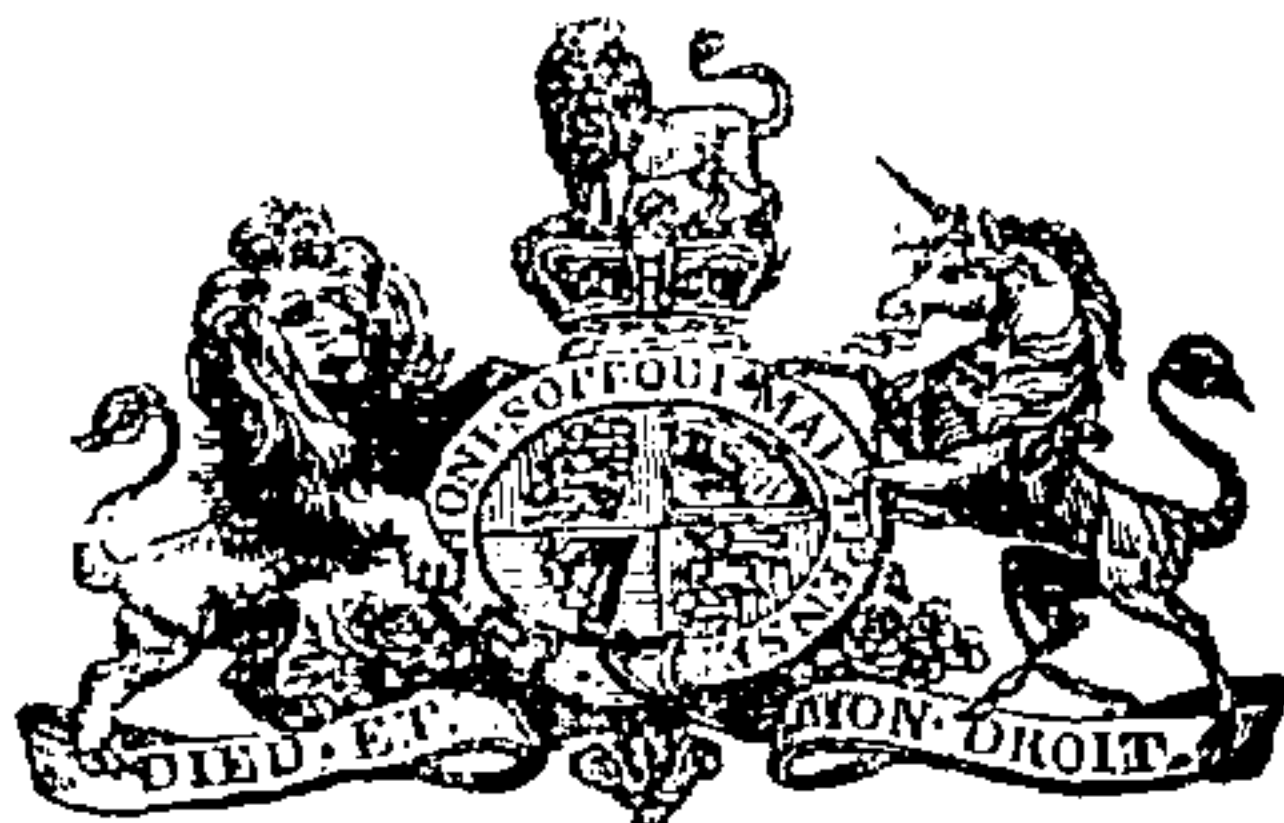


[43 & 44 VICT.]

*Leith Improvement Scheme
Confirmation Act, 1880.*

[Ch. clxxv.]



CHAPTER clxxv.

An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of Unhealthy Areas in the Parliamentary Burgh of Leith. A.D. 1810.
[26th August 1880.]

WHEREAS the Right Honourable Richard Assheton Cross, as and while one of Her Majesty's Principal Secretaries of State, made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875: 38 & 39 Vict.
c. 49.

And whereas it is requisite that the said Order should be confirmed by Parliament:

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

1. The Order set out in the schedule hereunto annexed is hereby confirmed: Provided that the lands to be taken compulsorily under the Order by this Act confirmed shall only include the lands within the areas coloured pink, green, and blue on the map referred to in the Order, excepting therefrom the portions coloured yellow on the maps signed by George Cunningham; and provided further, that, notwithstanding the terms of section twenty of the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, the balances of profit therein referred to shall be applicable to any purposes to which any other local rate is for the time being applicable, excepting the purposes of the General Police and Improvement (Scotland) Act, 1862, and Provisional Orders passed and confirmed in pursuance thereof for the burgh of Leith, and the Roads and Bridges (Scotland) Act, 1878. Provisional
Order in
schedule
confirmed.

38 & 39 Vict.
c. 49.

25 & 26 Vict.
c. 101.
41 & 42 Vict.
c. 51.

2. Upon acquiring but before altering the character of any lands for the purposes of this Act which are held of the Lord Notice to be
given to the

A.D. 1880. Corporation of Edinburgh of taking certain lands. 8 & 9 Vict. c. 19. 38 & 39 Vict. c. 49. 43 & 44 Vict. c. 2. 37 & 38 Vict. c. 94.

Provost, Magistrates, and Town Council of Edinburgh (herein-after called the Corporation of Edinburgh) as superiors thereof, notice shall be given by the Town Council of Leith to the said Corporation of Edinburgh, as superiors aforesaid, that such lands have been so acquired, and thereupon the said Corporation of Edinburgh shall exercise the right to call upon the Town Council of Leith to redeem the feu duties and casualties of superiority due or to become due to them in respect of such lands so acquired under the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, as altered and amended by the Artizans and Labourers Dwellings Improvement (Scotland) Acts, 1875 and 1880, and on the terms of redemption, in so far as regards the amount of compensation, provided by the Conveyancing (Scotland) Act, 1874, with reference to the redemption of casualties by vassals, and the annual value of the said lands (when it forms the basis of the redemption price) shall be held to be the annual value thereof as appearing on the valuation roll in force at the period of the acquisition of such lands.

For the protection of the Edinburgh and District Water Trustees. 38 & 39 Vict. c. 49.

3. The compensation provided in section nineteen of the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, shall include the expense of providing and laying new mains and water-pipes in lieu of and equal in value, as working mains and pipes, to any now belonging to the Edinburgh and District Water Trustees, and which, in the opinion of the arbitrator, it may be necessary to provide or lay in consequence of the exercise of the powers of the Order hereby confirmed. Any such new mains and pipes required being so laid by the Edinburgh and District Water Trustees and under the superintendence of their engineer.

Short title. **4.** This Act may be cited as the Leith Improvement Scheme Confirmation Act, 1880.

SCHEDULE.

A.D. 1880.

Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875.

Parliamentary Burgh of Leith Improvement.

PROVISIONAL ORDER.

WHEREAS the Town Council of Leith being the local authority under the said Act for the parliamentary burgh of Leith, presented to me the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a petition praying that an order might be made confirming a scheme prepared by the said Town Council, under the above-mentioned Act, for the improvement of certain areas situated within the said burghs:

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order:

And whereas on consideration of the said petition, and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. George Cunningham, in or in the vicinity of the areas to which the scheme relates, for the purpose of ascertaining the correctness of the official representations made to the said Town Council as to the areas, and the sufficiency of the scheme provided for their improvement, and any local objections to be made to such scheme:

And whereas before commencing such inquiry, the said George Cunningham made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all the persons desirous of being heard on the subject thereof, in accordance with the provisions of Section 16 of the above-mentioned Act:

And whereas the said George Cunningham has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report:

And whereas the population of the working class occupying the areas comprised in the said scheme is estimated at 3,505, and proper accommodation will be provided for that number by the said scheme.

Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications:

1. The lands and premises coloured yellow on the map, three duplicate copies of which are signed by the said George Cunningham of the 20th day of March 1880, as relative to the said scheme, shall not form part of the improvement areas to which the scheme as amended by this order shall relate. The three duplicate copies of the map so signed by the said George Cunningham shall, within fourteen days after the passing of the Act confirming this order, be deposited as follows: one at the Office of the Clerk of the Parliaments; one at the Private Bill Office of the House of Commons; and one at the Office of the Town Clerk in Leith.

A.D. 1880.

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2. The buildings on the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed gradually, new houses for the accommodation of the population of the working class now occupying these areas being built simultaneously with the taking down and removing of the existing buildings.

RICH. ASSHETON CROSS.

Home Office, Whitehall,
24th March 1880:

PARLIAMENTARY BURGH OF LEITH.—SCHEME made by the TOWN COUNCIL of LEITH as the Local Authority for the Burgh of Leith under "The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875."

1. The scheme may be cited as "The Leith Improvement Scheme, 1880."
2. In the scheme "the burgh" means the parliamentary burgh of Leith; "the Town Council" means the provost, magistrates, and council of the burgh; the "town clerk" and "the burgh surveyor" mean respectively the town clerk and the burgh surveyor of the burgh; and "the map" means the map which accompanies this scheme.
3. The unhealthy areas included in this scheme are the areas marked areas A, B, and C, coloured pink; the portions of the areas D and E, coloured green, are included in the scheme as necessary in the opinion of the Local Authority to make it efficient for sanitary purposes; and the portions of said areas marked D and E, coloured blue, are necessary in the opinion of the Local Authority for widening the existing approaches to the unhealthy areas, or for opening out the same for the purposes of ventilation or health: all as delineated and indicated on the map. A duplicate of the map is deposited at the office of the town clerk in Leith, and copies of the map, or any part thereof, certified by the burgh surveyor, shall be received in all courts of justice, or elsewhere, as evidence of the contents thereof respectively.
4. The Town Council may enter upon, take compulsorily, and deal with, for the purposes of this scheme, all or any of the lands delineated on the map.
5. The Town Council may lay out, form, pave, sewer, and complete, in the line shown on the map; a new street from near the south end of Great Junction Street, in a north-easterly direction, to Tolbooth Wynd, at the Shore, with such other streets, approaches, communications, alterations of levels, stopping up, widening, or diverting of existing streets and otherwise as are shown on the map, or as may hereafter be determined by the Town Council to be necessary or proper for the purposes of the scheme.

All these street improvements and widenings will be in the parishes of North Leith and South Leith, within the parliamentary boundary of Leith and county of Edinburgh.

6. In laying out the new streets and executing the approaches and communications shown on the map, the Town Council may deviate from the lines shown

on the map to any extent within the limits of deviation marked thereon, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which a deviation is made, but not otherwise.

A.D. 1880.
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7. The Town Council may from time to time appropriate any parts of the unhealthy areas, and also all or any part of the sites in the vicinity thereof, delineated and indicated on the map, for the erection of suitable dwellings for persons of the working class; and they shall provide, either by appropriation of some parts of the unhealthy areas and such sites respectively, and by securing the erection of suitable dwellings thereon, or in some other manner, for the accommodation of at least as many persons of the working class as will be from time to time displaced within the unhealthy areas.

8. All dwelling-houses to be erected in accordance with this scheme shall be well and substantially built, and shall be so situated and constructed as to secure efficient ventilation, and shall be furnished with a proper water supply, and with proper drainage and other sanitary appliances and apparatus, to the satisfaction of the Town Council; and the Town Council shall enforce the execution and maintenance of all other proper sanitary arrangements within the areas and sites shown on the map.

9. The Town Council shall, as soon as practicable, after the passing of the Act authorising this scheme, proceed to carry the same into execution, but they may from time to time purchase and deal with parts of the lands within the unhealthy areas without being required to purchase and deal with the whole of the lands within these areas.

10. The Town Council may, for all or any of the purposes of this scheme, sell and dispose of all or any of the lands herein-before authorised to be dealt with by them; that is, to sell such part of them as is so required for the purposes of this scheme; and to sell such part thereof as is not so required for other and general purposes.

11. The expenses of the execution of this scheme (so far as they are not defrayed out of receipts of the Town Council pursuant to the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875), and the costs, charges, and expenses preliminary to and of and incidental to the preparation of this scheme, and the application for the order confirming the same, and the obtaining the confirmation by Parliament of such order, shall be paid by the Town Council out of all or any of the local rates as defined by the said Act (section 20), or out of moneys borrowed in pursuance of the said Act.

W. H. COUPER,
Town Clerk, Clerk to the Local Authority.

A.D. 1880. PARLIAMENTARY BURGH OF LEITH.—ESTIMATE of COST of the Improvement Scheme under the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875.

SEPTEMBER 1879.

Estimated cost of Property to be acquired	-	.	-	-	£98,844
Deduct estimated recoupment	-	-	-	-	46,439
					£52,405

As shown above, we estimate the total net cost of the Improvement Scheme of the Leith Local Authority, of date September 1879, as shown on the accompanying map prepared by us at the sum of Fifty-two thousand four hundred and five pounds sterling.

JAMES SIMPSON,
Burgh Assessor, and Architect, Leith.

WILLIAM BEATSON,
Burgh Surveyor, Leith.