



CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Glasgow Corporation.

[22nd December 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 Glasgow Corporation Order Confirmation Act 1938.

Short title.

SCHEDULE.

GLASGOW CORPORATION.

Provisional Order to authorise the Corporation of the city of Glasgow to borrow further moneys for the purposes of their tramway undertaking to confer further powers on the Corporation and for other purposes.

WHEREAS it is expedient that the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) should be authorised to borrow further moneys for the purposes of the Glasgow Tramways Acts 1905 to 1937 :

And whereas it is expedient that the Corporation should be authorised to make byelaws as to the trade or business of fish friers in the city :

29 & 30 Vict.
c. cclxxiii.

And whereas it is expedient that the provisions of the Glasgow Police Act 1866 with respect to the terms of imprisonment which may be imposed under the powers of that Act should be amended so as to conform to the general law :

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 :

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

Short title
and
citations.

1. This Order may be cited as the Glasgow Corporation Order 1938.

This Order and the Glasgow Loans Acts 1883 to 1937 may be cited together as the Glasgow Loans Acts 1883 to 1938.

This Order and the Glasgow Police Acts 1866 to 1937 may be cited together as the Glasgow Police Acts 1866 to 1938.

This Order and the Glasgow Tramways Acts 1905 to 1937 may be cited together as the Glasgow Tramways Acts 1905 to 1938.

This Order and the Glasgow Corporation Acts 1855 to 1937 may be cited together as the Glasgow Corporation Acts 1855 to 1938.

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

“ Act of 1866 ” means the Glasgow Police Act 1866 ;

“ City ” means the city and royal burgh of Glasgow ;

“ Corporation ” means the Corporation of the city of Glasgow ;

“ Tramways Acts ” means the Glasgow Tramways Acts 1905 to 1937 ;

“ Tramway undertaking ” means the undertaking authorised by the Tramways Acts.

3.—(1) The Corporation may borrow for the purposes of the Tramways Acts and in the manner authorised by and subject to the provisions with respect to the borrowing of money and the repayment thereof by means of a sinking fund of the Glasgow Corporation (Tramways Consolidation) Order 1905 any sum of money not exceeding one million and eighty thousand pounds in addition to (a) the sum of nine million and ninety-one thousand nine hundred and eighty-five pounds authorised to be borrowed by the Tramways Acts and (b) the sum of seventy-one thousand two hundred and eighty-one pounds nine shillings and ninepence authorised to be borrowed by the Govan Burgh (Tramways) Act 1893 (the tramways belonging to the former burgh of Govan having been vested in the Corporation by the Glasgow Boundaries Act 1912) and if after having borrowed the said sum hereby authorised or any part thereof the Corporation pay off the same by other means than by sinking fund they may reborrow the same.

(2) The amount borrowed by the Corporation for the purposes of the tramway undertaking whether in exercise of their powers under the Tramways Acts and this

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Order or at common law shall not exceed in amount the total sum they are authorised to borrow by the Tramways Acts and this Order.

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

4. 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 city 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 business in pursuance of the provisions of the Public Health (Scotland) Act 1897 and any Acts amending or extending the same.

Amendment of section 125 and repeal of subsection (4) of section 135 of Act of 1866.

5.—(1) Section 125 (Or to find caution in addition to imprisonment or fine) of the Act of 1866 shall be read and have effect as if the following proviso were added at the end thereof:—

“ Provided that where any person has been sentenced to imprisonment in respect of a police offence or for non-payment of any penalty imposed in respect of such offence the period of imprisonment imposed in respect of such offence or for such non-payment together with any period of imprisonment imposed under this section for failure to find caution shall not exceed a total of sixty days.”

(2) Subsection (4) of section 135 (Defining certain offences against the rules of good conduct and their punishment) of the Act of 1866 is hereby repealed.

As to application of trust fund for exhibitions.

6. Whereas the Royal Philosophical Society of Glasgow (hereinafter in this section referred to as “ the society ”) was instituted in the year one thousand eight hundred and two and is a corporate body with a memorandum and articles of association and the objects of the society are to aid the study advancement and development of the physical natural mental and moral sciences and the arts of design with their applications and the diffusion of scientific knowledge and the doing of all such other lawful things as are incidental or conducive to the attainment of these objects And whereas in the year one thousand eight hundred and forty-six the society held an exhibition in the city of models of machinery geological and mineralogical specimens and other objects

and the exhibition was successful and there was a surplus after paying expenses of four hundred and sixty pounds eleven shillings and eightpence and the society and the Corporation respectively resolved that the said sum be invested with the Corporation in the names of the president and vice-president of the society and the lord provost and the senior bailie of the city as trustees ex officiis as a fund (hereinafter in this section referred to as the "trust fund") for future exhibitions of a nature similar to the said exhibition. And whereas the society held an exhibition in the city in the year one thousand eight hundred and eighty relating to the supply and use of gas which resulted in a loss of seven hundred pounds and such loss was defrayed out of the trust fund and the trust fund with accumulated interest amounted at the term of Martinmas one thousand nine hundred and thirty-seven to one thousand four hundred and seventy-six pounds six shillings and twopence. And whereas there are permanent exhibitions in the city which render unnecessary the holding by the society of exhibitions similar to those held in the years one thousand eight hundred and forty-six and one thousand eight hundred and eighty and the society have requested the said trustees to hand over the trust fund to the society for the general purposes of the society but the said trustees are advised that having regard to the purposes for which the trust was constituted they have no power to do so. And whereas it is expedient that the said trustees should be authorised to hand over the trust fund to the society for the general purposes of the society. Therefore notwithstanding anything in the said resolutions of the society and of the Corporation the said trustees shall forthwith after the date of the passing of the Act confirming this Order pay to the society the said sum of one thousand four hundred and seventy-six pounds six shillings and twopence and any interest accrued thereon at that date which sum and interest thereon shall thereupon form part of the general funds of the society and be used for the general purposes of the society and the receipt of the treasurer of the society for the time being for the said sum and interest thereon shall be a full and complete discharge to the trustees and the Corporation for the said sum and interest thereon and thereupon the trust constituted by the said resolutions of the society and the Corporation shall be dissolved.

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Costs of
Order.

7. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and may be allocated by them amongst such of the departments of the Corporation as they may deem expedient and if paid out of borrowed money (which the Corporation are hereby authorised to borrow for the purpose) shall be repaid out of revenue within five years from the date of the passing of the Act confirming this Order.

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