

**CHAPTER ii**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to the Edinburgh Corporation. [20th December, 1961]

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:

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 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 Edinburgh Corporation Order Confirmation Act, 1961. Short title.

SCHEDULE

EDINBURGH CORPORATION

Provisional Order to consolidate with amendments the Acts and Orders of or relating to the Corporation of the city of Edinburgh with respect to public libraries, museums and art galleries, Lauriston Castle, markets and slaughterhouses, lighting, cleansing, public health and sanitation, the seashore, licensing, the burgh court of the said city, the disposal of lost and stolen property, offences and penalties and general police powers, and to confer further powers on the Corporation with respect to the foregoing matters and with respect to the water undertaking of the Corporation, and to make further provision for the local government, health and improvement of the city and for other purposes.

Whereas the lord provost, magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government and administration of the said city and royal burgh (hereinafter referred to as "the city") and are the local authority therein:

And whereas the Acts and Orders relating to the several matters and things mentioned in this Order are very numerous and in many cases have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is expedient to retain were consolidated and that the powers of the Corporation with regard to such matters should be enlarged and extended as provided in this Order:

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

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

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

PART I

PRELIMINARY

- Short title. 1. This Order may be cited as the Edinburgh Corporation Order, 1961.
- Commencement of Order. 2. Except as otherwise expressly provided, this Order shall come into operation on the date of the Act confirming the same, which date is in this Order referred to as "the commencement of this Order."
- Interpretation. 3.—(1) Terms, words and expressions to which meanings are assigned by the city Acts, or by any public Act applicable to the Corporation or wholly or partially incorporated with this Order, shall, subject to the provisions of this Order and unless there is something in the subject

or context inconsistent with or repugnant to such construction, have the same respective meanings in the provisions of this Order in which such terms, words and expressions are used.

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—*cont.*

(2) Unless there is something in the subject or context repugnant to such construction, the following words and expressions in this Order have the meanings hereby respectively assigned to them (that is to say):—

“ Act of 1897 ” means the Public Health (Scotland) Act, 1897;

“ Act of 1946 ” means the Water (Scotland) Act, 1946;

“ Act of 1947 ” means the Local Government (Scotland) Act, 1947;

“ Act of 1948 ” means the Local Government Act, 1948;

“ Act of 1960 ” means the Road Traffic Act, 1960;

“ broker ” has the meaning assigned to it by section 145 (Definition for head G of Part IX of Order) of this Order;

“ burgh court ” means the burgh court of the city;

“ cattle market ” means the cattle market of the Corporation;

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

“ city Acts ” means the local Acts and Orders of the Corporation;

“ city chamberlain ” means the city chamberlain of the city for the time being;

“ city museums ” means the museums of the Corporation;

“ cleansing undertaking ” means all lands, buildings, depots, works, vehicles, apparatus, appliances, machinery, plant and materials held by the Corporation and used or to be used for the purpose of the collection, treatment and disposal of refuse, food waste or waste paper and all servitudes, rights, powers and privileges connected therewith;

“ common good ” means the common good of the city;

“ common lodging-house ” has the meaning assigned to it by paragraph (a) of section 82 (As to common lodging-houses) of this Order;

“ common stair ” (other than for the purposes of Part V (Public lighting) of this Order) means any stair or passage in a building leading to parts thereof separately occupied;

“ constable ” means any constable (as defined by the Police (Scotland) Act, 1956) being a member of the police force of the city;

“ contravene ” includes fail to comply with and “ contra-vention ” has a corresponding meaning;

“ Corporation ” means the Corporation of the city;

“ county ” means the county of Midlothian excluding the city;

“ dock commission ” means the commissioners for the harbour and docks of Leith;

“ domestic refuse ” means the dust, ashes and other refuse from any dwelling-house, shop, office, warehouse or other similar premises but does not include manure, soot or trade refuse;

“ enactment ” includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act of Parliament;

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—cont.

- “existing” means existing immediately before the commencement of this Order;
- “farmed-out house” has the meaning assigned to it by section 85 (Age of keeper of farmed-out house) of this Order;
- “footpath” means any way or path (other than a footway) open to be used by the public for passage on foot only;
- “footway” means the footway (however formed or constructed) forming the part of the street between the carriageway and the adjoining lands or buildings;
- “former public libraries committee” means the committee for the city appointed in accordance with section 18 of the Public Libraries Consolidation (Scotland) Act, 1887, as existing immediately before the twenty-ninth day of May, nineteen hundred and fifty-four;
- “fried-fish shop” means any premises used solely, or principally, for the preparation, cooking and sale of fish, potatoes or other similar commodities where quantities of heated or boiling fat or oil are used for the purpose of such preparation and cooking;
- “functions” includes powers and duties;
- “harbour and docks of Leith” has the meaning assigned to “harbour and docks” by section 6 (Interpretation of terms) of the Leith Harbour and Docks Consolidation Order, 1935;
- “hotel” means premises containing at least four apartments set apart exclusively for the sleeping accommodation of travellers;
- “lighting undertaking” means all lands, buildings, depots, works, vehicles, apparatus, appliances, machinery, plant, lighting equipment and materials held by the Corporation and used or to be used for the purpose of lighting streets, public places and common stairs and all servitudes, rights, powers and privileges connected therewith;
- “lord provost” means the lord provost of the city for the time being;
- “markets undertaking” means all lands, buildings, vehicles, apparatus, appliances, machinery and plant held by the Corporation and used or to be used for the purposes of markets and all servitudes, rights, powers and privileges connected therewith;
- “medical officer” means the medical officer of health of the city for the time being;
- “motor vehicle” has the meaning assigned to it by subsection (1) of section 253 of the Road Traffic Act, 1960;
- “Order of 1926” means the Edinburgh Corporation (Streets Buildings and Sewers) Order, 1926;
- “Order of 1958” means the Edinburgh Corporation Order, 1958;

- “owner” means joint owner, fiar, life-renter, feuar, bondholder-in-possession or other person in the actual possession or receipt of the rents of lands and heritages of every tenure or description and the factor, agent or commissioner of such persons, or any of them, or any other person who intromits with or draws the rents;
- “pawnbroker” has the same meaning as in the Pawnbrokers Act, 1872;
- “place of public entertainment” has the meaning assigned to it by section 109 (Definition for head A of Part IX of Order) of this Order;
- “premises” includes any building, shed, tent, garden, shrubbery, yard, court, close and house-boat;
- “public building” means any building used or proposed to be used as a place of public meeting or as a place of public entertainment or for holding large numbers of people for any purpose whatsoever;
- “public conveniences” includes waiting-rooms, cloak-rooms and other similar accommodation for the use of the public;
- “public libraries” means the public libraries of the Corporation;
- “public libraries committee” means the committee appointed in pursuance of section 8 (Appointment of public libraries committee) of this Order;
- “public place” means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes any common passage, close, court, stair, garden or yard pertaining to any tenement or group of separately occupied houses;
- “public service vehicle” has the same meaning as in the Road Traffic Act, 1960;
- “public show” has the meaning assigned to it by section 115 (Definition for head B of Part IX of Order) of this Order;
- “refuse” includes domestic refuse and trade refuse;
- “repealed Acts” means the provisions of the Acts and Orders which are repealed by this Order;
- “sanitary inspector” means the sanitary inspector of the city for the time being;
- “seashore” includes all parts of the beach or shore above and below high-water mark and (where a promenade or esplanade exists) between the promenade or esplanade and low-water mark;
- “sheriff” means the sheriff of the Lothians and Peebles and includes his substitutes;
- “slaughterhouses” means the slaughterhouses of the Corporation;
- “slaughterhouses undertaking” means all lands, buildings, vehicles, apparatus, appliances, machinery and plant held by

PART I
—cont

the Corporation and used or to be used for the purposes of slaughterhouses and all servitudes, rights, powers and privileges connected therewith;

“street” means any highway, road, bridge, square, lane, footpath (not being or forming part of any harbour, dock, quay, wharf, or canal or any station or depot of the transport commission or operators of public service vehicles) or any part thereof open to be used by the public and whether the same is a thoroughfare or not;

“succeeding licence” means a licence granted or which may be granted to a person under any provision of this Order, being a licence taking effect on the expiry by the effluxion of time of another licence granted under the same provisions (or any corresponding provision of the repealed Acts) to the same person and (in the case of a licence in respect of specific premises or a specific vessel or vehicle) relating to the same premises, vessel or vehicle as the case may be;

“summary conviction” means conviction by a court of summary jurisdiction;

“town clerk” means the town clerk of the city for the time being;

“trade refuse” means—

(a) the refuse arising out of or incidental to the carrying on of any trade, business or manufacture;

(b) ashes, clinker and flue dust from any engine, furnace, oven or stove used in connection with any industrial or commercial purpose;

(c) packing material;

(d) garden refuse; and

(e) garage debris;

“transport commission” means the British Transport Commission;

“vagrant” means a person with no fixed place of abode and having no lawful means of obtaining his livelihood.

(3) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment including this Order.

(4) Any reference in any enactment to the Edinburgh Corporation Acts, or to the Edinburgh Municipal and Police Acts, shall be deemed to be a reference to the city Acts.

Limits of
Order.

4. Except where otherwise provided or where the context otherwise requires, the provisions of this Order shall apply only to the city.

PART II

PUBLIC LIBRARIES, MUSEUMS AND ART GALLERIES

A. General

Definition for
Part II of
Order.

5. In this Part of this Order—

“article” in relation to the public libraries includes any—

(a) book, newspaper, review, magazine, periodical or other literature;

(b) picture, engraving, map, photograph, film strip or lantern slide;

(c) gramophone, tape or other record; and

(d) other article appropriate to the public libraries:

PART II
—cont.

Provided that the expression "film strip" shall not include any film comprising a series of pictures designed or intended to be projected in such a way as to produce a moving picture.

6. The public libraries and the city museums vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Public libraries and museums to continue vested in Corporation.

7. Subject to the provisions of this Part of this Order the Corporation may provide additional public libraries and city museums and may also provide art galleries.

Power to establish public libraries, etc

8.—(1) The Corporation shall have a committee for the purpose of their functions under this Part of this Order and such committee shall to the extent of not less than one-third nor more than one-half consist of persons other than members of the Corporation.

Appointment of public libraries committee.

(2) The Corporation shall appoint one of the members of the public libraries committee (being a member of the Corporation) to be the chairman of the said committee.

(3) Persons other than members of the Corporation who are members of the public libraries committee shall, notwithstanding anything in the Act of 1947, be eligible for appointment to membership of any sub-committee appointed by the public libraries committee.

(4) The public libraries committee shall be appointed annually by the Corporation at the same time as the other standing committees of the Corporation are appointed.

(5) The committee holding office at the commencement of this Order shall continue in office until the appointment of a committee in pursuance of this section.

9.—(1) Any reference in any enactment, deed, regulation or other document to the former public libraries committee, or to members or to officers of the former public libraries committee, shall be construed as a reference to the Corporation, or to members of the Corporation, or to officers of the Corporation, as the case may be.

References to former public libraries committee to be references to Corporation.

(2) Any reference to the chairman or other member of the former public libraries committee in the constitution of any trust or other body, whether corporate or not, shall be construed as a reference to a member appointed by the Corporation.

10. The Corporation may compile, print, publish and sell—

Publication and sale of catalogues, etc.

(a) catalogues of articles and objects in the public libraries and city museums and in any art galleries provided by them; and

(b) any literature, illustrations and other printed matter relating to the city or to the public libraries, city museums and any art galleries provided by them.

PART II
—cont.Byelaws as
to public
libraries, etc.

11.—(1) The Corporation may make byelaws with respect to the control, management, protection and use of the public libraries, city museums and of any art galleries provided by them and of any property, articles or objects therein.

(2) Any such byelaws may be made so as to apply only to such public libraries, city museums or art galleries as may be specified in the byelaws and may contain different provisions for different public libraries, city museums or art galleries.

Provision of
lectures, etc.,
in public
libraries, etc.

12.—(1) The Corporation may use, or allow to be used, or may let any part of any public library or city museum or any art gallery provided by them, not at the time required for the purpose of a public library, museum or art gallery as the case may be, for lectures, exhibitions and concerts for or in connection with the advancement of art, education, drama, science, music or literature and may themselves provide, or arrange for the provision of or contribute towards the expenses of any such lectures, exhibitions or concerts and may make or allow to be made such charges as they may think fit in connection therewith.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any lectures, exhibitions or concerts given in pursuance of this section.

(3) The proceeds of any lectures, exhibitions or concerts given in pursuance of this section, or of the sale of programmes in connection therewith, shall be applied by the Corporation for the purpose of their functions under this Part of this Order.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for a public entertainment or a cinematograph exhibition.

Power to
supply
refreshments in
city museums,
etc.

13. The Corporation may, at or in connection with any of the city museums and the Central Library—

(a) provide and maintain refreshment rooms and either manage the same themselves or let them to any person for a term not exceeding three years at a time; and

(b) provide and sell refreshments (other than exciseable liquors).

Saving for
agreement
with trustees
of Thomas
Nelson.

14.—(1) Nothing in this Part of this Order shall prejudice or affect the minute of agreement relating to the Nelson Halls between the trustees of the late Thomas Nelson, publisher, Edinburgh, of the first part and the Corporation and the former public libraries committee of the second part dated thirteenth, sixteenth, nineteenth and twenty-second April and second and twenty-seventh May all in the year nineteen hundred and thirty-five which, in so far as applicable, shall continue in full force and effect.

(2) In the event of the funds available for the purpose under the trust deed of the said Thomas Nelson being insufficient the Corporation

may make such contribution towards the maintenance of the Nelson Halls as they may from time to time determine.

PART II
—cont.

15. The powers conferred by this Part of this Order of selling or otherwise disposing of or lending or transferring any article or object in the public libraries, city museums and in any art galleries provided by the Corporation shall not be exercised in any manner inconsistent with any condition attached to any gift or bequest by virtue or in consequence of which that object was vested in the Corporation. Saving for conditions attached to gifts or bequests.

16. Nothing in this Part of this Order shall affect the rights of any person under the law for the time being relating to copyright. Saving for copyright.

B. Public libraries

17. The Corporation shall manage and control the public libraries and for that purpose may— Control and management of public libraries.

(a) provide reading rooms in the public libraries; and

(b) provide any article and lend out any article in any of the public libraries other than an article bequeathed for the purpose of reference only or subject to the provision that it should not be lent out.

18. The Corporation may provide mobile public libraries for the carrying out of their functions under this Part of this Order and may purchase, adapt, equip and maintain such vehicles as may be requisite for that purpose. Provision of mobile public libraries.

19. The Corporation may exchange, sell, or otherwise dispose of, any articles vested in them for the purposes of the public libraries and which they consider to be no longer appropriate to the public libraries: Disposal of surplus articles in public libraries.

Provided that the proceeds of any sale or exchange shall be applied for the purposes of the public libraries.

20.—(1) Notwithstanding anything in this Part of this Order, the Corporation may— As to charges, etc., in connection with certain articles.

(a) prescribe a period within which any article borrowed from any of the public libraries must be returned thereto and exact penalties for the retention by borrowers of any article beyond such period; and

(b) require any person to whom any gramophone, tape or other record or any picture, film strip, lantern slide, or photograph is lent to deposit with the Corporation such sum as may be prescribed by them as security for the safe return of such article.

(2) Where the Corporation are entitled under this section to recover any penalty from any person or where any person retains any article after the expiry of any period prescribed by the Corporation, such

PART II
—cont.

person shall not be entitled to borrow any other article from any of the public libraries until such penalty has been paid or such article returned as the case may be.

(3) Where any person habitually fails to return within the prescribed period any article borrowed by him from any public library the Corporation may prohibit such person from borrowing any article from any of the public libraries for such period as they may prescribe.

Public libraries
to be free.

21. Subject to the provisions of this Part of this Order the public libraries shall be open to the public free of charge.

C. *City museums and art galleries*

Control and
management of
city museums.

22. The Corporation shall manage, regulate and control the city museums and for that purpose may—

- (a) acquire by purchase or otherwise, material relating to local and national history and local topography, articles belonging to or associated with famous citizens or persons associated with the city, articles of local manufacture and other objects of interest relating to the history and social life of the city and Scotland generally in former days, and do all things necessary for displaying the same and keeping the same in a proper state of preservation and repair;
- (b) exchange, sell or otherwise dispose of any objects vested in them for the purposes of the city museums and of which they have a duplicate or which they consider to be no longer appropriate to the city museums, provided that the proceeds of any sale or exchange shall be applied for the purposes of the city museums;
- (c) lend any objects vested in them for the purposes of the city museums to any gallery, museum or exhibition on such terms and subject to such conditions as they think fit;
- (d) transfer to the trustees, or other persons having the management of any gallery, museum or other institution in Great Britain which is in receipt of moneys provided by Parliament, any objects vested in the Corporation for the purposes of the city museums which in their opinion would more properly be under the control or management of such trustees or other persons;
- (e) do such other things as appear to them necessary or expedient for furthering the utility of and interest in the city museums.

Charges for
admission to
city museums.

23. The Corporation may make such reasonable charges as they think fit for admission to the city museums or any of them or any part thereof.

Control and
management
of art
galleries

24. The Corporation shall manage, regulate and control any art galleries provided by them and for that purpose may—

- (a) purchase, sell or exchange statuary, casts, models, paintings, pictures, engravings and specimens, provided that the proceeds of any sale or exchange shall be applied and held for the purposes of art galleries; and
- (b) make provision for the exhibition and display for such period as they think fit of any statuary, casts, models, paintings,

pictures, engravings and specimens vested in them in connection with art galleries in any of their schools, institutions or premises, or in other premises, and make arrangements with the owners of such other premises for the purposes aforesaid and do all other acts and provide all other things that may be necessary or proper in connection therewith.

PART II
—cont.

PART III

LAURISTON CASTLE

25. In this Part of this Order—

Definitions
for Part III
of Order.

“Lauriston Castle” means Lauriston Castle, Davidson’s Mains, and includes the articles and objects therein and the lands and pleasure grounds pertaining thereto;

“testamentary writings of the late Mr. and Mrs. W. R. Reid” means the testamentary settlement of the late Mr. and Mrs. W. R. Reid and memorandum by them, both dated first February, nineteen hundred and fifteen, and five codicils by Mrs. Reid dated respectively fifth April, nineteen hundred and twenty-one, twenty-first August, nineteen hundred and twenty-two, fourteenth July, nineteen hundred and twenty-three, eighteenth December, nineteen hundred and twenty-three, and twentieth November, nineteen hundred and twenty-five, and registered in the Books of Council and Session on eighth January, nineteen hundred and twenty-six.

26. In addition to the powers competent to them under, and notwithstanding anything in, the testamentary writings of the late Mr. and Mrs. W. R. Reid, the Corporation may, in relation to Lauriston Castle, exercise the same powers as are conferred on them by the following provisions of this Order in relation to the city museums and the articles and objects therein:—

As to use
of Lauriston
Castle as a
museum.

Section 10 (Publication and sale of catalogues, etc.);

Section 13 (Power to supply refreshments in city museums, etc.);

Section 22 (Control and management of city museums);

Section 23 (Charges for admission to city museums).

27. The Corporation may make byelaws with respect to the control, management, protection and use of Lauriston Castle.

Byelaws as to
Lauriston
Castle.

28. In the event of the income available for the purposes under the testamentary writings of the late Mr. and Mrs. W. R. Reid being insufficient in any financial year for the maintenance of Lauriston Castle the Corporation may make such contribution towards such maintenance as they think fit not exceeding one thousand five hundred pounds or such greater sum as may be allowed by the Secretary of State.

Power to
contribute to
maintenance
of Lauriston
Castle.

29. Notwithstanding anything in any enactment or in the testamentary writings of the late Mr. and Mrs. W. R. Reid, the Corporation may refer to the public libraries committee all or any matters relating to their functions under this Part of this Order (other than their powers under the preceding section of this Order) and may delegate any of such matters to such committee with or without restrictions or conditions as they think fit.

Administration
of Lauriston
Castle by
public
libraries
committee.

PART IV

MARKETS AND SLAUGHTERHOUSES

A. Definitions, vesting, etc., for purposes of Part IV of Order

Definitions
for Part IV
of Order.

30. In this Part of this Order—

“ Act of 1954 ” means the Slaughterhouses Act, 1954;

“ animal ” means cattle, deer, sheep, goats, swine, horses, asses and mules.

Vesting of
markets and
slaughter-
houses
undertakings.

31.—(1) The markets undertaking and the slaughterhouses undertaking, as they exist at the commencement of this Order, shall continue vested in the Corporation and be held and used by them.

(2) The markets undertaking and the slaughterhouses undertaking shall continue to form part of the common good.

B. Cattle, corn and grain markets

Power to
provide and
improve
markets.

32. The Corporation may—

(a) alter, improve and enlarge the existing markets;

(b) establish and hold new markets

(c) alter, enlarge, improve, extend or reconstruct existing market buildings and provide and maintain new market buildings;

(d) provide and maintain market stalls, stands, warehouses, offices, shops, stores, refreshment rooms, works, buildings, conveniences, railway sidings and approaches; and

(e) do all such other acts as may be necessary or proper for the purposes of or in connection with the markets.

Byelaws as
to markets.

33.—(1) The Corporation may make byelaws with respect to the control, management and use of the markets.

(2) Any such byelaws may be made so as to apply only to such markets as may be specified in the byelaws and may contain different provisions for different markets.

Use of
markets for
other purposes.

34. The Corporation may permit any market, when not required for market purposes, to be used either gratuitously or for payment for public meetings, civic functions, concerts, entertainments, carnivals, exhibitions or recreation or such other purposes as the Corporation may sanction from time to time.

Cattle, etc.,
markets not
to be
established
without consent
of Corporation.

35.—(1) A person, other than the Corporation, shall not, except with the consent of the Corporation (which may be granted on such terms and conditions as the Corporation may prescribe), establish any market—

(a) for the sale of animals; or

(b) for the sale wholesale of wheat, oats, barley, peas, beans or other grain.

(2) Notwithstanding anything in the preceding subsection, the Corporation may authorise the public sale of animals by any person but any such person so authorised shall—

PART IV
—cont.

- (a) not later than twenty-four hours before the time fixed for such sale, give notice in writing to the city chamberlain of the time and place fixed for such sale;
- (b) give free access to such sales at all times to the city chamberlain or other authorised officer of the Corporation;
- (c) pay to the Corporation in respect of the animals exposed for sale an amount equal to the amount which would have been payable to the Corporation by way of rates and charges if such animals had been sold or exposed for sale in the cattle market.

(3) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order and, without prejudice to any penalty to which he is liable, the Corporation may recover as a civil debt any sum payable by him under this section.

36. The Corporation may discontinue the whole or any part of any market vested in them.

Power to discontinue markets.

37. Subject to the provisions of this Part of this Order, all existing rights and powers of the Corporation to establish or regulate markets and fix market places shall continue in full force and effect.

Saving for existing market rights.

C. Slaughterhouses and dead meat market

38. The existing slaughterhouses shall be deemed to be a public slaughterhouse provided by the Corporation as local authority under the Act of 1954 and the provisions of the Act of 1954 shall subject to the provisions of this Part of this Order extend and apply with respect thereto in the same manner as they extend and apply with respect to a slaughterhouse provided by a local authority in pursuance of the Act of 1954.

Operation of slaughterhouses.

39.—(1) The Corporation may, as part of the slaughterhouses undertaking, provide and operate a dead meat market for the sale of dead meat and poultry.

Dead meat market.

(2) (a) As from the commencement of this Order, a person, other than the Corporation, shall not establish any market for the sale wholesale of dead meat except with the consent of the Corporation which may be granted on such terms and conditions as the Corporation may prescribe.

(b) Any person who establishes any such market without the consent of the Corporation shall be guilty of an offence under this Order.

40.—(1) A person shall not sell or expose for sale any dead meat in or on any lands or premises forming part of the slaughterhouses undertaking other than in premises set apart as a dead meat market.

As to sale of dead meat, hides, etc., in slaughterhouses.

(2) A person shall not, except with the consent of the Corporation (which may be granted on such terms and conditions as the Corporation

PART IV
—cont.

may prescribe), sell or expose for sale in or on any lands or premises forming part of the slaughterhouses undertaking the hides, skins or tallow of any animal not slaughtered in the slaughterhouses.

(3) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

D. Lets of lands, premises and stalls

Power to let stalls, etc., in markets.

41. The Corporation may, for such consideration and on such terms and conditions as they think fit, let to any person for any period, not exceeding three years, any market stall or stand in any market vested in them.

Power to let lands and premises at markets and slaughterhouses.

42. Notwithstanding anything in any enactment, the Corporation may—

- (a) let any warehouse, office, shop, store, refreshment room or other premises in any market or slaughterhouse for any period not exceeding twenty-one years; and
- (b) let any land or premises forming part of the markets undertaking or the slaughterhouses undertaking for any period not exceeding ninety-nine years to any person for any purpose connected with the markets or slaughterhouses or any business carried on therein.

E. Rates, charges, accounts, etc.

Market rates, dues and charges.

43.—(1) The Corporation may demand and take such rates, dues, entrance duties and other charges in respect of the markets as they may fix from time to time.

(2) Before fixing or varying any such rates, dues, entrance duties or other charges the Corporation shall consult with such persons or organisations as appear to them to be representative of interests substantially affected by such rates, dues, entrance duties or other charges.

(3) Notwithstanding the repeal of the repealed Acts, the Corporation may, until they have fixed rates, dues, entrance duties and charges in respect of the markets under the powers of this section, continue to demand and take in respect of the markets the rates, dues, entrance duties and other charges in force immediately before the commencement of this Order.

Markets and slaughterhouses charges, etc., to meet expenditure on markets and slaughterhouses undertakings.

44. The Corporation shall so fix or vary the rates, dues, entrance duties and other charges in respect of the markets, the slaughterhouses and any dead meat market provided by them respectively, that such rates, dues, entrance duties and other charges, with any other revenues properly applicable to the markets, the slaughterhouses and any such dead meat market, respectively, shall be sufficient to meet the expenditure of the Corporation in connection with the markets, the slaughterhouses and any such dead meat market, respectively, taking one year with another.

45. The provisions of paragraph (a) of subsection (2) and subsection (3) of section 8 of the Act of 1954 shall apply with respect to any dead meat market provided by the Corporation as they apply with respect to the slaughterhouses.

PART IV

—cont.

Charges in respect of dead meat market.

46. There shall be credited to the common good during each financial year from the rates and revenues of the slaughterhouses the sum of one thousand pounds being the annuity referred to in the repealed Acts.

Contribution to common good from slaughterhouses revenues.

47. The Corporation shall keep accounts, to be called "the markets account" and "the slaughterhouses account", respectively, to which shall be carried and credited in each financial year the whole revenues of and incidental to the markets undertaking and the slaughterhouses undertaking, respectively, and out of which shall be defrayed all expenditure for the purposes of the markets undertaking and the slaughterhouses undertaking, respectively.

Markets and slaughterhouses accounts.

48.—(1) The Corporation shall show in separate sections of the slaughterhouses account the revenue and expenditure in connection with—

Special provisions as to slaughterhouses accounts.

(a) the slaughterhouses; and

(b) any dead meat market provided by them.

(2) The contribution of one thousand pounds referred to in section 46 (Contribution to common good from slaughterhouses revenues) of this Order shall be charged to the slaughterhouses section of the account.

(3) The sums received for the blood, dung and refuse in the slaughterhouses (specifically excluding the hoofs, spurs, glands, gut and fearn) shall be carried to the credit of the slaughterhouses account.

49. The markets account and the slaughterhouses account shall be kept along with and as part of the common good account.

Markets and slaughterhouses accounts to be kept as part of common good account.

PART V

PUBLIC LIGHTING

A. Definitions, vesting, etc., for purposes of Part V of Order

50. In this Part of this Order—

Definitions for Part V of Order.

"common stair" means any stair or passage in a building giving access to two or more dwelling-houses and used in common by the occupiers thereof;

"lighting equipment" includes lamps, lanterns, lamp-posts, standards, lamp-brackets, cables, pipes, wires, burners and switches and other control apparatus;

"occupiers" in relation to any common stair means the occupiers of all dwelling-houses or other premises to which there is access by such common stair;

PART V
—cont.

“street lighting equipment” means lighting equipment used or intended for use for the lighting of streets and other public places;

“structure” includes any building, wall, railing or fence and any bridge or aqueduct over a street.

Vesting of
lighting
undertaking.

51. The lighting undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

B. Lighting of streets, etc.

Streets, etc.,
to be lit by
Corporation.

52. The Corporation shall, to such extent and in such manner as they consider appropriate, light, or cause to be lit—

(a) the streets; and

(b) any other public places which they consider should be lit at the public expense;

and for that purpose they shall provide, instal and maintain such street lighting equipment as may be requisite.

Installation of
street lighting
equipment.

53. Subject to the provisions of this Part of this Order, the Corporation may—

(a) instal street lighting equipment in any street or other public place; and

(b) affix street lighting equipment to any structure abutting on or adjoining any street or other public place.

Power to
provide
illuminations,
floodlights, etc.

54.—(1) The Corporation may, in, on, over or in proximity to—

(a) any public park;

(b) the seashore;

(c) any land or premises belonging to the Corporation; or

(d) (with the consent of the owner) any other land or premises;

provide or arrange for the provision of floodlights, flashlights or other illuminations.

(2) The Corporation may illuminate any street name.

(3) The Corporation may provide, instal and maintain such lighting equipment as may be necessary for the exercise of their powers under this section.

(4) The Corporation shall not continue any illumination under this section which, in the opinion of the transport commission, hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway.

C. Lighting of common stairs, etc.

Corporation
may light
common stairs.

55.—(1) The Corporation may, to such extent and in such manner as they may consider appropriate, light common stairs or cause them to be lit and for that purpose they may—

(a) provide, instal, maintain, renew and alter lighting equipment in common stairs; and

(b) make arrangements for the lighting and extinguishing of the lamps.

(2) For the purposes of this section any duly authorised officer of the Corporation shall be entitled to require and shall have access to common stairs at all times.

(3) The Corporation may continue to light any stairs lit by them at the commencement of this Order notwithstanding that such stairs are not common stairs.

56. The Corporation may, for the purpose of lighting any common stair, affix lighting equipment to the outside of the building in which such common stair is situated or to the outside of any adjoining building.

Lighting equipment for common stairs may be affixed to outside of buildings.

57. The Corporation may make arrangements with the owners and occupiers of any building in the occupation of more than one occupier for the lighting of any stair or passage in such building used in common by the occupiers of the building (not being a common stair which the Corporation are authorised to light in pursuance of section 55 (Corporation may light common stairs) of this Order) and for that purpose they may, on such terms and conditions as may be agreed—

Lighting of certain stairs and passages used in common.

- (a) provide, instal, maintain, renew and alter such lighting equipment as may be requisite; and
- (b) make arrangements for the lighting and extinguishing of the lamps.

D. General

58.—(1) For the purpose of the exercise of their powers under this Part of this Order, the Corporation may—

Power to break open streets for installation of lighting equipment.

- (a) break open the carriageway and footways of any street, and of any bridge carrying a street, and any cellar or vault below any street, and any sewer, drain or tunnel in or under any such carriageway or footway; and
- (b) remove the soil or other materials in or under any such carriageway or footway.

(2) The provisions of Part I of the Third Schedule to the Act of 1946 shall, with any necessary adaptations and modifications, extend and apply to the Corporation in respect of the exercise of the powers conferred on them by this section.

59.—(1) If the owner of any structure to which lighting equipment has been affixed by the Corporation in the exercise of their powers under paragraph (b) of section 53 (Installation of street lighting equipment) or section 56 (Lighting equipment for common stairs may be affixed to outside of buildings) of this Order suffers damage by or in consequence of the affixing of such equipment to such structure, he shall be entitled to compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

As to fixing of lighting equipment to structures.

(2) Where any such lighting equipment has been affixed to a structure under the provisions of paragraph (b) of section 53 (Installation of street lighting equipment) or section 56 (Lighting equipment for common stairs may be affixed to outside of buildings) of this Order, the owner of the structure may, on giving fourteen days' notice to the Corporation, require them at their own expense temporarily to remove such equipment where necessary during any reconstruction or repair of the structure.

PART V
—cont.Restrictions on
installation of
lighting
equipment.

60.—(1) The Corporation shall not, without the consent of the transport commission, affix lighting equipment to any structure of the transport commission or instal lighting equipment so as to affect any works of the transport commission:

Provided that the consent of the transport commission under this subsection shall not be unreasonably withheld and any question as to whether or not consent is unreasonably withheld shall be determined by arbitration.

(2) Lighting equipment shall be so constructed, maintained and used by the Corporation as to avoid interference with—

- (a) any telegraphic line (as defined in the Telegraph Act, 1878) belonging to or used by the Postmaster General or with telegraphic communication by means of any such line; or
- (b) the working of any wire or line used for the purpose of electric signalling communication on railways or the electrical control of railways.

Recovery of
damage to
lighting
equipment.

61.—(1) If any person negligently or otherwise damages any lighting equipment installed by the Corporation the expenses reasonably incurred by the Corporation in making good such damage may be recovered by them from such person.

(2) Where any such damage has been caused by a vehicle, the expenses reasonably incurred by the Corporation in making good such damage may be recovered by them from either the driver or (unless such vehicle was being driven without his consent) the owner of the vehicle.

PART VI

PUBLIC CLEANSING

Vesting of
cleansing
undertaking.

62. The cleansing undertaking as it exists at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Cleansing and
watering of
streets.

63.—(1) The Corporation shall, so far as is reasonably practicable, collect and remove all street refuse from the streets and keep the streets properly swept and cleansed.

(2) The Corporation may cause all or any of the streets to be watered as often as they think proper.

Disposal of
refuse.

64. Subject to the provisions of this Part of this Order, the Corporation shall make or cause to be made provision for the collection and disposal or treatment of domestic refuse.

Buildings and
works for
cleansing
undertaking.

65. The Corporation may, for the purposes of this Part of this Order, continue, provide, maintain, alter, improve and enlarge depots, garages, incinerators, destructors, separators, workshops and other works.

66. The Corporation may make arrangements with—

- (a) shopkeepers;
- (b) occupiers of factories or business premises;
- (c) occupiers of gardens; and
- (d) other persons;

PART VI
—cont.

Trade refuse.

for the collection, removal and disposal of trade refuse, manure and soot at such times and on such terms and conditions as the Corporation may determine.

67. The Corporation may make or cause to be made provision for the collection, disposal and treatment of food waste and waste paper and they may provide bins and other apparatus for the separate collection of such food waste and waste paper.

Collection and disposal of waste food and waste paper.

68.—(1) The Corporation may provide and maintain or cause to be provided and maintained for all premises sufficient refuse bins for the reception of domestic refuse and such provision may be made for the city or for any part thereof in one or other of the following ways:—

Refuse bins.

- (a) the Corporation may themselves provide and maintain such refuse bins and the expenses incurred by them in so doing shall be paid out of the burgh fund; or
- (b) the Corporation may by notice (which notice shall specify the number, type, size and construction of the refuse bins and the position on the premises where such refuse bins shall be placed) require the occupiers of premises to provide and maintain and from time to time renew such refuse bins; or
- (c) the Corporation may themselves provide and maintain such refuse bins and make in respect of each refuse bin so provided by them an annual charge not exceeding ten shillings or such greater sum as the Secretary of State may allow, which charge shall be recoverable by the Corporation from the occupier of the premises for which such refuse bin is provided.

(2) If any person fails—

- (a) to comply with any requirement under paragraph (b) of the preceding subsection; or
- (b) to maintain in good order and condition any refuse bin which under the said paragraph he has been required to provide; or
- (c) to renew any such refuse bin when worn out by a new refuse bin of a material, size and construction approved by the Corporation;

the Corporation may provide such refuse bin or such new refuse bin as may be required and the expenses of such provision shall be recoverable by the Corporation from the person in default.

69. The Corporation may provide bins or other receptacles for the reception or deposit of litter—

Bins for litter.

- (a) in any street; and
- (b) in any open space, park or recreation ground belonging to or maintained by them; and
- (c) with the consent of the owner, on any other land to which the public have access.

PART VI

—cont.

Refuse, etc.,
vested in
Corporation.

70. All domestic refuse, trade refuse, food waste, waste paper, manure, soot, street sweepings and other materials collected by or delivered to the Corporation shall be vested in the Corporation and the Corporation may sell or otherwise dispose of or convert or use the same in such manner as they may think fit.

Cleansing
byelaws.

71. The Corporation may, from time to time, make byelaws for all or any of the following purposes:—

- (a) (i) prohibiting or regulating the accumulation of domestic refuse, trade refuse, manure or other refuse in ashpits or other receptacles or in refuse chutes, storage containers and container chambers;
- (ii) requiring the removal by the occupiers of premises of the contents of such receptacles, chutes, containers and container chambers at such intervals and during such times as may be prescribed;
- (iii) requiring such receptacles, chutes, containers and container chambers to be cleansed by the occupiers of premises and to be kept by them in a seemly manner free from nuisance, annoyance or objection;
- (b) regulating the time and mode of removal of domestic refuse and other offensive matters or things;
- (c) requiring the removal of snow from footways by the occupiers of houses or buildings or otherwise.

PART VII

PUBLIC HEALTH AND SANITATION

A. *General sanitation and cleanliness*Courts and
closes to be
whitewashed.

72. The Corporation may, by notice, require the owners to white-wash at such times as the Corporation may determine the walls and roofs of all closes and the walls of all open courts from the pavement up to the highest part of the dwelling-house or building and the walls of all areas below the pavement level.

Areas, etc., to
be cleansed by
occupiers.

73.—(1) All private courts, yards, areas and other places and roofs of outbuildings therein shall be kept in a clean state by the occupiers of such courts, yards, areas or other places or outbuildings respectively and if any such courts, yards, areas or other places or roofs are not kept in a clean state the occupiers thereof or such of them as are in default shall be guilty of an offence under this Order.

(2) For the purpose of this section "occupiers" includes all persons having a right to use such courts, yards, areas or other places or outbuildings.

(3) The Corporation, in special circumstances of which they shall be the sole judges, may cleanse any such courts, yards, areas or other places or roofs and charge the expense thereof to the burgh fund and if the property is unoccupied they may charge such expense to the owner.

74.—(1) The owners of—

- (a) premises in or entering or having access from common stairs;
- (b) lobbies, basements, water-closets, drying rooms and wash-houses used in common; and
- (c) common ventilating shafts and lift shafts;

PART VII

—cont.

Common stairs, etc., to be cleansed by owners.

shall keep such common stairs, lobbies, basements, water-closets, drying rooms, wash-houses, ventilating shafts and lift shafts in good repair and shall, as often as may be required by the Corporation, repair, cleanse and limewash or paint the same and all roof-lights, fan-lights and windows pertaining thereto in such manner and within such time as may be required by the Corporation.

(2) Any such owner failing to comply with any requirement of the Corporation under this section shall be guilty of an offence under this Order.

75. The Corporation may make byelaws for all or any of the following purposes:—

- (a) regulating the sweeping and washing by the tenants in rotation of common stairs and of lobbies, basements, areas, drying rooms, wash-houses, sinks and water-closets used in common;
- (b) keeping common stairs and such lobbies, basements and areas clear of obstruction; and
- (c) the cleansing by owners of unoccupied cellars.

Byelaws as to sweeping and washing, etc., of common stairs, etc.

76.—(1) The Corporation may shut up wholly or partially any closes, passages or places which, in their opinion, are being so used as to be detrimental to public health or offensive to decency.

Closes, etc., detrimental to public health, etc.

(2) In shutting up any such closes, passages or places wholly or partially the Corporation shall not interfere with any private right of access.

77.—(1) A person shall not have in any street any midden stead or other receptacle for the accumulation of manure or other refuse without the consent of the Corporation, and the sanitary inspector, or other authorised officer of the Corporation, may regulate and limit the time within which midden steads and other receptacles for manure or other refuse shall be emptied and cleaned out and may order the removal of such accumulation at such intervals as he may fix.

Midden steads, etc., to be cleaned out.

(2) Any person who forms any midden stead or other receptacle in contravention of the provisions of this section, or who fails to empty and clean out any midden stead or other receptacle for manure or other refuse within the time so limited, shall be guilty of an offence under this Order and any such manure or other refuse shall be liable to forfeiture and may be removed and disposed of by an authorised officer of the Corporation.

78.—(1) The Corporation may, by notice, require the owner of any premises to which this section applies to provide such water-closets, urinals and wash-hand basins as may be specified in the notice in such position in such premises or on land or premises belonging to such owner adjacent to such premises and within such period as may be specified in the notice.

Power to require sanitary conveniences, etc., at hotels, etc.

PART VII
—cont.

(2) The owner of any premises to which this section applies in or for which water-closets, urinals or wash-hand basins have been provided in pursuance of subsection (1) of this section or otherwise shall maintain such water-closets, urinals or wash-hand basins in good order and repair.

(3) The occupier of any premises to which this section applies in or for which water-closets, urinals or wash-hand basins have been provided in pursuance of subsection (1) of this section, or otherwise, shall at all times keep such water-closets, urinals or wash-hand basins in a clean condition and, in particular, shall cleanse the same once at least during each day that the premises in or for which such water-closets, urinals or wash-hand basins have been provided are open.

(4) If the owner of any premises on whom a notice under subsection (1) of this section has been served alleges that any tenant or occupier of the premises to which the notice relates should bear or contribute to the expenses of complying with any requirement of any such notice he may apply to the sheriff and the sheriff, after giving such tenant or occupier an opportunity of being heard, may make such order as appears to him just and equitable in all the circumstances of the case.

(5) The Corporation may, by notice, require the owner or tenant or occupier of any premises to which this section applies to remove any water-closet or urinal pertaining to such premises which is so situated or constructed or is in such a condition as to be a nuisance or offensive to public decency or otherwise objectionable.

(6) Any person aggrieved by any requirement of any notice under subsections (1) or (5) of this section may appeal to the sheriff.

(7) (a) Any person failing to comply with a notice under subsections (1) or (5) of this section shall be guilty of an offence under this Order.

(b) Any person failing to comply with the requirements of subsections (2) or (3) of this section shall be guilty of an offence under this Order.

(8) This section applies to any premises used as—

- (a) an hotel or restaurant, not being premises in respect of which a certificate for the sale of exciseable liquor under Part II of the Licensing (Scotland) Act, 1959, is in force; or
- (b) a public building, not being premises in respect of which a licence under head A (Places of public entertainment) of Part IX (General licensing provisions) of this Order or a licence under the Cinematograph Acts, 1909 and 1952, is in force.

B. Hairdressers and barbers

Hairdressers
and barbers to
be registered.

79.—(1) A person shall not by himself or any other person carry on the business of a hairdresser or barber in any premises occupied by him unless he is registered by the Corporation in respect of such premises.

(2) Any person who makes an application for registration in respect of any such premises shall, subject as hereinafter provided, be registered in respect of such premises in a register to be kept by the Corporation for the purpose and the Corporation shall issue to such person a certificate of registration specifying the premises in respect of which he is registered.

(3) (a) The Corporation shall refuse to register any person in respect of any premises only if such premises are not suitable or adequate for the purpose of carrying on the business of a hairdresser or barber.

(b) Any person aggrieved by any refusal of the Corporation to register any premises under this section may appeal to the sheriff.

(4) The Corporation may charge a fee, not exceeding one pound, in respect of each application for registration under this section.

(5) Any person who carries on business as a hairdresser or barber in any premises in respect of which there is not in force a certificate of registration under this section shall be guilty of an offence under this Order.

(6) (a) A person registered under this section shall keep a copy of—

(i) his certificate of registration; and

(ii) any byelaws made under section 80 (Byelaws as to hairdressers and barbers) of this Order or under the corresponding provisions of the repealed Acts and for the time being in force;

displayed in a conspicuous position in the premises in respect of which he is registered.

(b) Any person acting in contravention of any provision of this subsection shall be guilty of an offence under this Order.

80. The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under section 79 (Hairdressers and barbers to be registered) of this Order or under the corresponding provisions of the repealed Acts and of the instruments, towels, materials and equipment used therein; and

Byelaws as to hairdressers and barbers.

(b) the cleanliness of persons employed in such premises in regard to themselves and their clothing.

81.—(1) On conviction of any person registered under section 79 (Hairdressers and barbers to be registered) of this Order, or under the corresponding provisions of the repealed Acts, of a contravention of any byelaws made under section 80 (Byelaws as to hairdressers and barbers) of this Order, or under the corresponding provisions of the repealed Acts and for the time being in force, the court may (in lieu of or in addition to imposing a penalty) order the suspension of the registration of such person for a period not exceeding twelve months.

Power of court to suspend registration of hairdressers and barbers.

(2) Where the registration of any person is suspended as aforesaid such person shall within seven days deliver up to the town clerk his certificate of registration and if he fails to do so he shall be guilty of an offence under this Order.

PART VII
—cont.As to
common
lodging-houses.

C. Common lodging-houses

82. In Part V of the Act of 1897 in its application to the city and in this head of this Part of this Order—

(a) the expression “common lodging-house” shall—

(i) mean a house, or part thereof, in which any person is lodged by the night at a rate not exceeding four shillings and sixpence per night for each person, or such greater or less sum as the Corporation with the approval of the Secretary of State shall from time to time prescribe, whether the same is payable nightly or weekly or at any period not longer than a fortnight; and

(ii) include all boarding-houses for seamen irrespective of the rates charged for lodgings or boarding;

(b) the expression “keeper of a common lodging-house” shall mean the occupier of such common lodging-house who lodges such person; and

(c) the word “lodger” shall mean any person so lodged.

Registration
of common
lodging-houses
in classes.

83. The Corporation may require that common lodging-houses shall be registered in classes or for persons of the same sex.

D. Farmed-out houses

Amendment of
section 72 of
Act of 1897 in
relation to
farmed-out
houses.

84. Section 72 of the Act of 1897, in its application to the Corporation and to the city, shall apply and have effect as if—

(a) the matters set out in subsection (1) thereof, so far as relating to the making and enforcing of byelaws with respect to farmed-out houses, included the following:—

(i) the keeping and well ordering of farmed-out houses;

(ii) enforcing sufficient lighting and ventilation of farmed-out houses and the cleanliness of all fittings and furnishings including bedding therein;

(iii) securing by the owner, tenant, sub-tenant or other person having or acting in the care or management of a farmed-out house (hereinafter referred to as the “keeper of a farmed-out house”) the sweeping and washing of the common stairs and lobbies leading to the farmed-out house in the care or management of such owner, tenant, sub-tenant or other person and the cleansing of the water-closets for the common use of the persons occupying such farmed-out house;

(iv) prohibiting the placing of gates or other obstructions in or on the common stairs and lobbies leading to any farmed-out house;

(v) supplying and maintaining by the keeper of a farmed-out house of necessary fittings and fixtures for such farmed-out house;

(vi) requiring the keeper of a farmed-out house to furnish such farmed-out house with sufficient bedding, bed-clothes and kitchen utensils to a minimum standard of domestic comfort and to keep the same at that standard;

(vii) fixing the hours for letting purposes and the minimum period for which a farmed-out house may be let;

(viii) prohibiting the keeper of a farmed-out house from permitting any person to occupy any apartment or room to which entry can be had only from or through another apartment or room let to a different family or person;

(ix) prohibiting persons under eighteen years of age residing in farmed-out houses unless they so reside with their parents or guardians; and

(x) requiring the keepers of farmed-out houses to keep a register of the names and occupations of the persons occupying every farmed-out house in their care or management and to keep such register open to inspection by the medical officer, or the sanitary inspector, or any officer duly authorised by the Corporation, for the purpose; and

(b) in subsection (2) thereof for the words “to houses of one or two apartments taken on lease by any person and let or rented to several occupiers for limited periods as furnished apartments” there were substituted the words “any building or dwelling-house, or any part thereof, or any apartment therein, which is used or let or rented as one or more separate furnished dwelling-houses or apartments in respect of which the medical officer and the sanitary inspector have certified to the Corporation that such building, or dwelling-house, or part thereof, or apartment therein, either from its construction or condition, or the manner in which it is or is proposed to be used, requires special supervision in the interests of public health and sanitation.”

85.—(1) A person who is under the age of twenty-one years shall not be the keeper of a farmed-out house.

Age of keeper
of farmed-out
house.

(2) For the purposes of this section the expression “keeper of a farmed-out house” and “farmed-out house” shall have the same respective meanings as in section 72 of the Act of 1897 as amended in its application to the Corporation and to the city by the preceding section of this Order.

E. Verminous persons and filthy or verminous premises and articles

86. In this head of this Part of this Order—

Definitions
for head E
of Part VII of
Order.

“dealer” means a person who trades or deals in any household article;

“household article” means an article of furniture, bedding or clothing or any similar article;

“preparation for sale” shall not include disinfestation;

“vermin” in its application to insects and parasites includes their eggs, larvae and pupae and “verminous” shall be construed accordingly.

PART VII
—cont.Cleansing of
filthy or
verminous
premises.

87.—(1) Where it appears to the medical officer, or the sanitary inspector, that any premises other than a factory within the meaning of the Factories Act, 1937—

(a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(b) are verminous;

the medical officer, or the sanitary inspector, shall, by notice in writing, require the occupier of the premises (or if the premises are unoccupied the owner) to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them and by either—

(i) distempering or whitewashing the interior surface thereof; or

(ii) in the case of premises used for human habitation, or as shops, or offices, papering or painting the said interior surface;

and the notice may require, among other things, the removal of wall-paper or other covering of the walls and, in the case of verminous premises, the taking of such further steps as may be necessary for removing or destroying vermin, including the disinfestation or destruction of any household article.

(2) If a person fails to comply with a notice under this section within such period as may be specified in the notice (not being less than forty-eight hours) he shall be guilty of an offence under this Order.

(3) Where the occupier of any premises in respect of which a notice might be served under the provisions of subsection (1) of this section is unable through infirmity or mental incapacity to remedy the condition of the premises and his health is thereby endangered the sheriff may, on the application of the Corporation (who shall give the occupier seven days' notice of their intention to make such application), make an order for the removal of such occupier to an institution or other dwelling maintained by the Corporation for such period as the sheriff may by such order direct as being necessary to enable the Corporation to take such steps as may be necessary for cleansing and disinfecting the premises, including the disinfestation or destruction of any household article therein, and the Corporation may remove such occupier and may carry out such cleansing and disinfecting as may be necessary:

Provided that upon the completion of such cleansing and disinfecting the Corporation shall make provision for the return of such occupier to the premises.

Cleansing of
verminous
persons and
clothing.

88.—(1) Where it appears to the Corporation upon a report from the medical officer, or the sanitary inspector, that any person, or the clothing of any person, is verminous and such person consents to be removed to a cleansing station or to other premises where the cleansing of his person or clothing may be carried out they may cause such person to be removed to a cleansing station or such other premises and cleansed as to his person and clothing.

(2) If such person does not so consent the Corporation may apply to the sheriff and the sheriff, if satisfied that it is necessary that such person or his clothing should be cleansed, may make an order for the removal of such person to a cleansing station or such other premises

and for his detention therein for such period, and subject to such conditions as may be specified in the order, to enable him to be cleansed as to his person and clothing.

PART VII
—cont.

(3) The cleansing of females under this section shall be carried out only by a registered medical practitioner or by a woman duly authorised by the medical officer.

(4) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.

(5) A charge shall not be made in respect of the cleansing of a person or his clothing or in respect of his removal to or maintenance in a cleansing station or such other premises under this section.

89.—(1) A dealer shall not—

- (a) prepare for sale; or
- (b) sell or offer or expose for sale; or
- (c) deposit for sale or preparation for sale;

Prohibition of
sale of
verminous
articles.

any household article if it is, to his knowledge, verminous or if by taking reasonable precautions he could have known it to be verminous.

(2) If any household article which is verminous is on any premises—

- (a) being prepared or offered by a dealer for sale; or
- (b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale;

the medical officer, or the sanitary inspector, may cause the article to be disinfested or destroyed as the case may require and, if necessary for that purpose, to be removed from the premises and the Corporation may recover from the dealer the expenses incurred by them in taking any action under this subsection.

(3) Any person acting in contravention of any provision of subsection (1) of this section shall be guilty of an offence under this Order.

F. Public conveniences

90. The public conveniences vested in the Corporation at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Vesting of
public
conveniences.

91.—(1) (a) The Corporation may continue, provide and maintain public conveniences in or under any street or in any other suitable place and may use the solum of any street for such purposes.

Provision of
public
conveniences.

(b) The Corporation may provide mobile public conveniences and may purchase, adapt, equip and maintain such vehicles as may be requisite for that purpose.

(2) Nothing in this section shall empower the Corporation to interfere with, or render less convenient the access to, or exit from, any station or depot of the transport commission or of any operators of public service vehicles.

92.—(1) The Corporation may make byelaws as to the conduct of persons using or entering public conveniences.

Byelaws as to
public
conveniences.

(2) Any such byelaws may be made so as to apply only to such public conveniences as may be specified in the byelaws and may contain different provisions for different public conveniences.

PART VII
—cont.Charges for
use of public
conveniences.As to public
conveniences
to be erected
in Queen
Street Gardens.

93. The Corporation may make such charges as they think fit for the use of any public conveniences other than urinals.

94.—(1) Notwithstanding anything in the Act 3 Geo. 4 Chapter xxviii (being “An Act for regulating, maintaining, and improving the Premises in the City of Edinburgh, termed Queen Street Gardens, and for effecting certain other Improvements in the Vicinity thereof, and connected therewith”), the Corporation may erect public conveniences on the area of ground formerly forming part of the Queen Street Gardens vested in the Corporation in terms of the Disposition granted by the General Commissioners of Queen Street Gardens as trustees for behoof of the proprietors of the Eastern District thereof in favour of the Corporation dated the thirtieth day of April and subsequent dates and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on the twenty-seventh day of June all in the year nineteen hundred and fifty-six.

(2) Unless otherwise agreed between the Corporation and the Commissioners appointed and acting in pursuance of the said Act 3 Geo. 4 Chapter xxviii, any such public conveniences shall be erected in accordance with the plans docketted as relative to warrant of the Dean of Guild Court dated the ninth and extracted the sixteenth both days of March, nineteen hundred and fifty-six.

G. Miscellaneous

Conveyance of
carcasses, etc.

95.—(1) A person shall not carry or convey through any street the carcase or part of the carcase of any animal—

- (a) which is intended for sale for human consumption except in a covered or closed vehicle which is so designed as to be suitable for that purpose and is in a clean condition; or
- (b) in any other case unless the same is so covered as to be wholly hidden from view.

(2) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

Prohibition of
blowing or
inflating
carcasses.

96.—(1) A person shall not—

- (a) blow or inflate the carcase or any part of the carcase of any animal slaughtered within the city;
- (b) bring into the city any carcase or part of a carcase which has been blown or inflated; or
- (c) sell, or offer or expose or deposit for sale, a carcase or any part of a carcase which has been blown or inflated.

(2) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

Byelaws in
respect of
fried-fish
shops.

97. The provisions of section 32 of the Act of 1897, so far as relating to byelaws as to offensive businesses, shall 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 trade in pursuance of the provisions of that Act:

Provided that byelaws made under the powers of this section shall not apply in relation to any premises in which the frying of fish is incidental to general catering purposes.

98.—(1) Every person dealing in rags or bones or in flesh not intended for human consumption or in any offensive substance shall—

PART VII
—cont.

(a) keep the premises in which such articles or substances are deposited at all times in a clean state; and

Offensive
substances.

(b) fumigate such premises with a suitable purifying agent as often as may be necessary for removing offensive smells.

(2) Any person acting in contravention of any provision of the foregoing subsection shall be guilty of an offence under this Order.

(3) The burgh court, if satisfied on the application of the city prosecutor that the collecting or keeping of rags or bones or flesh not intended for human consumption or offensive substances in the vicinity of any dwelling-house, shop or other place is prejudicial to the health or comfort of persons residing or employed therein, may order such rags, bones, flesh or offensive substances to be removed within such time as the court thinks fit and may prohibit such collecting or keeping in future and any person contravening any such prohibition shall be guilty of an offence under this Order.

99. Section 24 (Smokeless zones) of the Edinburgh Corporation Order 1950 shall cease to have effect and the Edinburgh Smokeless Zone Order (No. 1), 1955, made by the Corporation on the first of December, nineteen hundred and fifty-five, and confirmed by the Secretary of State on the twentieth of August, nineteen hundred and fifty-six, shall be deemed to be an order made and confirmed in accordance with the provisions of section 11 of the Clean Air Act, 1956.

As to
smokeless
zones.

100. The Corporation may make byelaws—

(a) for prescribing and regulating the places in which poultry may be kept;

Byelaws as to
keeping of
poultry.

(b) with respect to the construction of poultry houses and runs; and

(c) for prohibiting the keeping of poultry otherwise than in the places prescribed.

PART VIII

SEASHORE

101. Subject to the general guardianship of the Crown under the jus publicum of the public rights attaching thereto, the Corporation may exercise with respect to the seashore the powers conferred on them by this Part of this Order.

Regulation of
seashore.

102.—(1) The Corporation may employ boatmen and other persons for the purpose of protecting persons bathing on or from the seashore and may provide or arrange for the provision of boats.

Protection of
bathers.

(2) (a) A person shall not bathe or attempt to bathe—

(i) on or from any part of the seashore conspicuously indicated by the Corporation by means of posts, warning notices or otherwise as being dangerous for bathing; or

(ii) on or from the seashore at any time during which there are conspicuously displayed, by or under the authority of the Corporation, clear indications that, owing to weather or other conditions, bathing is dangerous.

PART VIII
—cont.

(b) Any person acting in contravention of any provision of this subsection shall be guilty of an offence under this Order.

Byelaws as to
seashore, etc.

103.—(1) The Corporation may make byelaws with respect to the regulation and use of the seashore.

(2) Without prejudice to the generality of the provisions of the preceding subsection, such byelaws may contain provisions—

- (a) prescribing the limits within which persons may bathe;
- (b) preventing any indecent exposure of the persons of bathers;
- (c) regulating the distance at which boats and vessels used for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within such prescribed limits:

Provided that no byelaws affecting the seashore below high-water mark shall come into operation until the consent of the Minister of Transport thereto has been obtained.

Restrictions on
structures, etc.,
and trading
on seashore.

104.—(1) A person shall not, without a permit from the Corporation, on any part of the seashore or on any promenade or esplanade adjacent to the seashore—

- (a) hawk, sell or offer or expose for sale any article or commodity (other than newspapers or periodicals);
- (b) take any photograph by way of trade or business of any person or group of persons;
- (c) for or in expectation of personal reward, sing or play any musical instrument;
- (d) conduct or take part in any entertainment, exhibition or performance;
- (e) let or offer or expose for hire any animal or vehicle;
- (f) let or offer or expose for hire any chair, seat or form;
- (g) erect, place or use any booth, tent, hut, shed, stand, platform or stall or other erection or structure, whether on wheels or not:

Provided that, for the purpose of paragraph (b) of this subsection, the taking of a photograph for press purposes by any duly accredited representative of a newspaper, periodical or news agency, or by any person systematically selling or supplying photographs to newspapers, periodicals or news agencies, shall not be deemed to be the taking of a photograph by way of trade or business.

(2) Any permit granted under this section may be limited as to time and may be granted subject to payment of such charges and to such reasonable conditions as may be specified by the Corporation and subject also to the power of the Corporation for sufficient cause to suspend or revoke it.

(3) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

105.—(1) (a) A person (other than a grantee from the Crown) shall not excavate or remove sand, stone, shingle, gravel or other material from the seashore without a permit from the Corporation.

PART VIII
—cont.

(b) The Corporation may attach to any permit under this section such terms and conditions as they think fit.

Removal of
sand, etc., from
seashore.

(c) Any person acting in contravention of the provisions of this subsection shall be guilty of an offence under this Order.

(2) Nothing in this section shall prejudice or affect the existing rights of United Glass Limited and of the Marriage Contract Trustees of Mr. and Mrs. George Munro Sturrock or their respective successors in the subjects known as the Harbour Green, Portobello (lying between Figgate Burn on the west and a line in continuation seawards of Pipe Street on the east), and pertinents thereof of taking sand from the foreshore, ex adverso the said subjects, for the purposes of any trade or business carried on by them, or either of them, within the said subjects, or at their present glass bottle works at Baileyfield, Portobello, or at any future extension thereof or at any works carried on by them, or either of them in Portobello, or in the county.

(3) Nothing in this section shall—

(a) be in derogation of the provisions of the regulating lease between the Crown Estate Commissioners and the Corporation dated the fifth and twenty-first days of January, nineteen hundred and fifty-six, relating to the foreshore at Portobello and Joppa; or

(b) restrict the taking of minerals by underground workings under the seashore by any person entitled thereto.

106. The Corporation may, on any part of the seashore vested in them, or on any other part of the seashore with the consent of the person having right thereto—

Power to
carry out
works on
seashore.

(a) erect and maintain retaining walls, embankments or other works for the purpose of protecting land from the sea and for levelling up the land enclosed by such retaining walls or embankments;

(b) construct and maintain footpaths, roads and promenades; and

(c) carry out any works for the purpose of preserving and improving amenity.

107. The Corporation may acquire by agreement, whether by way of purchase, feu, lease or excambion, any part of the seashore or any interest therein.

Acquisition
of parts of
seashore.

108.—(1) Nothing in this Part of this Order shall prejudice or affect the rights of—

Savings for
Part VIII of
Order.

(i) the dock commission in relation to the harbour and docks of Leith;

(ii) Granton Harbour Limited in relation to Granton Harbour;
or

PART VIII
—cont.

(iii) the proprietor for the time being of the island in the Firth of Forth known as Cramond Island or Cramond Inch.

(2) Nothing in this Part of this Order shall be in derogation of the provisions of the Coast Protection Act, 1949.

PART IX

GENERAL LICENSING PROVISIONS

A. Places of public entertainment

Definition for head A of Part IX of Order.

109.—(1) In this head of this Part of this Order—

“place of public entertainment” means a theatre, music hall, concert hall, dance hall or other premises to which the public are admitted for valuable consideration for the purpose of being entertained.

(2) For the purposes of this section where any person is required as a condition of being admitted to any premises to purchase any article (whether of food or refreshment or otherwise) his admission to the premises shall be deemed to be for valuable consideration.

Places of public entertainment to be licensed.

110.—(1) (a) Subject to the provisions of this Part of this Order, a person shall not keep or use any premises as a place of public entertainment unless he is the holder of a licence granted by the Corporation in respect of such premises.

(b) Any person acting in contravention of the provisions of this subsection shall be guilty of an offence under this Order.

(2) Without prejudice to the provisions of section 156 (Form and conditions of licences) of this Order, a licence under this section may be granted subject to the condition that it shall have effect only in relation to a specified class of use.

(3) A person who obtains a let of, or is granted permission to use, any premises in respect of which a licence under this section is in force covering the period for which the premises are let to him, or in respect of which such permission is granted, shall not be required to obtain a further licence under this section covering such period in respect of such premises.

(4) The provisions of the Theatres Act, 1843, in so far as it grants power to justices of the peace to license theatres, shall not apply within the city.

As to hours of opening of places of public entertainment.

111.—(1) Premises in respect of which a licence under this head of this Part of this Order is in force shall not, without the consent of the Corporation, be open—

(i) at any time on Sunday; and

(ii) on any other day before ten in the morning or after eleven thirty at night.

(2) Any consent granted by the Corporation under the preceding subsection may be general or limited to specific premises or classes of premises or particular occasions and shall be subject to the condition that it may be revoked by the Corporation at any time.

(3) Any holder of a licence under this head of this Part of this Order acting in contravention of any provision of this section shall be guilty of an offence under this Order.

PART I
—cont

112.—(1) The Corporation may make byelaws with respect to places of public entertainment—

Byelaws for
safety, etc.,
in places of
public
entertainment.

- (a) for the safety and convenience of the public resorting thereto;
- (b) for maintaining order therein; and
- (c) for the prohibition or regulation of smoking therein.

(2) Any such byelaws may be made so as to apply only to such classes of premises as may be specified in the byelaws and may contain different provisions for different classes of premises.

113.—(1) The Corporation may, in respect of any particular occasion, exempt any premises (including premises in respect of which a licence under this head of this Part of this Order is in force) from the provisions of—

Exemption of
premises from
requirements
of public
entertainment
licence or
byelaws.

- (a) this head of this Part of this Order; or
- (b) any byelaws made under section 112 (Byelaws for safety, etc., in places of public entertainment) of this Order;

either without conditions or subject to such conditions as they think fit.

(2) The Corporation may charge a fee not exceeding ten shillings in respect of each application for an exemption under this section.

114. The provisions of this head of this Part of this Order shall not apply in relation to any premises in respect of which a licence under the Cinematograph Acts, 1909 and 1952, is for the time being in force:

Saving for
cinematograph
theatres.

Provided that the provisions of section 111 (As to hours of opening of places of public entertainment) of this Order shall, mutatis mutandis, apply in relation to any such premises as they apply to premises in respect of which a licence under this head of this Part of this Order is in force.

B. Public shows

115. In this head of this Part of this Order—

Definition for
head B of
Part IX of
Order.

“public show” means any place which is for the time being used for providing (whether or not in combination with any other entertainment) any entertainment of the following nature for admission to which or for the use of the contrivances in which a charge is made:—

- (a) circuses;
- (b) exhibitions of persons or of performing animals;
- (c) merry-go-rounds, roundabouts, swings, switchback railways;
- (d) skittle alleys, coco-nut shies, hoop-las, shooting galleries;
- (e) mechanical riding, driving or boating contrivances;
- (f) automatic or other machines intended for entertainment or amusement; and
- (g) anything similar to any of the foregoing.

PART IX

—cont.

Licence for
public shows.

116.—(1) A person shall not open or set up a public show (not being in premises in respect of which there is for the time being in force a licence or exemption granted under head A of this Part of this Order) without a permit from the Corporation.

(2) The provisions of the preceding subsection shall not apply in relation to any public show consisting solely of automatic or other machines intended for entertainment or amusement, not being mechanical riding, driving or boating contrivances:

Provided that the provisions of section 111 (As to hours of opening of places of public entertainment) of this Order shall, *mutatis mutandis*, apply in relation to any such public shows as they apply to premises in respect of which a licence under head A (Places of public entertainment) of this Part of this Order is in force.

(3) Any permit granted under this section—

- (a) may be revoked at any time but otherwise shall be valid for such period as may be specified therein;
- (b) shall be subject to the condition that while it is in force it shall be kept conspicuously exhibited at the public show to which it relates; and
- (c) may be subject to such other reasonable conditions as the Corporation may prescribe, which conditions shall be set out in the permit.

(4) Any person acting in contravention of the provisions of this section shall be guilty of an offence under this Order.

(5) The Corporation may charge a fee not exceeding ten shillings in respect of each application for a permit under this section.

Power to exempt public shows from requirements of head B of Part IX of Order.

117. The Corporation may at any time exempt from the operation of the provisions of this head of this Part of this Order for such period as they may think fit public shows of such classes as they may prescribe.

Application of certain provisions to permanent or semi-permanent shows.

118. Where, in the case of any public show, structures or apparatus of a permanent or semi-permanent character have been or are proposed to be erected or installed, the provisions of the following sections of this Order:—

Section 163 (Restriction on power to revoke, suspend or refuse licences);

Section 164 (Appeals against revocation, etc., of licences); shall, *mutatis mutandis*, apply with reference to any permit granted in respect of any such public show or for which application has been made as if such permit was a licence to which the said sections apply.

Saving for certain entertainments.

119. Nothing in this head of this Part of this Order shall apply in relation to—

- (a) any entertainment which is not run for profit and is not carried on for more than seven consecutive days; or
- (b) any entertainment the profits of which are devoted to a religious or charitable purpose.

C. Billiard rooms

PART IX
—cont.

120.—(1) A person shall not, without a licence from the Corporation, keep or use any premises for the purpose of public billiard playing. Billiard rooms to be licensed.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence under this Order.

(3) This section shall not apply to any premises in respect of which a certificate as an hotel under the Licensing (Scotland) Act, 1959, is in force.

121. The Corporation may make byelaws—

Byelaws
regulating
billiard rooms.

(a) for maintaining order in premises licensed under this head of this Part of this Order; and

(b) for prohibiting or regulating the admission to such premises of persons under the age of seventeen years.

D. Pleasure boats

122.—(1) A person shall not, without a licence from the Corporation, let any pleasure boat for hire or use any pleasure boat for carrying passengers for reward from the seashore or from any esplanade, pier, jetty or harbour. Pleasure boats to be licensed.

(2) Any person who lets or hires or carries or permits to be carried passengers for reward in any pleasure boat, unless he is the holder of a licence under this head of this Part of this Order in respect of such pleasure boat, shall be guilty of an offence under this Order.

(3) Nothing in this section shall make it an offence for any person to use a pleasure boat for carrying passengers for reward if there is in force in respect of it a licence or other authorisation granted by another local authority and all the passengers are embarked at a place within the area of that other authority.

123.—(1) A person to whom a licence under this head of this Part of this Order has been granted shall, before permitting any pleasure boat specified in such licence to be let for hire or used for carrying passengers for reward, paint or cause to be painted in letters and figures not less than one inch in height and three-quarters of an inch in breadth on a conspicuous part of the said boat his own name and also the number of persons which it is licensed to carry in the form "Licensed to carry . . . persons". As to number of persons to be carried on pleasure boats.

(2) (a) A person to whom a licence under this head of this Part of this Order has been granted shall not carry or permit to be carried in any pleasure boat let for hire or used for carrying passengers for reward a greater number of persons (including the crew) than is specified in the licence in respect of such boat.

(b) A person to whom a pleasure boat licensed under this head of this Part of this Order has been let for hire shall not carry or permit to be carried therein a greater number of persons than the number painted on such boat in accordance with the provisions of the preceding subsection.

(3) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

PART IX
—cont.Savings for
certain boats.

124. The provisions of this head of this Part of this Order shall not have effect in relation to—

- (a) any boat being operated as a ferry boat under the control of any statutory undertakers; or
- (b) any boat duly licensed by or under any regulation of the Minister of Transport.

*E. Cabs**Definitions*Definitions
for head E
of Part IX
of Order.

125. In this head of this Part of this Order—

“ authorised fare ” in relation to any journey means the maximum fare authorised to be charged for the hire of a taxi-cab for such journey;

“ cab ” means every motor vehicle used or intended to be used for the carriage of passengers for hire or reward and includes any motor vehicle kept by the owner in any premises for the purpose of being let out for hire with a driver but does not include—

- (a) any motor vehicle kept for the purpose of being let out for hire for the day, or any longer period, or kept by any person in connection with any business carried on by him as funeral director or undertaker and used wholly or partly in connection with such business; or

- (b) a public service vehicle;

“ cab byelaws ” means any byelaws made under section 135 (Byelaws for regulating cabs and drivers of cabs, etc.) of this Order, or under the corresponding provisions of the repealed Acts, and for the time being in force;

“ cab licence ” means a licence granted under section 126 (Cab licences) of this Order;

“ cab driver’s licence ” means a licence granted under section 128 (Cab drivers’ licences) of this Order;

“ private hire cab ” means a cab kept for the purpose of being let out for hire with a driver.

“ taxi-cab ” means a cab used for standing or plying for hire in the streets;

Licensing of cabs and drivers

Cab licences.

126.—(1) The Corporation may grant a licence to any person whom they think fit to operate such motor vehicle as may be specified in the licence as—

- (a) a taxi-cab; or
- (b) a private hire cab.

(2) A licence under this section shall not be granted to an individual person under the age of twenty-one years.

(3) Without prejudice to any other ground on which a licence to operate a motor vehicle as a taxi-cab may be refused, the Corporation

may refuse to grant a licence under paragraph (a) of subsection (1) of this section if, in their opinion, there is already a sufficient number of motor vehicles being operated as taxi-cabs to meet the needs of the city.

PART IX
—cont.

127.—(1) Any person who stands or plies for hire in any street with any motor vehicle shall, unless he is the holder of a licence to operate such vehicle as a taxi-cab under this head of this Part of this Order, or is acting as driver of such vehicle in the course of his employment with the holder of such licence, be guilty of an offence under this Order.

Penalty for using unlicensed vehicle as a cab.

(2) Any person who carries passengers for hire or reward in any motor vehicle (not being a public service vehicle) shall, unless he is the holder of a licence to operate such vehicle as a taxi-cab or a private hire cab under this head of this Part of this Order, or is acting as driver of such vehicle in the course of his employment with the holder of such licence, be guilty of an offence under this Order.

(3) Nothing in this section shall make it an offence for any person to carry passengers for hire in a motor vehicle within the city on any journey if the journey originated within the area of another local authority.

128.—(1) The Corporation may grant a licence to any person whom they think fit to act as a driver of a cab.

Cab drivers' licences.

(2) A licence under this section shall not be granted to any person under the age of twenty-one years:

Provided that the provisions of this subsection shall not apply in relation to any person holding a licence under section 9 (Drivers of cabs to be licensed) of the Edinburgh Corporation Order, 1950, immediately before the commencement of this Part of this Order.

(3) The Corporation may require any applicant for a cab driver's licence—

- (a) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a cab; and
- (b) (whether or not such a certificate has been produced) to submit to examination by a registered medical practitioner selected by the Corporation as to his physical fitness to be the driver of a cab.

129.—(1) The cab driver's licence of any driver who, during the currency of such licence, is convicted in any court in the United Kingdom of—

Forfeiture of cab drivers' licences.

- (a) any offence inferring dishonest appropriation of property;
- (b) any offence inferring personal violence;
- (c) any offence inferring indecency; or
- (d) culpable homicide or a contravention of sections 1, 2 or 6 of the Act of 1960 involving the cab of which such driver is in charge;

PART IX
—cont.

shall, without any declarator to that effect by the Corporation, become forfeited immediately upon such conviction and such licence shall not be of any effect for the purposes of this Order.

(2) Any such driver shall return such licence to the town clerk within forty-eight hours of such forfeiture and if he fails to do so without reasonable cause (the onus of proving which shall rest upon such driver) he shall be guilty of an offence under this Order.

(3) A copy of this section or a note of the effect thereof shall be endorsed on each cab driver's licence.

Penalty in
case of cab
driver acting
without licence.

130.—(1) A person shall not stand or ply for hire with or carry passengers for hire in a cab unless he is the holder of a cab driver's licence and a person shall not employ or cause or permit to stand or ply for hire with or carry passengers for hire in a cab any person who is not the holder of a cab driver's licence.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence under this Order.

Fares for taxi-cabs

Fares for
taxi-cabs.

131.—(1) The fares and charges for the hire of taxi-cabs (including the carriage of luggage therein) shall be such as may be fixed from time to time by the Corporation.

(2) Before fixing or varying any such fares or charges the Corporation shall—

- (a) consult with such persons or organisations as appear to them to be representative of a substantial number of the holders of taxi-cab licences; and
- (b) give notice of their intention by advertisement in one or more newspapers circulating in the city, which notice shall state the general effect of the proposals, that any person who desires to do so may lodge representations in writing with respect to the said proposals with the town clerk and stating the time within which such representations must be lodged (not being earlier than fourteen days after the first advertisement).

(3) Where the Corporation, after consultation as aforesaid and after considering any representations lodged as aforesaid, fix or vary any such fares or charges they shall give notice by advertisement in one or more newspapers circulating in the city specifying—

- (a) details of the fares and charges so fixed or varied; and
- (b) the date on which such fares or charges shall come into operation.

(4) Notwithstanding the repeal of the repealed Acts, the fares and charges for the hire of cabs authorised by the cab byelaws shall continue in operation in respect of taxi-cabs until the Corporation have fixed fares and charges for the hire of taxi-cabs under the powers of this section and such fares and charges shall have come into

operation, and, on the coming into operation of such fares and charges, so much of the cab byelaws as relates to the amount of the fares and charges for the hire of mechanically propelled cabs shall cease to have effect.

PART IX
—cont.

132.—(1) Any holder of a cab licence in respect of a taxi-cab and any driver of a taxi-cab who—

Authorised
or agreed fare
not to be
exceeded.

- (a) demands or takes as a fare a greater sum than the authorised fare; or
- (b) having agreed beforehand with any person hiring such cab to charge for such hire a sum less than the authorised fare, demands or takes as a fare more than the sum so agreed upon;

shall be guilty of an offence under this Order.

(2) A person shall not be bound by any agreement whatever made with the driver, or with any person having or pretending to be in charge of any taxi-cab, for the payment of a fare in excess of the authorised fare and any person who has made such an agreement may refuse to pay any sum beyond the authorised fare.

133. Any person who, on completion of the hire of a taxi-cab in respect of which a licence under this head of this Part of this Order is in force, refuses to pay—

Penalty on
persons
refusing to
pay fare.

- (a) the authorised fare; or
- (b) any fare less than the authorised fare agreed beforehand with the holder of the cab licence or driver of the cab;

shall be guilty of an offence under this Order.

Stances for taxi-cabs

134.—(1) The Corporation may appoint stances in streets for taxi-cabs and regulate the use of any such stance.

Stances for
taxi-cabs.

(2) Nothing in this section shall empower the Corporation to appoint or to regulate the use of any such stance so as unreasonably to prevent access to any premises.

(3) Notwithstanding the repeal of the repealed Acts, the stances for cabs fixed in pursuance of the existing cab byelaws shall be deemed to have been appointed under this section and, subject to the provisions of section 259 (Saving from effect of repeal) of this Order, the said byelaws shall continue to apply with respect thereto accordingly.

(4) The Corporation may mark out on the surface of any street in such manner as they think fit the stances for taxi-cabs appointed, or deemed to have been appointed, by them under this section.

Byelaws

135.—(1) The Corporation may make byelaws for all or any of the following purposes:—

Byelaws for
regulating
cabs and drivers
of cabs, etc.

(a) regulating the type, construction, equipment, cleanliness, maintenance, examination, inspection and operation of cabs and the age in excess of which motor vehicles shall not be licensed as cabs;

(b) regulating the numbering of taxi-cabs and the issue and display of plates indicating such numbers and fixing the charges for the use of such plates;

PART IX
—cont.

- (c) requiring that every taxi-cab shall be equipped with a taximeter or similar apparatus and regulating the fixing and testing of each such taximeter or other apparatus and prohibiting interference with any such taximeter or any such other apparatus or the causing of the same to register incorrectly;
- (d) regulating the number of persons to be carried by taxi-cabs and for securing the due display of the prescribed number in or on each taxi-cab;
- (e) regulating all matters relating to luggage carried on or in taxi-cabs;
- (f) regulating the disposal of articles found on or in cabs;
- (g) prohibiting or regulating the display of advertising matter in or on cabs;
- (h) regulating the conduct and duties of drivers of cabs when acting as such and of the holders of cab licences in relation to their cabs;
- (i) regulating the conduct of passengers in taxi-cabs and providing for the withholding of fares in prescribed circumstances.

(2) Byelaws made under the powers of the preceding subsection may contain different provisions in relation to taxi-cabs and private hire cabs.

(3) Byelaws made under the powers of paragraph (a) of subsection (1) of this section shall not—

- (a) be of any effect in so far as they conflict with the provisions of any regulations under the Act of 1960 in force for the time being; and
- (b) for a period of five years from the commencement of this Part of this Order, apply to any motor vehicle which, immediately before the commencement of this Part of this Order, was kept for the purpose of being let out for hire with a driver.

Supplementary

Compulsory
hiring
distance.

136.—(1) The driver of a taxi-cab shall not without reasonable cause (the onus of proving which shall rest upon such driver) refuse to drive such cab to any place within the city, or within the counties of Midlothian, East Lothian or West Lothian up to a distance of nine miles from the Cross of Edinburgh to which he is directed by the person hiring or proposing to hire such cab.

(2) Any driver of a taxi-cab failing to comply with the requirements of this section shall be guilty of an offence under this Order.

Prohibition on
vehicles other
than taxi-
cabs being
fitted with
taximeters,
etc.

137.—(1) It shall not be lawful for any person to have on any motor vehicle belonging to him, or under his control, (not being a vehicle in respect of which a licence as a taxi-cab under this head of this Part of this Order is in force)—

- (a) any taximeter or similar apparatus or any device having the appearance of a taximeter or similar apparatus; or
- (b) any notice, sign or other indication which might reasonably be taken to indicate that the vehicle is a cab in respect of which a licence as a taxi-cab is in force.

(2) The provisions of the preceding subsection shall not apply with respect to any motor vehicle—

- (a) licensed for the carriage of passengers for hire or reward by any other local authority; or
- (b) kept within the area of another local authority and which is within the city in the course of a journey which originated outwith the city.

(3) Any person acting in contravention of the provisions of this section shall be guilty of an offence under this Order.

PART IX
—cont.

138.—(1) Notwithstanding anything in section 259 (Saving from effect of repeal) of this Order, the byelaws made by the Corporation in pursuance of the repealed Acts on the twenty-eighth day of June, nineteen hundred and fifty-one, and confirmed with modifications by the Sheriff of the Lothians and Peebles on the eighth day of February, nineteen hundred and fifty-two, as amended by additional byelaw (No. 1) made by the Corporation on the seventh day of March and confirmed by the said sheriff on the twenty-first day of May, both in the year nineteen hundred and fifty-seven, shall, subject to the provisions of the said section, only continue in force in relation to taxi-cabs.

Provisions with respect to existing cab byelaws.

(2) Byelaws numbers 17, 18, 19, 29 (1), 62, 63, 64, 80, 81 and 82 of, and Part I of Schedule D to, the said byelaws shall cease to have effect.

139. The provisions of this head of this Part of this Order and the cab byelaws shall in their application to any taxi-cab hired within the city have effect within a distance of nine miles from the Cross of Edinburgh.

Application of head E of Part IX of Order outwith city.

F. Employment agencies

140. In this head of this Part of this Order—

“employment agency” means any agency or registry carried on, or represented as being or intended to be carried on (whether for the purpose of gain or reward or not), for or in connection with the employment of persons in any capacity.

Definition for head F of Part IX of Order.

141.—(1) A person shall not, without a licence from the Corporation, carry on an employment agency.

Employment agencies to be licensed.

(2) A licence under this section shall specify the premises in which the employment agency is to be carried on.

(3) A licence under this section shall not be granted to an individual person under the age of twenty-one years.

(4) Any person acting in contravention of the provisions of subsection (1) of this section shall be guilty of an offence under this Order.

142.—(1) The Corporation may make byelaws for all or any of the following purposes:—

Byelaws as to employment agencies.

(a) for requiring any person holding a licence under this head of this Part of this Order to keep (at his option) either books, cards or forms showing the business conducted by him so far as it relates to his employment agency;

(b) for prescribing the entries to be made in connection with such business in such books, cards or forms;

PART IX
—cont.

- (c) for preventing fraud and immorality in the conduct of employment agencies; and
- (d) generally for regulating any premises used for the purposes of or in connection with employment agencies.

(2) Every person holding a licence under this head of this Part of this Order shall keep a copy of any such byelaws, or of any byelaws made under the corresponding provisions of the repealed Acts and for the time being in force, exhibited in a conspicuous place in the premises to which the licence relates and if he fails to do so he shall be guilty of an offence under this Order.

Inspection of books, etc., in connection with employment agencies.

143.—(1) Any person duly authorised by the Corporation on producing his authorisation (if required) may inspect the books, cards or forms kept in connection with any employment agency in respect of which a licence under this head of this Part of this Order is in force.

(2) Any person refusing to permit any person duly authorised by the Corporation to inspect any such books, cards or forms shall be guilty of an offence under this Order.

Saving for certain employment agencies.

144.—(1) The provisions of this head of this Part of this Order shall not apply to—

- (a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour under any enactment; or
- (b) any youth employment bureau conducted by the Corporation under the Employment and Training Act, 1948; or
- (c) any employment agency which is carried on for the purpose of obtaining employment for persons formerly members of Her Majesty's naval, military or air forces and which is certified by the Admiralty or the Army Council or the Air Council (as the case may be) to be properly conducted; or
- (d) any employment agency which is carried on for the purpose of obtaining employment for persons released from a prison or borstal institution or from an approved school and which is certified by the Secretary of State to be properly conducted; or
- (e) any duly constituted religious or charitable society or body to the main objects of which the provision of situations or employment is merely subsidiary; or
- (f) any agency for the supply of nurses as defined by section 32 of the Nurses (Scotland) Act, 1951.

(2) Any question whether a society or body is a society or body within the meaning of paragraph (e) of the preceding subsection shall be determined by the Secretary of State.

G. Brokers and pawnbrokers

Definition for head G of Part IX of Order.

145. In this head of this Part of this Order—

“broker” means any person who deals by way of trade in second-hand goods other than—

(a) a person whose sole or principal business is that of a dealer in—

(i) books;

- (ii) mechanically propelled vehicles and accessories;
- (iii) goods bona fide forfeited in accordance with the Pawnbrokers Act, 1872; and

(b) a wholesale dealer in rags, ropes and waste purchasing only from licensed brokers or in quantities of not less than half a ton.

PART IX
—cont.

146.—(1) A person shall not, without a licence from the Corporation, carry on business as a broker. Licensing
of brokers.

(2) A licence under this section shall specify the premises in which the business is to be carried on, including all cellars, closets and other places used or proposed to be used for the purpose of the business, and, in the case of a business carried on from a movable stall, shall specify—

- (a) the place where the stall is to stand during business hours; and
- (b) the place where the stall and any stock-in-trade are to be kept at other times.

(3) A licence under this section shall not be granted to any person who is the holder of a pawnbroker's licence under the Pawnbrokers Act, 1872.

(4) Any person acting in contravention of the provisions of subsection (1) of this section shall be guilty of an offence under this Order.

147.—(1) A broker shall not—

Offences by
brokers.

- (a) carry on business as a retailer of exciseable liquor;
- (b) receive or take any goods in pledge;
- (c) receive or take a pawn ticket issued by a pawnbroker for any article which has been pawned or negotiate in any manner with the holder of any such pawn ticket or any person on his behalf for the purchase of any article to which the pawn ticket refers;
- (d) acquire in the course of his business—
 - (i) any voucher, note or other document issued by or under the authority of any local or public authority or any charitable institution by virtue of which a person may receive any assistance whatsoever; or
 - (ii) any article of clothing issued by or on behalf of any such authority or institution and legibly marked as being so issued or known by the broker to be so issued;
- (e) carry on business as a broker in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises;
- (f) dispose of goods to, or acquire goods from, any person who appears to be under sixteen years of age, whether such person is acting on his own behalf or on behalf of some other person;

PART IX
—cont.

- (g) sell goods to or purchase goods from or have any other transaction in the course of his business with any person between the hours of ten at night on a Saturday and eight in the morning of the following Monday or between the hours of ten on any other night and eight on the following morning; or
- (h) keep or permit to be kept in or on his premises any smelting pot or implement for melting, altering or defacing gold, silver, lead or other metals.

(2) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

Miscellaneous
provisions as
to brokers.

148.—(1) Every broker—

- (a) shall keep a book in such form as may be determined by the Corporation in which he shall record such particulars of the transactions relating to each article dealt with in the course of his business as may be so determined;
- (b) shall provide means whereby every article in his possession for the purposes of his business can be identified with the record of the transaction relating thereto;
- (c) shall keep, at the place specified in his licence, for a period of not less than fourteen days from the day on which it was acquired every article acquired by him in the course of his business;
- (d) on being required at any reasonable time by a constable (who if not in uniform shall exhibit his authority if required) shall produce for inspection by the constable—
- (i) any article in his possession which he has acquired in the course of his business; and
- (ii) the book referred to in paragraph (a) of this subsection;
- (e) if at any time he has in his possession an article of any description and is aware that an article of a corresponding description is alleged to have been stolen, embezzled or otherwise unlawfully appropriated, shall forthwith—
- (i) deliver the first-mentioned article to a constable at a police station; and
- (ii) state to the constable the name and address (if any) given to him by the person from whom he received the first-mentioned article.

(2) Any person acting in contravention of any provision of the preceding subsection shall be guilty of an offence under this Order.

(3) If—

- (a) any broker, being aware that an article of any description is alleged to have been stolen, embezzled or otherwise unlawfully appropriated, alters or defaces any article of corresponding description in his possession; and
- (b) the article in his possession was stolen, embezzled or otherwise unlawfully appropriated;

such broker shall, for the purpose of any criminal proceedings, be deemed, unless the contrary is proved, to have received the article in his possession knowing it to have been stolen, embezzled or otherwise unlawfully appropriated.

PART IX
—cont.

(4) If in any criminal proceedings (including proceedings in respect of a contravention of paragraph (e) of subsection (1) of this section) it is proved that a list containing descriptions of articles which are alleged to have been stolen, embezzled or otherwise unlawfully appropriated has been delivered at or dispatched by post addressed to the ordinary residence or place of business of a broker, such broker shall be deemed, unless the contrary is proved, to have been, as from the time of such delivery or as the case may be the expiry of twenty-four hours from the time of such dispatch, aware of the information contained in the list.

149.—(1) The following provisions of this Order shall apply to pawnbrokers and to the business of a pawnbroker as they apply to brokers and to the business of a broker—

- (i) paragraphs (a), (d) and (h) of subsection (1) and subsection (2) of section 147 (Offences by brokers) of this Order;
- (ii) paragraphs (d) and (e) of subsection (1) and subsections (2), (3) and (4) of section 148 (Miscellaneous provisions as to brokers) of this Order with the substitution in the said paragraph (d) of a reference to the records which he is required to keep under any enactment for the reference to the book referred to in paragraph (a) of the said subsection (1).

(2) A pawnbroker shall not carry on business—

- (a) as a broker; or
- (b) as a pawnbroker in any premises in which the business of a broker is carried on or in any other premises having access to such premises.

(3) Any person acting in contravention of any provision of this section or of any provision of this Order applied by this section shall be guilty of an offence under this Order.

150.—(1) It shall be the duty of any broker or pawnbroker to whom any article is offered and who has reasonable grounds to suspect that the article has been stolen or illegally obtained to detain the person offering such article and any constable may arrest such person and take possession of the article: Duty to detain persons offering stolen property.

Provided that nothing in this subsection shall make it the duty of or authorise any broker or pawnbroker to detain any person longer than is reasonably necessary for obtaining the attendance of a constable.

(2) A person shall not be entitled to reparation in respect of any loss, injury or damage resulting from a purported exercise of any duty imposed or power conferred by the preceding subsection unless such purported exercise was malicious.

PART IX
—cont.Window
cleaners to
be licensed.

H. Window cleaners

151.—(1) A person shall not, without a licence from the Corporation—

- (a) carry on the trade of window cleaner; or
- (b) engage in window cleaning by way of trade or employment.

(2) Any person acting in contravention of any provision of this section shall be guilty of an offence under this Order.

I. Licences

Commence-
ment of
Part IX of
Order.

152.—(1) This Part of this Order shall come into operation on the twenty-ninth day of May, nineteen hundred and sixty-two:

Provided that applications for licences under this Part of this Order may be made and determined before the provisions of this Part of this Order come into operation and section 159 (Fees for licences) of this Order shall have effect with respect to such applications.

(2) Where any provision of this Part of this Order requires the licensing or registration for the first time of a person carrying on any business or of premises used for any purpose, any person who, when any such provision comes into operation—

- (a) was carrying on any business or using any premises for any purpose to which such provision applies; and
- (b) has made application in accordance with the provisions of this Order for such registration or other authorisation as is required by this Order;

may continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under subsection (6) of section 260 (Appeals to sheriff) of the Order of 1958.

Provisions of
head I to
apply to
licences under
Part IX of
Order.

153. The provisions of this head of this Part of this Order shall have effect in relation to the several licences referred to in this Part of this Order and in the said provisions the expression "licence" shall be construed accordingly.

Applications
for licences.

154. Every application for the grant of a licence shall be made in writing at such time, and in such form, and shall be signed by or on behalf of the applicant and shall contain or be accompanied by such reasonable particulars and information as the Corporation may determine.

Penalty for
false statements
in applications
for licences

155. Any person who in or in connection with any application for the grant of a licence—

- (a) makes any statement which he knows to be false in a material particular; or
- (b) recklessly makes any statement which is false in a material particular;

shall be guilty of an offence under this Order.

156.—(1) A licence shall be in such form as the Corporation may determine and shall be subject to such reasonable terms and conditions (including without prejudice to the foregoing generality conditions restricting its validity to specified localities) as may be specified in the licence.

PART IX
—cont.

Form and
conditions
of licences.

(2) Except as otherwise provided in any enactment, every licence shall be signed by or on behalf of the town clerk.

157.—(1) Every licence shall, unless sooner revoked or suspended, continue in force until the twenty-eighth day of May next ensuing or for such shorter period as the Corporation may determine and as may be specified in the licence:

Duration of
licences.

Provided that licences for cabs and cab drivers may be granted for any period of one year, or such shorter period as the Corporation may determine, and, notwithstanding anything in this Order, any such licence in force at the commencement of this Part of this Order shall continue in force until the date of its expiry, unless sooner revoked, suspended or forfeited.

(2) A licence granted to any person shall become void and cease to have effect if the person in whose favour the licence was granted suffers sequestration of his estate or signs a trust deed for creditors:

Provided that (unless it otherwise terminates or is terminated) the licence shall continue in favour of such person as the Corporation may determine until the expiration of two months from the date of sequestration or the signing of the trust deed for creditors as the case may be, or such longer period as the Corporation may allow.

(3) In the event of the death of the holder of a licence in respect of any premises the person carrying on at such premises the functions in respect of which the licence was granted, or acting as the actual and responsible manager of such premises, shall be deemed to be the holder of the licence until the expiration of two months from the date of death of the deceased or such longer period as the Corporation may allow.

158. If, during the currency of a licence, any material change occurs in the facts of which particulars and information were given along with the application for the licence the licence-holder shall report such change to the town clerk forthwith and if he fails to do so he shall be guilty of an offence under this Order.

Reporting of
changes in
particulars.

159.—(1) Any person applying for the grant of a licence shall, when making the application, pay such fee as the Corporation may determine not exceeding the appropriate maximum fee set out in the First Schedule to this Order.

Fees for
licences.

(2) The fee paid on any application for the grant of a licence may be retained by the Corporation whether such licence is or is not granted.

PART IX
—cont.Registers of
licences.

160. The Corporation shall cause a register to be kept in respect of each class of licence granted by them and shall cause to be entered in such register the particulars set forth in each licence granted and all changes relating to such particulars intimated to them.

Power to
refuse licences

161. Without prejudice to any other provision of this Part of this Order with respect to the grounds on which a licence may be refused, the Corporation may, subject to the provisions of section 163 (Restriction on power to revoke, suspend or refuse licences) of this Order, refuse for any reasonable cause to grant a licence.

Power to
revoke or
suspend
licences.

162.—(1) Subject to the provisions of section 163 (Restriction on power to revoke, suspend or refuse licences) of this Order, the Corporation may revoke or suspend a licence for any reasonable cause including (without prejudice to the foregoing generality)—

- (a) a conviction of the licence-holder for an offence under any provision of this Order, or of any byelaws made under this Order, or under the corresponding provisions of the repealed Acts and for the time being in force, being a provision relating to the matter with which the licence is concerned; or
- (b) a breach of any condition to which the licence is subject.

(2) A licence while suspended shall not be of any effect for the purposes of this Order.

(3) (a) On the revocation or suspension of a licence the licence-holder shall within seven days from the taking effect of such revocation or suspension deliver up the licence to the town clerk and any person failing to do so without reasonable cause (the onus of proving which shall rest upon such person) shall be guilty of an offence under this Order.

(b) Every document intimating a decision of the Corporation under this section to a licence-holder shall contain a copy of the preceding paragraph of this subsection or a note of the effect thereof.

Restriction
on power to
revoke, suspend
or refuse
licences.

163. The Corporation shall not—

- (a) revoke or suspend a licence; or
- (b) refuse an application for the grant of a licence;

without first giving the applicant an opportunity to be heard in person or by a representative.

Appeals
against
revocation,
etc., of
licences.

164.—(1) Any licence-holder aggrieved by any decision of the Corporation—

- (a) revoking or suspending a licence; or
- (b) refusing an application for a succeeding licence; or
- (c) varying materially any terms or conditions subject to which any succeeding licence has been granted;

may appeal to the sheriff.

(2) Where the terms or conditions subject to which any succeeding licence has been granted are varied materially, such variation shall not

take effect until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of, or abandoned, or has failed for want of prosecution, and until such time the licence shall be deemed to have been granted subject to the same terms and conditions as were applicable to the preceding licence.

PART IX
—cont.

PART X

BURGH COURT

165. References in any enactment to the police court of a burgh and to any proceedings in the police court of a burgh shall, in their application to the city, be construed as references respectively to the burgh court and to corresponding proceedings in the burgh court. Designation
of burgh court.

166.—(1) The judges of the burgh court shall be the magistrates and the judges of police of the city. Burgh court
judges.

(2) The jurisdiction of the burgh court as a court of summary jurisdiction shall be exercised by a magistrate or judge of police.

(3) The lord provost, or in his absence the acting chief magistrate, shall arrange the order in which the magistrates and judges of police shall officiate in the burgh court.

167. The sheriff may, on any special occasion at the request of the magistrates or if no magistrates are available of the town clerk, sit and act in the burgh court. Sheriff may
sit in burgh
court.

168.—(1) Subject to the provisions of the Summary Jurisdiction (Scotland) Act, 1954, and of this Order, the burgh court shall have and shall exercise— Jurisdiction
of burgh court.

(a) the jurisdiction exercisable by a magistrate of a royal burgh sitting as a court of summary jurisdiction in respect of all crimes and offences punishable at common law;

(b) jurisdiction in all prosecutions and other proceedings in respect of offences against the city Acts or any byelaws, rules or regulations made under the city Acts;

(c) the jurisdiction conferred by any enactment (other than an enactment conferring jurisdiction exclusively upon the sheriff) upon a court of summary jurisdiction or upon the magistrates of a burgh; and

(d) jurisdiction in all prosecutions and other proceedings in respect of offences under the Criminal Law Amendment Acts, 1885 to 1928, so far as relating to the suppression of brothels.

(2) The jurisdiction of the burgh court in prosecutions in respect of offences under head E (Cabs) of Part IX (General licensing provisions) of this Order shall be exercisable whether such offences were committed within the city or not.

(3) Nothing in this section shall confer on the burgh court jurisdiction—

(a) to try any complaint relating to an offence against the Inland Revenue or Customs Acts; or

PART X
—cont.

(b) in any prosecution or proceedings in respect of offences under—

- (i) Part VII (Water of Leith) of the Order of 1926 or any byelaws made thereunder; or
- (ii) Part IV (Water) of the Order of 1958; or
- (iii) subsection (4) of section 241 (Power to enter premises) of this Order.

(4) Nothing in this section shall prejudice or affect the jurisdiction or powers of the dean of guild court,

Proceedings
in burgh court
to be at
instance of city
prosecutor.

169. Except as otherwise provided in any enactment, all prosecutions and other proceedings in the burgh court shall be at the instance of the city prosecutor.

Proceedings
in burgh court
not to be
affected by
death or
resignation
of city
prosecutor.

170. Any prosecutions or other proceedings in the burgh court which have been raised by the city prosecutor (including any interim city prosecutor) shall continue in force and effect notwithstanding the resignation or death of any such prosecutor and may be taken up and proceeded with by his successor.

Burgh court
fines, etc., to
be paid into
burgh fund.

171. All fines and expenses imposed in the burgh court, other than fines and expenses payable to the Exchequer, shall be accounted for by the clerk of court to the city chamberlain and paid into the burgh fund.

Representation
of poor
persons in
burgh court.

172. The Corporation may make arrangements with the Society of Procurators of Midlothian, or other appropriate body representing solicitors in the city, for the services of a solicitor being available in the burgh court on behalf of poor persons and the Corporation may, in respect of such services, pay out of the burgh fund to the said society or to such other body such sum as they may determine not exceeding three hundred pounds in any financial year.

Procedure in
applications to
burgh court.

173. Where under any of the provisions of the city Acts an application may be made to the burgh court and a form of procedure appropriate to the application is not provided by the Summary Jurisdiction (Scotland) Act, 1954, the application may be made by summary petition referring to the provision of the city Acts upon which it is founded and the court shall, after such intimation as seems proper, appoint the application to be heard at a diet to be fixed by the court and at that or any subsequent diet (without record of evidence unless the court shall otherwise order) the court shall dispose of the matter summarily.

Expenses of
appeals from
burgh court.

174. All expenses reasonably incurred by the city prosecutor in connection with appeals taken by him against decisions in any prosecutions or other proceedings raised by him, or in defending appeals against any convictions, sentences or orders following on any prosecutions or other proceedings raised by him, shall be paid out of the burgh fund.

175. All incidental powers exercisable by the burgh court in prosecutions or other proceedings under the city Acts, or any byelaws, rules or regulations made under the city Acts, whether by way of suspension or revocation of licence or otherwise, shall also be exercisable by the sheriff in the exercise of the concurrent jurisdiction conferred by section 7 (2) of the Summary Jurisdiction (Scotland) Act, 1954.

PART X
—cont.

Incidental powers of burgh court to be exercisable by sheriff.

PART XI

DISPOSAL OF LOST AND STOLEN PROPERTY

176.—(1) (a) Every person who finds any article or money (hereinafter in this section referred to as “lost property”) shall, as soon as may be and in any case within forty-eight hours, report the fact to and hand over such lost property to a constable at a police box or station.

Disposal of lost property.

(b) Any person failing to comply with the requirements of this subsection shall be guilty of an offence under this Order.

(2) If the owner of any lost property claims the same and proves his ownership to the satisfaction of the chief constable, the chief constable shall deliver such lost property to such owner upon payment or deduction of a reward to the finder of an amount equal to two shillings in the pound on the value of such lost property but, except as hereinafter provided in this section, such reward shall not exceed ten pounds:

Provided that if in the opinion of the chief constable the amount of the reward appears to be inequitable he may vary such amount, or in case of hardship he may waive it altogether, and if the owner or finder (as the case may be) is dissatisfied with the decision of the chief constable he may appeal to the burgh court which shall fix the amount of the reward.

(3) If the owner of any lost property does not claim the same and prove his ownership to the satisfaction of the chief constable within six months of the same having been handed over the chief constable may—

(a) deliver such lost property to the finder; or

(b) sell such lost property and hand the proceeds to the finder:

Provided that if the finder fails to take delivery of any lost property within two months after receiving notice to that effect from the chief constable the chief constable may order such lost property to be sold and the proceeds thereof shall be accounted for to the city chamberlain and paid into the burgh fund.

(4) (a) For the purposes of this section the value of any lost property shall be deemed to be such sum as may be agreed between the chief constable and the owner or finder or, failing agreement, such sum as may be fixed by a valuator to be appointed, failing agreement between the parties, by the burgh court.

(b) Any fee payable to such valuator shall be paid by the owner or the finder as the case may be.

PART XI
—cont.

(5) If the owner of any lost property does not prove his ownership and the finder cannot be traced within six months of such lost property having been handed over the chief constable may order the lost property to be sold and the proceeds thereof (or if the lost property is money such money) shall be accounted for to the city chamberlain and paid into the burgh fund.

(6) In the case of any lost property of a perishable nature the chief constable may order it to be sold or destroyed forthwith and the proceeds if any arising from such sale shall be dealt with in the same way as other lost property.

(7) Nothing in this section shall apply with respect to any article or money found in any vehicle or premises in respect of which provision is made by any other enactment for the redelivery or disposal of lost property or in or upon any railway property.

Brokers, etc.,
to produce
stolen articles
in their
possession.

177.—(1) On an application by the city prosecutor representing that any article—

- (a) has been stolen or unlawfully obtained from any person; or
- (b) having been lawfully obtained, has been unlawfully pawned, pledged, sold or exchanged;

and is in the possession of any broker, pawnbroker or other person who may have advanced money upon the security thereof the burgh court may make an order requiring the appearance of the broker, pawnbroker or other person and the production of the article.

(2) A broker, pawnbroker or other person who after the service upon him of an order made under the preceding subsection in relation to him—

- (a) disposes of the article so as to be unable to comply with the order; or
- (b) otherwise without proper cause fails to comply with the order;

shall be guilty of an offence under this Order.

Disposal of
stolen articles
in possession
of police.

178.—(1) Where any article has—

- (a) been produced by virtue of the preceding section; or
- (b) come into the possession of the police in connection with any criminal proceedings, or proposed criminal proceedings, or by virtue of paragraph (e) of subsection (1) of section 148 (Miscellaneous provisions as to brokers) or section 150 (Duty to detain persons offering stolen property) of this Order or section 34 of the Pawnbrokers Act, 1872;

the burgh court may, on the application either of the city prosecutor or of any person claiming the article—

- (i) make an order for the delivery of the article to the person appearing to the court to be the owner thereof; or

(ii) if the owner cannot then be ascertained make such order with respect to the article as the court may think proper.

PART XI
—cont.

(2) An order under paragraph (i) of the preceding subsection shall not affect the right of any person to take, within a period of three months from the date of the order, civil proceedings for the recovery of the article to which the order relates against any person in possession thereof but on the expiration of the said period any such right shall cease.

(3) Notwithstanding anything in this section, the chief constable may at any time cause to be sold (or if it is unmarketable otherwise disposed of) any article which is in the possession of the police as a result of any of the circumstances mentioned in paragraph (b) of subsection (1) of this section and which is of a perishable nature or of such a nature that its custody involves unreasonable expense or inconvenience and, in the event of a sale, the proceeds thereof shall be dealt with as if they were the original article.

PART XII

POLICE OFFENCES

A. Offences relating to public decency and order

179. Any person who—

- (a) being the occupier or person in charge of any premises permits therein any indecent conduct likely to cause annoyance to any person; or
- (b) writes or draws any indecent or obscene word, figure or representation in or on any place where it can be seen by the public; or
- (c) sings or recites in public an obscene song or ballad;

shall be guilty of an offence under this Order.

Offences
relating to
public decency.

180.—(1) Any person who in any public place—

- (a) being a prostitute, loiters for the purpose of prostitution or importunes any person for such purpose; or
- (b) habitually or persistently importunes or solicits or loiters for the purpose of importuning or soliciting any person for immoral purposes;

shall be guilty of an offence under this Order.

Soliciting and
importuning.

(2) Any constable may arrest without warrant any person whom he suspects, with reasonable cause, to be committing an offence under any provision of the preceding subsection.

181. Any person who in any public place commits a nuisance shall be guilty of an offence under this Order.

Committing
nuisance in
public place.

182.—(1) Any person who—

- (a) publishes or keeps for sale or distribution; or
- (b) sells, distributes or exhibits; or
- (c) causes to be published or kept for sale or distribution or exhibition;

Obscene
publications,
etc.

PART XII
—cont.

any indecent or obscene book, paper, print, photograph, drawing, painting, representation, model, figure or object shall be guilty of an offence under this Order.

(2) A magistrate or judge of police, if satisfied on the application of the city prosecutor that there are reasonable grounds for believing that any indecent or obscene book, paper, print, photograph, drawing, painting, representation, model, figure or object is kept for publication or for sale or distribution or is being exhibited in any premises, may grant warrant to any constable to enter such premises (using force for the purpose if necessary) at any time or times within one month from the date of the warrant and to search such premises and to seize and remove all indecent or obscene books, papers, prints, photographs, drawings, paintings, representations, models, figures or objects found therein.

Offences
relating to
public order.

183. Any person who—

- (a) being the occupier or person in charge of any premises, permits therein any breach of the peace or riotous or disorderly conduct; or
- (b) being the occupier or person in charge of any place of public refreshment, knowingly permits prostitutes or dissolute persons or known thieves or associates of known thieves to assemble therein;

shall be guilty of an offence under this Order.

Insulting
language or
behaviour.

184. Any person who in any public place—

- (a) uses any profane, obscene, abusive or indecent language to the annoyance of any person; or
- (b) uses any threatening, abusive or insulting words with intent or calculated to provoke a breach of the peace or whereby a breach of the peace may be occasioned; or
- (c) conducts himself in a manner calculated to provoke a breach of the peace or whereby a breach of the peace may be occasioned;

shall be guilty of an offence under this Order.

*B. Offences relating to public mischief*Interference
with street
lights, police
telephones, etc.

185. Any person who—

- (a) without lawful authority extinguishes—
 - (i) any street light; or
 - (ii) any light in or on any street refuge or traffic sign; or
 - (iii) any light in any common stair; or
- (b) without reasonable cause makes use of any telephone in a police box or pillar or any telephone provided for public use in any police premises; or
- (c) wantonly or maliciously disturbs or annoys any person by pulling or ringing a door-bell or knocking at a door or window;

shall be guilty of an offence under this Order.

C. *Offences relating to fire*

PART XII

—cont.

186. Any person who, in any public place, deposits material for or makes or sets alight any bonfire in such a position as to cause or be likely to cause danger or annoyance to any person or damage to property shall be guilty of an offence under this Order. Bonfires in public places.

187.—(1) Any person who wilfully sets on fire any chimney shall be guilty of an offence under this Order. Chimneys on fire.

(2) If any chimney catches fire the person occupying or using the premises served by such chimney shall be guilty of an offence under this Order:

Provided that it shall be a defence in any proceedings under this subsection that such fire was not due to any negligent act or omission of such person or any servant of such person or any member of his household.

D. *Offences relating to conduct likely to cause public danger or annoyance, etc.*

188.—(1) Any person who in such a manner as to be likely to cause danger to any other person— Offences relating to dangerous, etc., conduct.

(a) discharges a firearm, airgun or air-pistol; or

(b) makes use of a sling, catapult or other similar contrivance; or

(c) shoots an arrow or bolt; or

(d) throws a stone, snowball or other missile;

shall be guilty of an offence under this Order.

(2) Any person who in any public place in such a manner as to be likely to cause danger, obstruction or annoyance to any person—

(a) sets fire to any firework or throws any ignited firework; or

(b) plays at any game; or

(c) makes or uses any slide upon ice or snow; or

(d) moves on roller skates; or

(e) rides on a sledge;

shall be guilty of an offence under this Order:

Provided that nothing in this subsection shall be in derogation of the provisions of Part VII (Public parks etc.) of the Order of 1958.

(3) Any person who—

(a) without lawful authority or reasonable cause, wilfully breaks the ice on any pond used by the public for skating; or

(b) persists in going upon the ice on any such pond at any time when placards or other signals or warnings are exhibited intimating that it is in a dangerous state;

shall be guilty of an offence under this Order.

(4) Any person who flies or otherwise puts in motion any power-operated model aeroplane or similar contrivance in any public place (other than a part of a public park set apart by the Corporation for the purpose) shall be guilty of an offence under this Order.

PART XII

—cont.

Street
musicians.

189. Any person who, in any public place for or in expectation of personal reward, continues to sound or play any musical instrument or to sing or perform after being required to desist by any person resident or occupying premises in the neighbourhood or by any constable shall be guilty of an offence under this Order:

Provided that this subsection shall not apply in relation to any person singing or playing a musical instrument on any part of the seashore or on any promenade or esplanade adjacent to the seashore in pursuance of a permit under section 104 (Restrictions on structures, etc., and trading on seashore) of this Order.

Noise by
street vendors,
etc.

190. Any person who, in any public place to the annoyance of any person, shouts or calls out or uses any bell or horn or other instrument or device to draw attention to any wares, avocation, exhibition, spectacle or meeting shall be guilty of an offence under this Order.

Touting in
public places.

191. Any person who, in any public place to the annoyance of any person, touts or importunes any person for the purpose of selling or advertising any article or obtaining custom shall be guilty of an offence under this Order.

Obstructive
conduct in
public places.

192. Any person who—

(a) along with others, causes an obstruction by standing on any footpath, footway or crossing or in any common stair and does not move on after being so required by any constable; or

(b) stands, loiters, sits or lies in any public place to the obstruction or annoyance of any person; or

(c) wilfully causes any obstruction in any street; or

(d) wilfully jostles any person in any public place;

shall be guilty of an offence under this Order.

Offences
relating to
dangerous
conditions
and practices.

193.—(1) Any person who—

(a) in or adjacent to any public place, leaves open or inadequately fenced or covered any basement area or any opening into a vault, cellar or underground room; or

(b) in raising or lowering any article to or from premises by means of a chain or rope, fails to secure the article so as to protect the public against the risk of injury; or

(c) fixes or places any flower-pot or window-box or other article at an upper window without sufficiently guarding it to prevent it from falling into any public place; or

(d) places or leaves any poisonous, corrosive, explosive or inflammable substance in any public place without taking adequate precaution to prevent injury or damage; or

(e) throws down or drops and leaves in any public place—

(i) any bottle; or

(ii) any glass, pottery, nails, wire, thorns or other articles having sharp edges or points; or

- (f) throws down from any building or vehicle any slate, brick, wood, rubbish, snow or other thing which may fall in any public place without taking adequate precautions to prevent risk of injury or damage; or
- (g) places any clothes line, rope, wire or pole across, upon or over any footpath or footway; or
- (h) places any shade, awning or other projection over or along any footway unless every part of it is at least—
 - (i) seven feet six inches above the ground; and
 - (ii) one foot six inches from the outer edge of the kerb of such footway;

shall be guilty of an offence under this Order.

(2) Any person who in any street—

- (a) conveys on any vehicle (other than a vehicle to which the Motor Vehicles (Construction and Use) Regulations, 1955, apply) any load not secured in such a way as to prevent risk of injury to the public; or
- (b) draws or causes to be drawn any tree, timber, beam, girder or other heavy article otherwise than on a wheeled vehicle or except as permitted under the Motor Vehicles (Construction and Use) (Track Laying Vehicles) Regulations, 1955;

shall be guilty of an offence under this Order.

194. Any person who—

Control of
animals in
public places.

- (a) allows any bull or other dangerous animal to be at large without being—
 - (i) secured by means of a rope attached to a ring through the nose of such animal or otherwise; and
 - (ii) in charge of a person able to exercise effective control of it; or
- (b) allows any horse or cattle to be at large without being in charge of a person able to exercise effective control of it; or
- (c) while in charge of any animal to which either of the two preceding paragraphs relates fails to exercise effective control of such animal; or
- (d) causes or permits any person under sixteen years of age to drive or have charge of a horse-drawn vehicle in any street;

shall be guilty of an offence under this Order.

E. Offences relating to amenity, etc.

195.—(1) Any person who—

Offences
relating to
amenity.

- (a) distributes any handbill, pamphlet, leaflet or other printed matter or article in any street; or
- (b) lays or spreads out any handbill, pamphlet, leaflet or other printed matter or article on the surface of any street; or
- (c) without lawful authority writes on or marks any street or bridge or any statue, monument, wall, parapet, fence, hoarding, door, gate, building or public convenience; or
- (d) hangs or places clothes or other similar articles on the outside of any window in such a manner as to hang down in front of any window of premises occupied by another person; or

PART XII
—cont.

- (e) shakes or beats any carpet, rug, mat or bedding from any window facing on to any public place; or
- (f) beats or shakes any soot-bag or soot-sheet in, on or over any public place; or
- (g) deposits soot on any land without the consent of the owner or occupier of such land; or
- (h) discharges any smoke or steam from any premises (otherwise than from the top thereof) into any street or suffers or permits the condensed water or moisture from any steampipe, flue or funnel to fall into or upon any street; or
- (i) slakes, sifts or screens any lime in any street; or
- (j) lays down in or removes from any street any lime or other similar material without the same being sufficiently watered to prevent it being carried or blown about;

shall be guilty of an offence under this Order.

(2) The provisions of paragraph (a) of the preceding subsection shall not apply in relation to any handbill, pamphlet, leaflet or other printed matter relating to political meetings or purposes or trade disputes within the city.

Fouling of
streets.

196.—(1) Any person who—

- (a) causes or permits any foul water, oil, dirt, filth or other offensive matter or thing to run into or be discharged upon any street; or
- (b) being in charge of a vehicle conveying any obnoxious or foul liquid or material from which obnoxious or foul liquid may leak or spill, fails to take adequate precautions to prevent such liquid from leaking or spilling upon a street; or
- (c) being in charge of a vehicle conveying goods or materials—
 - (i) fails to take all proper precautions to prevent such goods or materials from falling from the vehicle upon a street; or
 - (ii) fails to remove immediately any such goods or materials which have so fallen; or
- (d) in connection with the loading or unloading of goods or materials, causes or permits straw, paper, packing material or debris from any crate or package to be thrown or laid on any street and does not immediately remove the same;

shall be guilty of an offence under this Order.

(2) In the case of a contravention of the provisions of paragraph (a) of subsection (1) of this section the occupier of any premises from which any such foul water, oil, dirt, filth or other offensive matter or thing runs or is discharged shall, in the absence of evidence to the contrary, be deemed to be the person offending.

(3) Any person in charge of a dog in any street who allows such dog to deposit its excrement upon a footway shall be guilty of an offence under this Order.

As to removal
of manure.

197.—(1) Any person who leaves any manure, straw or other similar material (hereinafter in this section referred to as “manure”) in any street for a period longer than one hour shall be guilty of an offence under this Order.

(2) (a) Without prejudice to any penalty to which such person is liable in respect of such offence, any authorised officer of the Corporation may remove such manure after the expiry of the said period of one hour and may dispose of the same.

(b) The cost of such removal shall be recoverable by the Corporation from the person offending.

198.—(1) Any person who—

Interference
with collection
and disposal
of refuse, etc.

(a) without lawful authority, removes or otherwise interferes with any bin or receptacle provided by the Corporation for the reception or disposal of litter; or

(b) knowingly deposits in any bin provided by the Corporation for the collection of food waste any poisonous, noxious or offensive matter or thing likely to render such food waste unfit for conversion, utilisation or treatment;

shall be guilty of an offence under this Order.

(2) Any person, other than a person employed by the Corporation in connection with the removal and disposal of refuse, food waste or waste paper, who without lawful authority—

(a) searches or disturbs the contents of any bin or other receptacle for the collection of refuse, food waste or waste paper when placed in any public place; or

(b) searches or disturbs the material deposited in any place provided by the Corporation for the disposal of refuse;

shall be guilty of an offence under this Order.

F. Offences relating to traffic, etc.

199.—(1) Any person who—

Obstruction
of footways,
etc.

(a) places, hangs up or exposes for sale any article so that it projects on or over any footway or beyond the line of any dwelling-house, shop or building at which it is so placed, hung up or exposed; or

(b) carries, rolls or drives any cask, tub, hoop or wheel or any ladder, plank, pole, timber, or log of wood upon any footway except for the purpose of loading or unloading any vehicle or of crossing the footway;

shall be guilty of an offence under this Order.

(2) (a) Any person who—

(i) drives, rides or propels any wheeled vehicle, or leads or rides a horse, on a footway except for the purpose of crossing such footway at an authorised crossing; or

(ii) drives, rides or propels any wheeled vehicle, or rides a horse, on a footpath;

shall be guilty of an offence under this Order.

(b) The provisions of this subsection shall not apply in relation to—

(i) the use of a perambulator, invalid carriage (not mechanically propelled) or tricycle; or

PART XII
—cont.

- (ii) the wheeling of a bicycle across a footway or along a footpath by a person on foot; or
- (iii) the use by the Corporation or any person acting on their behalf of any vehicle in connection with the construction, paving, repair, maintenance, sweeping or cleansing of, or the collection or removal of, refuse from footpaths or footways.

(c) The Corporation may, by resolution, direct that the provisions of paragraph (a) of this subsection, so far as prohibiting the riding of bicycles or horses or either of them on footpaths, shall not apply in relation to any footpath specified in such resolution.

Obstruction
of traffic
in streets.

200.—(1) (a) Any person who causes or permits any vehicle to stand in any street for a period longer than necessary for the taking up or setting down of passengers or the loading and unloading of goods shall be guilty of an offence under this Order.

(b) This subsection shall not apply in the case of—

- (i) any vehicle while lawfully in an authorised parking place for vehicles; or
- (ii) a taxi-cab while at a stance appointed or deemed to be appointed in pursuance of section 134 (Stances for taxi-cabs) of this Order; or
- (iii) any public service vehicle while at a stand or stopping place fixed by an order made and confirmed under section 39 of the Act of 1960; or
- (iv) a public service vehicle of the Corporation while at a stand or stopping place appointed in pursuance of section 117 of the Order of 1958; or
- (v) any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortège or otherwise in connection with a funeral; or
- (vi) the use in any street of any vehicle so far as necessary in connection with any building operation, demolition or excavation in such street, the removal of any obstruction to traffic in such street, the maintenance, improvement or reconstruction of such street or the laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line (as defined in the Telegraph Act, 1878) in, over or under such street; or
- (vii) any fire engine, ambulance or police vehicle; or
- (viii) any vehicle standing owing to the driver being prevented from proceeding by circumstances beyond his control or to such standing being necessary in order to avoid accident.

(2) Any person who in any street—

- (a) leaves, for a period longer than necessary for loading on a vehicle or unloading from a vehicle, any goods, furniture or other article so as to be likely to cause obstruction; or
 - (b) leaves lying, for a period longer than is in the circumstances necessary, any coal or other solid fuel or (except with lawful authority) any building materials or any builder's rubbish;
- shall be guilty of an offence under this Order.

201.—(1) A person shall not cause or permit any vehicle, other than a taxi-cab, to wait on any part of any street conspicuously marked out as a stance appointed or deemed to be appointed in pursuance of section 134 (Stances for taxi-cabs) of this Order:

PART XII

—cont.

Prohibition
of vehicles
other than
taxi-cabs on
cab stances.

Provided that, in the case of a vehicle delivering goods to or taking delivery of goods from any premises abutting on any part of a street so marked out or in use as part of a funeral cortège or otherwise in connection with a funeral, it shall not be an offence for the person in charge of such vehicle to cause it to stand on the part of the street so marked out, provided that such vehicle is not allowed to remain for a period longer than necessary for such purpose.

(2) Any person acting in contravention of the provisions of the preceding subsection shall be guilty of an offence under this Order.

G. Offences relating to known thieves, vagrants, etc.

202.—(1) Any person who being a known or reputed thief or an associate of known or reputed thieves—

Offences by
known
thieves, etc.

- (a) is found in or on any premises or loitering in any public place with intent to steal; or
- (b) has in his possession any picklock, key, crowbar, jack, bit or other implement usually employed in house-breaking; or
- (c) has in his possession any money or article without being able to give a satisfactory explanation of his possession thereof;

shall be guilty of an offence under this Order.

(2) It shall not be necessary for the purpose of proving the commission of an offence under paragraph (a) of the preceding subsection to show that the accused did any particular act tending to indicate his intention and he may be convicted of such offence if, from the circumstances of the case and from his known character as proved to the court, it appears to the court that his intention was to steal.

(3) Any constable may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under any provision of this section.

(4) Any money or article found in the possession of a person convicted of an offence under this section and forming the subject matter of such offence shall be deemed to be an article to which section 54 of the Summary Jurisdiction (Scotland) Act, 1954, applies.

203.—(1) Any person who, in any public place or from door to door, begs or acts in any way for the purpose of inducing the giving of alms shall be guilty of an offence under this Order:

Begging,
vagrancy, etc.

Provided that nothing in this subsection shall make it an offence to take part in any collection licensed under or authorised by any enactment.

(2) Any person who conducts himself as a vagrant shall be guilty of an offence under this Order.

(3) Any constable may arrest without warrant any person whom he has reasonable cause to suspect of having committed an offence under any provision of this section.

PART XII

—cont.

Use of rooms
for meetings
and enter-
tainments.

H. Miscellaneous

204.—(1) The burgh court, if satisfied on the application of the city prosecutor that the use of any house, room or apartment in any premises for meetings or for entertainments is causing annoyance to persons resident or occupying premises in the vicinity, may, if it considers it reasonable in all the circumstances to do so, make an order requiring the person using or keeping such house, room or apartment to discontinue the use thereof for such purposes during such period as may be specified in the order.

(2) Any person failing to comply with any order under this section shall be guilty of an offence under this Order.

Animals or
birds causing
annoyance.

205.—(1) The burgh court, if satisfied on the application of the city prosecutor that any animal or bird kept in the vicinity of any dwelling-house is causing annoyance to persons resident in such dwelling-house, may, if it considers it reasonable in all the circumstances to do so, make an order requiring the person keeping such animal or bird to take such steps to prevent the continuance of the annoyance as may be specified and within such period as may be specified in the order.

(2) Any person failing to comply with any order under this section shall be guilty of an offence under this Order and, without prejudice to any penalty to which such person may be liable in respect of such offence, the court may authorise any constable to take possession of the animal or bird to which the order relates and to cause it to be destroyed.

PART XIII

GENERAL PROVISIONS AS TO OFFENCES

A. Penalties

Penalties for
offences under
Order and
byelaws.

206.—(1) Any person guilty of an offence under this Order for which a penalty is not specified in this Order apart from this section shall be liable on summary conviction to a penalty not exceeding the penalty specified in the Second Schedule to this Order in relation to such offence.

(2) Where the contravention in respect of which any person is convicted of an offence under any provision of this Order is continued after conviction and a sentence of imprisonment without the option of a fine is not competent, the person convicted shall be guilty of a further offence of a like nature and shall be liable on summary conviction to a further fine not exceeding for each day or part of a day during which the contravention is shown to have been so continued one-half of the maximum fine appropriate to the original offence.

(3) Any person who acts in contravention of any byelaw made under this Order shall be guilty of an offence and shall unless otherwise expressly provided be liable on summary conviction to a fine not exceeding ten pounds and, where the contravention is continued after

conviction, to a further fine not exceeding two pounds for each day or part of a day during which the contravention is shown to have been so continued.

PART XIII
—cont.

207. Any person who aids, abets, counsels or procures or incites any other person to commit an offence under this Order, or any byelaws made under this Order, shall be guilty of an offence under this Order and shall be liable on summary conviction to the same penalties as might be imposed on conviction of the first-mentioned offence.

Penalty for aiding and abetting offences under Order and byelaws.

208. Where an offence under this Order, or under any byelaw made under this Order, which has been committed by a body corporate, is proved to have been committed with the consent or connivance of or be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity he as well as the body corporate shall be deemed to be guilty of that offence.

Offences by bodies corporate.

209. A person guilty of an offence under the city Acts for which no penalty is provided otherwise shall be liable on summary conviction to a fine not exceeding ten pounds.

Penalty for offences under city Acts where no penalty otherwise provided.

B. Evidence

210. Where under this Order any offence is stated to be to the annoyance, obstruction or danger of any person, the commission of such offence may be proved by evidence other than that of the person annoyed, obstructed or endangered.

Proof of annoyance, obstruction or danger.

211. When, in any prosecution for any offence under the city Acts or any byelaws thereunder, the fact that any person is under a particular age is in issue it shall be sufficient evidence of that fact unless the contrary is proved that the person appears to the court to be under that age.

Proof of age.

PART XIV

GENERAL POLICE POWERS OF ENTRY, SEARCH AND ARREST

212.—(1) Any constable (who if not in uniform shall exhibit his authority if required) may enter—

Power of constables to enter certain premises.

- (a) any premises kept or used for a purpose for which a licence, permit, registration or other authorisation is required under the city Acts;
- (b) any fried-fish shop, ice-cream shop, eating-house or coffee house;
- (c) any common lodging-house or farmed-out house;

PART XIV
—cont.

- (d) any premises which he has reasonable cause to suspect of being used as a brothel;
- (e) any premises which he has reasonable cause to suspect of being frequented by thieves or loose and disorderly persons; and
- (f) any ship or other vessel not being a vessel employed in Her Majesty's service.

(2) Any such constable may at any time enter any premises registered under the Explosives Act, 1875, in which fireworks are sold by retail and may inspect the stock of fireworks kept in such premises.

(3) Every occupier or keeper of any such premises or place or other person having the charge thereof or the master of any such ship or vessel who shall not admit such constable when required shall be guilty of an offence under this Order.

Power of constables to search persons.

213. Without prejudice to any other power conferred by this Order or by any other enactment, any constable (who if not in uniform shall exhibit his authority if required) may stop, search and detain any person whom he has reasonable cause to suspect of being in possession of any money or article which has been stolen or unlawfully or fraudulently obtained.

General power of constables to arrest.

214. Without prejudice to any other power conferred by this Order or by any other enactment, any constable (who if not in uniform shall exhibit his authority if required) may arrest without warrant any person whom he has reasonable cause to suspect of having committed any offence under Part XII (Police offences) of this Order if such person is drunk, disorderly or violent, or threatens to repeat the offence, or is without any known settled place of abode, or refuses to give his name and address.

Power of constables to search vehicles and vessels.

215.—(1) Where there is reasonable cause to suspect that any vehicle or vessel (other than a vessel in Her Majesty's service) is or may be carrying any money or article which has been stolen or unlawfully or fraudulently obtained, any constable in uniform may, without prejudice to any other power conferred by this Order or by any other enactment, stop and search that vehicle or vessel and may seize any such money or article.

(2) The person in charge of any such vehicle who refuses to stop such vehicle on being so required by any such constable shall be guilty of an offence under this Order.

Power of constables to search premises.

216. Where there is reasonable cause to suspect that any money or article which has been stolen or unlawfully or fraudulently obtained is kept or concealed in any premises and the case is one of urgency and any delay necessary to obtain a warrant to search would be likely to defeat the ends of justice, any constable (who if not in uniform shall exhibit his authority if required) may, without prejudice

to any other power conferred by this Order or by any other enactment, enter such premises (using force if necessary) and may search for and seize any such money or article.

PART XIV
—cont.

PART XV

MISCELLANEOUS

217. The Corporation may provide life-saving appliances at such places, whether places used for bathing or not, as they think fit.

Provision of
life-saving
appliances.

218. Section 87 (Permission for minor operations or erections on or under streets) of the Order of 1926 shall be read and have effect as if at the end of subsection (2) of the said section there were added the following (that is to say) :—

Amendment of
section 87 of
Order of 1926

“ The terms and conditions to be prescribed by the Corporation in terms of this subsection shall be deemed to entitle the Corporation, in the case of any lands and heritages which abut upon more than one street, to decide on such grounds as to them shall seem reasonable the street or streets on which any pavement crossing or crossings shall be formed or constructed, but the Corporation shall not by any such decision prevent reasonable access being obtained to any such lands or heritages :

“ Provided that in the event of any difference arising as to whether the Corporation have prevented reasonable access being obtained to any lands or heritages under this subsection, such difference may be determined by the sheriff summarily on the application of either party.”

219. The Order of 1926 shall be read and have effect as if the following section were inserted therein as section 94 thereof in place of the section enacted by section 44 (Prevention of water flowing on footway) of the Edinburgh Corporation Order 1954:—

Prevention of
water flowing
on footway.

“ (1) The owner of any building abutting on a street shall within fourteen days after the service of a notice in writing by the city engineer requiring him to do so provide such rhones, down pipes, channels or gutters or execute such works as may be necessary to prevent, so far as is reasonably practicable, surface water from the building falling upon the street or flowing on to or over the footway.

(2) If the works required by the said notice are not carried out by such owner within the said period the city engineer may carry out such works and the expense of so doing shall be recoverable by the Corporation from such owner.

(3) Where any building comprises a tenement, the owner of every part of such building which is separately owned shall, for the purposes of subsections (1) and (2) of this section, be deemed to be the owner of such building and notices shall be given to the owner of every such part of such building accordingly.

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—cont.

(4) Every owner of every such part of such building shall be liable to the Corporation for any expense incurred in carrying out any works in accordance with the provisions of subsection (2) of this section in the proportion which the net annual value of the part of such building owned by him bears to the aggregate of the net annual value of the whole of such building at the date when the expense was incurred but without prejudice to the right of any owner of any part of such building, under the conditions of his title or otherwise, to recover the amount paid by or recovered from him or any part thereof from the owner of any other part of such building.

(5) (a) For the purposes of the preceding subsection the expression "net annual value", in relation to any part of such building which is separately entered in the valuation roll, means the net annual value as shown in the valuation roll of such part of such building and, in relation to any part of such building which along with other lands and heritages (not being part of such building) is entered as a unum quid in the valuation roll, means the proportion of the net annual value as shown in the valuation roll of the subjects so entered which is applicable to such part of such building according to an apportionment to be made by the city assessor.

(b) Any person aggrieved by such apportionment may appeal to the sheriff within fourteen days after receipt by him of intimation of such apportionment and the decision of the sheriff on any such appeal shall be final.

(6) (a) Any person aggrieved by the requirements of a notice under this section may appeal to the dean of guild court within fourteen days after the receipt of such notice and the dean of guild court shall have power to confirm such notice (with or without modification) or to annul such notice.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(7) Notwithstanding anything in this section, the city engineer shall (except in any case where a notice under this section has been the subject of an appeal) before proceeding to carry out any works in accordance with subsection (2) of this section report the matter to the procurator fiscal of the dean of guild court who shall cite the owners on whom notice has been served to appear before the said court to show cause why such works should not be carried out by the city engineer in accordance with the provisions of this section and in the event of such owners failing to show cause as aforesaid such works may be carried out by the city engineer in accordance with the provisions of this section.

(8) (a) For the purposes of this section, 'owner', in relation to the recovery by the Corporation in pursuance of this section of the expense of carrying out works on any building, means the owner of such building or the person deemed to be the owner of

the building in pursuance of subsection (4) of this section at the date of the completion of such works, without prejudice to the right of such owner or of such person to recover such expense from any other person.

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—cont.

(b) A certificate of the date of completion of the works signed by the city engineer shall be conclusive evidence of such date in the absence of evidence to the contrary.”

220. Section 101 (Closing streets, &c.) of the Order of 1926 shall be read and have effect as if in subsection (1) thereof after the words “dangerous to foot passengers” there were inserted the following (that is to say):—

Amendment of
section 101 of
Order of 1926.

“ or which the Corporation for any other substantial reason deem it expedient to shut up, discontinue and close ”.

221. The Order of 1926 shall be read and have effect as if the following section were inserted therein as section 55 thereof in place of the section enacted by section 43 (Chimney stalks roofs etc. to be repaired and secured) of the Edinburgh Corporation Order 1954 as amended by section 249 (Repair of chimney stalks roofs etc.) of the Order of 1958:—

Repair, etc.,
of structure, etc.,
of buildings.

“ (1) When from decay or in consequence of storm or otherwise the structure of part of any building or anything affixed to any building or any wall or fence connected with or pertaining to a building has become worn out, damaged or out of repair or, in the opinion of the city engineer, is dangerous to the public or to property in the vicinity, the city engineer shall give notice to the owner of such building requiring him, within a reasonable time to be stated in such notice, to carry out such works as may be necessary to restore, repair or make safe such structure, thing, wall or fence.

(2) In the event of the works required by the said notice not being carried out by such owner within the time stated therein, the city engineer may carry out such works as he may deem necessary and the expense of so doing shall be recoverable by the Corporation from such owner.

(3) The city engineer in a case of emergency (of which he shall be the sole judge) may, without notice as required by the foregoing provisions of this section, carry out such works as he may deem necessary to restore, repair or make safe such structure, thing, wall or fence and the expense of so doing shall be recoverable by the Corporation from such owner.

(4) (a) Where any building comprises a tenement, the owner of every part of such building which is separately owned shall, for the purposes of this section, be deemed to be the owner of such building and notices shall be given to the owner of every such part of such building accordingly.

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—cont.

(b) The owner of every such part of such building shall be liable to the Corporation for any expense incurred in carrying out works in accordance with the provisions of subsections (2) and (3) of this section in the proportion which the net annual value of the part of such building owned by such owner bears to the aggregate of the net annual value of the whole of such building at the date when the expense was incurred but without prejudice to the right of any owner of any part of such building under the conditions of his title or otherwise to recover the amount paid by or recovered from him or any part thereof from the owner of any other part of such building.

(c) For the purposes of the immediately preceding paragraph the expression "net annual value", in relation to any part of such building which is separately entered in the valuation roll, means the net annual value, as shown in the valuation roll, of such part of such building and, in relation to any part of such building which along with other lands and heritages (not being part of such building) is entered as a unum quid in the valuation roll, means the proportion of the net annual value as shown in the valuation roll of the subjects so entered which is applicable to such part of such building according to an apportionment to be made by the city assessor.

(d) Any person aggrieved by such apportionment may appeal to the sheriff within fourteen days after receipt by him of intimation of such apportionment and the decision of the sheriff on any such appeal shall be final.

(5) (a) Any person aggrieved by the requirements of a notice under this section may appeal to the dean of guild court within fourteen days after the receipt of such notice and the dean of guild court shall have power to confirm such notice (with or without modification) or to annul such notice.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(6) Notwithstanding anything in subsections (1) and (2) of this section, the city engineer shall (except in any case where a notice under this section has been the subject of an appeal) before proceeding to carry out any works in accordance with subsection (2) of this section report the matter to the procurator fiscal of the dean of guild court who shall cite the owners on whom notice has been served to appear before the said court to show cause why such works should not be carried out by the city engineer in accordance with the provisions of this section and, in the event of such owners failing to show cause as aforesaid, such works may be carried out by the city engineer in accordance with the provisions of this section.

(7) (a) For the purposes of this section, "owner", in relation to the recovery by the Corporation in pursuance of this section of the expense of carrying out any works on any building or on any thing affixed to any building or on any wall or fence connected

with or pertaining to any building, means the owner of such building or the person deemed to be the owner of the building in pursuance of subsection (4) of this section at the date of the completion of such works without prejudice to the right of such owner or of such person to recover such expense from any other person.

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—cont.

(b) A certificate of the date of completion of any works carried out by the city engineer under the provisions of this section signed by him shall be conclusive evidence of such date in the absence of evidence to the contrary.

(8) The provisions of this section shall not apply in relation to any advertisement to which regulations made under section 29 of the Town and Country Planning (Scotland) Act, 1947, for the time being apply.”

222. In addition to the jurisdiction and functions conferred on the dean of guild court under the provisions of section 13 (Powers of Court) of the Order of 1926, the dean of guild court shall have power to hear and determine appeals under section 219 (Prevention of water flowing on footway) and section 221 (Repair, etc., of structure, etc., of buildings) of this Order, and references in section 19 (Proceedings before Court) and section 20 (Rules for conduct of business) of the Order of 1926 to any application or petition shall be deemed to include a reference to an appeal under the said sections of this Order, and the provisions of Part II (Dean of Guild Court) of the Order of 1926 shall be read and construed accordingly.

Extension of
jurisdiction of
dean of guild
court.

223. Section 110 (Water rates, etc., in area beyond city) of the Order of 1958 is hereby repealed, and the said Order shall be read and have effect as if the following section were substituted therefor as section 110 thereof:—

Amendment
of section 110
of Order of
1958.

“(1) Notwithstanding anything in the Act of 1947 or the Act of 1949 or any regulations made under either of those Acts Part I of the Act of 1949 in its application to the Corporation and to the county council and the town councils shall during the period ending on the twenty-eighth day of May, nineteen hundred and sixty-four, have effect subject to the following modifications:—

(i) the amount of the public water rate assumed to be levied annually within that part of the limits of supply which is beyond the city shall continue to be the amount determined by the Corporation to be levied by way of public water rate within the city in respect of the corresponding financial year;

(ii) the amount of the domestic water rate assumed to be levied within that part of the limits of supply which is

PART XV
—cont.

beyond the city shall be an amount fixed annually by the Corporation, but shall not exceed the amounts specified in the following table:—

1	2
Area	Amount
County (landward area)	s. d. 1 1
Burghs—	
Bonnyrigg and Lasswade	10
Dalkeith	8
Loanhead	10
Musselburgh	10
Penicuik	10

(2) This section shall be deemed to have come into operation on the sixteenth day of May, nineteen hundred and sixty-one.”

Restrictions
on display of
goods in
areas, etc.

224.—(1) The Corporation may, by notice, prohibit the occupier of any premises from placing, hanging up or exposing for sale or hire any goods, wares, merchandise, matter or thing whatsoever (hereinafter in this section referred to as “goods”)—

- (a) within or on or over any railing enclosing any area or space of ground fronting, abutting on or adjoining any street and forming part of such premises or of any adjoining premises;
- (b) on any outside steps, platform or landing giving access to any part of such premises from the street or to any adjoining premises;

or they may, by notice, require any such occupier to comply with such restrictions or conditions with respect to the placing, hanging up or exposing of any goods as aforesaid as may be specified in such notice.

(2) The provisions of the preceding subsection shall also apply in relation to goods displayed as samples of or advertisements for goods available for sale or hire and to goods stored in connection with any business carried on in the premises or in any adjacent premises.

(3) In the exercise of their powers under this section the Corporation shall have regard only to—

- (a) the amenities of the locality in which such premises are situated; and
- (b) the possibility of danger, obstruction or inconvenience to the public.

(4) Any person aggrieved by any notice under this section may appeal to the sheriff.

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—cont.

(5) Any person failing to comply with any notice under this section shall be guilty of an offence under this Order.

(6) The provisions of this section shall not apply in relation to the sale or display for sale of newspapers or to the display of posters or bills relating to newspapers.

225.—(1) If any animals are at any time found at large in any street without any person having the charge thereof, any constable may seize and impound such animals and may detain them until the owner pays to the Corporation the reasonable expenses of impounding and keeping them. Power to impound stray animals.

(2) If such expenses are not paid within seven days after such impounding, the Corporation may proceed to sell such animals or cause them to be sold, provided that before such sale seven days' notice thereof shall be given to or left at the dwelling-house or place of business of the owner of such animals if he is known or, if such owner or his dwelling-house or place of business is not known, notice of such intended sale shall be given by advertisement to be inserted seven days before such sale in one or more newspapers circulating in the city.

(3) The proceeds of such sale after deducting all expenses shall be paid to the Corporation and shall be paid by them on demand to the owner of the animals so sold.

226.—(1) A door, gate, window-shutter or bar which opens on a street shall be so put up as not to open outwards unless in the case of a door, gate, window-shutter or bar which is put up on a public building the Corporation consent to its being otherwise put up: Doors, etc., not to be put up in streets so as to open outwards.

Provided that, in the case of premises in respect of which a licence under head A (Places of public entertainment) of Part IX (General licensing provisions) of this Order or a licence under the Cinematograph Acts, 1909 and 1952, is in force or a permit has been granted under head B (Public shows) of Part IX (General licensing provisions) of this Order, the construction of all doors, gates, window-shutters and bars in any such premises shall be subject to the provisions of any byelaws applicable to such premises or to the conditions attached to any such licence or permit.

(2) Where a door, gate, window-shutter or bar is put up on any premises in contravention of the preceding subsection the Corporation may, by notice to the occupier thereof, require him to alter such door, gate, window-shutter or bar so as not to open outwards.

(3) A notice under the preceding subsection may, at the option of the Corporation, be served on the owner of the premises in question instead of on the occupier or may be served on both the owner and the occupier of those premises.

(4) If a person on whom a notice under subsection (2) of this section is served fails to comply with the requirements thereof within eight days from the date of service thereof he shall be guilty of an offence under this Order.

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—cont.

(5) The Corporation may alter any door, gate, window-shutter or bar put up before the commencement of this Order which opens outwards on a street so that no part thereof when open shall project over the street.

Culverting, etc.,
of watercourses.

227.—(1) If it is necessary in order to prevent or remove nuisance or avoid the risk of nuisance or of damage to buildings by flooding that any watercourse or ditch should be wholly or partially filled up or covered over or that a pipe, drain or culvert should be substituted therefor, the Corporation may, by notice, require the owner of the land on which such watercourse or ditch is situated to execute within a reasonable time to be specified in the notice such works as may be necessary for preventing or removing nuisance or avoiding the risk of nuisance or of damage as aforesaid.

(2) If any difference shall arise between the Corporation and an owner as to the necessity for the works required by the Corporation to be executed under this section or as to the extent of such works such difference shall be determined by arbitration.

(3) Any person failing to comply with a requirement of the Corporation under this section shall be guilty of an offence under this Order.

(4) Nothing in this section shall apply to—

- (a) the dam or mill lade leading to Gorgie mills; or
- (b) any watercourse or ditch constructed by the transport commission under statutory power or situated upon property belonging to the transport commission for the maintenance of which they are responsible by statute; or
- (c) the Water of Leith from the sea to the highest point to which the spring tides flow.

Byelaws as
to fishing in
Water of
Leith.

228. The Corporation may make byelaws—

- (a) for the protection and preservation of the fish; and
- (b) the regulation of fishing;

in the Water of Leith so far as within the city.

Preservation
and
publication
of records.

229. The Corporation may preserve, arrange, index, classify and publish such records, deeds and other documents of the city and of the Corporation or such extracts from them or reference to their contents as the Corporation may consider to be of public interest.

Custody of
ancient
documents.

230. The Corporation may enter into and carry into effect agreements with the owners of documents, books or papers of historic or other interest for the custody and exhibition by the Corporation of such documents, books or papers.

Robes and
insignia.

231.—(1) The Corporation may provide and maintain robes and insignia of office for the use of the lord provost, the bailies, the honorary treasurer and the town councillors and robes of office for the use of the lord dean of guild and the convener of trades.

(2) Any robes and insignia provided by the Corporation under the powers of this section shall remain the property of the Corporation.

232. The powers of the Corporation under section 134 of the Act of 1948 shall extend to any information concerning the city and its neighbourhood.

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—cont.

Information centres.

233. In its application to the city section 10 of the Burial Grounds (Scotland) Act, 1855, shall be read and have effect as if the word "policy" were omitted therefrom.

Application of Burial Grounds Act.

234. Section 247 (Storage of paraffin oil) of the Order of 1958 shall not apply and shall be deemed never to have applied in relation to premises within the harbour and docks of Leith and Granton Harbour.

Section 247 of Order of 1958 not to apply to harbours.

PART XVI

GENERAL

235. All expenditure incurred by or on behalf of the Corporation in the exercise of the powers conferred and the performance of the duties imposed on them by this Order or the byelaws made thereunder (or under any corresponding provisions of the repealed Acts) and not otherwise recovered as provided in this Order shall be defrayed out of the burgh fund.

As to expenditure for purposes of Order.

236.—(1) The Corporation may from time to time borrow such money as may be necessary—

Borrowing for purposes of Order.

(a) for the purposes of this Order to which capital is properly applicable and for which borrowing powers are not otherwise available; and

(b) for paying the costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order or otherwise in relation thereto;

in the same manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947.

(2) Notwithstanding anything contained in section 262 of the Act of 1947, any money borrowed for the purposes specified in paragraph (a) of the preceding subsection shall be repaid within forty years from the date or dates of borrowing the same and any money borrowed for the purpose of paragraph (b) of the preceding subsection shall be repaid within five years from the twenty-ninth day of May first occurring after the commencement of this Order.

237. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, or of section 259 of the Act of 1947.

Saving for control on borrowing.

238.—(1) The Corporation may acquire by agreement, whether by way of purchase, feu, lease or excambion, any land within or outwith the city for the purposes of any of their functions under this Order for the acquisition of which powers are not otherwise available.

Acquisition of land for purposes of Order.

(2) (a) The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to

PART XVI
—cont.

time require for the purposes of any of their functions under Parts V (Public lighting), VI (Public cleansing) and VII (Public health and sanitation) of this Order and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

(b) Nothing in this subsection shall authorise the compulsory acquisition of any operational land of any railway, canal, dock, harbour, gas or electricity undertakers.

Confirming
authority for
byelaws.

239. As respects byelaws made under this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the Secretary of State.

Display of
byelaws.

240. A printed copy or sufficient abstract of any byelaws made under any provision of the city Acts and which relate to any lands or premises belonging to, or under the control of, the Corporation shall, as far as it is practicable to do so, be exhibited by the Corporation in conspicuous parts of the lands or premises to which the same relate.

Power to enter
premises.

241.—(1) Any authorised officer of the Corporation shall, on producing (if required) his authorisation, have a right at all reasonable hours to enter any premises—

- (a) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of the city Acts or of any byelaws made thereunder or of any condition subject to which any consent permit or certificate of registration has been granted under the city Acts;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any work under the city Acts or any such byelaws;
- (c) for the purpose of taking any action or executing any work authorised or required by the city Acts or any such byelaws or any order made under the city Acts to be taken or executed by the Corporation; and
- (d) generally for the purpose of the performance by the Corporation of their functions under the city Acts and any such byelaws:

Provided that admission to any premises not being a factory, workshop or workplace shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) A magistrate or judge of police on the application of the city prosecutor may grant warrant to any authorised officer to enter any premises if need be by force on being satisfied—

- (a) that admission to such premises has been refused or that refusal is apprehended or that the premises are unoccupied or the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid:

Provided that such a warrant shall not be granted unless the magistrate or judge of police is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) If any person who, in compliance with the provisions of this section or with a warrant issued thereunder, is admitted into any premises makes use of or discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret he shall, unless such use or disclosure was made in the performance of his duty, be guilty of an offence under this Order.

(5) Every warrant granted under this section shall continue in force for a period of one month or until the purpose for which the entry is necessary has been satisfied, whichever is the shorter.

(6) The firemaster and any member of the fire brigade acting within the city in pursuance of any arrangements made under the Fire Services Act, 1947, authorised to that effect by the firemaster shall be deemed to be an authorised officer of the Corporation for the purposes of this section.

(7) Nothing contained in this section shall empower any authorised officer of the Corporation to enter any premises used only as a private dwelling except for the purpose of head D (Farmed-out houses) and head E (Verminous persons and filthy or verminous premises and articles) of Part VII (Public health and sanitation) of this Order.

242.—(1) Where under the provisions of the city Acts any work is required to be carried out by the owner or occupier of any lands or premises and such owner or occupier fails to carry out such work in accordance with such requirement, and where apart from this section no provision is made for the Corporation carrying out such work, the Corporation may cause such work to be carried out and the expense incurred by the Corporation in respect of the carrying out of such work shall be recoverable by the Corporation from such owner or occupier as the case may be.

In default of owner, etc., Corporation may execute works.

(2) Where the Corporation have incurred in respect of any work carried out or caused to be carried out by them any expense which, under the provisions of the city Acts, is recoverable by them from the owner or occupier of any lands or premises, such expense, together with interest thereon at the rate of five per centum per annum from the time when such expense was incurred, may be recovered by the Corporation from any of the following persons:—

(a) the person failing to comply with the notice or order requiring him to carry out the work; or

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—cont.

- (b) the owner or occupier (as the case may be) of the said lands or premises at the date when the work was completed; or
- (c) the owner or occupier (as the case may be) of the said lands or premises at the date when a demand for payment of such expense is first made by the Corporation:

Provided that nothing in this subsection shall affect any right of relief competent to any person by whom the amount of such expense is paid or from whom such expense is recovered by the Corporation against any other person in respect of the amount of such expense paid by or recovered from him.

(3) Where more than one owner or occupier is liable for any expense to which the preceding subsection applies, the amount shall be apportioned among them according to the net annual value of their respective lands or premises as entered in the valuation roll.

(4) For the purposes of this section the expression "the city Acts" shall not include the Order of 1926.

In default of owner, occupier may execute works.

243.—(1) Where default is made by the owner of any lands or premises in the execution of any work required to be executed by him in pursuance of the city Acts, the occupier of such lands or premises may, with the approval of the Corporation, cause such work to be executed and the expense thereof shall be repaid to such occupier by the owner of such lands or premises.

(2) Such occupier may deduct the amount of such expense with interest thereon at the rate of five per centum per annum from the time when such expense was incurred out of the rent from time to time becoming due to such owner.

Amendment of Order of 1926 relative to apportionment of expenditure.

244. As from the twenty-ninth day of May, nineteen hundred and sixty-one, any reference to the gross annual value in any provision of the Order of 1926 relating to the apportionment of expenditure among owners of buildings shall be construed as a reference to the net annual value.

Limitation of obligations of factors, etc.

245.—(1) Where a claim for recovery of any expense incurred by or on behalf of the Corporation under the city Acts in relation to any lands or premises is made against a person as being the owner of such lands or premises in respect of which the expense was incurred and such person proves that he—

(a) is receiving the rent of such lands or premises merely as trustee, tutor, curator, factor or agent for some other person; and

(b) has not, and, since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to meet the whole claim;

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but the Corporation may recover any unpaid balance of such expense from the person on whose behalf such trustee, tutor, curator, factor or agent received the rent.

(2) The liability of any such trustee, tutor, curator, factor or agent for any such expense shall not be affected by reason of the notice requiring the execution of the work in relation to which such expense

was incurred or the demand for payment of such expense having been served only on the person for whom such trustee, tutor, curator, factor or agent acts.

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—cont.

246.—(1) If the occupier of any lands or premises prevents the owner from executing any work which he is required to execute in pursuance of the city Acts, the sheriff may, on the application of such owner, authorise such owner by himself, his contractors and workmen to enter such lands or premises for the purpose of executing such work.

Power to require occupier to permit works to be executed by owner.

(2) Any application under this section shall proceed by way of initial writ under the Sheriff Courts (Scotland) Acts, 1907 to 1939, and shall be disposed of as a summary application as defined in the said Acts.

247. A person who wilfully obstructs any person acting in the execution of the city Acts, or of any byelaw, regulation, order or warrant made or issued thereunder, shall be guilty of an offence under this Order.

Penalty for obstructing execution of city Acts.

248. Except where otherwise specially provided, all expenses, damages and debts recoverable under the city Acts may be sued for and recovered in the same manner as any debt may be sued for and recovered in accordance with the law of Scotland.

Recovery of expenses, etc., under city Acts.

249.—(1) The provisions of sections 347, 349 and 352 of the Act of 1947 shall apply with respect to the authentication, service and validity of any notice, order, demand, requisition or other such document by the Corporation required or authorised by the city Acts.

Authentication, service and validity of notices, etc., by Corporation.

(2) (a) Where under any provision of the city Acts the Corporation is required or authorised to serve a notice on the owner or occupier of any lands or premises, such notice shall be deemed to be validly served if it is served on the person appearing from the valuation roll, or otherwise known to the Corporation or to any officer of the Corporation authorised to serve such notice, to be such owner or occupier (as the case may be), or, where more than one person so appears or is otherwise known to be such owner or occupier (as the case may be), on any one of such persons.

(b) Service of a notice on a person so appearing to be owner or occupier (as the case may be) may be effected by sending the notice addressed to him by his name or, where his name is not stated in the valuation roll, by his description as therein appearing and at his address as entered in the valuation roll.

250. In any proceedings under the city Acts or any other enactment a document purporting to be signed by the town clerk as certifying the appointment of or any authority given to an officer of the Corporation shall be prima facie evidence of such appointment or authority without further proof.

Evidence of appointment or authority of officer of Corporation.

251. Where the day or the last day on which anything is required or permitted by or in pursuance of the city Acts to be done is a Sunday, Saturday, Christmas Day, New Year's Day, Good Friday, bank holiday or a public holiday or a day appointed for public thanksgiving

Provisions as to Sunday, etc.

PART XVI
—cont.

or mourning the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned but, save as aforesaid, or as otherwise expressly provided in the city Acts, in reckoning a number of days for the purposes of the city Acts the days before specified shall not be excluded.

Mode of
reference to
arbitration.

252.—(1) In arbitrations under this Order the reference shall, except where otherwise expressly provided, be to a single arbiter to be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

(2) An arbiter appointed in accordance with the provisions of this section shall have power—

- (a) by notice in writing to require any person to attend at the time and place set forth in the notice to give evidence or to produce any books, documents and accounts in his custody or under his control which relate to any matter in question at the arbitration;
- (b) to administer oaths to witnesses and examine witnesses on oath; and
- (c) to award expenses:

Provided that—

- (i) a person shall not be required, in obedience to such a notice, to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and
- (ii) nothing in this subsection shall empower an arbiter to require any person to produce any book, document or account or to answer any question which he would be entitled on the ground of privilege or confidentiality to refuse to produce or to answer if the arbitration were a proceeding in a court of law.

(3) If any question of law arises in the course of any arbitration under the provisions of this section the arbiter may, and at the request of either party shall, state a case for the opinion of the Court of Session and the opinion of the court shall be final.

Application of
certain sections
of Order of
1958.

253.—(1) The sections hereinafter specified of the Order of 1958 shall, so far as the same are not varied by or inconsistent with the provisions of this Order, extend and apply mutatis mutandis in reference to the provisions of this Order as fully and effectually as if those sections had been re-enacted in this Order (that is to say):—

Section 255 (Powers of Order to be cumulative);

Section 256 (Interpretation of “provide”);

Section 260 (Appeals to sheriff);

Section 261 (Breach of conditions of consent).

(2) Any decision of the Corporation revoking or suspending a licence in accordance with the provisions of Part IX (General licensing provisions) of this Order shall be deemed to be a decision of the Corporation for the purposes of subsection (6) of section 260 (Appeals to sheriff) of the Order of 1958 as applied by this section.

254. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

PART XVI
—cont.
Crown rights.

255. Nothing in this Order shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister of Transport and subject to such conditions and restrictions as the said Minister may prescribe before such work is begun.

Works below
high-water
mark.

256. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act, 1947, for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Saving for
town and
country
planning.

257. Subject to the provisions of this Order, the Orders specified in the first column of the Third Schedule to this Order shall have effect subject to the amendments specified in the second column of that schedule:

Amendments of
city Acts
relating to
superannuation.

Provided that nothing in this section shall prejudice or affect the rights of any existing officer or servant under any of such provisions or the amount of any superannuation allowance payable to any officer or servant who had retired prior to the commencement of this Order.

258.—(1) Subject to the provisions of this Order, the provisions of the Acts and Orders specified in the Fourth Schedule to this Order (so far as not already repealed) are hereby repealed to the extent indicated in the third column of that schedule.

Repeal of
Acts, etc.

(2) The repeal of the provisions of the Acts and Orders specified in Part I of the said schedule shall take effect from the commencement of this Order.

(3) The repeal of the provisions of the Acts and Orders specified in Part II of the said schedule shall take effect on the twenty-ninth day of May, nineteen hundred and sixty-two.

259.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

Saving from
effect of repeal.

(a) all existing agreements made by the Corporation or their predecessors, being agreements made under or confirmed by any of the repealed Acts, shall so far as subsisting and in force at the commencement of this Order be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;

PART XVI
—cont.

- (b) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts, works, matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices, notices to treat, agreements, awards, conveyances, contracts, titles, covenants, deeds, instruments, feus, leases, wayleaves, obligations, rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued, enforced and completed as if the Act confirming this Order had not been passed;
- (c) all existing annuities, bonds, mortgages or other securities made, granted, payable or created by the Corporation, or their predecessors, under any of the repealed Acts shall be and continue valid and available for all purposes as if the Act confirming this Order had not been passed;
- (d) all actions, arbitrations, submissions and proceedings by, with or against the Corporation, or any officer of the Corporation, by reason of any matters or things done before the commencement of this Order in execution of or in relation to any of the repealed Acts may be continued, commenced or prosecuted by, with or against the Corporation as if the Act confirming this Order had not been passed;
- (e) all prosecutions in respect of offences against any provision of the repealed Acts initiated before the repeal of such provision may be continued as if the Act confirming this Order had not been passed;
- (f) all existing byelaws, rules, regulations, orders, licences, registrations, consents, sanctions, permissions and approvals and things done in execution of or in relation to or granted in pursuance of the repealed Acts shall continue in force until repealed, altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for the like purposes respectively under the provisions of this Order;
- (g) in the case of a byelaw which has been made before the commencement of this Order but which, by reason of its not having been confirmed or of the time for disallowance not having expired, is not in force at that date the same proceedings may be taken and with the same effect as if the Act confirming this Order had not been passed;
- (h) all assessments, rates, requisitions, rents, tolls, charges and other sums due at the commencement of this Order to the Corporation under or in respect of any of the repealed Acts may be levied, issued, collected and recovered by the Corporation as if the Act confirming this Order had not been passed;
- (i) all books, registers, deeds, plans, documents and writings which under any of the repealed Acts or otherwise would have

been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed;

- (j) all plans, sections and books of reference and all corrections and certificates of corrections thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed;
- (k) any agreement or document relating to any of the provisions of the repealed Acts which are re-enacted with or without modification in this Order shall, unless the contrary intention appears, be of full force and effect and shall be deemed to refer to the corresponding provisions enacted in this Order and any references in any such agreement or document to any such provisions of the repealed Acts shall be deemed to be a reference to such corresponding provisions ;
- (l) the disposition and assignation by the Corporation with consent of the trustees of the Royal Victoria Hospital Tuberculosis Trust in favour of Henry Alexander of the subjects comprising the Polton Farm Colony dated the first, second and fifth and recorded in the division of the general register of sasines for the county of Midlothian on the thirtieth, all days of July, nineteen hundred and forty-eight, shall continue valid for all purposes as if the Act confirming this Order had not been passed.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act, 1889.

260. The costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh fund in such manner as the Corporation may determine. Costs of Order.

SCHEDULES

Section 159.

FIRST SCHEDULE

MAXIMUM FEES PAYABLE ON APPLICATIONS FOR LICENCES

Nature of licence applied for	Maximum fee	
	On application for grant of original licence	On application for grant of succeeding licence
	£	£ s.
Place of public entertainment—		
(i) Theatre regularly used as such ...	5	3 0
(ii) Place of public entertainment other than theatre regularly used as such ...	2	1 0
Billiard room ...	2	1 0
Pleasure boat ...	1	0 10
Cab driver ...	1	0 10
Employment agency ...	3	2 0
Broker ...	1	0 10
Pawnbroker ...	2	1 0
Window cleaner ...	1	0 10

Section 206.

SECOND SCHEDULE

MAXIMUM PENALTIES FOR OFFENCES UNDER ORDER

PART I

Offences in respect of which a sentence of imprisonment without the option of a fine is competent:—

Provision of Order contravened	Maximum fine	Maximum period of imprisonment (in the case of a sentence of imprisonment without the option of a fine)
Paragraph (a) of section 179 (Offences relating to public decency), section 180 (Soliciting and importuning), subsection (1) of section 182 (Obscene publications, etc.) or section 183 (Offences relating to public order) ...	£25	60 days
Subsection (1) of section 202 (Offences by known thieves, etc.) ...	£25	60 days
Section 203 (Begging, vagrancy, etc.) ...	£10	60 days
Subsection (4) of section 241 (Power to enter premises) ...	£200	3 months

PART II

2ND SCH.
—cont.

Offences in respect of which a sentence of imprisonment without the option of a fine is not competent:—

Provision of Order contravened	Maximum fine
Section 35 (Cattle, etc., markets not to be established without consent of Corporation)	£25
Subsection (2) of section 39 (Dead meat market)	£25
Section 40 (As to sale of dead meat, hides, etc., in slaughter-houses)	£25
Section 73 (Areas, etc., to be cleansed by occupiers)	£10
Section 74 (Common stairs, etc., to be cleansed by owners)	£10
Section 77 (Midden steads, etc., to be cleaned out)	£10
Section 78 (Power to require sanitary conveniences, etc., at hotels, etc.)	£25
Subsection (5) of section 79 (Hairdressers and barbers to be registered)	£25
Subsection (6) of section 79 (Hairdressers and barbers to be registered)	£10
Subsection (2) of section 81 (Power of court to suspend registration of hairdressers and barbers)	£10
Subsection (2) of section 87 (Cleansing of filthy or verminous premises)	£10
Subsection (1) of section 89 (Prohibition of sale of verminous articles)	£25
Any provision of head G (Miscellaneous) of Part VII (Public health and sanitation)	£25
Subsection (2) of section 102 (Protection of bathers)	£10
Section 104 (Restrictions on structures, etc., and trading on seashore)	£10
Subsection (1) of section 105 (Removal of sand, etc., from seashore)	£25
Subsection (1) of section 110 (Places of public entertainment to be licensed)	£25
	83

2ND SCH.
—cont.

Provision of Order contravened	Maximum fine
Section 111 (As to hours of opening of places of public entertainment)	£25
Section 116 (Permission for public shows)	£25
Section 120 (Billiard rooms to be licensed)	£25
Section 122 (Pleasure boats to be licensed)	£25
Section 123 (As to number of persons to be carried on pleasure boats)	£25
Section 127 (Penalty for using unlicensed vehicle as a cab) ...	£25
Subsection (2) of section 129 (Forfeiture of cab drivers' licences)	£10
Section 130 (Penalty in case of cab driver acting without licence)	£10
Section 132 (Authorised or agreed fare not to be exceeded)	£10
Section 133 (Penalty on persons refusing to pay fare) ...	£10
Section 136 (Compulsory hiring distance)	£10
Section 137 (Prohibition on vehicles other than taxi-cabs being fitted with taximeters, etc.)	£10
Subsection (1) of section 141 (Employment agencies to be licensed)	£25
Subsection (2) of section 142 (Byelaws as to employment agencies)	£10
Section 143 (Inspection of books, etc., in connection with employment agencies)	£25
Subsection (1) of section 146 (Licensing of brokers)	£25
Section 147 (Offences by brokers), subsection (1) of section 148 (Miscellaneous provisions as to brokers), section 149 (Pawnbrokers) or any provision of the Order applied by that section	£25
Section 151 (Window cleaners to be licensed)	£10
Section 155 (Penalty for false statements in applications for licences)	£25
Section 158 (Reporting of changes in particulars)	£10
Subsection (3) of section 162 (Power to revoke or suspend licences)	£10

Provision of Order contravened	Maximum fine	2ND SCH. —cont.
Subsection (1) of section 176 (Disposal of lost property) ...	£10	
Subsection (2) of section 177 (Brokers, etc., to produce stolen articles in their possession)	£25	
Paragraphs (b) or (c) of section 179 (Offences relating to public decency), section 181 (Committing nuisance in public place) or section 184 (Insulting language or behaviour)	£10	
Any provision of heads B (Offences relating to public mischief), C (Offences relating to fire), D (Offences relating to conduct likely to cause public danger or annoyance, etc.), E (Offences relating to amenity, etc.), F (Offences relating to traffic, etc.) of Part XII (Police offences) ...	£10	
Subsection (2) of section 204 (Use of rooms for meetings and entertainments) or subsection (2) of section 205 (Animals or birds causing annoyance)	£25	
Section 212 (Power of constables to enter certain premises) or section 215 (Power of constables to search vehicles and vessels)	£25	
Subsection (5) of section 224 (Restrictions on display of goods in areas, etc.)	£25	
Subsection (4) of section 226 (Doors, etc., not to be put up in streets so as to open outwards)	£10	
Section 227 (Culverting, etc., of watercourses)	£25	
Section 247 (Penalty for obstructing execution of city Acts)	£10	

THIRD SCHEDULE

Section 257.

AMENDMENTS OF CITY ACTS RELATING TO SUPERANNUATION

Orders amended	Amendments
Edinburgh Corporation Order, 1933	In section 41:— In the definition of "Aggregate service" the words— "any of the following bodies, viz." and the words— "the Edinburgh and Leith Gas Light Company the Edinburgh Gas Light

3RD SCH.
—cont.

Orders amended	Amendments
Edinburgh Corporation Order, 1933—cont.	<p>Company the provost magistrates and councillors of the burgh of Portobello the Northern Tramways Company and the Edinburgh Street Tramways Company ”</p> <p>and</p> <p>“ provided that in the case of the persons named in paragraph (A) of subsection (1) of section 57 of the Act of 1913 their years of service with the Edinburgh and District Water Trustees prior to their transfer to the employment of the Corporation shall be deemed to be service with the Corporation ”</p> <p>shall be omitted.</p> <p>In the definition of “ The Corporation ” (as set out in section 22 of the Edinburgh Corporation Order, 1937) the words “ the Edinburgh Public Libraries Committee ” and “ committee ” (twice occurring) shall be omitted.</p> <p>The definitions of “ professional fireman ” and “ professional firemen ” shall be omitted.</p> <p>In section 50:— Subsections (3) and (4) shall be omitted.</p> <p>In section 51:— Provisos (4) and (5) shall be omitted.</p> <p>In section 65:— Paragraph (1) shall be omitted.</p> <p>Section 70 shall be omitted.</p> <p>In the Fifth Schedule:— Paragraphs 4 and 5 shall be omitted.</p>
Edinburgh Corporation (Tramways, &c.) Order, 1935	<p>In subsection (1) of section 19 the words— “ or within three months after the commencement of this Order in the case of an officer or servant who has attained the full age of sixty years and has resigned or retired subsequent to the twenty-seventh day of March one thousand nine hundred and thirty-four ”</p> <p>shall be omitted.</p>

Orders amended	Amendments
Edinburgh Corporation Order, 1937	<p>In section 20 the words—</p> <p>“ or has subsequent to the thirty-first day of October nineteen hundred and thirty-six become ”</p> <p>“ or (in the case of a person who has become a contributor to the Corporation superannuation scheme between the thirty-first day of October nineteen hundred and thirty-six and the commencement of this Order) within six months from the commencement of this Order ”</p> <p>shall be omitted.</p> <p>Section 24 shall be omitted.</p>

FOURTH SCHEDULE

ACTS AND ORDERS REPEALED

PART I

Provisions of Acts and Orders repealed as from the commencement of this Order:— Section 258 (1) and (2).

Session and chapter or number of statutory instrument	Title of Act or Order	Extent of repeal
3 Vict. c. xvii	An Act for abolishing certain Petty and Market Customs in the City of Edinburgh and granting other Duties in lieu thereof 1840	Section XXVI.
52 & 53 Vict. c. cvi	Water of Leith Purification and Sewerage Act, 1889	Section 81.
10 & 11 Geo. 5 c. lxxxvii	Edinburgh Boundaries Extension and Tramways Act, 1920	The whole Act so far as not already repealed.
	Edinburgh Gas (Charges) Order, 1924	The whole Order.
16 & 17 Geo. 5 c. lxxv	Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act, 1926	Sections 55, 94, 194, 204, 205, 209, 210, 211 and 212 of the Order scheduled thereto.

4TH SCH.
—cont.

Session and chapter or number of statutory instrument	Title of Act or Order	Extent of repeal
22 Geo. 5 c. vii	Edinburgh Corporation Order Confirmation Act, 1932	Sections 65 to 69 inclusive, 71 to 76 inclusive, 78, 82, 84, 85, 89 to 91 inclusive, 93, 95 to 97 inclusive, 166, the proviso to section 173, and sections 195 and 196 of, and paragraphs (1), (4), (5) and (6) of Part II of the Third Schedule to, the Order scheduled thereto.
24 Geo. 5 c. v	Edinburgh Corporation Order Confirmation Act, 1933	Sections 104, 111, 113, 115 to 117 inclusive, 120 to 123 inclusive, 125, 128, 130, section 131 (except in so far as incorporating section 503 of the Burgh Police (Scotland) Act, 1892), sections 132, 133 (so far as incorporating sections 413, 414 and 415 of the Burgh Police (Scotland) Act, 1892), section 139, Parts VIII, IX and X, sections 228 to 233 inclusive, 235, 236, head (A) of Part XVII, section 307, paragraphs (5), (7), (8) and (9) of section 312, Part XXIII, sections 336 to 338 inclusive, 340, 342, 343, 346 to 349 inclusive, 351, paragraph (1) of section 352, in paragraph (3) of section 352 the words "and in particular" to the end of the paragraph, and paragraph (j) of subsection (1) of section 369 (so far as relating to the agreements Nos. 4 and 9 enumerated in the Fourteenth Schedule) of, and the Eighth Schedule to, the Order scheduled thereto.
24 & 25 Geo. 5 c. xxx	Edinburgh Corporation Order Confirmation Act, 1934	The whole of the Act and the Order scheduled thereto so far as not already repealed except sections 3 and 7.

Session and chapter or number of statutory instrument	Title of Act or Order	Extent of repeal
25 Geo. 5 c. iii	Edinburgh Corporation (Tramways etc.) Order Confirmation Act, 1935	Section 24 of the Order scheduled thereto.
26 Geo. 5 & 1 Edw. 8 c. vi	Edinburgh Corporation Order Confirmation Act, 1936	The whole of the Act and the Order scheduled thereto so far as not already repealed.
S.R. & O. 1936 No. 692 S.20	Edinburgh Corporation Gas Order, 1936	The whole Order.
1 Edw. 8 & 1 Geo. 6 c. lxxxiv	Edinburgh Corporation Order Confirmation Act, 1937	Part II, sections 27, 31, 34, 36, 37 and 42 to 44 inclusive of, and the First Schedule to, the Order scheduled thereto.
12 & 13 Geo. 6 c. xx	Edinburgh and Midlothian Water Order Confirmation Act, 1949	Section 26 of the Order scheduled thereto.
14 Geo. 6 c. xxvii	Edinburgh Corporation Order Confirmation Act, 1950	Sections 23 to 25 inclusive, section 59, in section 60 the words "so that in its application to the city" to the end of the section, sections 61, 62, 73, subsection (4) of section 79, sections 83, 90 to 92 inclusive of, and the Third Schedule to, the Order scheduled thereto.
2 & 3 Eliz. 2 c. xxi	Edinburgh Corporation Order Confirmation Act, 1954	Parts IV, V, VI and VII, section 94, subsection (2) of section 95, sections 98 to 102 inclusive of, and the Second Schedule to, the Order scheduled thereto.
4 Eliz. 2 c. xxvii	Edinburgh Corporation Order Confirmation Act, 1955	The whole of the Act and the Order scheduled thereto, so far as not already repealed.
7 Eliz. 2 c. v	Edinburgh Corporation Order Confirmation Act, 1958	Subsection (2) of section 12, and sections 130, 176, 177, 212, 236, 237, 238, 249, 250, 251, 262, 263 and 264 of the Order scheduled thereto.

4TH SCH.

—cont.

Section 258 (1)
and (3).

PART II

Provisions of Acts and Orders repealed as from the twenty-ninth day
of May, nineteen hundred and sixty-two:—

Session and chapter	Title of Act or Order	Extent of repeal
24 Geo. 5 c. v	Edinburgh Corporation Order Confirmation Act, 1933	Section 133 (so far as incorporating sections 433 to 453 inclusive of the Burgh Police (Scotland) Act, 1892), Parts XIV, XX and XXII of, and the Twelfth Schedule to, the Order scheduled thereto.
1 Edw. 8 & 1 Geo. 6 c. lxxxiv	Edinburgh Corporation Order Confirmation Act, 1937	Section 35 of the Order scheduled thereto.
14 Geo. 6 c. xxvii	Edinburgh Corporation Order Confirmation Act, 1950	Part II of the Order scheduled thereto.
7 Eliz. 2 c. v	Edinburgh Corporation Order Confirmation Act, 1958	Sections 252 and 253 of the Order scheduled thereto.

*Table of Statutes referred to in this Act
(other than those mentioned in the Fourth Schedule)*

Short title	Session and chapter
An Act for regulating, maintaining and improving the Premises in the City of Edinburgh, termed Queen Street Gardens, and for effecting certain other Improvements in the Vicinity thereof, and connected therewith	3 Geo. 4 c. xxviii.
Theatres Act, 1843	6 & 7 Vict. c. 68.
Burial Grounds (Scotland) Act, 1855 ...	18 & 19 Vict. c. 68.
Pawnbrokers Act, 1872	35 & 36 Vict. c. 93.
Explosives Act, 1875	38 Vict. c. 17.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Public Libraries Consolidation (Scotland) Act, 1887	50 & 51 Vict. c. 42.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Health (Scotland) Act, 1897 ...	60 & 61 Vict. c. 38.
Cinematograph Act, 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Factories Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Water (Scotland) Act, 1946	9 & 10 Geo. 6 c. 42.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Fire Services Act, 1947	10 & 11 Geo. 6 c. 41.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6 c. 42.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6 c. 53.
Local Government Act, 1948	11 & 12 Geo. 6 c. 26.
Employment and Training Act, 1948 ...	11 & 12 Geo. 6 c. 46.
Water (Scotland) Act, 1949	12 & 13 Geo. 6 c. 31.
Coast Protection Act, 1949	12 & 13 Geo. 6 c. 74.
Nurses (Scotland) Act, 1951	14 & 15 Geo. 6 c. 55.
Cinematograph Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Slaughterhouses Act, 1954	2 & 3 Eliz. 2 c. 42.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2 c. 48.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2 c. 26.
Clean Air Act, 1956	4 & 5 Eliz. 2 c. 52.
Licensing (Scotland) Act, 1959	7 & 8 Eliz. 2 c. 51.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.

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Ch. ii

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10 ELIZ. 2 Ch. ii

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