



Airdrie Court House Commissioners (Dissolution) Order Confirmation Act 1968

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ELIZABETH II



1968 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Airdrie Court House Commissioners (Dissolution).
[13th March 1968]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the Airdrie Court House Commissioners (Dissolution) Order Confirmation Act 1968. Short title.

ELIZABETH II



1968 CHAPTER i

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Airdrie Court House Commissioners (Dissolution).
[13th March 1968]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52 Order should be confirmed by Parliament:

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the Airdrie Court House Commissioners (Dissolution) Order Confirmation Act 1968. Short title.

SCHEDULE

AIRDRIE COURT HOUSE COMMISSIONERS (DISSOLUTION)

Provisional Order to provide for the cesser of the functions of the Airdrie Court House Commissioners and the dissolution of the said Commissioners; and for purposes connected therewith.

1855 c. clxxxv

Whereas by the Airdrie Rural District Police and Airdrie District Court Houses Act, 1855 (hereinafter called "the Act of 1855"), there was constituted the Airdrie Rural Police District, and Commissioners (hereinafter called "the Commissioners") were appointed for the purposes of the said Act:

And whereas by the Act of 1855 the Commissioners were empowered (inter alia) to purchase land and to erect thereon and furnish a hall, court house, offices and other buildings for the accommodation of the Courts of the Sheriff and Justices of the Peace and Magistrates of Police acting under the Act of 1855:

And whereas in pursuance of the said powers the Commissioners bought land in the Burgh of Airdrie and thereon erected and furnished a court house and offices ancillary thereto:

And whereas in the year 1914 the Commissioners, with moneys given to them for the purpose by the county council of the County of Lanark, enlarged the said court house by the erection, on land belonging to the Commissioners, of an extension thereto:

And whereas the Commissioners have no power under the Act of 1855 to erect a new court house:

1860 c. 79.

And whereas in terms of the Sheriff Court Houses (Scotland) Act, 1860, arrangements have been made for the provision of a new court house and offices ancillary thereto to serve that portion of the said Airdrie Rural Police District and the Burgh of Airdrie within the County of Lanark and adequate provision has been made with regard to court house accommodation for that part of the said Airdrie Rural Police District which is no longer within the County of Lanark:

And whereas in consequence of divers enactments the only power now vested in the Commissioners are those concerned with the administration and care of the existing court house, and it is therefore expedient that, on the appointed day as hereinafter defined, provision should be made for the disposal as hereinafter provided of the property of the Commissioners both heritable and movable and for the dissolution of the Commissioners:

And whereas it is expedient that the further provisions contained in this Order 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) Act, 1936:

1936 c. 52.

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

1.—(1) This Order may be cited as the Airdrie Court House Commissioners (Dissolution) Order 1968.

Short title and commencement.

(2) This Order, except sections 3 to 10 thereof inclusive, shall commence and have effect on the date of the passing of the Act containing this Order; and the said sections 3 to 10 inclusive shall commence and have effect on such day as the Secretary of State may order appoint.

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

Interpretation.

“ Act of 1855 ” means the Airdrie Rural District Police and Airdrie District Court Houses Act, 1855;

1855 c. clxxxv.

“ appointed day ” means the day appointed by the Secretary of State in pursuance of subsection (2) of section 1 (Short title and commencement) of this Order;

“ Commissioners ” means the Commissioners appointed and authorised to be elected under the Act of 1855 for carrying the same into execution and holding office at the appointed day or otherwise, as the case may be; and

“ county council ” means the county council of the County of Lanark.

3.—(1) Subject to the provisions of this Order, as and from the appointed day, all the powers, privileges, duties and obligations of the Commissioners under the Act of 1855 shall cease and determine and the Act of 1855 shall cease to have effect except so much of the provisions thereof relating to meetings of the Commissioners and the conduct of business thereat as are necessary to enable the Commissioners to carry the provisions of this Order into effect.

Cesser of functions of Commissioners.

(2) Notwithstanding the provisions of the foregoing subsection and the provisions of the Act of 1855, the Commissioners or the survivors or survivor of them shall, for the purposes of carrying the provisions of this Order into effect, continue in office until the passing of such a resolution as is referred to in section 9 (Final dissolution of Commissioners) of this Order.

Winding up of
affairs of
Commissioners.

4.—(1) As soon as may be after the appointed day the Commissioners shall proceed to take all necessary steps to wind up their affairs and shall sell or otherwise realise all their property both heritable and movable of every description vested in them immediately before the appointed day.

(2) All heritable property sold by the Commissioners under the foregoing subsection shall be sold either—

(a) by public roup; or

(b) by private bargain at a price not less than the value thereof as determined by the district valuer.

Application of
moneys.

5.—(1) The Commissioners shall, after payment of all costs and expenses incurred by them in the sale of their property both heritable and movable in pursuance of the foregoing section apply the proceeds of such sale in fulfilment of the following purposes, namely:—

First in the payment of any moneys owing by the Commissioners and any expense incurred by the Commissioners in winding up their affairs;

Secondly in making such payments as may be required in pursuance of section 8 (Compensation for loss of office) of this Order;

Thirdly in payment of the balance thereof to the county council.

1860 c. 79.

(2) Notwithstanding anything in section XV of the Sheriff Court Houses (Scotland) Act, 1860, all moneys received by the county council under this section shall be applied by them towards that share of the cost of the new court house erected or to be erected under the provisions of the said Act, which would but for the provisions of this subsection require to be raised and defrayed by assessment on the lands and heritages in the County of Lanark and the burghs therein in accordance with the provisions of the said section XV and any surplus of such moneys remaining in the hands of the county council after payment of that share shall be credited by the county council to a fund to be established by them for the purpose of reducing assessments which may be made on the said lands and heritages for the maintenance of the said new court house and the provisions of subsections (4) and (7) of section 8 of the Local Government (Development and Finance) (Scotland) Act 1964 shall with any necessary modifications apply to such fund.

1964 c. 67.

As to moneys
owing to
Commissioners.

6. Notwithstanding the provisions of section 3 (Cesser of function of Commissioners) of this Order, all moneys in respect of assessments imposed by the Commissioners under the Act of 1855 and all charges and other sums and debts at the appointed day due and payable or accruing due and payable to the Commissioners shall continue to be so due and payable and shall be recoverable by the Commissioners as if the said section had not been passed.

Disposal of
records.

7. On and after the appointed day, all public books, records, documents and writings which, by virtue of the Act of 1855, or otherwise are in the custody of the Commissioners shall be transferred to the county council and the county council shall, as soon as may be after the appointed day, remove the same into their custody and keeping.

3.—(1) The Commissioners shall pay to the persons holding, immediately before the passing of the Act confirming this Order, the respective offices of clerk to the Commissioners and treasurer to the Commissioners compensation in respect of any loss which they may respectively sustain by loss of office and emoluments consequent upon coming into operation of this Order. **Compensation for loss of office.**

2) In calculating the amount of such compensation payable to each of such officers regard shall be had to the conditions upon which appointment was made and to all the other circumstances of the case and in the event of the amount of such compensation not being agreed between the parties the same shall be determined by an arbiter to be appointed by the President of the Faculty of Actuaries on the application of either party and the decision of such arbiter shall be final.

4. Upon the completion of the winding up of the affairs of the Commissioners and upon a resolution being passed to that effect by the Commissioners or the survivors or survivor of them the Commissioners shall on such date as may be specified in such resolution go out of office and be dissolved and upon such dissolution of the Commissioners as aforesaid the Act of 1855 (so far as not already repealed) shall be repealed. Notice of the passing of such resolution shall, as soon as may be after the passing thereof, be advertised in a newspaper circulating in the County of Lanark and in the Edinburgh Gazette. **Final dissolution of Commissioners.**

10. The Commissioners in office immediately before the dissolution of the Commissioners in pursuance of the provisions of section 9 (Final dissolution of Commissioners) of this Order and every officer and servant who was in the employment of the Commissioners immediately before such dissolution are hereby discharged of all their actings, transactions and intromissions in respect of their management and administration of the property vested in them. **Saving for Commissioners, etc.**

11. The costs, charges and expenses of and incidental to preparing, obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Commissioners. **Costs of Order.**

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