



CHAPTER vii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Falkirk Burgh Extension &c. [26th April 1951.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners 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 Falkirk Burgh Extension &c. Order Confirmation Act 1951. Short title.

SCHEDULE

FALKIRK BURGH EXTENSION &c.

Provisional Order to extend the boundaries of the burgh of Falkirk to confer further powers on the provost magistrates and councillors of the said burgh with respect to the local government health administration and finance of the said burgh and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Falkirk (hereinafter referred to as "the town council" and "the burgh" respectively) are the public health municipal local and road authority within the burgh and are charged with the administration planning and management thereof:

And whereas the lands available within the burgh for the purposes of providing housing accommodation for the inhabitants thereof and removing the overcrowding which prevails in parts thereof are limited in extent and it is necessary for such purposes to provide for the erection of houses outwith the existing boundaries of the burgh:

And whereas the areas described in the schedule to this Order (hereinafter referred to as "the added areas") situated in the county of Stirling adjoin the burgh and include lands suitable for housing development and also include that portion of the policies of Callendar House at present outwith the burgh:

And whereas it is expedient that the boundaries of the burgh should be extended so as to include the added areas as provided in this Order and that all franchises rights privileges and immunities of and pertaining to the burgh and the powers and jurisdictions of the town council and all other powers and jurisdictions applicable within the burgh and all public and local Acts and Orders relating to and in force for the time being within or applicable to the burgh should as provided by this Order be applied to the burgh as extended by this Order:

And whereas for the purposes aforesaid it is expedient that subject to the provisions of this Order the added areas should be separated and disjoined for the purposes of this Order from the county of Stirling and that subject to the provisions of the Local Government (Scotland) Act 1947 the Local Government Act 1948 and this Order all matters of administration and management and all jurisdictions powers functions and authorities within the added areas should devolve upon and be vested in the town council:

10 & 11 Geo. 6.
c. 43.
11 & 12 Geo. 6.
c. 26.

And whereas it is expedient that the town council should be authorised to borrow money for the purposes mentioned in this Order:

And whereas it is expedient to make further and better provision with reference to the local government health and improvement of the burgh and that the powers of the town council with respect thereto should be enlarged as provided in this Order:

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:

26 Geo. 5.
& 1 Edw. 8.
c. 52.

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

PART I

PRELIMINARY

1. This Order may be cited as the Falkirk Burgh Extension &c. Order 1951. Short and collective titles.

The Falkirk Police and Improvement Act 1859 the Falkirk Drainage Act 1886 the Falkirk Corporation Act 1890 the Falkirk Corporation Gas and Burgh Extension Act 1900 the Falkirk Burgh Order 1912 the Falkirk Burgh Order 1929 and this Order may be cited together as the Falkirk Burgh Acts 1859 to 1951. 22 & 23 Vict. c. cxxiii.
49 & 50 Vict. c. xlix.
53 & 54 Vict. c. xiv.
63 & 64 Vict. c. cviii.

2. This Order except where otherwise expressly provided shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is in this Order 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.—Extension of boundaries.

Part III.—Public health &c.

Part IV.—Financial and miscellaneous.

4. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by any public or local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings. And in this Order unless the context otherwise requires the following expressions shall have the meanings hereby assigned to them in this section (that is to say):— Interpretation.

“ Act of 1947 ” means the Local Government (Scotland) Act 1947 ;

“ added areas ” means the portions of the county incorporated by this Order with the existing burgh and described in the schedule to this Order ;

“ burgh ” means the existing burgh as extended by this Order. Provided that before the coming into operation of Part II (Extension of boundaries) of this Order “ burgh ” where referred to in Part III (Public health &c.) and Part IV (Financial and miscellaneous) of this Order means the existing burgh ;

PART I
—cont.

- “county” means the county of Stirling;
- “county council” means the county council of the county;
- “daily penalty” means a penalty for every day on which any offence is continued after conviction therefor;
- “director of cleansing” means the inspector of cleansing of the existing burgh or of the burgh as the case may be;
- “district councils” means the Central Number Two district council of the county and the Eastern Number Two district council of the county;
- “domestic refuse” means any dust ashes and other refuse arising from or incidental to the normal occupation of any dwelling-house shop office warehouse or other similar premises but does not include manure or trade refuse;
- “existing burgh” means the burgh of Falkirk within the limits and boundaries existing immediately before the sixteenth day of May one thousand nine hundred and fifty-one;
- “food” means any article used as food or drink for human consumption other than drugs or water and includes—
- (a) any substance which is intended for use in the composition or preparation of food;
 - (b) any flavouring matter or condiment; and
 - (c) any colouring matter intended for use in food:
- Provided that notwithstanding anything in this definition the addition of any colouring or flavouring matter or condiment to the article used as food or drink shall be deemed to be the addition of a substance to food;
- “magistrates” means the magistrates of the existing burgh or of the burgh as the case may be and “magistrate” means any one of them;
- “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) Acts 1897 to 1907 and any Acts amending or extending the same;
- “sheriff” means the sheriff of Stirling Dumbarton and Clackmannan and includes his substitutes;
- “the commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;
- “town clerk” means the town clerk of the existing burgh or of the burgh as the case may be;
- “town council” means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be;
- “trade refuse” means (a) the refuse arising out of or incidental to the carrying on of any trade business or manufacture including ashes clinker and flue dust from any kiln engine furnace oven or stove used in connection with any

industries or commercial purpose or process (b) packing material or similar refuse from shops warehouses and factories (c) fruit and vegetable rubbish (d) meat and fish offal (e) garage debris and (f) garden rubbish.

PART I
—cont.

PART II

EXTENSION OF BOUNDARIES

5. This Part of this Order shall come into operation on the sixteenth day of May one thousand nine hundred and fifty-one which date is in this Part of this Order referred to as the commencement of this Part of this Order.

Commencement
of Part II of
Order.

6. The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend in addition to the area embraced in the existing burgh the added areas as described in the schedule to this Order.

Extension of
boundaries.

7.—(1) A map of the burgh of which eleven copies have been signed by Alexander Anderson the chairman of the Commissioners to whom this Order was referred shall within one month after the passing of the Act confirming this Order be deposited as follows (that is to say) one copy with the town clerk one copy with the sheriff clerk of the county at his office in Stirling one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons one copy at the Scottish Office London one copy with the Registrar-General of Births Deaths and Marriages in Scotland one copy with the Minister of Agriculture and Fisheries one copy with the Commissioners of Inland Revenue one copy with the Commissioners of Customs and Excise one copy with the Minister of Transport and one copy with the Minister of Fuel and Power.

Map of burgh.

(2) If there be any discrepancy between the said map and the descriptions in the schedule to this Order the said map shall be deemed to be correct and shall prevail.

8. The added areas shall be and the same are hereby for the purposes of this Order disjoined from the county.

Added areas
disjoined from
county.

9. The portion of the added areas first described in the schedule to this Order shall be added to and shall form part of the Fifth Ward or Camelon Ward of the existing burgh and the portion of the added areas secondly described in the schedule to this Order shall be added to and shall form part of the First Ward or East Ward of the existing burgh.

Added areas
and wards of
burgh.

10. The town council shall in all respects stand in relation to the administration of the affairs and property of the burgh and of property under the care and management of the town council in the same position in which the town council of the existing burgh stood before the commencement of this Part of this Order and the town council shall have the same rights and powers of administration of the said affairs and property and of making all usual and necessary appointments as lawfully belonged to and were exercisable or

Town council
to administer
affairs of burgh.

PART II
—cont.

exercised by the town council of the existing burgh in regard thereto notwithstanding anything in the set usage or customs of the existing burgh to the contrary.

Power of town council and magistrates extended to burgh.

11. The town council the provost the magistrates and the dean of guild and their respective courts shall have possess and may exercise over the burgh and the inhabitants thereof all the jurisdictions powers rights and authorities which they respectively now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates and assessments dues and charges and all rights and privileges and immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the inhabitants of the burgh.

Powers of local authorities to cease in added areas.

12. Subject to the provisions of this Order all jurisdictions rights powers and duties which before the commencement of this Part of this Order were exercised or exercisable by the county council the district councils or any other local or licensing or other authority within the added areas or any part thereof (with the exception of such powers within the added areas as were before the commencement of this Part of this Order exercised by the county council or other local or licensing or other authority other than the town council within the existing burgh or any part thereof) shall cease and determine.

Property of existing burgh vested in town council.

13. Subject to the provisions of this Order all property belonging to the town council at the commencement of this Part of this Order or to which the town council is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be vested in and be held by the town council for the behoof and benefit of the burgh or as the case may be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof and all debts and obligations due by or exigible from the town council at the commencement of this Part of this Order shall be due by and exigible from the town council and all debts due to the town council by any person before the commencement of this Part of this Order may be demanded and recovered from such person and received and applied by the town council for the behoof of the burgh.

Transfer of property and liabilities.

14.—(1) Subject to the provisions of this Order and except as otherwise in this Order expressly provided all property assets and powers of every description vested in held by or due or belonging to the county council the district councils or other authorities in the added areas are by virtue of this Order and without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing transferred to and vested in and shall be held by and be due and belong to the town council and shall form part of the property and assets of the town council for all the estate and interest therein of the county council the district councils or such authorities and shall be received held and enjoyed by the town council accordingly.

(2) All the powers duties liabilities contracts and agreements of the county council the district councils or such authorities in relation to the added areas are by virtue of this Order transferred and shall attach to the town council and shall form part of the powers duties liabilities contracts and agreements of the town council and be enjoyed performed paid and discharged by them.

(3) For the purpose of enabling the town council to complete a title if thought fit to any part of the lands buildings and other heritable property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands buildings and other heritable property in favour of the town council.

(4) The town council shall determine any question which arises as to the department of the town council to which any part of such property ought to belong and any question as to the fund of the town council out of which such liabilities and obligations are to be defrayed.

(5) This section shall not apply to the property and assets situated beyond the burgh which belong to the county council the district councils or other authority.

15. Subject to the provisions of this Order every rate charge or assessment authorised to be requisitioned for levied and collected by the county council over the added areas or any part or parts thereof which has not been actually imposed before the commencement of this Part of this Order shall thereupon cease and determine within the added areas and thereafter all rates charges and assessments leviable by the town council within the existing burgh shall be leviable on and within the burgh in the same way and manner as the same are leviable on and within the existing burgh. Assessment of burgh.

16. Every rate charge or assessment which has been actually imposed by the county council within the added areas or any part or parts thereof before the commencement of this Part of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council and by the same ways and means and under the same restrictions and regulations as if the Act confirming this Order had not been passed and shall be received and applied by the county council to and for the purposes for which the same were authorised to be levied. Recovery of assessments within added areas.

17. Nothing in this Order with respect to the vesting in the town council of any property within the added areas shall prevent any superiors owners or other persons by whom or by whose predecessors any roads streets highways lanes bridges foot pavements footpaths sewers or drains have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between such persons respectively. Saving rights in roads etc.

18.—(1) All books documents maps and plans directed or authorised to be kept by the county council or by any other authority in the added areas by any Act or otherwise shall so far as they relate solely to the added areas belong and be transferred to the Books to be evidence.

PART II
—cont.

town council and in so far as they would at the commencement of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council or other authorities.

(2) The foregoing provisions shall not apply to the books documents maps and plans kept by the county council and other authorities which relate to parts of the county other than the added areas but the town council and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the added areas and the respective clerks or other officers of the county council and other authorities shall afford all reasonable facilities for that purpose.

Application of
general and local
Acts and
byelaws.

19.—(1) Except so far as inconsistent with or varied by this Order the provisions of all public and general and local and private Acts and Orders which apply to the existing burgh and all byelaws rules regulations and orders made thereunder shall extend and apply to the burgh in the same way and to the like extent as they apply to and have effect within the existing burgh.

(2) Subject to the provisions of this Order all byelaws rules regulations and orders made under the provisions of any Acts or Orders relative to and in force in the added areas or any part thereof shall cease to have effect except in so far as the same may have been acted upon:

Provided that the byelaws and regulations which shall be made to affect the added areas in regard to the construction occupation use cleansing or sanitation of or any other matter affecting any dwelling-house cottar houses cow byres dairy premises and sculleries milk-houses piggeries dungsteads and other buildings and erections therein or any renewals extensions or enlargements thereof shall not during the period of ten years from the commencement of this Part of this Order be made in terms more onerous on owners or tenants than the byelaws and regulations in regard to such matters in force at the time in the district of the county in which the added areas may be before the commencement of this Part of this Order.

Adjustment
of property
and liabilities.

20. The provisions of section 141 of the Act of 1947 shall apply to this Order as if the alteration of area made by this Order were an alteration of area made under Part VI of that Act.

Proceedings
not to abate.

21. All legal or other proceedings begun before the transfer and relating to any property or liabilities transferred to the town council under this Part of this Order may be carried on with the substitution of the town council as party to the proceedings in lieu of the transferor authority from whom the property or liabilities was or were transferred and any such proceedings may be amended in such manner as may be necessary for that purpose.

Order not to
affect election of
members to
serve in
Parliament.

22. Nothing in this Order shall interfere with the election of members to serve in Parliament for the county and the county shall for parliamentary purposes remain in all respects as if the Act confirming this Order had not been passed.

23. Nothing contained in this Part of this Order shall transfer or be deemed or construed to transfer to the town council—

PART II
—cont.

(1) any property in the added areas belonging to the water gas or electricity authorised undertakers in the added areas or any powers exercised or exercisable in the added areas by such authorised undertakers ;

Saving of existing jurisdictions etc.

(2) (a) any jurisdiction power or right hitherto exercised or exercisable by the county council within the added areas which was also exercised or exercisable within the existing burgh by the county council before the commencement of this Part of this Order ;

(b) any liability debt duty or obligation incurred by or incumbent on the county council in connection with the exercise of any such jurisdiction power or right ; or

(c) any property held or any officer or servant employed for the future exercise of any such jurisdiction power or right or for the discharge of any such liability debt duty or obligation.

24. Notwithstanding anything contained in the Act of 1947 or this Order any member of the county council or of a district council who at the coming into operation of this Part of this Order represented any electoral division situated partly within and partly without the added areas shall continue to be a member of the county council or of the district council as the case may be (unless he resigns) until the next election of county councillors or district councillors as the case may be after the commencement of this Part of this Order.

Saving for county councillors etc.

PART III

PUBLIC HEALTH &C.

25.—(1) Any occupier of any shop or other premises used for the sale of food or for the preparation or storage of food intended for sale for human consumption which food by its nature is liable to contamination by contact with unclean conditions who does not keep such shop or other premises clean and in good condition shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Penalty for want of cleanliness in meat and provision shops etc.

(2) Any person who uses any cart basket or other article or thing for or in connection with the sale of any article of food intended for human consumption which by its nature is liable to contamination by contact with unclean conditions who does not keep the same clean and in good condition shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

26. The provisions of section 32 of the Public Health (Scotland) Act 1897 so far as relating to byelaws as to offensive businesses shall within the burgh extend to the trade or business of a fish frier notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of the provisions of the Public Health Acts.

Byelaws in respect of fried fish shops. 60 & 61 Vict. c. 38.

PART III
—cont.

Amendment of
Public Health
(Scotland) Act
1897 as to
common
lodging-houses
in burgh.

27. In the application in 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 Secretary of State but so as not to exceed one shilling and sixpence.

Scrap dealers'
premises.

28.—(1) Any person who uses or proposes to use any premises for carrying on the business of scrap metal dealer or rag and bone dealer shall after the commencement of this Order require the approval in writing of the town council who may refuse to allow the premises to be so used if they are of the opinion that such use will produce nuisance or will be dangerous or injurious to health.

(2) Any premises approved by the town council under the foregoing subsection of this section shall be kept by the occupier in a clean and tidy condition and free from nuisance and any person occupying any such premises who does not keep the premises in such a condition and free from nuisance shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) Any person aggrieved by any decision of the town council under subsection (1) of this section may within fourteen days of receiving the decision of the town council appeal to the sheriff who shall by order confirm or otherwise the decision of the town council.

(4) Any person so appealing shall give written notice to the town clerk of his intention to appeal and the grounds thereof before lodging such appeal.

(5) Nothing in this section shall be deemed to exempt any person from taking out a broker's licence under the Burgh Police (Scotland) Act 1892.

55 & 56 Vict.
c. 55.

Byelaws as to
tents vans etc.

29. Section 73 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—

- (a) the number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land ;
- (b) the area to be allotted to each such tent van shed or similar structure ;
- (c) securing sanitary conditions in such tents vans sheds or similar structures and on any such land ;
- (d) securing a sufficient supply of wholesome water to such tents vans sheds or similar structures ;
- (e) securing the good and orderly conduct of persons frequenting any such land and of the occupiers of the tents vans sheds or similar structures situated thereon ; and
- (f) the provision of adequate lighting of such land and precautions against fire :

Provided that the byelaws made under paragraph (e) of this section shall not apply to any tents vans sheds or similar structures used or

intended to be used for human habitation by a person whose regular employment or occupation is that of a circus proprietor roundabout proprietor or travelling showman (not being a pedlar or hawker) provided that such tents vans sheds or similar structures are only used in connection with his employment or occupation and that any person occupying such tents vans sheds or similar structures is not guilty of any misconduct.

PART III
—cont.

30.—(1) Subject to the provisions of this section the town council shall make or cause to be made provision—

Collection and disposal of refuse.

- (a) for the effectual scavenging of the burgh in a suitable manner ;
- (b) for keeping the streets clean ; and
- (c) for the collection removal disposal or treatment of domestic refuse ;

but the town council shall not be bound to collect and remove manure or soot or trade refuse otherwise than as provided in this section.

(2) The town council may make arrangements with—

- (a) shopkeepers ;
- (b) occupiers of factories or business premises ; and
- (c) other persons ;

for the collection removal and disposal of manure or soot or trade refuse at such times and on such terms as the town council may determine.

31.—(1) The town council may provide and maintain or cause to be provided and maintained for all premises within the burgh sufficient dustbins for the reception of domestic refuse and such provision may be made in one or other of the following ways :—

Storage of domestic refuse.

- (a) the town council may themselves provide and maintain such dustbins and the expenses incurred by them in so doing shall be paid out of the burgh fund in the same manner as expenditure incurred by the town council under the Public Health Acts ; or
- (b) the town council may by notice from the director of cleansing (who shall in such notice specify the number type size and construction of the dustbins and the position on the premises where such dustbins have to be placed) require the occupiers of premises within the burgh to provide and maintain and from time to time renew such dustbins ; or
- (c) the town council may themselves provide and maintain such dustbins and make in respect of each dustbin so provided by them such annual charge not exceeding five shillings as they think proper such charge to be made on the occupiers of the premises and recovered along with and in the same manner as the burgh rate.

(2) If any person fails—

- (a) to comply with any requirement under paragraph (b) of subsection (1) of this section ; or

PART III
—cont.

- (b) to maintain in good order and condition any dustbin which under the said paragraph he has been required to provide ;
or
- (c) to renew any such dustbin when worn out by a new dustbin of a material size and construction approved by the town council ;

the town council may provide such dustbin or such new dustbin as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default and without prejudice to the right of the town council to exercise that power such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings.

(3) Any question arising between the town council and any such person as to whether the amount of any such expenses incurred by the town council as aforesaid is reasonable shall be determined by the sheriff whose decision shall be final.

Interference
with refuse
receptacles or
refuse.

32. Any person who without the authority of the town council searches amongst the refuse on any tip coup disposal works or land used for or in connection with the disposal or treatment of refuse for material for salvage or otherwise or who collects or carries away any article or thing from such refuse or who interferes with such refuse in any way shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

For protection
of Scottish
Tar Distillers
Limited.

33. The Falkirk Burgh Order 1929 shall as from the commencement of this Order be read and have effect as if the following section were substituted for section 52 (For protection of James Ross and Co. (Lime Wharf) Limited) of the said Order :—

“ For the protection of Scottish Tar Distillers Limited (in this section referred to as “the company”) the following provisions shall unless otherwise agreed in writing between the town council and the company apply and have effect (that is to say) :—

(1) The company shall dispose of all the liquid substance or matter (exclusive of domestic sewage) discharged from the company’s works at Lime Wharf Falkirk in the following manner (viz.) :—

(a) The company shall provide and thereafter maintain in good and efficient working order and condition to the reasonable satisfaction and in accordance with the reasonable requirements of the burgh engineer sanitary inspector or other authorised officer of the town council—

(i) such tanks and other separating works and filtration works or such of them (which tanks and works or any of them are hereinafter in this section referred to as “remedial works”) as may be necessary for effectually receiving and filtering all the said liquid substance or matter which remedial works shall have a combined capacity of not less than the

maximum quantity of the said liquid substance or matter which the company's works at Lime Wharf aforesaid are or may be capable of discharging during any day of twenty-four hours; and

(ii) such valves works and other necessary apparatus whereby such maximum quantity of the said liquid substance or matter shall be discharged from the remedial works (other than the filtration works) in a continuous flow and at a reasonably uniform rate over each day of twenty-four hours into the main outflow pond and filtration works of the company and thence in a continuous flow into the sewers of the town council or drains connected therewith;

(b) The remedial works valves works and apparatus before referred to shall be adequately operated and supervised by the company so as to ensure that the said liquid substance or matter shall be discharged from the remedial works (other than the filtration works) in a continuous flow and at a reasonably uniform rate over each day of twenty-four hours into the main outflow pond and filtration works of the company and thence in a continuous flow into the sewers of the town council or drains connected therewith:

- (2) All the remedial works and the valves works and apparatus referred to in paragraph (ii) of subsection (1) of this section together with the main outflow pond of the company shall at all reasonable times be open for inspection by the burgh engineer sanitary inspector or other authorised officer of the town council:
- (3) If and so long as the company comply with the provisions of subsections (1) and (2) of this section the section of this Order of which the marginal note is Injurious matter not to be allowed to pass into sewers shall not apply to the company in respect of their works at Lime Wharf Falkirk:
- (4) If any dispute or difference at any time arises under this section between the company and the town council or their respective officers such dispute or difference shall be determined by an arbiter to be appointed in case of difference by the sheriff on the application of either party”.

34. The town council may make byelaws for any or all of their public cleansing activities in the burgh including any of the following:— Cleansing byelaws.

- (1) for prohibiting or regulating the accumulation of manure domestic refuse trade refuse or other refuse in dungsteads ashpits dustbins or other receptacles for removing the contents of such receptacles at such intervals as may be prescribed and for cleansing such receptacles and keeping the same in a seemly manner free from nuisance annoyance or objection;

PART III
—cont.

- (2) for regulating the time and mode of removal of domestic refuse or other refuse and other offensive matters or things ;
- (3) for regulating the collection of trade refuse ;
- (4) for regulating public conveniences waiting rooms and cloak-rooms ;
- (5) for the keeping separately by occupiers of premises from other domestic refuse any substance or material the separation of which is necessary or desirable for the economical or efficient collection removal and disposal of such refuse substance and materials ;
- (6) for making separate collections of any substance or materials so kept separate ;
- (7) for prohibiting the deposit of liquid matter in dustbins ;
- (8) for securing means of access to any premises for the removal of domestic refuse and the provision of dustbin shelters in those premises ;
- (9) for the prevention of littering of the streets and other places with refuse paper and the like.

Noise nuisance.

35.—(1) A noise nuisance shall be liable to be dealt with summarily in the manner provided in Part II of the Public Health (Scotland) Act 1897 in the same way and to the same effect as in cases under subsection (6) of section 16 of that Act and the town council shall have all the powers and duties with reference to a noise nuisance which a local authority has with reference to a nuisance under the said Act.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost affecting each individual subject have been adopted.

(3) Nothing contained in this section shall apply to the commission or their servants exercising statutory powers on railway premises.

Nuisance by dogs.

36. Any person in charge of a dog in any street and having the dog on a lead who allows or permits such dog to deposit its excrement upon a public pavement or footway shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Expenditure for Part III of Order.

37. All expenditure incurred by the town council in the exercise of the powers conferred and the performance of the duties imposed on them by this Part of this Order or the byelaws made thereunder and not otherwise recovered as in this Order provided shall be paid or satisfied out of the burgh fund and shall be deemed to be expenditure payable out of the burgh rate under the appropriate head.

PART IV

FINANCIAL AND MISCELLANEOUS

38. The town council in addition to any other powers of borrowing which they now have may for the purposes of— Borrowing powers.

(a) the payment of any capital sum in respect of any property taken over by the town council under the provisions of Part II of this Order ; and

(b) the payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto ;

borrow such sums of money as may be necessary for those purposes respectively Provided that money so borrowed for purpose (a) shall be repaid within thirty years from the date or dates of borrowing and that money so borrowed for purpose (b) shall be repaid within five years from the commencement of this Order.

39. All moneys borrowed by the town council under the powers of this Order shall be applied only to the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

40. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946 or of section 259 of the Act of 1947 as amended by section 4 (1) of the Local Government (Scotland) Act 1951. Saving for emergency restrictions on borrowing.
8 & 9 Geo. 6.
c. 18.
9 & 10 Geo. 6.
c. 58.
14 & 15 Geo. 6.
c. 15.

41. Paragraph (b) of subsection (3) of section 191 of the Act of 1947 (relating to the amount of the net expenditure for and in connection with public libraries) shall in its application to the burgh be read and have effect as if for the reference to "threepence" therein there were substituted a reference to "sixpence". Increase of library rate.

42.—(1) If a surplus on account of the burgh fund remains at the end of any year after the whole deficiency for which the burgh rate was imposed and levied has been provided for such surplus shall be retained in the burgh fund and subject to the provisions of this section be taken into account in estimating for the burgh rate for the following year and if the burgh rate for any year is not sufficient for the purpose for which it was imposed and levied the town council shall and they are hereby authorised and required to make provision for the payment of such deficiency in the following and subsequent years until the same has been fully paid. Disposal of surpluses and treatment of deficiencies.

(2) If the town council think fit any such surplus or deficiency may be adjusted in so far as that is practicable through the medium of a rate reserve account but the amount standing at the credit of such account which shall be used as a working balance shall not at any time exceed the sum of thirty thousand pounds.

PART IV
—cont.Amendment of
section 70 of
Order of 1929.

43. The Falkirk Burgh Order 1929 shall be read and have effect as if the following section were substituted for section 70 (Use of moneys forming part of sinking and other funds) thereof:—

“The town council may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking reserve depreciation renewal superannuation insurance or other funds 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 employment of any moneys forming part of the lending fund shall be deemed to be an exercise of statutory borrowing powers in the same way as if money had been raised by stock or other form of borrowing and interest shall be allowed on such moneys so employed at a rate as nearly as possible equal to (a) the rate at which the town council could at the date of such employment borrow from outside sources for similar periods or (b) the rate at which the lending fund concerned could at the date of such employment invest in outside securities of comparable status for similar periods whichever is the greater;
- (b) 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;

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

Insurance fund.

44.—(1) The town council may if they think fit establish a fund to be called “the insurance fund” in order to provide a sum of money which shall be available for making good all losses damages costs and expenses to which the town council may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (i) risk of fire and other risks in respect of buildings works premises and the contents thereof and other property whether belonging to or on loan to or under the care custody or control of the town council;
- (ii) risk of accident and claims by third parties in respect or arising out of the carrying out by the town council of any of their duties or functions;
- (iii) risk of explosion in respect of boilers;
- (iv) risks in respect of accidents to the officers servants or workmen of the town council;
- (v) risks of mechanical or electrical breakdown at or in connection with any of the undertakings of the town council;
- (vi) any other risks against which in the absence of such an insurance fund the town council would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the town council 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 town council shall pay into that fund either—

(a) such a sum as will in their opinion be equal to the aggregate amount of the premiums which would be payable if the town council 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 town council 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.

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

(5) The town council shall provide the yearly payments aforesaid by contributions from the assessments leviable by them and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the town council which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(6) Except so far as the insurance fund and the proceeds of the sale of the securities in which that fund is invested may be required to meet losses damages costs and expenses in consequence of risks for which the insurance fund is intended to provide all moneys for the time being standing to the credit of the insurance fund shall (subject to the provisions of this Order) be invested in securities in which the town council are authorised to invest and the interest and annual proceeds arising from those securities shall be invested and accumulated until the insurance fund amounts to the prescribed amount and when and so long as the insurance fund amounts to the prescribed amount the interest and annual proceeds of the securities shall be carried to the credit of the burgh fund.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the town council in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund is insufficient to make good any such losses damages costs or expenses the town council may with the sanction of the Secretary of State borrow at interest such sums of money as will be necessary to make up the deficiency.

(8) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by

PART IV
—cont.

borrowing shall be paid out of the burgh fund and charged in the accounts of the town council under the separate headings or divisions in respect of such undertakings or departments of the town council and in such proportion as the town council think proper having regard to the risks through which such deficiencies arise.

(9) In this section “the prescribed amount” means such sum as may from time to time be prescribed by the town council.

Byelaws as to
street trading
etc.

45. In addition to any other powers in regard to byelaws conferred on them the town council may make byelaws for all or any of the purposes after mentioned (that is to say):—

(1) for regulating the hawking selling or offering or exposing for sale in streets and public places of goods or articles of any description whatever other than newspapers Provided that nothing herein contained shall be deemed to exempt any person from taking out a hawker's licence under the Hawkers Act 1888 or from any of the provisions of the Acts relating to excise ;

(2) for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of food intended for human consumption.

51 & 52 Vict.
c. 33.

Byelaws as to
chalking on
streets etc.

46. The town council may make byelaws for prohibiting regulating or controlling the marking of streets foot pavements and the Market Square by writing or chalking thereon.

Confirming
authority for
byelaws.

47. As respects byelaws made under the powers of this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the Secretary of State.

Penalties for
breach of
byelaws.

48. Except where otherwise provided in this Order byelaws made by the town council under the provisions of this Order shall be deemed to provide for penalties on offenders against such byelaws not exceeding forty shillings for each offence and in cases where the offence continues a daily penalty not exceeding ten shillings.

As to penalties
and recovery
thereof.

49. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order or any byelaws made under this Order shall be proceeded with and be conducted under and in conformity with the Summary Jurisdiction (Scotland) Acts.

Saving for town
and country
planning.
10 & 11 Geo. 6.
c. 53.

50. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Costs of Order.

51. All costs charges and expenses preliminary to and 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 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 by them under this Order for that purpose.

THE SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Extension of boundaries")

DESCRIPTION OF ADDED AREAS

1. THE LOCHLANDS AREA.

That area containing 75 acres or thereby imperial standard measure and extending as follows Commencing at a point on the boundary of the existing burgh 102 feet or thereby east-north-east of the north-eastern boundary of Bogton Road thence proceeding in a north-north-westerly and north-easterly direction along the west-south-western and north-western boundaries of enclosure marked 2377 on the ordnance survey map of Stirlingshire (revision of 1943) scale 1/2500 (hereinafter referred to as "Map No. 1") to the southmost point of enclosure marked 2410 on Map No. 1 thence in a north-north-westerly westerly and north-westerly direction along the west-south-western southern and south-western boundaries of enclosure marked 2410 on Map No. 1 to the east bank of the river Carron thence in a straight line in continuation of the south-western boundary of enclosure marked 2410 on Map No. 1 to the centre line of the river Carron thence generally in a northerly and easterly direction along the centre line of the river Carron to the boundary of the existing burgh thence south-westwards along the boundary of the existing burgh to the point of commencement.

2. THE SOUTH-EASTERN AREA.

That area containing 177·3 acres or thereby imperial standard measure and extending as follows Commencing at a point on the boundary of the existing burgh at the north-west abutment of the bridge carrying the Stirlingshire Midland Junction Railway of the commission over the access road to and forming part of enclosure marked 846 on the ordnance survey map of Stirlingshire (revision of 1944) scale 1/2500 (hereinafter referred to as "Map No. 2") thence generally in a southerly direction across the said access road and along the eastern boundaries of enclosures marked 846 and 845 on Map No. 2 to the south-eastmost point of enclosure marked 845 on Map No. 2 thence in a west-south-westerly westerly and west-north-westerly direction along the south-south-eastern boundary of enclosure marked 845 on Map No. 2 the south-south-eastern southern and south-south-western boundaries of enclosure marked 880 on Map No. 2 the south-south-western boundary of enclosure marked 963 on Map No. 2 and the south-south-western boundary of enclosure marked 880 on Map No. 2 to a point on the boundary of the existing burgh on the eastern boundary of the road from Falkirk to Glen Village thence in an east-north-easterly direction along the boundary of the existing burgh to the point of commencement.

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Island of Arran Piers Order Confirmation Act, 1951

14 & 15 GEO. 6 Ch. vi

ARRANGEMENT OF SECTIONS

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2. Short title.

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Falkirk Burgh Extension &c. Order Confirmation Act, 1951

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ARRANGEMENT OF SECTIONS

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