

ELIZABETH II



1967 CHAPTER X

An Act to make provision for the constitution of the burgh of East Kilbride in the County of Lanark into a large burgh and for other purposes. [10th May 1967]

WHEREAS the provost, magistrates and councillors of the burgh of East Kilbride in the County of Lanark (hereinafter referred to as "the town council" and "the burgh" respectively) are the local authority for the burgh charged with the administration of the functions of a town council of a small burgh therein:

And whereas in 1946 the population of the village of East Kilbride was approximately 2,400 its main industries being agriculture and the manufacture of mining and agricultural machinery:

And whereas in October, 1946, the Secretary of State prepared a draft Order designating approximately 10,700 acres of land at East Kilbride as the site of a new town under the New Towns Act, 1946:

1946 c. 68.

And whereas the East Kilbride Development Corporation (hereinafter referred to as "the Development Corporation")

charged with the development of the designated area of the New Town of East Kilbride (hereinafter referred to as "the New Town") was appointed in August, 1947:

And whereas by 1962 the population of the New Town had grown to approximately 35,000 and steps were taken by a substantial body of inhabitants in order to bring about the formation of East Kilbride into a small burgh:

1947 c. 43.

And whereas as a result of an application to the Sheriff of Lanarkshire under section 133 of the Local Government (Scotland) Act, 1947, an area comprising 5,974 acres or thereby within the designated area of the New Town was formed into the new small burgh of East Kilbride with effect from the 16th May, 1963, by the issue of a Deliverance on the 19th March, 1963, and by the said Deliverance the burgh was divided into five wards, namely:—

Ward No. 1—Calderwood;

Ward No. 2—The Murray;

Ward No. 3—Westwood;

Ward No. 4—West Mains;

Ward No. 5—East Mains:

And whereas virtually the whole of the part of the designated area of the New Town developed and proposed to be developed is contained within the boundaries of the burgh:

And whereas the first election of town councillors for the burgh was held on the 11th June, 1963, and the first statutory meeting of the town council on the 14th June, 1963:

And whereas by the 16th May, 1964, the town council had assumed from the County Council of Lanark and the Fifth District Council of the County of Lanark respectively all the functions appropriate to a town council of a small burgh which were previously administered within the burgh area by these authorities:

And whereas the town council have carried out the functions falling to them to administer within the burgh with energy, initiative and enterprise and have co-operated fully with the Development Corporation in the development of the New Town in so far as such development could be assisted by the exercise of the local authority functions coming within the province of the town council:

And whereas by the 31st December, 1965, the population of the burgh had grown to approximately 47,000:

And whereas the Development Corporation have a mandate from the Secretary of State to develop the designated area of the New Town to a population of 70,000 almost wholly contained within the boundaries of the burgh and this target figure is likely to be reached in 1971 and whereas the population is likely to expand to 100,000 before the year 2000:

And whereas when the Secretary of State is satisfied that the purposes for which the Development Corporation was established have been substantially achieved he may by order provide for the winding up and dissolution of the Development Corporation and for the transfer of the assets of the Development Corporation to appropriate authorities or bodies among which may be the town council:

And whereas in the meantime having regard to the populous nature of the burgh, to its potential growth and development and to the capacity and rating resources of the town council, it would be conducive to the planned development of the burgh and to the advantage of the inhabitants thereof that as many local authority functions as are consistent with good administration should be under the control of the elected representatives of the inhabitants of the burgh:

And whereas the town council of the burgh is well placed to perform such functions efficiently it is reasonable and expedient that the evolution of the burgh should be continued and that it should be constituted a large burgh and that the town council should be empowered to carry out within the boundaries of the burgh the whole functions appropriate to a town council of a large burgh:

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

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the East Kilbride Burgh Act 1967. Short title.

2. This Act with the exception of section 7 shall come into operation on the 16th May, 1967. Commence-
ment.

- Interpretation.
1947 c. 43.
3. In this Act unless the subject or context otherwise requires—
 “ Act of 1947 ” means the Local Government (Scotland) Act, 1947;
 “ the burgh ” means the burgh of East Kilbride;
 “ the county council ” means the county council of the county of Lanark;
 “ the town council ” means the provost, magistrates and councillors of the burgh.
- Burgh to be a large burgh.
4. As from the coming into operation of this Act the burgh shall be deemed to be included in Part III of the First Schedule to the Act of 1947 and shall be a large burgh within the meaning and for all the purposes of the Act of 1947 and of any other enactment whether in force prior to the commencement of this Act or enacted subsequently and the town council shall exercise all the functions of a town council of a large burgh and for that purpose the functions of the county council so far as corresponding with the functions of a town council of a large burgh and so far as relating to the area within the burgh boundary shall be deemed to have been transferred to the town council.
- Transfer of functions.
5. The provisions of the Act of 1947 governing the transfer of functions under or by virtue of that Act shall apply to the transfer of functions under or in pursuance of this Act and, without prejudice to the generality of the foregoing, sections 140, 141, 143, 144 and 145, Part XVII and the Tenth and Eleventh Schedules of the Act of 1947 in so far as still subsisting shall apply to such transfer of functions in the same manner as such statutory provisions apply to the transfer of functions from a county council to a town council on the formation of a burgh under the provisions of that Act.
- Registration authority.
1965 c. 49.
6. As from the coming into operation of this Act the town council shall for the purposes of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 be constituted a local registration authority and shall be the local authority responsible for the registration district of East Kilbride as if the town council had been such authority immediately before the commencement of the said Act of 1965.
- Burgh licensing court.
1959 c. 51.
- 7.—(1) The burgh shall have a separate licensing court (hereinafter referred to as the “ burgh licensing court ”) under and for all the purposes of the Licensing (Scotland) Acts, 1959 and 1962, and of any other enactment whether in force prior to the commencement of this section of this Act or subsequently and there shall be a separate court of appeal (hereinafter referred to as the “ burgh court of appeal ”) from the burgh licensing court under section 3 of the Licensing (Scotland) Act, 1959 (hereinafter referred to as the “ Act of 1959 ”).

(2) Subject to the provisions of the Act of 1959 the burgh licensing court shall consist of the magistrates of the burgh and the burgh court of appeal shall consist of the members of the burgh licensing court and an equal number of justices of the peace for the County of Lanark.

(3) For the purposes of section 1 of the Act of 1959 the burgh with its existing boundaries shall be deemed to have been in existence when the census for the time being was last taken in the year 1961.

(4) The population of the burgh according to the census of 1961 shall be deemed to have been 31,500.

(5) Without prejudice to the future powers of the Secretary of State to make orders under section 31 of the Act of 1959, the declaration of the population in respect of the County of Lanark and the table of licensing districts and burghs according to the census of 1961 relating thereto set out in Part I of the Schedule to the Licensing (Scotland) Order 1964 are hereby repealed and the table relating to that county set out in the Schedule to this Act shall be substituted therefor.

(6) Notwithstanding the date of coming into operation of this section of this Act and the repeals effected by this section the alterations in the constitution of the licensing courts and court of appeal for the County of Lanark consequential upon the provisions of this section shall take effect and the burgh licensing court and the burgh court of appeal shall come into existence on 26th December, 1967.

(7) The justices of the peace of the County of Lanark shall meet for the purpose of electing in the manner provided by the Act of 1959 and subject to the provisions of subsection (9) of this section members to the burgh court of appeal and any persons so elected shall hold office until the next ordinary meeting for elections provided by the Act of 1959.

(8) The county councillors and justices of the peace of the County of Lanark shall meet for the purpose of designating which members of the licensing court for the No. 4 Glasgow licensing district of the County of Lanark and, if necessary, which members of the court of appeal from the licensing courts for the licensing districts of the County of Lanark are to vacate office as such members and the members so designated shall vacate office immediately before the date specified in subsection (6) of this section.

(9) Any meeting of county councillors or justices of the peace and any proceedings by way of election or otherwise necessary for the purpose of giving effect to the provisions of this section may be held or taken before the date on which in accordance with the

provisions of subsection (6) of this section the burgh licensing court and the burgh court of appeal come into existence and any such meeting or proceedings shall be held or taken as soon as possible after the coming into operation of this section of this Act in order that the provisions of this section may be given effect to and the burgh licensing court and the burgh court of appeal may come into existence on the said date.

(10) Anything authorised or required by or under any statute to be done by or to the clerk of a licensing court or court of appeal shall before on and after the date specified in subsection (6) of this section be done by or to the clerk of the court having jurisdiction for the time being and where jurisdiction is transferred shall be deemed to have been duly done by or to the clerk of the court having jurisdiction.

(11) As from the date specified in subsection (6) of this section three of the four members appointed to the Committee for the new town of East Kilbride under section 74 of and the Seventh Schedule to the Act of 1959 by the licensing court for the No. 4 Glasgow licensing district of the County of Lanark shall cease to hold office and shall be replaced by members appointed by the burgh licensing court from among their number at a meeting to be held immediately following the date specified in subsection (6) of this section and without prejudice to the future powers of the Secretary of State to make, vary or revoke orders under section 74 of the Act of 1959, the Licensing Planning Committee (East Kilbride New Town) Order, 1953, shall be deemed to specify that as from the date specified in subsection (6) of this section, the members appointed from among their number to be members of the Committee for the new town of East Kilbride under section 74 of and the Seventh Schedule to the Act of 1959 by the burgh licensing court and the licensing court for the No. 4 Glasgow licensing district of the County of Lanark shall be in the proportions of three and one, respectively.

(12) This section of this Act shall come into force on the 26th September, 1967.

Powers of
other
jurisdictions
to cease.

8. Subject to the provisions of this Act all jurisdictions, rights, powers and duties which, before the coming into operation of this Act, were exercised or exercisable within the burgh by the county council or any other local or licensing or other authority under any public, general or local or private Act of Parliament or Order (with the exception of such rights, powers and duties as are exercisable by such county council or other authorities within a large burgh) shall cease and determine.

9. Nothing contained in this Act shall transfer or be deemed or construed to transfer to the town council any property in the burgh belonging to the South of Scotland Electricity Board or to the Scottish Gas Board or any powers or duties exercised or exercisable in the burgh by the said boards. Saving for electricity and gas boards.

10. Where in the exercise of its functions under the Act of 1947 or any other enactment the county council have before the coming into operation of this Act made administrative schemes, proposals or plans relating to functions transferred to the town council under or in pursuance of this Act and have submitted such schemes, proposals or plans to the Secretary of State for approval the town council shall within one year of the coming into operation of this Act or within such longer period as the Secretary of State may approve in so far as applicable to the burgh area review such schemes, proposals and plans and submit to the Secretary of State for approval such amended or revised schemes, proposals and plans as the town council deem desirable. Administrative schemes.

11. All costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the town council out of any funds (not being in the nature of capital), rates or revenues belonging to them or under their control. Costs of Act.

SCHEDULE

Provisions relating to the County of Lanark to be substituted for the particulars relating to that county in Part I of the Schedule to the Licensing (Scotland) Order 1964.

Licensing Districts formed by County Councils if any	Population (inclusive of all R. and P. Burghs less than 4,000 and all other Burghs less than 7,000)	Burghs (other than R. and P.) containing population of less than 7,000		R. and P. Burghs containing population of less than 4,000		R. & P. Burghs containing population of 4,000 and less than 7,000		Burghs containing population of 7,000 and less than 20,000		Burghs containing population of 20,000 or over	
		Name	Population	Name	Population	Name	Population	Name	Population	Name	Population
		COUNTY OF LANARK									
		Total Population (1961) 1,626,424									
No. 1 Lanark	46,199	Biggar	1,399	—	—	—	—	Lanark	8,441	—	—
No. 2 Hamilton	114,391	—	—	—	—	—	—	—	—	Hamilton Motherwell and Wishaw	41,928
No. 3 Airdrie	52,875	—	—	—	—	—	—	—	—	Airdrie Coatbridge	72,794
No. 4 Glasgow	90,782	—	—	—	—	—	—	—	—	East Kilbride Glasgow Rutherglen	33,605 53,825 31,500 1,055,017 25,067

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East Kilbride Burgh Act 1967

CHAPTER X

ARRANGEMENT OF SECTIONS

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SCHEDULE—Provisions relating to the County of Lanark to be substituted for the particulars relating to that county in Part I of the Schedule to the Licensing (Scotland) Order 1964.