



CHAPTER clxxxviii.

An Act to provide for the Constitution of the City and Royal Burgh of Glasgow as a County of a City, and for other purposes connected therewith. A.D. 1893.

[24th August 1893.]

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

1. From and after the prescribed day the city and royal burgh of Glasgow shall be a county of a city, by the name of the county of the city of Glasgow, and for the purposes of this Act the area of the said city and royal burgh shall be severed from the county of Lanark within which it was situated on the prescribed day. Constitution of the city of Glasgow as a county of a city.

2. Her Majesty shall from time to time, after the prescribed day, grant a commission for such term and subject to such conditions as shall be set forth therein appointing a lieutenant of the county of the city of Glasgow, and the Acts relating to the general and local militia in Scotland and the appointment of deputy-lieutenants shall apply to the said county of the city in like manner as they apply to any other county in Scotland. Appointment of lieutenant, &c. of the county of the city of Glasgow.

3. It shall be lawful for Her Majesty, after the prescribed day, to grant a commission of the peace and a court of quarter sessions to the county of the city of Glasgow, and thereupon the justices of the peace named in such commission and such court of quarter sessions shall have the like jurisdiction, power, and authority which justices of the peace and courts of quarter sessions have in any county in Scotland; in which commission shall be inserted the names of all those persons who, by reason of their connexion with Grant of commission of the peace and of quarter sessions, &c.

A.D. 1893.

55 & 56 Vict.
c. cxcv.

or services to the city of Glasgow, are, at the passing of this Act, justices of the peace for the county of Lanark, and also the names of all those persons who, at the passing of this Act, are justices of the peace for the county of Renfrew in consideration of their connexion with such portions of that county as were, by the Glasgow, &c., Order Confirmation Act, 1892, severed therefrom and incorporated with the county of Lanark, so far as such severed and incorporated portions are situated within the city of Glasgow, and such persons shall, from and after the prescribed day, cease to be justices of the peace for the county of Lanark or the county of Renfrew respectively, but without prejudice to any of them being again placed on the commission of the peace for those counties in common form; the Secretary for Scotland, after such inquiry as he may order, and after conferring with the lords-lieutenant of the counties of Lanark and Renfrew respectively, shall, in communication with the Lord Chancellor, determine the persons who, under the foregoing enactment, shall be entitled to be included in the commission of the peace for the county of the city of Glasgow.

39 & 40 Vict
c. 26.

Subject to the provisions of this Act all existing enactments, laws, and usages with respect to justices of the peace and general and quarter sessions of the peace applicable to the county of the city of Edinburgh, and with respect to the joint committee for the city and royal burgh of Edinburgh under the Publicans Certificates (Scotland) Act, 1876, shall thereupon, with the necessary variations, apply to the county of the city of Glasgow.

Cesser of
jurisdiction,
&c. of
lieutenants,
&c. of other
counties.

4. On and after the prescribed day the existing and future lords-lieutenant, deputy-lieutenants, and justices of the peace of the county of Lanark shall have no jurisdiction, power, or authority within the county of the city of Glasgow; but nothing in this section shall affect the right of such justices to hold their courts and meetings within the city of Glasgow as herein-after provided, nor the power and authority which by the law of Scotland may be exercised by any justice of the peace beyond the limits of the county for which he is a justice.

Power of
Secretary for
Scotland to
make orders
for bringing
Act into
operation.

5. The Secretary for Scotland may at any time after the passing of this Act, and from time to time, on the application of the town council of the city and royal burgh of Glasgow, make such orders as appear to him to be necessary for bringing this Act into full operation :

Provided always that—

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- (1.) If the Secretary for Scotland shall make any such order, he shall publish it in the Edinburgh Gazette, and for two successive weeks in any daily newspaper published in Glasgow, and bring it before Her Majesty, and, subject as herein-after mentioned, it shall be lawful for Her Majesty in Council to confirm such order, and thereupon the order shall have effect as if enacted by Parliament ;
- (2.) If within one month after such publication of the order any person affected by the order petition Her Majesty in Council to cause the order to be laid before Parliament, and such petition is not withdrawn, the order shall be deemed to be a Provisional Order, and shall be of no effect unless confirmed by Parliament ; and
- (3.) The Secretary for Scotland may introduce a Bill confirming any such Provisional Order, and if any petition is presented against such order the Bill, so far as it relates to the order petitioned against, shall be deemed to be, and the petitioners shall be allowed to appear and oppose as in the case of, a private Bill.

6. Where, under any Act of Parliament, Provisional Order, or scheme in existence at the passing of this Act, or under any deed or instrument, testamentary or otherwise, executed prior to the passing of this Act, any benefit is conferred or may be claimed or enjoyed in respect of birth or residence in or in connexion with the county of Lanark, the severance by this Act effected shall not in any way interfere with or prejudice any claim to or enjoyment of such benefit, and for the purposes of this section the area of the county of the city of Glasgow shall continue to be deemed part of the said county.

Severance
not to affect
benefit con-
ferred by
birth or
residence.

7. Nothing in this Act shall prejudice or affect the civil or criminal jurisdiction or administrative powers of the sheriff or sheriff-substitutes of the county of Lanark as they existed prior to the passing of this Act, nor the judicial or official names of such sheriff and sheriff-substitutes, or of the several officers of the sheriff courts of that county, nor the description of that county in judicial or official forms in use in those courts, or in any proceedings, judicial or otherwise, before such sheriffs or any of them, which names and description shall continue to be used as if this Act had not been passed.

Saving as to
sheriff's
jurisdiction.

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Clerk of the
peace.

8. The existing clerk of the peace of the lower ward of the county of Lanark shall, so long as he holds that office, be the clerk of the peace of the county of the city of Glasgow, with all the rights, powers, and privileges of any clerk of the peace in any county in Scotland: Provided always that the existing clerk shall be entitled to compensation for any loss he may sustain by or through the passing of this Act, such compensation to be paid to him out of such funds as may be provided in the way and manner specified in any Provisional Order to be obtained under this Act, and until such order is obtained, by the lord provost, magistrates and town council of the city of Glasgow out of such funds as they shall fix and determine, and such compensation shall be fixed and determined in the event of dispute by the sheriff of Lanarkshire.

Saving as to
holding
courts of
quarter ses-
sions, &c.

9. It shall be lawful for the justices of the peace of the county of Lanark to hold their courts of quarter sessions and petty sessions and other courts and meetings within the justice of peace court-house and offices as heretofore within the city of Glasgow, and nothing herein contained shall prejudice or affect their right to do so. The justices of the peace for the county of the city shall also be entitled to use the said court-house and offices for the like purpose, but only in so far as such use shall not interfere with the necessary use and occupation of the same by the justices of the peace of the county of Lanark. In the event of the clerk of the peace of the county of the city not being also the clerk of the peace of the lower ward of the county of Lanark, the latter shall be entitled to retain and use the office in the county buildings, Glasgow, at present occupied by the existing clerk of the peace for the lower ward of the county, or any other office in those buildings which may be substituted by the Glasgow Court House Commissioners therefor. In the event of any question arising between the justices of the peace of the county of Lanark and the justices of the peace of the county of the city in regard to the construction and interpretation of this section the same shall be determined by the said sheriff. Nothing in this Act shall prejudice or affect the powers of the Glasgow Court House Commissioners under the Glasgow Court Houses Amendment Act, 1868, and Acts amending the same.

31 & 32 Vict.
c. lxxxix.Saving as to
holding of
meetings by
Lanark County
Council.

10. Nothing in this Act contained shall prejudice or affect the right of the county council of the county of Lanark to hold their meetings in the county of the city of Glasgow.

11. In this Act the following expressions have the meanings herein-after assigned to them (that is to say) :—

The expression “city and royal burgh of Glasgow” means the said city and royal burgh as its boundaries are defined by the City of Glasgow Act, 1891 :

54 & 55 Vict.
c. cxxx.

The expression “prescribed day” means the day prescribed by the Secretary for Scotland.

12. This Act may be cited as the County of the City of Glasgow Act, 1893. Short title.

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