



CHAPTER lxi.

An Act to confer further police powers on the Corporation of the city of Glasgow and for other purposes.

[6th November 1946.]

WHEREAS it is expedient that further powers should be conferred upon the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) with respect to the regulation and control of vehicular traffic in the city:

And whereas it is expedient to empower the Corporation to make byelaws with respect to trading in the streets of the city:

And whereas it is expedient that the Corporation should for the purposes of the Glasgow Tramways Acts 1905 to 1939 be authorised to manufacture the bodies of omnibuses and trolley vehicles:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

1. This Act may be cited as the Glasgow Corporation Act 1946. Short title and citations.

This Act shall be included among the Acts and Orders which may be cited together as the Glasgow Loans Acts 1883 to 1946.

This Act shall be included among the Acts and Orders which may be cited together as the Glasgow Police Acts 1866 to 1946.

This Act and the Glasgow Tramways Acts 1905 to 1939 may be cited together as the Glasgow Tramways Acts 1905 to 1946.

This Act shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1946.

Interpretation.

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

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

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

“ magistrate ” means a magistrate or judge having jurisdiction under the Police Acts;

“ Police Acts ” means the Glasgow Police Acts 1866 to 1938;

“ police offence ” means any offence consisting either of an act or the neglect or omission to do an act which the magistrate is authorised by this Act to try;

“ sheriff ” means the sheriff of Lanarkshire and includes his substitutes;

“ street ” has the same meaning as in the Glasgow Streets Sewers and Buildings Consolidation Order 1937;

“ Tramways Acts ” means the Glasgow Tramways Acts 1905 to 1939;

“ trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

Application of section 46 of Road Traffic Act 1930 to Corporation.

20 & 21 Geo. 5. c. 43.

23 & 24 Geo. 5. c. 53.

3. For the purposes of the provisions of paragraph (b) of subsection (2) of section 46 (Power to restrict use of vehicles on specified roads) of the Road Traffic Act 1930 as that section is amended by section 29 (Power to prohibit or restrict use of vehicles on certain roads) of the Road and Rail Traffic Act 1933 the Corporation shall be deemed to be a county council within the meaning of paragraph (b) of section 60 (Application to Scotland) of the said Act of 1930.

4. No order to be made in virtue of the section of this Act of which the marginal note is " Application of section 46 of Road Traffic Act 1930 to Corporation " shall apply to or with respect to any street wharf quay harbour dock or similar work belonging to the trustees of the Clyde Navigation and used by them for the purposes of their undertaking.

Saving in respect of quays, &c. of Clyde Navigation Trustees.

5.—(1) The Corporation may make byelaws for regulating the hawking selling or offering or exposing for sale in any street of goods or articles of any description (other than coal coke char or any other fuel of which coal or coke is a constituent) in this section referred to as " street trading ":

Byelaws as to street trading.

Provided that the provisions of this section and of any byelaws made thereunder shall not apply to the hawking selling or offering or exposing for sale of newspapers or periodicals by such vendors of newspapers or periodicals as shall carry on their businesses without the use of any barrow or other vehicle:

Provided further 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.

51 & 52 Vict.
c. 33.

(2) The byelaws so made may distinguish between different parts of the city and between different classes of goods and articles and may contain provisions—

(a) authorising the Corporation to grant permits to any person to engage or be employed in street trading and regulating the conditions on which such permits may be granted suspended or revoked:

Provided that any person aggrieved by the refusal of the Corporation to grant a permit or by the suspension or revocation of a permit granted under such byelaws may appeal to the sheriff within fourteen days after such refusal suspension or revocation as the case may be and the sheriff shall have power to make such order as he may think fit;

(b) determining the days and hours during which and the streets or parts of streets in which persons may engage or be employed in street trading;

(c) regulating in any other respect the conduct of persons whilst so engaged or employed.

(3) Such byelaws shall before coming into operation be confirmed by the sheriff of Lanarkshire and may be enforced by penalties imposed by any such byelaws not exceeding five pounds for each offence and any person who contravenes any such byelaws shall be guilty of a police offence.

(4) All police offences under any such byelaws may be prosecuted in a summary manner before the magistrate and any penalties in respect of such offences shall be recoverable and applied in the same manner as penalties imposed by the magistrate under the Police Acts.

1 Edw. 8. &
1 Geo. 6. c. 37.

(5) Nothing in this section shall be in derogation of the provisions of section 30 of the Children and Young Persons (Scotland) Act 1937.

As to recovery
of charges for
maintenance
in hospitals
&c.
19 & 20 Geo. 5.
c. 25.

6. Notwithstanding anything contained in the Local Government (Scotland) Act 1929 or any other Act the Corporation may in their sole discretion determine whether they should with respect to persons maintained in any hospital or other institution administered by the Corporation and to which any scheme made by the Corporation and approved by the Secretary of State under section 27 of the Local Government (Scotland) Act 1929 applies (other than any institution for the purpose of receiving treatment for infectious disease) or to any of such persons recover from such persons or from any person legally liable to maintain them or any of them a charge in respect of the expenses incurred by the Corporation in the maintenance and treatment of such persons:

Provided that nothing in this section shall empower the Corporation to make or recover any charge which they are not empowered by any other enactment to make or recover.

Power to
manufacture
bodies of
omnibuses and
trolley
vehicles.
20 & 21 Geo. 5.
c. clxxvii.

7. Notwithstanding anything in subsection (1) of section 14 (Power to provide and run omnibuses) of the Glasgow Corporation Order 1922 or in section 9 (Running of omnibuses on tramway routes) of the Glasgow Corporation Act 1930 or in section 5 (Power to use trolley vehicles) of the Glasgow Corporation Order 1934 the Corporation may for the purposes of the Tramways Acts manufacture the bodies of omnibuses and trolley vehicles.

Costs of Act.

8. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation and shall be allocated between the several undertakings and services of the Corporation in such proportions as the Corporation 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 this Act.

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