



CHAPTER iii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Aberdeen Corporation. [27th July 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 Aberdeen Corporation Order Confirmation Act 1955.

SCHEDULE

ABERDEEN CORPORATION

Provisional Order to amend modify or repeal certain provisions of the Aberdeen City Acts 1936 to 1952 and to confer further powers on the corporation of the city of Aberdeen with respect to the finance administration water supply health and local government of the city and for other purposes.

WHEREAS the lord provost magistrates and town council of the city and royal burgh of Aberdeen (hereinafter referred to as "the Corporation" and "the city" respectively) are vested with the municipal government of the city and are the local authority and the local water authority therein:

And whereas many of the provisions of the Aberdeen City Acts 1936 to 1952 relating to the several matters and things mentioned in this Order have been superseded or rendered unnecessary by subsequent legislation and ought to be repealed or modified:

And whereas it is expedient that the provisions contained in this Order with respect to the finance and administration of the city and with respect to the public libraries of the Corporation should be enacted:

And whereas it is expedient that certain provisions of the Water (Scotland) Act 1946 should be applied to the water undertaking of the Corporation and that the Acts and Orders relating to the said water undertaking should be amended consequent on the passing of the said Act and of the Water (Scotland) Act 1949 and that the further powers contained in this Order should be conferred on the Corporation with respect to the said water undertaking:

And whereas it is expedient to make further and better provision with respect to the local government health and improvement of the city and to confer further powers on the Corporation with respect to the regulation and control of pleasure vessels street traders and photographers and hackney carriages:

And whereas it is expedient to extend the powers of the Corporation under the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936 with respect to the regulation and control of streets and in relation to the matters comprised in the said Order:

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

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

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

PART I

PRELIMINARY

1.—(1) This Order may be cited as the Aberdeen Corporation Order 1955 and the Aberdeen City Acts 1936 to 1952 and this Order may be cited together as the Aberdeen City Acts 1936 to 1955.

(2) The Aberdeen Corporation (Water Gas Electricity and Transport) Order 1937 the Aberdeen Corporation (General Powers) Order 1938 the Aberdeen Corporation (Administration Finance &c.) Order 1939 and this Order may for the purposes of all matters relating to water supply be cited together as the Aberdeen Corporation Water Acts 1937 to 1955.

2. Except as otherwise in this Order expressly provided this Order shall be deemed to have come into operation on the twenty-eighth day of May one thousand nine hundred and fifty-five which date is in this Order referred to as "the commencement of this Order".

3.—(1) In this Order terms words and expressions to which meanings are assigned by any public Act applicable to the Corporation or wholly or partially incorporated with this Order (other than terms words or expressions to which meanings are assigned by the Aberdeen City Acts 1936 to 1952 or by this Order) shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context inconsistent with or repugnant to such construction.

(2) Subject to the provisions of this Order and unless there be something in the subject or context repugnant to such construction terms words and expressions to which meanings are assigned by the Aberdeen City Acts 1936 to 1952 shall have the same meanings respectively in this Order and the following words and expressions shall have the meanings hereby assigned to them (that is to say):—

"Act of 1946" means the Water (Scotland) Act 1946;

"Act of 1947" means the Local Government (Scotland) Act 1947;

"Act of 1949" means the Water (Scotland) Act 1949;

"commission" means the British Transport Commission;

"Order of 1936" "Order of 1937" "Order of 1938" and "Order of 1939" mean respectively the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936 the Aberdeen Corporation (Water Gas Electricity and Transport) Order 1937 the Aberdeen Corporation (General Powers) Order 1938 and the Aberdeen Corporation (Administration Finance &c.) Order 1939;

"repealed Acts" means those provisions of Acts and Orders which are repealed by this Order;

"vessel" has the same meaning as in the Merchant Shipping Act 1894.

4.—(1) The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845) so far as they are applicable for the purposes of and are not inconsistent with or varied by the city Acts are hereby incorporated with and form part of the city Acts and the Order of 1936 the Order of 1937 the Order of 1938 the Order of 1939 and this Order shall respectively be deemed to be a special Act within the meaning of those Acts.

(2) For the purposes of the city Acts the expression "Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as

PART I
—cont.

such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931 and by Part IV of the Town and Country Planning (Scotland) Act 1947 and as any of such Acts are modified or amended by any subsequent Act.

PART II

FINANCE RATING ETC.

Application
of certain
provisions of
Act of 1947.

5. Subject as hereinafter provided in this section the provisions of Part IX and of Part XI of the Act of 1947 shall so far as relating to town councils and to burghs and except in so far as amended modified varied or extended by this Part of this Order or by section 24 (Designation of city chamberlain) of this Order extend and apply to the Corporation and to the city in addition to the provisions of the Act of 1947 now applicable to the Corporation and to the city:

Provided that the provisions of subsection (3) of section 229 subsection (1) of section 239 and section 240 of the Act of 1947 shall not so apply and in so far as applicable to the Corporation and to the city before the commencement of this Order shall cease to be so applicable.

City rate.

6. In its application to the city the Act of 1947 shall be read and have effect as if for the words "burgh rate" wherever they occur there were substituted the words "city rate" and any reference to the "burgh rate" in any other enactment applicable to the city shall be deemed to be a reference to the "city rate":

Provided that notwithstanding anything in this Part of this Order the demand notes for payment of the city rate for the financial year of the Corporation commencing on the twenty-eighth day of May one thousand nine hundred and fifty-five shall be valid in all respects if issued in or as nearly as may be in the form in which the demand notes for payment of the city rate were issued for the preceding financial year of the Corporation.

Removal of
limitation on
expenditure on
art gallery.

7. Section 86 (Limits of rates not to be exceeded) of the Order of 1939 shall be read and have effect as if paragraph (iii) thereof were omitted therefrom.

As to
limitation on
expenditure
on publicity.

8.—(1) Notwithstanding anything contained in any enactment the amounts to be expended by the Corporation in any year out of the produce of the city rate for the purposes of—

(a) the Local Authorities Publicity Act 1931;

(b) the Health Resorts and Watering Places Act 1936; and

(c) section 216 (Power to advertise concerts entertainments &c.) of the Order of 1939;

shall not together exceed a sum equal to the produce of a rate of threepence halfpenny per pound calculated on the gross annual valuation of the city:

Provided that the Corporation may in any year in regard to which the Secretary of State is satisfied that the produce of a rate of threepence halfpenny per pound calculated as aforesaid will not

be sufficient to meet the net expenditure of the Corporation for and in connection with the purposes aforesaid incurred or likely to be incurred in that year with the consent of the Secretary of State defray such expenditure for that year as if for the said limit of threepence halfpenny per pound there were substituted such increased limit as may be specified by the Secretary of State.

(2) Section 86 (Limits of rates not to be exceeded) of the Order of 1939 shall be read and have effect as if paragraph (vii) thereof were omitted therefrom.

9. The description forming number 7 of Part II of the Fifth Schedule to the Order of 1939 shall be read and have effect as if in place of the words "Lands and heritages situated within the outer zone" there were substituted the words "The Nether Don Salmon Fishings so far as the same are situated in the area added to the city on the twenty-eighth day of May one thousand nine hundred and thirty-five".

10. The provisions of Part XI of the Act of 1947 with respect to the collection and recovery of rates shall with all necessary modifications extend and apply to the collection and recovery of the private improvement rate authorised to be assessed and levied in pursuance of the city Acts.

11. The Order of 1937 shall be read and have effect as if for section 76 (Recovery of water charges) thereof there were substituted the following section (that is to say):—

"76. The provisions of the city Acts and of Part XI of the Act of 1947 with respect to the payment collection and recovery of rates so far as applicable to the Corporation and to the city shall with all necessary modifications extend and apply to the payment collection and recovery of all charges for water supplied by the Corporation and the Corporation may collect and recover any such charges along with the city rate."

12. In its application to the city section 212 of the Act of 1947 shall be read and have effect as if in subsection (1)—

(a) for the words "(after taking account of any balance or estimated balance at the end of the last financial year)" there were substituted the words "(due provision being made for any surplus or deficiency on the accounts of the year preceding)"; and

(b) the words "to cover expenditure previously incurred or" were omitted therefrom.

13. In its application to the city section 231 of the Act of 1947 shall be read and have effect as if for the words "office as the authority may" there were substituted the words "places as the authority may from time to time".

14. Notwithstanding the provisions of the Valuation Roll (Scotland) Order 1929 it shall not be necessary to include pence in the column of the valuation roll of the city of which the heading is "Gross Annual Value being yearly Rent or Value".

PART II
—cont.

Amendment of
Fifth Schedule
to Order of
1939

Recovery of
private
improvement
rate.

Recovery of
water charges.

Application of
section 212 of
Act of 1947.

Application of
section 231 of
Act of 1947.

Pence not to
be entered in
valuation roll.

PART II
—cont.

Apportionment
as between
separate
accounts.

15. In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable and in an equitable and reasonable manner apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Financial year.

16. The financial year of the Corporation shall be the year commencing on the first day of June and ending on the thirty-first day of May in the year immediately following and the city Acts and the Act of 1947 so far as applicable to the Corporation shall be read and construed accordingly.

Reserve funds.

17.—(1) Subject to the provisions of this Order the Corporation may continue establish administer and maintain such reserve funds for such of their departments or undertakings as from time to time seem to the Corporation to be necessary or desirable:

Provided that the sum total of the amounts from time to time standing to the credit of all such reserve funds shall not at any time exceed one-tenth of the aggregate capital expenditure of the said departments and undertakings.

(2) All reserve funds established by the Corporation in pursuance of the repealed Acts shall be deemed to have been established under this section and any moneys standing to the credit of any such funds and of any reserve funds established in pursuance of this Order may be applied by the Corporation in meeting any deficiency in the income of the Corporation in respect of any of their departments or undertakings or in defraying any expenditure of the Corporation which might be met out of the city rate or any other rate which the Corporation has power to levy or in meeting any extraordinary claim or demand against the Corporation or in or towards the payment of the cost of constructing renewing extending and improving any works of the Corporation:

Provided that any reserve fund provided in respect of the tramway undertaking shall not be applied by the Corporation for any purposes other than those of the tramway undertaking:

Provided further that any reserve fund established in respect of any purpose for which the city rate is payable shall not be applied otherwise than (a) for the said purpose or (b) for any other purpose in respect of which the city rate bears the same incidence as between owner and occupier.

Saving in respect
of payments by
Corporation
under Aberdeen
County and
Municipal
Buildings Act
1866.

18. Notwithstanding anything contained in the Aberdeen County and Municipal Buildings Act 1866 or any Act amending the same the provisions of the Order of 1939 as amended or extended by this Order shall extend and apply with respect to the sums to be annually contributed by the Corporation for the purposes of the said Act of 1866.

Borrowing
powers.

19. Notwithstanding the repeal of the repealed Acts the provisions of the repealed Acts so far as applicable shall continue to extend and apply as fully and effectually as if the Act confirming this Order had not been passed in respect of the amounts of money borrowed

by the Corporation for the several purposes of the repealed Acts but only so far as the amounts borrowed were outstanding and not paid off as at the thirty-first day of May one thousand nine hundred and fifty-five.

PART II
—cont.

20. 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 made under section 1 of the Borrowing (Control and Guarantees) Act 1946 or of section 259 of the Act of 1947 as amended by subsection (1) of section 4 of the Local Government (Scotland) Act 1951.

Saving for control on borrowing.

21. All expenditure incurred by 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 and not otherwise recovered as provided in this Order shall be paid out of the burgh fund and shall be deemed to be expenditure payable out of the city rate under the appropriate head.

As to expenditure for purposes of Order.

PART III

ADMINISTRATIVE PROVISIONS

22. Section 59 of the Act of 1947 (which relates to the filling up of casual vacancies in the office of a member of a local authority) shall in its application to the Corporation and to the city have effect as if subsections (1) (2) and (9) were omitted therefrom and as if—

As to filling of casual vacancies in Corporation.

(a) for subsection (3) thereof the following subsection were substituted:—

“(3) Subject to the provisions of this section on a casual vacancy occurring in the office of a member of a local authority the authority shall as soon as practicable after the date on which the vacancy shall be deemed to have arisen (not being more than three months thereafter) order that an election by the electors be held for the purpose of filling the vacancy and such election shall be held as soon as practicable thereafter on a date to be fixed by the authority”;

(b) in subsection (4) thereof the words “at the meeting at which they consider the filling of the vacancy” were omitted therefrom;

(c) in subsection (5) thereof the words “whether the election is by the town council or by the electors” were omitted therefrom; and

(d) for subsection (8) thereof the following subsection were substituted:—

“(8) Save as otherwise provided in subsection (5) of this section a person elected to fill a casual vacancy in the office of town councillor shall hold office during the period for which the person vacating such office might lawfully have held the same and shall for the purposes of ascertaining the councillors due to retire at an annual election be treated as holding office from the date of the election of that person.”

PART III
—cont.Honorary
treasurer.

23. Section 30 of the Act of 1947 shall in its application to the city be read and have effect as if for the references therein to the "office of honorary treasurer of the burgh" and "honorary treasurer" there were inserted references to the "office of honorary treasurer of the city" and to the "city treasurer" respectively.

Designation
of city
chamberlain.

24. In its application to the city the Act of 1947 shall be read and have effect as if for the words "town chamberlain" wherever they occur there were substituted the words "city chamberlain".

Appointment
of persons to
act as
procurator-
fiscal ad
interim.

25. The procurator-fiscal may with the approval of a magistrate appoint a person from time to time to perform ad interim any duties in his name and conduct any proceedings which may have been commenced in his name.

PART IV

PUBLIC LIBRARIES

Definitions for
Part IV of
Order.

26. In this Part of this Order—

"appointed day" means the first day of June one thousand nine hundred and fifty-five;

"Public Libraries Acts" means the Public Libraries (Scotland) Acts 1887 to 1955 and any Acts amending or extending the same;

"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 appointed day.

Libraries to
continue vested
in Corporation.

27. The public libraries as they exist and as they are used and are vested in the Corporation at the appointed day shall be and continue to be vested in the Corporation for the purposes of public libraries and be held and used by them accordingly.

Power to
establish
libraries etc.

28. Subject to the provisions of this Part of this Order the Corporation may continue establish and maintain public libraries within the city and may purchase or acquire such lands as may be necessary for that purpose and may erect alter or extend buildings suitable for public libraries.

Libraries Acts
not to apply to
Corporation.

29.—(1) As from the appointed day the Public Libraries Acts (other than subsection (1) of section 1 and section 2 of the Public Libraries (Scotland) Act 1955) shall cease to apply to the Corporation and to the city and the public libraries committee shall be dissolved.

(2) Notwithstanding anything in any enactment the members of the public libraries committee shall continue to hold office until the appointed day.

Appointment
of libraries
committee.

30.—(1) The Corporation shall have a committee (to be known as the "libraries 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.

PART IV
—cont.

(2) The libraries committee shall appoint a member of the said 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 libraries committee shall notwithstanding anything in the Act of 1947 be eligible for appointment to membership of any sub-committee appointed by the libraries committee.

31.—(1) Any reference in any Act of Parliament deed regulation or other document to the public libraries committee or to members or to officers of the 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.

Provisions consequent on dissolution of public libraries committee.

(2) Any reference to the chairman or other member of the 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.

32. All liabilities incurred by or on behalf of the public libraries committee in relation to their functions under the Public Libraries Acts shall be transferred to and undertaken by the Corporation.

Transfer of liabilities of public libraries committee.

33.—(1) Every officer and servant who immediately before the appointed day was in the whole-time employment of the public libraries committee in relation to their functions under the Public Libraries Acts (hereinafter in this Part of this Order referred to as a "transferred officer") shall as from the appointed day be deemed to have become an officer or servant of the Corporation and shall hold his office or situation by the same tenure and on the same conditions as immediately before the appointed day and while performing similar duties shall in respect thereof receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if the Act confirming this Order had not been passed.

Transfer of and compensation to officers of public libraries committee.

(2) The Corporation may employ a transferred officer in the discharge of such of their functions under this Part of this Order as they may think proper and every such transferred officer shall perform such duties in relation to those functions as may be directed by the Corporation.

(3) Every officer and servant who immediately before the appointed day was in the employment of the public libraries committee and who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by determination of his appointment (otherwise than for misconduct) or by diminution or loss of emoluments (and for whose compensation for that loss no other provision is made by any enactment or statutory instrument for the time being in force) shall be entitled to payment by the Corporation of compensation for that loss.

PART IV
—cont.

(4) A transferred officer who at any time within five years after the appointed day relinquishes office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the appointed day shall be deemed for the purposes of this section to have had his office determined in consequence of the transfer of functions and unless the contrary is shown to have suffered direct pecuniary loss in consequence thereof by reason of such determination.

(5) A transferred officer whose appointment is determined or whose emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished (misconduct not being established) shall be deemed unless the contrary is shown to have suffered direct pecuniary loss in consequence of the transfer.

(6) The provisions set out in the Eleventh Schedule to the Act of 1947 (being provisions as to the determination and payment of compensation to officers in case of transfer of functions) shall with any necessary modifications apply for the purposes of this section.

(7) The payment of compensation by way of a lump sum shall be a purpose for which the Corporation may borrow so however that any sum so borrowed shall be repaid within a period of five years from the date on which payment of the lump sum is made.

Increase of emoluments of transferred officers subsequent to certain date may be disregarded for certain purposes.

34. Notwithstanding anything in section 33 (Transfer of and compensation to officers of public libraries committee) of this Order any increase in the amount of the salary or remuneration of a transferred officer subsequent to the fourth day of December one thousand nine hundred and fifty-four may if the Corporation so elect be disregarded in determining (a) the right of such transferred officer to receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if the Act confirming this Order had not been passed or (b) the amount of compensation payable to any officer or servant in pursuance of the said section 33 of this Order unless such increase was granted with the approval of the Corporation.

Byelaws as to libraries.

35. The Corporation may make byelaws with respect to the control management protection and use of the public libraries and of any property or articles therein.

Provision of lectures etc. in libraries.

36.—(1) The Corporation may use or allow to be used or may let any part of any public library not at the time required for the purpose of a public library 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 expense 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:

Provided that a cinematograph film of which—

- (a) the length exceeds two thousand four hundred feet; or
- (b) the width exceeds sixteen millimetres;

shall not be exhibited under the powers of this section.

(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.

PART IV
—cont.

(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 purposes 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.

37. Subject to the provisions of section 36 (Provision of lectures etc. in libraries) of this Order all public libraries continued or established under this Part of this Order shall be open to the public free of charge and a charge shall not be made for the use of books newspapers reviews or magazines or other periodical literature (all of which are in this Part of this Order referred to as "books"):

Libraries to
be free.

Provided that notwithstanding anything in this section the Corporation may exact penalties for the retention of books by borrowers beyond such period as may be prescribed by the Corporation.

38. The Corporation shall manage regulate and control the public libraries and for that purpose may—

Control and
management
of libraries.

(a) fit up furnish and supply the public libraries with all requisite conveniences ;

(b) provide books engravings maps and such other articles as may be requisite for the purposes of the public libraries and do all things necessary for keeping the same in a proper state of preservation and repair ;

(c) provide suitable reading rooms in the public libraries ;

(d) lend out any books and other articles referred to in paragraph (b) of this section in any of the public libraries :

Provided that the Corporation shall not have power to lend out any books or any other articles as aforesaid which have been or may be bequeathed for the purpose of reference only or subject to the provision that they should not be lent out ;

(e) compile print and sell catalogues of books and other articles in the public libraries.

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

Provision of
mobile libraries.

40. Without prejudice to the powers of the Corporation under section 115 of the Act of 1947 to delegate to the libraries committee any other functions in relation to public libraries there shall stand

Delegation of
powers to
libraries
committee.

PART IV
—cont.

delegated to the libraries committee the functions of the Corporation in relation to public libraries with respect to the following matters:—

- (i) the exaction of penalties from borrowers ;
- (ii) the provision of books engravings and maps and the doing of all things necessary for keeping the same in a proper state of repair ;
- (iii) the lending out of books and other articles referred to in paragraph (ii) of this section ; and
- (iv) the compilation printing and sale of catalogues :

Provided that there shall be excluded from the foregoing delegation the following functions in so far as applicable thereto that is to say:—

- (a) the raising of money by rate or loan ;
- (b) the approval with or without adjustment of the estimates (including supplementary estimates) of capital and revenue expenditure and the authorisation of expenditure included therein ; and
- (c) the power to incur expenditure on behalf of the Corporation other than expenditure previously authorised in accordance with the estimates approved by the Corporation or otherwise or expenditure necessarily incurred in circumstances of urgency.

Coming into operation of Part IV.

41. This Part of this Order shall be deemed to have commenced and to have had effect as on and from the first day of June one thousand nine hundred and fifty-five.

PART V

WATER

Incorporation of provisions of Act of 1946.

42. The Fourth Schedule to the Act of 1946 (except Part III (Compensation water) section 27 (so far as relating to water fittings as defined in section 44 (Testing of water fittings) of this Order) and section 44) as amended by the Act of 1949 and as modified by the Public Utilities Street Works Act 1950 shall extend and apply to the Corporation in respect of the water undertaking to the same extent and effect as if the same had been incorporated with and formed part of the Aberdeen Corporation Water Acts 1937 to 1955.

For protection of Postmaster-General.

43.—(1) Any electrical works or apparatus constructed laid or erected under the Order of 1937 for the purposes of the water undertaking before the commencement of this Order shall for the purpose of the application of the proviso to section 4 of the Fourth Schedule to the Act of 1946 be deemed to have been constructed laid or erected under that section.

(2) Any wires posts conductors or other apparatus erected or laid down under the Order of 1937 in connection with the water undertaking before the commencement of this Order for the purpose of telegraphic or telephonic communication shall for the purpose of the application of subsection (3) of section 5 of the said Fourth Schedule be deemed to have been laid or erected by the Corporation under the provisions of that section.

44.—(1) (a) The Corporation may with a view to securing that water fittings comply with the requirements of any byelaws made by them under the provisions of section 60 of the Act of 1946 test such water fittings and may stamp water fittings which on being so tested are found to comply with such requirements. Testing of water fittings.

(b) The Corporation may demand and take for the testing of water fittings such reasonable charges as may be fixed by them from time to time.

(2) A person shall not fit up or instal any water fittings in any premises supplied or proposed to be supplied with water by the Corporation unless such water fittings have been tested by the Corporation and stamped as complying with the requirements of any byelaws made by them under the provisions of section 60 of the Act of 1946 and for the time being in force or otherwise tested to the satisfaction of the Corporation:

Provided that any water fittings tested and stamped at any testing station approved by the Corporation from time to time shall for the purposes of this subsection be deemed to have been tested and stamped by the Corporation.

(3) Any person contravening the provisions of subsection (2) of this section shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds and to a penalty not exceeding two pounds in respect of every day during which any water fittings fitted up or installed in any premises in contravention of subsection (2) of this section are retained therein.

(4) For the purpose of this section "water fittings" includes taps cocks valves and other similar fittings and flushing and other similar apparatus.

45.—(1) In the case of any alleged contravention of any byelaw made by the Corporation under section 60 of the Act of 1946 proceedings may be taken against— As to liability for contraventions of water byelaws.

(a) any person at whose expense or on whose behalf any work alleged to have been carried out in contravention of any such byelaw was carried out;

(b) any person undertaking the carrying out of such work; and

(c) any person employed in an advisory or supervisory capacity in connection with the carrying out of such work;

or any of them and such persons or any of them found guilty of contravening any such byelaw shall for the purposes of subsection (2) of section 60 and subsection (3) of section 62 of the Act of 1946 be deemed to have contravened the provisions of a byelaw made under the said section 60.

(2) In the case of a person at whose expense or on whose behalf any such work has been carried out it shall be a defence in any proceedings in relation to an alleged contravention of any such byelaw that he did not know and had not any reasonable ground for suspecting that such work did not comply with or contravened the requirements of such byelaw.

PART V
—cont.

Temporary continuance of section 61 of Waterworks Clauses Act 1847.

46. Notwithstanding the repeal of so much of section 4 (Incorporation of Acts) of the Order of 1937 as incorporates the Waterworks Clauses Acts 1847 and 1863 section 61 (Penalties for causing the water of the undertakers to be fouled &c.) of the Waterworks Clauses Act 1847 shall continue to apply to the Corporation in respect of the water undertaking until such time as the Corporation have made byelaws under the powers conferred on them by section 61 (Byelaws for preventing pollution of water) of the Act of 1946 and such byelaws come into operation and thereupon the said section 61 of the Waterworks Clauses Act 1847 shall cease to apply to the Corporation in respect of their water undertaking.

Power to take water from river Dee.

47. The Order of 1937 shall be read and have effect as if for section 8 (Power to take water from river Dee) thereof there were substituted the following section (that is to say):—

“ 8.—(1) The Corporation may for the purposes of the water undertaking take appropriate divert and use by means of the waterworks vested in them by the section of this Order of which the marginal note is ‘Water undertaking to continue vested in Corporation’ and the authorised waterworks from the river Dee at Cairnton any quantity of water not exceeding fifteen million gallons in any one day reckoning from midnight to midnight.

(2) (a) Notwithstanding anything in subsection (1) of this section the Corporation shall not take appropriate or divert from the river Dee at Cairnton more than fourteen million gallons in any one day (reckoning as aforesaid) on which the flow of water in the said river at Cairnton is less than at the rate of one hundred and twenty million gallons per day reckoning as aforesaid.

(b) The Corporation shall continue to maintain and from time to time repair maintain and renew the two Bristol continuous level recorders installed by them at Cairnton and in so far as it may be necessary to calculate the rate of flow of the said river at Cairnton for the purpose of securing compliance with the restriction imposed by paragraph (a) of this subsection the Corporation shall from time to time record the level of the said river by means of the said recorders and the said rate of flow shall be calculated by means of the tables known as ‘McClellan’s Tables’ and on the basis of the average of the levels recorded as aforesaid in the same way and manner as the said rate of flow is calculated for the purpose of the official records supplied by the Corporation from time to time to the Department of Health for Scotland.

(c) A copy of the said tables shall be furnished by the Corporation to the county council of the county of Aberdeen and to the district board of the district of the river Dee (or their successors) not later than one month after the date of the passing of the Act confirming this Order and the Corporation shall at the request of the said county council or of the said district board (or their successors) from time to time furnish them with particulars of the recordings of levels taken as aforesaid.

(d) The foregoing provisions of this subsection shall (without prejudice to anything done thereunder) cease to have effect when the sewers of the county council of the county of Aberdeen have been connected with the sewers and relative works constructed by the Corporation under the powers conferred on them by section 130 (Power to construct additional sewers and take lands) of the Aberdeen Corporation (Streets Buildings Sewers &c.) Order 1936.”

48.—(1) (a) References in the Order of 1937 to the “authorised waterworks” shall notwithstanding the repeal of section 15 (Power to construct authorised waterworks) of that Order be construed as references to the waterworks described in that section. Minor amendments of Part II (Water) of Order of 1937.

(b) In lieu of the definition of “domestic water rate” in section 5 (Definitions for Part II of Order) of the Order of 1937 the expression “domestic water rate” shall have the same meaning as in the Act of 1949.

(2) In section 7 (Power to maintain extend or renew undertaking &c.) of the Order of 1937 the words “or otherwise” shall be inserted after the words “by agreement” occurring in the proviso to the said section and for the reference to the “Waterworks Clauses Acts 1847 and 1863” in the said proviso there shall be substituted a reference to the “Water (Scotland) Acts 1946 and 1949”.

PART VI

PUBLIC HEALTH

49. Section 73 of the Public Health (Scotland) Act 1897 shall in its application to the city be extended so as to authorise the Corporation to make byelaws with respect to— Byelaws as to tents vans etc.

- (a) the number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land ;
- (b) the area to be allotted to each such tent van shed or similar structure ;
- (c) securing sanitary conditions in such tents vans sheds or similar structures and on any such land ;
- (d) securing a sufficient supply of wholesome water to such tents vans sheds or similar structures ;
- (e) securing the good and orderly conduct of persons frequenting any such land and of the occupiers of the tents vans sheds or similar structures situated thereon ; and
- (f) the provision of adequate lighting of such land and precautions against fire :

Provided that the byelaws made under paragraph (e) of this section shall not apply to any tents vans sheds or similar structures used or intended to be used for human habitation by a person whose regular employment or occupation is that of a circus proprietor roundabout proprietor or travelling showman (not being a pedlar or hawker) provided that such tents vans sheds or similar structures are only used in connection with his employment or occupation and that any person occupying such tents vans sheds or similar structures is not guilty of any misconduct.

PART VI
—cont.Power to
improve flow
etc. of streams.

50.—(1) Subject to the provisions of this Order the Corporation for the purpose of improving and maintaining the purity or of improving or freeing or keeping free from obstruction the flow of any river (other than the river Dee or the river Don) stream burn or watercourse flowing through the city (hereinafter in this Part of this Order referred to as "stream") may—

- (a) alter deepen restrict enlarge widen diminish lengthen shorten straighten and improve the bed and channel of any stream ;
- (b) straighten or shorten the course of a stream at any bend or angle ;
- (c) reduce or remove any shoals shelves banks or other accumulations in any stream ;
- (d) remove weirs from and construct and maintain weirs in a stream ;
- (e) raise the level of the banks of any stream or form embankments ;
- (f) pipe culvert or otherwise suitably enclose or cover any stream or any part thereof ;
- (g) abate or remove or cause to be abated or removed all impediments obstructions and annoyances and all nuisances and abuses whatsoever in any stream or on the banks thereof ;
- (h) enter into agreement with the owners of land adjoining or in or near to any stream for the purchase of land or otherwise to enable them to effect any of the purposes aforesaid.

(2) The Corporation may enter upon any lands for the purpose of exercising the powers of this section but before entering or inspecting they shall (except in cases of emergency) give not less than fourteen days' notice to the owner or occupier thereof and if before the expiration of fourteen days after the service of any such notice any such owner or occupier gives notice to the Corporation objecting to the exercise of such powers in reference to the land owned or occupied by him such powers shall not be exercised except with the consent of the Secretary of State.

(3) Where any person sustains any damage by reason of the exercise of any of the powers contained in this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and if any dispute arises as to the fact of damage or the amount of compensation (if any) the matter in dispute shall in default of agreement be determined by the sheriff.

For preventing
obstruction to
streams by
culverts etc.

51. Where any obstruction is or may be caused to any stream by any inadequate or insufficient culvert channel or other work the Corporation may reconstruct or remove such culvert channel or work or may construct and maintain a proper and sufficient culvert channel or other work.

For protection
of British
Transport
Commission.

52. The Corporation shall not exercise the powers conferred on them by section 50 (Power to improve flow etc. of streams) or section 51 (For preventing obstruction to streams by culverts etc.) of this Order upon or under any lands belonging to the commission and held

or used by them for railway purposes without the consent in writing of the commission which consent shall not be unreasonably withheld and any question as to whether any such consent has been unreasonably withheld shall be determined by the sheriff.

PART VI
—cont.

53.—(1) If any part of any stream is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the Corporation may by notice in writing require any owner or occupier of any lands abutting on that part of the stream or any person by whose act or default the proper flow of water in that part of the stream is obstructed or impeded to clear or put in proper order that part of the stream so as to allow the proper flow of water along the same. Clearing of streams.

(2) If any person to whom any such notice is given neglects to comply with the requirements of the notice within the period (not being less than one month) stated in the notice or (if an appeal is entered against the notice) within one month from the order of the court or such other period as may be specified in such order the Corporation may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default:

Provided that if the Corporation are satisfied in any case that immediate action should be taken they may take such steps as may be necessary to allow the proper flow of water along the stream and may recover from the person by whose act or default the proper flow of water in the stream is impeded the expenses of any action reasonably taken by them for that purpose.

(3) Any person aggrieved by any requirement contained in any notice given to him by the Corporation under this section or who may be called upon to pay any expenses incurred by the Corporation in clearing any stream under the provisions of this section and is aggrieved thereby may appeal to the sheriff and the sheriff may make such order and on such terms and conditions as to him shall seem just.

(4) Where any expense is recoverable from any person as aforesaid and such expense is not forthwith paid the Corporation may in their option and without prejudice to their right to recover such expense by any other method competent to them recover the said expense from such person in the manner provided by the city Acts for the recovery of private improvement rates.

(5) The provisions of this section shall not apply to any lands belonging to the commission and held or used by them for railway purposes.

PART VII

LICENSING PROVISIONS BYELAWS OFFENCES, ETC.

A Vessels

54.—(1) Subject to the provisions of this section the Corporation may (on such terms and conditions as may be specified in the licence) grant to any person applying therefor a licence to use such vessel as may be specified in the licence— Licensing of vessels.

(a) for letting for hire as a pleasure vessel; or

(b) for carrying passengers for reward.

PART VII
—cont.

(2) Without prejudice to any other ground on which a licence under this section may be refused the Corporation shall not grant a licence under this section in respect of any vessel unless they are satisfied that such vessel is seaworthy in a proper state of repair and equipped with adequate life-saving and fire-fighting appliances:

Provided that nothing in this subsection shall require—

- (a) the equipment of a rowing boat with life-saving appliances ;
or
- (b) the equipment with fire-fighting appliances of any vessel not designed to be propelled by mechanical means.

(3) Without prejudice to the provisions of subsection (1) of this section a licence granted under this section in respect of any vessel shall be subject to conditions providing—

- (a) that the vessel shall not be used for carrying more persons (excluding members of the crew) than twelve or such smaller number as may be specified in the licence ;
- (b) that there shall be conspicuously exhibited on the vessel a plate indicating in legible letters or figures at least one inch in height and of a proportionate breadth and so as to be clearly distinguishable from the colour of the ground of such plate—
 - (i) the number of the licence ; and
 - (ii) the number of persons (excluding members of the crew) which may be carried in the vessel without a contravention of the conditions of the licence ;
- (c) that the licence-holder shall not cause or permit the vessel while being used for the purpose to which the licence relates to be taken in such waters (if any) as may be specified in the licence being waters which the Corporation consider dangerous for the vessel or for similar vessels ;
- (d) that the vessel and its equipment shall be maintained in a proper state of repair.

(4) Subject to the provisions of the next following subsection any person—

- (a) who uses for letting for hire within the city as a pleasure vessel or for carrying passengers for reward any vessel in respect of which there is not in force a licence granted under this section by the Corporation ; or
- (b) who being the holder of any such licence contravenes or permits a contravention of any condition to which the licence is subject ;

shall be guilty of an offence and shall (without prejudice to the right of the Corporation to revoke any such licence held by him) be liable on conviction by a court of summary jurisdiction to a fine not exceeding in the case of an offence under paragraph (a) hereof fifty pounds and in the case of an offence under paragraph (b) hereof twenty-five pounds.

(5) Nothing in the last foregoing subsection shall render any person liable to a penalty in respect of the use of a vessel for carrying passengers on pleasure sails for reward within the city if there is

in force in respect of it a licence granted by another local authority in pursuance of any powers in that behalf vested in such other authority and the sail commences at a place within or adjacent to the area of such other authority and all the passengers are embarked in the vessel at one or more such places.

PART VII
—cont.

55.—(1) A person shall not—

Licensing of
boatmen etc.

(a) for reward act as a boatman or engineer on or navigate or assist in the navigation of any vessel while in use in the city for the purpose specified in paragraph (a) of subsection (1) of the immediately preceding section of this Order; or

(b) act as a boatman or engineer on or navigate or assist in the navigation of any vessel while in use in the city for the purpose specified in paragraph (b) of the said subsection (1);

unless he is licensed to do so by the Corporation and any such licence shall be subject to such conditions as may be specified therein.

(2) Any person—

(a) who contravenes any provision of this section; or

(b) who being the holder of a licence granted under this section contravenes or permits a contravention of any condition to which it is subject;

shall (without prejudice to the right of the Corporation to revoke any such licence held by him) be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty-five pounds.

56.—(1) The Corporation may for the purpose of securing good order and safety make byelaws—

Byelaws with
respect to vessels
and boatmen
etc.

(a) as to the construction equipment maintenance and management of vessels in respect of which licences under section 54 (Licensing of vessels) of this Order are granted by them;

(b) for regulating the use of the seabeach by such vessels and the distance at which such vessels shall be kept from persons bathing within limits prescribed by the Corporation for bathing;

(c) for prohibiting limiting or restricting the use of such vessels or regulating the speed at which or the manner in which they may be driven rowed or sailed; and

(d) as to the conduct of boatmen and others holding licences granted by them under the immediately preceding section of this Order while engaged in any of the functions to which the licences respectively refer.

(2) Notwithstanding anything in any enactment byelaws made by the Corporation under this section shall have effect in relation to any vessel or person licensed under this Head of this Part of this Order by the Corporation while such vessel or person is for the purposes of a particular sail temporarily outwith the city.

PART VII
—cont.

(3) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty-five pounds.

Charges for and general provisions as to licences.

57.—(1) The Corporation may charge for the grant or renewal of licences under this Head of this Part of this Order such fees as they may determine not exceeding—

	For grant of licence			For renewal of licence		
	£	s.	d.	£	s.	d.
1. In respect of vessels propelled solely by oars	0	2	6	0	2	6
2. In respect of vessels propelled otherwise than by oars	0	10	0	0	10	0
3. In respect of boatmen	0	5	0	0	1	0

(2) The provisions of section 251 (General provisions as to licences) of the Order of 1938 shall extend and apply with respect to licences granted or renewed under the provisions of this Head of this Part of this Order in the same way as they apply with respect to licences granted or renewed under the provisions of the Order of 1938.

Savings.

58. The provisions of this Head of this Part of this Order shall not have effect in relation to—

- (a) any vessel or to persons employed in any vessel being operated as a ferry boat under the control of any statutory undertakers or local authority ;
- (b) any vessel or to persons employed in any vessel to which section 271 of the Merchant Shipping Act 1894 (which provides for an annual survey of passenger steamers) relates or which is required to be registered under Part I of that Act.

B—Street traders and others

Definitions for Head B of Part VII of Order.

59. In this Head of this Part of this Order unless the subject or context otherwise requires—

- “public place” includes any street any common passage or court common stair garden or yard pertaining to any tenement or group of separately occupied houses but does not include the seabeach or the parks ;
- “street” has the same meaning as in the Order of 1936 provided that for the purposes of this Head of this Part of this Order “street” does not include the esplanade ;
- “street trader” means a person carrying on the business of hawking or selling or otherwise dealing or offering to deal in any article or thing of any description in any street or public place and includes any person offering or exposing for sale any article or thing as aforesaid.

Regulation of street traders.

60.—(1) The Corporation may from time to time for the purpose of regulating street trading issue permits to persons to carry on the business of street traders and may cause a register to be kept of such persons and may from time to time suspend or revoke such permits as they see cause.

(2) An application for a permit under this section shall be in such form as the Corporation from time to time direct and shall be signed by the applicant and shall specify—

- (a) the christian name and surname and place of abode of the applicant ;
- (b) the nature of the articles and things which the applicant intends to sell or expose or offer for sale or in which he intends to deal or offer to deal under the authority of the permit if granted ;
- (c) the streets or area or public places in which and the days on which the applicant intends to carry on business under the authority of such permit ; and
- (d) particulars as to any application for permits or licences for street trading made by the applicant to any other local authority and as to the decision of such authority thereon.

(3) A permit granted under this section shall be signed as the Corporation direct and shall be in force for one year only from the day of the date of such permit or until the next general day for the expiry of permits in case any such general day be appointed by the Corporation as they are hereby authorised to do.

(4) There shall be specified in every such permit the christian name and surname and place of abode of the person to whom the same is granted.

(5) Any such permit may prescribe—

- (a) the streets or area or public places in which and the position or place in any such streets or area or public places at which the holder of such permit may carry on business under the authority of such permit ;
- (b) the classes of articles or things which may be sold or exposed or offered for sale or dealt in under the authority of such permit ;
- (c) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of such permit ;

and on any occasion of the renewal of a permit the Corporation may vary such prescriptions.

(6) It shall be a condition of any permit granted under this section for the sale of food that an article of food shall not be carried in or on or sold from or exposed or offered for sale in or on any barrow cart stall or other receptacle in or on which any other commodity is carried not being a commodity specified in such permit for the purposes of such condition :

Provided that for the purposes of this subsection the expression " food " shall not include any substance which is sold to the public in containers of such materials and so closed as to exclude all risk of contamination.

(7) For every such permit and for every renewal thereof there shall be paid to the Corporation the sum of five shillings and every holder of such permit shall be provided by the Corporation with a badge for which he shall pay the sum of five shillings which latter sum shall be returnable when the permit is withdrawn or given up and the badge returned to the Corporation.

PART VII
—cont.

(8) Any such permit may be suspended or revoked by any magistrate or court before whom the holder of such permit is convicted of any offence which in the opinion of the magistrate or court renders it expedient that such permit should be suspended or revoked.

(9) Any person who carries on the business of a street trader without first obtaining from the Corporation a permit to do so or contrary to any condition or prescription of such permit or during the time his permit is suspended or after it has been revoked or has ceased to be in force or obtains a permit or the renewal of a permit by wilful misrepresentation shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Regulation of
street
photographers.

61.—(1) The Corporation may from time to time for the purpose of regulating the taking of photographs of any person or group of persons in any street or public place by way of trade or business issue permits to persons to carry on the business of taking photographs as aforesaid and may cause a register to be kept of such persons and may from time to time suspend or revoke such permits as they see cause.

(2) The provisions of subsections (2) (other than paragraph (b) thereof) (3) (4) (5) (other than paragraphs (b) and (c) thereof) (7) and (8) of section 60 (Regulation of street traders) of this Order shall with all necessary modifications extend and apply with respect to permits granted under this section in the same way as the said provisions extend and apply with respect to permits granted under the said section.

(3) Any person who takes any photograph of any person or group of persons in any street or public place by way of trade or business without first obtaining from the Corporation a permit to do so or contrary to any condition or prescription of such permit or during the time his permit is suspended or after it has been revoked or has ceased to be in force or obtains a permit or the renewal of a permit by wilful misrepresentation shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Notice of
refusal or
revocation of
permit.

62.—(1) If the Corporation refuse to grant or renew a permit or suspend revoke or vary a permit under section 60 (Regulation of street traders) of this Order or if they refuse to grant or renew a permit or suspend revoke or vary a permit under section 61 (Regulation of street photographers) of this Order they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal suspension revocation or variation.

(2) Any person aggrieved by such refusal suspension revocation or variation or by any condition imposed or prescription made by the Corporation with respect to any permit granted under the said sections may appeal to the sheriff.

63. In addition to the power to make byelaws conferred upon the Corporation by the city Acts or any other enactment the Corporation may make byelaws for regulating the carrying on of the business of a street trader and of a street photographer.

PART VII
—cont.
Byelaws as to street trading and street photography.

64. Nothing in this Head of this Part of this Order or in any byelaws made thereunder shall—

Savings in respect of Head B of Part VII.

- (a) restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence ; or
- (b) authorise the employment of any person or the carrying on of any business at any time when it would under any enactment be unlawful for such person to be employed or such business to be carried on ; or
- (c) restrict the dealing or offering to deal in any article or thing for the benefit of charitable or other purposes in accordance with any other enactment or any byelaws made thereunder ; or
- (d) apply to the engagement or employment in street trading of any person who holds a licence granted under byelaws made under subsection (2) of section 30 of the Children and Young Persons (Scotland) Act 1937 ; or
- (e) apply to the hawking or selling of or otherwise dealing or offering to deal in or offering or exposing for sale of newspapers or periodicals by any person provided that a vehicle is not used for the purpose of such hawking selling or offering to deal or exposing for sale ; or
- (f) apply to the taking of photographs 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 ; or
- (g) apply to the sale of any article in Justice Street Market or any other market established and carried on by the Corporation provided that such sale complies with any byelaws or regulations of the Corporation for the time being in force relative to any such market ; or
- (h) apply to the delivery by a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street or public place of any article or thing to such premises ; or
- (i) apply to the sale of ice-cream by any person registered under any regulations made under the Food and Drugs Act 1938 or any other enactment ; or
- (j) apply to the sale of milk by any person holding a certificate of registration given under section 7 of the Milk and Dairies (Scotland) Act 1914 in respect of any vehicle.

PART VII
—cont.

C—Byelaws offences etc.

Restrictions on
use of
loudspeakers
in streets.

65.—(1) A person shall not in any street operate or cause or suffer to be operated any loudspeaker for any purpose without the consent of the Corporation which consent may be granted on such terms and conditions as the Corporation may prescribe.

(2) Any person who operates or causes or suffers to be operated in any street any loudspeaker without the consent of the Corporation or otherwise than in accordance with the terms and conditions prescribed by the Corporation with reference to any consent granted under the provisions of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(3) This section shall not apply to the use of a loudspeaker in case of emergency or for military fire brigade ambulance or police purposes or in connection with a parliamentary or local government election or by the Corporation in the execution of their functions.

(4) This section shall not apply to—

(a) the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission ;

(b) the use of a loudspeaker in any public service vehicle solely for the purpose of announcements to passengers therein and not so used as to be an annoyance or nuisance to persons in a street ; or

(c) the use within a motor vehicle of a wireless receiving or transmission set used solely for the private purposes of the occupants of such vehicle and not so used as to be an annoyance or nuisance to persons in a street.

(5) For the purposes of this section a loudspeaker shall not be deemed to be in use in connection with (a) a parliamentary election if it is used at any time other than on or between the date of the issue of the writ of election and the date of the declaration of the result of the election or (b) a local government election if it is used at any time other than on or between the day appointed for giving notice of the election and the day on which a candidate is deemed to be elected or as the case may be the date on which a candidate is declared to be elected.

(6) For the purposes of this and the next succeeding section of this Order “loudspeaker” means any device for the reproduction and amplification of sound.

Byelaws as to
loudspeakers.

66.—(1) The Corporation may make byelaws for regulating and controlling the use in any premises of loudspeakers which are audible in any street or in any other premises and for prohibiting the use of loudspeakers for advertising purposes in any premises in such a manner as to be audible in any street or in any other premises.

(2) For the purposes of this section any use of a loudspeaker in any shop shall be deemed to be a use for advertising purposes.

(3) Any person who acts in contravention of any byelaw made under the provisions of this section shall be guilty of an offence.

(4) Nothing in this section or in any byelaws made thereunder shall apply to—

(a) the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission ; or

(b) the use at any football ground or premises on which races of any description athletic sports or other sporting events take place of a loudspeaker for the purpose of announcements (other than by way of advertising) on the occasion of and in connection with such races sports or other sporting events:

Provided that for the purposes of this paragraph advertising shall not include the announcement of forthcoming sporting events at the same ground or premises ;

(c) any loudspeakers for the transmission of sound to the auditorium of any cinematograph theatre (including any ancillary loudspeaker in the projection room of such theatre) in connection with the entertainment provided in such premises ;

(d) the use of a loudspeaker by the Scottish Gas Board for the purpose of announcements to their employees at the Aberdeen Gas Works of the said board.

67. On and after the first day of January one thousand nine hundred and fifty-six section 3 (Interpretation) of the Order of 1938 shall be read and have effect as if for the definition of “hackney carriage” occurring therein there were substituted the following definition (that is to say):—

“ ‘hackney carriage’ means every wheeled carriage whatever its form or construction and however drawn or propelled which stands for hire or plies for passengers for hire within the city and also includes any carriage kept by the owner in any building garage yard or other premises within the city for the purpose of being let out for hire with a driver but shall not include—

(a) any carriage so kept for the purpose of being let out for hire for the day or any longer period ; or

(b) a tramway car a trolley vehicle or a public service vehicle ” ;

and the city Acts shall be read and construed accordingly.

68. The Order of 1938 shall be read and have effect as if for section 168 (Byelaws for regulating hackney carriages) thereof there were substituted the following section (that is to say):—

“ 168.—(1) The magistrates may subject to the provisions of this Order make such byelaws as they think fit for all or any of the following purposes (that is to say):—

(a) For regulating the conduct of the proprietors and drivers of hackney carriages plying within the distance prescribed in section 143 (Hackney carriages to be licensed) of this Order and determining what badges (if any) such drivers shall wear and for regulating the hours within which they may exercise their calling ;

PART VII
—cont.

- (b) For the numbering of hackney carriages and for regulating the manner in which the names of the proprietors and the numbers of hackney carriages shall be displayed and fixing the charges for the use of plates indicating such names and numbers ;
- (c) For prescribing the type and construction of vehicles which may be licensed as hackney carriages and for prescribing the age in excess of which mechanically propelled vehicles shall not be licensed as hackney carriages :

Provided that byelaws made under the powers of this paragraph shall not be of any effect if and so far as they conflict with the provisions of any regulations made under or by virtue of the Road Traffic Act 1930 and for the time being in force ;

- (d) For the examination and inspection of hackney carriages at such times and places as may be prescribed in the byelaws ;
- (e) For securing that every hackney carriage shall be properly equipped and kept in a proper state of repair and cleanliness ;
- (f) For requiring that every mechanically propelled hackney carriage shall be equipped with a taximeter or other similar apparatus and for regulating the fixing and testing or retesting of every such taximeter or other apparatus and for prohibiting interference with any such taximeter or other apparatus or the causing of the same to register incorrectly ;
- (g) For the suspension or revocation of the licence in respect of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws ;
- (h) For regulating all matters affecting or relating to the safety comfort or convenience of persons hiring or using hackney carriages and of the public ;
- (i) For regulating the number of persons to be carried by hackney carriages and for securing the due display of the prescribed number in or on each hackney carriage ;
- (j) For fixing the stands of hackney carriages and the distance to which such drivers may be compelled to take passengers or to ply not exceeding the distance prescribed as aforesaid :

Provided that byelaws made under the powers of this paragraph shall not empower the magistrates to fix or regulate stands for hackney carriages standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission ;

- (k) For fixing the rates or fares as well for time as distance to be paid for hackney carriages within the distance prescribed as aforesaid and for securing the due publication of such rates or fares and for providing for passengers withholding fares in prescribed circumstances ;

- (l) For regulating all matters relating to luggage carried on or in hackney carriages and for securing the safe custody and redelivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect of such property ;
- (m) For regulating and fixing the time and manner in which licences shall be applied for and granted and the time and manner of applying for and granting renewals of licences ;
- (n) For every holder of a licence in respect of a hackney carriage supplying to any officer of the Corporation authorised in that behalf or to any constable on request being made by such officer or constable the name and address of any person who was authorised to drive such hackney carriage at any specified time within seven days before the request was made ;
- (o) For requiring the drivers of hackney carriages to carry a copy of the byelaws or any of them made in pursuance of this section and to exhibit the same when requested so to do by any passenger or by any officer of the Corporation authorised in that behalf or by any constable ; and
- (p) For declaring and fixing the terms and conditions on which licences shall be granted to and held by owners and drivers respectively of hackney carriages and for specifying what shall constitute and operate as a forfeiture or revocation thereof.

(2) Such byelaws shall be applicable within the city and beyond the city within a distance of five miles from the General Post Office of the city."

69. Section 107 (Byelaws as to fish market) of the Order of 1938 shall be read and have effect as if paragraphs (iv) and (v) thereof were omitted therefrom and as if the words "and for regulating the conduct of persons working therein or resorting thereto" were inserted at the end of paragraph (vi) thereof and as if the following subsection were added thereto:—

Amendment of section 107 of Order of 1938 as to fish market byelaws.

"(2) For the purposes of this section the fish market shall subject to the consent of the Aberdeen Harbour Commissioners include the quay between the fish market and the dock."

70. Section 188 (Penalty for offences in streets &c.) of the Order of 1938 shall be read and have effect as if the following paragraph were inserted therein in lieu of paragraph (a) of subsection (27) thereof (that is to say):—

Amendment of section 188 of Order of 1938.

"(a) Soils or defaces any building statue wall railing fence or hoarding or (except with the consent of the Corporation) writes upon or marks the same by any means or (except as aforesaid) writes upon or marks the carriageway or footpath of any street with paint tar stain or any substance similar to any of the foregoing provided that nothing herein contained shall apply with respect to the writing upon or marking the carriageway or footpath of any street by means of chalk in any form readily removable by the application of water".

PART VII
—cont.Provisions for
regulation of
esplanade,
seabeach and
parks.

71.—(1) Subject to the provisions of this Order a person shall not without the consent in writing of the Corporation on any part of the esplanade or seabeach or in any part of the parks—

- (a) hawk sell or offer for sale any article or commodity (other than newspapers or periodicals) or by way of trade or business take any photograph of any person or group of persons ;
- (b) erect place or use any booth tent shed stall stand or any other structure (including any fence enclosure or similar structure) or use any vehicle for the sale of any article or commodity ;
- (c) with a view to profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance ;
- (d) let or offer or expose for hire any animal or vehicle or any chair seat form booth tent hut stand platform or other thing ; or
- (e) place or construct any show exhibition swing roundabout or other erection :

Provided that for the purpose of paragraph (a) 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 such consent may be limited as to time and may be given subject to payment of such charges and to such conditions as may be imposed by the Corporation and shall be subject to the power of the Corporation to suspend or revoke the consent.

(3) Any person who acts in contravention of the provisions of this section or who contravenes any condition attached to a consent under this section shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds except in the case of any person contravening the provisions of this section in relation to any show exhibition swing roundabout or other erection or contravening any condition attached to any consent granted with reference thereto in which case such person shall be liable on conviction as aforesaid to a penalty not exceeding twenty-five pounds and to a daily penalty not exceeding five pounds.

*D—Commencement of Head A and Head B*Commencement
of Head A and
Head B of
Part VII.

72.—(1) (a) The provisions of Head A (Vessels) and of Head B (Street traders and others) of this Part of this Order shall respectively come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the city.

(b) Every such advertisement shall also state the effect of the provisions of Head A (Vessels) or of Head B (Street traders and others) of this Part of this Order as the case may be and the date

specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement:

PART VII
—cont.

Provided that application for licences or for permits or consents as the case may be under the said provisions of this Part of this Order may be made and determined before the provisions of Head A (Vessels) or of Head B (Street traders and others) of this Part of this Order as the case may be come into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

PART VIII

STREETS ETC.

73. With a view to alleviating hardship the Corporation upon application made to them by the owner of lands fronting or abutting on any street may in their sole discretion and notwithstanding anything in the city Acts—

Provisions as to remissions of or arrangements for payments for street works.

(a) wholly or partially relieve such owner on the ground of his poverty or inability to pay of liability for the payment of any sum due by him in accordance with the provisions of the city Acts in respect of the cost of street works carried out under and in pursuance of the provisions of the city Acts in a street on which his lands front or abut;

(b) in any case where there is no direct access to the street in which any such street works have been carried out from the lands of any such owner resolve that any sum due by him in accordance with the provisions of the city Acts in respect of the cost of such street works shall not be recoverable unless and until such an access is constructed.

74. The Order of 1936 shall be read and have effect as if for section 27 (Crossings for horses or vehicles over footways) thereof there were substituted the following section (that is to say):—

Crossings for horses or vehicles over footways.

“27.—(1) Any person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall give notice in writing to the city engineer and shall submit to the city engineer for his approval such particulars as to the works proposed as the city engineer may require and upon such approval being given such person may arrange for the said works as so approved to be carried out at his expense either by the Corporation or otherwise:

Provided that—

(a) If such person arranges for the said works to be carried out otherwise than by the Corporation he shall not later than three clear days before the date of the commencement thereof intimate such date in writing to the city engineer and the said works shall be carried out to the satisfaction and under the supervision of the city engineer;

PART VIII
—cont.

(b) Such person shall thereafter on demand pay to the Corporation in respect of the supervision of the works a sum equivalent to five pounds per centum of the cost thereof (subject to a minimum payment of ten shillings);

(c) If any such works are carried out without the prior approval of the city engineer or do not conform to such approval or are otherwise in contravention of the provisions of this subsection the person at whose expense or on whose behalf the works are carried out and any person undertaking the carrying out thereof shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding twenty-five pounds and the Corporation may in their option and at the expense of such first-mentioned person either reinstate the footway or carry out such further works as may be necessary to render satisfactory to the city engineer any works carried out as aforesaid.

(2) Where the owner or occupier of any premises fronting adjoining or abutting on any street habitually uses or permits to be used any footway in such street as a crossing for any horse or horse-drawn or mechanically-propelled vehicle (other than a motor cycle) in passing to and from such premises the Corporation may either—

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed in such position of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(3) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(4) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically-propelled vehicle (other than a motor cycle) subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be guilty of an offence and shall for each such offence be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds.

(5) Where a carriage-crossing has been constructed across a footway or a part of a footway has been strengthened or adapted as a carriage-crossing in accordance with the foregoing provisions of this section and to the satisfaction of the city engineer such carriage-crossing or such part of a footway as the case may be shall thereafter be maintained by the Corporation.”

75.—(1) Where before the commencement of this Order any works have been carried out (otherwise than by the Corporation or to their satisfaction expressed in writing) on the footway of any street for the purpose of forming a carriage-crossing across such footway to any premises or of strengthening or adapting part of such footway as a carriage-crossing to any premises and such works are in the opinion of the city engineer insufficient or unsuitable for the said purpose the Corporation may by notice require the owner or occupier of such premises either to reinstate the footway or to carry out such further works as may in the opinion of the city engineer be necessary to remedy such insufficiency or unsuitability or may in their option themselves reinstate the said part of the footway or carry out such further works and may in either case recover the cost of so doing from the said owner or occupier.

PART VIII
—cont.

Power to Corporation to deal with defective carriage-crossings.

(2) In any case where such further works have been carried out as aforesaid the carriage-crossing as thereby formed or the part of the footway as thereby strengthened or adapted as the case may be shall thereafter be maintained by the Corporation.

76.—(1) The Order of 1936 shall be read and have effect as if for section 46 (If Corporation fail to signify their approval parties may proceed) thereof there were substituted the following section (that is to say):—

Amendment of Order of 1936 as to approval of plans.

“46. If the Corporation fail to signify in writing their approval or disapproval or approval subject to conditions as aforesaid of such plan as aforesaid within eight weeks after receiving such notice and plan they shall be deemed to have disapproved of the same:

Provided that the person giving such notice may in that event appeal as if such failure as aforesaid were an exercise by the Corporation on the date of the expiry of the said period of eight weeks of a power committed to them under this Order and the provisions of section 168 (Appeals) of this Order shall extend and apply accordingly.”

(2) Section 48 (Corporation may alter buildings erected contrary to provisions of Order) and section 49 (Penalties for not giving notices &c.) of the Order of 1936 shall respectively be read and have effect as if the words “or (b) in pursuance of the section of this Order of which the marginal note is ‘If Corporation fail to signify their approval parties may proceed’” occurring in the said sections respectively were omitted therefrom.

77. Where the carriageway or footway of any street is maintainable by the Corporation at the commencement of this Order or is hereafter taken over by them so as to become maintainable by them they shall not thereby incur or be under any responsibility in connection with any vault arch cellar or wall thereunder and the Corporation may from time to time require the owner to execute such works as they may consider necessary to maintain or strengthen any such vault arch cellar or wall.

Owners to maintain vaults etc. under streets.

78.—(1) In any street in the city not being a street maintainable by them the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or

Urgent repairs of private streets.

PART VIII
—cont.

vehicles in the street and may themselves pay the cost of the repairs out of the burgh fund :

Provided that the total cost of the repairs executed in any street in any year under this section shall not exceed an amount equivalent to twelve pounds ten shillings for each one hundred yards of the length of the street and for the purposes of this proviso any fraction of one hundred yards in excess of one-third of one hundred yards shall be deemed to be one hundred yards.

(2) The exercise by the Corporation of their powers under this section with respect to any street shall not—

- (a) be deemed to impose any liability on the Corporation with respect to the maintenance or repair of such street ; or
- (b) derogate from the powers of the Corporation under the city Acts with respect to the maintenance and repair of such street and the recovery from the owners of lands fronting or abutting on such street of any expenses incurred by the Corporation in connection therewith.

As to removal of snow from foot pavements.

79. In time of snow or frost the Corporation shall take such steps as they deem reasonably practicable to remove snow and ice that has fallen or formed upon the foot pavements of streets in the city.

Provision of public seats in streets.

80. Subject to the provisions of this section the Corporation shall have power to erect and maintain seats for the use of the public in any street in the city :

Provided that the powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

PART IX

STREET MARKETS

Provisions as to Justice Street Market.

81.—(1) The Corporation shall continue to maintain Justice Street Market and to make provision for the following matters with respect thereto :—

- (a) the maintenance of a suitable place for stances and passages between the same ;
- (b) the supply by means of stand-pipes or otherwise of water for drinking and washing purposes for the convenience of the occupants of stances together with suitable lavatory and water-closet accommodation ;
- (c) facilities for the supply of electric light to the occupants of stances ;
- (d) the erection and maintenance of suitable signs indicating the situation of the markets to be held ;
- (e) reasonable access for vehicles to Justice Street Market.

(2) In the event of any dispute arising as to whether all or any of the provisions of this section are being complied with the same shall be determined by the sheriff upon application being made to him in writing so to determine.

82. The Corporation may make byelaws for regulating the use of Justice Street Market and the markets held thereat and the conduct of persons resorting thereto or carrying on business or employed thereat including (without prejudice to the foregoing generality) byelaws for some or all of the purposes following (that is to say):—

PART IX
—cont.

Byelaws for
Justice Street
Market.

- (a) fixing the days on which and the time during which business may be carried on in Justice Street Market ;
- (b) determining the number size arrangement allocation and position of stances ;
- (c) regulating the use of stalls booths and vehicles in Justice Street Market whether for the display of goods or otherwise ; and
- (d) regulating with a view to preventing contamination the sale of food in Justice Street Market.

83. The Corporation may from time to time prescribe such charges as appear to them to be reasonable in respect of the use of stances in Justice Street Market and in the market at The Green and may levy collect and recover the same.

Charges for
market stances.

84. The charges for market stances in Justice Street Market shall form part of the revenues of the common good :

Provision with
respect to
charges at
Justice Street
Market.

Provided that the Corporation shall annually pay from the common good out of the said revenues to the burgh fund any sum remaining after deduction of a sum of two hundred and thirteen pounds from the amount of the charges collected by the Corporation for market stances in Justice Street Market.

PART X

MISCELLANEOUS

85. The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purposes of Head A of Part III of the Order of 1938.

Acquisition of
land for
cleansing
purposes.

86. Notwithstanding anything in the city Acts the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of any land under any of the provisions of the city Acts by virtue of which the Corporation may be authorised to purchase land compulsorily as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

Procedure in
relation to
compulsory
acquisition of
lands.

87. Section 170 (Power to subscribe to hospitals &c. and pay expenses of public ceremonies) of the Order of 1939 shall have effect as if—

Amendment of
section 170 of
Order of 1939.

- (a) For paragraph (d) of subsection (1) thereof there were substituted the following paragraph:—

“(d) (i) reasonable subscriptions whether annually or otherwise not exceeding in the whole one thousand pounds in any one year to the funds of any hospital infirmary nursing institution society for benefit of boys girls men women sailors soldiers and airmen or other

PART X
—cont.

institute of a similar character or of any home or club which is established for the care of boys and girls and which is materially supported by voluntary subscriptions or of any house of refuge or other charitable institution ; and

(ii) reasonable subscriptions not exceeding in the whole five hundred pounds in any one year in aid of clubs and other institutions established in or connected with the city for the purposes of rendering national or public services ; and

(iii) reasonable subscriptions towards the expenses of any body carrying on activities within the city being activities for the purpose of furthering the development of trade industry or commerce or of giving advice information or other assistance to persons resident in the city or otherwise for the benefit of the city or such persons :

Provided that the powers conferred on the Corporation by this paragraph shall be in addition to and not in derogation of any powers conferred on the Corporation by any other enactment” ;

(b) For subsection (2) thereof there were substituted the following subsection :—

“(2) The total amount to be paid by the Corporation out of the produce of the city rate in respect of the purposes mentioned in subsection (1) of this section shall not exceed a sum representing the produce of a rate of one penny per pound on the rateable value of the city” ;

(c) Subsection (3) thereof were omitted.

Payment for transfers of common good lands to other departments.

88. Any lands and heritages forming part of the common good may be transferred to any department of the Corporation subject to payment by such department for behoof of the common good of the value of such lands and heritages as such value may be fixed by an arbiter to be appointed by the Corporation.

Provisions as to tramway byelaws applicable beyond city.

89. Notwithstanding the repeal of section 250 (Byelaws applicable beyond city to be approved by local authority) of the Order of 1937 any byelaw made in pursuance of the powers conferred on the Corporation by Part V (Transport) of the Order of 1937 shall in so far as any such byelaw applies to any place beyond the city be subject to the approval of the local authority having jurisdiction in such place.

Amendment of section 235 of Order of 1937.

90. Section 235 (Power to run special vehicles on esplanade) of the Order of 1937 shall be read and have effect as if the words “but the rate of speed of such vehicles when driven along the esplanade shall not exceed ten miles per hour” occurring in subsection (2) thereof were omitted therefrom.

Application of section 132 of Local Government Act 1948 to entertainment buildings.

91. In the application to the Corporation of section 132 of the Local Government Act 1948 (which relates to the provision of entertainments by a local authority) the expression “any theatre concert hall dance hall or other premises provided by them for the purposes of the preceding subsection” in paragraph (b) of

subsection (2) of the said section shall be deemed to include the entertainment buildings and the said section shall be read and construed accordingly.

PART X
—cont.

92.—(1) Subject to the provisions of this section where upon consideration of a report by the firemaster the Corporation are satisfied that any building or any part of a building is used for the purposes of selling or trading in goods or articles of a readily combustible nature and that such goods or articles are stored in or about such building to such an extent or in such a manner as to create undue risk of fire or in the event of fire an undue risk to such building or to adjoining buildings or to persons employed in occupying or frequenting such building or adjoining buildings they may serve on the occupier of such first-mentioned building a notice requiring him within a reasonable time to be specified in such notice to take such steps with respect to the storage or removal of such goods or articles as the notice may prescribe and to provide such portable efficient and adequate fire extinguishing apparatus and appliances as may be specified in the notice:

Abatement of
fire risks in
buildings.

Provided that nothing in this subsection shall authorise the Corporation to require the carrying out of any structural alteration to such building.

(2) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to make such order as he may think fit.

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

(3) All fire extinguishing apparatus and appliances provided in any building in accordance with the provisions of this section shall at all times be maintained and kept by the occupier of such building in good and efficient condition to the satisfaction of the firemaster.

(4) Any person who fails to comply with any notice given under subsection (1) of this section or with any order made by the sheriff under subsection (2) of this section or who acts in contravention of the provisions of subsection (3) of this section shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding twenty-five pounds and to a daily penalty not exceeding five pounds.

(5) The powers conferred on the Corporation by this section shall be additional to and shall not derogate from any powers conferred on them by the city Acts but shall not apply to premises of any class or description in relation to which class or description of premises provision as to the prevention of fire or means of escape in case of fire is made by any public general Act or any regulation or order made thereunder.

93.—(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")—

Restrictions on
display of goods
in areas etc.

(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;

PART X
—cont.

(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 immediately 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) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff 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.

(5) Any person who fails to comply with any notice given under the provisions of this section shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(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.

Power to relax or alter certain provisions as to buildings.

94. The Corporation may make byelaws for relaxing altering or modifying to such extent and under such conditions as they may think proper all or any of the provisions of Heads C and D of Part III (Buildings) of the Order of 1936 and the provisions of the city Acts and of this Order shall *mutatis mutandis* apply in relation to the said provisions of the Order of 1936 as so relaxed altered or modified as they applied in relation to such provisions before such relaxation alteration or modification.

Corporation may print city Acts.

95. For the convenience of the public and of the Corporation and the officers and servants of the Corporation the Corporation may print or arrange for the printing of the Aberdeen City Acts 1936 to 1955 in the form in which (after giving effect to all amendments made in and to the repeal of any of the provisions of the said Acts effected by this Order or by the Aberdeen City Acts 1936 to 1952 or any of them) the said Acts will be in force on and after the commencement of this Order and may publish and sell copies thereof as so printed.

PART XI

GENERAL REPEALS ETC.

96. Notwithstanding anything in the city Acts the provisions of section 301 of the Act of 1947 (which relates to the making and confirmation of byelaws) shall apply to all byelaws to be made by the Corporation or by the magistrates under the city Acts.

Application of provisions of Act of 1947 as to byelaws.

97. Notwithstanding anything in the city Acts or in any byelaws made thereunder every person guilty of an offence under or contravention of any of the provisions of the city Acts or of any of such byelaws shall (in any case where lesser penalties are prescribed by or under such provisions) be liable on conviction by a court of summary jurisdiction to a penalty not exceeding five pounds in respect of any such offence or contravention and (if the nature of the case permits) to a daily penalty not exceeding two pounds.

As to penalties in city Acts and byelaws made thereunder.

98. As respects byelaws made under the powers of the sections of this Order of which the marginal notes are respectively set out in the first column of the First Schedule to this Order the confirming authority for the purposes of section 301 of the Act of 1947 shall be the authority designated in the second column of the said schedule opposite such sections respectively.

Confirming authority for byelaws.

99. Subject to the provisions of this Order the sections and provisions of the city Acts of which the numbers and marginal notes are set out in the first column of the Second Schedule to this Order shall have effect subject to the amendments and adaptations specified in relation to those sections and provisions respectively in the second column of the said schedule.

Minor amendments of city Acts.

100. Subject to the provisions of this Order the enactments specified in the Third Schedule to this Order are as from the respective dates specified in the said schedule and so far as not already repealed hereby repealed to the extent mentioned in the second column of that schedule and on and after such respective dates all references to the repealed Acts or any of them in the city Acts and in any other Acts and Orders shall be read and have effect as if this Order or any Act or Order amending the same were mentioned therein instead of the repealed Acts or any of them.

Repeal of certain provisions of city Acts.

101.—(1) Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

General saving from effect of repeal.

(a) all existing agreements made by the Corporation under any of the repealed Acts shall 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;

(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

PART XI
—cont.

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 actions arbitrations submissions prosecutions and proceedings by with or against 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 ;
- (d) all existing byelaws rules regulations orders licences registrations consents sanctions and approvals and things done in execution of or in relation to or granted in pursuance of any 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 like purposes respectively under the provisions of this Order ;
- (e) 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 ;
- (f) all assessments rates rents tolls charges and other sums at the commencement of this Order due to the Corporation under or in respect of any of the repealed Acts may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed ;
- (g) 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.

(2) Notwithstanding anything in this Order all byelaws rules or regulations made in pursuance of any enactment which by this Order is repealed modified adapted or terminated in its application to the Corporation or the city and in force immediately before the coming into operation of any of the provisions of this Order shall not be invalidated by such repeal modification adaptation or termination but shall continue in force until repealed altered or revoked in pursuance of the provisions of this Order or otherwise or until their expiration.

Prosecution of
offences etc.

102. Except where otherwise provided in this Order the provisions and enactments contained in the city Acts relating to the prosecution of offences and the recovery of penalties under the city Acts shall so far as applicable extend and apply in reference to offences and penalties under this Order.

103. Except where otherwise provided in this Order the following provisions and enactments contained in the Order of 1936 shall so far as applicable extend and apply in reference to the provisions of this Order as fully and effectually as if those sections had with any necessary modifications been re-enacted in and formed part of this Order (that is to say):—

PART XI
—cont.

Application of
city Acts.

Section 150 (Penalty for refusing entry or inspection to be made);

Section 151 (As to service of notice on owners and occupiers);

Section 152 (Corporation in default of owner or occupier may execute works and recover expenses);

Section 153 (Occupier in default of owner may execute works and deduct expense from his rent);

Section 154 (How expenses are to be recovered from owner or occupier);

Section 155 (Power to levy charges on occupier who may deduct same from rent);
(as amended by this Order)

Section 156 (Occupier not to be liable for more than amount of rent due);

Section 157 (Corporation may allow time for repayment by owner or occupier of improvement expenses &c.);

Section 158 (Proceedings in case of tenants opposing execution of Order);

Section 159 (Recovery of damages under Order);

Section 166 (Penalty on persons obstructing officers in their duty).

104. Nothing in this Order contained shall prejudice take away diminish alter or abridge any statutory or other rights powers privileges jurisdictions or authorities acquired by vested in or enjoyed by the Aberdeen Harbour Commissioners to in or over the port and harbour of Aberdeen (as defined by the Aberdeen Harbour Act 1895) and such rights powers privileges jurisdictions and authorities shall continue to be held exercised and enjoyed by the Aberdeen Harbour Commissioners as if the Act confirming this Order had not been passed subject to any statutory or other rights powers privileges jurisdictions and authorities acquired by vested in or enjoyed by the Corporation before the commencement of this Order.

General saving
for Aberdeen
Harbour
Commissioners.

105. Nothing in section 85 (Acquisition of land for cleansing purposes) of this Order shall authorise the Corporation to acquire any land or property belonging to or occupied by the Aberdeen Harbour Commissioners.

For further
protection of
Aberdeen
Harbour
Commissioners.

106. For the protection of the Scottish Gas Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

For protection
of Scottish
Gas Board.

(1) Nothing in the following sections of this Order—

Section 50 (Power to improve flow etc. of streams);

PART XI
—cont.

Section 51 (For preventing obstruction to streams by culverts etc.);

Section 53 (Clearing of streams);

shall authorise the Corporation to execute any works—

(a) in under over across along or upon any operational land of the board; or

(b) which would materially affect the use by the board for the purposes of their undertaking of the water of the Scatterburn or the burn passing through the land belonging to the board at Tullos Industrial Estate;

without the consent of the board but such consent shall not be unreasonably withheld:

(2) Nothing in section 85 (Acquisition of land for cleansing purposes) of this Order shall authorise the Corporation to acquire any operational land of the board:

(3) Nothing in section 92 (Abatement of fire risks in buildings) of this Order shall apply to any building owned or occupied by the board and used by them in connection with the manufacture or storage of gas or the working up of residual products:

(4) Any difference which may arise between the Corporation and the board under this section shall be determined by the sheriff whose decision shall be final.

For protection
of North of
Scotland
Hydro-Electric
Board.

107. For the protection of the North of Scotland Hydro-Electric Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) Nothing in the following sections of this Order—

Section 50 (Power to improve flow etc. of streams);

Section 51 (For preventing obstruction to streams by culverts etc.);

Section 53 (Clearing of streams);

shall authorise the Corporation to execute any works—

(a) in under over across along or upon any operational land of the board; or

(b) which would materially affect the use by the board for the purposes of their undertaking of the water of the Ferryhill burn;

without the consent of the board but such consent shall not be unreasonably withheld:

(2) Nothing in section 85 (Acquisition of land for cleansing purposes) of this Order shall authorise the Corporation to acquire any operational land of the board:

(3) Any difference which may arise between the Corporation and the board under this section shall be determined by the sheriff whose decision shall be final.

108. 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.

109. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular 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 Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose. Crown rights.

110. 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

FIRST SCHEDULE

(Referred to in section 98 (Confirming authority for byelaws) of
this Order.)

CONFIRMING AUTHORITY FOR BYELAWS

1 Number and marginal note of section	2 Confirming authority
Section 35. Byelaws as to libraries	The sheriff.
Section 56. Byelaws with respect to vessels and boatmen etc.	The Secretary of State.
Section 63. Byelaws as to street trading and street photography	The Secretary of State.
Section 66. Byelaws as to loudspeakers... ..	The sheriff.
Section 82. Byelaws for Justice Street Market ...	The sheriff.
Section 94. Power to relax or alter certain pro- visions as to buildings	The Secretary of State.

THE SECOND SCHEDULE

(Referred to in section 99 (Minor amendments of city Acts) of
this Order.)

Section	Amendment or adaptation
	ORDER OF 1936
Section 3 (Interpretation) ...	For the definition of "firemaster" there shall be substituted the following definition:— " "firemaster" means the chief officer of the fire brigade maintained in pursuance of the Fire Services Act 1947 by the fire authority in whose area the city is situated." The definition of the expression "Lands Clauses Acts" shall be omitted. In the definition of "plan" after the words "city engineer" there shall be inserted the words "or other authorised officer of the Corporation".
Section 83 (Means of escape from buildings in case of fire).	In subsection (4) for the words "Section 14 (Provision of means of escape in case of fire) of the Factory and Workshop Act 1901" there shall be substituted the words "Section 34 (Means of escape in case of fire) of the Factories Act 1937)".
Section 112 (Branch drains or pipes may be carried through intervening property).	For the words "other building or land" where secondly occurring there shall be substituted the word "sewer".

Section	Amendment or adaptation
<i>ORDER OF 1936—continued</i>	
Section 113 (Common and private drains privies cesspools watercourses &c. to be kept in good order by owners).	After the word "cesspools" there shall be inserted the word "and". After the word "tanks" there shall be inserted the words "wherever situated". For the words "land laid out for building" there shall be substituted the words "or traversing land developed or in course of development for building purposes".
Section 121 (Power to require covering in of watercourses and ditches).	In subsection (1) for the words "land laid out for building or on which land laid out for building" there shall be substituted the words "or traversing land developed or in course of development for building purposes or on which such land" and the words "before any building operations are begun or proceeded with" shall be omitted.
Section 149 (Power to officers of Corporation to enter premises for purposes of Order).	In paragraph (e) of subsection (1) after the words "city engineer" there shall be inserted therein the words "or any such officer as aforesaid".
Section 155 (Power to levy charges on occupier who may deduct same from rent).	For the expression "city Acts" there shall be substituted the expression "Local Government (Scotland) Act 1947".
<i>ORDER OF 1937</i>	
Section 3 (Interpretation) ...	The definitions of the expressions "Lands Clauses Acts" "Order of 1936" "Plans of 1936" and "sections of 1936" shall be omitted.
Section 77 (For protection of county councils of counties of Aberdeen and Kincardine).	Subsections (3) to (7) inclusive (9) to (11) inclusive and (15) shall be omitted.
Section 78 (For further protection of Aberdeen County Council).	The reference to section 77 (For protection of county councils of counties of Aberdeen and Kincardine) shall be deemed to be a reference to the said section as amended by this Order.
Section 79 (For protection of burgh of Banchory).	Subsections (2) to (7) inclusive and subsection (10) shall be omitted.
Section 241 (Power to construct subsidiary works for working tramway undertaking by mechanical power).	For the words "Electricity Commissioners under the Electricity (Supply) Acts 1882 to 1936" there shall be substituted the words "Minister of Fuel and Power".

2ND SCH.
—cont.

Section	Amendment or adaptation
<i>ORDER OF 1937—continued</i>	
Section 252 (Penalties for offences against byelaws).	The reference to “byelaws” shall be omitted.
Section 275 (Public utility undertakings to be city undertakings).	The references to the gas and electricity undertakings shall be omitted.
Section 278 (Application of sections of city Acts to byelaws).	The references to the following sections of the Order of 1936 shall be omitted:— Sections 161 (Byelaws to be signed) 162 (Publication of byelaws) 163 (Byelaws to be binding on all parties) 164 (Evidence of byelaws) and 167 (Penalty where no penalty is otherwise stated).
<i>ORDER OF 1938</i>	
Section 3 (Interpretation) ...	The definition of the expression “Lands Clauses Acts” shall be omitted.
Section 64 (Entertainment buildings).	In subsection (5) for the words “provided in pursuance of this section” there shall be substituted the words “provided in the entertainment buildings.”
Section 97 (Management of art gallery by committee).	In subsection (6) after the word “engravings” there shall be inserted the words “coins examples of applied arts”.
Section 139 (Provision as to hoardings and other structures used for advertising purposes).	In subsection (2) for the words “the city engineer” there shall be substituted the words “such officer of the Corporation as they may designate”. In subsection (3) for the words “the city engineer” there shall be substituted the words “such officer as aforesaid”.
Section 216 (Power to purchase lands houses &c. for additional improvements).	(a) In subsection (1) for the words “resolve to acquire” there shall be substituted the words “be authorised by the Secretary of State to acquire compulsorily”. (b) Subsections (2) and (3) shall be omitted.
Section 238 (Power to shut up part of certain streets).	The proviso to subsection (2) shall be omitted.
Fourth Schedule	In the note appended to this schedule the words “or send by post or otherwise” shall be omitted and before the word “deliver” there shall be inserted the word “therewith”.

Section	Amendment or adaptation						
	ORDER OF 1938—continued						
Fifth Schedule	The references to section 109 (Byelaws for Justice Street Market) and section 192 (Regulation and control of loudspeakers &c.) shall be omitted.						
Sixth Schedule... ..	<p>(a) Item No. 3 (relating to fish porters) shall be omitted.</p> <p>(b) For Item No. 7 there shall be substituted the following:—</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">“ For grant of licence</th> <th style="text-align: center;">For renewal of licence</th> </tr> </thead> <tbody> <tr> <td>“ 7. Theatres (Occasional)</td> <td style="text-align: center;">1 0 0</td> <td style="text-align: center;">1 0 0”</td> </tr> </tbody> </table>		“ For grant of licence	For renewal of licence	“ 7. Theatres (Occasional)	1 0 0	1 0 0”
	“ For grant of licence	For renewal of licence					
“ 7. Theatres (Occasional)	1 0 0	1 0 0”					
	ORDER OF 1939						
Section 3 (Interpretation) ...	<p>(a) For the definition of “ firemaster ” there shall be substituted the following definition:—</p> <p style="padding-left: 40px;">“ ‘ firemaster ’ means the chief officer of the fire brigade maintained in pursuance of the Fire Services Act 1947 by the fire authority in whose area the city is situated.”</p> <p>(b) The definition of “ Lands Clauses Acts ” shall be omitted.</p> <p>(c) The definition of “ outer zone ” shall be omitted.</p>						
Section 46 (City chamberlain)	<p>(a) In subsection (2) the words “ depute or ” shall be inserted after the words “ and any ”.</p> <p>(b) In subsection (4) for the expressions “ an assistant city chamberlain or assistant city chamberlains ” there shall be substituted the words “ depute and assistant city chamberlains ” and for the word “ assistant ” where last occurring there shall be substituted the word “ depute ”.</p>						
Section 62 (Constables not to resign without leave).	In subsection (1) for the expression “ Police Pensions Act 1921 ” there shall be substituted the words “ Police Pensions Act 1948 and any regulations made thereunder or of any Act amending or extending or in substitution for that Act ”.						
Section 83 (Annual estimates)	Subsection (1) shall be omitted and in subsection (2) for the words “ City Acts ” where secondly occurring there shall be substituted the words “ Water (Scotland) Acts 1946 and 1949 ”.						

2ND SCH.
—cont.

Section	Amendment or adaptation
	ORDER OF 1939— <i>continued</i>
Section 88 (Payments by Corporation under Aberdeen County and Municipal Buildings Act 1866).	The reference to “ this Head of this Part of this Order ” shall be a reference to that Head as amended by this Order.
Section 92 (Exemptions and abatements from city rate).	In subsection (2) the second proviso shall be omitted.
Section 114 (Application of revenue of undertakings).	The words “ mentioned in paragraphs (a) (b) (c) (d) (e) (f) and (g) of subsection (1) of the section of this Order of which the marginal note is ‘Accounts’ ” and in paragraph (b) the words “ Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners ” shall be omitted.
Section 197 (Acquisition of small areas of land for municipal purposes).	The words “ Subject to the provisions of this section ” and the words “ and subject to the restrictions in Part II of the Third Schedule to the Town and Country Planning (Scotland) Act 1932 ” and all words from the word “ acquire ” to the end of the section (except the proviso) shall be omitted.

THIRD SCHEDULE

(Referred to in section 100 (Repeal of certain provisions of city Acts) of this Order.)

PART I

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ORDER

Session and chapter	Enactment repealed	Extent of repeal
26 Geo. 5 & 1 Edw. 8 c. lxxvii.	Aberdeen Corporation (Streets Buildings Sewers &c.) Order Confirmation Act 1936.	Subsections (3) (5) and (6) of section 65 subsections (4) (5) and (6) of section 66 subsection (4) of section 93 subsections (3) (4) and (5) of section 118 section 125 section 129 (so far as relating to the incorporation of the Lands Clauses Acts) sections 140 and 161 to 164 inclusive and section 167 of the Order scheduled thereto.

Session and chapter	Enactment repealed	Extent of repeal
1 Edw. 8 & 1 Geo. 6. c. cii.	Aberdeen Corporation (Water Gas Electricity and Transport) Order Confirmation Act 1937.	Section 4 (so far as relating to the incorporation of the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 the Lands Clauses Acts and the Waterworks Clauses Acts 1847 and 1863) sections 9 10 13 15 to 21 inclusive paragraph (a) of section 31 sections 34 to 40 inclusive 42 43 44 46 47 48 52 to 57 inclusive 60 61 63 64 65 67 68 72 73 75 92 95 and 96 subsection (1) of section 105 sections 106 to 113 inclusive 116 117 123 124 125 128 129 130 152 153 and 154 the proviso to section 156 sections 159 167 170 174 189 to 194 inclusive 196 and 199 subsection (3) of section 236 sections 238 250 274 and 281 the Eighth Schedule and the Tenth Schedule (except so far as relating to borrowing for the redemption of the Aberdeen Gas Annuities) of the Order scheduled thereto.
2 & 3 Geo. 6. c. iii.	Aberdeen Corporation (General Powers) Order Confirmation Act 1938.	Sections 5 and 7 subsection (2) of section 16 section 38 subsection (2) of section 63 subsections (3) and (4) of section 64 sections 65 and 66 subsection (3) of section 76 the proviso to subsection (2) of section 99 sections 106 108 109 110 112 134 142 192 and 213 subsections (2) and (3) of section 218 sections 219 (except so far as relating to section 165 of the Order of 1936) 220 235 236 243 254 (so far as incorporating section 167 of the Order of 1936) and 258 and the Third Schedule of the Order scheduled thereto.

3RD SCH.
—cont.

Session and chapter	Enactment repealed	Extent of repeal
3 & 4 Geo. 6. c. iii.	Aberdeen Corporation (Administration Finance &c.) Order Confirmation Act 1940.	Sections 4 15 16 18 19 20 25 and 26 subsection (6) of section 45 sections 48 50 (other than subsection (5) thereof) and 78 subsection (1) of section 84 sections 85 86 87 91 95 and 96 subsections (2) (3) (5) (6) and (7) of section 101 sections 102 to 105 inclusive 113 115 to 118 inclusive 120 139 169 172 173 175 176 196 204 222 and 234 (so far as incorporating section 167 of the Order of 1936) and the Fourth Schedule of the Order scheduled thereto.

PART II

ENACTMENTS REPEALED AS FROM THE COMING INTO OPERATION OF HEAD A (VESSELS) OF PART VII (LICENSING PROVISIONS BYELAWS OFFENCES ETC.) OF ORDER

Session and chapter	Enactment repealed	Extent of repeal
2 & 3 Geo. 6. c. iii.	Aberdeen Corporation (General Powers) Order Confirmation Act 1938.	Paragraph (b) of subsection (1) of section 76 (so far as relating to pleasure boats and vessels) paragraphs (f) and (g) of section 80 and section 81 and Item No. 2 in the Sixth Schedule of the Order scheduled thereto.

Table of Statutes referred to in this Act

Title of Act	Session and chapter
Lands Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 19.
Gasworks Clauses Act 1847	10 & 11 Vict. c. 15.
Waterworks Clauses Act 1847	10 & 11 Vict. c. 17.
Aberdeen County and Municipal Buildings Act 1866	29 & 30 Vict. c. civ.
Gasworks Clauses Act 1871	34 & 35 Vict. c. 41.
Public Libraries Consolidation (Scotland) Act 1887	50 & 51 Vict. c. 42.
Burgh Police (Scotland) Act 1892	55 & 56 Vict. c. 55.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Aberdeen Harbour Act 1895	58 & 59 Vict. c. cxxxvi.
Public Health (Scotland) Act 1897	60 & 61 Vict. c. 38.
Factory and Workshop Act 1901... ..	1 Edw. 7 c. 22.
Milk and Dairies (Scotland) Act 1914	4 & 5 Geo. 5 c. 46.
Acquisition of Land (Assessment of Compensation) Act 1919... ..	9 & 10 Geo. 5 c. 57.
Police Pensions Act 1921	11 & 12 Geo. 5 c. 31.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931	21 & 22 Geo. 5 c. 11.
Local Authorities (Publicity) Act 1931	21 & 22 Geo. 5 c. 17.
Health Resorts and Watering Places Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 48.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Aberdeen Corporation (Streets Buildings Sewers &c.) Order Confirmation Act 1936	26 Geo. 5 & 1 Edw. 8 c. lxxcvii.
Children and Young Persons (Scotland) Act 1937	1 Edw. 8 & 1 Geo. 6 c. 37.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Aberdeen Corporation (Water Gas Electricity and Transport) Order Confirmation Act 1937 ...	1 Edw. 8 & 1 Geo. 6 c. cii.
Food and Drugs Act 1938... ..	1 & 2 Geo. 6 c. 56.
Aberdeen Corporation (General Powers) Order Confirmation Act 1938	2 & 3 Geo. 6 c. iii.
Aberdeen Corporation (Administration Finance &c.) Order Confirmation Act 1940	3 & 4 Geo. 6 c. iii.
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.
Police Pensions Act 1948	11 & 12 Geo. 6 c. 24.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
Water (Scotland) Act 1949	12 & 13 Geo. 6 c. 31.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
Local Government (Scotland) Act 1951	14 & 15 Geo. 6 c. 15.
Public Libraries (Scotland) Act 1955	3 & 4 Eliz. 2 c. 27.

Ch. iii

*Aberdeen Corporation Order
Confirmation Act, 1955*

4 ELIZ. 2

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4 ELIZ. 2 Ch. iii

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