



CHAPTER xxvii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Edinburgh Corporation. [21st December 1955.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners 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 Short title. Confirmation Act 1955.

SCHEDULE

EDINBURGH CORPORATION

Provisional Order to confer further powers on the Corporation of the city of Edinburgh with respect to their transport undertaking to enact provisions and confer powers on the Corporation with respect to their slaughterhouses and to authorise them to provide and operate a dead meat market and for other purposes.

WHEREAS the Corporation of the city of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government of the city and royal burgh of Edinburgh (hereinafter referred to as "the city") and are the local authority therein :

And whereas the Corporation in pursuance of the Edinburgh Corporation Acts 1924 to 1954 operate services of tramcars and of public service vehicles in the city :

And whereas it is expedient that the further powers with respect to their transport undertaking contained in this Order should be conferred on the Corporation :

And whereas the Corporation own and operate slaughterhouses on land at Gorgie in the city and it is expedient that the provisions contained in this Order with respect to the said slaughterhouses should be enacted and that the Corporation should be empowered to provide additional facilities in connection therewith as provided in this Order :

And whereas it is expedient that the Corporation should be empowered to provide and operate a dead meat market in connection with their slaughterhouses and that the powers contained in this Order with respect thereto should be conferred on the Corporation :

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 and
collective titles.

1. This Order may be cited as the Edinburgh Corporation Order 1955.

This Order and the Edinburgh Corporation Acts 1924 to 1954 may be cited together as the Edinburgh Corporation Acts 1924 to 1955.

Commencement
of Order.

2. This Order shall come into operation on the date of the Act confirming this Order which date is in this Order referred to as "the commencement of this Order".

3. In this Order unless there be something in the subject or context repugnant to such construction the following words and expressions shall have the meanings hereinafter respectively assigned to them (that is to say):—

- “ Act of 1954 ” means the Slaughterhouses Act 1954 ;
- “ cattle ” has the same meaning as in section 5 (Interpretation) of the Order of 1933 as therein applicable to slaughterhouses and markets ;
- “ city ” means the city and royal burgh of Edinburgh ;
- “ city Acts ” means the Edinburgh Corporation Acts 1924 to 1954 and this Order ;
- “ Corporation ” means the Corporation of the city of Edinburgh ;
- “ daily penalty ” means a penalty for every day on which any offence is continued after conviction therefor ;
- “ Minister ” means the Minister of Transport and Civil Aviation ;
- “ Order of 1933 ” means the Edinburgh Corporation Order 1933 ;
- “ public service vehicle ” has the same meaning as in the Road Traffic Act 1930 ;
- “ repealed Acts ” means the provisions of the Acts and Orders specified in the schedule to this Order and repealed by this Order ;
- “ slaughterhouses ” means the slaughterhouses of the Corporation ;
- “ slaughterhouses undertaking ” means the slaughterhouses continued or established under the provisions of this Order and any cold stores and any dead meat market established by the Corporation in pursuance of this Order.

PART II

TRANSPORT

4. As from the commencement of this Order the tramway undertaking of the Corporation shall be known as “ the transport undertaking ” and the city Acts shall be read and have effect as if for the words “ tramway undertaking ” wherever they occur there were substituted the words “ transport undertaking ”.

Definition of
transport
undertaking.

5.—(1) Notwithstanding anything in any enactment the Corporation may on any occasion run and reserve tramcars and public service vehicles within the city for any special purpose which the Corporation may consider necessary or desirable provided that such special tramcars and public service vehicles shall be distinguished from other tramcars and public service vehicles in such manner as may be directed by the Corporation and that during the running of such special tramcars or public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of tramcars or public service vehicles:

Power to reserve
tramcars and
public service
vehicles for
special purposes.

PART II
—cont.

(2) (a) The Corporation may make byelaws for prohibiting the use of any such special tramcars or public service vehicles by any persons other than those for whose conveyance the same are reserved.

(b) The confirming authority for the purposes of section 301 of the Local Government (Scotland) Act 1947 as respects the said byelaws shall be the Minister.

(3) Nothing in this section shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

Starting and
stopping places.

6.—(1) The Corporation may appoint the stations and places within the city from which the tramcars and public service vehicles of the Corporation start or at which they may stop for the purposes of taking up or setting down passengers and fix the time during which such tramcars or public service vehicles are allowed to remain at any such places.

(2) Nothing in this section shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

Power to
manufacture
public service
vehicles.

7. Notwithstanding anything in any enactment the Corporation may manufacture public service vehicles for the purposes of experiment in connection with the transport undertaking.

Parcels delivery
service.

8.—(1) The Corporation may continue to run vehicles on any road within the city for the sole purpose of collecting conveying and delivering parcels not exceeding one hundred and twelve pounds in weight and may demand and take for the conveyance of parcels and for any services performed by them in connection therewith such reasonable charges as they may think fit.

(2) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

(3) The Corporation may for the purposes of their parcels delivery service continue to provide and fit up offices for the receipt and dispatch of parcels.

(4) The Corporation shall perform in respect of the vehicles run by them in pursuance of subsection (1) of this section all such services with regard to the conveyance of mails as are prescribed by the Post Office Act 1953 in the case of public service vehicles to which that Act applies.

PART III

SLAUGHTERHOUSES ETC.

A—Slaughterhouses

Vesting and
operation of
slaughterhouses.

9. The land belonging to the Corporation at Gorgie forming the existing area of the slaughterhouses (hereinafter in this Part of this Order referred to as the "existing slaughterhouses area") and the slaughterhouses and other premises on the said land as the same exist at the commencement of this Order shall continue vested in the Corporation and be held and used by them and the said 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 way and manner as the said provisions extend and apply with respect to a slaughterhouse provided by a local authority in pursuance of the said Act.

PART III
—cont.

B—Cold stores

10.—(1) Subject to the provisions of this Order the Corporation may in existing slaughterhouses area or in any slaughterhouse provided by them or on any other land acquired by them for slaughterhouse purposes provide and operate cold stores and refrigerators (hereinafter referred to as “cold stores”) for the storage and preservation of the dead meat of animals killed in the slaughterhouses. Power to provide cold stores.

(2) The Corporation may construct and from time to time improve enlarge or renew all such buildings as may be required for the purpose of cold stores and may adapt existing buildings for the said purpose and may provide all necessary plant and apparatus in connection therewith.

(3) The Corporation may demand and take such rents and charges for the use of cold stores as they may consider proper.

C—Dead meat market

11.—(1) The Corporation may in the existing slaughterhouses area or in any new slaughterhouse provided by them or on any other land acquired by them for slaughterhouse purposes provide and operate a market (hereinafter referred to as “the dead meat market”) for the sale of dead meat and poultry. Provision of dead meat market.

(2) The Corporation may construct and from time to time improve enlarge or renew all such buildings as may be required for the purposes of the dead meat market and may adapt existing buildings for the said purposes and may provide all necessary plant and apparatus in connection therewith.

12. The Corporation may from time to time demand and take such rents and charges as they may fix from any person using the dead meat market in respect of— Power to charge for market stands etc.

- (a) accommodation in the dead meat market ;
- (b) meat and poultry brought into the dead meat market ; and
- (c) any other facilities or services provided by the Corporation in connection with the dead meat market.

13.—(1) As from the commencement of this Order a person other than the Corporation shall not establish within the city any wholesale market for the sale of dead meat except with the consent in writing of the Corporation which consent may be granted on such terms and conditions as the Corporation may prescribe. Meat markets not to be established without consent of Corporation.

(2) Any person who establishes any such market without the consent of the Corporation or who fails to comply with any terms and conditions prescribed by the Corporation with reference to any consent granted under the provisions of this section shall be guilty

PART III
—cont.

of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

D—General

Power to let lands buildings etc. in slaughterhouses area.

14. The Corporation may let any lands buildings and premises forming part of the slaughterhouses undertaking and may demand and take such rents and charges in respect thereof as they may consider proper.

Application of section 14 of Act of 1954.

15. In its application to the Corporation section 14 of the Act of 1954 shall be read and have effect as if the functions of the Corporation under that Act included the provision of cold stores and a dead meat market in connection with a slaughterhouse.

Byelaws as to cold stores and meat market.

16. Section 12 of the Act of 1954 shall in its application to the Corporation be read and have effect as if the power to make byelaws for securing that slaughterhouses are kept in a clean and sanitary condition and are properly managed and conducted included power to make provision in such byelaws for the like purposes with respect to the cold stores and dead meat market to such extent as may be provided in such byelaws.

Prohibition on selling meat in slaughterhouses.

17. Any person who after the provision by the Corporation of a dead meat market in pursuance of the powers conferred on them by this Order sells or exposes or offers for sale any dead meat in the slaughterhouses shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty-five pounds.

As to hides etc. of cattle not slaughtered in slaughterhouses.

18. A person shall not expose for sale in or on any lands buildings or premises forming part of the slaughterhouses undertaking the hides skins or tallow of any cattle not slaughtered in the slaughterhouses without the consent of the Corporation and on such terms and conditions as the Corporation may prescribe.

Slaughterhouses account.

19.—(1) The Corporation shall keep an account to be called "the slaughterhouses account" to which shall be carried and credited in each year the whole revenues of and incidental to the slaughterhouses undertaking and out of which shall be defrayed all expenditure for the purposes of the slaughterhouses undertaking including capital charges.

(2) The Corporation shall show in separate sections of the slaughterhouses account the revenue and expenditure (which shall include interest and sinking fund charges) in connection with—

- (a) the slaughterhouses ;
- (b) the cold stores ; and
- (c) the dead meat market.

(3) The permanent annuity of the Corporation referred to in section 21 (Permanent annuity to Corporation) of this Order shall be charged to the slaughterhouses section of the slaughterhouses account and the sums received for the blood dung and refuse in the slaughterhouses (specifically excluding the hoofs spurs glands gut and fearns) shall be carried to the credit of such slaughterhouses section.

(4) The slaughterhouses account shall be kept along with and as part of the common good account.

20.—(1) The Corporation shall so fix or vary the rents and charges to be made by them in respect of the slaughterhouses cold stores and dead meat market respectively that such rents and charges along with any other revenues properly applicable to the slaughterhouses cold stores and dead meat market respectively shall be sufficient to meet the expenditure of the Corporation (including interest and sinking fund charges) in connection with the slaughterhouses cold stores and dead meat market respectively taking one year with another.

PART III
—cont.
As to rents and charges in connection with slaughterhouses etc.

(2) The provisions of subsection (3) of section 8 of the Act of 1954 shall apply in relation to the fixing or varying of the rents and charges in respect of any cold stores and any dead meat market as they apply to the fixing or varying of charges in connection with the slaughterhouses.

21. The permanent annuity of one thousand pounds payable to the Corporation in pursuance of the repealed Acts out of the rates and revenues of the slaughterhouses shall continue to form a preferable charge upon the rates and revenues of the slaughterhouses but shall not be increased or sold.

Permanent annuity to Corporation.

22.—(1) The provisions of the Local Government (Scotland) Act 1947 as amended by section 15 of the Act of 1954 with respect to borrowing for the purposes of the Act of 1954 shall apply and have effect in relation to borrowing by the Corporation for the purposes of the whole of their functions under this Part of this Order.

Borrowing for purposes of Part III of Order.

(2) Notwithstanding anything in any enactment the security for any money borrowed by the Corporation for the purposes of their functions under this Part of this Order shall be the whole funds rates and revenues of the Corporation.

23. It shall not be lawful to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs charges and expenses of this Order) otherwise than in compliance with any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

24. The slaughterhouses undertaking shall be vested in the Corporation as part of the common good.

Slaughterhouses undertaking to form part of common good.

25. Anything contained in Head (A) (Markets) of Part XVII (Markets and slaughterhouses) of the Order of 1933 inconsistent with any of the provisions of this Part of this Order shall cease to have effect.

Certain provisions of Order of 1933 to cease to have effect.

PART IV

MISCELLANEOUS

26. 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.

27. Section 349 (Procedure in burgh court) of the Order of 1933 shall extend and apply in reference to the provisions of this Order as fully and effectually as if the said section had been re-enacted in this Order.

Application of section 349 of Order of 1933.

PART IV

—cont.

Repeal of certain provisions of city Acts.

28. Subject to the provisions of this Order the provisions of the Acts and Orders specified in the Schedule to this Order (so far as not already repealed) are as from the commencement of this Order hereby repealed to the extent indicated in the third column of the said schedule.

Saving from effect of repeal.

29. Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

- (a) 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 agreements awards conveyances contracts titles deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed ;
- (b) All existing byelaws rules regulations licences and permits in execution of or in relation to any of the repealed Acts shall continue in force until repealed altered or revoked or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order ;
- (c) In so far as any appointment agreement order scheme rule or regulation made or resolution passed direction or notice given or other thing done under or by virtue of the repealed Acts could have been made passed given or done under or by virtue of a corresponding provision of this Order it shall not be invalidated by this repeal but shall have effect as if it had been made passed given or done under or by virtue of that corresponding provision and may be amended revoked or enforced accordingly ; and
- (d) Nothing in such repeal shall affect any rates or charges levied by the Corporation under the repealed Acts or the liability of any person to the Corporation for payment of such rates or charges and any such rates and charges may be recovered in like manner as if the Act confirming this Order had not been passed.

Costs of Order.

30. All costs charges and expenses incurred preparatory to and in applying for obtaining and confirming this Order or in any way incidental thereto shall be paid by the Corporation out of the burgh fund in such manner as the Corporation may determine or out of moneys borrowed by the Corporation under the powers of the city Acts and where such costs charges and expenses are paid out of borrowed moneys (which the Corporation are hereby authorised to borrow) the same shall be repaid within five years from the twenty-ninth day of May first occurring after the commencement of this Order.

SCHEDULE

(REFERRED TO IN THE SECTIONS OF THIS ORDER OF WHICH THE MARGINAL NOTES ARE " INTERPRETATION " AND " REPEAL OF CERTAIN PROVISIONS OF CITY ACTS ")

1 Session and chapter	2 Title	3 Extent of repeal
22 & 23 Geo. 5. c. vii	Edinburgh Corporation Order Confirmation Act 1932	Section 55 of the Order scheduled thereto.
24 Geo. 5. c. v	Edinburgh Corporation Order Confirmation Act 1933	Sections 286 287 289 290 and 291 the words " under the section of of this Order the marginal note whereof is ' Slaughter-house rates or charges ' " in section 292 sections 293 and 294 and subsections (3) and (4) of section 295 of the Order scheduled thereto.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Road and Rail Traffic Act 1933	23 & 24 Geo. 5 c. 53.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Local Government (Scotland) Act 1947 ...	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act 1947	10 & 11 Geo. 6 c. 53.
Post Office Act 1953	1 & 2 Eliz. 2 c. 36.
Slaughterhouses Act 1954	2 & 3 Eliz. 2 c. 42.

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