

[1 & 2 GEO. 6.] *Paisley Corporation* [Ch. vii.]
(General Powers) Order Confirmation Act, 1938.



CHAPTER vii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Paisley Corporation. A.D. 1938.

[30th March 1938.]

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 Order should be confirmed by Parliament : 26 Geo. 5. & 1 Edw. 8. c. 52.

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 Paisley Corporation (General Powers) Order Confirmation Act 1938. Short title.

A.D. 1938.

SCHEDULE.

PAISLEY CORPORATION.

Provisional Order to authorise the provost magistrates and councillors of the burgh of Paisley to extend and define the limits of gas supply of the burgh and to confer further powers upon them in relation to their gas undertaking to borrow money to make further provision with respect to the local government and finance of the burgh and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Paisley (hereinafter called "the Corporation" and "the burgh" respectively) are the local authority within the burgh under the Burgh Police Acts and the Public Health Acts :

And whereas it is expedient that the limits for the supply of gas by the Corporation should be extended and defined as by this Order provided and that the further powers in this Order contained should be conferred upon the Corporation in relation to their gas undertaking :

1 Edw. 7.
c. cciv.

And whereas by section 97 of the Paisley Police and Public Health Act 1901 the Corporation are empowered to form an insurance fund against loss by fire and damages as resulting therefrom and it is expedient that the said section should be amended and enlarged :

And whereas it is expedient that the Corporation should be authorised to borrow such moneys as may be necessary for the purposes of this Order :

And whereas it is expedient to make further provision with regard to the finances of the burgh :

And whereas it is expedient that the other provisions contained in this Order should be sanctioned :

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 :

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary of State orders as follows :— A.D. 1938.

PART I.

PRELIMINARY.

1. This Order may be cited as the Paisley Corporation (General Powers) Order 1938. Short title.

2. This Order shall 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"). Commencement of Order.

3. This Order is divided into Parts as follows :— Order divided into Parts.
Part I.—Preliminary.
Part II.—Gas.
Part III.—Financial.
Part IV.—Miscellaneous.

4. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order unless the context otherwise requires the following expressions shall have the meanings hereinafter assigned to them (that is to say) :— Interpretation.

"The Burgh Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911;

"The gas limits" means the limits within which the Corporation are for the time being authorised to supply gas;

"The Lands Valuation Acts" means the Lands Valuation (Scotland) Act 1854 and any Acts amending or extending the same; 17 & 18 Vict. c. 91.

"The Public Health Acts" means the Public Health (Scotland) Acts 1897 to 1907;

"Public utility undertakings" means any trading undertaking of the Corporation as from time to time existing and includes the gas undertaking

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the electricity undertaking the water undertaking the slaughter-house undertaking and also the burial grounds belonging to the Corporation;

“Daily penalty” in relation to any offence means a penalty in respect of every day on which the offence is continued after conviction therefor;

“The sheriff” means the sheriff of the county of Renfrew and includes his substitutes.

Incorporation of Acts.

5.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purpose and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (that is to say) :—

8 & 9 Vict.
c. 19.

(a) the Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845 relating to the sale of superfluous lands;

10 & 11 Vict.
c. 15.

(b) the Gasworks Clauses Act 1847 except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 (relating to accounts); and

34 & 35 Vict.
c. 41.

(c) the Gasworks Clauses Act 1871 except section 6 (relating to the sale of superfluous lands) section 8 (relating to appointment of a receiver) and section 35 (relating to accounts).

(2) This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partially incorporated therewith.

PART II.

GAS.

Gas limits.

6.—(1) The gas limits shall include the area described in the First Schedule to this Order which said area is more particularly delineated on a map signed by Matthew George Fisher counsel to the Secretary of State under the Private Legislation Procedure (Scotland)

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Act 1936 which said map shall be deposited at the Scottish Office within one month after the commencement of this Order. A.D. 1938.
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(2) If there be any discrepancy between the said map and the description in the First Schedule to this Order the said map shall be deemed to be correct and shall prevail.

7. The Corporation may subject to the provisions of this Order manufacture and supply gas for lighting heating motive power and other purposes within the gas limits and generally may carry on the business usually carried on by a gas undertaking and may sell or dispose of the residual products arising from the manufacture of gas by them. General powers of gas supply.

8. The Corporation may notwithstanding anything to the contrary in this Order or in any Act incorporated herewith charge a higher rate for gas supplied by them outside the burgh but such higher rate shall not exceed by more than five pence halfpenny per therm the rate charged within the burgh. Differential charges.

9. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Corporation may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading. Charges for special reading of meters.

PART III.

FINANCIAL.

10.—(1) The Corporation as the local authority shall establish and administer a fund to be called "the burgh fund." Burgh fund.

Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation on revenue account including (but without prejudice to the generality of this provision) the produce of the consolidated rate and the water rates Government grants contributions in lieu of rates on Crown property all money received on account of revenue including receipts for services and commodities fees for hospital sanatorium convalescent home and any other institutional service or treatment or alimnt charges for street work

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and materials fees for inspection and licences and all rents feu duties ground annuals interest and other annual proceeds received from any investments including investments forming part of any reserve or any equalisation depreciation insurance or renewal or superannuation or other fund shall be carried to and form part of the burgh fund and there shall be paid or transferred out of the burgh fund all payments and expenses made and incurred by the Corporation on revenue account in respect of any public utility undertaking or in carrying out or into execution the powers and provisions of this or any other Act or Order including all annuities interest on moneys borrowed by the Corporation and sums equivalent to any amount required by law to be paid or transferred or which the Corporation may determine to pay or transfer to the loans fund or to any such fund as is referred to in this section.

11 & 12
Geo. 5. c. 50.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable or to carry into the burgh fund any moneys forming part of any superannuation fund within the meaning of section 32 of the Finance Act 1921 or any moneys belonging to the Corporation as a trustee.

(3) This section shall not apply to the revenues or expenditure of the common good of the burgh.

Accounts.

11.—(1) The Corporation shall keep separate accounts and balance sheets in respect of each of the public utility undertakings so as to show the financial position of the said undertakings respectively. Such accounts shall distinguish capital from revenue and as to revenue shall show under a separate heading or division on the one side all receipts and on the other side all payments and expenses in respect of each public utility undertaking such payments and expenses being divided so as also to show in the case of each public utility undertaking the amounts representing—

- (a) The working and establishment expenses and cost of maintenance thereof;
- (b) The annuities (if any) payable in respect thereof;
- (c) The interest on moneys borrowed by the Corporation for the purposes thereof or connected therewith;

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- (d) The amounts appropriated to the loans fund for the extinction of debt during the year; A.D. 1938.
(e) All other expenses (if any) properly chargeable to revenue in respect of each undertaking including any sums appropriated to the reserve or any other fund of the undertaking. PART III.
—cont.

(2) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable and in an equitable and reasonable manner apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

12. If in any year moneys received by the Corporation on account of the revenue of any public utility undertaking shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the section of this Order of which the marginal note is "Accounts" then a sum equivalent to the amount of such excess may be credited to the revenue account of the undertaking for the next succeeding year Provided always that in connection with the electricity undertaking the provisions of the section of this Order of which the marginal note is "Provision as to surplus electricity revenue" shall be given effect to Provided also that in connection with the gas undertaking and the water undertaking the Corporation shall in fixing the rates or charges for gas and water respectively so fix the same respectively that the revenue shall as nearly as possible meet the expenditure for each year. Application of surplus revenue of undertakings.

13.—(1) The Corporation may at any time in respect of any of the public utility undertakings establish and maintain reserve funds to which contributions may be made out of the burgh fund subject to the provisions of this Part of this Order. Reserve funds.

(2) The amount from time to time standing to the credit of any reserve fund shall not exceed one-tenth of the aggregate capital expenditure of the particular undertaking and such amount may be invested in securities in which the Corporation are authorised to invest.

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(3) Any reserve fund which has been formed for the purpose of any public utility undertaking of the Corporation as from time to time existing from which revenue is derived and which is in existence on the sixteenth day of May one thousand nine hundred and thirty-eight shall be deemed to have been formed under this section and any moneys standing to the credit of any such reserve fund shall be carried to the credit of the reserve fund authorised by this section.

(4) Any reserve fund shall be applicable—

(a) to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(b) subject in the case of the electricity undertaking to the consent of the Electricity Commissioners for the renewal improvement or extension of any part of the undertaking or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Provision
as to
surplus
electricity
revenue.

14. The following provisions shall notwithstanding anything in this or any other Act or Order contained apply with respect to the electricity undertaking (in addition to the provisions of the section of this Order of which the marginal note is "Application of surplus revenue of undertakings") (namely):—

(1) If in respect of any year the receipts shown under a separate heading or division in respect of the electricity undertaking by virtue of the section of this Order of which the marginal note is "Accounts" (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that

year on the investments forming part of that reserve fund) exceed the total amount of the payments and expenses as shown then—

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PART III.

—cont.

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess ;

(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure the Corporation shall fix such amount as they may think fit (not being less in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking than the difference between the said excess and that sum) and a reduction shall in the next following year be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed :

- (2) The Corporation shall in every year so long as the electricity reserve fund provided by the Corporation is less than the prescribed maximum transfer to that fund out of the burgh fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the electricity reserve fund and carried to the burgh fund :
- (3) If the Corporation shall be desirous before making the reductions referred to in subsection (1) (a) and (b) of this section of applying any of the excess in reduction of the capital moneys borrowed for electricity purposes or with the consent of the Electricity Commissioners in

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payment of any expenses of constructing renewing extending and improving the works and conveniences for the purposes of the electricity undertaking they may do so.

Power to borrow for purposes of gas undertaking.

15.—(1) In addition to the powers already possessed by the Corporation to borrow money for the purposes of the gas undertaking of the burgh the Corporation may with the sanction of and subject to the condition as to period of repayment and other conditions specified by the Secretary of State borrow such further sums as may be requisite for the general purposes of their gas undertaking.

52 & 53 Vict.
c. 50.

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

Insurance fund.

16.—(1) The Corporation may at any time establish and maintain a fund to be called the "insurance fund" for the purpose of making good losses damages costs and expenses arising out of risks against which in the absence of such fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall transfer to that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any

part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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PART III.
—cont.

(4) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation may if they think fit discontinue the yearly transfers to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly transfers to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) (a) The amount from time to time standing to the credit of the fund may be invested in securities in which the Corporation are authorised to invest.

(b) In addition to the sum required to be transferred to the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than the prescribed amount transfer to that fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the burgh fund.

(6) If at any time the fund is insufficient for the purpose mentioned in subsection (1) of this section the Corporation may borrow such sums as the Secretary of State may sanction in order to make up the deficiency Sums so borrowed shall be repaid in such manner and period as the Secretary of State may prescribe.

(7) In relation to any sanction to be given by the Secretary of State to the borrowing of moneys under this section the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889 :

Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

(8) In this section " the prescribed amount " means such sums as may from time to time be prescribed by the Corporation.

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Transfer of
assets of
accident
and fire
insurance
funds and
repeal.

17.—(1) As from the establishment of the insurance fund referred to in the last preceding section of this Order the marginal note of which is “Insurance fund” all moneys and other assets extending to the credit of the accident fund of the Corporation and of the Corporation fire insurance fund shall be transferred to the credit of the said insurance fund.

(2) Section 97 (Power to form insurance fund) of the Paisley Police and Public Health Act 1901 and section 12 (Power to continue and maintain accident fund) of the Paisley Corporation Order 1911 are hereby repealed.

Applica-
tion of
borrowed
money.

18. All money borrowed by the Corporation under the powers of this Order shall be applied only for the purposes for which the same is authorised to be borrowed to which capital is properly applicable.

Establish-
ment of
loans fund.

19. The Corporation shall establish and administer a fund to be called “the loans fund” applicable to all moneys borrowed or to be borrowed by the Corporation and the redemption or repayment thereof and the payment of interest or dividends thereon and the existing loans fund of the Corporation shall be merged in the said loans fund as at the commencement of this Order. The loans fund shall be applied and administered by the Corporation in accordance with the rules and regulations contained in the Second Schedule to this Order.

Form of
bond to be
used on
borrowing.

20. All mortgage bonds to be granted by the Corporation after the commencement of this Order for moneys borrowed in exercise of any statutory borrowing power may be in or near to the form contained in the Third Schedule to this Order.

Unclaimed
dividends.

21.—(1) If at any time any interest or dividend payable out of the loans fund is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2) When any interest or dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the security holder named in their books by the description and at the

address therein appearing and shall also publish an advertisement in a newspaper circulating in the burgh stating that such interest or dividend remains unclaimed.

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22. A person taking or holding any security issued by the Corporation under the authority of this Order shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this Order or whether or not the Corporation or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Corporation or committee thereof were legal or regular or to see to the application of any money borrowed or be answerable for any loss or misapplication thereof.

Protection
of holders
of Corpora-
tion securi-
ties.

23.—(1) In the event of any principal money borrowed or continued on loan by the Corporation under this Order or any interest or dividend thereon not being paid within two months after such payment is due and demand thereof is made in writing any creditor therein holding any document of debt or assignation thereof to the amount of five thousand pounds or any creditors therein holding together documents of debt or assignation thereof to the amount of ten thousand pounds may apply to the court of session by summary petition for the appointment of a judicial factor and the court may appoint a judicial factor on such terms as it thinks fit.

Appoint-
ment of
judicial
factor.

(2) The judicial factor shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this Part of this Order into the loans fund and of assessing making and recovering all rates and revenues for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs.

(3) For the purpose of this section the expression "document of debt" shall include—

Stock certificates mortgage deeds cash credit bonds
or any other security for loans raised or issued
by the Corporation.

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PART IV.

MISCELLANEOUS.

Plans of works for discharging fat &c. into sewers to be approved by Corporation.

24.—(1) Any person desiring to construct or lay any drain pipe or channel into which grease oil or fat will or is likely to be discharged from any club hotel public-house inn slaughter-house knackery butcher's shop fried fish shop or similar premises or from any stable garage works store or similar premises or from any sewer common drain private drain channel or watercourse shall before commencing so to construct or lay the same submit plans and sections and such other particulars as the Corporation may require of the proposed works to and for the approval of the Corporation who may give or withhold their approval or in giving their approval may impose such conditions as they think proper.

(2) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

55 & 56 Vict.
c. 55.

(3) Any person aggrieved by any requirement of the Corporation under the provisions of this section may appeal therefrom and section 339 of the Burgh Police (Scotland) Act 1892 shall apply in respect of any such appeal.

Amending Public Health (Scotland) Act 1897 as to common lodging-houses.
60 & 61 Vict.
c. 38.

25. In the application to the burgh of the Public Health (Scotland) Act 1897 the definition of the expression "common lodging-house" in section 3 of that Act shall notwithstanding anything contained in section 89 of that Act be read and have effect as if the words "one shilling" were substituted for the word "fourpence" occurring in that definition. Provided that the sum of one shilling hereby substituted may on the application of the town council be altered or varied by the Department of Health for Scotland but so as not to exceed one shilling and sixpence.

Loading or unloading of goods on streets.

26. Any person who in connection with the loading or unloading of goods or articles of any description causes or permits straw paper packing material or debris from any crate or package to be thrown or laid on any street and does not immediately remove the same or in any way litters any street shall be guilty of a police offence and be liable to a penalty not exceeding forty shillings.

27. Every person who shall mark any street or foot pavement with paint or any other adhesive substance of a similar nature shall be guilty of a police offence and be liable to a penalty not exceeding forty shillings Provided that this section shall not apply to marking on any street for police or traffic purposes.

PART IV.
 —cont.
 Penalty for marking streets and footpaths with paint &c.

28. For the purposes of the Burgh Police Acts and this Part of this Order—

Trade refuse and domestic refuse defined.

(1) “Trade refuse” means and includes—

(i) 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

(ii) garden rubbish :

(2) “Domestic refuse” means and includes any dust ashes rubbish and other refuse arising from or incidental to the normal occupation of any dwelling-house shop office cinematograph theatre or other similar premises but does not include soot manure or trade refuse.

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 soot manure or trade refuse at such times and on such terms as the Corporation may determine.

Removal and disposal of trade refuse.

30.—(1) It shall not be lawful for any person without the consent of the Corporation 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 within the burgh any such tent van shed or similar structure;

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and such consent may be given for such period and on such conditions as the Corporation think fit Provided 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 used or intended to be used by the occupier for human habitation where such use shall not exceed a period of three months in any period of twelve months;
- (iii) any tent van shed or similar structure provided by or belonging to or used by—
 - (a) any duly constituted religious or charitable society or body to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary;
 - (b) any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;
 - (c) any portion of His Majesty's naval military or air forces or any contingent of the Officers Training Corps or any cadet unit of the British National Cadet Association officially recognised by the Army Council or any university air squadron officially recognised by the Air Council;
- (iv) any tent van shed or similar structure erected or to be erected on the property of a railway company for railway purposes;
- (v) 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

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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.

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PART IV.
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(2) Any person aggrieved by the withholding by the Corporation of consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation 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) If any person offend against any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(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 Corporation 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 the provision of adequate lighting for such land or area and precautions against fire and sections 183 to 187 of the said Act shall extend and apply to any byelaws made by the Corporation under this section.

(5) Nothing in this section shall prejudice or affect the powers and jurisdiction of the dean of guild.

31.—(1) The Corporation acting under the Lands Valuation Acts in addition to the ordinary valuation roll for the burgh made up under the said Acts as at the fifteenth day of August in each year shall between the first day of January and the fifteenth day of March in each year cause to be made up by the assessor for the burgh under the said Acts a supplementary valuation roll showing for the year or the portion of the year to Whitsunday then next in the form prescribed for the said ordinary valuation roll the rent or value of all lands and heritages within the burgh—

Supple-
mentary
valuation
roll.

(a) which were in existence prior to the term of Whitsunday immediately preceding and which owing to error were not included in or were

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- omitted from the said ordinary valuation roll last made up;
- (b) which have come into existence after the term of Whitsunday immediately preceding and which were not included in the said ordinary valuation roll;
 - (c) which were included but entered as unoccupied or empty in the said ordinary valuation roll and which have become occupied after the term of Whitsunday immediately preceding;
 - (d) which were included and entered as occupied in the said ordinary valuation roll and for which one or more tenants jointly or severally pay or are liable to pay to the owner of such lands and heritages as the rent or value thereof for or in respect of the year to Whitsunday then next a sum greater than the amount entered as the rent or value thereof in the said ordinary valuation roll. Provided that in any such case the rent or value to be entered in the supplementary valuation roll shall be the difference between the amount entered in the said ordinary valuation roll and the rent or value of such lands and heritages payable as aforesaid by one or more tenants for or in respect of the said year.

(2) The provisions of the Lands Valuation Acts including the provisions as to notices appeals and courts for hearing the same shall *mutatis mutandis* be applicable to such supplementary valuation roll as if it were therein referred to.

(3) For the purposes of hearing and disposing of appeals against valuations entered in the supplementary valuation roll the burgh valuation courts of appeal as established under the Lands Valuation Acts shall be held between the fifteenth day of March and the fifteenth day of April in each year.

(4) The Corporation may impose in respect of all lands and heritages entered in such supplementary valuation roll supplementary assessments which shall be made so far as possible in the same manner under the same conditions and with the same powers of recovery as are applicable to the corresponding assessments imposed upon the basis of the said ordinary valuation

roll Provided that no such lands and heritages shall be liable to be assessed more than once in any year for the same rate or assessment in respect of the same rent or value.

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—
PART IV.
—cont.

(5) All expenses incurred by the Corporation in giving effect to the provisions of this section shall be defrayed in the same manner as the costs and expenses of and in connection with the said ordinary valuation roll.

(6) The consolidated rate and the water rates imposed in respect of lands and heritages entered in the supplementary valuation roll shall be due and payable on demand.

Any agent or person acting for or in name or on behalf of a proprietor or tenant or occupier of lands and heritages who shall knowingly or wilfully present or cause to be presented to the assessor under the Lands Valuation Acts a false statement of the yearly rent or value of any such lands and heritages within the burgh belonging to or occupied by the proprietor or tenant or occupier for or in name or on behalf of whom he acts shall be liable to the penalty imposed by the said Acts upon proprietors tenants or occupiers of lands and heritages presenting or causing to be presented false statements to such assessor and such penalty shall be recovered and applied in the way and manner provided by the Lands Valuation Acts and shall be in addition to any penalty already imposed upon any other person by the said Acts.

32. Save as prescribed in the immediate preceding section proceedings for any offence against this Order or for the recovery of any penalty under this Order or any byelaw made in pursuance thereof, may be brought in the police court.

Recovery
of penalties.

33. 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.

34. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining

Costs of
Order.

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PART IV.
—cont.

and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed for that purpose which moneys the Corporation are hereby authorised to borrow Provided that any moneys borrowed by the Corporation for the purposes of this section shall be repaid within five years from the commencement of this Order.

The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Gas limits.")

All and whole that area of ground lying within parts of the parishes of Renfrew Kilbarchan Houston Erskine and Inchinnan and bounded as follows:—

Commencing at a point on the west bank of the river Cart at Abbotsinch thence in a straight line drawn westward to Moss-side thence north-eastwards to the main Glasgow and Greenock railway at Mains thence following the parish of Paisley boundary to Ford thence from a point at Ford in the parish of Kilbarchan to the main road leading from Paisley to Bridge-of-Weir thence westwards along the said last mentioned road to the eastmost point of supply of the burgh of Johnstone at Johnstone Combination Hospital thence northwards to the north side of the main Georgetown-Houston Road thence eastwards to a point opposite the junction of the Moss Road thence northwards to the north side of the main Greenock-Inchinnan Road thence south-eastwards along the north side of the said road to its junction with the Paisley-Greenock Road at Red Smithy thence south-south-eastwards along the east side of the Paisley-Greenock Road to its junction with Whinnie Road thence eastwards and south-eastwards along the north side of Whinnie Road to its junction with the road leading from Paisley to Inchinnan thence south-eastwards in a straight line to the west bank of the river Cart and thence southwards along the west bank of the river Cart to the point of commencement.

SECOND SCHEDULE.

A.D. 1938.

(Referred to in the section of this Order of which the marginal note is "Establishment of loans fund.")

RULES AND REGULATIONS FOR THE OPERATION OF THE
LOANS FUND.

1. The loans fund shall contain two separate accounts *Fund*
viz. (i) an account showing all the assets and liabilities of the *divided into*
fund and (ii) an account showing all transactions applicable to *two*
income and expenditure of the fund. *accounts.*

Account (i) shall contain a record of all assets and liabilities *Assets and*
of the fund under the following headings :— *liabilities.*

(a) Assets :—

- (1) Advances to Corporation departments ;
- (2) Any other advances which the Corporation may from time to time be authorised to make ;
- (3) Investments ;
- (4) Deferred charges ;
- (5) Any other assets.

(b) Liabilities :—

- (1) Corporation stock ;
- (2) Mortgages ;
- (3) Any other liabilities.

Account (ii) shall contain a record of the income and *Income and*
expenditure of the fund under the following headings :— *expenditure.*

(a) Income :—

- (1) Interest from Corporation departments—
 - (i) in respect of advances on capital account ;
 - (ii) in respect of interest on advances for ordinary expenditure ;
- (2) Interest on any other advances made by the Corporation ;
- (3) Income from investments ;
- (4) Other income e.g. unclaimed dividends.

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2ND SCH.
—cont.

(b) Expenditure :—

- (1) Dividends and interest on stock mortgages and other loans;
- (2) Loans fund expenses including stamp duties.

Payments
to loans
fund.

2. There shall be paid to the loans fund as and when they are received or in the case of sums specified in paragraph (3) of this article when they are due—

- (1) all moneys borrowed by the Corporation in the exercise of their statutory borrowing powers;
- (2) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose; and
- (3) the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation provided that subject to the provisions of this Order such appropriate sums shall be set aside in all cases upon like yearly or half-yearly dates and may at the discretion of the Corporation be either equal yearly or half-yearly instalments of principal or the amounts of the principal moneys set out in a schedule prepared at the inception of the advance where such advance is repaid on the annuity system.

Capital
moneys paid
into loans
fund.

3. Whenever capital moneys are paid into the loans fund otherwise than on loan the periodical repayment instalments in respect of the advance or advances affected or if no such advance is affected then the repayment instalments in respect of some other advance for a like purpose or if there be no such advance for a like purpose then the repayment instalments in respect of such other advance as the Corporation may determine shall be adjusted.

Payments
from loans
fund.

4. Moneys of a capital nature paid into the loans fund may be used or applied—

- (a) in the exercise of any duly authorised borrowing power by advance of the required amount to the appropriate department of the Corporation Such advances shall ordinarily be effected on the fifteenth day of May in each year which date shall for purposes of repayment be regarded as the borrowing date provided that the Corporation shall not be prevented from making any such advance during the year in which event interest shall be charged in accordance with the provisions of the article of this schedule the marginal note whereof is "Interest" The amount advanced in exercise of a borrowing power shall be regarded as due or owing to

the loans fund by the appropriate department charged with the repayment of that amount and such amount shall be diminished each year by the amount paid into the fund during the year (including capital moneys if any) in respect of such borrowing power;

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2ND SCH.
—cont.

(b) in the redemption of stock or any other securities issued by the Corporation in the purchase of stock for extinction or in the repayment of any moneys borrowed by the Corporation;

(c) in defraying the expenses incurred by the Corporation in the creation and issue of stock;

and such moneys not used or applied in these ways may be invested in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest and the sums realised by the sale of such securities shall on receipt be paid into the loans fund and the moneys of a capital nature paid into the loans fund shall not be used or applied otherwise than in accordance with the provisions of this article.

5.—(1) The expenses incurred in the creation and issue of stock shall be defrayed out of the capital moneys of the loans fund and shall together with any discount liability which has been assumed by the Corporation in respect of the redemption of stock at a value exceeding the price at which the stock was issued be treated as deferred charges.

Deferred charges.

(2) Such proportion of the deferred charges incurred in respect of each issue of stock as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the Corporation shall be defrayed in each year out of the revenue moneys of the loans fund and debited in so far as it relates to discounts to the interest account and in so far as it relates to expenses to the loans fund expenses account.

6. The expenses incurred by the Corporation on an issue of stock shall be a first charge on any sums received as premiums in respect of that issue and such proportion of the remainder (if any) of the sums so received as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the Corporation shall be appropriated in each year to the revenue purposes of the loans fund and credited to the interest account.

Premiums received on issues of stock.

7. Any investment of moneys of the loans fund shall be entered and stand in the accounts of the loans fund at its cost price exclusive of the expenses of investment.

Investments of loans fund.

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—
2ND SCH.
—cont.
Depreciation
of loans fund
investments.

8.—(1) A valuation shall be made after the end of each year of the investments of the loans fund and upon the total selling value of those investments first being found to fall short of the total value at which the investments are entered in the accounts of the loans fund the total depreciation shall forthwith be treated as a loss in the accounts of the loans fund and a sum equal to the amount thereof shall be carried to a reserve fund in the accounts of the loans fund.

(2) Any increase or decrease of the total depreciation of investments ascertained under paragraph (1) of this article which may be found to exist upon a revaluation made at the close of any subsequent year shall forthwith be treated in the accounts of the loans fund as a loss or profit as the case may be and the amount of the reserve shall at the same time be adjusted to agree with the net depreciation found on that revaluation.

(3) The reserve fund authorised by this article may be applied in defraying any loss arising on the sale of any investment of the loans fund.

Profits and
losses.

9.—(1) The net profit or loss which has arisen during any year on—

- (a) the realisation of investments;
- (b) the repayment of loans; or
- (c) the purchase of stock or other securities of the Corporation below or above the value at which they stand in the books of the loans fund;

shall be ascertained at the end of the year.

(2) The net profit or loss ascertained under paragraph (1) of this article together with the amount of any depreciation in the value of the investments of the loans fund which by the preceding article of this schedule is required to be treated as a loss shall in so far as the net profit or loss does not exceed the product of a rate of one penny in the pound be transferred to the credit or debit of the loans fund expenses account at the close of the year and the remainder shall be carried forward.

(3) If after the transfer required by paragraph (2) of this article has been made there remains a balance of profit or loss greater than three times the product of a rate of one penny in the pound or if there is reason to anticipate that such a balance is about to arise the Corporation shall forthwith submit to the Secretary of State for his approval a scheme for the application or liquidation of the balance and the scheme as approved with or without amendment by the Secretary of State shall be carried into effect by the Corporation.

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(4) Subject to the provisions of paragraph (3) of this article any balance of profit carried forward under the provisions of this article shall be treated as capital moneys of the loans fund and as a deferred credit in the accounts of that fund and any balance of loss so carried forward shall be temporarily defrayed by the capital moneys of the loans fund and treated as a deferred charge in the accounts of that fund.

A.D. 1938.
—
2ND SCH.
—cont.

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of the expenditure over income effect shall be given to the provisions of the articles of this schedule the marginal notes whereof are respectively "Interest" and "Loans fund expenses."

Income and
expenditure.

11. The net amount of the interest payable by the Corporation on loans after the deduction of interest receivable on investments and after allowing for any sums directed by these regulations to be debited or credited to the interest account shall be apportioned at the end of each year between the several borrowing accounts in the manner following:—

Interest.

(a) There shall first be charged or allowed to each borrowing account in respect of any advance or repayment of an advance which has been made or received during the currency of the year the appropriate amount in respect of the period between the date of the advance or repayment and the end of the year calculated at the rate per cent. which would be payable by the Corporation on loans raised at the time of such advance or repayment;

(b) The remainder of the net amount shall be apportioned between the borrowing accounts in the proportion which the outstanding advances to each borrowing account at the commencement of the year then ending bear to the total at such commencement of the outstanding advances to all the borrowing accounts:

Provided that in their discretion the Corporation may apportion the total interest for each year among the departments of the Corporation in proportion to the average balances of indebtedness during the year of each department. If this method of apportionment is adopted the balance of indebtedness shall be adjusted by monthly transfers between the loans fund and departments and the monthly balance so obtained for each department shall form the basis for calculating the average balance of indebtedness during the year.

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—
2ND SCH.
—cont.
Loans fund
expenses.

12.—(1) There shall be brought together in one total for each year all revenue expenditure (exclusive of interest) in connection with the loans fund including—

- (a) any costs in connection with the raising of loans (other than expenses of the issue of stock which under this schedule are treated as deferred charges);
- (b) any annual contribution to meet deferred charges so far as they relate to expenses of issue;
- (c) any proportion of losses debited to the loans fund expenses account of the year under article 9 of this schedule; and
- (d) any other expenses incurred in and about the management or investment of the fund including such proportion of the remuneration of officers and general office expenditure as may reasonably be allocated to the fund.

(2) There shall be deducted from the total expenditure mentioned in paragraph (1) of this article—

- (a) any items which are specifically chargeable to borrowing accounts;
- (b) any proportion of profits credited to the loans fund expenses account of the year under this schedule; and
- (c) any fees fines or other revenue receipts of the loans fund;

and the remainder shall be apportioned between the borrowing accounts in the proportion which the advances to each borrowing account outstanding on the last day of the year bears to the total of all such advances. Provided that the Corporation in their discretion may make the apportionment required under this article on the same basis as in the proviso to article 11.

Special
housing
loans.

13. Nothing contained in this schedule shall affect local housing bonds and loans from the Public Works Loan Commissioners or the charges in respect thereof but in order that the loans fund may contain a complete record of all loan transactions such debt shall nevertheless form part of the loans fund.

Accounts
and balance
sheet.

14. The Corporation shall keep a separate set of accounts and prepare a separate balance sheet of the loans fund and in addition to the requisite mortgage and stock registers they shall also keep a register of advances out of the loans fund to the borrowing departments of the Corporation setting out all arrangements in regard to repayment provided that the register shall show the relation of the total advances to any borrowing department of the Corporation to the total borrowing powers exercisable by that department.

Bank
accounts.

15. The Corporation may make such regulations regarding their banking account or accounts as they may think fit.

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16.—(1) The accounts relating to the loans fund shall be certified as to correctness by the burgh chamberlain and the Corporation shall at least once in every year require the auditor of the Corporation accounts to make a report setting forth—

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 2ND SCH.
 —cont.
 Certification
 of accounts
 and returns.

- (a) the borrowing and other Acts under which advances have been made and whether the Corporation have duly paid into the loans fund the interest due by the borrowing departments of the Corporation and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation; and
- (b) that the terms of the proviso to the article of this schedule the marginal note whereof is "Payments from loans fund" have been duly complied with.

(2) The said report shall be published annually along with the accounts of the Corporation and shall be open to the inspection of every person interested and a copy of such report shall every year within seven days of such publication be transmitted by the Corporation to the Secretary of State.

(3) In the event of such report by the auditor at any time showing that the Corporation have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid it shall be competent for the Secretary of State to apply summarily to the Court of Session to compel the Corporation to make such payments and the said court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

17. It shall be in the discretion of the Secretary of State to investigate the administration of the loans fund from time to time as he may determine.

Investiga-
 tion of loans
 fund.

18. The accounts relating to the loans fund shall be in such form as may be prescribed by the Secretary of State.

Form of
 accounts.

19. The Secretary of State may from time to time at the request of the Corporation make such additions to or alterations in this schedule as may be found to be necessary or desirable and thereupon such additions or alterations shall be given effect to as if they had been enacted in this schedule.

Revision of
 schedule.

A.D. 1938.

THIRD SCHEDULE.

(Referred to in the section of this Order of which the
marginal note is "Form of bond to be used on
borrowing.")

FORM OF MORTGAGE.

Burgh of Paisley.

Number

£

By virtue of the Local Government (Scotland) Act 1929
and the Paisley Corporation (General Powers) Order 1938 and
of other powers in that behalf—

We the provost magistrates and councillors of the burgh
of Paisley (hereinafter in these presents referred to as "the
Corporation") in consideration of the sum of
advanced and paid to us by C. D. of E. (hereinafter in these
presents referred to as "the said mortgagee") do hereby bind
and oblige the said burgh out of the funds rates and revenues
of the Corporation (other than the common good or the revenues
thereof) to pay at the term of _____ to the said
mortgagee or his executors or assignees the said sum of
_____ and also the interest thereon at the rate
of _____ per centum per annum from the
day of _____ at the terms of Whitsunday and
Martinmas in each year till the said sum is paid and for the further
security of the said mortgagee we do hereby assign to the said
mortgagee and his executors or assignees such proportion of the
said funds rates and revenues (other than the common good or
the revenues thereof) for the time being of the Corporation as shall
be equivalent to the said sum now paid to us and the interest
thereon as aforesaid and for and in respect of the said interest we
the Corporation shall pay the several sums contained in the
interest warrants bearing the number and date hereof and
delivered herewith and that at the several times mentioned in such
warrants upon delivery of the same respectively and such delivery
shall be a sufficient receipt and discharge to us for the contents of
such warrants Declaring that the said mortgagee and his
foresaids shall not be entitled to make and that we shall not be
bound to recognise or register any partial assignation of these
presents or of the sums of money principal or interest herein
contained (and that the Corporation shall not be liable for any

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expense that may be incurred by the said mortgagee or his fore-
solds for or in relation to the preparation revision adjustment
or execution of this mortgage or of any discharge renunciation
assignment or minute of postponement or renewal thereof)
and we consent to the registration hereof for preservation and
execution.

A.D. 1938.

—
3RD SCH.
—cont.

In witness whereof these presents are subscribed and sealed
at a meeting of the Corporation held at Paisley upon the
day of one thousand nine
hundred and years before these witnesses :—

(Witness)

Provost or chairman or councillor.

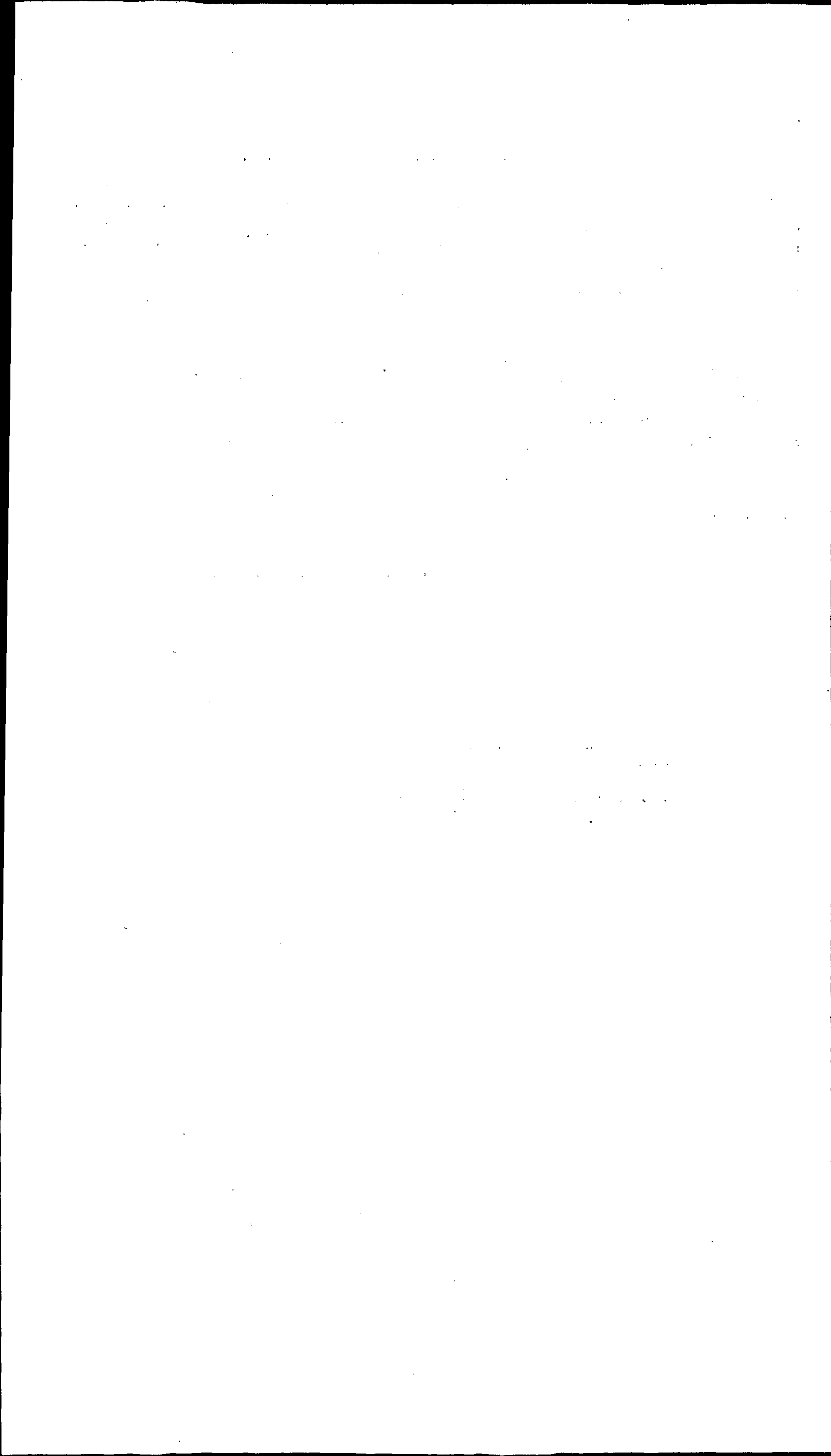
(Witness)

Town clerk.

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