



CHAPTER liii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Ayr County Council. A.D. 1935.
[2nd August 1935.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63 Vict.
c. 47.
23 & 24
Geo. 5. c. 37.
16 & 17
Geo. 5. c. 18.

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 Ayr County Council (General Powers) Order Confirmation Act 1935.

Short title.

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SCHEDULE.

AYR COUNTY COUNCIL

Provisional Order to provide for the control of camping grounds in the county of Ayr to confer powers upon the county council of the county relating to finance the control of street works and other matters to make provision for supplementary valuation rolls and for other purposes.

WHEREAS it is expedient that the provisions contained in this Order for enabling the county council of the county of Ayr to control camping grounds should be enacted :

And whereas it is expedient that the other 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) Acts 1899 and 1933 :

Now therefore in pursuance of the powers contained in the last-mentioned Acts as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

PART I.

PRELIMINARY.

Short title and commencement of Order.

1. This Order may be cited as the Ayr County Council (General Powers) Order 1935 and shall come into operation on the date of the passing of the Act confirming the same which date is referred to in this Order as “ the commencement of this Order.”

Order divided into Parts.

2. This Order is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Moveable dwellings and camping grounds.

Part III.—Financial.

Part IV.—Miscellaneous.

3. In this Order unless otherwise expressly provided or unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Public Health Acts the Act of 1889 or the Act of 1929 as those Acts are respectively hereinafter in this section defined have the same respective meanings.

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Interpre-
tation.

And in this Order unless the subject or context otherwise requires the following expressions shall have the meanings hereinafter assigned to them (namely):—

“The county” means the county of Ayr including the burghs therein;

“The landward area” means the county excluding any burghs;

“The County Council” means the county council of the county;

“The county clerk” means the clerk of the County Council;

“The Public Health Acts” means the Public Health (Scotland) Acts 1897 to 1907 and any Act amending or extending those Acts or any of them;

“The Act of 1889” and “the Act of 1929” mean respectively the Local Government (Scotland) Act 1889 and the Local Government (Scotland) Act 1929 and any Act amending or extending those Acts respectively;

“The Lands Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Acts amending or extending the same;

“Valuation roll” means the valuation roll or rolls made up under the Lands Valuation Acts;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be

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passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed;

“Revenues of the County Council” means all funds rates and revenues of the County Council including the revenue from time to time arising from any land undertaking or other property for the time being of the County Council and the rates or contributions leviable by or on the order or precept of the County Council;

“The sheriff” means the sheriff of the county and includes a sheriff substitute;

“Daily penalty” means a penalty for each day on which an offence is continued after conviction thereof.

PART II.

MOVEABLE DWELLINGS AND CAMPING GROUNDS.

Definitions
for Part II
of Order.

4. In this Part of this Order unless the context otherwise requires—

“moveable dwelling” includes—

(a) any tent;

(b) any structure capable of being moved from place to place; and

(c) any van cart carriage truck tramcar railway carriage motor car caravan trailer or other vehicle;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations;

(ii) any tent structure or vehicle used for the service of the County Council or of any local authority or other public authority; A.D. 1935.
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(iii) any boat;

(iv) any shelter provided by the County Council for the treatment of tuberculosis; or

(v) any vehicle used by a railway company in connection with the maintenance and repair of their undertaking;

“camping ground” means any area of land on which moveable dwellings are situated or which is provided for the placing of moveable dwellings;

“occupier” in relation to a moveable dwelling shall be deemed to include an owner.

5. This Part of this Order shall come into force on the first day of January one thousand nine hundred and thirty-six. Commencement of Part II of Order.

6.—(1) Where it appears to the County Council— Sheriff may prohibit moveable dwellings in parts of landward area.

(a) that the amenities of any part of the landward area are or may be prejudicially affected by the presence of or conditions arising from any moveable dwelling or moveable dwellings in that part; or

(b) that annoyance is or may be caused to the residents in or visitors to any part of the landward area by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any moveable dwelling in that part;

the County Council may petition the sheriff and the sheriff may after such intimation and service as he thinks proper and after hearing all parties desiring to be heard who shall appear to him to be affected by order—

(i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the moveable dwelling or of all or any particular one or more of the moveable dwellings to which the petition relates; and

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- (ii) prohibit any moveable dwelling being placed on or limit the number or define the class of moveable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order :

Provided that the area specified in an order made under the foregoing paragraph (ii) shall not extend beyond the distance of two hundred yards from the moveable dwelling or from the boundary of the group or assemblage of moveable dwellings (as the case may be) to which the petition related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any moveable dwelling not being a moveable dwelling to which the petition related.

(2) As soon as practicable after the making by the sheriff of an order under paragraph (ii) of subsection (1) of this section the order shall be published by the County Council in a local newspaper or local newspapers circulating in the district in which the area specified in the order is situated and by placards posted in conspicuous positions in or near to some part of that area and such order shall come into force on the expiration of fourteen days from the completion of the publication of the order in accordance with the requirements of this subsection.

The County Council shall also so long as any such order is in force keep posted in conspicuous positions in or near to some part of the area specified in the order placards giving notice of the terms of the order.

(3) (a) Any occupier of a moveable dwelling who fails to comply with any order of the sheriff made under paragraph (i) of subsection (1) of this section within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the County Council may themselves at any time after the expiration of the said period enter on the land and remove the moveable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any moveable dwelling in contravention of any order of the sheriff made under paragraph (ii) of subsection (1) of this section shall be liable to a penalty not exceeding ten pounds and to a

daily penalty not exceeding five pounds and the County Council may themselves enter on the land and remove the moveable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence. A.D. 1935.
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(4) (a) Where the sheriff has made an order under paragraph (ii) of subsection (1) of this section an application for the rescission of the order may be made to the sheriff—

- (i) at any time by the County Council; or
- (ii) at any date not being less than three years from the date on which the order came into force by any person deeming himself aggrieved by the order provided he gives to the County Council not less than fourteen days' notice of his intended application;

and the sheriff may on the hearing of any such application rescind the order.

(b) If the sheriff rescinds the order notice of the rescission of the order shall as soon as practicable be published by the County Council in a local newspaper or local newspapers circulating in the district in which the area to which the order related is situated and shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (2) of this section.

7.—(1) The County Council may subject to the approval of the Department of Health for Scotland (hereinafter in this section called "the department") by agreement purchase or take on lease land within the landward area and use any land so purchased or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the County Council. Provision
of camping
grounds by
County
Council.

(2) The County Council before applying for the approval of the department of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in the district in which the proposed

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A.D. 1935. camping ground is situated and in such other manner
— (if any) as the department may direct. The said notice shall state the matters mentioned in paragraph (d) of subsection (6) of this section and the date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the department and shall require that any such person shall at the same time send a copy of his representations to the county clerk.

(3) Before signifying approval of the purchase taking on lease or use by the County Council of any land under this section the department shall consider any representations on the proposal of the County Council which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modification or may withhold such approval.

(4) Before signifying such approval the department may and if any representation is duly made and is not withdrawn shall (unless the representation appears to them to be frivolous) direct a local inquiry to be held and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (a) to (d) of subsection (6) of this section.

(5) The County Council shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in the district in which the proposed camping ground is situated and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease or use by the County Council of any land under this section the department shall consider the report made to them by the person holding any such inquiry and shall also have regard to (inter alia)—

(a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties;

(b) the ability of the occupiers of moveable dwellings to comply with any byelaws respecting the use

of camping grounds made by the County Council under this Part of this Order; A.D. 1935.

- (c) the distance between and the areas of camping grounds in the neighbourhood whether provided by the County Council under this section or not; and
- (d) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the County Council with respect to the proposed camping ground.

(7) Where the County Council have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the County Council with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by the County Council.

8. The County Council for the purpose of securing the amenities of any part of the landward area in relation to the use of camping grounds and moveable dwellings situate thereon may make byelaws with respect to any camping grounds within such part whether provided by the County Council or not—

Byelaws as to camping grounds.

- (a) for securing sanitary conditions in and the proper control and management of such camping grounds;
- (b) for securing a sufficient supply of pure and wholesome water for such camping grounds;
- (c) for securing the cleanliness of such camping grounds and moveable dwellings situate thereon;
- (d) for preventing the amenities of the neighbourhood being prejudicially affected by the state or condition of any such camping ground;
- (e) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the moveable dwellings situate thereon;

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(f) for preventing annoyance to the residents in or visitors to the landward area by the conduct of the occupiers of or persons frequenting moveable dwellings situate on any such camping ground.

Temporary closing of camping grounds.

9.—(1) It shall be lawful for the County Council by order to close either permanently or during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them.

(2) Any order made by the County Council under this section shall be published in a local newspaper or local newspapers circulating in the district in which the camping ground to which the order relates is situated and by placards posted in a conspicuous position on or near such camping ground and such order shall not come into force until such date as may be stated in the order not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

Savings from certain provisions of Part II of Order.

10. The sections of this Order of which the marginal notes are respectively—

“ Sheriff may prohibit moveable dwellings in parts of landward area ” ; and

“ Byelaws as to camping grounds ”

shall not apply to—

(a) any camping ground provided by or belonging to or used by any portion of His Majesty's naval or military or air forces or which may be certified as under supervision of or by a territorial army association or an auxiliary air force association or a county joint association or a cadet unit of the British National Cadet Association officially recognised by the Army Council ;

(b) any moveable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society Any question between the County Council and any society or body whether that society or body is a religious or charitable society shall be determined summarily by the sheriff on the application of either party and the determination of the sheriff shall be final and not subject to appeal ;

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- (c) any moveable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;
- (d) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp;
- (e) any moveable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (d) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph;
- (f) any person dwelling in a tent or van or other similar structure who is a travelling roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker) and who uses such tent van or other structure in connection with his business; or
- (g) any moveable dwelling provided by and situated on ground belonging to and in the occupation of a railway company:

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (b) and (c) in respect of any moveable dwelling or camping ground referred to in those paragraphs shall only apply so long as the society body association or organisation by or to which such moveable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the moveable dwelling and for the proper management and sanitary condition of the camping ground;

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- (ii) the exemptions conferred by the foregoing paragraphs (*d*) and (*e*) in respect of any camping ground or moveable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such moveable dwelling is occupied or used are duly exercising responsibility for the management and sanitary condition of the camping ground and for the good conduct of their members when in camp thereon;
- (iii) the exemption conferred by the foregoing paragraph (*f*) on any person referred to in that paragraph shall only apply so long as such person is not guilty of any misconduct; and
- (iv) if any society or body referred to in the foregoing paragraph (*b*) are using any camping ground provided by the County Council or if any person being a member of any such society or body or a person referred to in the foregoing paragraph (*f*) is occupying or using a moveable dwelling situate on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any moveable dwelling situate on that camping ground comply with any byelaws made by the County Council under this Part of this Order respecting that camping ground.

Purposes of Part II of Order to be purposes of Public Health Acts.

11. The purposes of this Part of this Order shall be deemed to be purposes of the Public Health Acts so far as applicable and accordingly subject to the provisions of this Order the County Council shall in relation to the landward area have for and with respect to the first-mentioned purposes the powers of a local authority under those Acts other than powers relating to the acquisition of land otherwise than by agreement.

Notice of Part II of Order.

12. The County Council shall before the date on which this Part of this Order will come into force cause public notice to be given of the effect of this Part of this Order and of the date when it will come into force by advertisement in two or more newspapers circulating in

the county and otherwise in such manner as the County Council think sufficient. A.D. 1935.

Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART III.

FINANCIAL.

13.—(1) The County Council may borrow such sum as they may require for defraying the costs charges and expenses referred to in the section of this Order of which the marginal note is "Costs of Order." Power to County Council to borrow costs of Order.

(2) Any sum borrowed under subsection (1) of this section shall be repaid within five years from the commencement of this Order.

14. A person taking or holding any security issued by the County Council under the authority of any statutory borrowing power 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 County Council or otherwise in accordance with the Act or Order under which such power exists or whether or not the proceedings at any meeting of the County Council or any 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 securities of County Council.

15. If any money is payable to a holder of any security of the County Council being a pupil minor idiot or lunatic the receipt of the guardian or trustee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the County Council. Receipt in case of persons not sui juris.

16. Where more persons than one are registered as joint holders of any security of the County Council any one of them may give an effectual receipt for any interest thereon unless written notice to the contrary has been given by any other of them to the county clerk. Interest on securities held jointly.

17. It shall not be obligatory on the County Council to receive or register any transfer assignation certificate of death bankruptcy or marriage probate confirmation letters of administration or other document evidencing a Evidence of transfer or transmission of securities.

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A.D. 1935. — transmission of any security of the County Council (except securities issued under the Local Authorities Loans (Scotland) Act 1891) except upon the production to and temporary deposit with the county clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Dividends to executors &c.

18. The County Council shall not be required to pay to any executors or administrators any interest or dividend on any security of the County Council held by their testator or intestate until the confirmation or probate of the will or the letters of administration has or have been left with the County Council for registration.

Evidence of title.

19.—(1) The County Council before allowing any transfer of any security of the County Council or before paying any interest or dividend on any such security may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer or to receive the interest or dividend.

(2) Such evidence shall be a statutory declaration by one or more competent persons or of such other nature as the County Council may require.

Interest orders and dividend warrants by post.

20.—(1) The County Council may give notice to any person being registered as a holder of any security of the County Council that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the County Council of such objection the County Council may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register. Provided that if such person gives notice to the County Council that he desires such orders or warrants to be sent to another person at a given address the County Council may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any security of the County Council any one of them may for the purpose of this section be regarded as the holder of the security unless contrary

notice has been given to the County Council by any other of them. A.D. 1935.

(3) The posting by the County Council of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the County Council be equivalent to the delivery of the order or warrant to the registered holder of the security of the County Council.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the County Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

PART IV.

MISCELLANEOUS.

21.—(1) Section 181 (Byelaws as to regulation of buildings) of the Public Health (Scotland) Act 1897 in its application to the landward area is hereby extended so as to enable the County Council to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building fronting or abutting on a road other than a private estate road or a farm service road shall furnish the County Council with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression “specifications”). Elevations
of new
buildings.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the County Council by a byelaw made under the said section 181 as extended by this section the County Council shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings the building to which the specifications relate would seriously disfigure the road whether by reason of the height of the building or its

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design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) Any person deeming himself aggrieved by any disapproval by the County Council under this section may appeal against their decision to the sheriff and the sheriff shall have power to make such order as he may think fit.

The grounds on which a person may appeal to the sheriff under this subsection shall include the ground that compliance with the County Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the County Council and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the commencement of this Order cease to have effect upon the coming into operation of such provisions.

(6) The provisions of this section shall not apply to the railways or stations of any railway company or buildings connected therewith other than hotels or dwelling-houses.

As to formation of new roads &c.

22.—(1) No person shall in the landward area lay out any new road or widen extend or otherwise alter any road except with the authority of the County Council and in accordance with such plan longitudinal and cross sections and specification as are hereinafter referred to as approved by the County Council.

(2) Every person who intends in the landward area to form or lay out any new road or to widen extend or otherwise alter any road shall make application to the County Council for authority to do so and along with the application he shall lodge a plan of the road as proposed to be laid out or altered with longitudinal and cross sections showing the proposed centre building and kerb

lines and also the inner lines of the footway where these differ from the building lines and showing also the levels and means of drainage and a specification of the proposed materials and mode of construction of the new road or alteration. A.D. 1935.

(3) If it shall appear to the County Council that the proposed new road or widening extension or alteration of any road or any of the details shown on the said plan or sections or contained in the said specification is contrary to law or to private rights or is unsatisfactory as regards line level or construction the County Council may either refuse to grant the authority or grant the same subject to such alterations and modifications of the plan sections or specification or to such other lawful conditions as may be necessary in the circumstances.

(4) Any person deeming himself aggrieved by any refusal by the County Council to grant any authority or approval of plans sections or specifications required by this section or by any alterations or modifications or conditions attached to the granting of any such authority may appeal against the decision of the County Council to the sheriff and the sheriff shall have power to make such order as he may think fit.

The grounds on which a person may appeal to the sheriff under this subsection shall include the ground that compliance with the County Council's decision would involve an increase in the cost of the formation laying out widening extension or other alteration of the road which would be unreasonable having regard to the character of the locality.

(5) The plan sections and specification approved of by the County Council shall except in so far as they may afterwards be altered in terms of this section by the authority of the County Council be adhered to by the applicant and by every person erecting any building fronting or abutting on the road.

(6) In the event of no part of any new road for which authority has been obtained being formed or laid out within twelve months from the date of the grant of the authority the authority shall lapse and it shall be necessary before the road is formed or laid out to obtain a fresh authority.

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(7) Any person who contravenes any of the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(8) In this section the expression "road" means any road fronting or abutting upon which buildings are or are intended to be erected other than a private estate road or a farm service road.

(9) Nothing in this section shall affect the exercise by the Minister of Transport of his powers under Part II of the Development and Road Improvement Funds Act 1909.

Supple-
mentary
valuation
roll.

23.—(1) The County Council acting under the Lands Valuation Acts in addition to the ordinary valuation roll made up under the said Acts in each year shall between the first day of January and the first day of March in each year cause to be made up by the assessor 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 county—

- (a) which were in existence prior to the term of Whitsunday immediately preceding and which owing to error were not included in or were 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 A.D. 1935.
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) The County Council and any other assessing authority in the county imposing any assessment upon the basis of the said ordinary valuation roll 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 one year for the same rate or assessment in respect of the same rent or value.

(4) All expenses incurred by the County Council 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.

(5) The provisions of this section shall not apply to any burgh which is a large burgh for the purposes of the Act of 1929.

24. The provisions of sections 183 to 187 of the Public Health (Scotland) Act 1897 shall extend and apply to any byelaws made by the County Council under this Order : As to
byelaws.

Provided that in the application of section 185 of the said Act to byelaws made for the purposes (d) (e) and (f) of the section of this Order of which the marginal note is "Byelaws as to camping grounds" the Secretary of State shall be substituted for the Local Government Board for Scotland as confirming authority.

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(*General Powers*) *Order Confirmation Act, 1935.*

A.D. 1935.

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Service of
notices.

25. Any notice which the County Council may be required or authorised pursuant to this Order to give to any person may be served on such person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case the place of abode or business of the person to be served is unknown it shall be sufficient to affix the notice or a copy thereof on some conspicuous part of the premises (if any) to which the notice may relate.

Prosecu-
tion of
offenders.

26. All offenders against any of the provisions of this Order or of any byelaws made thereunder may be prosecuted and all penalties in respect of offences against any of such provisions may be recovered by the County Council in the sheriff court in manner provided by the Summary Jurisdiction (Scotland) Acts.

Applica-
tion of
penalties.

27. All penalties exigible under the provisions of this Order or of any byelaws made thereunder (excepting any penalties which may be imposed upon the County Council) shall be paid over to the County Council instead of being applied in any other manner.

Crown
rights.

28. 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.

Costs of
Order.

29. 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 County Council out of the revenues of the County Council or out of moneys to be borrowed for that purpose under this Order.

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