home and take such steps as are necessary for complying with any notice under this section.

(5) If the proprietor of a nursing home alleges that the tenant or occupier of such nursing home ought to bear or contribute to the expenses of complying with any notice under this section he may apply to the sheriff and thereupon the sheriff after giving the tenant or occupier an opportunity of being heard may make such order as appears to him just and equitable in all the circumstances of the case.

(6) The means of escape in case of fire provided as aforesaid in connection with any nursing home shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the nursing home in good and efficient condition and free from obstruction.

(7) For the purposes of this section the master of works and the firemaster may enter and inspect any nursing home and any person who obstructs or interferes with them or either of them or refuses to give all reasonable facilities for the purposes of such inspection shall be guilty of a police offence.

(8) Any person who shall contravene the provisions of this section or fail to comply with such provisions or with any notice given thereunder shall be guilty of a police offence.

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(9) "Nursing home" for the purposes of this section means any premises in the city used or intended to be used for the reception of and the providing of nursing for persons suffering from any sickness injury or infirmity and includes a maternity home as defined in the next succeeding subsection of this section but does not include—

- (i) any hospital or other premises maintained or controlled by a local authority or by any other body of persons constituted by special Act of Parliament or incorporated by Royal Charter;
- (ii) any institution for lunatics within the meaning of the Lunacy (Scotland) Act 1857;
- (iii) any certified institution certified house or approved home within the meaning of the Mental Deficiency and Lunacy (Scotland) Act 1913.

(10) "Maternity home" means any premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth.

Regulation
and control
of loud-
speakers
&c.

38.—(1) The Corporation may make byelaws for regulating and controlling the use of loud-speakers gramophones and any other devices for the reproduction and amplification of sound used for advertising purposes in such a manner as to be audible in any street or if they think fit for prohibiting such use.

(2) Such byelaws shall before coming into operation be confirmed by the Secretary of State and may be enforced by penalties imposed by any such byelaws not exceeding five pounds for each offence and any person who contravenes any of such byelaws shall be guilty of a police offence.

PART VIII.

BORROWING POWERS.

Borrowing
powers for
police
purposes.

39.—(1) In addition to the moneys which the Corporation are authorised to borrow by the Police Acts they may from time to time borrow for the purposes of the Police Acts any moneys which they may require not exceeding the sum of five hundred thousand pounds.

(2) The Corporation may from time to time reborrow any moneys which have been repaid by them otherwise than by means of the sinking fund referred to in the immediately succeeding section of this Order.

40. The Corporation shall during the year ending the thirty-first day of May one thousand nine hundred and thirty-five and annually thereafter set apart as a sinking fund and pay into the loans fund provided by the Loans Acts a sum of not less than two pounds ten shillings per centum on the amount borrowed by them as at the thirty-first day of May preceding under the immediately preceding section of this Order and not paid off by any other means than by sinking fund. The Corporation shall apply such sinking fund in paying off the principal sums so borrowed.

A.D. 1934.

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Sinking
fund for
police
purposes.

41.—(1) The Corporation may borrow for the purposes of the powers conferred upon them by the Tramways Acts and Part II of this Order and in the manner authorised by and subject to the provisions with respect to the borrowing of money and the repayment thereof by means of a sinking fund of the Order of 1905 any sum of money not exceeding one hundred and fifty thousand pounds in addition to (a) the sum of eight million six hundred and ninety-one thousand nine hundred and eighty-five pounds authorised to be borrowed by the Tramways Acts and (b) the sum of seventy-one thousand two hundred and eighty-one pounds nine shillings and ninepence authorised to be borrowed by the Govan Burgh (Tramways) Act 1893 (the tramways belonging to the former burgh of Govan having been vested in the Corporation by the Act of 1912) and if after having borrowed the said sum hereby authorised or any part thereof the Corporation pay off the same by other means than by sinking fund they may reborrow the same.

Borrowing
for tramway
purposes.

(2) The amount borrowed by the Corporation for the purposes of the tramway undertaking whether in exercise of their powers under the Tramways Acts and this Order or at common law shall not exceed in amount the total sum they are authorised to borrow by the Tramways Acts and this Order.

PART IX.

MISCELLANEOUS.

42.—(1) The Corporation acting under the Glasgow Gas Acts 1910 to 1932 may enter into and carry into effect contracts and agreements with any person for the supply

Purchase
by Cor-
poration of
gas.

[Ch. lxxix.] *Glasgow Corporation* [24 & 25 GEO. 5.]
Order Confirmation Act, 1934.

A.D. 1934. — by such person to the Corporation of gas produced in coke ovens and by any other means.

(2) For the purposes of this section the Corporation may lay down erect place repair alter renew and remove mains pipes and other works and conveniences either within or beyond the limits of the Corporation for the supply of gas as defined in the Glasgow Gas Acts 1910 to 1932 subject to the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of such pipes when laid :

Provided that the Corporation shall not exercise the powers of this section beyond the said limits of the Corporation for the supply of gas except within an area in the counties of Dunbarton Stirling and Lanark not being more than ten miles distant from the boundary of such limits.

(3) Nothing in this section shall authorise the Corporation nor shall the Corporation be under any liability whether under this section or otherwise to supply gas to any person or premises outside the said limits of the Corporation for the supply of gas.

(4) Where the Corporation in the exercise of the powers of this section propose to break up any length of a street which forms a level crossing or which crosses over or under a railway or works of a railway company and the railway company are not the persons having the control and management of that length of the street the Corporation shall give the like notice to the railway company as they are required by section 8 of the Gasworks Clauses Act 1847 to give to the persons under whose control or management the street is and if and in so far as the proposed breaking up of the street would be likely to affect the structure of any bridge or other works belonging to the railway company the Corporation shall carry out their proposals under the superintendence and to the reasonable satisfaction of the engineer of the railway company in accordance with plans to be submitted to and approved by him and any dispute or difference which may arise between the Corporation and the railway company shall be referred to the arbitration of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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Order Confirmation Act, 1934.

43. Whereas in pursuance of section 48 (Further provision as to Pollokshaws) of the Act of 1912 the Corporation are under obligation to maintain the buildings situate in the former burgh of Pollokshaws which was annexed to the city by the Act of 1912 and known as and referred to in the said section 48 as the town hall or to erect or acquire and thereafter maintain a hall equivalent to the said town hall and it was provided by the said section that the town hall or any hall equivalent thereto as aforesaid should be available for public meetings and other purposes And whereas the Corporation have and maintain an existing public hall in the said burgh within a short distance of the said town hall and such public hall provides adequate and convenient facilities and is amply sufficient to meet the demands for accommodation for public meetings and other purposes and it is expedient that the obligations of the Corporation with respect to the said town hall and to the erection or acquisition and maintenance of a hall equivalent to the said town hall should be repealed Therefore subsection (1) of the said section 48 so far as it relates to the maintenance of the said town hall and to the erection or acquisition and maintenance of a hall equivalent to the said town hall is hereby repealed.

A.D. 1934.
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Repeal of provisions of Act of 1912 relating to Pollokshaws town hall.

44.—(1) Whereas the boundaries of the city as extended by the Act of 1925 are described in the First Schedule to that Act (in this section referred to as “ the First Schedule ”) and were also shown on a map of the city deposited in pursuance of the Act of 1925 (in this section referred to as “ the map of 1925 ”) And whereas it appears that contrary to intention a small area of the royal burgh of Rutherglen (in this section referred to as “ the burgh ”) has been included in the city by the Act of 1925 and it is expedient and has been agreed between the Corporation and the provost magistrates and councillors of the burgh that the boundary between the city and the burgh should be amended so as to exclude the said area from the city and include it in the burgh Therefore the First Schedule shall be read and have effect as if for the word “ thence ” secondly occurring therein there were substituted the words “ at the centre of the “ Polmadie Burn thence southward south-eastward and “ again ” and a map showing the boundary between the city and the burgh on the same scale as the map of 1925

Amend-
ment of
boundaries
of city.

[Ch. lxxix.] *Glasgow Corporation* [24 & 25 GEO. 5.]
Order Confirmation Act, 1934.

A.D. 1934. — amended so as to conform to the description of the boundaries of the city as described in the First Schedule as amended by this section of which map thirteen copies have been signed by the Right Honourable the Lord Meston the chairman of the Commissioners to whom this Order was referred shall within one month after the date of the passing of the Act confirming this Order be deposited as follows (that is to say) :—

One copy with the town clerk at his office one copy with the sheriff-clerk of the county of Lanark at his office in Glasgow one copy with the sheriff-clerk of the county of Renfrew at his office in Paisley one copy with the sheriff-clerk of the county of Dunbarton at his office in Dumbarton one copy in the office of the Clerk of the Parliaments one copy in the Committee and Private Bill Office of the House of Commons one copy at the Scottish Office Whitehall London one copy with the Ministry of Agriculture and Fisheries one copy with the Commissioners of Customs and Excise one copy with the Board of Trade one copy with the Postmaster-General one copy with the Registrar-General of Births Deaths and Marriages in Scotland and one copy with the Electricity Commissioners Such copies of the said map so signed and deposited shall be substituted for the equivalent portion of the map of 1925 and the map of 1925 with that substitution shall form and be deemed always to have formed the map deposited in pursuance of section 8 of the Act of 1925.

(2) The description in the Second Schedule to the Act of 1925 of the area annexed to No. 26 or Hutchesontown municipal ward shall be read and have effect as if after the word "northward" occurring therein the words "and north-westward" were inserted and as if for the words "at a point 140 yards or thereabouts south-west of Rutherglen Road" there were substituted the words "at the junction of the West Burn with the Polmadie Burn".

Couper
Cathcart
Bequest
Funds

45. Whereas by an agreement made between the Governors of the Victoria Infirmary of Glasgow (in this section referred to as "the governors") and the Corporation which agreement is set out in the Fifth Schedule to

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and confirmed by section 78 (Confirming agreement with Victoria Infirmary) of the Act of 1912 it is provided that the Couper Cathcart Bequest Funds (in this section referred to as "the bequest funds") described in the said agreement should be taken over by the Corporation from the governors and be maintained and administered by the Corporation subject to the condition that the distribution of the free annual revenue of the bequest funds shall be managed by a committee of management (in this section referred to as "the committee") composed of three members of the Corporation who shall for the time being represent the Cathcart Ward of the city the parish minister of Cathcart for the time being three members of the Cathcart Parish Council and two members of the Cathcart School Board And whereas by the Local Government (Scotland) Act 1929 the functions of the Cathcart Parish Council were transferred to the Corporation and by the Education (Scotland) Act 1918 the functions of the Cathcart School Board were transferred to the education authority for the city constituted by that Act and by the Local Government (Scotland) Act 1929 the functions of the education authority for the city were transferred to the Corporation And whereas for the purpose of giving effect to the spirit of the intention of the founder of the bequest funds it is expedient that in lieu of the three members formerly appointed from the Cathcart Parish Council and the two members formerly appointed from the education authority for the city the Corporation should be authorised to appoint five persons who shall be ratepayers in that part of the parish of Cathcart situate in the city Therefore notwithstanding anything in the said agreement the Corporation shall appoint five persons to be members of the committee who shall be ratepayers in that part of the parish of Cathcart situate in the city for the purpose of administering the bequest funds along with the three members of the Corporation and the minister of Cathcart old parish church for the time being as coming in place of the said parish minister of Cathcart consequent on the Union in 1929 of the Church of Scotland and the United Free Church of Scotland.

A.D. 1934.

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Committee's constitution.

46. Whereas by the will dated 23rd September 1708 of William Mitchell merchant in London who died on 25th December 1729 and by three separate contracts

Mitchell's mortification.

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A.D. 1934. — entered into in the years 1733 1748 and 1794 respectively between the lord provost and magistrates of the city and John Orr and William Orr both of Barrowfield and John Orr advocate town clerk of Glasgow respectively then the administrators of the after-mentioned mortification the sum of two thousand five hundred pounds sterling has for many years been mortified in the hands of the Corporation under the designation of " Mitchell's mortification " the interest on which at four and a half per centum per annum in terms of the several deeds before mentioned is to be applied in the payment of pensions in the following manner to :—

First Four " old decayed poor men of the merchant
" rank of honest character and reputation not
" under fifty years of age and burgesses and
" guild brothers of the burgh and during their
" living within the burgh " two at ten pounds
each per annum and two at eight pounds six
shillings and eight pence each per annum.

Second Three " old decayed poor men of the crafts
" rank of honest character and reputation not
" under fifty years of age and burgesses and
" guild brothers of the burgh and during their
" living within the burgh " two at five pounds
eleven shillings and one and one third pence
each per annum and one at five pounds per
annum.

Third Two " poor widows of the merchant rank of
" honest character and reputation whose last
" husbands were burgesses and guild brothers
" of the burgh and of the merchant rank and
" that during their widowity only and living
" within the burgh " ten pounds each per
annum.

Fourth Two " poor women who were never married
" and not under forty-two years of age of honest
" character and reputation whose fathers were
" of the merchant rank and burgesses and guild
" brothers of the burgh and that during their
" living within the burgh unmarried " ten
pounds each per annum.

Fifth Two " poor widows of the crafts rank of
" honest character and reputation whose last
" husbands were burgesses and guild brothers

“ of the burgh and of the crafts rank and that A.D. 1934.
“ during their widowity only and living within
“ the burgh ” five pounds eleven shillings and
one and one third pence each per annum.

Sixth One “ tradesman’s widow residing in Glasgow
“ or the suburbs thereof the widow or the
“ daughter of a burghess of Glasgow though her
“ husband may not have been a burghess ” five
pounds per annum.

Seventh One “ unmarried woman daughter of a
“ burghess of Glasgow of the trades rank not
“ under fifty years of age who is unable from
“ accident disease or infirmity to earn her
“ livelihood by labour ” five pounds per annum.

And whereas Mitchell’s mortification is now administered by the lord provost and magistrates of the city and sufficient applicants with the qualification of the merchant burghess rank are not now available for the pensions destined to persons of the merchant burghess rank and the unapplied interest as at the thirty-first day of May one thousand nine hundred and thirty-three amounted to the sum of five hundred and forty-seven pounds nineteen shillings and eleven pence and it is expedient that the lord provost and magistrates of the city in their administration of Mitchell’s mortification should failing sufficient persons of the merchant burghess rank be entitled to appoint as recipients of the said pensions persons qualified as burghesses of the trades rank or failing such recipients being available such other persons residing in the city as they may deem necessitous and deserving.

Therefore the lord provost and magistrates of the city in their administration of Mitchell’s mortification may failing sufficient persons of the merchant burghess rank (1) appoint as recipients of the pensions destined to persons of the merchant burghess rank persons being burghesses of the trades rank whether residing within or outwith the city and otherwise qualified in terms of the said deeds relating to the said mortification and failing such persons with a trades burghess qualification being available such other persons residing within the city and otherwise qualified in terms of the said deeds as in the opinion of the lord provost and magistrates of the city

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A.D. 1934. — may be necessitous and deserving and (2) appoint additional persons otherwise qualified as aforesaid as recipients of pensions or increase the amount of any of the said pensions for the purpose of utilising any unapplied interest of the said mortification.

Powers of
deputy
town clerk.

47. Subsection (4) of section 17 (Regulation of office of town clerk) of the Glasgow Corporation and Police Act 1895 shall be read and have effect as if after the word "determine" where that word occurs the third time in the said subsection the following words were therein inserted "and all things required or authorised by law to be done by or to the town clerk may be done by or to any deputy town clerk so appointed" and all things done by or to any deputy town clerk appointed in pursuance of the said section 17 shall be as valid and effectual as if the said section 17 had been enacted as amended by this section.

Trial of
police
offence.

48. All police offences under this Order may be prosecuted in a summary manner before the magistrate and every person guilty of a police offence shall except where other provision is made in this Order be liable to a penalty not exceeding ten pounds and any penalties in respect of such offences shall be recoverable and applied in the same manner as other penalties imposed by the magistrate under the Police Acts.

Saving
rights of
Crown.

49. 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 His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Costs of
Order. }

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

THE SCHEDULE.

A.D. 1934.

Referred to in the section of this Order of which the marginal note is "Confirming agreement with Clyde Valley Electrical Power Company &c."

AGREEMENT between the CORPORATION of the CITY of GLASGOW acting under the Glasgow Electric Lighting Acts 1890 to 1932 (hereinafter referred to as "the Corporation") of the first part and the CLYDE VALLEY ELECTRICAL POWER COMPANY acting under the Clyde Valley Electrical Power Acts 1901 to 1924 (hereinafter referred to as "the Company") of the second part.

Stamp.

One hundred
and thirteen
pounds seventeen
shillings and
sixpence.

WHEREAS by an agreement between the county council of the county of Lanark and the Company dated twenty-fifth and twenty-sixth March one thousand nine hundred and twelve (hereinafter referred to as "the agreement of 1912") scheduled to and confirmed by the Clyde Valley Electrical Power Order 1912 it was provided (inter alia) that as from the thirty-first day of December one thousand nine hundred and nine the Company should operate on behalf of the said county council certain Provisional Orders authorising the supply of electricity in (inter alia) the area of supply under the Shettleston and Tollcross Electric Lighting Order 1906 :

And whereas the agreement of 1912 provided that it should be in the option of the said county council to terminate the agreement of 1912 at certain periods but it was expressly provided and declared that if the said option was exercised the said county council should until the year one thousand nine hundred and thirty-nine take in bulk from the Company the whole current required by them for the supplying of electricity for lighting and power purposes :

And whereas subject to and by virtue of the Glasgow Boundaries Act 1912 part of the area of supply under the said Order of 1906 was included within the city of Glasgow (which said part of the said area is hereinafter referred to as "the area") and the powers duties liabilities contracts and agreements of the said county council with respect to the area were transferred and attached to the Corporation :

And whereas subject to the provisions of the Glasgow Boundaries Act 1912 and the Clyde Valley Electrical Power Acts

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A.D. 1934. 1901 to 1924 the Corporation and the Company have rights of supply of electricity in the area :

And whereas the Corporation as coming in place of the said county council by virtue of the provisions of the Glasgow Boundaries Act 1912 exercised the option to terminate the agreement of 1912 and following on the exercise of the said option the Corporation are bound in accordance with the provisions of the agreement of 1912 to take electricity in bulk from the Company for the supply of the area in accordance with the terms of another agreement between the said county council and the Company dated twentieth and twenty-fifth March one thousand nine hundred and eight (hereinafter referred to as "the agreement of 1908") :

And whereas under the agreement of 1908 the Corporation have the prior right to supply all consumers whose demand for motive-power purposes does not exceed fifteen horse-power and are not except by agreement with the Company to supply any consumer whose demand for motive-power purposes exceeds fifteen horse-power such consumers being supplied by the Company :

And whereas it has been agreed between the Corporation and the Company that the Corporation shall take over the supply of electricity to all consumers for all purposes in the area and give the supply from their own system and that the agreement of 1908 and the agreement of 1912 shall be terminated in so far as they relate to the area.

Now therefore this agreement witnesseth that the Corporation and the Company have agreed and hereby agree as follows :—

First As on and from the first day of October one thousand nine hundred and thirty-three the Company shall not unless otherwise agreed between the Corporation and the Company supply electricity in the area.

Second The whole low-tension mains cables and meters and other low-tension apparatus belonging to the Company within the area and used by them in connection with the supply of electricity to their consumers in the area shall as on and from the first day of October one thousand nine hundred and thirty-three by virtue of this agreement be transferred to and shall become the property of the Corporation.

Third The agreement of 1908 and the agreement of 1912 under which the Corporation are required to take a bulk supply of electricity from the Company shall so far as relating to the area cease to apply to the area.

Fourth The Corporation shall pay to the Company in respect of the Company's agreement not to supply electricity in

the area as aforesaid the transfer to the Corporation of the Company's said low-tension mains cables and meters and other low-tension apparatus in the area and the termination of the agreement of 1908 and of the agreement of 1912 so far as relating to the area the sum of ten thousand two hundred and forty-two pounds together with interest thereon at the rate of three and one-half per centum per annum from the first day of October one thousand nine hundred and thirty-three to the date of payment. A.D. 1934.

Fifth The Corporation shall pay and become responsible for all payments debts and liabilities attaching to or in respect of the subjects transferred to them by virtue of this agreement and arising from and after the first day of October one thousand nine hundred and thirty-three and the Corporation shall indemnify the Company against all such payments debts and liabilities.

Sixth Until the Corporation are in a position to supply electricity for distribution in the area from their own system the Company shall as on and from the first day of October one thousand nine hundred and thirty-three and notwithstanding the termination of the agreement of 1908 and of the agreement of 1912 continue to give the Corporation for such period as may be required by them a bulk supply of low-tension electricity for the supply of the area at the price of six-tenths of a penny per unit measured at the points where such supply is taken by the Corporation being the price hitherto paid for the bulk supply taken by the Corporation under the agreement of 1908 and the agreement of 1912.

Seventh The Corporation shall as from the first day of October one thousand nine hundred and thirty-three pay to the Company for the period during which the supply of electricity referred to in article sixth hereof is given a rental at the rate of four hundred and fifty-four pounds four shillings per annum for the use of such of the Company's plant as may be necessary to provide such supply.

Eighth The Company shall as soon as possible after each usual quarter day subsequent to the first day of October one thousand nine hundred and thirty-three render to the Corporation an account showing the amount due to the Company under articles sixth and seventh hereof and the amount shown by such account to be due to the Company shall be paid by the Corporation to the Company within thirty days of the receipt of such account and if not then paid shall bear interest at the rate of three and one-half per centum per annum from the expiration of the said period of thirty days until the actual payment thereof.

Ninth The Corporation hereby withdraw all claims for a share in the net excess of revenue in connection with the supply by the Company of electricity in the area under and in terms of the agreement of 1912.

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Tenth This agreement (except where otherwise specially provided) shall take effect on and from the date of the passing of the Act confirming the Provisional Order aftermentioned.

Eleventh The Corporation shall make application to Parliament for a Provisional Order to confirm this agreement and the Company undertake to support such application so far as relating to the subject matter of this agreement. This agreement is subject to such alterations as may be made therein during the progress of the Provisional Order but if in the opinion of either party any material alteration be so made or if in the opinion of either party any material alteration be made in the provisions of the said Provisional Order so far as relating to the subject matter of this agreement it shall be competent to either party to withdraw from this agreement.

Twelfth In the event of the said Provisional Order so far as relating to this agreement not being confirmed by Parliament or in the event of any material alteration being made on the provisions of the said Provisional Order so far as relating to this agreement or on this agreement and either the Corporation or the Company withdrawing from this agreement this agreement shall thereupon be held to be null and void. Provided that notwithstanding this agreement so becoming null and void the Corporation shall account for and pay to the Company (a) any sum then due under articles sixth and seventh hereof and (b) the amount of the revenue received or due for electricity supplied by the Corporation to the Company's power consumers in the area in respect of the period between the first day of October one thousand nine hundred and thirty-three and the date of this agreement becoming null and void less the amount paid by the Corporation to the Company for electricity taken in bulk from the Company by the Corporation for the purpose of supplying those consumers during that period. Declaring that the Corporation shall only be liable in respect of rental for such sum as bears to the said rental of four hundred and fifty-four pounds four shillings for the use of the Company's plant the same proportion as the number of units used by consumers other than power consumers bears to the number of units actually delivered to the Corporation calculated in respect of the period from the first day of October one thousand nine hundred and thirty-three until the date of this agreement so becoming null and void and the Corporation shall be entitled to set off or recover any sum paid by them in excess thereof.

In witness whereof these presents typewritten on this and the five preceding pages are executed in duplicate at Glasgow by the parties hereto as follows videlicet:—They are sealed with the common seal of the said Corporation of the city of Glasgow and subscribed by Alexander Munro and Mrs. Jean Roberts two members of the said Corporation and by David Stenhouse town

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clerk of said city all for and on behalf of the said Corporation acting as aforesaid on the fourteenth day of December nineteen hundred and thirty-three before these witnesses John Meek writer and James Thomas Simpson clerk both in the town clerk's office Glasgow and they are sealed with the common seal of the said Clyde Valley Electrical Power Company and subscribed for them and on their behalf by James Henry Maurice Clark and Alexander Murray Stephen two of their directors and by Alexander Miller their secretary all on the nineteenth day of the month and year both last mentioned before these witnesses William Howard Hughes and Peter Hanley both clerks at two hundred and six Saint Vincent Street Glasgow. A.D. 1934.

(Sgd.) JOHN MEEK Witness.	(Sgd.) ALEXANDER MUNRO	} (L.S.)
do. JAS. T. SIMPSON Witness.	do. JEAN ROBERTS	
	do. D. STENHOUSE	
(Sgd.) W. H. HUGHES Witness.	(Sgd.) J. H. MAURICE CLARK Director.	} (L.S.)
do. P. HANLEY Witness.	do. A. M. STEPHEN Director.	
	do. ALEX. MILLER Secretary.	

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