



## CHAPTER ii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clydebank Burgh. A.D. 1931.  
—  
[11th December 1931.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.  
16 & 17 Geo. 5. c. 18.

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

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

2. This Act may be cited as the Clydebank Burgh Order Confirmation Act 1931. Short title.

A.D. 1931.

SCHEDULE.

## CLYDEBANK BURGH.

*Provisional Order to amend the Clydebank Burgh  
Extension Act 1925 and for other purposes.*

WHEREAS the provost magistrates and councillors of the burgh of Clydebank in the county of Dunbarton (hereinafter referred to as "the Town Council") are the municipal and local authority therein and are charged with the management and administration thereof:

And whereas by the Clydebank Burgh Extension Act 1925 (hereinafter referred to as "the Act of 1925") the boundaries of the then burgh of Clydebank were extended to include an area situate in the county of Dunbarton (which said area is in the Act of 1925 and hereinafter referred to as "the district annexed"):

And whereas by section 14 of the Act of 1925 it is provided that during the period of ten years after Whitsunday one thousand nine hundred and twenty-five the rates and assessments leviable by the Town Council upon the owners and occupiers respectively of all lands and premises within the district annexed together with the amount (if any) of any rates and assessments leviable by the county council of Dunbarton upon such owners and occupiers shall not in each year exceed the aggregate amount of the rates and assessments levied by the county council of Dunbarton upon the owners and occupiers respectively of such lands and premises for the year ending Whitsunday one thousand nine hundred and twenty-five:

And whereas the main development which has taken place and is taking place within the district annexed since the passing of the Act of 1925 is and will be connected with the three housing estates belonging to the Town Council which said estates (known as the Mount Blow the Parkhall and the North Kilbowie Housing Estates) for the greater part thereof are situate in the district annexed and for the remaining part

thereof are situate in the burgh of Clydebank as existing prior to the passing of the Act of 1925 : A.D. 1931.

And whereas full burghal services such as roads water supply lighting sewerage and scavenging will be enjoyed by the occupiers of the houses upon the said housing estates inasmuch as such services are provided for the said estates prior to the occupation of the houses comprising the same :

And whereas whilst the Town Council as the owners of the portions of the said estates situate in the burgh of Clydebank as existing prior to the passing of the Act of 1925 and the occupiers of the houses in the said portions are and will be liable for the full rates and assessments leviable within the burgh of Clydebank the Town Council as the owners of the remaining portions of the said estates situate in the district annexed and the occupiers of the houses in the said portions in consequence of the hereinbefore recited provisions of the Act of 1925 are and will be liable for rates and assessments less than the full rates and assessments hereinbefore referred to :

And whereas it is expedient and would be in the public interest that the said provisions of the Act of 1925 should be amended as hereinafter in this Order provided :

And whereas it is expedient that further powers should be conferred upon the Town Council with respect to the regulation of tents vans sheds and similar structures and other matters as hereinafter in this Order provided :

And whereas it is expedient that the other 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) Act 1899 :

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

1. This Order may be cited for all purposes as the Short title.  
Clydebank Burgh Order 1931.

A.D. 1931.  
—  
Commence-  
ment of  
Order.

2. This Order shall (except as otherwise hereinafter provided) commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Interpreta-  
tion.

3. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction—

- (a) The several words and expressions to which meanings are assigned by any local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings; and
- (b) The following words and expressions shall have the meanings assigned to them in this section (that is to say):—

"Act of 1925" means the Clydebank Burgh Extension Act 1925;

"Burgh" means the burgh of Clydebank;

"District annexed" means the district annexed to the then existing burgh of Clydebank by the Act of 1925;

"Town Council" means the provost magistrates and councillors of the burgh;

"Town clerk" means the town clerk of the burgh;

"Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911 and any Acts amending or extending the same;

"Public Health Acts" means the Public Health (Scotland) Act 1897 and any Acts amending or extending the same;

"Daily penalty" means a penalty for every day on which any offence is continued after conviction thereof;

"Lands and heritages" means lands and heritages as defined in the Acts in force for the time being relating to the valuation of lands and heritages;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed ;

A.D. 1931.

“ Scheduled lands ” means the lands and premises within the district annexed (comprised within the housing estates of the Town Council) the boundaries whereof are described in the schedule to this Order ;

“ Sheriff ” means the sheriff of Stirling Dumbarton and Clackmannan and includes his substitutes.

4. As from Whitsunday one thousand nine hundred and thirty-one section 14 (Differential rating) of the Act of 1925 shall cease to apply to the scheduled lands and to the owners and occupiers thereof.

Amend-  
ment of  
section 14  
of Act of  
1925.

5.—(1) It shall not be lawful for any person without the consent of the Town Council acting as the local authority for the burgh under the Public Health Acts—

Regulation  
of tents  
vans &c.

(a) to let or use or permit to be used any land situate within the burgh for occupation by any tent van shed or similar structure used or intended to be used for human habitation ; or

(b) to place or keep on any land situate within the burgh any such tent van shed or similar structure ;

and such consent may be given for such period and on such conditions as the Town Council think fit Provided

A.D. 1931. that consent shall not be required by any person in respect of—

- (i) any tent van shed or similar structure placed or kept by the occupier of a dwelling-house upon any land connected therewith and used by him or members of his household;
- (ii) any tent van shed or similar structure unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months; or
- (iii) any tent van shed or similar structure used or intended to be used for human habitation by a person whose regular employment or occupation is that of a roundabout proprietor or travelling showman (not being a pedlar or hawker) Provided that the period during which such tent van shed or similar structure is so used in the burgh shall not exceed a period of six months in any period of twelve months and such tent van shed or similar structure is only used in connection with his employment or occupation.

(2) Any person aggrieved by the withholding by the Town Council of consent under the provisions of this section may within twenty-one days from the date of the decision of the Town Council appeal to the sheriff and the sheriff may make such order and on such terms and conditions as to the sheriff may seem just.

(3) Any person offending against any of the foregoing provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and all offences against the said provisions may be prosecuted in the police court of the burgh.

(4) Section 73 (Tents and vans used for human habitation) of the Public Health (Scotland) Act 1897 shall in its application to the burgh be extended so as to authorise the Town Council to make byelaws with respect to the number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land the area to be allotted to each such tent van shed or similar structure and the provision of adequate lighting and sections 183

to 187 of the said Act shall extend and apply to any byelaws made by the Town Council under this section. A.D. 1931.

(5) Nothing in this section shall prejudice or affect the powers and jurisdiction of the dean of guild court of the burgh under the Police Acts.

6.—(1) The Town Council may make byelaws for the prevention of danger or obstruction to persons using any street or public place from posts wires tubes aerials or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony installations stretched or placed whether before or after the commencement of this Order on or over any premises and liable to fall on to any street or public place. Byelaws as to wires &c. connected with wireless installations.

(2) Any person offending against any byelaws made under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) In this section the expression "public place" includes any public park or garden and any ground to which the public have or are permitted to have access whether on payment or otherwise.

(4) Subject to the provisions of this section the provisions of the Police Acts with respect to byelaws shall extend and apply to any byelaws made under this section.

(5) Nothing in any byelaws made under this section shall extend to any apparatus belonging to any statutory undertakers.

7.—(1) Where any tree hedge or shrub overhangs any street footway or footpath so as to obstruct or interfere with the light from any public lamp or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles the Town Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop or cut the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference or danger and in default of compliance the Town Council may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the Lopping of over-hanging trees hedges and shrubs.

A.D. 1931. cost as a debt from the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any notice of the Town Council under this section may appeal to the sheriff within the foresaid period of fourteen days provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the sheriff shall have power to make such order as he may think fit.

Closing  
streets &c.

8.—(1) The Town Council may by resolution passed or order made at a meeting of the Town Council after notice of the intention to exercise the powers of this section has been given in the notice convening the meeting of the Town Council and by advertisement published once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers published or circulating in the burgh shut up discontinue and close any public street or right of way or any portion of a public street or right of way which has from change of circumstances or otherwise become useless to the public or dangerous to foot passengers or may by resolution or order as aforesaid consent to the shutting up and closing of the same on such terms and conditions as may be arranged with the owner of the solum thereof.

(2) Any resolution or order of the Town Council under this section shall be published once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers published or circulating in the burgh and by a printed copy thereof being affixed in some conspicuous place at both ends of such street or right of way and a notice narrating such resolution or order and containing a copy of this section shall be served on every owner lessee and occupier of lands and heritages fronting or abutting on or entering from the street or right of way referred to in the resolution or order.

(3) Within one month after the first publication of such resolution or order and the service of such notice the Town Council shall report the resolution or order to the sheriff and any person aggrieved by the resolution or order may within the said period of one month appeal



to the sheriff against such resolution or order provided that he gives written notice of such appeal and the grounds thereof to the town clerk.

A.D. 1931.

(4) On such resolution or order being reported to him the sheriff shall take the same into consideration along with any appeal which may have been made against the same under the provisions of this section and shall hear parties and may require them to submit evidence and the sheriff may either confirm the resolution or order or if he considers that in the circumstances the resolution or order should not have been made declare the same to be void and of no effect and his decision shall be final as regards the said resolution or order and he may award expenses such expenses to be recoverable as a civil debt.

(5) In the event of the sheriff confirming the resolution or order he shall in his interlocutor declare the solum of the street or right of way or portion thereof referred to in the resolution or order to be vested in the person or persons whose lands immediately adjoin thereto in the event of such person or persons appearing before the sheriff and claiming the same before the date of such interlocutor or failing such claim the sheriff shall declare the said solum to be vested in the Town Council and the solum so vested shall thereupon be deemed to be freed and discharged from the public use thereof.

(6) In the event of the sheriff declaring the solum to be vested in the Town Council the Town Council may sell convey or otherwise dispose of the same for such consideration as they may consider reasonable or proper and in the event of the sheriff declaring the solum to be vested in the person or persons whose lands immediately adjoin thereto the Town Council shall be entitled within one month from the sheriff's interlocutor to appropriate and remove the causeway setts road metal paving material kerbs water channels gullies lamp-posts or other Town Council property thereon.

9.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 or in any other Act or in any Order the Town Council may from time to time sell feu lease or otherwise dispose of any land vested in or belonging to them and not required for the purposes for which the same was

Power to  
dispose of  
lands.

A.D. 1931. — acquired and that on such terms conditions reservations and restrictions as to the Town Council may seem fit Provided that the proceeds of the sale of any lands by the Town Council shall only be applied to purposes to which capital is properly applicable including the redemption of debt.

(2) The Town Council shall not except with the consent of the Secretary of State sell feu lease or otherwise dispose of any such land unless at the best price or on the best terms which can be obtained for the same and where under any other Act it is necessary to obtain the consent of any Government department to enable the Town Council to sell feu lease or otherwise dispose of such land the Town Council shall obtain such consent Provided that a purchaser feuar lessee or other disponee shall not be concerned to inquire whether the foresaid consent or consents is or are necessary or has or have been obtained.

Use of moneys forming part of sinking and other funds.

10. The Town Council may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund reserve fund or insurance fund of the Town Council (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions :—

- (a) The moneys so used shall be repaid to the lending fund in the same manner as those in respect of other mortgage loans borrowed under the same authority Provided that nothing in this section shall be held to relieve the Town Council from any obligation as to borrowing and repayment of loans ;
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund Such interest shall be calculated at a rate per centum per annum to be determined by the Town Council and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power ;

(c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power ;

A.D. 1931.

and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

11. The Town Council in addition to any other powers of borrowing which they now have or may obtain may for the purpose of paying the costs charges and expenses of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto borrow such money as may be necessary Provided that any money so borrowed shall be repaid within five years from the commencement of this Order.

Borrowing  
powers.

12. 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.

Crown  
rights.

13. All costs charges and expenses of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Town Council out of moneys borrowed by them under this Order for that purpose or out of any rate or assessment which is payable by owners and occupiers in equal proportions.

Costs of  
Order.

A.D. 1931. The SCHEDULE referred to in the foregoing Order.

(Referred to in the sections of this Order of which the marginal notes are respectively " Interpretation " and " Amendment of section 14 of Act of 1925.")

---

BOUNDARIES OF THE MOUNT BLOW HOUSING ESTATE SO FAR AS  
SITUATE IN THE DISTRICT ANNEXED TO THE THEN BURGH  
OF CLYDEBANK BY THE ACT OF 1925.

Commencing at the point of intersection of the boundary of the burgh as existing prior to the passing of the Act of 1925 with the south-west boundary of the enclosure numbered 903 on the 25-inch Ordnance survey sheet N. XXIII. 10 Dumbartonshire 1918 edition and continuing along the said south-west boundary of said enclosure numbered 903 for a distance of five hundred and twenty-five yards or thereby thence continuing along the north-west boundary of the said enclosure numbered 903 for a distance of one hundred and eighty-three yards or thereby thence continuing along the north-east boundary of the said enclosure numbered 903 for a distance of three hundred and ninety yards or thereby thence continuing in a north-easterly direction for a distance of thirty-five yards or thereby thence continuing in a south-easterly direction for a distance of one hundred and forty-eight yards or thereby thence continuing in an easterly direction for a distance of one hundred and nine yards or thereby to the centre of Mount Blow Road thence continuing in a southerly direction along the centre of the said road for a distance of one hundred and twenty-seven yards or thereby to the said burgh boundary thence continuing along the said burgh boundary in south-westerly north-westerly and south-westerly directions for a distance of two hundred and thirty-two yards or thereby to the point of commencement.

BOUNDARIES OF THE PARKHALL HOUSING ESTATE SO FAR AS  
SITUATE IN THE DISTRICT ANNEXED TO THE THEN BURGH  
OF CLYDEBANK BY THE ACT OF 1925.

Commencing at the point of intersection of the boundary of the burgh as existing prior to the passing of the Act of 1925 with the easterly boundary of the enclosure numbered 765 on the 25-inch Ordnance survey sheet N. XXIII. 10 Dumbartonshire 1918 edition and continuing along the said burgh boundary in a westerly direction for a distance of three hundred and ninety-two yards or thereby to the easterly boundary of the enclosure

numbered 851 on the said Ordnance survey sheet thence continuing along the said easterly boundary for a distance of two hundred and seven yards or thereby thence continuing along the northerly boundary of the enclosure numbered 851 for a distance of seventy-five yards or thereby thence continuing along the east side of Parkhall Road from the north-west corner of the enclosure numbered 851 to the south-west corner of the enclosure numbered 858 on the said Ordnance survey sheet thence continuing along the southerly boundary of the said enclosure numbered 858 to the south-east corner of the said enclosure thence continuing along the line of the easterly boundary of the said enclosure numbered 858 for a distance of forty-six yards or thereby thence continuing along the northerly boundary of the enclosure numbered 708 on the said Ordnance survey sheet for a distance of two hundred and seventy-two yards or thereby thence continuing in a southerly direction along the line of the westerly boundary of the enclosure numbered 706 on the said Ordnance survey sheet to the south-westerly corner of the said enclosure thence continuing along the southerly boundary of the said enclosure to the south-easterly corner of the said enclosure thence continuing along the line of the easterly boundary of the said enclosure numbered 706 in a northerly direction for a distance of sixty-four yards or thereby thence continuing along the northerly boundary of the said enclosure numbered 708 for a distance of two hundred and thirty-three yards or thereby thence continuing along the westerly boundary of the enclosure numbered 714 on the said Ordnance survey sheet to the south-west corner of the said enclosure thence continuing along the southerly boundary of the said enclosure numbered 714 for a distance of twenty yards or thereby thence continuing in a southerly direction for a distance of three yards or thereby thence continuing in an easterly direction for a distance of thirty-eight yards or thereby to the eastern boundary of enclosure numbered 709 on the said Ordnance survey sheet thence continuing along the easterly boundaries of the enclosures numbered 709 and 765 on the said Ordnance survey sheet for a distance of four hundred and sixty-eight yards or thereby to the point of commencement.

A.D. 1931.

**BOUNDARIES OF THE NORTH KILBOWIE HOUSING ESTATE SO FAR  
AS SITUATE IN THE DISTRICT ANNEXED TO THE THEN BURGH  
OF CLYDEBANK BY THE ACT OF 1925.**

Commencing at the point of intersection of the boundary of the burgh as existing prior to the passing of the Act of 1925 with the easterly boundary of Duntocher Road thence along the north-westerly boundary of enclosure numbered 761 on the 25-inch Ordnance survey sheet N. XXIII. 10 Dumbartonshire 1918

A.D. 1931. — edition and the northerly boundary of enclosure numbered 759 on the 25-inch Ordnance survey sheets N. XXIII. 10 and N. XXIII. 11 Dumbartonshire 1918 edition to the north-east corner of enclosure numbered 759 thence continuing in a southerly direction along the eastern boundary of the enclosures numbered 759 and 758 on the said Ordnance survey sheet N. XXIII. 11 to the said burgh boundary thence in a westerly direction along the said burgh boundary to the point of commencement.

---

Printed by EYRE and SPOTTISWOODE LIMITED,  
FOR  
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:  
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;  
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;  
15, Donegall Square West, Belfast;  
or through any Bookseller.