

Dundee Corporation (Consolidated Powers) Order Confirmation Act, 1957

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ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

DUNDEE CORPORATION (CONSOLIDATED POWERS)

PART I

PRELIMINARY

1. Short title and commencement of Order.
2. Interpretation.
3. Incorporation of Acts.

PART II

GENERAL ADMINISTRATION

4. Boundaries of the city.
5. County of city.
6. Application of Distribution of Industry Acts to city.
7. Division into wards.
8. Ward boundaries to have effect for parliamentary purposes.
9. Powers of Corporation etc.
10. Vesting of property in Corporation.
11. Number of town councillors and magistrates.
12. Power to appoint deputy chairman.
13. Style or name of Corporation and common seal.
14. Execution of deeds by Corporation.
15. Authentication of minutes of committees of Corporation.
16. Trusts on behalf of city.
17. Provisions as to former burgh of Broughty Ferry.
18. Robes and insignia.
19. Custody of ancient documents.
20. Corporation may print city Acts etc.
21. Provision as to registration of births deaths and marriages.
22. Order not to affect benefit conferred by birth or residence.
23. Saving in respect city is royal burgh.

PART III

OFFICERS AND SERVANTS

Section

- 24. Existing officers to continue in office.
- 25. City engineer.
- 26. Transfer of duties of officers.

PART IV

WATER

A. *Definitions incorporation of Acts etc.*

- 27. Definitions for Part IV of Order.
- 28. Incorporation of Railways Clauses Act.
- 29. Incorporation of provisions of Water (Scotland) Act 1946.

B. *Vesting water rights compensation water etc.*

- 30. Water undertaking to continue vested in Corporation.
- 31. Powers as regards maintenance and extension of works and construction of subsidiary works.
- 32. Power to take water.
- 33. Regulating conveyance into Pitairly Burn of drainage of grounds lying above site of Craigton reservoirs.
- 34. Regulation as to quantity of water to be discharged into Craigton Burn.
- 35. Defining quantity of water to be abstracted from Monikie Burn.
- 36. Defining quantity of water to be abstracted from Crombie Burn.
- 37. Quantity of water to be discharged from Lintrathen Reservoir as compensation water.
- 38. Gauges for measuring compensation water from Lintrathen Reservoir.
- 39. Penalty for failure in supply of compensation water from Lintrathen Reservoir.
- 40. Access to gauges by Perth Corporation.
- 41. Reservoirs to be enclosed by fences.
- 42. Power to use existing access farm or service roads and to make temporary roads.
- 43. Lands may be planted with trees etc.
- 44. Power to acquire and hold lands for protection of works and prevention of pollution.
- 45. For protection of waterworks from pollution.
- 46. Corporation may draw off water for repairs and cleaning of reservoirs.
- 47. Powers for repair of aqueducts and temporary discharge of water into streams.
- 48. Nuisance.

C. *Authorised works*

Section

49. Power to construct authorised works.
50. Limits of lateral deviation for works of 1939.
51. Limits of vertical deviation for works of 1939.
52. Authorised works to form part of water undertaking.

D. *Limits of supply and supply provisions*

53. Limits of supply.
54. Persons using water to provide cisterns and cocks.
55. Apparatus to be approved by manager of Corporation.
56. Corporation may supply water for other than domestic purposes.
57. Corporation to make etc. connections with service pipes.
58. As to deficient supply of water to dwelling-houses.
59. Water supplied for domestic purposes not to be used for other purposes.
60. Penalty for taking water from public wells except for domestic use.
61. Byelaws for preventing pollution of water.
62. Power to supply hospitals etc. at reduced charges.

E. *Miscellaneous provisions*

63. Power to utilise water power.
64. Power to Corporation to rewasher water fittings.
65. Penalties for fouling water of Corporation.

F. *Protective provisions*

66. Saving for rights to supply of water free of charge or on special terms.
67. Saving for Water (Scotland) Act 1949.
68. For protection of Transport Commission.

PART V

TRANSPORT

A. *Definitions and vesting*

69. Definitions for Part V of Order.
70. Vesting of transport undertaking.

B. *Omnibuses*

71. Power to run omnibuses.
72. Omnibuses in connection with tramways.
73. Byelaws as to premises held in connection with omnibuses.
74. Omnibuses to form part of transport undertaking.

C. Tramways and trolley vehicles

Section

75. Minister may authorise tramways and trolley vehicles.

D. Fares charges etc.

76. Fares and charges and passengers' luggage.
77. Fares and charges to be paid as directed by Corporation.
78. Carriage of goods parcels etc.
79. Conveyance of mails.

E. Apparatus etc.

80. Corporation to have exclusive right of using apparatus for working tramways and trolley vehicles.
81. Regulations by Minister.
82. Provisions as to motive power.
83. Attachment of brackets to buildings.
84. Use of tramway posts by Postmaster-General.

F. General and miscellaneous provisions

85. Accounts to be furnished to Minister.
86. Power to acquire and to appropriate lands.
87. Power to acquire patent rights.
88. Stopping and starting places.
89. Power to require intending passengers to wait in lines or queues.
90. Attachment of signs indicating stopping places to lamp-posts etc.
91. Shelters and waiting-rooms.
92. Cloakrooms etc.
93. Lost property in tramcars and trolley vehicles.
94. Joint services of omnibuses.
95. Through omnibuses tramcars and trolley vehicles.
96. Agreements for transmission of traffic.
97. Power to reserve omnibuses tramcars and trolley vehicles for special purposes.
98. Power to substitute omnibus services for tramways or trolley vehicles.
99. Removal of obstructions.
100. Advertising on vehicles.
101. Power to provide canteens etc.
102. Special travelling facilities for certain classes of persons on public service vehicles.
103. Cutting trees overhanging roads.
104. Stopping places for omnibuses tramcars etc.
105. Application of section 301 of Act of 1947 to tramway etc. byelaws.
106. Penalty for malicious damage.

G. Protective provisions

Section

- 107. For protection of Postmaster-General in respect of tramways and trolley vehicles.
- 108. For protection of Postmaster-General in respect of omnibuses.
- 109. For protection of Transport Commission in respect of transport undertaking.
- 110. For protection of electricity and gas boards in respect of transport undertaking.
- 111. Saving for Road Traffic Act 1930.

PART VI

STREETS

A. Paving and maintaining streets

- 112. Vesting and maintenance of public streets.
- 113. Powers of Corporation over streets and improvement thereof.
- 114. Frontage etc. proprietors to provide footways in front of their properties.
- 115. Corporation may compel owners of lands abutting etc. on streets to make good same.
- 116. Expenses incurred by Corporation in making good footways and streets to be a real debt on lands and property.
- 117. Provisions as regards roads formerly turnpike or statute labour.
- 118. Corporation may agree as to making of new streets.
- 119. List of public streets.
- 120. Power to Corporation to name streets.
- 121. Numbers of houses to be renewed by owner.
- 122. Corporation may allow buildings to be set forward.
- 123. Power to Corporation to convey portions of streets to adjoining etc. proprietors.
- 124. Acquisition of land for improvement of streets and power to dispose of same.
- 125. As to arrangements with owners relative to street improvements.
- 126. Permission for minor operations or erections on or under streets.
- 127. Crossings over footways.
- 128. Restoration of street where openings made.
- 129. Penalty for making unauthorised alterations or openings.
- 130. Encroachments and projections on streets.
- 131. Doors etc. not to be made to open outwards.
- 132. Coverings for cellar entrances to be made by owner or occupier.
- 133. Carrying off rainwater from bridges.
- 134. Closing streets etc.

B. Private streets

Section

- 135. Control and maintenance of private streets.
- 136. Temporary repairs on private streets.
- 137. Expenses of works on private streets.
- 138. Temporary works on private streets.

C. New streets

- 139. Notices and plans etc. of new streets.
- 140. Order authorising laying out of new street.
- 141. Notice before commencement of operations.
- 142. Penalty on persons laying out new streets without approval of Corporation.
- 143. Streets to be laid out before building can be commenced.
- 144. Width of streets.
- 145. Preliminary lay-out of streets.
- 146. Accesses to and deviation of line of new streets.
- 147. For preventing termination of street in a cul-de-sac.
- 148. As to expenses of laying out streets in certain cases.

D. General and miscellaneous provisions

- 149. Pipes etc. to be altered at expense of Corporation.
- 150. If owners of works etc. neglect to make alteration Corporation may cause same to be done.
- 151. Ventilation of hollow squares.
- 152. Courts etc. to be paved.
- 153. Grass margins and trees in streets.
- 154. Refuges etc. in streets.
- 155. Pleasure grounds etc. in streets.
- 156. Seats in streets.
- 157. Statues and monuments.
- 158. As to wires etc. connected with wireless installations etc.
- 159. For preventing soil and sand being washed into streets.
- 160. Lopping of overhanging trees hedges etc.
- 161. Height of fences and hedges at street corners.
- 162. Banners signs etc. over streets.
- 163. Direction signs.
- 164. As to damage to street apparatus etc.
- 165. Saving for Dundee Harbour in respect of streets.
- 166. For protection of electricity and gas boards.

PART VII

BUILDINGS

A. Erection alteration etc. of buildings

- 167. Notices plans etc. of new buildings.
- 168. Approval or disapproval by Corporation.
- 169. No building to be commenced until plans approved.
- 170. Water from roofs of buildings to be conveyed in pipes.

Section

- 171. New building in streets.
- 172. Projecting buildings when taken down to be set back.
- 173. Chimney stalks roofs etc. to be repaired and secured.
- 174. Survey on completion of works.
- 175. Powers of inspection.

B. Dangerous or ruinous buildings

- 176. Dangerous or ruinous buildings to be taken down or secured etc.
- 177. Removal of occupiers from dangerous buildings etc.
- 178. Corporation may sell materials of buildings taken down etc. restoring surplus to owner.
- 179. Corporation may take house or ground making compensation.
- 180. Ruinous buildings belonging to two or more owners may be sold.
- 181. How sale to be carried through.
- 182. Completion of purchaser's title.
- 183. Resale if conditions not fulfilled.
- 184. Application of price.
- 185. Ruinous buildings and areas may be sold.

C. Precautions during building operations etc.

- 186. Excavations to be drained.
- 187. Deposits of building materials or excavations.
- 188. Street may be closed during operations.
- 189. Hoardings etc. to be set up during operations.

D. Soil-pipes water-closets etc.

- 190. Water etc. pipes may be brought up to upper storeys.
- 191. Soil-pipes may be carried through different houses.
- 192. Penalty for introducing ashes etc. into soil-pipes.
- 193. Construction of cesspools etc.
- 194. Owners to remove cesspools etc. after notice.
- 195. Power to enforce repair etc. of privies etc.
- 196. Water-closets etc. attached to place of public entertainment or refreshment.
- 197. Water-closets etc. to be cleansed.

E. General and miscellaneous provisions

- 198. Means of escape from buildings in case of fire.
- 199. Buildings for public amusement etc.
- 200. Prevention of lock-up shops etc. being used for habitation.
- 201. Open and dangerous places and buildings to be enclosed or repaired.
- 202. Sweeping and washing of common stairs.

Section

- 203. Ventilation and repair etc. of common stairs etc.
- 204. Penalties relative to buildings etc.
- 205. For protection of British Transport Commission in respect of buildings.
- 206. Saving for Dundee Harbour in respect of buildings.

PART VIII

SEWERS AND DRAINS

A. *Sewers*

- 207. Sewerage undertaking to continue vested in Corporation.
- 208. Power to construct sewers and drains.
- 209. Corporation may alter etc. sewers and other works.
- 210. Notice before commencing sewerage works.
- 211. Meeting to hear objections.
- 212. Power to acquire and use lands for sewage purposes.
- 213. Acquisition of lands for purposes of sewerage undertaking.
- 214. Grants and servitudes to remain valid notwithstanding destination of sewage altered.
- 215. Ventilation of sewers.
- 216. Power to take over certain sewers etc.
- 217. Works to be constructed so as not to be a nuisance.
- 218. Corporation not to be exempt from proceedings for nuisance.
- 219. Where works for sewage provided streams not to be polluted.
- 220. Junctions or connections to sewers or drains.
- 221. Penalty for opening or injuring sewers.
- 222. No buildings over sewers etc. and no vaults etc. under streets to be made without consent of Corporation.
- 223. Watercourses etc. which have become sewers.
- 224. Power to require precautions against pollution.
- 225. Injurious matter not to be allowed to pass into a sewer or drain.
- 226. Use of sewers by persons outside city.
- 227. For protection of Transport Commission in respect of sewer works.
- 228. As to sewer running eastwards from Trades Lane to sea.

B. *Drainage of buildings*

- 229. Corporation may construct drains charging owners etc. with expense.
- 230. Drainage of existing buildings.
- 231. A building not to be erected upon a lower level than will permit of sufficient drainage.
- 232. Corporation not liable to provide drainage.
- 233. Drains etc. to be kept in good order.
- 234. Inspection of drainage.

Section

235. Penalty on persons making or altering drains etc. contrary to orders of Corporation.
 236. Corporation may put in branch drains at expense of owners of premises.
 237. Repairs on drains.

PART IX

WATERCOURSES STREAMS ETC.

238. Power to require covering in of watercourses and ditches.
 239. Streams not to be culverted or covered over except in accordance with plans.
 240. Repair and cleansing of culverts.
 241. Watercourse choked up to be a nuisance under Public Health Acts.
 242. For protection of British Transport Commission in respect of Part IX.

PART X

MISCELLANEOUS PROVISIONS AS TO WORKS

243. Plans of buildings etc. may be inspected.
 244. Restrictions on erection of stands etc.
 245. Removal of buildings in case of fire etc.
 246. Power to enter and inspect premises.
 247. In default of owners etc. Corporation may execute works.
 248. Occupier in default of owner may execute works and deduct expenses from his rent.
 249. How expenses are to be recovered from owner or occupier.
 250. Power to levy charges on occupier who may deduct same from rent.
 251. Occupier not to be liable for more than amount of rent due.
 252. Corporation may allow time for repayment by owner or occupier of improvement expenses etc.
 253. Proceedings in case of tenants opposing execution of Order.
 254. Respecting feu charters etc.
 255. Byelaws relating to works.
 256. City engineer may give warrant for minor alterations.
 257. For further protection of electricity and gas boards.

PART XI

SEA WALL

258. Power to construct sea wall.
 259. Lateral deviation for sea wall.
 260. Vertical deviation for sea wall.
 261. Provisions applicable to construction of sea wall.

PART XII

PARKS AND OPEN SPACES

Section

- 262. Vesting of parks.
- 263. Powers as to parks.
- 264. Byelaws as to parks.
- 265. Powers to utilise or let portions of parks for certain purposes.
- 266. Power to utilise parts of parks for road widenings.
- 267. Power to sell timber on and afforest parks.
- 268. Facilities for botanical research etc.
- 269. Power to provide landing ground for aircraft.
- 270. As to temporary use of parks for other purposes.
- 271. As to playing of golf and other games.
- 272. As to danger of injury from model aeroplanes etc.
- 273. Restriction on buildings on Bleaching Green.
- 274. Open spaces.
- 275. As to parks outside city.
- 276. Saving for deeds of gift etc. relating to parks.
- 277. Saving as to use of roads etc. in parks.
- 278. For protection of Transport Commission in respect of parks.

PART XIII

CAMPERDOWN ESTATE

- 279. Vesting of Camperdown Estate.
- 280. As to capital expenditure on Camperdown Estate.
- 281. Part of Camperdown Estate to be public park.
- 282. Application to Camperdown Estate of provisions as to parks.
- 283. Power to sell etc. parts of Camperdown Estate.
- 284. As to expenditure on Camperdown Estate.

PART XIV

BELMONT ESTATE

- 285. Vesting of Belmont Estate.
- 286. Powers as to Belmont Estate and mansion house.
- 287. Power to sell etc. parts of Belmont Estate.

PART XV

MILLS OBSERVATORY

- 288. Mills Observatory to continue vested in Corporation.
- 289. Power to make rules in respect of Mills Observatory.
- 290. Appointment of curator.
- 291. Further powers as to Mills Observatory.
- 292. As to expenditure on Mills Observatory.

PART XVI

BURIAL GROUNDS

Section

- 293. Vesting of burial grounds etc.
- 294. Corporation to be authority for executing Burial Grounds Acts.
- 295. Preservation of historical and other monuments.
- 296. Power to accept sums for maintenance of graves etc.
- 297. Consent of Corporation as to cemeteries and crematoria.
- 298. Byelaws for cemeteries and crematoria.
- 299. Burial registers to be kept.
- 300. Interments.
- 301. Powers as to disused burial grounds or parts thereof.
- 302. Power to utilise parts of disused burial grounds for road widening.

PART XVII

BEACH

- 303. Jurisdiction of Corporation over foreshore and beach.
- 304. Protection of foreshore.
- 305. Power to Corporation to provide bathing machines etc.
- 306. Byelaws as to bathing etc.
- 307. Power to license pleasure boats.
- 308. Power to provide boats drags life-buoys etc.
- 309. Prohibition of placing boats on streets etc.
- 310. Facilities for storage of boats.

PART XVIII

MUNICIPAL BUILDINGS PUBLIC HALLS ETC.

- 311. Municipal buildings.
- 312. Power to let parts of city chambers etc.
- 313. Public halls.
- 314. Power to make byelaws for halls.
- 315. Byelaws as to city square.

PART XIX

ART GALLERIES MUSEUMS AND LIBRARIES

A. *General*

- 316. Commencement of Part XIX of Order.
- 317. Art galleries museums and libraries to continue vested in Corporation.
- 318. Power to establish art galleries museums and libraries.
- 319. Occasional use of art galleries museums and libraries for municipal purposes.
- 320. Libraries Acts not to apply to Corporation.
- 321. Appointment of committees.
- 322. Appointment of curator of art galleries and museums.

Section

- 323. Appointment of chief librarian.
- 324. Provisions consequent on dissolution of libraries committee.
- 325. Transfer of liabilities of existing libraries committee.
- 326. Transfer of and compensation to officers of existing libraries committee.
- 327. Increase of emoluments of transferred officers subsequent to certain date may be disregarded for certain purposes.
- 328. Byelaws as to art galleries museums and libraries.
- 329. Provision of lectures etc. in art galleries museums and libraries.
- 330. Facilities for research.

B. Art galleries and museums

- 331. Powers of Corporation with respect to art galleries and museums.
- 332. Provision of refreshments in art galleries and museums.
- 333. Saving for deeds of gift relating to art galleries and museums.

C. Public libraries

- 334. Libraries to be free.
- 335. Control and management of libraries.
- 336. Provision of mobile libraries.

PART XX

MARKETS AND SLAUGHTERHOUSES

A. Definitions incorporation of Acts etc.

- 337. Definitions for Part XX of Order.
- 338. Incorporation of Markets and Fairs Clauses Act 1847.

B. Markets

- 339. Vesting etc. of markets undertaking.
- 340. Powers respecting markets.
- 341. Rates and dues for markets etc.
- 342. Use of markets for meetings etc.
- 343. Byelaws as to markets.
- 344. As to sales elsewhere than in markets.
- 345. Recovery of rates and dues.
- 346. Settlement of disputes as to rates and dues.
- 347. Removal of animals etc. left in market.
- 348. Forfeiture of animals etc. left in markets.
- 349. Power to purchase and abolish fair and market dues.
- 350. Removal of markets from streets etc.
- 351. Public notice of removal etc. of markets and fairs.

C. Slaughterhouses

Section

- 352. Vesting and maintenance of slaughterhouses.
- 353. Power to let buildings etc. in slaughterhouse area.
- 354. Power to deal with residual products from slaughterhouses.
- 355. As to sale of hides etc. within slaughterhouses.

D. Dead meat market

- 356. Provision of dead meat market.
- 357. Power to charge for market stands etc.
- 358. Meat markets not to be established without consent of Corporation.

E. Accounts

- 359. As to accounts of markets and slaughterhouses.

F. Miscellaneous

- 360. Power to take possession of stalls for non-payment of rent etc.
- 361. As to liability for animals vehicles goods etc.

PART XXI

PUBLIC BATHS AND WASH-HOUSES

- 362. Vesting of public baths and wash-houses.
- 363. Power to acquire lands for baths and wash-houses.
- 364. Provision of public baths and wash-houses.
- 365. Charges for use of baths etc.
- 366. Use of baths for exhibitions and entertainments.
- 367. Medicated and other baths.
- 368. Power to supply refreshments at baths.
- 369. Power to erect offices etc. in connection with baths etc.
- 370. Appliances in wash-houses.
- 371. Byelaws for public baths and wash-houses.

PART XXII

PUBLIC HEALTH AND SANITARY PROVISIONS

- 372. Cleansing of verminous persons and clothing.
- 373. Verminous premises and articles to be purified.
- 374. Prohibition of sale of verminous furniture etc.
- 375. Penalty for keeping premises in insanitary condition.
- 376. Offensive substances.
- 377. Stables etc. to be kept clean.
- 378. Pigsties.
- 379. Conveyance of carcasses etc.
- 380. Information to be furnished in case of infectious disease.
- 381. Byelaws as to tents vans etc.
- 382. Noise nuisance.

Section

- 383. Provision of public conveniences.
- 384. Conveyance of waste food etc.
- 385. Hairdressers and barbers.
- 386. As to common lodging-houses.

PART XXIII

CLEANSING

- 387. Vesting of cleansing undertaking.
- 388. Buildings and works for cleansing undertaking.
- 389. Lands for cleansing undertaking.
- 390. Collection and disposal of refuse.
- 391. Watering of streets.
- 392. Areas etc. to be cleansed by occupier.
- 393. Removal of ashpits and provision of ashbins.
- 394. Restrictions as to use of ashbins.
- 395. Receptacles for refuse and litter in streets etc.
- 396. Trade refuse etc.
- 397. Refuse etc. vested in Corporation.
- 398. Cleansing byelaws.
- 399. Penalty for throwing refuse etc. on streets etc.
- 400. Penalty for leaving litter in streets.
- 401. Penalty for allowing offensive matter or thing to run into street.
- 402. Prevention of leakage of liquids etc. from vehicles on to streets.
- 403. Offences in relation to soot disposal.
- 404. As to removal of dung etc.
- 405. Exception as to dung or other refuse on fields.
- 406. Penalty for obstructing cleansing employees etc.
- 407. Penalty for interference with refuse etc.

PART XXIV

LIGHTING

- 408. Vesting of lighting undertaking.
- 409. Streets to be lighted.
- 410. Works for lighting streets.
- 411. Removal of lamp-posts etc.
- 412. Penalty for wilfully breaking lamps etc.
- 413. Procedure where lamps etc. accidentally broken.
- 414. Lighting of common stairs etc.
- 415. Power to Corporation to supply light and charge owner.

PART XXV

THEATRES AND PLACES OF PUBLIC AMUSEMENT

- 416. Theatres etc. to be licensed.
- 417. Terms of licence.
- 418. Public shows and other like places.

Section

- 419. Byelaws as to theatres etc.
- 420. Power to close theatres etc. and to suspend licences.
- 421. Billiard rooms to be licensed.
- 422. Regulating hours of play at billiard tables etc.
- 423. Further provisions as to billiard rooms etc.
- 424. Byelaws regulating billiard rooms etc.
- 425. Saving for cinematograph theatres.
- 426. Powers of entry and inspection.

PART XXVI

STREET TRAFFIC ETC.

- 427. Regulations as to traffic on special occasions.
- 428. Regulations as to driving of cattle.
- 429. As to barriers in streets.
- 430. As to hire of crush barriers.
- 431. Decorations in streets.

PART XXVII

CABS

- 432. Definitions for Part XXVII of Order.
- 433. Licensing of cabs.
- 434. Occasional cab-operator's licences.
- 435. Licensing of drivers of cabs.
- 436. Form and conditions of licences.
- 437. Duration of licences.
- 438. Fees to be paid for licences.
- 439. Power to refuse licences.
- 440. Appeal against refusal etc. of licence.
- 441. Notification of change of address.
- 442. Suspension or revocation of licence on conviction.
- 443. Byelaws with respect to cabs and drivers of cabs.
- 444. Miscellaneous provisions as to cabs and drivers.
- 445. Penalties for offences as to cabs and drivers.

PART XXVIII

STREET TRADING

- 446. Definition for Part XXVIII of Order.
- 447. Regulation of street traders.
- 448. Notice of refusal or revocation of permit.
- 449. Byelaws as to street trading.
- 450. Savings in respect of Part XXVIII.

PART XXIX

STREET PORTERS

- 451. Street porters to be licensed.
- 452. Form and conditions of licences.
- 453. Penalty for plying without licence.
- 454. As to porters' rates and non-payment thereof.

PART XXX

CHIMNEY SWEEPS AND WINDOW CLEANERS

Section

- 455. Commencement of Part XXX.
- 456. Chimney sweeps and window cleaners to be licensed.
- 457. Form and conditions of licences.
- 458. Penalty for sweeping chimneys or cleaning windows without licence.

PART XXXI

BROKERS AND PAWNBROKERS

- 459. Licensing of brokers.
- 460. Offences by brokers.
- 461. Miscellaneous provisions as to brokers.
- 462. Pawnbrokers.
- 463. Duty to detain persons offering stolen property.

PART XXXII

SUPPRESSION OF VAGRANTS

- 464. Begging vagrancy etc.
- 465. Offences by known thieves etc.
- 466. Definition of public place.

PART XXXIII

OFFENCES AND PENALTIES

- 467. Penalties for offences.
- 468. Penalties for certain police offences.
- 469. Power to remove articles placed in streets.
- 470. Power to impound stray animals etc.
- 471. Removal of furniture.
- 472. Dogs or other animals if a nuisance or annoyance to be removed etc.
- 473. Street musicians.
- 474. Penalties for chimneys on fire.
- 475. Precautions in skating and bathing.
- 476. Places of public resort not to be used for improper purposes.
- 477. Nuisance by dogs.

PART XXXIV

ARTICLES FOUND OR STOLEN OR FRAUDULENTLY OBTAINED

- 478. Goods etc. found to be reported to police office.
- 479. Goods stolen or fraudulently disposed of to be delivered up to owner.
- 480. How stolen or unclaimed goods to be kept.
- 481. Unclaimed stolen property etc. to be disposed of.

PART XXXV

DISORDERLY HOUSES ETC

- 482. Suppression of brothels.
- 483. Remedy where room used for meetings becomes a nuisance.
- 484. Penalty against practising games of hazard etc.
- 485. Gaming and betting houses.

PART XXXVI

JURISDICTION AND RECOVERY OF PENALTIES

Section

486. Jurisdiction of magistrates.
 487. As to jurisdiction of sheriff in relation to certain offences.
 488. Offences under Cattle Sheds in Burghs Act.
 489. Constables may enter certain premises.
 490. Officers or owners of property on which offences are committed may take offenders into custody.
 491. Horse vehicle etc. of persons taken into custody may be secured.
 492. Watchmen may be placed in charge of shops etc. left open.
 493. As to signing of convictions and warrants.
 494. Deposits as security for appearances.
 495. Fines to be paid to clerk or other person.
 496. Application of penalties.
 497. Proceedings subsequent to conviction.
 498. Provisions as to proceedings brought against burgh prosecutor.
 499. Parties entitled to prosecute may do so.
 500. Form when sum recoverable as debt.
 501. Proceedings may be either in writing or printed.
 502. Penalties for breach of byelaws.
 503. Punishment of abettors.

PART XXXVII

FINANCE

A. *Preliminary*

504. Definitions for Part XXXVII of Order.
 505. Commencement of Part XXXVII of Order.
 506. Appointment of registrar.
 507. Designation of city chamberlain and city collector.
- B. *Accounts funds and expenses of the corporation*
508. Burgh fund.
 509. Annual estimates.
 510. Disposal of surpluses and treatment of deficiencies.
 511. As to alteration of date of financial year.
 512. As to accounts of public utility undertakings.
 513. Application of surplus revenue of undertakings.
 514. Trust funds under management of Corporation.
 515. Account of common good.
 516. Surplus from common good.
 517. Reserve or renewal funds.
 518. Insurance fund.
 519. Equalisation fund for slum clearances.
 520. Power to Corporation to pay expenses of clerk to lieutenancy.
 521. Power to subscribe to hospitals etc. and pay expenses of public ceremonies.

C. Levy and collection of rates

Section

- 522. Imposing of city rates.
- 523. Penalty for making false returns.
- 524. Assessment roll to be made up.
- 525. Deduction for partial occupation.
- 526. Penalty for non-payment.
- 527. Recovery of city rates.
- 528. Recovery of city rates etc. in cases of persons resident beyond city.
- 529. Recovery of rates from persons removing.
- 530. Misnomers not to affect proceedings for recovery of city rates etc.
- 531. Payment to trustees of harbour of Dundee in respect of certain services.
- 532. Guarantee rate.
- 533. Limitation of expenditure out of rates etc.

D. Borrowing by Corporation

- 534. Existing borrowing powers continued.
- 535. Power to borrow money.
- 536. Saving for control on borrowing.
- 537. Further borrowing powers in respect of water undertaking.
- 538. Repayment of money borrowed for purposes of water undertaking.
- 539. As to borrowing in respect of transport undertaking.
- 540. Reborrowing of money paid off.
- 541. As to ranking of securities of Corporation.
- 542. Extinction of securities redeemed or purchased.
- 543. Creation of Corporation redeemable stock.
- 544. Statutory borrowing power to be exercisable for actual sum raisable.
- 545. Payment off or substitution for existing securities.
- 546. Extinction or suspension of power.
- 547. General application of money from Corporation stock.
- 548. Corporation securities registers.
- 549. Certificates of proprietorship of stock and annuities.
- 550. Power for stockholder or annuitant to transfer.
- 551. Transfer of stock or annuity by deed.
- 552. Closing of transfer books.
- 553. Stamp duty on transfers.
- 554. Payment of dividends etc.
- 555. Saving for power of revocation.
- 556. Forgery.
- 557. Forms.
- 558. Fees.
- 559. Power to use sinking fund etc. instead of borrowing.
- 560. Continuation of loans fund.
- 561. Saving for power to borrow otherwise.

Section

- 562. Saving for other obligations.
- 563. Expenses.
- 564. Power to borrow on promissory notes.
- 565. Execution of mortgages.
- 566. As to Corporation annuities.
- 567. Redemption of Corporation annuities.
- 568. Provisions for carrying out redemption of Corporation annuities.
- 569. Power to redeem annuities by agreement.
- 570. Sinking funds in water department.
- 571. Application of sinking fund in water department.
- 572. As to loans to Fleming Trustees.

PART XXXVIII

WEIGHTS AND MEASURES AND SALE OF COAL

- 573. Definitions for Part XXXVIII of Order.
- 574. Local authority and trial of offences under Weights and Measures Acts.
- 575. Personal weighing machines.
- 576. Corporation may provide weighing instruments.
- 577. Public weighing instruments.
- 578. Penalties for committing frauds in weighing.
- 579. Reweighing may be required.
- 580. Articles in bulk may be required to be weighed.
- 581. Deficient weight measure or number.
- 582. Coal to be sold by weight.
- 583. Delivery of coal over two hundredweight.
- 584. As to sale in sacks of coal in quantities exceeding two hundredweight.
- 585. Coal sold in bulk.
- 586. Fraud by drivers of coal vehicles.
- 587. Deficient weight of coal on small sales.
- 588. Weighing instrument to be kept where coal sold by retail.
- 589. Weighment of coal or vehicle.
- 590. Weighment of coal in shops or vehicle.
- 591. Byelaws as to sale of coal and as to personal weighing-machines.
- 592. Prohibition of fraud in connection with sale of fuel.
- 593. As to sale of coke char etc.

PART XXXIX

MISCELLANEOUS AND GENERAL

- 594. As to parishes.
- 595. As to Tay Bridge Disaster Fund.
- 596. City war memorial to continue to be vested in Corporation.
- 597. Power to Corporation to provide public clocks.
- 598. Power to provide illuminations floodlighting etc.
- 599. Power to generate and supply heat.

Section

600. Power to advertise concerts entertainments etc.
601. Dwelling-houses for persons in Corporation's employment.
602. As to maintaining certain open spaces.
603. Shelters for drivers of cabs.
604. Shoeblock stands.
605. Statues and drinking fountains.
606. Derelict petrol tanks.
607. Retention by police of premises in which fire has occurred.
608. Byelaws as to loud-speakers.
609. Places of public refreshment to be registered.
610. Reservation of servitudes etc.
611. Form and service of notices etc.
612. Power to cancel or vary notice.
613. Conveyance of estates.
614. Watching of harbour.
615. Saving rights of magistrates and Corporation.
616. Payment of damages occasioned by mobs.
617. Recovery of damages under Order.
618. Appeal to sheriff etc.
619. Jurisdiction of dean of guild etc.
620. As to expenditure for purposes of Order.
621. Confirming authority for byelaws.
622. As to penalties and recovery thereof.
623. Penalty where no penalty is otherwise stated.
624. Repeal of Acts.
625. Saving for existing powers of hydro-electric and gas boards.
626. Rescission of adoption of Burgh Police (Scotland) Acts.
627. Saving for Dundee Harbour.
628. Crown rights.
629. Works below high-water mark.
630. General saving from effect of repeal.
631. Saving for town and country planning.
632. Costs of Order.

SCHEDULES:

First Schedule—Description of the boundaries of the city.

Second Schedule—Description of the boundaries of the wards of the city.

Third Schedule.

Fourth Schedule.

Fifth Schedule—Forms.

Sixth Schedule—Fees.

Seventh Schedule—Rules and regulations for the operation of the loans fund.

Eighth Schedule.

Ninth Schedule—Confirming authority for byelaws.

Tenth Schedule—Acts and Orders repealed.



CHAPTER iv

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Dundee Corporation (Consolidated Powers).

[19th December 1957.]

WHEREAS a Provisional Order relating to Dundee Corporation (Consolidated Powers) 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 expedient that the said Order should subject to amendment 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 Dundee Corporation (Consolidated Powers) Order Confirmation Act 1957. Short title.

SCHEDULE

DUNDEE CORPORATION (CONSOLIDATED POWERS)

Provisional Order to consolidate with amendments the Acts and Orders relating to and to confer further powers on the Corporation of the city and royal burgh of Dundee and for other purposes.

Whereas the Corporation of the city and royal burgh of Dundee (hereinafter called "the Corporation") are vested with the municipal government and administration of the city and royal burgh of Dundee and are the local authority therein:

And whereas the Acts and Orders relating to the Corporation are very numerous and in many cases have been superseded by subsequent legislation and ought to be repealed and it would be of public and local advantage if such of the provisions of the said Acts and Orders as it is expedient to retain were consolidated with certain additions and amendments:

And whereas it is expedient at the same time to extend as provided in this Order the powers of the Corporation relating to the matters comprised in those enactments:

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

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

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

PART I

PRELIMINARY

1.—(1) This Order may be cited for all purposes as the Dundee Corporation (Consolidated Powers) Order 1957.

(2) Except as otherwise in this Order expressly provided this Order shall come into operation on the date of the passing of the Act confirming this Order which date is in this Order referred to as the commencement of this Order.

2.—(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 shall subject to the provisions of this Order have the same respective meanings unless there is something in the subject or context inconsistent with or repugnant to such construction.

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

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

Short title and commencement of Order.

Interpretation.

“animal” means cattle sheep goats swine and horses and
“horses” includes asses and mules ;

“article” includes an animal a sum of money and a quantity
of a commodity ;

“beach” means any bank dune flat or other land adjacent to
the foreshore or to any river within the city so far as open
to the public ;

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

(a) books ; and

(b) goods bona fide forfeited in accordance with the
Pawnbrokers Act 1872 :

Provided that a wholesale dealer in rags ropes and waste
purchasing only from licensed brokers or licensed marine
store dealers or in quantities of not less than half a ton
shall not be included in this definition ;

“building” includes any structure or erection of whatsoever
kind or nature whether temporary or permanent or any
part thereof but does not include an advertisement to
which regulations made under section 29 of the Town and
Country Planning (Scotland) Act 1947 for the time being
apply ;

“burgh fund” means the burgh fund referred to in the section
of this Order of which the marginal note is “Burgh fund” ;

“burgh prosecutor” means the procurator-fiscal of the police
court and includes his deposes ;

“Burial Grounds Acts” means the Burial Grounds (Scotland)
Act 1855 and any Act amending or extending that Act ;

“Camperdown Estate” means that portion of the estate com-
monly known as “the Camperdown Estate” purchased
by the Corporation out of funds derived by them from the
Sir James Caird Land Acquisition Fund ;

“carriageway” means the part of the street (including water
channels) between the footways on either side thereof or
between the adjoining lands or buildings where there is not
a footway and used or intended to be used for vehicular
traffic ;

“chief constable” means the chief constable of the city and
includes any person acting as chief constable or authorised
by the chief constable to act for him either for the purposes
of this Order generally or for the purposes of any particular
provision of this Order ;

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

“city chamberlain” means the city chamberlain of the city ;

“city engineer” means the city engineer of the city ;

PART I
—cont.

- “city rates” means all assessments (including water rates) imposed and levied by the Corporation under and in pursuance of this Order or any other enactment applicable to the Corporation ;
- “cleansing superintendent” means the person appointed as inspector of cleansing by the Corporation ;
- “cleansing undertaking” means any land whether situated within or beyond the city owned leased or occupied by the Corporation and used or to be used for the purpose of the collection treatment and disposal of domestic refuse or trade refuse or manure or other refuse and all depots buildings works animals vehicles apparatus appliances machinery plant materials servitudes rights powers and privileges connected therewith ;
- “common good” means the common good fund of the city ;
- “constable” means any member of the police force and includes the chief constable ;
- “contravene” includes fail to comply with ;
- “Corporation” means the lord provost magistrates and councillors of the city ;
- “daily penalty” means a penalty for every day on which any offence is continued after conviction therefor ;
- “dean of guild” means the dean of guild of the city ;
- “domestic refuse” means the dust ashes rubbish and other refuse arising from or incidental to the normal occupation of any dwelling-house shop office or other similar premises but shall not include manure or soot or trade refuse ;
- “food” includes drink chewing gum and other products of a like nature and use and articles and substances used as ingredients in the preparation of food or drink or of such products but does not include—
- (a) water live animals or birds ;
 - (b) fodder or feeding stuffs for animals birds or fish ;
- or
- (c) articles or substances used only as drugs ;
- “footway” means the foot pavement or footpath (including kerb) forming the part of the street between the carriage-way and the adjoining lands or buildings and used or intended to be used mainly for pedestrian traffic ;
- “hollow square” means and includes any regular or irregular figure of ground of a less superficial area than one acre bounded on all sides by one or more streets in such a manner as to permit of buildings being erected on it round its margin so as to enclose entirely the interior space ;
- “house” and “dwelling-house” severally extend to and include any house or building or part thereof used or intended or

designed to be used for human habitation and outhouses and other erections being pertinents thereof ;

- “ Hydro-Electric Board ” means the North of Scotland Hydro-Electric Board ;
- “ Lands Clauses Acts ” means the Lands Clauses Acts and any Acts modifying amending or extending the same ;
- “ Lands Valuation Acts ” means the Acts in force in Scotland for the time being relating to the valuation of lands and heritages ;
- “ lighting undertaking ” means and includes all lands buildings workshops wayleaves lamp-posts standards lamp-brackets lamps cables pipes wires and other apparatus and appurtenances held used or enjoyed by the Corporation for the purposes of lighting the streets of the city together with all servitudes rights powers and privileges connected therewith ;
- “ loans fund ” means the Dundee Corporation loans fund established under the provisions of the repealed Acts and continued in pursuance of the provisions of this Order ;
- “ lord provost ” means the lord provost of the city ;
- “ magistrates ” means the lord provost and bailies of the city for the time being and “ magistrate ” means any one of them ;
- “ medical officer ” means the medical officer of health of the city ;
- “ Mills Observatory ” means the observatory erected in Balgay Park by the trustees acting under the trust disposition and settlement of the late John Mills dated twenty-ninth April one thousand eight hundred and eighty-one and relative codicils and now vested in the Corporation together with all instruments appliances equipment furniture and other property of all descriptions contained therein or connected therewith and the “ Mills Observatory Trust Fund ” means the principal sum of four thousand pounds paid over to the Corporation by the said trustees together with any further sums of money hereafter paid over to the Corporation by the said trustees in accordance with the said trust disposition and settlement ;
- “ new building ” includes—
- (a) any building the erection of which is begun after the commencement of this Order ;
 - (b) any existing building which has been taken down or burnt down to or below the level of the ceiling of the ground floor thereof and which is re-erected wholly or partially after the commencement of this Order ;
 - (c) any building not originally constructed for human habitation but converted after the commencement of this Order into one or more dwelling-houses ; and

PART I
—cont.

(d) any existing building originally constructed as one dwelling-house only but converted after the commencement of this Order into two or more dwelling-houses ;

“new house” includes any house or dwelling-house erected or made or altered after the commencement of this Order and used or intended or designed to be used for human habitation ;

“new street” means any street laid out or dedicated after the commencement of this Order ;

“office bearers” means the office bearers of the city and includes the lord provost the bailies the dean of guild the city treasurer and the hospital master ;

“omnibus” means any stage carriage moved by mechanical power not being a tramcar or a trolley vehicle and includes a public service vehicle ;

“owner” means and includes joint owner fiar liferenter feuar bondholder in possession or other person in the actual possession or receipt of rents or profits of lands and heritages of every tenure or description and the factor agent or commissioner of such persons or any of them or any other person who intromits with or draws the rents or profits :

Provided that where any such person proves that he—

(a) is receiving the rents or profits of any such lands and heritages merely as trustee tutor curator factor agent or commissioner for some other person ; and

(b) has not and since the date of the service on him of a demand for payment made by the Corporation pursuant to the provisions of this Order has not had in his hands on behalf of that other person sufficient money to meet the whole claim ;

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid but the Corporation may recover any unpaid balance from the person on whose behalf such trustee tutor curator factor agent or commissioner received the rents or profits ;

“parks” means and includes any land whether situated within or beyond the city provided owned or leased by or under the control of the Corporation and used for the purposes of recreation games sports or amusements or as a public playground (other than a school playground) public open space public walk and ornamental or pleasure ground or place of public resort or recreation and all buildings works appliances and servitudes rights powers and privileges connected therewith ;

“pawnbroker” has the same meaning as in the Pawnbrokers Act 1872 ;

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

“police force” means the police force of the city ;

“premises” includes any building shed tent garden shrubbery yard court close and house-boat ;

“private street” means any street other than a public street not being or forming part of any harbour dock quay wharf railway railway station or depot ;

“Public Health Acts” means the Public Health (Scotland) Act 1897 and any Act amending or extending the same ;

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

“Public Parks Act” means the Public Parks (Scotland) Act 1878 and any Act extending or amending the same ;

“public place” means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes any common passage close court stair garden or yard pertaining to any tenement or group of separately occupied houses ;

“public street” means any street or part thereof which at the commencement of this Order is wholly maintained by the Corporation or the maintenance of which the Corporation may after the commencement of this Order undertake or assume ;

“public service vehicle” has the same meaning as in the Road Traffic Act 1956 ;

“public utility undertakings” means the water undertaking and the transport undertaking ;

“repealed Acts” means the provisions of Acts and Orders which are repealed by this Order or which were repealed by any local Act or Order applicable to the city at any time before the commencement of this Order ;

“sanitary inspector” means the chief sanitary inspector of the city ;

“sewer” means any sewer vested in the Corporation ;

“sewerage undertaking” means and includes all the sewers of the Corporation whether within or beyond the city together with all manways surface gratings and other accesses surface water drains ventilating shafts sluices valves pipes offlets overflows appurtenances and other works or appliances and all lands properties buildings machinery plant servitudes rights powers and privileges for the time being belonging to or held or used or enjoyed by the Corporation for or in relation to such sewers ;

“sheriff” means the sheriff of Perth and Angus and includes his substitutes ;

“Sir James Caird Land Acquisition Fund” means the fund constituted by the will dated eleventh June one thousand nine hundred and nineteen and relative codicils of the late Mrs. Emma Grace Caird or Marryat to be known as the Sir James Caird Land Acquisition Fund the income of

PART I
—cont.

which was by the said will directed to be utilised in the acquisition of land in or around the boundaries of the city in the interest and for the benefit of the community ;

“ stall ” includes a vehicle used as a stall ;

“ statutory undertakers ” has the same meaning as in the Town and Country Planning (Scotland) Act 1947 ;

“ street ” means any highway road bridge square lane foot-path close court or passage (not being or forming part of any railway station or depot) or any part thereof open and accessible to the public whether the same is a thoroughfare or not ;

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

“ tenement ” means a building constructed in flats or storeys and containing two or more dwelling-houses in separate occupation ;

“ town clerk ” means the town clerk of the city ;

“ trade refuse ” means (a) the refuse arising out of or incidental to the carrying on of any trade or business or manufacture including ashes clinker and flue dust from any kiln engine furnace oven or stove used in connection with any industrial or commercial purpose or process (b) packing material and similar refuse from shops warehouses and workshops (c) fruit and vegetable rubbish (d) rubbish containing or comprising waste animal or fish matter (e) garden rubbish and refuse and (f) garage rubbish and debris ;

“ Transport Commission ” means the British Transport Commission ;

“ transport undertaking ” means the transport undertaking of the Corporation existing at the commencement of this Order and includes the tramways (so far as existing at the commencement of this Order) and all omnibuses tramways tramcars and trolley vehicles for the time being belonging to the Corporation and all lands properties works appliances servitudes rights powers and privileges for the time belonging to or held used or enjoyed by the Corporation for or in connection with the said omnibuses tramways tramcars trolley vehicles or vehicles ;

“ trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electric power transmitted thereto from some external source or in case of emergency or during the turning of the vehicle by some other means ;

“ trustees of the harbour of Dundee ” means the trustees of the harbour of Dundee acting for the time being in the execution of the Acts and Orders relating to the harbour of Dundee and the Tay Ferries ;

“water undertaking” means and includes all the waterworks for the time being of the Corporation and all lands minerals properties buildings streams springs wells reservoirs filters cisterns machinery plant tanks intakes aqueducts sluices weirs gauges mains meters pipes culverts channels and other works servitudes wayleaves rights powers and privileges for the time being belonging to or held or used or enjoyed by the Corporation for or in relation to or in connection with the said waterworks and the diversion collection storage purification protection and distribution of water or otherwise for or in relation to or in connection with the supply of water by them.

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

3.—(1) The Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845) are incorporated with and form part of this Order. Incorporation
of Acts.

(2) This Order shall be deemed to be a special Act within the meaning of the said Acts.

PART II

GENERAL ADMINISTRATION

4.—(1) The city shall continue to comprehend the area comprised within the boundaries set forth and described in the First Schedule to this Order (being the boundaries of the city as existing at the commencement of this Order). Boundaries of
the city.

(2) The description of the said boundaries shall be subject to the rules of construction prescribed by the Representation of the People Acts.

5.—(1) The city shall continue to be a county of a city by the name of “the county of the city of Dundee”. County of city.

(2) All charters statutes enactments laws customs and usages and all jurisdictions prerogatives rights powers privileges and authorities as existing held used and enjoyed and applicable in the city at the commencement of this Order shall continue to be held used and enjoyed and to be applicable within the county of the city of Dundee.

(3) The existing and future lords lieutenant deputy lieutenants and justices of the peace of the county of Angus shall not have jurisdiction power or authority within the county of the city of Dundee.

(4) Nothing in this section shall affect the right of such justices to hold their courts and meetings as heretofore within the city nor the power and authority which by the law of Scotland may be exercised by any justice of the peace beyond the limits of the county for which he is a justice.

PART II

—cont.

Application of
Distribution of
Industry Acts
to city.

6. The Distribution of Industry Acts 1945 and 1950 shall extend and apply to the city as defined by this Order as if the reference in the said Acts to the county of the city of Dundee was a reference to the county of the city of Dundee as defined by this Order and the said Acts in their application to the city shall be read and construed accordingly.

Division into
wards.

7.—(1) Unless and until otherwise determined the city shall continue to be divided into twelve wards as existing at the commencement of this Order the numbers names and boundaries of which wards are respectively set forth and described in the Second Schedule to this Order.

(2) The description of the boundaries of the said wards shall be subject to the rules of construction prescribed by the Representation of the People Acts.

Ward boundaries
to have effect for
parliamentary
purposes.

8. The division of the city into wards under the provisions of this Order shall have effect for parliamentary as well as municipal purposes but such division shall not affect the limits of any division of the city for the purposes of returning a member to serve for the division in Parliament.

Powers of
Corporation etc.

9. Subject to the provisions of this Order—

(1) The Corporation and the several office bearers shall have possess and may exercise over the city and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which at the commencement of this Order they respectively had or possessed whether by usage at common law by royal charter or by statute or otherwise including all powers of imposing levying and recovering rates and assessments dues and charges ;

(2) All rights privileges immunities and obligations enjoyed and possessed by or incumbent on the inhabitants of the city at the commencement of this Order shall continue to apply to the inhabitants of the city.

Vesting of
property in
Corporation.

10.—(1) Subject to the provisions of this Order the common good and all property belonging to the Corporation at the commencement of this Order or to which the Corporation are entitled or which is held or administered by any person for or on behalf of the community of the city or for the public ends and purposes thereof shall continue to be vested in and be held by the Corporation for the behoof and benefit of the city or to be administered by such person for or on behalf of the community of the city or for the public ends and purposes thereof.

(2) Where any property or any rights powers privileges or immunities have been transferred to or vested in the Corporation by virtue of the provisions of the repealed Acts or of any Act or Order in force at the time of such transfer the same shall continue to be vested in the Corporation without the necessity of recording in the register of sasines any conveyance or notice of title or other deed or writing.

(3) For the purpose of enabling the Corporation to complete a title if thought fit to any property transferred to and vested in them by virtue of the repealed Acts or any such Act or Order this Order or such Act or Order and this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

(4) Except as otherwise expressly provided in this Order nothing in this Order shall affect the powers and rights of the Corporation in respect of the common good and all property and rights of whatever description forming part of or pertaining to the common good at the commencement of this Order shall subject to the provisions of this Order continue to form part of the common good.

(5) For the avoidance of doubt it is hereby declared that in any case where the Corporation are authorised to acquire or provide lands buildings works conveniences or apparatus for the purposes of any of their functions under this Order or any other enactment or otherwise and also in respect of any other such functions they may subject to the provisions of any enactment requiring the consent of the Secretary of State or any other sanctioning authority and subject to equitable and proper adjustments being made in the accounts of the Corporation exercise at any time any such powers for the purposes of any two or more together of such functions.

11.—(1) The Corporation shall subject to the provisions of section 330 of the Act of 1947 consist of thirty-six town councillors.

Number of town
councillors and
magistrates.

(2) The number of such town councillors to be elected magistrates shall be nine of whom one shall be lord provost and eight shall be bailies.

(3) Each of the wards of the city shall be represented in the Corporation by three town councillors.

12.—(1) Notwithstanding anything contained in any enactment the Corporation may appoint annually in the month of May a member of the Corporation to be deputy chairman who in the absence of the lord provost shall preside at all meetings of the Corporation.

Power to appoint
deputy
chairman.

(2) In the absence of the lord provost and of the deputy chairman (if appointed) from any meeting of the Corporation the senior magistrate present and in the absence of all the magistrates a member to be chosen by the meeting shall preside.

13.—(1) The lord provost magistrates and councillors of the city shall be and continue to be a body corporate with a common seal and they may be known called and referred to for all purposes as "The Corporation of the City of Dundee".

Style or name of
Corporation and
common seal.

(2) The Corporation may sue and be sued in their corporate name.

(3) Service on the Corporation of all legal processes and notices shall be effected by service on the town clerk.

(4) The common seal of the Corporation shall comprise the arms of the city and royal burgh of Dundee as matriculated in the Public Register of All Arms and Bearings in Scotland on the sixth day of

PART II
—cont.

October one thousand nine hundred and thirty-two with the words "Seal of the City and Royal Burgh of Dundee".

Execution of
deeds by
Corporation.

14. All charters dispositions assignments conveyances contracts leases deeds instruments and writs whatsoever to be granted made and executed by or on behalf of the Corporation shall be good valid and effectual if subscribed (either with or without the common seal being adhibited) by any two members of the Corporation and by the town clerk whether attested by witnesses or not.

Authentication
of minutes of
committees of
Corporation.

15. Notwithstanding anything contained in any enactment it shall not be necessary to sign minutes of meetings of committees and sub-committees of the Corporation which have been submitted to the Corporation and such minutes shall be deemed to form part of the minutes of the meeting of the Corporation at which they were submitted.

Trusts on behalf
of city.

16.—(1) Subject to the provisions of this Order all mortifications endowments trusts however constituted charitable bequests or other grants held or administered by the Corporation or by the office bearers (or any one or more of them) by themselves or in conjunction with any person shall be vested in held and administered by the Corporation or by so many of their number to be chosen by them for that purpose as may be necessary and by such person (if any) in pursuance of and in conformity with the deeds under which such mortifications endowments trusts charitable bequests or other grants are constituted for the purposes and with the rights powers and authorities and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the grantors or makers of such mortifications endowments trusts charitable bequests or other grants.

(2) Nothing herein contained shall affect the rights or powers conferred on any private individual nominated and appointed by any deed whereby any mortification endowment trust charitable bequest or other grant is constituted or the rights of property or personal privileges or immunities within the city (excepting as the same are expressly modified by this Order or by any other enactment) enjoyed before the commencement of this Order by any person or class or community of persons.

(3) There shall be excepted from the foregoing provisions of this section the trust constituted and bequests gifted under the trust disposition and settlement and codicils dated respectively nineteenth December one thousand eight hundred and ninety-one fourth October one thousand eight hundred and ninety-three ninth March one thousand eight hundred and ninety-six and twentieth October one thousand eight hundred and ninety-six and all registered in the Books of Council and Session twenty-third May one thousand eight hundred and ninety-eight of the late James Guthrie Orchar engineer Dundee.

(4) For the three trustees appointed by the said trust disposition and settlement and codicils from the magistrates of the former burgh of Broughty Ferry there shall be substituted three of the councillors of the city for the time being representing the Tenth or Broughty Ferry and the Eleventh or Barnhill wards thereof and elected by the Corporation.

17. The Corporation shall—

- (1) make reasonable provision for and thereafter maintain in that part of the city comprising the former burgh of Broughty Ferry public baths and wash-houses subject to such regulations and conditions and on payment of such reasonable charges for the use thereof as may be made by the Corporation;
- (2) maintain in the said part of the city the district library with a reading room established in pursuance of the repealed Acts;
- (3) make reasonable provision in the said part of the city for the collection of the city rates and shall with respect to the various public services undertaken by the Corporation treat the said part of the city in the same way as other districts of the city.

18.—(1) The Corporation may provide and maintain robes and insignia of office for the use of the lord provost the magistrates and town councillors.

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

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

20. For the convenience of the public and of the Corporation and the officers and servants of the Corporation the Corporation may from time to time print or arrange for printing this Order and all or any other enactments byelaws regulations and statutory or other orders or instruments applicable to the Corporation or to the city in the form in which (after giving effect to all amendments made in and to the repeal or modification of any of the provisions of the same effected from time to time) the said enactments and others will be in force on and after such printing and may publish and sell copies thereof as so printed.

21. Notwithstanding anything in the Registration of Births Deaths and Marriages (Scotland) Acts 1854 to 1938 a registrar of births deaths and marriages may have his known place of business or office at such place outside the district for which he is registrar as the Corporation with the approval of the Registrar General for Scotland (and in addition in any case where any registration district is not wholly within the city with the consent of the local authority concerned) may deem expedient.

22. Notwithstanding the provisions of this Order the claim to or enjoyment of any benefit which is conferred or which may be claimed or enjoyed under any Act Order or scheme in existence or under any deed or instrument testamentary or otherwise in respect of birth or residence in or in connection with the county of Angus as existing at the passing of such Act or Order or at the coming into effect of such scheme or at the time of the execution of such deed or instrument as aforesaid shall not be interfered with or prejudiced in so far as parts of the said county as then existing as aforesaid are now included in and deemed to be part of the county of the city of Dundee.

PART II
—cont.Provisions as to
former burgh of
Broughty Ferry.Robes and
insignia.Custody of
ancient
documents.Corporation
may print city
Acts etc.Provision as to
registration of
births deaths
and marriages.Order not to
affect benefit
conferred by
birth or
residence.

PART II

—cont.

Saving in respect
city is royal
burgh.

23. Nothing contained in this Order shall be held or construed to take away abridge or diminish any rights powers privileges jurisdictions or authorities (whether by statute at common law or by usage or custom) acquired by vested in or enjoyed by the lord provost magistrates and other office bearers the Corporation and the members and officers of the Corporation in respect that the city is a royal burgh.

PART III

OFFICERS AND SERVANTS

Existing officers
to continue in
office.

24. Subject to the provisions of this Order the several officers of or appointed by the Corporation and in office at the commencement of this Order shall continue to possess and exercise in their several capacities the same powers and authorities as they possessed and exercised in their several capacities whether by usage or at common law or by statute before the commencement of this Order.

City engineer.

25.—(1) The Corporation shall from time to time appoint a fit person who shall be a chartered civil engineer to be city engineer.

(2) Subject to the provisions of this Order the city engineer shall perform such duties as the Corporation shall determine.

(3) The Corporation may appoint one or more persons to act as city engineer depute.

(4) Except as may be otherwise provided in the appointment of any such depute all things required by law to be done by or to the city engineer may be done by or to any city engineer depute.

Transfer of
duties of officers.

26. Subject to the provisions of this Order and of any other enactment the Corporation may in their discretion at any time transfer from any one of their officers to any other of their officers such duties under this Order or otherwise as shall in their opinion be more appropriate to the office of such other officer or as they may determine.

PART IV

WATER

A. *Definitions incorporation of Acts etc.*Definitions for
Part IV of Order.

27. In this Part of this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

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

“ authorised works ” means the works described in Head C (Authorised works) of this Part of this Order and authorised by the repealed Acts ;

“ relative plans and sections ” in relation to the works of 1939 means the plans and sections deposited with the sheriff clerks of the sheriffdom of Perth and Angus with reference to the waterworks authorised by the Dundee Corporation Order 1939 and in relation to the works of 1950 means the plans and sections deposited with the Secretary of State with

reference to the waterworks authorised by the Dundee Water Order 1950 and "relative plans" and "relative sections" shall be construed accordingly ;

"Water Acts" means the Water (Scotland) Acts 1946 and 1949 ;

"water supply limits map" means the map showing the limits for the supply of water by the Corporation signed by the town clerk with reference to the Dundee Corporation (Water Transport Finance &c.) Order 1954 and kept by the town clerk in pursuance of the section of this Part of this Order of which the marginal note is "Limits of supply" ;

"works of 1939" and "works of 1950" mean respectively the waterworks authorised by the Dundee Corporation Order 1939 and the Dundee Water Order 1950.

28. The following Act (so far as the same is applicable for the purposes and is not inconsistent with the provisions of this Part of this Order) is hereby incorporated with and forms part of this Order (namely):—

Incorporation of Railways Clauses Act.

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railways during the construction thereof :

Provided that the said clauses and provisions thereof shall be read and have effect as if the authorised works were therein referred to instead of "the railway" and as if the boundaries of the said works were therein mentioned instead of "the centre of the railway" and as if the Corporation were therein mentioned instead of "the company".

29. The Fourth Schedule to the Act of 1946 (except Part III (Compensation water) and section 44) as amended by the Water (Scotland) Act 1949 and 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 this Order.

Incorporation of provisions of Water (Scotland) Act 1946.

B. Vesting water rights compensation water etc.

30. Subject to the provisions of this Order the water undertaking as it exists and as it is used and enjoyed by and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and held used and enjoyed by them.

Water undertaking to continue vested in Corporation.

31.—(1) The Corporation may maintain continue repair reconstruct alter and renew their waterworks and may subject to the provisions of this Part of this Order in connection with their waterworks make lay erect and maintain such embankments shafts tunnels adits dams weirs channels sluices watercourses catchwater drains culverts cuts aqueducts bridges roads machinery apparatus buildings quarries works dwelling-houses for servants hatcheries for fish and other works and conveniences as may be necessary or expedient in effecting or carrying out the objects or purposes of this Order or any of them.

Powers as regards maintenance and extension of works and construction of subsidiary works.

PART IV
—cont.

(2) The Corporation may subject as aforesaid from time to time on or within any of their lands or on or over any lands on or over which they by agreement have or may acquire right so to do alter replace enlarge and increase the number and size of the works conduits aqueducts mains and pipes authorised by the repealed Acts and this Order and may from time to time alter replace enlarge and increase the number and size of the works filters mains and pipes from time to time in use for conveying purifying and distributing water for the purposes of the Water Acts and this Order.

(3) Any electric apparatus telegraphs telephones and other works laid erected or maintained by the Corporation shall not be used in contravention of the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(4) (a) Notwithstanding anything contained in this section the Corporation shall not in the exercise of the powers of this section interfere with any mains pipes cables equipment or other apparatus of (a) the Hydro-Electric Board or (b) the Scottish Gas Board (hereinafter in this subsection referred to as "apparatus") except with the consent of the board concerned (which consent shall not be unreasonably withheld) and in the event of it being reasonably necessary for the said board to divert relay or replace any of their apparatus in consequence of the exercise by the Corporation of any of the powers conferred on them by this section the Corporation shall repay to the said board the reasonable expenses incurred by the said board of or in connection with the diversion relaying or replacement of such apparatus and the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus and of carrying out any other work rendered reasonably necessary in consequence of the exercise by the Corporation of any of the powers conferred on them by this section:

Provided that the foregoing provisions of this subsection shall not apply in any case where the works carried out by the Corporation are works to which section 26 of the Public Utilities Street Works Act 1950 applies.

(b) Any difference arising between the Corporation and the board concerned under this section shall be referred to and determined by an arbiter to be mutually agreed upon between the Corporation and the board concerned or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Power to
take water.

32. Subject to the provisions of this Order the Corporation may 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 by means of the authorised works take intercept collect impound use divert and appropriate for the purposes of the water undertaking the waters of the following:—

- (1) the river Melgum the Inzion Burn the Loch of Lintrathen and of all affluents thereof; and

(2) the Monikie Burn the Clearie Burn the Crombie Burn the Hynd Castle Water the Fallaws Burn and the King's Well and of all their respective tributaries and affluents and other sources of water in the districts shewn on the plans and mentioned in the books of reference deposited with reference to the repealed Acts.

PART IV
—cont.

33. The Corporation shall continue to maintain the covered drain constructed by the former Dundee Water Company in pursuance of the repealed Acts along the tail or bottom of the south side of the embankment of the reservoir of the Corporation on Craigton Muir together with the open drain to the burn of Pitairly also constructed by the former Dundee Water Company in pursuance of the repealed Acts in such manner as to intercept and convey into the Pitairly Burn as heretofore the whole water produced by the drainage of the grounds lying above the site of the reservoirs of the Corporation on Craigton Muir which naturally drain into the said burn.

Regulating conveyance into Pitairly Burn of drainage of grounds lying above site of Craigton reservoirs.

34.—(1) The Corporation shall discharge from their reservoirs on Craigton Muir into the channel of Craigton Burn by means of the pipe or conduit constructed for the purpose in pursuance of the repealed Acts not less than thirty-seven million five hundred thousand gallons of water in each year in the proportion of six million two hundred and fifty thousand gallons of water in each of the months of January February March April May and June in every year and that by equal quantities between the hours of twelve noon and four afternoon of every Monday of the aforesaid period.

Regulation as to quantity of water to be discharged into Craigton Burn.

(2) The Corporation shall be liable to a penalty of ten pounds for every week in which they refuse or neglect to discharge the aforesaid quantity of water into the channel of Craigton Burn as hereinbefore provided which penalty shall be paid to any proprietor of lands on the Pitairly Burn who sues for and who is granted a decree for the recovery of the same.

(3) If any question or dispute at any time arises between the Corporation and any person interested in the water to be discharged by the Corporation as aforesaid such question or dispute shall be settled and determined by the sheriff whose decision shall be final and not subject to review or question.

(4) If all the persons interested in the water to be discharged by the Corporation as aforesaid agree with the Corporation that the said water shall be discharged in other proportions or at other times than are hereinbefore provided in this section the Corporation may discharge the said water according to such agreement.

35.—(1) The Corporation shall not without the consent of the proprietor for the time being of the estate of Panmure abstract or divert into their reservoirs any water from the Monikie Burn or any of the tributaries or affluents thereof except when and so long as there is running the quantity of four hundred and fifty thousand gallons of water per day in the channel of the said burn at some point within fifty yards below the place at which the aqueduct of the Corporation intersects the channel of the said burn.

Defining quantity of water to be abstracted from Monikie Burn.

PART IV
—cont.

(2) The Corporation shall continue to maintain gauges or sluices or other apparatus for ascertaining the quantity of water running at the said point in the channel of the said burn.

(3) If the Corporation at any time without the consent of the said proprietor abstract or divert any water from the Monikie Burn when there is less than four hundred and fifty thousand gallons of water per day running at the point aforesaid the Corporation shall forfeit and pay a penalty of ten pounds for every day or part of a day during which they so abstract or divert water from the said burn when there is less than the quantity aforesaid running at the said point.

(4) The said penalty may be sued for and recovered by the said proprietor by summary complaint before the sheriff or by ordinary action in the Court of Session and shall be paid to the party suing for the same.

Defining quantity of water to be abstracted from Crombie Burn.

36.—(1) The Corporation shall not without the consent of the proprietor for the time being of the estate of Panmure impound abstract or divert any water from the Crombie Burn or any of the tributaries or affluents thereof except when and so long as there is running the quantity of one hundred and eighty thousand gallons of water per day in the channel of the said burn at some point within fifty yards below the place at which the eastmost point of the embankment of the Crombie reservoir of the Corporation intersects the channel of the said burn.

(2) The Corporation shall continue to maintain a gauge or sluice or other apparatus for ascertaining the quantity of water running at the said point in the channel of the said burn.

(3) If the Corporation at any time without the consent of the said proprietor abstract or divert any water from the said burn when there is less than one hundred and eighty thousand gallons of water per day running at the point aforesaid the Corporation shall forfeit and pay a penalty of ten pounds for every day during which they so abstract or divert water from the said burn when there is less than the quantity aforesaid running at the said point.

(4) The said penalty may be sued for and recovered by the said proprietor by summary complaint before the sheriff or by ordinary action in the Court of Session and shall be paid to the party suing for the same.

Quantity of water to be discharged from Lintrathen Reservoir as compensation water.

37. The Corporation shall cause to flow out of and from their Lintrathen Reservoir now and as from time to time existing for the supply of mills factories works lands buildings and others on the rivers Melgum and Isla below the said reservoir and for the benefit of all parties interested in the water of the said rivers a constant quantity of not less than four million and fifty thousand gallons of water per day as full compensation to such mills factories works lands buildings and others and to the owners lessees and occupiers thereof and to all other parties interested as aforesaid for the taking diverting impounding and appropriating of the respective waters authorised by this Order to be taken diverted impounded and appropriated.

38.—(1) The Corporation shall continue to maintain such gauges as may be necessary for the purpose of ascertaining the actual quantity of compensation water passing out of their Lintrathen Reservoir as provided in the immediately preceding section of this Order.

PART IV
—cont.
Gauges for measuring compensation water from Lintrathen Reservoir.

(2) Such gauges shall at all times be open to the inspection and examination of all owners lessees and occupiers of mills factories works lands and buildings on the rivers Melgum and Isla below the said reservoir and other parties interested in the water of the said rivers.

39.—(1) If the Corporation wilfully or after written notice negligently fail to cause to flow from and out of their Lintrathen Reservoir the quantity of water to be discharged from and out of the same in accordance with the section of this Order of which the marginal note is "Quantity of water to be discharged from Lintrathen Reservoir as compensation water" they shall for and during every day on which such failure occurs forfeit and pay the sum of two pounds by way of penalty to the occupier of any mill factory or work situated not lower down the stream than the point of junction of the Dean Water with the river Isla which is affected by such failure and of which the occupier has received damage and incurred loss by reason of such failure.

Penalty for failure in supply of compensation water from Lintrathen Reservoir.

(2) The Corporation shall in addition make compensation for any loss or damage sustained by such occupier which such penalties may be inadequate to meet.

40. The gauges referred to in the section of this Order of which the marginal note is "Gauges for measuring compensation water from Lintrathen Reservoir" shall at all times be open to the inspection and examination of the lord provost magistrates and councillors of the city and royal burgh of Perth or of any person or persons duly authorised by them in that behalf.

Access to gauges by Perth Corporation.

41. The reservoirs of the Corporation at Lintrathen Gowriehill and Balmossie shall continue to be enclosed by proper and sufficient fences and gates to be maintained by the Corporation.

Reservoirs to be enclosed by fences.

42. The Corporation may use the existing access farm or service roads on the lands of Invergowrie Balgay and Balmossie and on the lands affected by their waterworks for the purposes of access to or construction maintenance repair extension or enlargement of their works and may also make temporary roads for the purposes of access to or construction maintenance repair extension or enlargement of the said works over the said lands subject to agreement with the proprietors thereof as to the upkeep maintenance and repair of the said roads and in respect of payment of compensation for surface damage.

Power to use existing access farm or service roads and to make temporary roads.

43.—(1) The Corporation may plant with trees any lands or any portion of any lands acquired by them under the powers of the repealed Acts or otherwise acquired by them for the purposes of or in connection with the water undertaking in such manner as they may deem necessary or expedient for the purpose of protecting any of their reservoirs or waterworks or water supply against pollution

Lands may be planted with trees etc.

PART IV
—cont.

fouling contamination or injury and such lands so planted as aforesaid shall not be deemed to be superfluous lands within the meaning of any enactment.

(2) In addition to the powers conferred on the Corporation by the immediately preceding subsection of this section the Corporation may establish and carry on nurseries for trees and may also exercise all such powers as may be necessary or expedient for disposing of and dealing with the timber grown on any such lands (including the operation of saw mills) and may also enter into agreements with the Forestry Commissioners with respect to the management or supervision by the Forestry Commissioners of any woods or forests planted on any of the said lands and with respect to the planting or afforestation of any of the said lands provided that nothing in this section shall derogate from the provisions of the Forestry Acts 1919 to 1951.

(3) The exercise of the power conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied.

Power to acquire and hold lands for protection of works and prevention of pollution.

44.—(1) The Corporation may by agreement purchase acquire and hold or acquire servitudes or restrictions over or acquire by lease for such period of years as they may think fit any lands within the drainage area of the waterworks of the Corporation or any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water of the Corporation and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity or desirability continues such lands to be acquired shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. Provided that the Corporation shall not erect or permit the erection of any buildings on such lands except such as are required in connection with their waterworks or for farm buildings.

(2) The Corporation may from time to time let for such period as they think fit or sell or feu any land acquired under the powers of this section or any land or property otherwise acquired by them which is not required for the purposes of the water undertaking on such terms and conditions and subject to such restrictions as regards its use as to the Corporation may seem fit to secure that such land or property is not manured or broken up for tillage and that buildings which may prejudicially affect the water supply or the purity of the water are not erected thereon. Provided that the Corporation shall not without the consent of the Secretary of State sell or feu or otherwise dispose of any such land or any interest therein except at the best price or upon the best terms which can be obtained for such land or interest but a purchaser or feuar shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

(3) The proceeds of the sale of any such lands or property by the Corporation shall be applied only to purposes of this Order to which capital is properly applicable.

For protection of waterworks from pollution.

45. The Corporation may on any lands which they may acquire under the powers of this Part of this Order or have acquired under the repealed Acts or otherwise construct all such drains

channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting the reservoirs conduits or watercourses of the Corporation or any waters flowing into the same.

PART IV
—cont.

46. The Corporation may from time to time cause the water to be drawn or let off from any of their reservoirs for the purpose of repairing or inspecting the state of such reservoirs or any of the dams or other works appertaining thereto or for the purpose of cleaning out such reservoirs or any part thereof but in any such case the Corporation shall use all convenient speed in making such repairs or in executing such cleaning.

Corporation may draw off water for repairs and cleaning of reservoirs.

47.—(1) For the purpose of executing any necessary work of repair or of cleansing or of examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse.

Powers for repair of aqueducts and temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of such compensation to be settled in the case of difference by an arbiter to be agreed upon between parties or in case of difference to be appointed on the application of either party by the sheriff.

48. Nothing in this Order shall exonerate the Corporation from any action interdict or other proceedings for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them for the purposes of the water undertaking.

Nuisance.

C. *Authorised works*

49. The powers of the Corporation to make and maintain the works of 1939 are hereby continued and subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown on the relative plans and sections the works hereinafter described.

Power to construct authorised works.

The works hereinbefore referred to are—

Works of 1939 (originally authorised by the Dundee Corporation Order 1939 and shown as Works Nos. 3 and 4 on the relative plans and sections)—

Work No. 1 Two conduits or lines of pipes commencing in the parish of Alyth and county of Perth in and by a junction with the two existing lines of pipes firstly described in and authorised by the Dundee Water Amendment Act 1872 the Dundee Water Act 1882 and the Dundee Water Act 1891 at a point one hundred and sixty-seven yards or thereby northward from the north-east corner of the Isla Sluice House of the water undertaking situated on the south side of the river Isla and crossing the river Isla by means of the intended bridge being Work No. 2 hereinafter described and terminating in the parish of Meigle and county of Perth in and by a

PART IV
—cont.

junction with the said existing lines of pipes at a point sixty-eight yards or thereby southward from the north-east corner of the said Isla Sluice House ;

Work No. 2 A bridge (across the river Isla) commencing in the parish of Alyth and county of Perth at a point one hundred and six yards or thereby northward from the north-east corner of the said Isla Sluice House and terminating in the parish of Meigle and county of Perth at a point sixty-four yards or thereby northward from the north-east corner of the said Isla Sluice House.

Works of 1950 (originally authorised by the Dundee Water Order 1950 and shown as Works Nos. 1 to 9 on the relative plans and sections)—

Work No. 3 An inlet screening chamber adjacent to the existing measuring chamber which is situated one hundred yards or thereby to the west of Cairnhall Farm in the parish of Lintrathen in the county of Angus ;

Work No. 4 A trunk main commencing at Work No. 3 and extending for fifteen and one-half miles or thereby through the parishes of Lintrathen Kingoldrum Ruthven Airlie Newtyle Auchterhouse Liff and Benvie and Mains and Strathmartine in the county of Angus the parish of Meigle in the county of Perth and that part of the parish of Mains and Strathmartine which lies within the city and terminating in Work No. 8 ;

Work No. 5 A pipe bridge over the Melgum Water nine hundred and twenty yards or thereby upstream from the point where it flows into the river Isla and partly in each of the parishes of Lintrathen and Airlie in the county of Angus ;

Work No. 6 A pipe bridge over the Canty Burn six hundred and twenty yards or thereby upstream from the point where it flows into the river Isla and in the parish of Airlie in the county of Angus ;

Work No. 7 A pipe bridge over the Dean Water three hundred and forty yards or thereby west of Drumkilbo Brick and Tile Works and partly in each of the parish of Airlie in the county of Angus and the parish of Meigle in the county of Perth ;

Work No. 8 A filter station and filtration plant and service houses situated to the east of Clatto Reservoir in that part of the parish of Mains and Strathmartine which lies within the city ;

Work No. 9 A storage tank of six million gallons capacity or thereby adjacent to Work No. 8 and in that part of the parish of Mains and Strathmartine which lies within the city ;

Work No. 10 A pumping station and pumping plant adjacent to Work No. 8 and a rising main commencing at the said pumping station and terminating at Work No. 11 in that part of the parish of Mains and Strathmartine which lies within the city ;

PART IV
—cont.

Work No. 11 An elevated water tank of five hundred thousand gallons capacity or thereby at Gallowhill and two distribution mains commencing at the said tank one terminating one thousand yards or thereby to the east thereof and the other terminating one thousand two hundred yards or thereby to the west thereof all situated partly in each of those parts of the parishes of Mains and Strathmartine and Liff and Benvie which lie within the city and that part of the parish of Liff and Benvie which lies within the county of Angus.

50. Where the line of any of the works of 1939 shown in the relative plans passes along any road and the limits of lateral deviation are not marked thereon the Corporation may in constructing such work deviate laterally from the lines thereof as laid down in the relative plans to the extent of the boundaries of the road and elsewhere the Corporation may in constructing the said works deviate laterally from the lines thereof as shown on the relative plans to the extent of the limits of lateral deviation shown thereon.

Limits of
lateral
deviation for
works of 1939.

51. In the construction of the works of 1939 the Corporation may deviate vertically from the levels shown on the relative sections to any extent not exceeding seven feet upwards and to any extent downwards Provided as follows (that is to say):—

Limits of
vertical
deviation for
works of 1939.

(1) The Corporation shall not construct any embankment or wall of a greater height above the general surface of the ground than that shown on the relative sections in respect of the corresponding embankment or wall and five feet in addition :

(2) Except for the purpose of crossing over a stream it shall not be lawful to raise any part of the pipes above the surface of the ground unless and except so far as is shown on the relative sections.

52. The authorised works shall form part of the water undertaking.

Authorised
works to form
part of water
undertaking.

D. *Limits of supply and supply provisions*

53.—(1) The limits for the supply of water by the Corporation (being the limits existing at the commencement of this Order and delineated on the water supply limits map) shall comprise and include—

Limits of
supply.

(a) the city ;

(b) the burgh of Monifieth in the county of Angus ;

(c) the burgh of Carnoustie in the county of Angus ;

PART IV
- cont.

- (d) so much as is not included within the city or the said two burghs of the areas in the parishes of Liff and Benvie Auchterhouse Mains and Strathmartine Monifieth Monikie Barry and Panbride and county of Angus specified in section 33 of the Dundee Water Act 1869 section 26 of the Dundee Water Act 1891 and section 21 of the Dundee Water Order 1905 (which sections so far as specifying the said areas are set out in the Third Schedule to this Order);
- (e) the area in the parish of Longforgan and county of Perth shewn delineated and coloured red on the map deposited with the Secretary of State with reference to the Dundee Water (Extension of Limits) Order 1951;
- (f) the burgh of Newport in the county of Fife;
- (g) the burgh of Tayport in the county of Fife;
- (h) so much as is not included within the said two burghs last-mentioned of the parishes of Forgan and Ferryport-on-Craig in the county of Fife;
- (i) so much of the parish of Balmerino in the county of Fife as lies within the area specified in section 26 (4) of the Dundee Water Act 1891 (which section so far as specifying the said area is set out in the Third Schedule to this Order);
- (j) the river or firth of Tay ex adverso of the said three parishes last-mentioned and of the county of Angus on the opposite side of the said river or firth.

(2) If there is any discrepancy between the water supply limits map and the terms of this section the terms of this section shall be deemed to be correct and shall prevail.

(3) The water supply limits map shall be kept by the town clerk.

(4) Any premises outside the limits aforesaid to which the Corporation are supplying water and to which they were at the commencement of this Order supplying water in accordance with the repealed Acts shall for the purposes of this Order and of any other enactment relating to the supply of water be deemed to be within the limits of supply of the Corporation.

(5) The Corporation shall be the local water authority within the meaning and for the purposes of the Water Acts within the limits aforesaid.

Persons using
water to provide
cisterns and
cocks.

54.—(1) Any person supplied with water under the provisions of this Order shall when required by the Corporation provide a proper cistern to receive and retain the water with which he is so supplied having a ball and stopcock affixed to the pipe conducting the water from the works of the Corporation to such cistern and shall keep such cistern ball and stopcock in good repair so as effectually to prevent the water from running to waste.

(2) If any such person neglects to provide when required by the Corporation such cistern ball or stopcock or to keep the same in good repair the Corporation or any person acting under their authority and showing his authority if required may in the discretion of the Corporation cut off the pipe or turn off the water from the

premises of such person until such cistern ball and stopcock have been provided or repaired as the case may require or may themselves provide such cistern ball or stopcock or repair the same.

PART IV
—cont.

(3) The Corporation may recover from such person as aforesaid the expenses reasonably incurred by them in terms of the preceding subsection.

55.—(1) All the apparatus used or to be used for conveying and supplying water supplied or to be supplied under the provisions of this Order shall be subject to the approval of the manager of the water undertaking and in the event of any dispute arising between the parties providing such apparatus and the said manager such dispute shall be determined by the Corporation whose decision shall be final.

Apparatus to
be approved
by manager
of Corporation.

(2) The Corporation may test any water fittings or other apparatus used or proposed to be used by any person in connection with water supplied by the Corporation and may stamp such fittings or apparatus as complying with the requirements of the Corporation.

(3) The Corporation may make such reasonable charges for testing and stamping such fittings as the Corporation may from time to time think fit and may recover such charges from any such person.

56.—(1) The Corporation may furnish to any person within their limits of supply a supply of water for—

Corporation
may supply
water for other
than domestic
purposes.

- (a) steam engines or railway purposes ;
- (b) ships and vessels and aircraft ;
- (c) ventilating any dwelling-house or other premises ;
- (d) working any machine or apparatus ;
- (e) cattle or horses ;
- (f) washing carriages or motor cars or other vehicles when such carriages or motor cars or other vehicles are kept for hire or are the property of a dealer ;
- (g) gardens fountains or ornamental purposes ;
- (h) flushing sewers or drains ;
- (i) any trade manufacture or business ;
- (j) hotels or taverns or institutions or hospitals or prisons or barracks or other public buildings ; or
- (k) any other purpose not being the furnishing of a supply of water for domestic purposes to a dwelling-house ;

such respective supplies being so furnished at such rates upon such terms and conditions and by measure or otherwise as shall be agreed upon between the Corporation and the person desiring the supply.

(2) As far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply.

(3) The supply for domestic purposes required by this Order shall be and continue to be sufficiently provided before the Corporation supply water under this section for any other purpose.

PART IV.

—cont.

Corporation to make etc. connections with service pipes.

57.—(1) Notwithstanding anything in any enactment relating to the Corporation the Corporation shall have the exclusive right of executing any works on any main or communication pipe of the Corporation for connecting therewith or disconnecting therefrom any service pipe and on the request of the consumer the Corporation shall (subject to the provisions so far as applicable of the Public Utilities Street Works Act 1950 with respect to the breaking up of streets for the purpose of laying mains) execute on any such main or communication pipe any work and supply all fittings and materials which are necessary to connect or disconnect such main or communication pipe with or from the service pipe.

(2) (a) Any reasonable expenses incurred by the Corporation under this section shall be repaid to them by the consumer and shall be recoverable by the Corporation.

(b) The Corporation shall not be under any obligation to supply or continue to supply water by means of any such service pipe until all sums payable to them by the consumer in respect thereof pursuant to this subsection have been paid to them.

As to deficient supply of water to dwelling-houses.

58.—(1) If the occupier of any dwelling-house within the city complains to the sanitary inspector that the supply of water as laid on within such dwelling-house is deficient in quantity or not continuously maintained throughout the day the sanitary inspector shall forthwith report the complaint to the manager of the water undertaking who shall investigate the cause of complaint and report to the Corporation.

(2) If on examination it is found by such manager that the supply pipe or other pipes or apparatus belonging to the owner of the property and used for supplying the property are too small in diameter to provide an adequate supply of water or are silted up or encrusted with rust or defective in any other way and if the Corporation so order the owner of the property shall on a notice to that effect being given by the sanitary inspector be bound to carry out all operations necessary to provide an adequate supply of water.

(3) If such owner does not comply with such notice within twenty-one days of the service thereof he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

(4) All operations under this section shall be carried out in accordance with the byelaws of the Corporation in force for the time being with respect to the water undertaking.

(5) The Corporation may in their discretion themselves carry out such operations and recover from the owner of the property the expenses reasonably incurred by them in so doing.

Water supplied for domestic purposes not to be used for other purposes.

59.—(1) In addition and without prejudice to the provisions contained in the Water Acts with regard to the misuse of water supplied by the Corporation a person supplied by the Corporation with water for domestic purposes shall not use such water or suffer the same to be used for the purpose of affording power to or in connection with any machinery or apparatus whatsoever.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART IV
—cont.

60. Any person who takes water from any public fountain horse trough or stand-pipe belonging to the Corporation or any local authority and supplied with water by the Corporation for any purpose other than domestic use or drinking unless under written agreement with the Corporation shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Penalty for taking water from public wells except for domestic use.

61. The Corporation in addition and without prejudice to the powers conferred upon them by the Water Acts may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound and take for the purposes of the water undertaking and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

Byelaws for preventing pollution of water.

62. Notwithstanding anything in any enactment the Corporation may supply water at such reduced charges as they may think fit to hospitals infirmaries and other premises solely occupied for the purposes of public charity.

Power to supply hospitals etc. at reduced charges.

E. Miscellaneous provisions

63.—(1) Subject to the provisions of section 22 of the Hydro-Electric Development (Scotland) Act 1943 as amended by the Electricity Act 1947 the Corporation may for the purposes of generating electricity develop and utilise any water power available as a consequence of the construction and operation of any of the waterworks forming part of the water undertaking and may provide instal erect and maintain and from time to time replace renew or repair all such buildings generating plant machinery and works and electric lines and cables as may be required by the Corporation to enable them to generate electricity by means of such water power and to transform and transmit such electricity.

Power to utilise water power.

(2) The Corporation may utilise the electricity generated under the powers of this section for the purposes of the water undertaking including the supply (on such terms and conditions as the Corporation think fit) of electricity to dwelling-houses belonging to them and for the time being occupied by persons employed by them in connection with the water undertaking. Provided that such supply to any dwelling-house shall not be given without the consent in writing of the Hydro-Electric Board 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 Secretary of State.

(3) Any electrical works or apparatus provided installed erected maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

PART IV
—cont.

(4) All buildings plant machinery works lines and cables provided by the Corporation under the powers of this section shall form part of the water undertaking.

Power to Corporation to rewasher water fittings.

64. The Corporation may rewasher any water fittings in any premises supplied by them with water under this Order and may recover from the owner of such fittings the reasonable charges of the Corporation in providing the necessary materials and workmanship.

Penalties for fouling water of Corporation.

65. Any person who—

- (1) bathes in any reservoir or water belonging to the Corporation or who causes or permits any dog or other animal to go into any such reservoir or water or bathes or washes any such dog or animal therein;
- (2) throws any gravel stone rubbish filth or other offensive thing into or washes or cleanses any cloth wool leather or skin of any animal or any wearing apparel or other thing in any such reservoir or water;
- (3) causes or permits the water of any sink sewer or drain or other filthy water belonging to him or under his control to run or be conveyed into any of the water belonging to the Corporation or into any spring drain or watercourse communicating therewith or commits or causes any act whereby the water of the Corporation is fouled or corrupted;
- (4) causes or permits the water from any dam pond or steep or impurity from any sewer or drain or other filthy water belonging to him or under his control to run into or be conveyed into any of the said streams brooks or reservoirs;

shall be guilty of an offence and shall be liable in respect of each offence on summary conviction in a sheriff court to a fine of fifty pounds and to a daily penalty of five pounds.

F. *Protective provisions*

Saving for rights to supply of water free of charge or on special terms.

66. Notwithstanding the repeal of the repealed Acts any existing obligation on the part of the Corporation to provide to any person a supply of water free of charge or on specially favourable terms shall so far as subsisting and in force at the commencement of this Order and subject to the provisions of sections 28 and 29 of the Water (Scotland) Act 1949 be and continue to be valid and available for all purposes for and against all parties and on the same terms and conditions as if the Act confirming this Order had not been passed.

Saving for Water (Scotland) Act 1949.

67. Any obligation on the part of the Corporation (whether such obligation is in force before or comes into operation after the appointed day as defined by the Water (Scotland) Act 1949) to which the provisions of sections 28 and 29 of that Act apply shall be deemed to have come into operation before the appointed day as defined by that Act.

For protection of Transport Commission.

68. Notwithstanding anything contained in this Order the following provisions shall except as may be otherwise agreed between the Corporation and the Transport Commission (in this section referred to as "the commission") apply and have effect for the

protection of the commission in relation to the waterworks of the Corporation so far as the same are situated on over or under or affecting any lands held or used by the commission for the purposes of their railways (which waterworks (so far as situated on over or under or affecting such lands) and lands are hereinafter in this section respectively referred to as "the works" and "the protected lands") (that is to say):—

PART IV
—cont.

- (1) The works shall be maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications approved by the commission (or their predecessors) in pursuance of the repealed Acts at the sole risk and cost of the Corporation and under the supervision and to the reasonable satisfaction of the engineer of the commission and at such times as the said engineer may reasonably require:
- (2) The works shall be maintained so as not to cause any injury or damage to the railways or other property of the commission on the protected lands or any interruption to the passage or conduct of traffic over such railways or at any station on the protected lands and if any injury damage or interruption arises from the acts or operations of the Corporation or from the bursting leakage or failure of the works all such injury or damage shall forthwith be made good by the commission at the reasonable expense of the Corporation and the Corporation shall indemnify the commission from all claims for or arising out of any such injury damage or interruption:
- (3) The Corporation shall not for the purposes of maintaining repairing or renewing the works without the previous consent in writing of the commission enter upon or alter or interfere with the railways works and property of the commission on the protected lands further or otherwise than may be necessary for maintaining repairing or renewing the works and the Corporation shall not at any time enter upon the protected lands without first giving fourteen days' notice in writing to the commission except for the purposes of inspection or in cases of emergency in which case such notice as is reasonably practicable shall be given:
- (4) The Corporation shall be liable for and shall pay to the commission all reasonable expenses which the commission may incur or to which the commission may be put in connection with or in consequence of the maintenance renewal use alteration replacing or repair of the works including (without prejudice to the said generality) any reasonable expense the commission may incur in employing for the protection of their railways works and property or their servants or the servants or employees of the Corporation or the servants or employees of the contractors of the Corporation a reasonably sufficient number of inspectors signalmen watchmen and others and for superintendence of the works and for all extra precautions for the safety and working of the commission's traffic during the maintenance renewal use alteration replacing or repair of the works:

PART IV
—cont.

- (5) The maintenance renewal alteration replacing or repair of the works shall when commenced be carried out and completed by the Corporation with all due dispatch and so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the works) or endanger the structure or stability of any of the railways works and property of the commission on the protected lands and should any damage or injury to the said railways works and property or interruption to or impediment of or interference with the passage or conduct of traffic on the railways of the commission be caused by or be in any way owing to the works or the failure or defect of the works the Corporation shall at their own cost and free of all expense to the commission execute and do all such works as may be necessary to make good the damage or injury and remove such interruption impediment or interference as the case may be or the commission at their option may execute all such works and do all such things as may be necessary to make good such damage or injury or to remove or prevent such interruption impediment or interference and for any of such purposes may enter upon the works or property of the Corporation and the Corporation shall on demand repay to the commission all reasonable expenses incurred by them in connection therewith:
- (6) The Corporation shall make reasonable compensation to the commission for all loss or damage caused by the maintenance renewal alteration replacement or repair of the works by the Corporation or any interruption impediment or interference to or with the railways works or property of the commission resulting from the operations of the Corporation in maintaining renewing altering replacing or repairing the works and the Corporation shall also free relieve and indemnify the commission from all damages or compensation which may be recovered from them in respect of any damage injury or loss which may be suffered by the employees of the commission or any passengers owners of merchandise traders or owners of property adjoining the works or any other person by reason of any such operations interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident has been occasioned by or through the acts or default of the Corporation or those for whom they are responsible:
- (7) The maintenance or repair of the works or anything which may be done in connection therewith shall not prevent the commission from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the lines of railway or other works or property belonging to them without interference on the part of the Corporation and without incurring any liability to them or to any person using the works for any loss injury damage or expenses which may arise from such maintenance repair reconstruction alteration

renewal deviation widening or enlarging unless in so far as such loss injury damage or expenses arise from some neglect or default of the commission or their agents workmen or servants in the execution of such maintenance repair reconstruction alteration renewal deviation widening or enlarging. Provided that any extra expense which the commission may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of the works shall be paid by the Corporation. Provided also that in the event of the commission doing any of the acts referred to in this subsection of this section they shall do so in such manner as to cause as little damage and interference as practicable to and with the works and shall give (except in the case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect any of the works:

- (8) If any difference arises between the commission and the Corporation respecting the matters and provisions aforesaid or any of them such difference shall be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the sheriff:
- (9) For the purposes of this section the word "sheriff" shall mean the sheriff of Perth and Angus and shall not include his substitutes.

PART V

TRANSPORT

A. *Definitions and vesting*

69. In this Part of this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"Minister" means the Minister of Transport and Civil Aviation;

"road authority" means the authority having control of the street or road referred to;

"telegraphic line" has the same meaning as in the Telegraph Act 1878;

"tramways" means any tramways for the time being owned or authorised to be constructed by the Corporation.

70. Subject to the provisions of this Order the transport undertaking as it exists and as it is used and enjoyed by the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and held used and enjoyed by them.

Vesting of
transport
undertaking.

PART V
—cont.

Power to run omnibuses.

Omnibuses in connection with tramways.

Byelaws as to premises held in connection with omnibuses.

Omnibuses to form part of transport undertaking.

Minister may authorise tramways and trolley vehicles.

B. Omnibuses

71. Subject to the provisions of this Part of this Order the Corporation may continue to provide and maintain (but shall not manufacture) and run omnibuses within the city.

72. The Corporation may provide and run within the city omnibuses in connection with any tramways or trolley vehicles authorised by any order made by the Minister under the section of this Order of which the marginal note is "Minister may authorise tramways and trolley vehicles" when the running of cars on the tramways or of trolley vehicles on any trolley vehicle route is impracticable or during the alteration or repair thereof or in extension of any of the tramways or trolley vehicle routes and also for testing the amount of traffic (along any route or between any particular points) and may demand and take fares and charges for the use of such omnibuses.

73. The Corporation may make byelaws for the prevention of nuisances in or against any premises held by the Corporation in connection with their omnibuses.

74. The omnibus undertaking of the Corporation shall continue to form part of the transport undertaking.

C. Tramways and trolley vehicles

75.—(1) (a) If at any time hereafter the Corporation desire to provide equip maintain and use tramways or trolley vehicles upon any street whether within or outside the city they may make application to the Minister and the Minister is hereby empowered to make an order authorising the provision equipment maintenance and use by the Corporation of tramways or trolley vehicles as the case may be subject to such conditions and restrictions (if any) as he may think fit upon any street to which such application relates and containing such provisions with respect to the provision equipment maintenance operation and use of the tramways or trolley vehicles authorised by such order as the Minister may deem expedient.

(b) The Minister shall not make an order under this section relating to any street outside the city except with the consent of the local authority and of the road authority concerned and subject to such conditions and restrictions as the local authority and the road authority may agree:

Provided that the Corporation shall not under the powers of an order made under this section run tramways or trolley vehicles along any road outside the city so as to compete with or injuriously affect any railway or omnibus service existing at the date at which such running is commenced or proposed to be commenced by the Corporation so long as a satisfactory and adequate service is provided by such existing railway or omnibus service.

(c) Any tramways and any trolley vehicles and the powers relating thereto authorised by the Minister under this section shall form part of the transport undertaking.

(2) Any order made under this section shall be subject to special parliamentary procedure and the provisions set out in section 10 of the Statutory Orders (Special Procedure) Act 1945 relative to the notices to be given and other requirements to be complied with before an order is made shall in their application to any such order have effect as if there were included a provision requiring the Corporation to comply with any direction which may be given by the Minister as to posting and maintaining notices giving the purport of the application in relation to any street to which it relates in that street.

(3) The expression "Act of Parliament" in section 7 of the Telegraph Act 1878 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines) shall be construed as including any order made under this section authorising the execution of works.

D. Fares charges etc.

76.—(1) The Corporation may demand and take for passengers and parcels carried on their omnibuses tramcars and trolley vehicles such fares and charges as they may from time to time think fit.

Fares and charges and passengers' luggage.

(2) The Corporation may make such arrangements as they may deem reasonable for providing at such hours as they may deem most convenient for such classes of persons as they may think fit going to or returning from their work or otherwise services of omnibuses tramcars and trolley vehicles.

(3) Any passenger travelling upon the omnibuses tramcars or trolley vehicles may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge Provided that such luggage is carried by hand and at the responsibility of the passenger and does not occupy any part of a seat required for a passenger and is not of a form or description likely to annoy or inconvenience other passengers.

(4) Nothing in this section shall be in derogation of the provisions of section 2 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

77. The fares and charges for the time being authorised under the provisions of any enactment (including this Order) shall be paid to such persons and in such manner as the Corporation may by notice annexed to the list of fares and charges or otherwise appoint.

Fares and charges to be paid as directed by Corporation.

78.—(1) The Corporation shall not be bound to carry (except to such extent and on such terms as they think fit) any parcels goods articles or things on the tramways other than passengers' luggage not exceeding the weight in this Part of this Order in that behalf mentioned.

Carriage of goods parcels etc.

(2) The Corporation may if they think fit carry on the omnibuses and trolley vehicles small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers but they shall not carry any other merchandise.

79. The Corporation shall perform in respect of the omnibuses tramways and trolley vehicles of the Corporation such services in regard to the conveyance of mails as are prescribed by the Post Office Act 1953 in respect of a tramway to which that Act applies.

Conveyance of mails.

PART V
—cont.

Corporation to have exclusive right of using apparatus for working tramways and trolley vehicles.

Regulations by Minister.

Provisions as to motive power.

E. *Apparatus etc.*

80.—(1) Subject to the provisions of this Part of this Order the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the tramways or the trolley vehicles.

(2) Any person using such apparatus (except by agreement with the Corporation) shall be guilty of an offence and for every such offence shall be liable on summary conviction to a penalty not exceeding twenty pounds.

81.—(1) Subject to the provisions of this Order the Minister may make regulations with regard to the tramcars and trolley vehicles forming part of the transport undertaking upon which mechanical power may be used for all or any of the following purposes (that is to say):—

- (a) For regulating the use of any bell or other warning apparatus fixed to such tramcars and trolley vehicles ;
- (b) For providing that such tramcars and trolley vehicles shall be brought to a stand at such places and in such cases as the Minister may deem proper for securing safety ;
- (c) For regulating the entrances to and exits from such tramcars and trolley vehicles ;
- (d) For providing for the due publicity of all byelaws and mechanical power regulations in force for the time being in relation to the transport undertaking by exhibition of the same in conspicuous places on such tramcars and trolley vehicles and elsewhere.

(2) Any person offending against or committing a breach of any of the regulations made by the Minister under the authority of this section shall be guilty of an offence and for every such offence shall be liable on summary conviction to a penalty not exceeding forty shillings.

82. The tramcars and the trolley vehicles of the Corporation may be moved by mechanical power subject to the following provisions (that is to say) :—

- (1) Mechanical power shall not be used except with the consent of and according to a system approved by the Minister :
- (2) The Minister shall make regulations (in this Order referred to as “the Mechanical Power Regulations”) for securing to the public all reasonable protection against danger arising from the use under any order made under the section of this Order of which the marginal note is “Minister may authorise tramways and trolley vehicles” of mechanical power on the tramways and trolley vehicles and for regulating the use of electric power :
- (3) The Corporation or any person using any mechanical power on the tramways or trolley vehicles contrary to the provisions of any such order or of the Mechanical Power Regulations shall be guilty of an offence and for every such

offence shall be liable on summary conviction to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds:

PART V
—cont.

(4) (a) The Minister if he is of opinion—

(i) that the Corporation or any person using mechanical power has made default in complying with the provisions of any such order or of the Mechanical Power Regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(ii) that the use of mechanical power as authorised under any such order is a danger to the passengers or the public ;

may by order either direct the Corporation or such person as the case may be to cease to use mechanical power or permit the use of mechanical power to be continued subject to such conditions as the Minister may impose and the Corporation or such person as the case may be shall comply with every such order ;

(b) In every such case the Minister shall make a special report to Parliament notifying the making of such order.

83.—(1) The Corporation may with the consent of the owner of any house or building attach to that house or building such brackets rosettes wires and apparatus as may be required for the working of the tramways and of the trolley vehicles of the Corporation: Attachment of brackets to buildings.

Provided that—

(a) where in the opinion of the Corporation any consent under this section is unreasonably refused they may make an application to the sheriff who shall have power to deal therewith in a summary way and after hearing the parties and taking such evidence (if any) as he thinks fit and having regard to the character of the house or building and to the other circumstances of the case he may allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or he may disallow the same and he may determine by which of the parties the expenses of the application are to be paid and the decision of the sheriff shall be final ;

(b) (i) any consent of an owner and any decision of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner has given to the Corporation notice in writing requiring the attachments to be removed ;

(ii) where such notice is given the preceding provisions of this section shall apply and the sheriff shall have the same powers as under proviso (a) ;

(c) the owner may require the Corporation to remove temporarily the attachments where necessary during any reconstruction or repair of the building.

PART V
—cont.

(2) For the purpose of this section any occupier of a building whose tenancy or occupancy exceeds one year unexpired and in the case of any other tenancy or occupancy the person receiving the rent shall be deemed to be the owner.

Use of
tramway posts
by Postmaster-
General.

84.—(1) It shall be lawful for the Postmaster-General in any street or part of a street in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street by the Corporation in connection with the tramways or their trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (a) In placing maintaining or altering such telegraph obstruction shall not be caused to the traffic along the tramways or trolley vehicle routes or the working or use of the tramways or trolley vehicles ;
- (b) (i) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or parts of streets along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and the maximum strain and the nature and direction of such strain ;
 - (ii) Any difference as to any matter referred to in such notice shall be determined as hereinafter provided ;
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or use of the tramways and trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister arising through the exercise by the Postmaster-General of the powers conferred by this section ;
- (d) (i) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires ;
 - (ii) Any difference as to the conditions of attachment shall be determined as hereinafter provided ;
- (e) Unless otherwise agreed a telegraph shall not be attached to any post or standard placed in or near the centre of any street or public road ;

- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair ;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from negligence on the part of the Corporation their officers or servants ;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or (failing agreement) determined as hereinafter provided ;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by negligence on the part of the Corporation their officers or servants ;
- (j) If it becomes necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.
- (2) Nothing contained in this section shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with the tramways or their trolley vehicles or other municipal undertakings or other purposes of the Corporation or shall take away any existing right of the Corporation of permitting the use by any person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such person in relation to the use of the posts standards or brackets by the Postmaster-General and such person respectively shall be determined as hereinafter provided.

PART V
—cont.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

the expression “the Corporation” includes their lessees;

the expression “telegraph” has the same meaning as in the Telegraph Act 1869;

other expressions have the same meaning as in the Telegraph Act 1878.

F. *General and miscellaneous provisions*

Accounts to be furnished to Minister.

85. The Corporation shall every year within three months after the closing of their financial year or such longer period as the Minister may allow furnish to the Minister a copy of the annual accounts of the transport undertaking.

Power to acquire and to appropriate lands.

86.—(1) The Corporation may from time to time by agreement purchase take on lease or otherwise acquire and hold any lands or buildings or any servitude in or over lands for any purposes in connection with the transport undertaking and may on such terms as they may deem proper appropriate and use for any such purposes any lands or buildings for the time being belonging to them.

(2) The Corporation may erect on any lands so acquired or appropriated by them such buildings and erections and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of omnibuses tramcars and trolley vehicles.

(3) Nothing in this Order shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on lands acquired or appropriated under the powers of this section.

Power to acquire patent rights.

87. The Corporation may for the purpose of the transport undertaking acquire hold and exercise patent and other rights or licences but not so as to acquire any exclusive right therein.

Stopping and starting places.

88. The Corporation may (subject as respects any place beyond the city to the approval of the road authority) appoint the stations and places from which the omnibuses tramcars or trolley vehicles of the Corporation start or at which they may stop for the purposes of taking up or setting down passengers and fix the time during which such omnibuses tramcars or trolley vehicles are allowed to remain at any such place.

Power to require intending passengers to wait in lines or queues.

89.—(1) For the better regulation of persons desiring to travel in the omnibuses tramcars or trolley vehicles of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may use any street or road within the city and (with the consent of the road authority) outside the city and the Corporation may make byelaws requiring persons waiting to enter the omnibuses tramcars or trolley vehicles at any stopping place or terminus to wait in lines or queues and to enter the omnibuses tramcars or trolley vehicles in the order in which they stood in such lines or queues.

(2) The powers conferred on the Corporation by this section shall not be exercised with respect to any part of any street within the city being a trunk road except with the consent of the Secretary of State.

PART V
—cont.

90.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection on or in any street or road on or near to the route of any of the omnibuses tramways or trolley vehicles of the Corporation signs or directions indicating the position of stopping places on such routes. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

Attachment of
signs indicating
stopping places
to lamp-posts
etc.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or other similar erection belonging to the Transport Commission except with their consent in writing.

(5) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to any local authority outside the city without their consent which consent shall not be unreasonably withheld and any question as to whether or not any such consent has been unreasonably withheld shall be determined by the sheriff.

91.—(1) The Corporation may provide erect and maintain or enter into agreements for the provision erection and maintenance of sheds shelters conveniences waiting-rooms and gangways for the accommodation and use of passengers or officers or employees on any omnibus tramway or trolley vehicle route and may use for that purpose portions of the streets within the city and (with the consent of the road authority) outside the city. Provided that any such 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.

Shelters and
waiting-rooms.

(2) The powers conferred on the Corporation by this section shall not be exercised with respect to any portion of any street or road being a trunk road except with the consent of the Secretary of State.

92.—(1) The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with the transport undertaking and at suitable places on any of their omnibus tramway or trolley vehicle routes and the Corporation may make charges for

Cloakrooms etc.

PART V
—cont.

the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein:

Provided that the Corporation shall not use for the purposes of this section any part of any road outside the city except with the consent of the road authority but such 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.

(2) The Corporation shall not for the purposes of this section use any part of any trunk road except with the consent of the Secretary of State.

Lost property in tramcars and trolley vehicles.

93. Paragraph (j) of section 94 of the Road Traffic Act 1930 shall have effect as though the expression "public service vehicle" included any tramcar and any trolley vehicle of the Corporation and any regulations for the time being in force under the said section by virtue of the said paragraph shall with any necessary adaptations and subject to any express provision of the regulations be construed accordingly.

Joint services of omnibuses.

94. The Corporation may in conjunction with any person and in order to supplement any tramway services provided by them provide and run a joint service of omnibuses along the route of any of the tramways or any part thereof and may enter into working agreements with any person for this purpose.

Through omnibuses tramcars and trolley vehicles.

95.—(1) The Corporation may run through omnibuses tramcars and trolley vehicles on any omnibus tramway or trolley vehicle routes of the Corporation for the time being or any part thereof and such omnibuses tramcars and trolley vehicles shall be distinguished from other omnibuses tramcars and trolley vehicles in such manner as may be directed by the Corporation.

(2) The Corporation may demand and take for every passenger by such omnibuses tramcars and trolley vehicles a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibuses tramcars and trolley vehicles. Provided that during the running of such through omnibuses tramcars and trolley vehicles the Corporation shall maintain a reasonably sufficient ordinary service of omnibuses tramcars or trolley vehicles.

(3) Nothing in subsection (2) of this section shall be in derogation of the provisions of section 2 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

Agreements for transmission of traffic.

96. The Corporation may enter into and carry into effect contracts and agreements with any person for the transmission of traffic coming from or destined for the respective undertakings of the contracting parties and the division and apportionment of the revenue arising from such traffic.

Power to reserve omnibuses tramcars and trolley vehicles for special purposes.

97.—(1) Notwithstanding anything in this Order the Corporation may on any occasion run and reserve omnibuses tramcars or trolley vehicles within the city for any special purpose which the Corporation may consider necessary or desirable provided that such special omnibuses tramcars and trolley vehicles shall be distinguished from other omnibuses tramcars and trolley vehicles in such manner as may

be directed by the Corporation and that during the running of such special omnibuses tramcars or trolley vehicles the Corporation shall maintain a reasonably sufficient ordinary service of omnibuses tramcars or trolley vehicles.

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

(3) The Corporation may demand and take such fares or charges as they think fit in respect of any such special omnibuses tramcars and trolley vehicles.

(4) Nothing in subsection (3) of this section shall be in derogation of the provisions of section 2 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

98.—(1) The Corporation may at any time discontinue the use of and abandon the whole or any part of any of their tramway or trolley vehicle routes and may provide and run omnibuses along the route or part of a route so abandoned or the use of which is so discontinued. Power to substitute omnibus services for tramways or trolley vehicles.

(2) The Corporation may take up and remove and may use or dispose of the rails posts poles wires and other works and apparatus of any tramway or trolley vehicle route or part of a route so abandoned or the use of which is so discontinued.

99. If any obstruction to the traffic on any of the omnibus tramway or trolley vehicle routes of the Corporation is caused by an accident to any vehicle or by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall as soon as practicable remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may remove the vehicle or load and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle by civil action in any court of competent jurisdiction. Removal of obstructions.

100. The Corporation may enter into agreements with any person for the exhibition or display of advertisements on or in any of the omnibuses tramcars or trolley vehicles of the Corporation and may make such charges therefor as the Corporation think fit. Advertising on vehicles.

101. The Corporation may provide canteens refreshment rooms clubrooms recreation rooms or other places for indoor or outdoor recreation or social purposes for the use of any officers or employees of their transport undertaking or other persons and may supply meals or refreshments (other than exciseable liquors) or afford other facilities therein or in connection therewith and may make such charges for the use of such canteens refreshment rooms clubrooms recreation rooms and other places and for the supply of such meals or refreshments and other facilities afforded as aforesaid as the Corporation think fit. Power to provide canteens etc.

PART V
—cont.

Special travelling facilities for certain classes of persons on public service vehicles.

102.—(1) The Corporation may make arrangements for the granting of travel concessions to such classes or descriptions of persons as they think fit travelling on the public service vehicles run by the Corporation or on any of those vehicles to which the arrangements relate and subsections (5) and (7) of section 1 and sections 2 and 4 of the Public Service Vehicles (Travel Concessions) Act 1955 shall apply to travel concessions granted under this subsection as if they were granted to qualified persons.

(2) Any arrangements made in pursuance of this section or of section 1 of the Public Service Vehicles (Travel Concessions) Act 1955 as applied by this section may provide that whilst some persons comprised within any one or more of the classes or descriptions of persons to whom travel concessions may be granted by the Corporation in pursuance of this section shall have facilities for travelling free of charge others of such persons shall have facilities for travelling at reduced fares.

(3) Expenditure under the provisions of this section shall be paid by the Corporation and charged to such departments of the Corporation and in such proportions as the Corporation shall hereafter decide.

Cutting trees overhanging roads.

103.—(1) The Corporation may cut and lop any trees planted in or near or overhanging any street along which their omnibuses tramcars or trolley vehicles run or may run which may in any way interfere with the operation of such omnibuses tramcars or trolley vehicles or with the clear and safe passage of the same and the passengers thereon doing no unnecessary damage to the trees and making compensation to any person who may sustain damage by the exercise of the powers conferred by this section Provided that except in cases of emergency the Corporation shall give not less than fourteen days' written notice to the owners or reputed owners or their known agents or factors before exercising the said powers.

(2) The amount of compensation payable under this section shall in the event of dispute be settled by the sheriff in a summary way on the application of either party after hearing the parties and taking such evidence (if any) as he thinks fit and the decision of the sheriff shall be final.

Stopping places for omnibuses tramcars etc.

104.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any area which forms part of any street or by markings on the carriageway of such street that such area is intended for use as a stopping place for the omnibuses tramcars or trolley vehicles of the Corporation a person shall not cause any other vehicle or any part thereof to stop or stand on over or across any such area or any part thereof.

(2) Nothing contained in this section shall prevent any person causing any vehicle or any part thereof to stop or stand on over or across any street or any part thereof if such person is prevented from proceeding by circumstances beyond his control or if it is necessary for him to stop either in order to avoid accident or for so long as may be necessary for any of the following purposes (namely):—

(a) to enable a person to board or alight from such vehicle ; or

(b) to enable goods to be loaded on to or unloaded from such vehicle ; or

(c) to enable such vehicle (if it cannot otherwise be used for such purpose) to be used in connection with any building operation or demolition the removal of any obstruction to traffic the maintenance improvement or reconstruction of such street or the laying erection alteration or repair in or near to such area of any sewer or of any main pipe or apparatus for the supply of gas water or electricity or of any telegraph or telephone wires cables posts or supports.

(3) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

105. Notwithstanding anything in any enactment the provisions of section 301 (Procedure etc. for making byelaws) of the Act of 1947 shall extend and apply to the making of any byelaws made by the Corporation under the powers of this Part of this Order with respect to the transport undertaking or the tramways or the trolley vehicles authorised in pursuance of an order made under this Part of this Order.

Application of section 301 of Act of 1947 to tramway etc. byelaws.

106.—(1) Any person who wilfully does or causes to be done with respect to any apparatus works vehicles or property used for or in connection with the working of the transport undertaking anything which is calculated to obstruct or interfere with the working of the same or to cause injury to any person shall (without prejudice to any proceedings by way of interdict or otherwise to which he may be subject) be guilty of an offence.

Penalty for malicious damage.

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds.

G. Protective provisions

107.—(1) (a) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramways and trolley vehicles in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their tramways and trolley vehicles to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein.

For protection of Postmaster-General in respect of tramways and trolley vehicles.

(b) If any question arises as to whether the Corporation have constructed their electric lines or other works or operate their tramways and trolley vehicles in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbiter.

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramways and trolley

PART V
—cont.

vehicles of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.

(3) (a) Before any electric line is laid down or any act or work for working the tramways and trolley vehicles by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(b) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirement so made shall be determined by arbitration.

(4) If any telegraphic line of the Postmaster-General situated within one mile of any portion of the works connected with the tramways and trolley vehicles is injuriously affected and the Postmaster-General is of opinion that such injurious affection is or may be due to the construction of such works or to the working of the tramways and trolley vehicles the Engineer-in-Chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated or used by or supplied to the Corporation for the purposes of the tramways and trolley vehicles enter any of the works of the Corporation for the purpose of inspecting the plant of the Corporation and the working of the same and the Corporation shall in the presence of such Engineer-in-Chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Mechanical Power Regulations.

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(6) Nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

(8) For the purposes of this section and subject as therein provided sections 2 8 9 10 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

(9) Notwithstanding anything in this Part of this Order if any of the works authorised to be executed by this Part of this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(10) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(11) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbiter appointed by the Minister on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act.

(12) Nothing in this section shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid.

(13) The expression "Corporation" in this section shall include lessees licensees and any person owning working or running carriages on any of the tramways of the Corporation or by means of the apparatus or equipment for working the trolley vehicles of the Corporation.

108. Any omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

For protection
of Postmaster-
General in
respect of
omnibuses.

109.—(1) For the protection and benefit of the Transport Commission in relation to the transport undertaking the Corporation shall not (unless otherwise agreed in writing between the Corporation and the Transport Commission)—

For protection
of Transport
Commission in
respect of
transport
undertaking.

(a) (i) erect or maintain or provide any shed shelter waiting-room gangway cloakroom or room barrier or post;

(ii) appoint any starting or stopping station or place;
or

(iii) require persons waiting at any such stopping place or any terminus to wait in any line or queue;

PART V
—cont.

so as to cause interference with or render less convenient the access to or exit from any railway station or depot belonging to the Transport Commission ;

(b) (i) erect or maintain or provide any such shed shelter waiting-room gangway cloakroom barrier or post ; or

(ii) appoint any starting or stopping station or place ; on any bridge carrying any street or road over the railways of the Transport Commission or on the immediate approaches to any such bridge.

(2) If any difference arises under this section between the Corporation and the Transport Commission such difference shall be settled by an arbiter to be agreed upon between parties or in case of difference to be appointed on the application of either party by the sheriff.

(3) For the purposes of this section the word "sheriff" shall mean the sheriff of Perth and Angus and shall not include his substitutes.

For protection of electricity and gas boards in respect of transport undertaking.

110.—(1) Notwithstanding anything in the sections of this Part of this Order the marginal notes of which are "Shelters and waiting-rooms" and "Cloakrooms etc." the Corporation shall in the event of it being necessary in consequence of the exercise by the Corporation of any of the powers conferred on them by the said sections for (a) the Hydro-Electric Board or (b) the Scottish Gas Board to divert relay or replace any of their cables mains pipes or other equipment repay to the board concerned the reasonable expense of their so doing :

Provided that the foregoing provisions of this subsection shall not apply in any case where the works carried out by the Corporation are works to which section 26 of the Public Utilities Street Works Act 1950 applies.

(2) Any difference which may arise under this section between the Corporation and the board concerned shall be referred to and determined by an arbiter to be mutually agreed upon between the Corporation and the board concerned or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Saving for Road Traffic Act 1930.

111. Nothing in this Part of this Order shall be in derogation of the provisions of Parts IV and V of the Road Traffic Act 1930.

PART VI

STREETS

A. *Paving and maintaining streets*

Vesting and maintenance of public streets.

112. Subject to the provisions of this Order all streets carriage-ways or footways or parts thereof which at the commencement of this Order are maintained by the Corporation or the maintenance of which they may after the commencement of this Order undertake or assume shall be vested for the purposes of this Part of this Order in and maintained by the Corporation who shall have the sole charge control and superintendence of the same.

113. The Corporation may from time to time—

PART VI
—cont.

- (1) cause any street or any part of any street respectively to be raised lowered altered and formed in such manner and with such materials as they think fit;
- (2) cause any footway for the use of passengers in or by the side of any street to be formed and constructed with such materials and in such manner as they think fit; and
- (3) cause any street and any footway in any street to be repaired from time to time.

Powers of Corporation over streets and improvement thereof.

114.—(1) The owners of all houses and other buildings and of all gardens yards grounds and other lands and heritages fronting adjoining or abutting on or having access to any street (except (a) land used for the purposes of agriculture (not being a market garden or nursery) and (b) land which is not built upon and is not used for industrial or commercial purposes) shall when required by the Corporation by notice in writing cause at their own expense footways to be made before their respective properties on the side of the street which such properties front or adjoin or on which they abut or to which they have access (where such footways have not hitherto been made) of such width and with such kerbs as the Corporation shall direct and to be flagged asphalted concreted or otherwise constructed in such manner as the Corporation shall require.

Frontage etc. proprietors to provide footways in front of their properties.

(2) In the event of any such owner refusing or neglecting or delaying to carry out any works in accordance with the requirements of a notice given in pursuance of subsection (1) of this section within twenty-eight days after the service of such notice the Corporation may carry out such works and the expense incurred by the Corporation in respect thereof shall be repaid to them by such owners.

(3) Upon such footways being made and flagged asphalted concreted or otherwise constructed as aforesaid the same shall thereafter be vested for the purposes of this Part of this Order in and maintained by the Corporation.

115.—(1) The Corporation may by notice in writing require the owners of lands fronting adjoining or abutting on or having access to any street which has not been hitherto well and sufficiently paved or otherwise made good and channelled by such owners or their predecessors (except (a) land used for the purposes of agriculture (not being a market garden or nursery) and (b) land which is not built upon and is not used for industrial or commercial purposes) to cause such street or the parts thereof not so paved or otherwise made good and channelled to be paved or otherwise made good and channelled in such manner as the Corporation shall direct.

Corporation may compel owners of lands abutting etc. on streets to make good same.

(2) If such owners do not comply with the requirements of any notice given in pursuance of subsection (1) of this section within twenty-eight days after the service of such notice the Corporation may cause such street or the parts thereof not so paved or otherwise made good and channelled to be paved or otherwise made good and channelled in such manner as they shall think fit and the expenses incurred by the Corporation in respect thereof shall be repaid to them by the owners of the lands fronting adjoining abutting on or

PART VI
—cont.

having access to such street or such parts thereof as have not been theretofore well and sufficiently paved or otherwise made good and channelled.

(3) After such street has been paved or otherwise made good and channelled as aforesaid it shall be vested for the purposes of this Part of this Order in and maintained by the Corporation.

Expenses incurred by Corporation in making good footways and streets to be a real debt on lands and property.

116.—(1) All expenses incurred by the Corporation by reason of the failure of any owner of property to comply with the requirements of any notice given in pursuance of either of the two immediately preceding sections of this Order shall be a real burden on the lands and property of the owner in respect of which such expenses were incurred as from the time when the works required to be executed in accordance with such notice were commenced but as against bona fide singular successors or heritable creditors only for three years from the date when such works are completed.

(2) Nothing in this section shall affect the rights and remedies of superiors for the recovery of their feu duties.

(3) The Corporation shall be bound on demand to issue to any person demanding the same a certificate showing at the date thereof the amount of such expenses if any and the date when such amount was payable as aforesaid.

Provisions as regards roads formerly turnpike or statute labour.

117. Notwithstanding anything in this Order the following provisions shall apply as regards the owners of all lands and heritages fronting adjoining or abutting on any street being formerly a turnpike road or a statute labour road except (a) land used for the purposes of agriculture (not being a market garden or nursery) and (b) land which is not built upon and is not used for industrial or commercial purposes (in this section called "excepted land"):—

(1) Wherever any land along the sides of any such street is excepted land the obligation on the owners of lands fronting adjoining or abutting on streets arising in pursuance of the provisions of this Order to make footways before their respective properties shall not come into operation until the excepted land ceases to be excepted land within the meaning of this section provided that where footways have been constructed up to such excepted land and footways have also been constructed along the sides of the said road or some continuous street or road beyond such excepted land and the distance between the one constructed portion of footway and the other does not exceed one hundred yards the obligation on the owners of lands fronting adjoining or abutting on streets arising in pursuance of the provisions of this Order shall extend and apply to the owner of such excepted land:

(2) When in the opinion of the Corporation it is desirable in the public interest to have footways constructed for the public use along any parts of any such road and the owners of the lands fronting adjoining or abutting on the said parts of such road cannot at that time be required to con-

struct footways fronting such lands the Corporation may make temporary footways fronting such lands of such suitable material as they may think fit but the construction of any such footways shall not relieve the owners of lands from any obligation to construct footways in accordance with the provisions of this Order arising after the construction of any such temporary footways:

- (3) For the public convenience and in order to obtain well constructed footways speedily the Corporation may make agreements with the owners of lands along any such road who are not at the time under obligation to construct footways in pursuance of the provisions of this Order for the immediate construction of permanent footways of such construction as to satisfy in all time all obligations of such owners with respect to the construction of footways fronting their lands and that on condition of such owners paying such part of the cost of the construction of such permanent footways as may be agreed between the Corporation and such owners the Corporation paying the remainder of such cost instead of the cost of a temporary footway or on such other terms and conditions as may be mutually agreed upon:
- (4) Nothing in this Order shall impose on the owners of lands and heritages fronting adjoining or abutting on any such road formerly a turnpike road or a statute labour road any liability to pave flag or otherwise make good the carriage-way of such road.

118.—(1) The Corporation may if they think fit enter into agreements with any person for the making of new streets (including both carriageways and footways) through the lands of such person and any such agreements may provide for the payment to the Corporation by any such person after the completion of any such new street of interest at a rate to be agreed upon between such person and the Corporation on the cost of the making of such new street.

Corporation
may agree as to
making of new
streets.

(2) The Corporation may pay or advance the cost of making any such new street or any portion thereof out of the burgh fund.

(3) As soon as any part of the land fronting adjoining or abutting on any such new street is feued or built upon the Corporation may charge and the feuars or owners shall pay to the Corporation on demand the cost of making such new street proportionately to the lengths of their respective lands and property fronting adjoining or abutting as aforesaid as such proportions of expense (without interest thereon) shall be certified by the city engineer and the said expenses shall from the time of the amount being certified by the city engineer until paid be a real burden on the lands and property in respect of which they were incurred.

(4) Nothing contained in this section shall affect the rights and remedies of superiors for the recovery of their feu duties.

(5) Nothing contained in this section shall be in derogation of any other powers of the Corporation.

PART VI
—cont.List of public
streets.

119.—(1) The Corporation shall continue and maintain and from time to time add to and keep up to date as occasion may require the list prepared and maintained by them in pursuance of the repealed Acts of public streets and of any carriageways and footways or parts thereof for the maintenance of which they have undertaken or assumed responsibility.

(2) The omission of any street from the list of public streets shall not of itself infer that such street is not a public street.

(3) The list of public streets maintained under the provisions of this section shall be kept in the office of the city engineer and shall be open to the inspection of any person without payment during the ordinary office hours.

Power to
Corporation to
name streets.

120.—(1) The Corporation may from time to time determine the name by which each street shall be distinguished.

(2) The city engineer shall cause such name to be affixed or painted or marked on a conspicuous part of some house building or place at or near each end corner or entrance of such street.

(3) Any person who destroys pulls down or defaces any such name or affixes paints or marks any other name shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) Any person whose property may be prejudicially affected by any action of the Corporation or the city engineer under subsection (2) of this section may appeal to the sheriff whose decision shall be final.

Numbers of
houses to be
renewed by
owner.

121.—(1) The owners of houses and other buildings on or by the sides of streets shall from time to time mark their houses with such numbers as the Corporation direct or approve and shall renew such numbers as often as they become obliterated or defaced.

(2) Any such owner who fails within twenty-eight days after notice in writing for that purpose from the Corporation to mark his house or building with a number directed or approved by the Corporation or to renew such number when obliterated or defaced shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) If the numbers on houses or other buildings are required to be altered through or by any act or deed of the Corporation the Corporation shall themselves meet the cost of such alteration and of any new numbering of such houses or buildings.

Corporation
may allow
buildings to be
set forward.

122.—(1) The Corporation may allow upon such terms and subject to such conditions as they think fit any building within the city to be set forward in order to improve the line of the street in which such building is situated.

(2) Where a new building is proposed to be erected they may order such building to be set forward as aforesaid.

123. The Corporation may upon such terms as they think fit convey any portion of a public street to the proprietor of any land or heritage fronting adjoining or abutting on the same for the purpose of obtaining a uniform line of frontage and of improving such street and thereupon all public rights of way over the portion so conveyed shall be extinguished.

Power to Corporation to convey portions of streets to adjoining etc. proprietors.

124.—(1) The Corporation may by agreement purchase and hold any land within the city for the purpose of constructing forming and laying out any street or of widening enlarging extending or otherwise improving any street and may build on any part of any such land which is not required for such purposes and any such part of such land shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

Acquisition of land for improvement of streets and power to dispose of same.

(2) The Secretary of State may authorise the Corporation to purchase compulsorily any land in the city which they require for any of the purposes mentioned in subsection (1) of this section and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Order had been in force immediately before the commencement of that Act.

(3) For the purposes of this Part of this Order any land acquired or purchased by the Corporation under the powers of this section shall become vested in the Corporation and (subject to the provisions of subsection (1) of this section) be added to and form part of the streets so vested and a receipt by the seller for the purchase price or compensation shall be a valid and effectual discharge for the price or compensation and the Corporation shall have a good and sufficient title to such land without the necessity of any disposition or other conveyance in their favour in respect of the land so acquired or purchased.

(4) The Corporation may from time to time let for such period as they think fit or sell or feu any land acquired under the powers of this section which is not required for the purposes aforesaid on such terms and conditions and subject to such restrictions as to its use as to the Corporation may seem fit:

Provided that the Corporation shall not without the consent of the Secretary of State sell or feu or otherwise dispose of any such land or any interest therein except at the best price or upon the best terms which can be obtained for such land or interest but a purchaser or feuar shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

(5) The proceeds of the sale of any such land by the Corporation shall be applied only to purposes of this Order to which capital is properly applicable.

(6) This section shall not apply to any lands or heritages belonging to or acquired or held by the Transport Commission or the trustees of the harbour of Dundee for the purpose of a railway or railway station or depot or as a canal quay wharf depot or towing-

PART VI
—cont.

path or as a harbour dock or wharf without the consent of the Transport Commission or the trustees of the harbour of Dundee as the case may be.

As to
arrangements
with owners
relative to street
improvements.

125.—(1) Notwithstanding the provisions of the immediately preceding section and of the Acts therein referred to the owner of any lands and heritages authorised to be acquired by the Corporation in pursuance of an order made under the immediately preceding section of this Order may within three months from the date of the service upon him of a notice to treat in respect of such lands and heritages or any part thereof give a counter-notice to the Corporation that he shall—

- (a) give up to the Corporation so much of his said lands and heritages as may be required to carry out the proposed widening enlarging extending or otherwise improving of the street in which such land is situated;
- (b) consent to the removal by the Corporation of any building or part thereof upon the portion of such lands and heritages to be given up by him as aforesaid; and
- (c) become bound to reconstruct at his own expense any building upon the portion of the said lands and heritages remaining in his possession according to the line and level fixed by the Corporation for such street.

(2) Upon such counter-notice being duly served upon the Corporation their rights to take the lands and heritages of such owner shall be limited to the portion of the said lands and heritages actually required to carry out the proposed widening enlarging extending or otherwise improving of such street and the notice to treat served on such owner shall have effect accordingly.

Permission for
minor operations
or erections on
or under streets.

126.—(1) Subject to the provisions of this Order a person shall not except with the consent of the Corporation make any alteration of or opening on the carriageway or footways of any street or form or construct any cellar vault arch chamber or other excavation or erection under any street.

(2) The Corporation may on such terms and conditions as they may prescribe give their consent to the laying under any street of underground pipes or the construction of cellars vaults arches chambers or other such constructions or to the formation or construction in any street of pavement lights pavement crossings gratings coal or other chutes or special forms of paving or other constructions of a like nature and to the opening of the carriageway or footways of any street for such purposes or any of them.

(3) All such constructions shall be substantially made and shall not without the consent of the Corporation interfere with any sewer or drain or underground pipes or ways or communicate with any sewer or drain or (except with the consent of the undertakers concerned) interfere with any apparatus or works of any statutory undertakers.

(4) All such constructions or operations shall be carried out at the sight and to the satisfaction of the city engineer.

(5) If the city engineer at any time certifies to the Corporation that any such laying of pipes or construction (whether in existence before the commencement of this Order or not) is—

- (a) in a state of disrepair ; or
- (b) insecure ; or
- (c) in a condition from which danger to any person using the street may be apprehended ;

the Corporation may by notice require the owner or occupier of the lands and heritages in default to carry out such work as may be necessary to make good such default as may be specified in the notice.

(6) In the event of such owner or occupier failing within a reasonable time to be specified in the notice to carry out such work the Corporation may either cause such work to be carried out or may cancel and withdraw their consent or authority to the construction or operation in question and cause the same to be demolished filled up or removed and the street restored.

(7) All costs and expenses so incurred by the Corporation shall be certified by the city engineer and be recoverable by the Corporation from the owner or occupier as a debt.

(8) Where consent is given by the Corporation to any such construction or operation during pleasure or for a limited time the owner or occupier as aforesaid on such consent being withdrawn or on the expiry of such time shall demolish fill up or remove such construction or operation and restore the street to the satisfaction of the city engineer failing which the city engineer may do so at the expense of such owner or occupier certified and recoverable as aforesaid.

(9) If any such construction or operation becomes insecure or any aperture in a street is left open so that any person may be endangered the city engineer may cause the same to be temporarily fenced guarded or repaired at the expense of such owner or occupier as aforesaid.

(10) Any person who permits any such construction or operation or any opening or aperture in a street to be in a condition dangerous to the public shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(11) Any consent given by the Corporation under the powers of this section shall not be deemed to authorise any constructions or operations which would interfere with the accesses for vehicular or pedestrian traffic to or from any station or depot of the Transport Commission.

127.—(1) Any person who wishes to form a carriage-crossing across a footway in any street or to strengthen or adapt 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 :

Crossings over
footways.

PART VI
—cont.

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 ;
- (b) if any such works are carried out without the prior approval of the city engineer or in disconformity with such approval or 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 summary conviction 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 summary conviction 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.

PART VI
—cont.

128.—(1) Any person who with the consent of the Corporation or under any other lawful authority breaks up or makes any alteration or opening on the carriageway or footways of any street shall be bound when his operations are completed to restore or relay in a substantial manner to the satisfaction of the city engineer not only the portion of the carriageway or footways which has been broken up or damaged or affected by his operations but also an additional space of not less than six inches in breadth around the same. Restoration of street where openings made.

(2) Such portion of the carriageway or footways so restored or relaid shall be upheld and maintained by such person for the space of six months after the date when notice has been given to the city engineer of such restoration or relaying.

(3) If such person fails to comply with the requirements of this section the Corporation may after giving forty-eight hours' previous notice to such person restore relay or repair such carriageway or footways.

(4) The expenses of such restoration relaying or repair as the same may be ascertained by an account under the hand of the city engineer shall be recoverable by the Corporation from the person in default as a debt.

129. Any person who makes any alteration or opening on the carriageway or footways of any street or who displaces takes up removes or interferes with the materials of the carriageway or footways of any street without the consent of the Corporation given in writing or without other lawful authority shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and shall be bound to restore to the satisfaction of the city engineer the carriageway or footways so interfered with. Penalty for making unauthorised alterations or openings.

130.—(1) A person shall not except with the consent of the Corporation and on such terms and conditions as the Corporation determine or except with other lawful authority make erect fix place or maintain— Encroachments and projections on streets.

(a) any encroachment obstruction or projection in upon or over any street or any part thereof ;

(b) any steps railings gates gratings or any erections or constructions of any kind which in any way interrupt obstruct limit narrow or interfere with any street or any part thereof ;
or

(c) any signpost pole overhead rail beam wire pipe cable or other thing which overhangs any street or any part thereof (all of which are hereinafter in this section included in the expression "encroachment obstruction or projection").

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART VI
—cont.

(3) The Corporation may by notice require the person responsible for erecting placing or maintaining any such encroachment obstruction or projection to remove the same within a reasonable time to be specified in the notice.

(4) Any person failing to comply with such notice within the time specified shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings for each day during which such encroachment obstruction or projection has been continued beyond the period specified in such notice.

(5) In the event of such failure as aforesaid the Corporation may take steps to cause such encroachment obstruction or projection to be removed at the expense of such person.

(6) Failing payment such expense shall be recoverable by the Corporation from the person in default as a debt.

(7) The provisions of the section of this Order the marginal note of which is "Permission for minor operations or erections on or under streets" shall apply in the case of the consent of the Corporation being given to any such encroachment obstruction or projection.

(8) Any person aggrieved by any determination of the Corporation under the provisions of this section may appeal to the sheriff.

(9) Nothing in this section shall apply to an advertisement to which regulations made under section 29 of the Town and Country Planning (Scotland) Act 1947 for the time being apply.

Doors etc. not
to be made to
open outwards.

131.—(1) All doors gates and bars which open upon any street shall be hung or placed so as not to open outwards except in any case where the Corporation allow such doors gates and bars to be otherwise hung or placed.

(2) If except as aforesaid any such door gate or bar is hung or placed so as to open outwards on any street the owner or occupier of the land or building to which such door gate or bar is attached shall within eight days after notice from the Corporation to that effect cause the same to be altered so as not to open outwards.

(3) If such owner or occupier neglects to comply with such notice he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and the Corporation may make such alteration.

(4) The expense so incurred by the Corporation shall be recoverable from such owner or occupier as a debt.

(5) Nothing in this section shall apply to any door gate or bar attached to any premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

Coverings for
cellar entrances
to be made
by owner
or occupier.

132.—(1) A person shall not except with the consent of the Corporation and on such terms and conditions as the Corporation determine make any opening in any street into any vault or cellar.

(2) When any such opening is made as aforesaid a door or covering shall be made by the owner or occupier of such vault or cellar of iron or such other materials and in such manner as the Corporation shall require.

(3) Such door or covering shall at all times be kept in good repair by the owner or occupier of such vault or cellar.

(4) If such owner or occupier—

(a) does not within a reasonable time make such door or covering ; or

(b) makes any such door or covering contrary to the requirements of the Corporation ; or

(c) does not keep the same when properly made in good repair ; he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and the Corporation may make such door or covering or repair the door or covering as the case may be.

(5) The expense so incurred by the Corporation shall be recoverable from such owner or occupier as a debt.

133.—(1) Where any railway aqueduct or canal is carried by means of a bridge over any street the owner thereof shall erect place and maintain to the reasonable satisfaction of the Corporation a screen under such bridge or shall adopt such other means to carry off the rainwater or the moisture that flows from or percolates through such bridge as will prevent the same falling on persons passing along such street. Carrying off
rainwater from
bridges.

(2) Any such owner failing so to erect place and maintain such screen or to adopt such other means within a time not less than twenty-eight days to be specified in a notice from the Corporation to such owner shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

134.—(1) The Corporation may—

(a) by resolution passed or order made at a meeting of the Corporation shut up permanently discontinue and close any public street or right of way or any portion of a public street or right of way which has from change of circumstances or otherwise become useless to the public or dangerous to foot-passengers or which the Corporation for any other substantial reason deem it expedient to shut up permanently discontinue and close ; or

(b) by resolution or order as aforesaid consent to the shutting up and closing of the same on such terms and conditions as may be arranged with the owner of the solum thereof.

Closing
streets etc.

(2) Notice of intention to exercise the powers of this section shall be given in the notice convening the meeting of the Corporation and by advertisement published once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers published or circulating in the city.

(3) Any resolution or order of the Corporation under this section shall be published—

(a) once in each of two successive weeks with an interval between such publications of not less than six clear days in some newspaper or newspapers published or circulating in the city ; and

PART VI
—cont.

- (b) by a printed copy thereof being affixed in some conspicuous place at both ends of such street or right of way; and
- (c) by a notice narrating such resolution or order and containing a copy of this section being served on every owner lessee and occupier of lands and heritages fronting adjoining or abutting on or entering from the street or right of way referred to in the resolution or order.

(4) Within twenty-eight days after the first publication of such resolution or order and the service of such notice the Corporation shall report the resolution or order to the sheriff who shall take the same into consideration along with any appeal which may have been made against the same under the provisions of this section and may confirm the resolution or order subject to such modifications if any as he may think fit or if he considers that in the circumstances the resolution or order should not have been made declare the same to be void and of no effect.

(5) Any person aggrieved by the resolution or order may within the said period of twenty-eight days appeal to the sheriff against such resolution or order.

(6) In the event of the sheriff confirming the resolution or order with or without modifications he shall in his interlocutor—

- (a) declare the solum of the street or right of way or portion thereof referred to in the resolution or order to be vested in the persons whose lands immediately adjoin thereto in the event of such persons appearing before the sheriff and claiming the same before the date of such interlocutor; or
- (b) failing such claim declare the said solum to be vested in the Corporation.

(7) The solum so vested shall thereupon be deemed to be freed and discharged from the public use thereof.

(8) In the event of the sheriff declaring the solum to be vested in the Corporation the Corporation may sell convey or otherwise dispose of the same for such consideration as they may consider reasonable or proper.

(9) In the event of the sheriff declaring the solum to be vested in the persons whose lands immediately adjoin thereto the Corporation shall be entitled within one month from the sheriff's interlocutor to appropriate and remove the causeway setts road metal paving material kerbs water channels gullies lamp-posts or other Corporation property thereon and any statutory undertakers shall be entitled within two months from the said interlocutor to appropriate and remove any of their cables mains pipes and other equipment therein.

B. *Private streets*

Control and maintenance of private streets.

135.—(1) The Corporation shall have the charge control and superintendence of all streets by whomsoever maintained.

(2) All private streets shall be maintained to the satisfaction of the Corporation by the persons responsible for the maintenance of the same.

136.—(1) The Corporation may for the purposes of public safety and convenience carry out such minor works or temporary repairs on any private street as they in their judgment may consider necessary or expedient in the public interest and that without calling upon the owners to do so or charging such owners with the expense thereof. Temporary repairs on private streets.

(2) The execution of such minor works or temporary repairs shall not be deemed to imply that the street is maintainable by the Corporation or to alter its character as a private street.

137.—(1) Subject to the provisions of the immediately preceding section of this Order all costs charges and expenses incurred by the Corporation for and in connection with and incidental to works on the carriageway or footways of any private street and whether such works are of a temporary or permanent character shall in each case be ascertained by an account under the hand of the city engineer or other officer of the Corporation authorised for that purpose. Expenses of works on private streets.

(2) Such costs charges and expenses shall be charged and allocated by the Corporation at such times as they shall think fit on the owners of the lands and heritages fronting adjoining or abutting on such private street in proportion to the extent to which the lands and heritages of each owner lineally front adjoin or abut.

(3) In the case of any lands and heritages where there are two or more owners the sum charged and allocated according to the proportion aforesaid in respect of such lands and heritages shall be apportioned among them rateably according to the net annual value therein of each such owner.

(4) Where any lands and heritages fronting adjoining or abutting on such private street are unfeued or unbuilt on a charge shall not be made against the owner thereof in respect of works of a temporary character executed while the said lands are unfeued or unbuilt on.

(5) Where—

(a) a private street serves as an access to lands and heritages adjoining but not fronting or abutting on such street or which only front or abut on the same to a small extent ; or

(b) in any other circumstances in the judgment of the Corporation the payment of the costs charges and expenses as aforesaid should not be regulated in proportion to the frontage as above provided ;

the Corporation shall fix and determine (i) the lands heritages and premises (whether fronting or abutting on such street or any part thereof or not) the owners of which shall be liable for such costs charges and expenses and (ii) the proportion leviable from each owner as they consider in all the circumstances of the case to be just.

(6) All such costs charges and expenses shall be recoverable as a debt by the Corporation from the owners for the time being (whether they were owners when the work was done or not).

(7) All such costs charges and expenses shall for a period of three years after the date of the deliverance of the Corporation charging and allocating the same be a burden on the lands and heritages in respect of which such costs charges and expenses were incurred.

PART VI
—cont.

Temporary works on private streets.

138.—(1) Where in the judgment of the Corporation it is not expedient that any private street should be paved or causewayed and flagged and channelled to the full extent or otherwise made good they may cause any such private street or any part thereof to be temporarily put in order.

(2) For the purposes of this section the Corporation may cause all or any of the following works to be executed in or upon any such private street:—

- (a) the carriageway to be properly levelled and laid with road metal or such other material as they may determine;
- (b) lines of kerb to be laid in such position to such level and of such size shape and material as they may determine;
- (c) channels or gutters with gratings or gullies to be made to carry off the water;
- (d) temporary footways or crossings to be formed and made using gravel or road metal or other material to secure the public convenience.

(3) The Corporation may from time to time cause such temporary works to be renewed.

(4) The Corporation may at any time after two years subsequent to the execution of such temporary works or any renewals thereof (a) cause the street or any part thereof to be paved or causewayed and flagged and channelled or otherwise made good permanently in the manner provided for in regard to private streets in this Order or (b) cause the footways to be laid permanently in the manner provided for in regard to the footways of streets in this Order at any time they may deem proper notwithstanding that the causeway and channels or gutters are not permanently completed till a subsequent time.

(5) Any person whose property may be affected by any action of the Corporation under this section may appeal to the sheriff.

C. *New streets*

Notices and plans etc. of new streets.

139.—(1) A person who intends to make or lay out any new street shall—

- (a) give not less than fourteen days' notice to the Corporation of such intention in writing delivered to the city engineer or left at his office; and
- (b) deliver or leave therewith—
 - (i) a coloured plan of the intended new street and a duplicate copy or tracing thereof drawn on such materials and to such scale as the Corporation shall require; and
 - (ii) a coloured section and a duplicate copy or tracing thereof also drawn on such materials and to such scale as the Corporation require.

(2) (a) Such plan shall show thereon—

- (i) the name of the owners of the land through or over which the intended new street is intended to pass;
- (ii) the proposed width levels building lines and mode of construction of the intended new street;

(iii) the position of the intended new street in relation to the streets adjoining or leading thereto ;

(iv) the name and address of the person intending to lay out the intended new street ; and

(v) such other particulars as the Corporation may require.

(b) Such plan shall be signed by such person or his agent.

(3) Every such section and duplicate copy or tracing thereof shall show thereon—

(a) the level of the existing surface of the ground above some known fixed datum near the same ;

(b) the level line and gradient of the intended new street ; and

(c) the level line and gradient of the streets with which the intended new street will be connected ; and

(d) such other particulars as the Corporation may require.

140.—(1) A notice of intention to make or lay out any new street given to the Corporation under the provisions of this Order shall be considered and disposed of by the Corporation within eight weeks after receipt of the notice required by this Order and if the Corporation do not refuse to grant the application within the said period then at the end of that period they shall be deemed to have granted the application. Order authorising laying out of new street.

(2) The Corporation may grant the application in whole or in part Provided that if it appears to the Corporation that the proposed street or any portion thereof (as regards width position gradient mode of construction or the materials proposed to be used or the position of the building kerb or centre lines or any of the details or particulars shown on the plans sections or specifications lodged with the application) is unsatisfactory or not in accordance with the provisions of this Order and of any other enactment or of any bye-laws made under this Order or any other enactment or otherwise contrary to law or private rights or unsuited to the proper development or amenity of the locality the Corporation may—

(a) refuse to grant the application ; or

(b) make an order granting the application subject to such alterations or modifications on the plans sections or specifications or other lawful conditions as they may deem necessary in the circumstances ; and

(c) in such order specify or impose such conditions as they in their discretion may think necessary or expedient with regard to the following matters or any of them (that is to say):—

(i) the fixing of the line level position and direction of the proposed street and footways thereof so as to make provision for the amenity of the locality for convenient communication with other streets for gradients suitable for traffic for the convenient drainage of the proposed street and of buildings therein or adjoining thereto and for areas for light and ventilation ;

PART VI
—cont.

(ii) providing that the corner of any proposed street at its junction with any other street shall be rounded off or bevelled or splayed in such manner and to such reasonable extent as the Corporation may require.

(3) Any person aggrieved by any determination or order of the Corporation under the foregoing provisions of this section may appeal to the sheriff.

(4) If as a condition of granting the application the Corporation require the building line of a new street to be set back to a greater distance than forty-five feet from the centre of the street the owner if he—

(a) proves that his property is injuriously affected by the building line being so set back; and

(b) makes a claim within six months after the date of the order made under the provisions of this section;

shall be entitled to recover from the Corporation compensation for the injury sustained.

(5) The amount of any compensation payable under this section and the question whether compensation is payable shall failing agreement be determined by an arbiter to be appointed failing agreement by the sheriff.

Notice before commencement of operations.

141.—(1) Before any operations in connection with the laying out or forming of a new street are commenced or any such operations are resumed after being suspended for a period of three months or longer written notice stating the date of the intended commencement or resumption shall be given to the city engineer.

(2) Such notice shall be given not less than three days before such commencement or resumption.

(3) Any person who commences or resumes such operations in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Penalty on persons laying out new streets without approval of Corporation.

142.—(1) Any person who—

(a) proceeds with the making or laying out of any new street without having given the notice required by this Part of this Order or without depositing such plans and sections as are required by this Part of this Order;

(b) proceeds with the execution of any works in connection with the making or laying out of a new street without the approval of the Corporation or after the Corporation have disapproved of the same; or

(c) constructs or causes to be constructed any works in connection with the making or laying out of a new street or does any act or omits to do any act or comply with any requirement of the Corporation in contravention of the provisions of this Part of this Order;

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

(2) The Corporation may if they think fit cause any works executed in contravention of the provisions of this section to be removed altered pulled down or otherwise dealt with as the case may require.

(3) The expenses incurred by the Corporation in so doing shall be recoverable by the Corporation from the person in default as a debt.

143.—(1) A building shall not be commenced in any new street before such street is laid out in whole or in part and formed or otherwise made good to such extent as the Corporation shall determine from the point of its commencement onward to and in front of the uttermost proposed building on either side of such street to the satisfaction of the Corporation. Streets to be laid out before building can be commenced.

(2) Any person who commences to erect any building in any such street in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation may if they think fit cause any building commenced or erected in contravention of the provisions of this section to be removed altered pulled down or otherwise dealt with as the case may require.

(4) The expenses incurred by the Corporation in so doing shall be recoverable by the Corporation from the person in default as a debt.

144.—(1) A new street or part thereof shall subject to the provisions of this section be of a width of not less than sixty feet. Width of streets.

(2) Where the Corporation in their discretion determine that a proposed new street is not likely to be a main thoroughfare such proposed new street may be of such less width than sixty feet as the Corporation may approve subject to such conditions as they may deem proper as regards—

- (a) the length of such street ;
- (b) the minimum widths of carriageway and footways ;
- (c) the provision of passing and turning places ; and
- (d) such other matters relating to such street as may in the opinion of the Corporation be necessary in the circumstances.

(3) Where the Corporation in their discretion determine that a proposed new street is likely to be a main thoroughfare they may if they deem it necessary or expedient so to do require that such proposed new street shall be of such greater width than sixty feet as they may determine.

(4) The owner of the land on which a new street is to be constructed shall not except as may be otherwise agreed between him and the Corporation be required to bear any greater expense in the execution of the necessary street works than he would have been required to bear if such street had been constructed of a width of forty feet.

(5) Any such greater expense incurred in the execution of such street works as the same may be determined by the Corporation shall be borne by the Corporation.

PART VI
—cont.

(6) After such street has been constructed the owner provided that he makes a claim within twelve months after such construction shall be entitled to compensation in respect of any loss or damage sustained by him by or in consequence of such street being constructed of a greater width than forty feet.

(7) The amount of any compensation payable under the foregoing subsection and the question whether compensation is payable shall failing agreement be determined by an arbiter to be appointed failing agreement by the sheriff.

Preliminary
lay-out of
streets.

145.—(1) The Corporation may subject to the provisions of this section permit by way of preliminary lay-out of any new street of which plans and sections have been approved by them such modified construction as regards width and materials as they think fit.

(2) Such modified construction shall be carried out to the satisfaction of the Corporation.

(3) The execution of such modified construction shall not in any way relieve the owner from liability to cause such street to be laid out to its full extent as shown upon the approved plans and sections thereof when called upon by the Corporation so to do but the Corporation shall not be entitled to call for the construction of any such street to its full extent as aforesaid before the expiry of three years from the date on which such modified construction was authorised by the Corporation or before the expiry of such longer period as may be agreed on.

(4) If the owner fails—

(a) to begin to lay out such street to its full extent as aforesaid within three months from the date of the notice calling for the same ; and

(b) to complete the formation within such period as the Corporation may reasonably require ;

the Corporation may themselves carry out the construction of such street.

(5) The costs charges and expenses of such construction as determined by a certificate under the hand of the city engineer shall be recoverable by the Corporation from the owner in default as a debt.

Accesses to and
deviation of
line of new
streets.

146. The Corporation may require—

(1) suitable and convenient accesses to any proposed new street to be provided by cross streets continuation of streets or otherwise ; and

(2) the level line and gradients of any proposed new street to be altered for more convenient communication with any other street or streets.

For preventing
termination of
street in a
cul-de-sac.

147. The Corporation may make it a condition of approving of the plans sections and specifications of a new street that such street shall be so laid out and formed that it does not terminate in a cul-de-sac.

148.—(1) The Transport Commission shall be deemed not to be an owner for the purposes of the provisions of this Part of this Order which impose liability for the construction of streets not being public streets or the expenses thereof in respect of any land acquired or used by the Transport Commission under or in pursuance of their statutory powers (a) upon which any street not being a public street wholly or partially fronts adjoins or abuts and (b) which is at the time of the laying out of such street used by the Transport Commission solely as a part of their lines of railway or sidings stations or works and has no direct communication with such street.

PART VI
—cont.

As to expenses of laying out streets in certain cases.

(2) The expenses incurred by the Corporation under the powers of this Part of this Order which but for this provision the Transport Commission would be liable to pay shall be borne by the Corporation.

(3) In the event of the Transport Commission subsequently making a communication with such street they shall repay to the Corporation the expenses which but for the foregoing provision the Transport Commission would in the first instance have been liable to pay.

(4) This section shall not apply to any street existing at the twenty-second day of December one thousand nine hundred and twenty-seven.

D. General and miscellaneous provisions

149.—(1) If the Corporation deem it necessary to raise sink or otherwise alter the situation of any water pipe or gas pipe or other waterworks or gas works or any electric or telegraphic or telephonic cable or electric or telegraphic or telephonic works or other works laid in any street they may from time to time by notice in writing require the person to whom any such pipes or cables or works belong to cause forthwith or as soon as conveniently may be any such pipes or cables or works to be raised sunk or otherwise altered in position in such manner as the Corporation direct.

Pipes etc. to be altered at expense of Corporation.

(2) An alteration shall not be required under the preceding subsection which will have the effect of permanently injuring such works or preventing the water or gas or current from flowing as freely and conveniently as before.

(3) The expenses attending such raising sinking or altering and compensation for every damage done thereby shall be paid by the Corporation to the persons to whom such pipes or cables or works belong.

(4) Nothing in the foregoing provisions of this section or in the provisions of the next following section of this Order shall apply in relation to any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

150.—(1) If the person to whom any such pipes or cables or works belong does not proceed forthwith or as soon as conveniently may be after the receipt of such notice to cause the same to be raised sunk or altered in such manner as the Corporation require the Corporation may themselves (subject to the provisions so far as applicable of the Public Utilities Street Works Act 1950) cause such pipes or cables or works to be raised sunk or altered as they think fit.

If owners of works etc. neglect to make alteration Corporation may cause same to be done.

PART VI
—cont.

(2) An alteration shall not be made under the preceding subsection which will have the effect of permanently injuring such works or preventing the water or gas or current from flowing as freely and conveniently as before.

Ventilation
of hollow
squares.

151.—(1) The Corporation may decline to sanction the erection of any building fronting any street enclosing with other streets then existing or which may be thereafter formed or laid out a hollow square unless the Corporation are satisfied that proper provision has been made for the through ventilation of such hollow square—

(a) by means of spaces or openings through the hollow square ;
or

(b) by such other means as the Corporation may approve.

(2) Such spaces or openings shall—

(a) be at least fifteen feet wide ; and

(b) remain open and unbuilt upon from the height of fifteen feet upwards such height being measured from the immediately adjoining street.

Courts etc. to
be paved.

152.—(1) The Corporation may by notice in writing require the owners of any open ground attached to a tenement or of any court passage or area used in common by the occupiers of any tenement or by any eight or more occupiers—

(a) to flag asphalt concrete or pave such open ground court passage or area or any parts thereof ; and

(b) to make a drain through or along the same or such part thereof as the Corporation require ; and

(c) to keep such flagging asphalt concrete or paving and drain in good repair ;

all to the satisfaction of the Corporation.

(2) If such owners after the expiry of twenty-eight days after the date of service of a notice in writing from the Corporation in terms of this section fail in any respect to comply with the requirements of such notice they shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) In the event of such failure in compliance the Corporation may themselves if they think fit do the work and the expense incurred by the Corporation in that behalf shall be apportioned and certified by the city engineer and shall be recoverable by the Corporation from the owners in default as a debt.

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

Grass margins
and trees in
streets.

153.—(1) The Corporation may—

(a) lay out or form grass or other margins in any part of any public street ;

(b) plant with trees or shrubs any part of any public street ;

(c) protect with suitable guards or fences any such grass or other margins trees or shrubs ;

- (d) maintain the same in good order ;
- (e) alter renew or remove the same ;
- (f) from time to time as circumstances require add to the carriageway or footways of any such street any part or the whole of such margins ; and
- (g) in the case of a private street permit the owners to do any one or more of the things before mentioned in this subsection on such conditions as the Corporation may deem necessary.

(2) Nothing in this section shall empower the Corporation to prevent reasonable access to any land or premises in or abutting on such street from and to the carriageway or footways thereof.

(3) Any person who—

- (a) wilfully damages any tree shrub plant or grass or other margin in any street or any fence or guard erected thereon ;
or
- (b) wilfully rides or drives any horse or vehicle or drives any cattle on or across any grass or other margin ; or
- (c) parks any vehicle on any grass or other margin ;

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

(4) For the purposes of section 7 of the Telegraph Act 1878

- (a) any work done in the exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament ;
and
- (b) the Corporation or any such owner as aforesaid carrying out the work shall be deemed to be the undertakers.

154. The Corporation may from time to time as they think fit in any public street— Refuges etc.
in streets.

- (1) place such raised paving or place of refuge or such posts standards signals pillars rails or other fences or apparatus or works temporary or permanent as they may think fit for the purposes of—

- (a) protecting passengers and traffic either along the street or on the footways from injury danger or annoyance ;

- (b) making the crossing of any street less dangerous to passengers ;

- (c) facilitating the access to or exit from tramway cars or trolley vehicles or motor omnibuses or other public service vehicles ; or

- (d) facilitating the regulation and flow of traffic ;

- (2) repair maintain and alter any such fences or apparatus or other works or remove the same or any obstructions in any street.

(3) Nothing contained in this section shall empower the Corporation to interfere with the accesses for vehicular or pedestrian traffic to or from any station or depot of the Transport Commission.

PART VI
—cont.Pleasure
grounds etc.
in streets.

155. The Corporation may from time to time in any public street—

- (1) lay out maintain alter and discontinue enclosures or pleasure grounds and provide the same with such fences gates seats and erections as they think fit and alter and remove any such fences gates seats and erections; and
- (2) plant such enclosures or pleasure grounds with trees shrubs flowers or grass.

Seats in
streets.

156. The Corporation may provide and place or authorise the placing of seats in or on any of the promenades streets roads or other thoroughfares or spaces of the city provided that a sufficient free space is left open and available for traffic on the carriageways and footways.

Statues and
monuments.

157. The Corporation may from time to time—

- (1) erect and maintain or authorise the erection and maintenance of any statue or monument in any street park or public place; and
- (2) remove to another site any statue or monument which has been taken over or is maintained by the Corporation.

As to wires etc.
connected with
wireless
installations etc.

158.—(1) A person shall not without the consent in writing of the Corporation stretch or place or cause to be stretched or placed any post wire tube aerial or any other apparatus in connection with or for the purposes of wireless telegraphy or telephony or television installations on or over any premises and liable to fall on to any street or public place or to cause danger or obstruction to any person using any street or public place.

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) In this section the expression “public place” includes any public park or garden and any ground to which the public have or are permitted to have access whether on payment or otherwise.

(4) Nothing in this section shall extend to any apparatus belonging to any statutory undertakers.

For preventing
soil and sand
being washed
into streets.

159.—(1) The owners or occupiers of any lands fronting adjoining or abutting upon any public street other than lands occupied for agricultural purposes shall so fence off channel or embank the said lands as to prevent the soil sand and other debris of such lands from falling upon or being washed or carried into any street or into any sewer or gully in such quantities as may obstruct the street or choke up such sewer or gully or cause a nuisance.

(2) Any person who after the expiry of twenty-eight days after the date of service of a notice in writing from the Corporation fails in any respect to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Lopping of
overhanging
trees hedges etc.

160.—(1) Where any tree hedge or shrub overhangs any street or footway so as—

- (a) to obstruct or interfere with the light from any public lamp;
- (b) to interfere with any electric or other wires;

(c) to endanger or obstruct the passage of vehicles or foot-passengers ; or

(d) to obstruct the view of drivers of vehicles ;

the Corporation may by notice require the owner of such tree hedge or shrub or the occupier of the premises on which such tree hedge or shrub is growing to lop or cut the same within fourteen days so as to prevent such obstruction or interference or danger.

(2) In default of compliance by such owner or occupier the Corporation may themselves carry out the requirements of any such notice doing no unnecessary damage and may recover the cost of so doing as a debt from the owner or occupier upon whom the notice was served.

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

161.—(1) For the purpose of promoting public safety and of facilitating traffic by preventing or removing obstructions to view the Corporation may give notice to the owner of any land situated at the corner of any street prescribing the height of fences boundary walls hedges trees and shrubs at such corner or within such distance from the corner not exceeding twenty yards as may be prescribed in the notice.

Height of
fences and
hedges at street
corners.

(2) If such notice is not withdrawn by the Corporation a person shall not erect a fence or wall or permit a hedge tree or shrub to grow to a greater height than that prescribed by the notice.

(3) If required by the Corporation by notice in writing the owner of such land shall reduce the height of any fence wall hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(4) Any person who contravenes subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) In case of such contravention the Corporation may enter upon the land and reduce the height of such fence wall hedge tree or shrub to the height prescribed by them.

(6) The expense so incurred by the Corporation shall be recoverable by the Corporation from the owner in default as a debt.

(7) If any person after the expiry of a period of one month after the date of service of a notice upon him by the Corporation of a requirement under subsection (3) of this section fails to comply therewith the Corporation may enter upon the land and themselves carry out the requisition contained in their notice.

(8) Where under subsection (3) of this section the height of any existing fence wall hedge tree or shrub is reduced the Corporation shall make compensation to the owner or other persons interested in the land for any loss or damage which he or they may sustain in consequence of the reduction in height of such existing fence wall hedge tree or shrub.

(9) Compensation shall not be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice.

PART VI
—cont.

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

(11) The owner of the land shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any notice of the Corporation under this section.

(12) The amount of any compensation payable under this section and the question whether compensation is payable shall failing agreement be determined by an arbiter to be appointed by the sheriff on the application of either party.

Banners
signs etc. over
streets.

162.—(1) Any person who suspends or hangs any banner streamer sign or lettering across or over any street without the consent in writing of the Corporation or without complying with any conditions attaching to any such consent shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Any person aggrieved by the withholding of consent by the Corporation under this section or the conditions attached to any such consent may appeal to the sheriff.

Direction
signs.

163.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distances to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place.

(3) Such owner if aggrieved by such notice may appeal to the sheriff whose decision shall be final.

(4) If any person wilfully and without the consent of the Corporation obliterates defaces obscures removes or alters any such sign—

(a) such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds; and

(b) the Corporation may recover the expenses of replacement and making good from such person as a debt.

As to damage
to street
apparatus etc.

164.—(1) Any person who—

(a) takes away or wilfully breaks throws down or damages—

(i) any police box police telephone pillar street refuge direction sign or sign-post; or

(ii) any appliance for the regulation or control of traffic belonging to or set up by the Corporation; or

(iii) any tramway standard or other apparatus forming part of the transport undertaking; or

(iv) any air pipe ventilator or other apparatus forming part of the water undertaking or connected with any sewer; or

(v) any receptacle for the temporary deposit and collection of dust ashes litter or rubbish or any sandbin belonging to or set up by the Corporation; or

(vi) any statue or monument belonging to or erected by authority of the Corporation ; or

(vii) any seat belonging to or placed by authority of the Corporation ;

(all or any of which are in this section referred to as "street apparatus") ; or

(b) wilfully damages the appurtenances of any street apparatus ; shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding ten pounds.

(2) The Corporation may recover as damages such further sum of money as the sheriff may assess as the amount of damage done by such person.

(3) (i) If any person carelessly or accidentally breaks throws down or damages any street apparatus and does not upon demand make satisfaction for such damage the sheriff may upon complaint thereof being established to his satisfaction order such sum of money to be paid as the damage proved shall amount to.

(ii) If any street apparatus is broken thrown down or damaged by any vehicle the driver and the owner of the vehicle shall be jointly and severally liable for the amount of the damage done Provided that if the owner proves that such vehicle was being driven without his authority the sheriff shall not make any order for payment against him.

165. The provisions of this Part of this Order shall not apply to the streets or carriageways or footways or parts thereof within the harbour of Dundee and docks or precincts thereof in so far as the same are vested in and maintainable by the trustees of the harbour of Dundee at the commencement of this Order. Saving for Dundee Harbour in respect of streets.

166.—(1) Nothing in this Part of this Order shall be in derogation of any statutory rights of access to cables mains pipes or other equipment vested in (a) the Hydro-Electric Board or (b) the Scottish Gas Board at the commencement of this Order. For protection of electricity and gas boards.

(2) Notwithstanding anything in this Part of this Order the Corporation shall in the event of it being necessary in consequence of the exercise by the Corporation of any of the powers conferred on them by the said Part for (a) the Hydro-Electric Board or (b) the Scottish Gas Board to divert relay or replace any of their cables mains pipes or other equipment repay to the board concerned the reasonable expense of their so doing :

Provided that the foregoing provisions of this subsection shall not apply in any case where the works carried out by the Corporation are works to which section 26 of the Public Utilities Street Works Act 1950 applies.

(3) Any difference which may arise under this section between the Corporation and the board concerned shall be referred to and determined by an arbiter to be mutually agreed upon between the Corporation and the board concerned or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

PART VII

BUILDINGS

A. *Erection alteration etc. of buildings*

Notices plans
etc. of new
buildings.

167.—(1) Any person who intends to erect any new building within the city shall—

- (a) give not less than fourteen days' notice in writing of such intention (i) to the Corporation by delivering the notice to the city engineer or leaving the same at his office and (ii) to every conterminous owner who may be affected by delivering the notice to him or serving it upon him through the post office addressed to him at his usual or last known place of abode or business ; and
- (b) deliver or leave with the notice to the Corporation such coloured plans and sections and such specifications as the Corporation may require.

(2) Such plans and sections—

- (a) shall be drawn on such materials and on such scale or scales as the Corporation shall require ; and
- (b) shall show—
 - (i) the foundations position form and dimensions of the several parts of the building and of all wells drains and water-closets and ashpits (if any) ;
 - (ii) the elevations of the building and of all outbuildings or erections intended to be erected or to be used with the building ; and
 - (iii) where the building or the garden thereof abuts upon a street the height width and mode of construction of the boundary walls and fences.

(3) Such plans and sections shall be accompanied by—

- (a) a coloured duplicate copy or tracing thereof on such material as the Corporation shall require for deposit at the office of the city engineer ; and
- (b) a description of—
 - (i) the intended mode of drainage and means of ventilation of drains the size of drains and the materials of which the drains are to be made ;
 - (ii) the mode of construction and dimensions of all walls chimneys and flues and means of water supply.

Approval or
disapproval by
Corporation.

168.—(1) The Corporation shall approve or disapprove the plans sections and specifications of any intended new building or approve the same subject to such modifications as they may consider necessary within eight weeks after receipt of the notice required by the immediately preceding section of this Order.

(2) If the Corporation do not disapprove within the said period then at the end of that period they shall be deemed to have approved.

(3) Any conterminous owner to whom a notice has been given in pursuance of the immediately preceding section of this Order shall be entitled to be heard by the Corporation or by any committee of the Corporation to which there has been referred the proposal to which such notice relates provided that he can satisfy the Corporation or such committee that prima facie he has an interest.

(4) Any person aggrieved by any determination made or deemed to have been made by the Corporation under this section may appeal to the sheriff.

169.—(1) The erection or the excavation for the foundation of a new building shall not be commenced until the plans sections and specifications thereof have been approved by the Corporation either with or without modifications in pursuance of the provisions of this Order.

No building to be commenced until plans approved.

(2) A new building shall not be built except in accordance with plans sections and specifications approved by the Corporation.

170.—(1) The owners of all buildings shall (except in any case where the Corporation otherwise allow) cause the water from the roofs of such buildings to be conveyed in pipes affixed against or on the fronts sides or backs of such buildings and not projecting more than four inches from the surface of the wall or in ducts within such buildings and connected by such pipes or ducts as the Corporation may approve to be constructed under the footway of the street by the Corporation at the expense of such owners for the purpose of conducting such water into the contiguous drain or sewer all to the satisfaction of the Corporation.

Water from roofs of buildings to be conveyed in pipes.

(2) Such owners shall be bound to keep such pipes and ducts clean and in repair at their own expense all to the satisfaction of the Corporation.

(3) Any such owner who refuses or neglects to cause such water to be conveyed as aforesaid and the pipes and ducts to be kept clean and in repair within seven days next after service of notice by the Corporation for that purpose shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) In the event of such default the Corporation may themselves execute such work and the expense thereof shall be paid by the owner so making default and shall be recoverable by the Corporation from such owner as a debt.

(5) In the case of any new building the front wall or any other wall of which is contiguous with the footway the pipes provided in accordance with the requirements of this section shall not except with the consent of the Corporation project beyond such front or other wall of such building.

171.—(1) A person who intends to erect any new building in or fronting any street (whether any house or other building has been previously erected on the site or intended site of such new building or not) shall—

New building in streets.

(a) if required by the Corporation or the city engineer before the commencement of operations erect such building so that the front thereof shall be at such distance from the centre of the street as the Corporation shall think fit; and

PART VII
—cont.

(b) if necessary for that purpose set back such building accordingly.

(2) The land lying between the street and such building shall in so far as not already forming part of the street be given up and shall form part of the street unless the consent of the Corporation in writing is previously obtained by such person to the contrary.

(3) The Corporation shall in every such case pay compensation for any loss sustained by any such person in respect of any land being given up as aforesaid.

(4) Any question as to whether compensation is payable as aforesaid and as to the amount of such compensation (if any) shall failing agreement be determined by an arbiter to be appointed failing agreement by the sheriff.

(5) If any person erects a new building contrary to any requirement of the Corporation or the city engineer in pursuance of subsection (1) of this section—

(a) the Corporation may within one month after the erection thereof pull down take away and remove such new building or so much thereof as has been erected in contravention of any such requirement as aforesaid; and

(b) the expense so incurred by the Corporation as certified by the city engineer shall be recoverable by the Corporation from such person as a debt; and

(c) such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Projecting buildings when taken down to be set back.

172.—(1) Where a building of which any part projects beyond the building line of the street in which such building is situated or on which it fronts or abuts or beyond the front of the buildings on either side thereof is burnt or taken or falls down to or below half the front elevation thereof the Corporation may require such building when re-erected or reconstructed to be set back to the building line of the street or to the line of the adjoining buildings on either side and in such manner as they may direct for the improvement of such street.

(2) The Corporation shall make compensation to the owner of such building in manner provided for in the immediately preceding section of this Order in respect of any loss sustained by him consequent on the setting back of such building.

Chimney stalks roofs etc. to be repaired and secured.

173.—(1) When from decay or in consequence of storm or otherwise—

(a) any chimney stalk chimney can or chimney pot; or

(b) the slating tiling or other materials of any roof; or

(c) the lath and plaster and rough casting of any exterior wall of any building; or

(d) any rhone signboard or flag pole; or

(e) any other matter or thing appertaining to or connected with any building ;

is worn out damaged or out of repair or is in the opinion of the city engineer dangerous to the public or to property in the vicinity the city engineer shall give notice to the owner of the building of which the same forms part requiring him within a reasonable time to be stated in such notice to repair or secure the whole or any portion of such chimney stalk chimney can or chimney pot slating tiling or other materials or lath and plaster or rough casting rhone signboard flag pole or other matter or thing appertaining to or connected with such building as aforesaid.

(2) If such notice is not complied with within the time stated therein the city engineer shall report the matter to the prosecutor in the sheriff court.

(3) The said prosecutor may cite any such owner before the sheriff who may require such owner to have the repairs or alterations required by such notice executed within a specified time at the sight and to the satisfaction of the city engineer.

(4) Any such owner who fails to comply with the deliverance of the sheriff shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) Notwithstanding anything in this section the city engineer may in case of emergency (of which he shall be the sole judge) take down or secure any chimney stalk chimney can or chimney pot slating tiling or other materials of any roof or lath and plaster or rough casting of any exterior wall or rhone signboard flag pole or other matter or thing as aforesaid and execute such repairs as he may deem necessary.

(6) The expense of any such operations or repairs carried out by the city engineer as certified by him shall be recoverable by the Corporation from such owner as a debt.

174.—(1) Within one month after any new building has been completed the owner shall give notice of such completion to the city engineer and the city engineer shall— Survey on
completion of
works.

(a) forthwith proceed to survey the building ; and

(b) if he is satisfied that the building is fit for occupation and is in accordance with the provisions of this Order and the byelaws made thereunder grant a certificate under his hand to that effect.

(2) Any such owner who neglects to give such notice as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) Any person who occupies or permits to be occupied any such building before the granting of a certificate as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty-five pounds and to a daily penalty not exceeding five pounds.

PART VII

—cont.

Powers of inspection.

175.—(1) The city engineer may at any reasonable time inspect any building in progress of construction or alteration or any work connected therewith.

(2) The owner or his agent or the builder shall give twenty-four hours' notice in writing to the city engineer (a) before any sewer or drain is covered up in connection with any building operations and (b) after any work required by the Corporation to be done in amendment of any irregularity has been completed and before the same is covered up.

(3) Any such owner agent or builder who neglects to give any such notice as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

B. *Dangerous or ruinous buildings*

Dangerous or ruinous buildings to be taken down or secured etc.

176.—(1) If any building or wall or anything affixed thereon within the city is deemed by the city engineer to be in a dangerous or ruinous or insecure state from whatever cause he shall—

- (a) immediately cause the occupiers (if any) to remove and such occupiers shall be bound forthwith to remove therefrom until the same is put into a safe condition ;
- (b) cause a proper hoarding or fence or props to be put up for the protection of the public ;
- (c) cause if he shall judge necessary the neighbouring buildings to be properly shored up ; and
- (d) cause notice in writing to be given to the owner of such building or wall (if known) and also to be put on a conspicuous part of such building or such wall or otherwise to be given to the occupier thereof (if any) requiring such owner forthwith to take down secure or repair or rebuild such building wall or other thing or as the case shall require.

(2) If such owner does not begin to take down or secure or repair or rebuild such building wall or other thing within the space of three days after any such notice has been so given or put up as aforesaid and complete such taking down or securing or repairs or rebuilding as speedily as the nature of the case will admit the city engineer may make summary complaint thereof to the sheriff.

(3) On such complaint the sheriff may not sooner than forty-eight hours after service thereof on the owner of such building wall or other thing and after inquiry order such owner to take down secure rebuild or repair such building wall or other thing or such part thereof as appears to the sheriff to be in a dangerous or ruinous or insecure state within such time as shall be fixed by him.

(4) If such building wall or other thing is not taken down repaired rebuilt or otherwise secured within the time so fixed the Corporation shall with all convenient speed cause all or so much of such building wall or other thing as is in a dangerous or ruinous or insecure state to be taken down secured or repaired or rebuilt in such manner as shall be requisite.

(5) All the expenses incurred by the Corporation in enforcing such removal and putting up every such hoarding or fence and of shoring up buildings and of taking down securing repairing rebuilding or watching such building wall or other thing shall be certified by the city engineer and shall be recoverable by the Corporation as a debt from the owner thereof.

(6) If any building is rendered dangerous or ruinous or insecure from whatever cause the city engineer may (without prejudice to anything in the foregoing provisions of this section)—

(a) take all necessary measures for securing the same or any part thereof temporarily ;

(b) remove the same or any part thereof ; or

(c) barricade or close any street or part thereof in the neighbourhood of such dangerous building as far as he may consider this necessary in the interest of the public safety or convenience.

(7) All expenses incurred by the city engineer under the immediately preceding subsection of this Order shall be recoverable by the Corporation as a debt from the owner of such building as aforesaid.

177.—(1) For the purpose of securing the removal of occupiers from any building deemed by the city engineer to be in a ruinous or insecure state the city engineer shall give written notice to all known occupiers of the building requiring them to remove from such building within such period as may be specified in the notice.

Removal of
occupiers from
dangerous
buildings etc.

(2) On the expiry of such period the city engineer may make application to the sheriff for warrant for the ejection of any persons who are in occupation of the building or any part thereof and the sheriff after the service of such additional notice (if any) as he may require and on production of a certificate under the hand of the city engineer bearing that such building is in such a ruinous or insecure state as to be a source of immediate danger shall grant warrant for ejection within such period not being more than seven days after the date of presentation of the said application or seven days after the date of service of such additional notice as he may determine.

(3) In all proceedings under this section the production of a certificate under the hand of the city engineer bearing that such building is in such a ruinous or insecure state as aforesaid and of a certificate by him bearing that notice as aforesaid has been given by him to all known occupiers of the building shall be sufficient evidence of the facts stated in the certificate.

(4) The decision of the sheriff on any application by the city engineer under this section shall be final and not subject to review.

(5) Notwithstanding the removal or ejection under this section of any occupier of a building deemed by the city engineer to be insecure the tenancy of such occupier shall (if he so elects) be deemed not to have been terminated varied or altered by reason of his removal or ejection from the building (except that rent shall not be payable by or exigible from him so long as he is not in occupation

PART VII
—cont:

of the building or of the parts thereof previously occupied by him) and on the building being rendered secure and such occupier resuming his occupation the same terms and conditions shall in all respects apply in respect of such occupation as were applicable with respect thereto before the removal or ejection of such occupier.

Corporation may sell materials of buildings taken down etc. restoring surplus to owner.

178.—(1) If any building wall or anything affixed thereto or any part of the same is taken down in pursuance of the section of this Order of which the marginal note is "Dangerous or ruinous buildings to be taken down or secured etc." the Corporation may sell the materials thereof or of so much of the same as is taken down and apply the proceeds of such sale in or towards payment of the expenses incurred by them in respect of such building wall or thing.

(2) In the event of any surplus arising from such sale after payment of such expenses the same shall be paid by the Corporation to the owner of such building wall or other thing.

(3) Notwithstanding the sale by the Corporation of such materials for the purposes aforesaid the Corporation shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are conferred on them by the section of this Order of which the marginal note is "Dangerous or ruinous buildings to be taken down or secured etc." for compelling the payment of the whole of the said expenses.

Corporation may take house or ground making compensation.

179. If the owner of any building such as is referred to in the section of this Order of which the marginal note is "Dangerous or ruinous buildings to be taken down or secured etc." cannot be found or if the expenses incurred by the Corporation in connection therewith are not otherwise fully recovered the following provisions shall apply:—

- (1) (a) Such building may be dealt with as waste and ruinous in the manner provided in the section of this Order of which the marginal note is "Ruinous buildings and areas may be sold":
- (b) The Corporation in their option may after giving twenty-eight days' notice of their intention to do so by a notice addressed to such owner if his address is known or if not known by a notice affixed to a conspicuous part of such building and also by advertisement in one or more newspapers published or circulating in the city take possession of such building and the land whereon such building stood provided that such expenses are not paid or tendered to them within the said twenty-eight days:
- (2) If the Corporation take possession of such building or land as aforesaid they shall pay compensation to the owner of such building or land for any loss sustained by such owner in respect of such building or land being taken as aforesaid:
- (3) The amount of any compensation payable under this section and any question as to whether compensation is payable shall failing agreement be ascertained on the application of either party under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919:

- (4) The Corporation shall be entitled to deduct out of such compensation the amount of the expenses aforesaid:
- (5) The Corporation may thereupon retain or sell or otherwise dispose of such building or land.

PART VII
—cont.

180.—(1) If any building—

(a) has become—

- (i) waste or ruinous; or
- (ii) a receptacle for filth or other nuisance; or
- (iii) unsafe and unfit for use and occupation; and

(b) being held by two or more owners cannot be rebuilt or disposed of to advantage without the consent of all the parties interested therein; and

(c) is allowed to continue in a waste or ruinous or unsafe state in consequence of the parties being unable or unwilling or delaying to agree as to the sale or rebuilding thereof;

the sheriff upon the application of the procurator fiscal or of the Corporation or of the city engineer or of any owner or party interested in any such building may call all parties interested therein before him and may order such building and the pertinents thereof to be valued by a man of skill who shall distinguish the portions of the subjects and the corresponding proportion of the appraised value which belong to the several parties interested.

(2) The sheriff may thereupon give each party the option to buy and acquire from or to sell and convey to the others their respective portions of or interests in such subjects agreeably to such valuation or at such other price as shall be agreed on amongst themselves and that within a reasonable time to be fixed by the sheriff not exceeding six weeks.

181.—(1) If in the case of any subjects in respect of which an option has been given by the sheriff in pursuance of the immediately preceding section of this Order—

(a) none of the parties takes advantage of the said option within the time so fixed; or

(b) the said parties are not able to agree as to which shall be the buyer and which the seller;

the sheriff may cause such subjects to be exposed for sale by public auction at a price not being less than the appraised value.

(2) In the case of no sale at such exposure the sheriff may reduce the upset price from time to time and sell the subjects to the highest bidder.

(3) Any sale under this section shall be under such regulations and upon such conditions and after such public notice by advertisement in a newspaper published or circulating within the city or otherwise as the sheriff shall appoint.

(4) The purchaser of any such subjects shall be bound within ten days after the sale or within such time as may be fixed by the sheriff to consign the purchase money in a bank to be named by the sheriff upon a receipt or voucher subject to the orders of the sheriff and otherwise the sale shall be void and null.

Ruinous buildings belonging to two or more owners may be sold.

PART VII
—cont.

(5) The money so consigned shall remain at interest for behoof of all parties interested therein and subject to the future orders of the sheriff.

Completion of purchaser's title.

182.—(1) Upon the consignment of the purchase money resulting from the sale of any subjects in pursuance of the immediately preceding section of this Order the sheriff shall pronounce a decree or warrant declaring the purchase duly completed and authorising immediate possession of the subjects to be given to the purchaser thereof.

(2) Such decree or warrant shall upon being registered in the appropriate register of sasines be a valid and sufficient title to such purchaser.

Resale if conditions not fulfilled.

183.—(1) If the purchaser at any such sale as is referred to in the section of this Order of which the marginal note is "How sale to be carried through" fails to fulfil the conditions thereof within the time prescribed with reference thereto the sheriff may cause the subjects to be re-exposed and sold anew and such sale shall proceed in like manner as the first sale.

(2) The sheriff shall continue in case of failure as aforesaid to cause the subjects to be re-exposed for sale until the same are sold and the price thereof consigned in bank as prescribed in the section of this Order of which the marginal note is "How sale to be carried through."

Application of price.

184. Upon the completion of any sale at the instance of the sheriff under the foregoing provisions of this Head of this Part of this Order the sheriff on the application of any of the persons concerned shall proceed—

- (1) to ascertain and determine the extent and value of the share of each party claiming interest in the subjects so sold ;
- (2) to apportion the price ;
- (3) to order payment thereof to the several parties accordingly ; and
- (4) to pronounce such finding or order in respect of expenses as he may think fit.

Ruinous buildings and areas may be sold.

185.—(1) If any building has become—

- (a) waste or ruinous ; or
- (b) a receptacle for filth or other nuisance ; or
- (c) unsafe and unfit for use and occupation ;

the Corporation may by a notice addressed to the owner if his address is known or if not known by a notice affixed to a conspicuous part of such building require the same to be rebuilt or repaired or put into such a state as to prevent the same being or becoming the cause of a nuisance or danger to any person or property and that to their satisfaction within such time as may be specified in such notice.

(2) In the event of such requisition not being complied with the Corporation may apply to the sheriff for warrant to sell such building and the pertinents thereof.

(3) The sheriff may on such application order such building and pertinents to be valued and exposed for sale by public auction and sell the same.

PART VII
—cont.

(4) Such sale shall be made and carried out or re-sale effected the price consigned and applied and the purchaser's title completed in the way and manner hereinbefore directed with reference to any waste or ruinous building held by two or more owners.

C. Precautions during building operations etc.

186.—(1) Before commencing and during the erection of any new building the person responsible for the erection of such building shall take such steps as may be necessary—

Excavations to
be drained.

(a) to carry off from the lowest excavations for or basement of such building all the water capable of being carried off; and

(b) to prevent water from flowing into the basement or cellars of any adjoining or neighbouring buildings or into the walls thereof.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

187.—(1) When any building materials rubbish or other things are laid or any hole is made in any street (whether by order of the Corporation or not) the person causing such materials rubbish or things to be so laid or hole to be made shall at his own expense cause—

Deposits of
building
materials or
excavations.

(a) a sufficient light to be fixed upon or near the same and shall continue such light every night from sunset to sunrise while such materials or rubbish or things or hole remain;

(b) such materials or rubbish or things or hole to be sufficiently fenced and enclosed until such materials rubbish or things are removed or until the hole is filled up or otherwise made secure.

(2) Such materials or rubbish or other things or such hole shall not be allowed to remain longer than the time fixed by the city engineer.

(3) Any person who fails to comply with the requirements or contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

188.—(1) The Corporation or the city engineer shall during the construction or repair of any street or of any sewer or drain therein or the carrying out of any works for which they are responsible involving the opening of or operations on any street take proper precautions against accident by shoring up and protecting the adjoining buildings or walls.

Street may be
closed during
operations.

PART VII
—cont.

(2) The Corporation or the city engineer may prevent such street from being used as a common passage or thoroughfare while any such work is carried on.

(3) The Corporation or the city engineer shall during the construction or repair of any sewer or drain or other works cause the same to be lighted and guarded during the night so as to prevent accidents.

(4) Any person who uses a street as a common passage or thoroughfare while so stopped as aforesaid or who extinguishes any light without the authority or consent of the Corporation or the city engineer shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Hoardings etc. to be set up during operations.

189.—(1) A person who intends to erect or take down or alter or repair any building where by reason of the operations required any street or any part thereof may be obstructed or rendered inconvenient shall apply to the Corporation for authority to put up hoardings barricades or fences and other works in connection with his operations.

(2) On such authority being obtained such person shall put up and maintain to the satisfaction of the city engineer for such time as the city engineer may fix hoardings barricades or fences in order to separate the building from such street with convenient platforms and handrails if there is room enough to serve as footways for passengers outside such hoardings barricades or fences and substantial overhead coverings all of such description materials and dimensions and in such positions as the city engineer may direct.

(3) Such person shall in all cases cause such hoardings barricades or fences and other works to be sufficiently lighted from sunset to sunrise.

(4) Until such hoardings barricades or fences and other works are erected to the satisfaction of the city engineer and while and so long as they are not maintained as aforesaid the city engineer shall be entitled to prohibit and stop all operations in connection with the erection taking down altering or repairing of such building.

(5) The city engineer may take precautions by the appointment of watchmen or otherwise to ensure that such operations shall not be resumed until such hoardings barricades or fences and other works are erected and maintained as aforesaid.

(6) The city engineer shall be entitled to call upon any constable to render such assistance as may be required to enable him to carry the provisions of this section into effect.

(7) Any person who—

(a) puts up any such hoarding or barricade or fence or other works without previously obtaining the authority of the Corporation so to do; or

(b) after obtaining such authority fails to put up and maintain as aforesaid during the time aforesaid and keep lighted from sunset to sunrise such hoardings barricades or fences and other works; or

(c) does not remove the same when directed by the Corporation within a time specified for that purpose; shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(8) The Corporation may make such charge for the occupation of ground enclosed as aforesaid as they consider just.

(9) The expenses incurred by the Corporation under this section shall be certified by the city engineer and recoverable by the Corporation from such person as aforesaid as a debt.

D. Soil-pipes water-closets etc.

190.—(1) The owner of any part of a tenement may have water pipes and soil-pipes laid in the common passage and brought up the common staircase or along and upon the outside walls of the tenement or through any sunk storey thereof and any ground or area connected therewith.

Water etc. pipes may be brought up to upper storeys.

(2) Such soil-pipes shall be connected with the nearest suitable drain or sewer.

(3) Authority to lay and put up all such pipes shall failing agreement be first obtained from the Corporation.

(4) The work connected with the laying and putting up of such pipes and with the maintenance and repair thereof shall be so executed as to occasion the least possible inconvenience to any owner or occupier.

(5) Any damage done in the execution of any such work shall be forthwith repaired.

191.—(1) The owner and occupier of each house in a tenement containing two or more houses shall permit soil-pipes if unavoidably necessary to be carried through such house.

Soil-pipes may be carried through different houses.

(2) The owner and occupier of the lowest storey shall permit soil-pipes if necessary to be carried through and under the said lowest storey.

(3) All such owners and occupiers shall at all reasonable times afford access to their respective houses for the execution of any works under this section and for making all repairs necessary thereon without any claim for compensation.

(4) All such works shall be so executed only—

(a) with the authority of the Corporation;

(b) at the sight and to the satisfaction of the city engineer;

and

(c) so as to occasion the least possible inconvenience to any such owner and occupier.

(5) Any damage done to such houses in the execution of the said works shall be repaired forthwith by the person undertaking such works.

PART VII
—cont.Penalty for
introducing
ashes etc. into
soil-pipes.

192. The occupier of a house or other premises into the cesspool septic tank drain or soil-pipe of which any ashes or other matter calculated to choke the same are introduced or allowed to enter shall—

- (1) be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds; and
- (2) where damage has been caused by such offence be liable also to repair such damage.

Construction of
cesspools etc.

193.—(1) A cesspool or septic tank shall not be permitted for a new house or for a new building except in any case where the Corporation are satisfied that the provision of a cesspool or septic tank is unavoidable.

(2) Any cesspool or septic tank which is permitted in accordance with the foregoing subsection shall be constructed in such situation and in such manner and under such conditions as the Corporation shall by byelaw or otherwise direct or allow.

Owners to
remove cesspools
etc. after notice.

194.—(1) The owner of any privy ashpit cesspool septic tank or midden extending wholly or partially under or close to any room built before the commencement of this Order shall within one month after notice to that effect from the Corporation remove or cleanse and build up such privy ashpit cesspool septic tank or midden.

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

Power to enforce
repair etc. of
privies etc.

195.—(1) Where any privy ashpit cesspool septic tank or midden is certified by the medical officer or the sanitary inspector to be—

- (a) prejudicial to health; or
- (b) in a bad state of repair; or
- (c) so situated that the removal of refuse therefrom is prejudicial to health;

the Corporation may by notice require the owner of the same within a reasonable time to be specified in the notice to repair alter or cleanse or remove the same to the satisfaction of the Corporation.

(2) If any such owner fails to comply with the requirements of any such notice the Corporation or the city engineer may carry out the work specified by the notice and the expenses incurred by the Corporation or the city engineer in so doing shall be certified by the city engineer and shall be recoverable by the Corporation from such owner as a debt.

Water-closets
etc. attached to
place of public
entertainment or
refreshment.

196.—(1) The Corporation may by notice require the owner or occupier of any place of public entertainment or refreshment built before or after the commencement of this Order to provide within such time as may be specified in the notice and thenceforward to maintain upon or adjoining to his premises such number of water-closets urinals and wash-hand basins as may be specified in the notice.

(2) The Corporation may by notice require the owner and occupier of any building or lands to remove any water-closet or urinal belonging thereto where it appears to them so situated or constructed as to be a nuisance or offensive to public decency or otherwise objectionable.

(3) Any person who fails in any respect to comply with the requirements of any notice given under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

(4) Nothing in this section shall apply to any premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

197.—(1) All water-closets urinals and wash-hand basins in or pertaining to any place of public entertainment or refreshment shall be cleansed to the satisfaction of the Corporation once in twenty-four hours by the occupier of the place in which they are situated or to which they pertain. Water-closets
etc. to be
cleansed.

(2) Any such occupier who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

E. *General and miscellaneous provisions*

198.—(1) Any building used or intended to be used as—

- (a) a restaurant hotel boarding-house or common lodging-house ;
- (b) a hospital or nursing home or home for old people ;
- (c) a warehouse or shop or department store ; or
- (d) a school or college or home for children ;

Means of
escape from
buildings in
case of fire.

shall be provided with such means of escape in case of fire for the persons dwelling or employed therein or resorting thereto as the Corporation may by byelaw or in the case of an existing building as the Corporation may by notice require.

(2) The means of escape in case of fire so provided in any building shall be maintained in good condition and free from obstruction.

(3) Any person who fails—

- (a) to provide within one month or such longer period as the Corporation may order such means of escape as the Corporation require ; or
- (b) to maintain such means of escape in accordance with subsection (2) of this section ;

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

(4) This section shall not be in derogation of any of the provisions of the Factories Acts 1937 and 1948 or of any Act amending the same.

PART VII
—cont.Buildings
for public
amusement etc.

199.—(1) Any officer duly appointed by the Corporation for the purpose may at any time inspect any building used or proposed to be used as a place of public amusement or entertainment or for meetings or for holding large numbers of people for any purpose whatsoever and may after hearing the persons interested by notice require the owner of such building to take such steps for the provision of proper means of access to and exit from such building and for protection from fire and other dangers and for the safety and comfort of the public as to the Corporation seem fit.

(2) Any person who refuses any such officer access to any such building shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds for each day during which such refusal continues.

(3) The owner of any such building who fails to comply with the requirements of any notice given under this section within the period specified in such notice shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds for each day after the expiry of such period on which the building is used as aforesaid.

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

(5) Nothing in this section shall apply to any premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

Prevention of
lock-up shops
etc. being used
for habitation.

200.—(1) A person shall not use for the purposes of habitation any lock-up shop workshop shed or place of business.

(2) Any building described in the plan thereof submitted to and approved by the Corporation as a lock-up shop workshop shed or place of business shall be deemed to be a lock-up shop workshop shed or place of business as the case may be for the purposes of this section.

(3) This section shall not apply to the use by a caretaker of a house provided as a caretaker's house and forming part of any such lock-up shop workshop shed or place of business.

(4) Any magistrate may from time to time by warrant under his hand authorise the city engineer the medical officer or any other officer of the Corporation to enter at any time and examine any building suspected of being used in contravention of the provisions of this section.

(5) Any person who obstructs the city engineer the medical officer or such other officer so authorised in his entry or examination shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Open and
dangerous
places and
buildings to
be enclosed
or repaired.

201.—(1) If any building or other structure or any excavation quarry or hole or other open place or any stream well pond or dam (each of which is hereinafter in this section referred to as "a dangerous structure or place") is in the opinion of the Corporation or the city engineer for want of sufficient repair protection or enclosure dangerous to the persons using or passing the same or to the public or a nuisance to the locality the Corporation or the city engineer may

by notice require the owner of such dangerous structure or place within the period prescribed in such notice to take down repair protect or enclose such dangerous structure or place or to take such other steps as may be specified by such notice to prevent any danger or nuisance therefrom.

(2) If any owner on whom a notice has been served as aforesaid fails to comply with the requirements of such notice the Corporation or the city engineer may carry out such works as they or he consider necessary for the prevention of danger or nuisance and the cost of such works shall be recoverable by the Corporation from such owner as a debt.

(3) If such cost is not otherwise recovered the Corporation may—

(a) after giving twenty-eight days' notice of their intention to do so by posting a notice in a conspicuous place on or near any building or land on or in connection with which such works have been carried out take possession of the same provided such cost is not paid or tendered to them within the said twenty-eight days making compensation to the owner of such building or land or space for the value thereof but deducting out of such compensation the amount of the cost aforesaid; and

(b) thereupon sell or otherwise dispose of such building or land.

(4) If any building or structure is pulled down by virtue of this section the Corporation may sell the materials thereof or of so much of the same as is pulled down and apply the proceeds of such sale in payment of the cost incurred by them in respect of such building or structure and shall pay any surplus arising from such sale to the owner.

(5) Notwithstanding the sale by the Corporation of such materials for the purposes aforesaid they shall have the same remedies for the recovery of so much of the said cost as may remain due after the application of the proceeds of such sale as for compelling the payment of the whole of the said cost.

202.—(1) The occupiers of every house flat or storey having entrance by a common stair shall cause the landing and the stair immediately below the flat or storey occupied by them to be kept clean to the satisfaction of the sanitary inspector. Sweeping and washing of common stairs.

(2) If any flat or storey of a tenement is unoccupied the occupiers of the flats or storeys above shall cause the landings and stairs below leading to such empty flat or storey to be kept clean to the next house which is occupied to the satisfaction of the sanitary inspector.

(3) If the top flat or storey of a tenement is unoccupied the stair leading thereto shall be kept clean to the satisfaction of the sanitary inspector by the occupier of the flat or storey immediately below such top flat or storey.

(4) Any water-closet or other closet used in common by the occupiers of a tenement and any passage or continuation of a passage to any area back green or any ground used in common by such

PART VII
—cont.

occupiers shall be kept clean and washed to the satisfaction of the sanitary inspector by the occupiers of the several houses in such tenement in weekly rotation.

(5) All areas and common passages of a tenement leading to cellars shall be cleansed weekly to the satisfaction of the sanitary inspector by the occupiers of the cellars or by parties having a right to use such areas or passages or who use such areas or passages.

(6) In cases where the common stair of a tenement enters from or off a street above the occupiers of every house flat or storey in the tenement shall keep clean to the satisfaction of the sanitary inspector the passage and stair from such street or from the flat immediately above them downwards to the house flat or storey occupied by them and shall also cleanse to the satisfaction of the sanitary inspector any area or any passage leading to any ground or back green connected therewith.

(7) If any flat or storey of any such tenement is unoccupied the occupiers of the flats or houses occupied shall keep clean to the satisfaction of the sanitary inspector the stair and passages upwards to such street or to the next house that is occupied and shall also clean to his satisfaction the area if there is one.

(8) Owners or persons having charge of houses or buildings shall clean out unoccupied cellars and apartments.

(9) The occupiers of every house or building having entrance from a common passage shall in weekly rotation cause such passage and steps to the street to be kept clean to the satisfaction of the sanitary inspector.

(10) Where there is not a house or other occupied building having entrance from such passage the duty of keeping clean the passage and steps to such street shall devolve upon the occupiers of the several flats above in weekly rotation.

(11) Any person who fails to comply with the foregoing provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

203.—(1) The owners of all common stairs and common passages and of water-closets and wash-houses used in common shall—

(a) have the same provided with proper means of ventilation to the satisfaction of the sanitary inspector;

(b) keep the same and all common ventilating shafts in repair; and

(c) as often as may be required by the Corporation and to their satisfaction repair cleanse and paint the same.

(2) Any owner who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

204.—(1) If a person—

(a) begins to erect a new building without giving the notice required by this Order or before the expiration of eight weeks from the receipt by the Corporation of that notice if given or the previous approval of the Corporation;

- (b) begins to erect a new building the plans and sections of which have been disapproved by the Corporation ;
- (c) after the Corporation have approved of the plans and sections of any new building makes either before or after completion thereof any alteration in the whole or in any part thereof so approved affecting its structural stability or sanitary arrangements without further previous approval by the Corporation of the alteration ;
- (d) does anything in contravention of this Part of this Order ;
or
- (e) omits to do anything required by this Part of this Order or by the Corporation the city engineer or other officer of the Corporation under the authority of this Part of this Order ;

PART VII
—cont.

the Corporation (without prejudice to any other remedy competent to them) after calling on such person by a notice signed by the city engineer and served upon such person to show cause why the building or work in question should not be removed altered or pulled down or should not be executed may if they think fit cause such building or work to be removed altered or pulled down or to be executed as it may appear to them that the case requires.

(2) The expenses incurred by the Corporation in so doing shall be repaid by the person in default and be recoverable as a debt.

205. It shall not be necessary for the Transport Commission to obtain from the Corporation a warrant for any building or the alteration thereof used or to be used for the purposes of their railways unless—

For
protection
of British
Transport
Commission
in respect
of buildings.

(1) such building fronts or abuts upon any street ; or

(2) such building is a dwelling-house hotel or restaurant.

206.—(1) The provisions of this Part of this Order shall not apply to the trustees of the harbour of Dundee or their lessees in relation to the construction or maintenance of transit sheds or warehouses or works required for harbour purposes or other buildings structures or erections required for the purposes of shipping or in connection with the embarking disembarking loading discharging or transport of passengers livestock or goods at a dock pier or other part of the harbour or the movement of traffic by any railway forming part of the harbour undertaking and carried out by the said trustees or their lessees in on over or under the operational land of the harbour undertaking except the construction erection or alteration of bridges or other buildings (not being structures or erections required in connection with the handling of traffic).

Saving for
Dundee
Harbour in
respect of
buildings.

(2) For the purposes of this section "operational land" has the same meaning as in the Town and Country Planning (Scotland) Act 1947.

PART VIII

SEWERS AND DRAINS

A. Sewers

Sewerage undertaking to continue vested in Corporation.

207. Subject to the provisions of this Order the sewerage undertaking as it exists and as it is used and enjoyed by the Corporation at the commencement of this Order and the existing works lands and properties and all rights powers and privileges of every description of or pertaining to the sewerage undertaking which at the commencement of this Order are vested in the Corporation shall be and continue to be vested in the Corporation and held exercised and enjoyed by them.

Power to construct sewers and drains.

208.—(1) The Corporation may from time to time make and maintain in and under any streets or elsewhere within the city such sewers and drains as may be necessary for the effectual draining of the city or any portion of it.

(2) The Corporation may also make and maintain all such tanks reservoirs sluices valves manholes apparatus and works as may be necessary for working or cleansing such sewers and drains.

(3) If necessary the Corporation may carry such sewers and drains through and across any enclosed or other lands and through or under any underground buildings areas cellars and vaults making full compensation for any damage done.

(4) The Corporation may also cause such sewers and drains to communicate with and empty themselves into the sea or into tidal waters.

(5) The Corporation shall have right of access for maintenance of all such sewers and drains making compensation for any damage done.

(6) The amount of any compensation payable under this section and any question as to whether compensation is payable as aforesaid shall failing agreement be determined by an arbiter to be appointed failing agreement by the sheriff.

Corporation may alter etc. sewers and other works.

209.—(1) The Corporation may from time to time repair enlarge alter deepen divert arch or cover over renew and otherwise improve and maintain all or any of the sewers or drains or other works forming part of the sewerage undertaking.

(2) If any of such sewers drains or other works at any time appear to the Corporation to have become useless they may fill up and discontinue any such sewers or drains or any portion thereof or may demolish any such works.

Notice before commencing sewerage works.

210.—(1) The Corporation shall twenty-eight days at least before commencing under the provisions of this Order the construction of any new sewer through across under or on any lands (other than a public street or lands wholly belonging to the Corporation) or altering the course or level of or abandoning or stopping any sewer give notice of the intended work by poster in a conspicuous place and by advertisement in one or more newspapers circulating in the city.

(2) Such notice shall state—

- (a) the nature of the intended work ;
- (b) the intended termini thereof ;
- (c) the lands through across under or on which the work is to be made ;
- (d) the place where the plans of the intended work may be seen ; and
- (e) a time when and place where persons interested in such intended work may be heard thereupon.

211.—(1) The standing committee of the Corporation in charge of sewers shall meet at the time and place mentioned in any notice given in pursuance of the immediately preceding section to hear any objections against the intended work to which such notice relates. Meeting to hear objections.

(2) All persons interested in such intended work or likely to be aggrieved thereby shall be entitled to be heard at such meeting.

(3) The said committee shall consider such objections and report thereon to the Corporation.

(4) Upon such report the Corporation may at their discretion proceed with the said intended work or make such alterations thereon as they judge fit or may abandon the same.

212. The Corporation may—

- (1) by agreement purchase lease or otherwise acquire any lands for the purposes of the sewerage undertaking and for the purposes of dealing with sewage and sewage matter ; and Power to acquire and use lands for sewage purposes.
- (2) may use and employ for such purposes any such lands and any other lands taken or acquired under the powers of any enactment or for the time being held by them.

213. Without prejudice to anything in any other enactment the Secretary of State may authorise the Corporation to purchase compulsorily any land which they may require from time to time for any of the purposes of the sewerage undertaking and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act. Acquisition of lands for purposes of sewerage undertaking.

214. All grants and servitudes made to or other rights vested in the Corporation for or in respect of the passage or conveyance of sewage and sewage matter through or along any lands or highways by means of any sewers drains conduits or pipes of the Corporation shall remain valid and operative in favour of the Corporation notwithstanding that the sewage or sewage matter to be passed through or along such sewers drains conduits or pipes is greater in quantity or is derived from other and different sources or is conveyed to other or more distant places or is to be applied to other or different purposes than or in any other respect differs from the sewage and sewage matter in respect of which such grants servitudes or rights respectively were granted. Grants and servitudes to remain valid notwithstanding destination of sewage altered.

PART VIII
—cont.Ventilation
of sewers.

215.—(1) The Corporation may for the purpose of providing ventilation for sewers drains and other works—

- (a) acquire by agreement lands and heritages or wayleaves thereover ;
- (b) construct all such ventilating shafts furnaces and other works as may from time to time be found necessary for ventilating the sewers and drains and other works forming part of the sewerage undertaking ;
- (c) arrange with the owners of any suitable buildings having furnaces and chimney shafts so situated as to be available for the ventilation of the adjacent sewers and drains for such ventilation ;
- (d) fix such ventilators pipes or shafts into on or against all such buildings as to them may seem proper and as may be agreed between the Corporation and the owners of such buildings.

(2) The Corporation shall make reasonable compensation to the owners or occupiers of such buildings in respect of structural damage done or material injury occasioned to such buildings by the operations of the Corporation referred to in the immediately preceding subsection.

(3) The amount of any compensation payable under this section and any question as to whether compensation is payable as aforesaid shall failing agreement be determined by an arbiter to be appointed failing agreement by the sheriff.

Power to take
over certain
sewers etc.

216.—(1) The Corporation may if they think fit—

- (a) take over by agreement the rights privileges powers and authorities vested in any person for making sewers or drains not vested in the Corporation ;
- (b) contract or arrange for the use of any such sewers or drains within the city ; or
- (c) purchase any such sewers or drains with or without the buildings works materials and things belonging or appertaining thereto.

(2) Notwithstanding anything contained in any enactment any person in whom any such rights privileges powers or authorities as aforesaid are vested or to whom any such sewers drains buildings works materials or things belong may sell and dispose of the same to or otherwise contract or enter into arrangements with the Corporation with respect to the use thereof.

(3) In case of any such sale as aforesaid—

- (a) the purchase money shall be settled and applied to the same uses and purposes to which the property purchased may have been subject at the time of such sale ; and
- (b) the property purchased shall vest in and belong to the Corporation notwithstanding any law to the contrary.

(4) Notwithstanding any such taking over or sale any person who previously thereto may have acquired perpetual right to use any sewer or drain so taken over shall be entitled to use the same or any

other sewer or drain substituted therefor in as full and ample a manner as he would or might have done if such sewer or drain had not been so taken over or sold.

PART VIII
—cont.

217. The Corporation shall cause all sewers and other works forming part of the sewerage undertaking to be so constructed covered and kept as not to be or to create a nuisance or be injurious to health.

Works to be constructed so as not to be a nuisance.

218. Nothing in this Part of this Order shall exonerate the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused by them in connection with the sewerage undertaking.

Corporation not to be exempt from proceedings for nuisance.

219. Whenever the Corporation have laid sewers drains or other works in or along any river stream burn ditch or watercourse within the city for the purpose of intercepting and conveying away the sewage which would otherwise flow into and pollute the same they are hereby authorised and required to allow junctions to be made with such sewers or drains or works for the purpose of taking the drainage of any lands and premises which would naturally fall into such river stream burn ditch or watercourse on such terms as they may arrange with the persons requiring such drainage and failing such arrangement on such terms as shall be fixed by the sheriff.

Where works for sewage provided streams not to be polluted.

220.—(1) A junction shall not be effected with any sewer or drain forming part of the sewerage undertaking except with the consent of the Corporation.

Junctions or connections to sewers or drains.

(2) The point of junction or connection of any sewer or drain with a sewer or drain forming part of the sewerage undertaking and the mode of effecting such junction or connection shall be determined by the city engineer.

(3) The Corporation shall have the exclusive right of executing any works on any sewer or drain forming part of the sewerage undertaking which may be required for making any junction or connection with any such sewer or drain.

(4) The Corporation may fix a scale of rates of charges for making such junctions or connections as aforesaid and the charges of the Corporation in connection therewith shall be repaid to the Corporation by the person on whose behalf or at whose request such junctions or connections are made and shall be recoverable as a debt from such persons.

221.—(1) A person shall not without the consent in writing of the Corporation make any opening into any sewer forming part of the sewerage undertaking or in any way damage interfere with or obstruct any such sewer or any other works forming part of the sewerage undertaking.

Penalty for opening or injuring sewers.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and in addition the amount of the damage occasioned by his act shall be recoverable as a debt by the Corporation from such person.

PART VIII
—cont.

No buildings
over sewers etc.
and no vaults
etc. under
streets to be
made without
consent of
Corporation.

222.—(1) Subject to the provisions of this Order it shall not be lawful unless with the consent in writing of the Corporation or with other lawful authority—

- (a) to erect any building over any sewer or drain ;
- (b) to construct any vault arch or cellar under the carriageway of any street or under any carriage-crossing constructed across the footway of any street ; or
- (c) to construct any such vault arch or cellar unless the same is substantially made and so as not to interfere or communicate with any sewer or drain.

(2) If after the commencement of this Order any building is erected or any vault arch or cellar is constructed contrary to the provisions of this section the Corporation may demolish or fill up the same and the expenses so incurred by the Corporation shall be recoverable by the Corporation as a debt from the person erecting such building or constructing such vault arch or cellar.

Watercourses
etc. which have
become sewers.

223.—(1) If a watercourse burn or ditch within the city (including such as form any portion of the boundary of the city) is in the opinion of the Corporation used as a sewer so as to cause a nuisance within the meaning of the Public Health Acts the Corporation may after advertisement of their intention once in each of two successive weeks in a newspaper published or circulating within the city by resolution declare such watercourse burn or ditch to be a sewer for the purposes of this Part of this Order and thereupon such watercourse burn or ditch shall be subject to all the provisions with respect to public sewers contained in this Part of this Order.

(2) Any person claiming right in such watercourse burn or ditch may within fourteen days after the passing of any such resolution appeal to the sheriff on the question of such watercourse burn or ditch being a nuisance as aforesaid and in the event of the sheriff determining that such watercourse burn or ditch is not such a nuisance as aforesaid the provisions of this Part of this Order with respect to public sewers shall cease to apply to such watercourse burn or ditch.

Power to
require
precautions
against
pollution.

224.—(1) The Corporation may by notice in writing require the owner or occupier of any mill factory distillery or other works to execute such works as may in the opinion of the Corporation be necessary—

- (a) for receiving and depositing refuse refuse water steam or other substance calculated in the opinion of the Corporation to impede the flow of any sewer or drain forming part of the sewerage undertaking or to be otherwise injurious thereto or to be a nuisance within the meaning of the Public Health Acts or injurious to the health of persons in the vicinity ; or
- (b) for rendering such substances inoffensive or innocuous before discharging the same into any river stream ditch sewer or drain.

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

225.—(1) It shall not be lawful for any person to throw or discharge or permit to fall or flow or pass into any sewer or drain forming part of the sewerage undertaking or into any drain or pipe connecting with any such sewer or drain—

PART VIII
—cont.

Injurious
matter not to be
allowed to pass
into a sewer or
drain.

(a) any cinders ashes bricks rubbish fibrous material wood stone earth sand shell tar oil or other like substance ;

(b) any substance thing or refuse by which any such sewer or drain may become blocked or obstructed or injured or by which the flow thereof may be impeded or which would interfere with the treatment of the sewage ; or

(c) any gas steam liquid or substance which would injure any such sewer or drain or which from its temperature or otherwise would be injurious to the health of any person.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

(3) The Corporation may remove and replace or otherwise make good any damage caused by any such contravention and the expenses of removing and replacing or otherwise making good such damage shall be recoverable by them as a debt from any person convicted as aforesaid.

226. Subject to the provisions of this Order any owner of lands and heritages or the local authority of any area outside the city may with the consent of the Corporation in writing and subject to such terms and conditions as may be agreed on obtain a connection to any sewer of the Corporation for any drain from the lands and heritages of such owner or from any sewer of such local authority :

Use of sewers
by persons
outside city.

Provided that—

(1) such sewer of the Corporation and any works connected therewith are of sufficient capacity and otherwise suitable for receiving such additional drainage ; and

(2) the additional sewage so to be emptied or discharged into any sewer of the Corporation is not of a nature to cause damage to the structure of such sewer or by admixture with other sewage therein to cause a nuisance.

227. The following provisions for the protection of the Transport Commission (hereinafter in this section called "the commission") shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect in relation to the sewer works constructed under the authority of the Dundee Corporation Order 1939 and the Dundee Corporation Order 1947 (which sewer works and the works connected therewith are hereinafter referred to as "the sewer works") (that is to say):—

For protection
of Transport
Commission in
respect of sewer
works.

(1) The sewer works so far as constructed through under or adjacent to the railways of the commission shall be maintained repaired and renewed in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the commission and under his direction and superintendence :

PART VIII
—cont.

- (2) The Corporation shall with all dispatch restore and make good to the reasonable satisfaction of the said engineer the railways so far as disturbed or interfered with by or in connection with the sewer works:
- (3) If the commission so elect they may themselves maintain so much of the sewer works as are situated on the property of the commission and may recover from the Corporation the reasonable expenses incurred by the commission in connection therewith provided always that such works are maintained to the reasonable satisfaction of the city engineer:
- (4) The sewer works shall be maintained so as not to cause any injury or damage to the railways or any interruption to the passage or conduct of traffic thereover and if any such injury damage or interruption arises from the acts or operations of the Corporation or from the bursting leakage or failure of the sewer works such injury or damage shall be forthwith made good by the commission at the reasonable expense of the Corporation and the Corporation shall indemnify the commission from all claims for or arising out of any such injury damage or interruption:
- (5) If the Corporation fail to maintain the sewer works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the commission may make good the same and may make and do all such repairs and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith:
- (6) If by reason of the construction or maintenance of the sewer works it becomes necessary to reconstruct alter strengthen underpin or in any way interfere with the embankment or other work of the commission such reconstruction alteration strengthening or underpinning shall be carried out by the commission after seven days' notice of their intention so to do to the city engineer at such times and in such manner as they think expedient or necessary and the reasonable expense thereof shall be borne and paid by the Corporation:
- (7) If by reason of the sewer works it becomes necessary to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railways the commission may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in connection with such alterations:
- (8) The Corporation shall bear and on demand pay to the commission the reasonable expense incurred by the commission of and in connection with the superintendence by the said engineer of the sewer works and of and in connection with the employment by the commission during the carrying out of any works of maintenance repair or renewal of the sewer works in under or adjoining the railways of a sufficient number of inspectors watchmen and signalmen

to be appointed by the commission for watching and protecting the railways and the conduct of the traffic thereon with reference to and during the carrying out of the sewer works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employment of the Corporation or their contractors or otherwise:

- (9) If at any time it is found necessary in order to enable the commission in the exercise of their statutory powers existing at the commencement of this Order to carry out any alterations widenings or extensions of the railway for the sewer works to be strengthened the Corporation shall on receiving notice in writing from the commission so to do at the Corporation's own expense and with all dispatch strengthen the sewer works so far as may be necessary to enable the commission to carry out such alterations widenings or extensions and the provisions of this section shall apply to the sewer works as so strengthened:
- (10) Any additional expense which the commission may reasonably and properly incur in connection with the railways as authorised at the commencement of the said Orders respectively by reason of the existence of the sewer works shall be paid by the Corporation:
- (11) Any question or difference between the Corporation and the commission arising under this section shall be referred to and determined by an arbiter to be appointed (failing agreement) by the sheriff on the application of either party:
- (12) For the purposes of this section the word "sheriff" shall mean the sheriff of Perth and Angus and shall not include his substitutes.

228. In respect that in accordance with a decree arbitral or award granted by Alexander Asher Advocate Edinburgh in the year 1886 the trustees of the harbour of Dundee are responsible for the maintenance of a sewer running eastwards from Trades Lane Dundee to the sea and that it may hereafter be expedient to make other provision with respect to the said sewer it shall be competent for the Corporation and the said trustees if they respectively think fit at any time and from time to time (a) to enter into mutual agreements providing otherwise than is provided in the said decree arbitral or award for the maintenance of the said sewer or for the construction and maintenance of other sewerage works in substitution therefor or in supplement thereof and (b) to vary or rescind any such agreements.

As to sewer running eastwards from Trades Lane to sea.

B. Drainage of buildings

229.—(1) If a building within the city is at any time not drained by a sufficient drain communicating with some sewer or with tidal waters to the satisfaction of the Corporation and there is such means of drainage within one hundred yards of any part of such building the Corporation may construct drains charging owners etc. with expense.

PART VIII
—cont.

Corporation may construct or lay from such building a drain of such materials of such size at such level and with such fall as they think necessary for the drainage of such building.

(2) The expenses so incurred by the Corporation shall be recoverable by the Corporation as a debt from the owner of such building over and above any sum that may be charged for the use of the sewers forming part of the sewerage undertaking.

Drainage
of existing
buildings.

230. Where an existing building is in the opinion of the Corporation without sufficient drainage and there is no such means of drainage available as is referred to in the immediately preceding section of this Order the Corporation may by notice require the owner thereof to carry out such works as may be necessary for draining the same in the most effectual manner practicable in the circumstances.

A building not
to be erected
upon a lower
level than will
permit of
sufficient
drainage.

231.—(1) A building shall not be erected upon a lower level than will allow the drainage to pass into a sufficient sewer.

(2) A person shall not form (a) a floor of a new or an existing building or (b) a cellar or vault requiring drainage at a lower depth than will admit of the drainage of the same passing to the satisfaction of the city engineer into a sufficient sewer either then in existence or authorised to be constructed.

(3) The Corporation shall not be liable for any flooding of any floor cellar or vault below the street level in a new or existing building.

Corporation
not liable to
provide
drainage.

232. The Corporation shall not be liable to provide drainage for cellars or vaults below the street level.

Drains etc. to
be kept in good
order.

233.—(1) All private sewers and drains as well within as without the premises to which they belong and all cesspools and septic tank installations shall be under the survey and control of the Corporation.

(2) All such sewers drains cesspools and installations shall be reconstructed or altered repaired and kept in proper order at the cost and charges of the owners of the premises to which the same belong or for the use of which they are constructed or continued.

(3) If the owner of any premises to which any such sewer drain cesspool or installation belongs neglects during seven days after notice in writing for that purpose to reconstruct or to alter repair and put the same into good order in the manner required by the Corporation the Corporation may at the expense of such owner cause such sewer drain cesspool or installation to be reconstructed altered repaired covered and put in good order and the expenses so incurred by the Corporation including any expenses incurred by them of any inspection examination and opening shall be recoverable by the Corporation from such owner as a debt.

(4) The provisions of this section shall not apply to any private drain or sewer vested in the trustees of the harbour of Dundee and used solely for the purposes of any transit shed warehouse work building structure or erection which is excluded from the application of Part VII (Buildings) of this Order by virtue of the section of this Order of which the marginal note is "Saving for Dundee Harbour in respect of buildings."

234.—(1) Subject to the provisions of the section of this Order of which the marginal note is “Power to enter and inspect premises” the city engineer may—

- (a) inspect and apply such tests as he may consider necessary to the drainage of any building ; and
- (b) for that purpose—
 - (i) enter upon such lands with such assistants and workmen as are necessary ; and
 - (ii) cause the ground to be opened where he thinks fit doing as little damage as may be.

Inspection of drainage.

(2) If such drainage is found to be in proper order and condition—

- (a) the said engineer shall cause the ground to be closed and made good as soon as practicable ; and
- (b) the expenses of opening closing and making good such drainage shall be defrayed by the Corporation.

235.—(1) If any person constructs any drain or other works connected with the drainage of any building contrary to the directions and regulations of the Corporation or contrary to the provisions of this Order or without the consent of the Corporation constructs rebuilds or unstops any drain or other works which have been ordered by the Corporation to be demolished or stopped up or not to be made he shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding fifty pounds.

Penalty on persons making or altering drains etc. contrary to orders of Corporation.

(2) The Corporation may cause such drain or other works constructed rebuilt or unstopped in contravention of the provisions of this section to be removed remade or altered as they think fit and the expense attending any such removal remaking or alteration (including the expense of any inspection and opening made by the city engineer in pursuance of the immediately preceding section of this Order) shall be recoverable by the Corporation as a debt from the person by whom such drain or other works were improperly constructed rebuilt or altered.

236.—(1) Where a main or other sewer has been constructed by the Corporation for the general sewerage or drainage of the premises in any street the Corporation may—

- (a) construct and lay branch drains of such size at such level and with such fall as they think proper from any such premises into such sewer ; or
- (b) divert any drain existing at the time of completion of such sewer and connected with such premises so that the same may discharge into such sewer.

Corporation may put in branch drains at expense of owners of premises.

(2) All expenses incurred by the Corporation in the execution of this section shall be recoverable by the Corporation as a debt from the owners of such premises in proportion to the length of drain laid down for such owners respectively and such proportions shall be ascertained and determined by the city engineer.

PART VIII

—cont.

Repairs on drains.

237.—(1) Where any private drain or sewer is intended or used for the joint accommodation of lands and heritages owned by more than one person and is found by the city engineer or the sanitary inspector to be defective the city engineer or the sanitary inspector may by notices served on the owners of the said lands and heritages require such owners to put such drain or sewer in an efficient state within seven days from the service of such notices.

(2) If the owners fail to execute the necessary works within the time specified the Corporation or the city engineer or the sanitary inspector may cause the same to be executed at the cost of such owners.

(3) The Corporation or the city engineer or the sanitary inspector may apportion the cost of such works among such owners as may be just and the Corporation may recover as a debt from each such owner the amount so apportioned against him.

(4) Any owner who fails to comply with such notice for a period of seven days from the service thereof upon him shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

PART IX

WATERCOURSES STREAMS ETC.

Power to require covering in of watercourses and ditches.

238.—(1) If any stream watercourse or ditch situated upon land built upon or laid out for building or on which any land laid out for building abuts other than any ditch along the side of a road requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner in the case of land built upon forthwith and in other cases before any building operations are begun or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for the stream watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water through the same.

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

(3) Nothing in this section shall authorise the Corporation—

(a) to require the execution of works upon the land of any person other than the owner of land built upon or laid out for building without the consent of that person; or

(b) to affect prejudicially the rights of any person not being the owner of land so built upon or laid out.

239.—(1) It shall not be lawful for any person to culvert or cover over any stream watercourse or ditch except in accordance with plans and sections to be submitted to and approved by the Corporation whose approval shall not be unreasonably withheld.

Streams not to be culverted or covered over except in accordance with plans.

(2) A requirement of the Corporation in relation to plans and sections submitted under this section shall not operate to compel any owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass but for this section.

(3) If with the consent of the owner of any land the Corporation require such owner to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost in construction repair or maintenance occasioned by such requirement shall be borne by the Corporation without prejudice to any right of recovery competent to the Corporation against any other person.

(4) If any difference arises between the Corporation and the owner of any land as to the expediency or necessity of any works required by the Corporation to be executed under this section such difference shall be determined by the sheriff summarily on the application of either party.

(5) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

240.—(1) The owner or other person having control of any pipe drain or culvert which is referred to in the two immediately preceding sections of this Order shall from time to time repair maintain and cleanse the same. Repair and cleansing of culverts.

(2) If any such owner or other person aforesaid fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse any such pipe drain or culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance or may cleanse such pipe drain or culvert and the expenses so incurred by the Corporation as certified by the city engineer shall be recoverable as a debt by the Corporation from the owner or occupier in default.

241.—(1) Any part of a stream watercourse pipe culvert or ditch which is so choked or silted up as— Watercourse choked up to be a nuisance under Public Health Acts.

(a) to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such stream watercourse pipe culvert or ditch on to adjacent land or property ; or

(b) to hinder the usual effectual drainage of water through the same ;

shall be deemed to be a nuisance within the meaning of the Public Health Acts.

(2) The provisions of the Public Health Acts relating to nuisances shall apply to every such stream watercourse pipe culvert or ditch notwithstanding that the same may not be injurious to health.

(3) Nothing in this section shall be deemed to impose any liability on any person other than the person by whose act or default the nuisance arises or continues.

PART IX
—cont.

For protection
of British
Transport
Commission in
respect of
Part IX.

242. Nothing in the sections of this Order the marginal notes of which are respectively "Power to require covering in of water-courses and ditches" "Streams not to be culverted or covered over except in accordance with plans" and "Repair and cleansing of culverts" shall apply to any watercourse or to any culvert or covering constructed or to be constructed by the Transport Commission under statutory powers.

PART X

MISCELLANEOUS PROVISIONS AS TO WORKS

Plans of
buildings etc.
may be
inspected.

243. All plans and sections or duplicate plans and sections of buildings streets sewers and other works furnished to the Corporation and left with them under any of the provisions of this Order shall be open to inspection by any conterminous owner at all reasonable times free of charge in the office of the city engineer.

Restrictions on
erection of
stands etc.

244.—(1) Any person who intends to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall—

- (a) not less than fourteen days before the commencement of the erection of such stand or structure submit to the Corporation a plan and section thereof; and
- (b) comply with such requirements as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon:

Provided that the provisions of paragraph (a) of this subsection shall not apply to any person who is a roundabout proprietor travelling showman or stall holder not being a pedlar or hawker.

(2) Any person who contravenes the provisions of this section or fails to comply with any such requirement shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Removal of
buildings in case
of fire etc.

245. The Corporation or such persons as the Corporation may prescribe shall in cases of emergency arising from a fire have power—

- (1) to take down and remove any building or part of any building which has become dangerous in consequence of damage by fire; or
- (2) to take measures for supporting and protecting any such building; or
- (3) to take measures for barricading and closing or shutting up any street or part thereof.

Power to enter
and inspect
premises.

246.—(1) The Corporation shall for the purposes of this Order (without prejudice to any power of entry conferred upon the Corporation or any officer by any other section of this Order or any other enactment) have power by their officers contractors or workmen to enter between the hours of nine o'clock in the forenoon and six o'clock in the afternoon any premises as well for the purposes of inspection

as for the purposes of executing any work authorised to be executed by them under this Order and if need be make such excavations or examinations thereon or therein as they may think fit without being liable to any legal proceedings on account thereof and doing as little damage as possible.

(2) If upon such inspection the premises are found to be satisfactory the Corporation shall reinstate the same and shall make compensation for any injury caused by the exercise of the powers of this section.

(3) Except in case of urgent necessity or where otherwise provided such entry and inspection shall not be made unless with the consent of the occupier or with the authority in writing of a magistrate until after the expiration of twenty-four hours' notice in writing for that purpose given to the occupier.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house hotel or restaurant) belonging to and used by the Transport Commission for the purposes of their railways.

247.—(1) Whenever under this Order any work is required to be executed by the owner or occupier of any lands or heritages and default is made in the execution of such work or where any work has been ordered by the Corporation or other competent authority to be executed and such default is made and where it is not otherwise provided the Corporation may thereupon execute such work.

In default of owners etc. Corporation may execute works.

(2) The expense incurred by the Corporation in respect of any such work executed by the Corporation shall be repaid by such owner or occupier.

(3) Such expense with any interest which may have accrued thereon shall be recoverable by the Corporation as a debt from the person in default.

(4) If more than one owner or occupier is liable therefor the amount shall be apportioned among such persons according to the net annual value of their respective lands and heritages as entered in the valuation roll.

(5) Nothing in this section shall affect any claims of such persons against one another under any obligation subsisting between them and applicable as between them to the payment of the expenses of any such work as aforesaid.

248.—(1) Where default is made by the owner of any lands or heritages in the execution of any work required by this Order to be executed by him or which he has been ordered by the Corporation or any competent authority to execute the occupier of such lands or heritages may with the approval and at the direction of the Corporation cause such work to be executed and the expense of such work shall be repaid to such occupier by the owner of such lands or heritages.

Occupier in default of owner may execute works and deduct expenses from his rent.

(2) Any occupier causing any such work to be executed as aforesaid may deduct the amount of the expense of such work out of the rent from time to time becoming due from him to the owner of the lands or heritages.

PART X

—cont.

How expenses
are to be
recovered from
owner or
occupier.

249. If the owner or occupier of any lands or heritages made liable by this Order for the repayment to the Corporation of any expenses incurred by them does not as soon as the same become due and payable from him repay all such expenses to the Corporation the Corporation may subject to the provisions of this Order recover the same from such owner or occupier as a debt with interest thereon at the rate of five per centum per annum from the time when the same became due and payable.

Power to levy
charges on
occupier who
may deduct same
from rent.

250.—(1) The Corporation may by way of additional remedy require the payment of all or any part of any expenses and interest chargeable by this Order on the owner of any lands or heritages from the person who then or at any time thereafter occupies such lands or heritages under such owner.

(2) In default of payment thereof by such occupier on demand the same may be levied by the Corporation by seizure and sale of the goods and effects of such occupier in the same manner as any assessment or rate may be recovered from him by the Corporation.

(3) Any such occupier shall be entitled to deduct from the rent payable by him to such owner the amount of any moneys paid by or recovered from him in respect of such expenses and interest.

Occupier not to
be liable for
more than
amount of rent
due.

251.—(1) An occupier of lands or heritages shall not be liable to pay any greater sum in respect of any expenses and interest charged under this Order on the owner thereof than the amount of rent due from him as occupier for the lands or heritages in respect of which such expenses and interest are payable at the time of the demand made upon him or which at any time after such demand and notice not to pay the same to such owner has accrued and become payable by him unless such occupier neglects or refuses upon application made to him for that purpose by the Corporation truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable.

(2) The burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued shall lie upon such occupier.

(3) Nothing in this section shall affect any claims of such owner and occupier respectively against one another under any obligation subsisting between and applicable as between them to the payment of the expenses of any such works as aforesaid.

Corporation
may allow time
for repayment
by owner or
occupier of
improvement
expenses etc.

252.—(1) The Corporation may if they think fit at the request of any owner or occupier of any lands or heritages allow time for the repayment of any damages or expenses or interest payable by such owner or occupier to the Corporation under the provisions of this Order.

(2) In such case the Corporation may receive such sums by such instalments as in the circumstances of the case they consider reasonable but so that the same are repaid by annual instalments of not less than one-seventh part of the whole sum originally due with interest for the principal money from time to time remaining unpaid at the rate of five pounds per centum per annum until paid.

(3) All such sums remaining due shall from time to time at the expiration of the several times so allowed for repayment thereof be recoverable in like manner as such respective amounts would have been recoverable if time had not been allowed for repayment thereof.

253.—(1) If the occupier of any lands or heritages prevents the owner thereof from carrying into effect in respect of such lands or heritages any of the provisions of this Order after notice of his intention to do so has been given by the owner to such occupier any magistrate may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such lands or heritages as may be necessary for carrying into effect the provisions of this Order.

Proceedings in
case of tenants
opposing
execution of
Order.

(2) Any such occupier who after the expiration of ten days from the date of such order continues to prevent such owner from executing such works shall for every day during which he so prevents be liable to a penalty not exceeding five pounds.

254. Any feu charter contract conveyance lease or agreement for a lease whereby any person may be bound to erect or alter buildings upon any land shall have effect according to the conditions which may be rendered necessary by the provisions of this Order in the same manner as if this Order had been in operation at the time when such feu charter contract conveyance lease or agreement was made and as if the same had been made subject thereto and that without either party being entitled to any compensation.

Respecting feu
charters etc.

255.—(1) The Corporation may from time to time make byelaws with respect to any of the matters and for any of the purposes aftermentioned (that is to say):—

Byelaws relating
to works.

- (a) With respect to the opening up of laying out of width level and construction of new streets ;
- (b) The level construction causewaying and paving of streets and of the footways thereof and provision for drainage of surface water therefrom and the provision of lanes or other secondary means of access where necessary for the purpose of removing refuse ;
- (c) The protection of trees shrubbery or ornamental or pleasure grounds in or adjacent to streets ;
- (d) The preparation of sites and the drainage of the subsoil of sites for and the prevention of dampness in buildings intended for human use or habitation ;
- (e) The durability strength and stability of buildings and of the walls joisting and principal timber and iron steel and concrete work of buildings and the weights which may be placed on the floors of buildings ;
- (f) The structure and form of walls foundations floors hearths staircases stairs stair-railings and passages roofs and chimneys of buildings ;
- (g) With respect to resistance to penetration of moisture resistance to heat loss passage of sound and infestation ;

PART X
—cont.

- (h) The height of any building and the heights of any rooms or apartments in any buildings the number size and situation of windows in any buildings and the cubic space to be provided in any buildings or parts thereof ;
- (i) The construction alteration and adaptation of buildings of steel construction and of buildings constructed wholly or partly of reinforced concrete and the use composition and strength of steel and reinforced concrete in such construction ;
- (j) The construction installation and arrangement of chimneys flues hearths heat producing appliances passenger lifts baths sculleries laundry facilities larders and fuel stores in buildings ;
- (k) Projections over streets (other than advertisements to which regulations made under section 29 of the Town and Country Planning (Scotland) Act 1947 for the time being apply) ornaments upon buildings overhanging the walls of such buildings projecting showcases recesses in walls and openings in mutual and cross walls ;
- (l) The erection and height of walls or other fences forming divisions between courts back courts and areas and where abutting on streets ;
- (m) Provision against the risk and spread of fire in buildings and for means of escape from fire ;
- (n) The ventilation and lighting of and admission of light to buildings ;
- (o) The space about buildings and prevention of erections thereon :
- Provided that byelaws made under the powers of this paragraph shall not apply to any property (other than dwelling-houses) occupied used or held by the Transport Commission for the purposes of their railways without the consent of the Transport Commission ;
- (p) The access to and egress from any buildings ;
- (q) The protection of dwelling-houses or occupied apartments where any trade business or manufacture is carried on or is intended to be carried on in the same tenement or building ;
- (r) The construction and arrangement of the drainage of buildings and of soil-pipes and waste pipes and the construction and position of water-closets sinks and other sanitary fittings and rain-water pipes and rhones ;
- (s) The equipment of buildings and the provision of accommodation ;
- (t) The arrangement of the seating accommodation in public buildings ;
- (u) The provision of dressing-room water-closet and lavatory accommodation in theatres cinemas and public halls for the public and the performers and persons employed therein ;

- (v) The construction and maintenance of sewers and all works connected therewith ;
- (w) The erection stability maintenance inspection and removal of scaffolding cranes barricades hoardings platforms and balconies and the dimensions position and use of the same ;
- (x) The prevention of danger to the public during building operations ;
- (y) The inspection of buildings in course of erection or structural alteration the examination of the drains thereof and the enforcement of requirements ;
- (z) The giving of notices ;
- (aa) The preparation and deposit of plans and sections by persons intending to lay out streets or to construct or alter buildings or wires and as to the scales of such plans and sections ;
- (bb) Notices inspections tests taking of samples plans procedures fees charges expenses costs and other matters incidental to the carrying into effect of the provisions of this Order and the byelaws made thereunder.

(2) Any byelaws in regard to any matters mentioned in this section may be made so as to affect any buildings including buildings in existence at the making of such byelaws and to remedy any defects therein.

(3) (a) Byelaws made by the Corporation under this section shall not apply to—

- (i) the streets or carriageways or footways or parts thereof within the harbour of Dundee and docks or precincts thereof in so far as the same are vested in and maintainable by the trustees of the harbour of Dundee at the commencement of this Order ; or
- (ii) the trustees of the harbour of Dundee or their lessees in relation to the construction or maintenance of transit sheds or warehouses or works required for harbour purposes or other buildings structures or erections required for the purposes of shipping or in connection with the embarking disembarking loading discharging or transport of passengers livestock or goods at a dock pier or other part of the harbour or the movement of traffic by any railway forming part of the harbour undertaking and carried out by the said trustees or their lessees in on over or under the operational land of the harbour undertaking except the construction erection or alteration of bridges or other buildings (not being structures or erections required in connection with the handling of traffic).

(b) For the purposes of this subsection “operational land” has the same meaning as in the Town and Country Planning (Scotland) Act 1947.

PART X
—cont.

256.—(1) In the cases—

- (a) of any internal alteration of the structure of a building which the city engineer considers to be of a minor and unimportant character; and
- (b) of the erection of water-closets and other offices though proposed to be erected externally;

City engineer
may give warrant
for minor
alterations.

the city engineer shall if and during such period as the Corporation grant him authority have power on written application being made to him and on written notice thereof being delivered to or served upon every conterminous owner who may be affected to grant permission to the owner to proceed with the same without further authority and in such a case it shall not be necessary for the owner to obtain warrant therefor from the Corporation.

(2) In every such case the operations shall be carried out to the satisfaction of the city engineer.

(3) The city engineer shall in every case—

- (a) keep a record of such applications the permission granted and the conditions attached thereto; and
- (b) report the same to the next meeting of the Corporation.

For further
protection of
electricity and
gas boards.

257. Nothing in this Part of this Order shall be in derogation of any statutory rights powers or privileges vested in (a) the Hydro-Electric Board or (b) the Scottish Gas Board at the commencement of this Order.

PART XI

SEA WALL

Power to
construct sea
wall.

258.—(1) Subject to the provisions of this Order the Corporation may make construct lay out and execute (in so far as not already done) and may maintain in the lines and situations and according to the levels shown on the relative plans and sections the sea wall or bulwark hereinafter described (originally authorised by the Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887 and shown as Work Second on the relative plans and sections) with such works and conveniences connected therewith as the Corporation may deem necessary and proper.

(2) The work hereinbefore referred to is—

A sea wall or bulwark commencing in or upon and by a junction with the bulwark or sea wall constructed under the Dundee Sea Wall Esplanade and Street Act 1868 at the west side of the westmost stair thereof leading to the river Tay and extending in a westerly direction two thousand four hundred and twenty-five lineal yards or thereby into or on the bed or soil of the river Tay and thence on a curve in a north-westerly direction to and terminating at a point in the southern or river face of that part of the lands of Balgay lying on the south side of the railway formerly and still commonly called the Dundee and Perth Railway one hundred and thirty-five lineal yards or thereby west from the south-west corner of the railway signal cabin at Ninewells Junction of the said railway.

259. In making and executing the said work authorised by and described in the section of this Order of which the marginal note is "Power to construct sea wall" the Corporation may subject to the provisions of this Order deviate from the respective lines thereof shown on the relative plans to any extent within the limits of deviation shown thereon.

PART XI
—cont.

Lateral deviation
for sea wall.

260. In making and executing the work authorised by and described in the section of this Order of which the marginal note is "Power to construct sea wall" the Corporation may subject to the provisions of this Order deviate from the levels thereof as referred to the datum lines shown on the relative sections but not to any extent exceeding five feet.

Vertical
deviation for
sea wall.

261. The following provisions shall except as may be otherwise agreed in writing between the Corporation and the Transport Commission (hereinafter in this section called "the commission") apply and have effect in relation to the work authorised by and described in the section of this Order of which the marginal note is "Power to construct sea wall" (that is to say):—

Provisions
applicable to
construction of
sea wall.

(1) The commission shall fence and enclose their railway works and land when and as such fencing and enclosing may from time to time be required by or through the reclamation and embankment of the ground on the south side of the railway and land of the commission:

(2) The provisions relating to fencing contained in section 60 of the Railways Clauses Consolidation (Scotland) Act 1845 shall apply to such fencing by the commission:

(3) The Corporation shall provide all sewers and drains that may be necessary—

(a) for carrying away any drainage or sewage at present carried through or arising on the railway of the commission so far as the same may be interfered with under the powers of the said section of this Order; and

(b) also for carrying away the drainage or sewage of the station of the commission at Magdalen Green:

(4) The whole works provided for by the immediately preceding subsection of this section shall in so far as affecting the railways and works of the commission be constructed and maintained at the sole risk of the Corporation and so as not to interfere with the stability of the railways and works of the commission:

(5) During the construction of the works provided for by subsection (3) of this section nothing shall be done to interfere with the regular and safe working of the traffic on the railways of the commission.

PART XII

PARKS AND OPEN SPACES

262. Subject to the provisions of this Order the parks as they exist and as they are used and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and be held used and enjoyed by them.

Vesting of parks.

PART XII
—cont.
Powers as to
parks.

263.—(1) Subject to the provisions of this Part of this Order the Corporation shall in addition to the powers conferred on them by the Public Parks Act and any other enactment have and may exercise all or any of the following powers in connection with the parks (that is to say):—

- (a) They may reclaim drain and improve the surface of the parks or any part thereof and execute construct and maintain all necessary works for that purpose ;
- (b) They may form improve and maintain roads drives foot-paths riding tracks and walks in the parks and do such other things as from time to time may appear to them to be expedient for the use and enjoyment of the parks by the public ;
- (c) They may—
 - (i) lay out and maintain or set apart in any part of the parks golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches and grounds for other outdoor games and sports or playing fields and places for dancing ;
 - (ii) form and maintain therein yachting ponds swimming pools boating ponds curling and skating ponds ; and
 - (iii) regulate the playing of games in the parks and the use of the parks for any recreation or amusement ;
- (d) They may provide and maintain in any of the parks any apparatus and facilities for games recreation and amusement and may make reasonable charges for the use of such apparatus and facilities ;
- (e) They may—
 - (i) provide erect maintain manage and carry on in the parks or authorise other persons to provide erect maintain and carry on therein conservatories propagating houses winter gardens botanical gardens zoological collections aviaries fishponds museums and collections of natural history or science or art and (subject to the provisions of the Protection of Birds Act 1954) for the purposes thereof acquire by purchase or otherwise sell transfer lend or exchange or otherwise dispose of botanical horticultural zoological ornithological scientific and artistic specimens objects and collections including appropriate trees shrubs plants and livestock ;
 - (ii) provide erect maintain manage and carry on in the parks or authorise other persons to provide erect maintain and carry on therein refreshment rooms stands pavilions waiting rooms shelters stores club-houses baths lavatories and other conveniences toolhouses dwelling-houses for park rangers or park keepers and other similar officers or servants of the Corporation and other such places and erections ;

(iii) charge such rents or make such charges as they think fit in respect of the use of the parks and of all places conveniences articles and things provided erected maintained managed or carried on therein ;

(iv) appoint park rangers or keepers and other officers servants and attendants for any of the purposes of this Part of this Order ;

(v) license golf caddies or other attendants ; and

(vi) fix the charges for the services of golf caddies and attendants ;

(f) They may provide or contribute towards the expense of providing music or other entertainment in the parks and may enclose any portion of any park for the convenience of persons listening to music or other entertainment and may make or permit to be made reasonable charges for admission thereto ;

(g) They may provide or grant authority on such terms and conditions as they think fit to any person to provide chairs or seats in any park and to make or allow such person to make reasonable charges for the use of such chairs or seats ;

(h) They may grant authority on such terms and conditions as they think fit to any persons to sell refreshments (other than exciseable liquor) in any park ;

(i) They may set apart any portion of the parks as a playground for children and provide gymnastic or other apparatus therefor and may fix the age above which persons shall not be permitted to play therein ;

(j) They may levy reasonable charges for admission into any museum conservatory winter garden collection of works or specimens of natural history or science or art and other similar places and buildings in the parks.

(2) A certificate shall not be granted under the Licensing (Scotland) Acts 1903 to 1949 for the sale of exciseable liquor in any premises provided under this section but nothing in this subsection shall render it unlawful to grant under section 40 of the Licensing (Scotland) Act 1903 a special permission for an entertainment in any such premises.

264. In addition to the powers to make byelaws conferred upon the Corporation by the Public Parks Act the Corporation may make byelaws for all or any of the following purposes (that is to say):— Byelaws as to parks.

(1) For the general management regulation control and better preservation of the parks and for regulating and ensuring good order in the use of the parks and the regulation and control of all games and recreations or amusements in the parks ;

(2) For licensing appointing and regulating all persons who may be employed in the parks for remuneration or reward including without prejudice to the said generality professional players of or experts or instructors in and persons employed specially for the purposes of any game or recreation or amusement and for fixing and regulating the charges for their services ;

PART XII
—cont.

- (3) For the prevention of unlicensed persons being employed or taking employment in the parks ;
- (4) For the orderly conduct of persons frequenting or using the parks or engaging in any game or recreation or amusement therein ;
- (5) For excluding and removing from the parks gipsies hawkers and beggars and all persons committing a breach of the peace or infringing any byelaws ;
- (6) For regulating and prescribing the days on which games and recreations and amusements may be played or engaged in and the hours at which games and recreations and amusements may be permitted in the parks or in any part thereof ;
- (7) For preventing or regulating the admission to the parks of vehicles and of horses and other animals and for prescribing speed limits ;
- (8) For prescribing penalties for injuring or damaging the parks and any article or thing provided in connection therewith including without prejudice to the said generality (a) any places courses greens courts pitches grounds fields and ponds provided or set apart for any game or recreation or amusement and any fittings or any apparatus or implements used for or in connection with any games or recreations or amusements established or provided in any part of the parks and (b) any places gardens buildings erections specimens objects and collections of a scientific artistic or similar nature erected or provided in the parks ;
- (9) For regulating and varying from time to time any charges to be exacted from persons using any place for the playing of games or for any recreations or amusements in the parks and the recovery thereof and the exclusion and removal of persons refusing or evading payment thereof.

Powers to utilise or let portions of parks for certain purposes.

265. The Corporation may utilise or let such portions of the parks as in their opinion are not for the time being required for use and enjoyment as parks by the public for such periods and subject to such terms and conditions as they think fit and proper for the purposes of agricultural or horticultural operations or similar purposes.

Power to utilise parts of parks for road widenings.

266. Notwithstanding anything contained in any enactment the Corporation may if they think fit utilise for the purpose of widening or improving any road any ground forming part of any of the parks adjoining such road and in that event such ground shall cease to form part of such park.

Power to sell timber on and afforest parks.

267. The Corporation may—

- (1) from time to time cut or fell any timber on the parks ;
- (2) sell utilise or otherwise dispose of any such timber ;
- (3) make such arrangements in connection therewith as they think fit ;
- (4) afforest any part of the parks or replant any area from which the existing timber has been cut or felled ; and
- (5) establish tree nurseries.

268. The Corporation may if they think fit provide in connection with the parks such special facilities as they consider expedient for the promotion or furtherance of botanical agricultural and horticultural research and other experiment.

PART XII
—cont.

Facilities for botanical research etc.

269.—(1) The Corporation may if they think fit with the consent of the Minister of Transport and Civil Aviation set aside any part of any park as an aerodrome or landing ground for aircraft with suitable buildings offices equipment and apparatus.

Power to provide landing ground for aircraft.

(2) The Corporation may make byelaws for the regulation of such aerodrome or landing ground.

(3) Nothing contained in this section shall be in derogation of the Civil Aviation Act 1949 or of any other enactment relating to aircraft.

270. The Corporation may—

As to temporary use of parks for other purposes.

(a) from time to time and on such terms and conditions and for such periods (not exceeding one month in any one year) as they think fit use let or permit to be used (together with the privilege of erecting or providing apparatus for the purposes of games recreation or amusement) the whole or any part of any of the parks for any special and temporary purpose ;

(b) when the park is being so used close the same or any part thereof against the public ; and

(c) demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons to such park or such portion thereof as they may fix.

271.—(1) A person shall not play golf or any other game which is liable if played without due precautions to cause danger or injury to any person in any of the parks except in a place set aside by the Corporation for that purpose and subject to such terms and conditions as the Corporation may prescribe.

As to playing of golf and other games.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

272.—(1) A person shall not fly or otherwise put in motion any mechanically propelled model aeroplane or similar contrivance—

As to danger of injury from model aeroplanes etc.

(a) in any street ; or

(b) in any of the parks without the consent of the Corporation (which may be granted subject to such terms and conditions as they may prescribe).

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

273. In the interests of owners of properties abutting on the north side of Somerville Place and on the east side of Constitution Road so far as fronting any of the ground formerly forming part

Restriction on buildings on Bleaching Green.

PART XII
—cont.

of the land known as the Bleaching Green conveyed to the directors of the Dundee Royal Infirmary—

- (1) Any building which may be erected upon the ground so conveyed shall not be erected nearer to the line of the existing buildings on the north side of Somerville Place than one hundred and twenty feet ;
- (2) The ridge of the roof of any buildings so to be erected fronting Somerville Place shall not exceed a height of twenty-eight feet above the natural surface of the ground at any point one hundred and twenty feet distant from the line of the said existing buildings on the north side of Somerville Place ;
- (3) Buildings which may be erected on the said ground shall not be erected further east than a line thirty feet to the west of the present west line of Constitution Road.

Open spaces.

274.—(1) Any open space which has been set apart or used as ornamental or pleasure or garden ground and which belongs to two or more owners or which is vested in two or more persons for the purpose of upkeep and management (which owners or persons are hereinafter in this section referred to as “owners”) together with any walls or fences enclosing such open space shall be kept by the owners in reasonably good condition to the satisfaction of the Corporation.

(2) If the Corporation think that such open space and the walls and fences which enclose it are not being kept in reasonably good condition they may serve a notice upon the owners requiring them—

- (a) to carry out such work as may be requisite to put such open space and the walls and fences which enclose it into good condition ; or
- (b) to lay out and maintain such open space in a suitable manner ; or
- (c) to repair any enclosing wall or fence ;

all in such way and manner as may be specified in such notice and within a time to be stated therein (not being less than one month).

(3) If such notice is not complied with within the time stated the Corporation may resolve that the custody and management of such open space and any walls or fences enclosing such open space shall be transferred to them to be thenceforth maintained for the public benefit and advantage and such open space and walls or fences shall be transferred accordingly.

(4) Any person aggrieved by a notice of the Corporation under subsection (2) of this section may appeal to the sheriff as hereinafter provided in this Order.

(5) Where under the provisions of subsection (3) of this section or under other statutory powers the custody and management of any open space has been or may hereafter be transferred to the Corporation the solum of such open space shall continue to be or where such custody or maintenance may be hereafter undertaken

shall be as at the date of the resolution of the Corporation transferring the same vested in the Corporation but to the extent and effect only of enabling the Corporation to utilise such open space as ornamental or pleasure or garden ground: Provided that—

- (a) such open space shall not be used for any purpose inconsistent with the use and enjoyment of such open space as ornamental or pleasure or garden ground; and
- (b) the Corporation may in their discretion and notwithstanding anything in the titles of any such open space remove any enclosing walls or fences.

(6) (a) The owners of an open space set apart or used for ornamental or pleasure or garden ground may agree to transfer such open space to the Corporation.

(b) The Corporation may accept such transfer subject to such conditions (if any) as may be agreed between the Corporation and the owners.

(c) The Corporation may undertake the custody and management of such open space and such open space shall thereafter be maintained for the public benefit and advantage.

275.—(1) Any park which has been or may be provided or administered by the Corporation outside the city shall be deemed to be within the city for the purpose of the control regulation and management of the same and the provisions of the Public Parks Act and of this Order so far as relating to the parks including the provisions thereof as to the making of rules regulations and byelaws shall extend and apply to every such park. As to parks outside city.

(2) Nothing in this section shall affect or impair the area or jurisdiction of any justices of the peace or any court of competent jurisdiction or any police force.

(3) Such byelaws shall before confirmation be subject to the approval of the county council of the county in which the park to which any such byelaws apply is situated.

276.—(1) Nothing in this Part of this Order shall be in derogation of any existing deed of gift or trust deed or conveyance under or in pursuance of which any of the parks are now vested in the Corporation. Saving for deeds of gift etc. relating to parks.

(2) All trust funds now held by or vested in the Corporation for the purpose of acquiring ground for parks or purchasing equipment in connection with parks or maintaining in good order any of the parks and for defraying other necessary expenses in connection therewith shall continue to be applied by the Corporation for such purposes.

277. The use of any road drive footpath track or walk in the parks shall not create or confer upon any person or be deemed to create or confer upon any person any servitude or right of way relative to such road drive footpath track or walk. Saving as to use of roads etc. in parks.

PART XII

—cont.

For protection
of Transport
Commission in
respect of parks.

278.—(1) The Corporation shall not in the exercise of the powers of the section of this Order of which the marginal note is "Powers as to parks" execute construct or maintain any works or excavate fill up or deposit any spoil or other material on any lands situated between or adjacent to any of the piers or abutments of the viaduct carrying the railway of the Transport Commission across the river Tay except in accordance with plans and sections or specifications previously submitted to and reasonably approved by the Transport Commission and under the direction and superintendence (if given) of an engineer to be appointed by the Transport Commission:

Provided that if the Transport Commission do not approve or disapprove of any plans and sections or specifications so submitted to them within twenty-one days after such submission they shall be deemed to have approved thereof.

(2) If any difference arises between the Corporation and the Transport Commission under this section the same shall be determined by an arbiter to be appointed failing agreement by the sheriff.

(3) In this section the expression "sheriff" shall not include sheriff-substitute.

PART XIII

CAMPERDOWN ESTATE

Vesting of
Camperdown
Estate.

279. Subject to the provisions of this Part of this Order Camperdown Estate shall continue to be vested in the Corporation and the Corporation may exercise with respect to Camperdown Estate the powers conferred on them by this Part of this Order.

As to capital
expenditure on
Camperdown
Estate.

280. The Corporation may defray out of the income of the Sir James Caird Land Acquisition Fund any expenditure of a capital nature incurred by them in respect of Camperdown Estate.

Part of
Camperdown
Estate to be
public park.

281. That part of Camperdown Estate which is known and in this Part of this Order referred to as "Camperdown Park" (being the part of Camperdown Estate edged green on the plan deposited with the town clerk in pursuance of the repealed Acts) shall subject to the provisions of this Part of this Order be held and maintained by the Corporation as a public park and a place for public resort.

Application to
Camperdown
Estate of
provisions
as to parks.

282. The provisions of Part XII (Parks and open spaces) of this Order shall so far as not inconsistent with the provisions of this Part of this Order extend and apply to Camperdown Estate as fully in all respects as if those provisions were expressly enacted with reference thereto in this Part of this Order.

Power to sell
etc. parts of
Camperdown
Estate.

283.—(1) The Corporation may from time to time and shall be deemed always to have had power to sell feu excamb or lease on such terms as they may determine or may with the consent of the Secretary of State appropriate for any statutory purpose any part of Camperdown Estate other than Camperdown Park.

(2) Where by virtue of any deed of excambion any land is incorporated in Camperdown Estate the Corporation may exercise with respect to such land all or any of the powers conferred on them

by this Part of this Order with respect to Camperdown Estate as if such land had formed part of Camperdown Estate at the commencement of this Order.

PART XIII
—cont.

(3) The Corporation shall not (unless the Secretary of State otherwise permits) sell feu excamb lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the permission of the Secretary of State is necessary or has been obtained.

(4) The proceeds of any such sale and any other receipts of a capital nature arising in connection with Camperdown Estate shall be applied towards capital expenditure in connection with Camperdown Estate including the improvement of Camperdown Estate and until such time as the moneys are so applied the same shall be separately funded and the income derived from the investments of the fund shall be included in and form part of the ordinary income of Camperdown Estate.

284.—(1) The Corporation shall in their published accounts under charities and trust funds keep a separate account and balance sheet in respect of Camperdown Estate so as to show the financial position of Camperdown Estate.

As to
expenditure on
Camperdown
Estate.

(2) Such accounts shall distinguish capital from revenue and as to revenue shall detail on the one side all income and on the other side all expenditure.

(3) In so far as the said expenditure is not met by income from Camperdown Estate the said expenditure may be defrayed out of the burgh fund.

(4) If the income received by the Corporation from Camperdown Estate exceeds in any year the amount of the expenditure incurred by the Corporation in that year in respect of Camperdown Estate there shall be contributed to the burgh fund in that year in respect of expenditure of Camperdown Estate defrayed out of the burgh fund in pursuance of this section in preceding years an amount equal to the amount by which such income exceeds such expenditure in that year so however that the aggregate of the amounts so contributed to the burgh fund shall not in any circumstances exceed the aggregate amount of expenditure defrayed out of the burgh fund in preceding years.

PART XIV

BELMONT ESTATE

285. Subject to the provisions of this Part of this Order Belmont Estate shall continue to be vested in the Corporation and the Corporation may exercise with respect to Belmont Estate the powers conferred on them by this Part of this Order.

Vesting of
Belmont Estate.

286.—(1) The Corporation shall be empowered to take all such measures as may be necessary to enable the property and estate known as Belmont Estate and the mansion house and other buildings held by them in connection therewith to be used as a home of rest for the workers of the city.

Powers as to
Belmont Estate
and mansion
house.

PART XIV
—cont.

(2) For the purposes thereof the Corporation may—

- (a) engage such staff ;
- (b) make such arrangements ;
- (c) frame such rules and regulations ; and
- (d) fix such charges ;

as may be necessary for the upkeep and conduct of the same.

(3) The Corporation may instead of themselves carrying on such a home arrange for the carrying on of the same by any suitable society or institution.

(4) All expenses of keeping the said estate and mansion house in proper order and repair and altering extending or improving the mansion house and of carrying on and keeping the same as a home of rest as aforesaid and for defraying the other expenses connected therewith including the payment of interest and repayment of contributions on borrowed money in so far as the said expenses are not met by revenue derived from the said estate and mansion house may be met and defrayed out of the burgh fund.

(5) The provisions of Part XII (Parks and open spaces) of this Order shall so far as not inconsistent with the provisions of this Part of this Order extend and apply to the said estate and mansion house as if those provisions were expressly enacted with reference thereto in this Part of this Order.

Power to sell
etc. parts of
Belmont Estate

287.—(1) The Corporation may from time to time and shall be deemed always to have had power to sell feu excamb or lease on such terms as they may determine or may with the consent of the Secretary of State appropriate for any statutory purpose, any part of Belmont Estate other than the mansion house.

(2) Where by virtue of any deed of excambion any land is incorporated in Belmont Estate the Corporation may exercise with respect to such land all or any of the powers conferred on them by this Part of this Order with respect to Belmont Estate as if such land had formed part of Belmont Estate at the commencement of this Order.

(3) The Corporation shall not (unless the Secretary of State otherwise permits) sell feu excamb lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the permission of the Secretary of State is necessary or has been obtained.

(4) The proceeds of any such sale and any other receipts of a capital nature arising in connection with Belmont Estate shall be applied towards capital expenditure in connection with Belmont Estate including the improvement of Belmont Estate and until such time as the moneys are so applied the same shall be separately funded and the income derived from the investments of the fund shall be included in and form part of the ordinary income of Belmont Estate.

PART XV

MILLS OBSERVATORY

288. The Mills Observatory as it exists and is vested in the Corporation at the commencement of this Order shall continue to be vested in the Corporation and shall together with the Mills Observatory Trust Fund and subject to the provisions of this Order be held by them in trust to administer the same for the following purposes as directed by the late John Mills in his trust disposition and settlement dated the twenty-ninth April one thousand eight hundred and eighty-one and relative codicils (that is to say):—

(First) To afford to the community an opportunity of observing to an extent not generally within their reach the wonders and beauty of the works of God in creation and to yield them rational and innocent entertainment of the highest kind ;

(Second) To have the Mills Observatory and any other premises connected therewith and the instruments and appliances therein under the charge of a proper keeper by whom they shall be shown to visitors on payment of a small fee to be fixed by the Corporation and that on such days (excepting Sundays) and at such hours and subject to such further regulations as the Corporation may think proper ; and

(Third) To utilise the annual proceeds of the Mills Observatory Trust Fund together with the fees of admission and any casual income from donations or otherwise in defraying the expenses of superintendence and of maintaining the premises and instruments in good order and for providing a sinking fund for improving or replacing the same when that shall be considered requisite and purchasing other instruments without encroaching on the Mills Observatory Trust Fund.

289. The Corporation may—

(1) make rules and regulations for the management and use of the Mills Observatory and the admission of the public thereto ; and

(2) by such rules or regulations fix fees and charges for admission to the Mills Observatory or to any part thereof.

290. The Corporation may from time to time appoint to be curator of the Mills Observatory and such person shall perform such duties in relation to the Mills Observatory or otherwise and shall receive such remuneration therefor as the Corporation shall from time to time determine.

291. The Corporation may subject to such terms and conditions as they think fit—

(1) provide or arrange for the provision of or contribute towards the expenses of lectures exhibitions or demonstrations in connection with the Mills Observatory ;

Mills
Observatory to
continue vested
in Corporation.

Power to make
rules in respect
of Mills
Observatory.

Appointment
of curator.

Further powers
as to Mills
Observatory.

PART XV
—cont.

- (2) employ such fit persons as they consider expedient as lecturers or demonstrators in connection with the Mills Observatory and pay them suitable remuneration ;
- (3) provide and sell or distribute free of charge or arrange for the provision and sale or distribution free of charge of literature in connection with the Mills Observatory or any such lectures exhibitions or demonstrations as aforesaid ;
- (4) provide such special facilities as they think fit for the prosecution or furtherance of astronomical or other research in connection with the Mills Observatory ;
- (5) provide and supply the Mills Observatory with such instruments furnishings and equipment as they consider expedient ;
- (6) use or may permit any university university college or college or any learned or scientific society to use the Mills Observatory for the purpose of lectures demonstrations or research ;
- (7) lend any of the instruments or equipment installed in the Mills Observatory to or arrange for the exchange thereof with any such bodies as aforesaid ;
- (8) sell any of such instruments or equipment provided that the money arising from any such exchange or sale shall be applied for the purposes of the Mills Observatory ;
- (9) close the Mills Observatory to the public on such occasions and for such periods as they think fit ; and
- (10) do such other acts and provide such other things as appear to them necessary or expedient for furthering the utility of and interest in the Mills Observatory.

As to
expenditure
on Mills
Observatory.

292.—(1) The Corporation shall in their published accounts under charities and trust funds keep a separate account and balance sheet in respect of the Mills Observatory so as to show the financial position of the Mills Observatory.

(2) Such account shall distinguish capital from revenue and as to revenue shall detail on the one side all income and on the other side all expenditure.

(3) In so far as the said expenditure is not met by income from the Mills Observatory the said expenditure may be defrayed out of the burgh fund.

(4) In the event of the income received by the Corporation from the Mills Observatory exceeding in any year the amount of the expenditure incurred by the Corporation in that year in respect of the Mills Observatory there shall be contributed to the burgh fund in that year in respect of expenditure of the Mills Observatory defrayed out of the burgh fund in pursuance of this section in preceding years an amount equal to the amount by which such income exceeds such expenditure in that year so however that the aggregate of the amount so contributed to the burgh fund shall not exceed the aggregate amount of expenditure defrayed out of the burgh fund in preceding years.

PART XVI

BURIAL GROUNDS

293. All burial grounds cemeteries and churchyards vested in or belonging to the Corporation at the commencement of this Order shall continue vested in the Corporation and be held and used by them.

Vesting of
burial grounds
etc.

294.—(1) The Corporation shall continue to be the authority for carrying out within the city the provisions of the Burial Grounds Acts and shall have as regards all burial grounds cemeteries and churchyards vested in or belonging to them all the powers rights and duties and shall be subject to all the liabilities of a burial authority under the Burial Grounds Acts.

Corporation to
be authority
for executing
Burial Grounds
Acts.

(2) Notwithstanding anything contained in the Burial Grounds Acts the Corporation may exercise such powers and rights as aforesaid in the same manner and at the same time and subject to the same notices as all other powers of the Corporation are exercisable by them and without being required to keep separate minutes books and accounts relative to their business under the said Acts.

295. The Corporation may in their discretion repair and preserve historical and other monuments situated in any burial ground cemetery or churchyard within the city.

Preservation of
historical and
other
monuments.

296. The Corporation may—

Power to accept
sums for
maintenance of
graves etc.

(a) enter into arrangements for maintaining lairs or burying places or monuments in any burial ground cemetery or churchyard vested in or belonging to them; and

(b) for such purposes accept and apply any sums of money received by them under such arrangements.

297. After the commencement of this Order it shall not be lawful for any person except with the consent in writing of the Corporation to lay out make or construct any burial ground cemetery or crematorium or to extend or enlarge any existing burial ground cemetery or crematorium within the city:

Consent of
Corporation as
to cemeteries
and crematoria.

Provided that this section shall not apply with respect to—

(1) the Barnhill Cemetery belonging jointly to the county council of the county of Angus and to the town council of Monifieth as such cemetery existed at the sixteenth day of December nineteen hundred and forty-eight or to the utilisation by the said county council and town council or either of them for the purpose of extending the said cemetery or for the erection of a crematorium thereon of certain adjoining lands in the city extending to 9.389 acres or thereby which the said county council and town council have acquired or agreed to acquire from Dalhousie Estates Limited; or

(2) any additional crematorium erected by the Dundee Crematorium Limited on the lands at Macalpine Road belonging to them at the sixteenth day of December nineteen hundred and forty-eight and held by them in connection with their crematorium at Macalpine Road or to the utilisation by them of the said lands for the extension or enlargement of their said crematorium.

PART XVI
—cont.Byelaws for
cemeteries and
crematoria.Burial registers
to be kept.

298. The Corporation may for the protection of the public health and amenity and the maintenance of public decency make byelaws for the regulation and preservation of burial grounds cemeteries and crematoria.

299.—(1) Every interment in any burial ground or cemetery (not belonging to the Corporation or to any other local authority or local authorities jointly) shall be registered in register books to be provided and kept for that purpose in such manner as may be approved by the Corporation by the person to whom such burial ground or cemetery belongs.

(2) Such register books shall specify the name of the deceased and the date of death and the place of each interment within such burial ground or cemetery with reference to a plan which shall also be provided and kept for such purpose by the person to whom the burial ground or cemetery belongs and on which plan every lair or burying place shall be numbered and the register books and plans shall at all reasonable times be open to inspection by the medical officer or the sanitary inspector without fee or payment.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding fifty pounds.

Interments.

300.—(1) It shall not be lawful except with the consent of the Corporation to inter or deposit or cause or permit to be interred or deposited any human remains in any place within the city other than in a burial ground or cemetery:

Provided that the consent of the Corporation under this section shall not be required in respect of the interment or deposit in the grounds of the crematorium of the Dundee Crematorium Limited at Macalpine Road of the ashes of persons cremated at the said crematorium.

(2) Any person who does or causes or wilfully permits to be done any act in contravention of this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds.

Powers as to
disused burial
grounds or
parts thereof.

301.—(1) This section shall apply to the following burial grounds in the city namely:—

- (a) Howff Burial Ground;
- (b) Constitution Road Burial Ground;
- (c) St. Andrew's Burial Ground;
- (d) St Peter's Burial Ground;
- (e) Roodyards Burial Ground;
- (f) Logie Burial Ground;
- (g) Old Cemetery Dundas Street Broughty Ferry; and
- (h) Mains Old Burial Ground.

(2) Where any burial ground mentioned in subsection (1) of this section and belonging or leased to the Corporation or with reference to which an agreement has or shall have been made between the

owner thereof and the Corporation for the purposes of this section or any part of any such burial ground is disused (whether or not other parts thereof are still used for interments) the Corporation subject to the provisions of this section may :—

- (a) manage such disused burial ground or part thereof as the case may be (hereinafter in this section referred to as “disused burial ground”);
- (b) remove or change the position of any tombstone or monument in the disused burial ground;
- (c) lay out and maintain the disused burial ground as a garden or open space or with the consent of the Secretary of State utilise the same for such other purposes as they may think fit;
- (d) enclose or keep the disused burial ground enclosed with proper railings and gates;
- (e) drain level lay out turf plant ornament light provide with seats and otherwise improve the disused burial ground; and
- (f) do all such works and things as may be requisite for the purposes aforesaid or any of them.

(3) The public shall not have access to a disused burial ground except to such extent as the Corporation may permit.

(4) The owner of any of the burial grounds mentioned in subsection (1) of this section or of any part thereof is hereby empowered to convey or lease the same to the Corporation or to make any agreement with the Corporation for the purposes of this section and the Corporation may accept such conveyance or lease or enter into such agreement.

(5) In the exercise of the powers of this section in relation to a disused burial ground the remains of any deceased person interred in the disused burial ground shall not be disturbed unless the Corporation find it necessary and in that case the Corporation shall subject to the provisions of this section remove and reinter or cause to be removed and reinterred the remains of any deceased person which have to be disturbed:

Provided that the Secretary of State on the application of the Corporation and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the after-mentioned requirements of this section on such conditions (if any) as he thinks fit.

(6) (a) The Corporation shall before removing and reintering any human remains or disposing of any tombstones monuments or other memorials or fixtures or furnishings in or upon such disused burial ground publish a notice of their intention so to do at least once during each of two successive weeks with an interval between each publication of at least six days in a newspaper circulating in the city.

(b) Such notice shall so far as may be appropriate and practicable in any particular case specify—

- (i) the disused burial ground to which the notice relates;

PART XVI
—cont.

- (ii) the office where a list of the names and dates of death (where known and recorded) of any deceased persons whose remains it is proposed to remove from the disused burial ground and reinter may be inspected at all reasonable hours ;
- (iii) the burial ground where it is proposed to reinter such remains and the manner in which it is proposed to dispose of the tombstones monuments or other memorials or fixtures or furnishings in or upon the place ;
- (iv) that the personal representative or any relative of any deceased person may himself undertake the removal from the disused burial ground and reinterment of the remains of the deceased person and the disposal of any tombstone monument or other memorial in or upon the disused burial ground commemorating the deceased within the time specified in paragraph (b) of subsection (7) hereof ; and
- (v) any directions given by the Secretary of State either generally or in any particular case (after consultation with the church authority in the case of a church or churchyard) with respect to the manner of removal and the place and manner of reinterment of any human remains and the disposal of any tombstones monuments or other memorials or fixtures or furnishings in or upon the disused burial ground.

(7) (a) The personal representative or any relative of any deceased person whose remains are interred in such disused burial ground may on giving notice in writing to the Corporation within one month of the date of the last publication of the notice referred to in the last preceding subsection and on satisfying the Corporation (or in the event of dispute the sheriff) of his title to do so himself remove from the disused burial ground and reinter any such remains and may dispose of any tombstone monument or other memorial commemorating the deceased and the Corporation shall defray the expenses of such removal reinterment or disposal of the remains removed from any one grave of the disposal of any tombstone or monument and of the disposal of any other memorial up to the sum of fifteen pounds in each of the said three cases.

(b) If the removal reinterment or disposal as the case may be referred to in the last preceding paragraph of this subsection has not been carried out by the personal representative or any relative of the deceased person in accordance with the provisions of that paragraph within two months from the date of the notice given thereunder the Corporation may carry out the removal reinterment or disposal as if such notice had not been given.

(8) (a) Any human remains interred in the disused burial ground which have not been removed and reinterred by the personal representative or by a relative of the deceased person within the time prescribed by paragraph (b) of subsection (7) of this section shall on removal from the disused burial ground by the Corporation be reinterred in the burial ground specified in the notice and the Corporation shall in carrying out such reinterment have due regard to the setting apart of any portion of such burial ground for burial in connection with any particular religious denomination.

(b) Any tombstone monument or any other memorial in the disused burial ground commemorating any deceased person whose remains are reinterred in accordance with the provisions of the last preceding paragraph of this subsection may where reasonably practicable be removed and re-erected by the Corporation over the grave in the burial ground where the remains are reinterred or on some other appropriate site.

PART XVI
—cont.

(9) Subject to the provisions of subsections (10) and (11) of this section any tombstone monument or other memorial not disposed of by the personal representative or by a relative of a deceased person or re-erected by the Corporation in accordance with the provisions of the last preceding subsection shall before being disposed of by the Corporation be broken and defaced.

(10) Before disposing of any tombstone monument or other memorial the Corporation shall if so required by the Secretary of State submit particulars thereof to the Royal Fine Art Commission for Scotland for a report and shall forward a copy of such report to the Secretary of State and where the Secretary of State has so required such submission the Corporation shall not dispose of the tombstone monument or other memorial except in accordance with such directions as may be given by the Secretary of State.

(11) The disposal of any register or record of burials in or upon a disused burial ground shall be subject to such directions as may be given by the Secretary of State either generally or in any particular case.

(12) All rules regulations and byelaws made by the Corporation and for the time being in force with reference to parks and open spaces shall with any necessary modifications extend and apply to any burial ground or part thereof with reference to which the Corporation have exercised any of the powers of this section.

302. Notwithstanding anything contained in any enactment the Corporation may if they think fit utilise for the purpose of widening or improving any street any ground forming part of any burial ground with reference to which the Corporation have exercised any of the powers of the section of this Order of which the marginal note is "Powers as to disused burial grounds or parts thereof" and adjoining such street and in that event such ground shall cease to form part of such burial ground.

Power to utilise
parts of disused
burial grounds
for road
widening.

PART XVII

BEACH

303. Subject to the provisions of this Order and to any existing rights of property—

Jurisdiction of
Corporation
over foreshore
and beach.

(1) The Corporation shall have jurisdiction over the foreshore down to low-water mark and over the beach adjoining the same within the city for the purposes following (that is to say):—

- (a) preventing nuisance;
- (b) regulating the use of the foreshore and beach by pleasure boats or vessels or aircraft let for hire;

PART XVII
—cont.

- (c) regulating the use of the foreshore and beach for riding and driving ;
- (d) regulating the hiring of ponies and donkeys for pleasure riding ;
- (e) regulating the use of the foreshore and beach for bathing recreation and general purposes ;
- (f) providing or granting authority on such terms and conditions as they think fit to any person to provide chairs or seats and making or allowing such person to make reasonable charges for the use of the same ; and
- (g) prohibiting the carrying or taking by children of collapsible boats floats or similar contrivances over or across the foreshore or beach unless accompanied by an adult responsible for the safety of the children ;
- (2) The Corporation shall have power to make byelaws for the said purposes or any of them Provided that such byelaws affecting the area below high-water mark shall not come into operation until the consent of the Minister of Transport and Civil Aviation thereto has been obtained ;
- (3) (i) It shall not be lawful on the foreshore or beach except under authority from the Corporation and at such places and on such terms and subject to such conditions as the Corporation may appoint—
- (a) to erect or use any booth or stall or stand or any other structure or use any motor-car or any vehicle for the sale of goods wares or merchandise of any kind ; or
- (b) to sell any goods or wares or merchandise ; or
- (c) to let out the use of any chair or seat ; or
- (d) to enclose or fence any part ;
- (ii) Any person who contravenes the provisions of this subsection or who fails to comply with any requirement of the Corporation thereunder shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings ;
- (iii) Any person aggrieved by the withholding of the authority of the Corporation or the imposition of any requirement of the Corporation under this subsection may appeal to the sheriff ;
- (4) (i) It shall not be lawful except under authority from the Corporation and at such places as the Corporation may appoint to erect or occupy or use any tent van shed or other structure upon the foreshore or beach ;
- (ii) Any person who contravenes the provisions of this subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings ;
- (5) The Corporation may from time to time as they think fit by agreement purchase feu or lease any part of the foreshore or beach within the city or any interest therein.

304. Subject to the provisions of this Order the Corporation shall have power to make byelaws for regulating and where necessary for preserving the amenity of the foreshore prohibiting the removal of sand or other material from the foreshore Provided that such byelaws affecting the area below high-water mark shall not come into operation until the consent of the Minister of Transport and Civil Aviation thereto has been obtained.

PART XVII

—cont.

Protection
of foreshore.

305. Subject to any existing rights of property the Corporation may on any part of the foreshore or beach continue construct erect or provide and maintain bathing machines shelters booths stalls stands stances cloak-rooms and other erections and conveniences and provide facilities for the playing of games or for recreation and may demand and recover rents or charges for the use thereof or admission thereto and the Corporation may let any part or parts of the foreshore or beach for any of such purposes at such rent and for such period and upon and subject to such terms and conditions as they may think fit.

Power to
Corporation to
provide bathing
machines etc.

306. Subject to any existing rights of property the Corporation may make such byelaws as they think fit for the following purposes (that is to say):—

Byelaws as to
bathing etc.

- (1) for fixing the stands of bathing pavilions shelters and other erections on the foreshore or beach and prescribing the limits within which persons may bathe ;
- (2) for regulating the occupation of such stands of bathing pavilions shelters and other erections and apportioning the same temporarily among the owners of such pavilions shelters and other erections for the time ;
- (3) for preventing any indecent exposure of the persons of the bathers ;
- (4) for regulating the manner in which and the times at which the bathing pavilions shelters and other erections shall be used and the charges to be made for the same ;
- (5) for ensuring that the bathing pavilions shelters and other erections shall be kept in a proper state of repair ;
- (6) for regulating the distance at which boats and vessels let for hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within such prescribed limits ;
- (7) for prohibiting limiting or restricting the use of pleasure boats or regulating the speed at which or the manner in which they may be driven.

307.—(1) The Corporation may grant to such persons and upon such terms and conditions as they may think fit licences for such pleasure boats and pleasure vessels specified in the licence to be let for hire or to be used for carrying passengers for hire from the foreshore or any esplanade pier or jetty within the city.

Power to license
pleasure boats.

(2) Any such licence may be granted for such period not exceeding one year as the Corporation may think fit.

PART XVII
—cont.

(3) Any such licence may be suspended or revoked by the Corporation whenever they deem such suspension or revocation to be necessary or desirable in the interests of the public. Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

(4) The Corporation may charge for such licences a fee not exceeding the sum of ten shillings in respect of each such pleasure boat and pleasure vessel.

(5) A person to whom a licence has been granted in accordance with the provisions of this section shall before permitting any pleasure boat or pleasure vessel specified in such licence to be let for hire or used for carrying passengers for hire paint or cause to be painted in letters and figures not less than one inch in height and three-quarters of an inch in breadth on a conspicuous part of the said boat or vessel his own name and also the number of persons which it is licensed to carry in the form "Licensed to carry persons" and a person to whom a licence has been granted in accordance with the provisions of this section shall not carry or permit to be carried in any pleasure boat or pleasure vessel let for hire or used for carrying passengers for hire a greater number of passengers than is specified in the licence applying to such boat or vessel.

(6) A person to whom a licence has been granted in accordance with the provisions of this section shall not let for hire any pleasure boat or pleasure vessel or carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel otherwise than in accordance with the terms and conditions of the licence applying to such boat or vessel.

(7) A person shall not—

- (a) let for hire any pleasure boat or pleasure vessel not licensed in accordance with the provisions of this section or at any time during the suspension of such licence; or
- (b) carry or permit to be carried passengers for hire in any pleasure boat or vessel not licensed in accordance with the provisions of this section or at any time during the suspension of such licence.

(8) A person to whom a pleasure boat or pleasure vessel licensed in accordance with the provisions of this section has been let for hire shall not carry or permit to be carried a greater number of persons than the number painted on such boat or vessel in accordance with the provisions of subsection (5) of this section.

(9) Any person acting in contravention of the provisions of this section or contravening or failing to comply with the terms and conditions of any licence granted to him under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(10) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Minister of Transport and Civil Aviation.

308. The Corporation may—

PART XVII
—cont.

(1) provide and maintain boats drags life-buoys and other life-saving appliances; and

Power to provide
boats drags
life-buoys etc.

(2) employ such persons as superintendents and servants for that purpose on such terms as the Corporation think fit.

309.—(1) It shall not be lawful within the city without the written consent of the Corporation (which may be given subject to such reasonable terms and conditions as the Corporation think fit) to place jack up or lay up any boat upon any street or promenade or sea wall to which the public have access or which is required by law to be left free from obstructions.

Prohibition of
placing boats on
streets etc.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

310. The Corporation may within the city provide and let land sheds yards and other accommodation and facilities for the storage of boats.

Facilities for
storage of boats.

PART XVIII

MUNICIPAL BUILDINGS PUBLIC HALLS ETC.

311.—(1) The lands and buildings known as the city chambers and the offices shops warehouses market and other buildings and conveniences connected therewith and all other lands and buildings belonging to the Corporation at the commencement of this Order and used for the purpose of transacting the business of the Corporation and the business of any other body or court for which the Corporation is authorised or required by any enactment or any statutory order to provide accommodation shall continue vested in the Corporation.

Municipal
buildings.

(2) The Corporation may maintain alter improve enlarge furnish and equip the same.

312. The Corporation may let or grant the use of such part or parts of the city chambers and the offices shops warehouses market and other buildings and conveniences connected therewith to such persons for such periods and on such terms and conditions as they may think fit.

Power to let
parts of city
chambers etc.

313.—(1) The hall known as the Caird Hall and all other public halls belonging to the Corporation at the commencement of this Order shall continue vested in the Corporation.

Public halls.

(2) The Corporation may—

(a) maintain alter improve enlarge furnish and equip the same for the purposes of public halls;

PART XVIII
—cont.

- (b) acquire such additional and other lands and buildings and provide and equip the same for the purposes of public halls as they may from time to time consider necessary and expedient; and
- (c) in connection with such halls provide and maintain offices shops studios and other premises including suitable residential accommodation for any persons employed by them in connection with such halls.

(3) The Corporation may use or allow the said Caird Hall and any other public halls belonging to them to be used for any municipal purpose and for concerts or other entertainments or public meetings or for any other purpose which the Corporation may consider proper.

(4) The Corporation may make such charges as they think fit for the use of the said Caird Hall or other public halls belonging to them or allow the same to be used at any time without charge.

(5) Any expenditure incurred by the Corporation in exercise of the powers conferred on them by this section and any other expenses incurred by the Corporation in respect of the maintenance and use of the said Caird Hall and any other public halls belonging to them over and above the receipts of the Corporation in respect thereof may be defrayed out of the burgh fund.

Power to make
byelaws for halls.

314. The Corporation may make such byelaws as they may think fit for the proper administration of the various halls vested in or administered by them under the provisions of this Part of this Order and for securing good and orderly conduct therein.

Byelaws as to
city square.

315. Without prejudice to the powers vested in the Corporation by this Order or any other enactment the Corporation may make byelaws in relation to the city square or any part thereof for the following purposes:—

- (a) For the preservation of order and good conduct;
- (b) For securing public health amenity and decency and the safety of persons resorting thereto;
- (c) For the regulation of the use thereof by passengers and vehicles and the regulation and if the Corporation think fit the prohibition of the parking of vehicles therein;
- (d) For the regulation restriction or prohibition therein of the selling and hawking of any article commodity or thing and of touting;
- (e) For the regulation restriction or prohibition therein of singing and sounding or playing of musical instruments; and
- (f) For the regulation restriction or prohibition therein of the placing or use of any erections or stands.

PART XIX

ART GALLERIES MUSEUMS AND LIBRARIES

A. General

316. This Part of this Order shall be deemed to have come into operation on the sixteenth day of May one thousand nine hundred and fifty-seven (which date is hereinafter in this Part of this Order referred to as "the appointed day").

Commencement of Part XIX of Order.

317. The art galleries and the museums and 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 art galleries museums and public libraries respectively and be held and used by them accordingly.

Art galleries museums and libraries to continue vested in Corporation.

318. Subject to the provisions of this Part of this Order the Corporation may continue establish and maintain art galleries museums and public libraries within the city and may purchase or acquire such lands as may be necessary for those purposes and may erect alter or extend buildings suitable for art galleries museums and public libraries.

Power to establish art galleries museums and libraries.

319. Notwithstanding anything in any enactment the Corporation may make occasional use of any of the art galleries museums or public libraries for municipal or other purposes of the Corporation.

Occasional use of art galleries museums and libraries for municipal purposes.

320. 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 existing public libraries committee shall be dissolved.

Libraries Acts not to apply to Corporation.

321.—(1) The Corporation shall have the following committees for the purpose of their functions under this Part of this Order namely:—

Appointment of committees.

(a) a committee to be called "the art galleries and museums committee" for the purpose of the said functions so far as relating to art galleries and museums; and

(b) a committee to be called "the public libraries committee" for the purpose of the said functions so far as relating to public libraries.

(2) Each 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.

(3) The art galleries and museums committee and the public libraries committee shall each appoint a member of the said committees respectively (being a member of the Corporation) to be chairman of the said committees respectively.

(4) Persons other than members of the Corporation who are members of the art galleries and museums committee or of the public

PART XIX
—cont.

libraries committee as the case may be shall notwithstanding anything in the Act of 1947 be eligible for appointment to membership of any sub-committee appointed by the art galleries and museums committee or by the public libraries committee as the case may be.

Appointment of curator of art galleries and museums.

322. The Corporation may from time to time appoint a fit person to be curator of art galleries and museums and such person shall perform such duties in relation to the art galleries and museums or otherwise as the Corporation shall determine.

Appointment of chief librarian.

323. The Corporation may from time to time appoint a fit person to be chief librarian and such person shall perform such duties in relation to the public libraries or otherwise as the Corporation shall determine.

Provisions consequent on dissolution of libraries committee.

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

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

Transfer of liabilities of existing libraries committee.

325. All liabilities incurred by or on behalf of the existing public libraries committee in relation to the art galleries and museums and in relation to their functions under the Public Libraries Acts and any other enactment shall be transferred to and undertaken by the Corporation.

Transfer of and compensation to officers of existing libraries committee.

326.—(1) Every officer and servant who immediately before the appointed day was in the whole-time employment of the existing public libraries committee in relation to their functions respecting the art galleries and museums and in relation to their functions under the Public Libraries Acts and any other enactment (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.

(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 existing 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 XIX
—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.

327. Notwithstanding anything in the section of this Order of which the marginal note is "Transfer of and compensation to officers of existing libraries committee" any increase in the amount of the salary or remuneration of a transferred officer subsequent to the twenty-seventh day of November one thousand nine hundred and fifty-six 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 section of this Order of which the marginal note is "Transfer of and compensation to officers of existing libraries committee" unless such increase was granted with the approval of the Corporation.

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

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

Byelaws as to art galleries museums and libraries.

329.—(1) The Corporation may use or allow to be used or let any part of any of the art galleries museums or public libraries not at the time required for the purpose of an art gallery museum or public library as the case may be for lectures exhibitions and

Provision of lectures etc. in art galleries museums and libraries.

PART XIX
—cont.

concerts for or in connection with the advancement of art education drama science music or literature and may themselves provide or arrange for the provision of or contribute towards the expenses of any such lectures exhibitions or concerts and may make or allow to be made such charges as they may think fit in connection therewith.

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

(3) Any income arising from 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.

Facilities for
research.

330. The Corporation may if they think fit provide such special facilities in connection with the art galleries museums and public libraries as they consider expedient for the promotion or furtherance of scientific historic artistic and other research.

*B. Art galleries and museums*Powers of
Corporation
with respect to
art galleries
and museums.

331. The Corporation shall manage regulate and control the art galleries and museums vested in them (in this section collectively referred to as "the art galleries and museums") and for that purpose may—

- (1) provide and supply the art galleries and museums with such furnishings and equipment as appear to them necessary or expedient ;
- (2) make rules and regulations for the use of the art galleries and museums and the admission of the public thereto ;
- (3) close the art galleries and museums to the public on such occasions and for such periods as they think fit ;
- (4) fix and demand fees and charges for admission to the art galleries and museums or any part thereof and allow any person to whom the art galleries and museums or any part thereof may be let to make charges for admission thereto as they think fit respectively Provided that the Corporation may if they think fit admit the public free to such portions of the art galleries and museums and on such occasions as they may think fit ;
- (5) acquire by purchase or otherwise and may sell transfer lend or exchange or otherwise dispose of statuary casts models paintings pictures engravings documents specimens and scientific historic artistic and other objects or collections and may do all things necessary or expedient for keeping the same in a proper state of preservation and repair Provided that the money arising from any sale or exchange shall be applied for the purpose of the art galleries and museums ;

- (6) make provision for the exhibition and display for such period as they think fit of any of the statuary casts models paintings pictures engravings documents specimens and scientific historic artistic and other objects or collections vested in the Corporation in connection with the art galleries and museums in any of the schools institutions or other premises of the Corporation or in other buildings and make arrangements with the owners of such other buildings for the purposes aforesaid ;
- (7) compile print and sell catalogues of objects in the art galleries and museums and any literature and illustrations or collections relating to the city or to the art galleries and museums or the objects therein ;
- (8) do such other acts and provide such other things as appear to them necessary or expedient for furthering the utility of and interest in the art galleries and museums.

332. The Corporation may at or in connection with the art galleries and museums supply refreshments (other than exciseable liquors) subject to the provisions of all enactments relating thereto and provide and maintain refreshment rooms and either manage the same themselves or let them to any person for a term not exceeding three years at a time.

Provision of refreshments in art galleries and museums.

333. Nothing contained in this Part of this Order shall be in derogation of any existing deed of gift or trust deed under or in pursuance of which any lands buildings statuary casts models paintings pictures engravings documents specimens and scientific historic artistic and other objects or collections are held or administered by the Corporation or the art galleries and museums committee or the public libraries committee.

Saving for deeds of gift relating to art galleries and museums.

C. Public libraries

334. Subject to the provisions of the section of this Order of which the marginal note is "Provision of lectures etc. in art galleries museums and libraries" 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 head of 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 periods as may be prescribed by the Corporation.

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

Control and management of libraries.

- (1) provide and supply the public libraries with such furnishings equipment and apparatus as appear to them necessary or expedient ;
- (2) provide books engravings maps documents and such other articles as may be requisite for the purposes of the public libraries and do all things necessary or expedient for keeping the same in a proper state of preservation and repair ;

PART XIX
—cont.

- (3) provide suitable reading rooms in the public libraries ;
- (4) lend out any books or any other articles referred to in paragraph (2) 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 ;
- (5) compile print and sell catalogues of books and other articles or collections in the public libraries.

Provision of
mobile libraries.

336. 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 motor vehicles as may be requisite.

PART XX

MARKETS AND SLAUGHTERHOUSES

A. *Definitions incorporation of Acts etc.*Definitions for
Part XX of
Order.

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

“ Act of 1954 ” means the Slaughterhouses Act 1954 ;

“ market ” means any market market place market house or fair ground belonging to or occupied by the Corporation and forming part of the markets undertaking and includes any market or fair held in any such market market place market house or fair ground as the case may be.

Incorporation
of Markets and
Fairs Clauses
Act 1847.

338.—(1) The provisions of the Markets and Fairs Clauses Act 1847 with respect to the construction of the market or fair and the works connected therewith so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Part of this Order are hereby incorporated with and form part of this Order Provided that the expression “ the prescribed limits ” where used in the said Act shall mean the city.

(2) For the purposes of the said Act this Order shall be deemed to be “ the special Act ” and the Corporation shall be deemed to be “ the promoters of the undertaking ” or “ the undertakers ” within the meaning of the said Act.

B. *Markets*Vesting etc. of
markets
undertaking.

339.—(1) The markets undertaking as it exists and as it is used and enjoyed by and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and held used and enjoyed by them.

(2) All rights and powers of the Corporation to establish alter or regulate markets and fix market places whether under royal charter or otherwise existing at the commencement of this Order shall continue in full force and effect.

340. Subject to the provisions of this Order the Corporation shall without prejudice to the generality of the provisions of the last preceding section have and may exercise the following powers in relation to markets (namely):—

PART XX
—cont.

Powers
respecting
markets.

- (1) They may maintain all markets held or to be held in the city or may discontinue such markets or any of them and may regulate such markets in such manner as they think fit ;
- (2) They may hold such markets for the sale of such goods wares animals poultry and fish as they think fit ;
- (3) They may on any lands for the time being belonging to them or under their control erect provide and maintain in connection with any market such rooms buildings erections works machinery appliances and conveniences as they think fit ;
- (4) They may alter enlarge and improve reconstruct replace and renew any market together with any buildings erections works machinery appliances and conveniences provided in connection therewith ;
- (5) They may by agreement purchase take on lease or otherwise acquire and hold any lands or buildings or any servitude in or over lands for any purposes in connection with the markets undertaking and may on such terms as they may deem proper appropriate and use for any such purposes any lands or buildings for the time being belonging to them ;
- (6) They may let any lands buildings premises and conveniences forming part of the markets undertaking and the rates dues and rents exigible therefor or any of them or any part thereof and make such charges or exact such rent therefor as they may consider proper.

341.—(1) The Corporation may impose levy and collect and recover in respect of the markets such reasonable rates and dues as they from time to time prescribe.

Rates and dues
for markets etc.

(2) Before prescribing any such rates or dues the Corporation shall consult with such persons or organisations as appear to them to be representative of interests substantially affected by such rates or dues.

342. The Corporation may—

- (1) permit any market and any land used for the purpose of any market to be used for public meetings public services and speaking and public lectures or other entertainments and for dancing ;
- (2) make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto ; and
- (3) make such charges for such use as they may from time to time determine.

Use of markets
for meetings etc.

PART XX

—cont.

Byelaws as to markets.

343. The Corporation may from time to time make such byelaws in relation to their markets as they think fit in regard to—

- (a) the regulation of the markets and the business and use thereof ;
- (b) the conduct of persons resorting thereto or carrying on business or employed therein ;
- (c) the storing and sale of animals poultry fish and grain meal and other goods and wares therein ; and
- (d) animals poultry fish grain meal or other goods and wares entering or leaving the same.

As to sales elsewhere than in markets.

344.—(1) Subject to the provisions of this section a person shall not without giving previous notice to the Corporation publicly sell or expose for sale in any place within the city other than one of the markets any animal in respect of which rates or dues have been prescribed by the Corporation.

(2) Nothing in this section shall prevent the owner of any such animal or any person on behalf of such owner from selling or exposing the same for sale on the premises of such owner or from showing or trying any horse preliminary to any such sale or intended sale thereof.

(3) (a) A person may sell by public sale any such animal at any place within the city on giving twenty-four hours before the time fixed for each such sale notice in writing to the Corporation or the city chamberlain of the time and place fixed for each such sale.

(b) Any such person shall pay the prescribed rates or dues in respect of any such animal exposed by him for sale and shall afford the collector or other officers of the Corporation free access at all times to such sales and every facility requisite for the collection of such rates or dues.

(4) Any person acting in contravention of the provisions of this section shall be guilty of an offence and for every such offence shall be liable on summary conviction (in addition to payment of the said rates or dues) to a penalty not exceeding five pounds.

Recovery of rates and dues

345.—(1) If a person fails to pay on demand any rates dues or rents payable by him to the Corporation in connection with the markets undertaking any person authorised by the Corporation may seize and detain any animal poultry fish or article in the market belonging to or under the charge of such person.

(2) If such rates dues or rents and the reasonable expenses of the seizure detention keeping and maintaining of the animal poultry fish or article seized are not paid forthwith in the case of perishable articles and within four days from the time of seizure in the case of animals poultry fish or other articles the Corporation or any person authorised by them may forthwith or on the expiration of such four days as the case may be sell the animal poultry fish or article seized and out of the money obtained by such sale may pay and

retain the rates dues or rents and the expenses aforesaid and the expenses of the sale returning the balance (if any) to the owner of the animal poultry fish or article seized.

(3) Nothing in this section shall prejudice the right of the Corporation or any person authorised by them to recover such rates dues or rents by any other legal form of proceeding.

346.—(1) Any dispute concerning any rates dues or rents or the expenses in respect of the seizure detention of keeping maintaining or sale of any animal poultry fish or article seized or detained under the powers of this Part of this Order shall be determined by the sheriff. Settlement of disputes as to rates and dues.

(2) The sheriff shall on application make such order in the premises and may award such expenses to either party as he thinks fit.

347.—(1) If any animal poultry fish or article brought into any market is not removed at or before the closing of such market or when required by the superintendent of the market the said superintendent may do or cause to be done any act which he considers expedient for the removal thereof or for maintaining the same. Removal of animals etc. left in market.

(2) All expenditure incurred by the Corporation under the provisions of this section shall be recoverable by them as a debt from the owner of such animal poultry fish or article or any person responsible for the bringing of such animal poultry fish or article into the market.

348.—(1) The superintendent of any market may take possession of any animal poultry fish or article brought into any market and left therein after the hours of closing such market unless such animal poultry fish or article is left in charge of such superintendent. Forfeiture of animals etc. left in markets.

(2) If any such animal poultry fish or article being of a perishable nature is not claimed within two hours after the closing of the market or not being of a perishable nature is not claimed within seven days thereafter the same may be sold by the Corporation.

(3) The Corporation shall return the surplus proceeds of such sale after deducting any unpaid rates dues or rents in respect thereof and the expenses of detention keeping maintaining and sale to the owner on demand provided that such demand is made within one month after the sale and if demand is not so made the proceeds of such sale shall be forfeited to the Corporation and shall be applied by them for the purposes of the markets undertaking.

349. The Corporation may purchase by agreement and abolish all fairs or markets or rights of fairs or markets within the city and all privileges of levying dues or charges from persons frequenting such fairs or markets held by any person or corporation. Power to purchase and abolish fair and market dues.

350.—(1) The Corporation may from time to time as regards any market or pleasure fair held in a street or other public place— Removal of markets from streets etc.

(a) appoint a market place or fair ground in the city for the holding of such market or pleasure fair and remove such market or pleasure fair to such place or fair ground; and

(b) prohibit and prevent the holding thereof elsewhere than in the place or fair ground so appointed.

PART XX
—cont.

(2) Any person who after the removal of a market or pleasure fair places in any street or public place a stall booth standing or like erection or convenience for the sale or exposure for sale of any marketable or other commodity without the permission of the Corporation shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Public notice of removal etc. of markets and fairs.

351.—(1) Notwithstanding anything contained in this Part of this Order the Corporation shall before removing or abolishing any market or fair or altering the day for holding any market or fair give at least twenty-eight days' public notice by advertisement in some one or more newspapers published or circulating in the city and by placards affixed to conspicuous places in the city.

(2) The certificate of the town clerk to the effect that such public notice has been given in accordance with this section shall be conclusive evidence of the facts thereby declared.

C. *Slaughterhouses*

Vesting and maintenance of slaughterhouses.

352. The land belonging to the Corporation forming the existing area of the slaughterhouses (hereinafter in this Head of this Part of this Order referred to as "the slaughterhouse area") and the slaughterhouses and other buildings and erections thereon as the same exist and are used and enjoyed by and vested in the Corporation at the commencement of this Order shall be and continue to be vested in the Corporation and be held used and enjoyed by them and the said slaughterhouses shall be deemed to be a public slaughterhouse provided by the Corporation as local authority under the Act of 1954 and the provisions of the Act of 1954 shall subject to the provisions of this Part of this Order extend and apply with respect thereto in the same way and manner as the said provisions extend and apply with respect to a slaughterhouse provided by a local authority in pursuance of the said Act.

Power to let buildings etc. in slaughterhouse area.

353. The Corporation may on such terms and conditions as they think fit subject to compliance in so far as applicable with the provisions of the Public Health (Scotland) Act 1897 and in particular section 32 thereof let any lands buildings premises and conveniences in the slaughterhouse area and the rates dues and rents exigible therefor or any of them or any part thereof.

Power to deal with residual products from slaughterhouses.

354.—(1) The Corporation may subject to compliance in so far as applicable with the provisions of the Public Health (Scotland) Act 1897 and in particular section 32 thereof provide and may operate or hire or let at the slaughterhouses in the city plant and accommodation for the manufacture and turning to account of all or any of the residual products obtained or resulting from the slaughterhouses.

(2) The Corporation may from time to time make such arrangements as they think fit for the collection use distribution disposal and sale of the commodities resulting from such manufacture and turning to account of any residual products arising in or from the slaughterhouses within the city as they think fit.

355. A person shall not expose for sale in the slaughterhouses of the Corporation the carcase or part of the carcase of any animal or any meat or any hide skin or tallow or other by-product or article or thing unless with the consent of the Corporation and on such terms and conditions as the Corporation may prescribe.

PART XX
—cont.

As to sale of
hides etc. within
slaughterhouses.

D. *Dead meat market*

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

Provision of
dead meat
market.

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

357. The Corporation may from time to time demand and take such rents and charges as they may fix from any person using the dead meat market in respect of—

Power to charge
for market
stands etc.

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

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

Meat markets
not to be
established
without consent
of Corporation.

(2) A person who establishes any such market without the consent of the Corporation or who fails to comply with any terms and conditions prescribed by the Corporation with reference to any consent granted under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

E. *Accounts*

359.—(1) The Corporation shall keep separate accounts of their receipts and expenditure in respect of the markets and the slaughterhouses respectively.

As to accounts of
markets and
slaughterhouses.

(2) (a) The interest and contribution to sinking fund in respect of all money borrowed or raised or to be borrowed or raised for or in respect of plant provided at the slaughterhouses in the city for the manufacture and turning to account of residual products and for or in respect of dealing with residual products shall be paid by the Corporation out of the revenues of the slaughterhouses.

(b) Any deficit or surplus arising from the manufacture and turning to account of such residual products shall be carried to the debit or credit of the slaughterhouses account.

PART XX
—cont.

(c) If at any time the revenues of the slaughterhouses prove insufficient to meet the whole of the interest and sinking fund the deficiency shall be made good out of the burgh fund.

(3) The Corporation shall keep separate accounts of their receipts and expenditure in respect of their dealing with and manufacture and sale of residual products in connection with their slaughterhouses.

F. Miscellaneous

Power to take possession of stalls for non-payment of rent etc.

360.—(1) If a person—

(a) fails to pay on the due date or on demand any rates dues rents or charges payable by him to the Corporation in respect of any stall booth stand shed hiring fixture or property in any market or slaughterhouse of the Corporation ; or

(b) fails to commence the actual occupation or use as the case may be of any such stall booth stand shed hiring fixture or property within fourteen days from the appropriate date ; or

(c) fails to continue such actual occupation or use as the case may be at any time thereafter ;

the Corporation may—

(i) forthwith enter upon and take possession of such stall booth stand shed hiring fixture or property ; and

(ii) relet the same.

(2) Nothing contained in this section shall prejudice the right of the Corporation to recover such rates dues rents or charges by any legal form of proceeding.

As to liability for animals vehicles goods etc.

361. The exercise by the Corporation of their functions under this Part of this Order shall not render the Corporation subject to any liability in respect of the loss of or injury or damage to any animal vehicle or other property in the markets or slaughterhouses of the Corporation except in so far as such liability arises from any negligent or wrongful act on the part of the Corporation or of any of their officers or servants while acting in the course of their duties.

PART XXI

PUBLIC BATHS AND WASH-HOUSES

Vesting of public baths and wash-houses.

362. All public baths and wash-houses vested in or belonging to the Corporation at the commencement of this Order shall continue vested in the Corporation and be held used and enjoyed by them.

Power to acquire lands for baths and wash-houses.

363. The Corporation may from time to time as they think fit by agreement purchase feu or lease any lands situated either within or within a reasonable distance of the city for the erection thereon of public baths or wash-houses.

Provision of public baths and wash-houses.

364.—(1) Subject to the provisions of this Order the Corporation may—

(a) erect purchase or lease public baths and public wash-houses either within or within a reasonable distance of the city with all requisite and proper conveniences ; and

- PART XXVIII
—cont.
- (2) 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
 - (3) restrict the dealing or offering to deal in any article or thing for charitable or other purposes from which profit is not derived ; or
 - (4) 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
 - (5) 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 ; or
 - (6) 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 of any article or thing to such premises ; or
 - (7) apply to the sale of ice cream by any person registered under any regulations made under any enactment relating to food and drugs ; or
 - (8) 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 ; or
 - (9) apply to any person who holds a licence granted under the section of this Order of which the marginal note is "Licensing of brokers" ; or
 - (10) restrict the dealing or offering to deal in any article or thing in any market place or fair ground in the city appointed by the Corporation for the holding of any market or fair.

PART XXIX

STREET PORTERS

451. The Corporation may—

- (1) from time to time license to ply for hire such number of street porters as they think fit ;
- (2) cause a register to be kept of such persons so licensed ; and
- (3) from time to time suspend or revoke such licences as they shall see cause.

Street porters to
be licensed.

452.—(1) A licence granted in pursuance of this Part of this Order shall be in such form as the Corporation may determine and shall be in force for one year only from the day of the date of such licence or until the next general licensing day in case any such general licensing day is appointed by the Corporation as they are hereby authorised to do or until such licence is revoked or suspended or otherwise ceases to have effect.

Form and
conditions of
licences.

(2) Any such licence shall be subject to such terms and conditions as may be prescribed therein and without prejudice to that generality

(b) from time to time enlarge renew and repair all public baths and public wash-houses belonging to them or under their administration.

(2) The Corporation may—

(a) on any part of the seashore or strand belonging to or leased by them construct and maintain open or covered sea-water swimming baths or bathing pools with all requisite and proper conveniences; and

(b) from time to time enlarge renew and repair the same.

365. The Corporation may make such reasonable charges as they think fit for the use of any baths bathing pools and wash-houses belonging to them or under their administration. Charges for use of baths etc.

366.—(1) The Corporation may—

(a) close to the public and reserve the exclusive use of any swimming bath or bathing pool belonging to them;

(b) grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises water polo matches life-saving classes or for entertainments or exhibitions or for meetings; and

(c) demand and take or authorise to be demanded and taken such sums for admission of persons thereto as they think fit.

Use of baths for exhibitions and entertainments.

(2) The Corporation may also let the exclusive use of any such swimming bath or bathing pool to any school or club on such conditions as they think fit Provided that a letting under this subsection shall not extend over a consecutive period of more than four hours.

367. The Corporation may—

(1) erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water); and

(2) demand and take such reasonable charges for the use thereof as they think fit.

Medicated and other baths.

368. The Corporation may at or in connection with any public bath or bathing pool provided by them—

(1) supply refreshments (other than exciseable liquors);

(2) provide and maintain refreshment rooms; and

(3) manage the same themselves or if they think fit let them to any person for a term not exceeding three years at a time.

Power to supply refreshments at baths.

369. The Corporation may—

(1) in connection with any public baths bathing pools or wash-houses belonging to them provide equip and maintain buildings for use as offices halls shelters or other purposes or for any special purpose tending to promote health amusement or enjoyment; and

(2) let such buildings upon such terms and conditions as they think fit.

Power to erect offices etc. in connection with baths etc.

PART XXI

—cont.

Appliances in
wash-houses.

370. The Corporation may—

- (1) instal fit up maintain renew use and work mechanical washers mechanical wringers electric irons and other mechanical and time-saving and labour-saving appliances in or in connection with any of their public wash-houses for the use convenience or assistance of persons resorting thereto; and
- (2) make such charges for or in respect of the use of such appliances as the Corporation determine.

Byelaws for
public baths and
wash-houses.

371.—(1) The Corporation may from time to time make byelaws—

- (a) for regulating the use of the public baths bathing pools and wash-houses belonging to them or under their administration;
- (b) for preventing offences nuisances and annoyances therein;
- (c) for securing good and orderly conduct in the public baths bathing pools and wash-houses while they are being used as such; and
- (d) for any other lawful purpose in connection with the public baths bathing pools and wash-houses.

(2) A printed copy or sufficient abstract of any byelaws made under subsection (1) of this section shall be exhibited in all public baths bathing pools and wash-houses to which such byelaws apply.

PART XXII

PUBLIC HEALTH AND SANITARY PROVISIONS

Cleansing of
verminous
persons and
clothing.

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

(2) If such person does not so consent the Corporation may apply to the sheriff and the sheriff if satisfied that it is necessary that such person or his clothing should be cleansed may make an order for the removal of such person to such premises as aforesaid and for his detention therein for such period and subject to such conditions as may be specified in the order.

(3) Where a person has been removed to such premises as aforesaid in pursuance of the last preceding subsection the Corporation shall take such measures as may in their opinion be necessary to free him and his clothing from vermin.

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

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

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

(7) The powers conferred on the Corporation by this section shall be in addition to and not in derogation of any power in relation to the cleansing of children which may be exercisable by them as education authority.

373.—(1) Where it appears to the sanitary inspector that—

(a) a dwelling-house or part thereof or any article or thing therein is in such a verminous condition that the health of any person is affected or endangered thereby; or

(b) the cleansing or purifying of a dwelling-house or part thereof or any article or thing therein would tend to prevent the health of any person being injuriously affected or endangered or check infectious disease;

Verminous
premises and
articles to be
purified.

he shall by notice in writing to the owner or occupier as the case may be of such house or part thereof or the owner of such article or thing require such owner or occupier as the case may be to cleanse or purify such dwelling-house or part thereof or such article or thing.

(2) If a person to whom notice is so given fails to comply therewith within the time therein specified—

(a) such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten shillings for every day during which he continues to make default; and

(b) the sanitary inspector may if he thinks fit take such measures as he may consider expedient for cleansing or purifying such dwelling-house or part thereof or such article or thing or in the case of any such article or thing for destroying the same if he considers that purification is not possible or practicable.

(3) The Corporation may recover the expenses incurred by the sanitary inspector under the foregoing subsection from the person in default as a debt.

374.—(1) A dealer shall not sell or expose for sale any second-hand furniture mattress bed-linen or similar articles or any second-hand clothes which are to his knowledge infested with vermin or which he could have known to be so infested if he had taken reasonable precautions.

Prohibition
of sale of
verminous
furniture etc.

(2) A dealer who contravenes the provisions of the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) (a) The sanitary inspector or any other officer duly authorised by the Corporation in that behalf and producing his authority if and when required to do so may enter any premises in which second-hand furniture mattresses bed-linen or similar articles or second-hand clothes are sold or exposed for sale for the purpose of examining whether there is any contravention of the provisions of this section.

(b) Any person who refuses to permit the sanitary inspector or such other officer to enter any premises or make any inspection which the sanitary inspector or such other officer is authorised under

PART XXII
—cont.

the provisions of this section to enter or make or obstructs the sanitary inspector or such other officer in the execution of his duty under such provisions shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) For the purposes of this section "dealer" means any person who in the course of his business trades or deals in any of the articles referred to in this section.

Penalty for
keeping
premises in
insanitary
condition.

375.—(1) If a person—

(a) accumulates or suffers to remain within any enclosure area house building garret cellar basement or other apartment any dung soil dirt ashes soot filth or other offensive matter or thing ; or

(b) keeps any house occupied by him or any building or place or appurtenant thereof or any water-closet or sink in a dirty unwholesome or unhealthy condition ;

the sanitary inspector may serve a notice upon such person to cleanse the same.

(2) If any such person fails to comply with the requirements of any such notice he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section shall have effect in addition and without prejudice to any other powers conferred on the Corporation or the sanitary inspector by any enactment.

Offensive
substances.

376.—(1) All persons dealing in rags bones flesh not intended for human consumption or in any offensive substance shall—

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

(b) fumigate such premises with a suitable purifying agent for removing offensive smells to the satisfaction of the Corporation ; and

(c) give access at all reasonable times to any officer of the Corporation duly authorised and showing his authority if required or any constable for the purposes of this section.

(2) Any person contravening the provisions of the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) If it is established before a court of summary jurisdiction on the testimony of two medical practitioners or other evidence that the collecting or keeping of rags bones flesh not intended for human consumption or offensive substances in the vicinity of any dwelling-house shop or other place is prejudicial to the health or comfort of persons residing or employed therein the court may order such rags bones flesh or offensive substances to be removed within such time as the court thinks fit and may prohibit such collecting or keeping in future under a penalty not exceeding twenty-five pounds.

(4) The medical officer the sanitary inspector or any other officer duly authorised by the Corporation in that behalf and showing his authority if required shall be entitled at all reasonable times to enter and inspect any premises for the purposes of this section.

(5) Any person refusing such entry or inspection or obstructing the medical officer the sanitary inspector or any such officer in the execution of his duty shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

377.—(1) All stables cattle sheds sheep pens and areas connected therewith shall be constantly kept in a clean condition by the occupier thereof to the satisfaction of the Corporation. Stables etc. to be kept clean.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

378.—(1) A person shall not after eight days' notice by the Corporation to him objecting to the same erect keep or maintain within the city without the consent of the Corporation any pigsty (a) which the medical officer certifies to be offensive or (b) which is within one hundred feet of any dwelling-house shop or factory. Pigsties.

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

379.—(1) A person shall not carry or convey through any street the carcase or part of the carcase of any animal unless in a covered or closed vehicle approved by the Corporation for that purpose if the same is intended for human consumption and in any other case unless the same is so covered as to be wholly hidden from view. Conveyance of carcasses etc.

(2) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

380.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within three months from the onset of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. Information to be furnished in case of infectious disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) For the purposes of this section the expressions "occupier" and "infectious disease" shall have the same respective meanings as in the Infectious Disease (Notification) Act 1889.

PART XXII

—cont.

Byelaws as to tents vans etc.

381. Section 73 (Tents and vans used for human habitation) 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—

- (1) The number of tents vans sheds or similar structures used or intended to be used for human habitation to be permitted on any land;
- (2) the area to be allotted to each such tent van shed or similar structure;
- (3) securing sanitary conditions in such tents vans sheds or similar structures and on any such land;
- (4) securing a sufficient supply of wholesome water to such tents vans sheds or similar structures;
- (5) 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
- (6) the provision of adequate lighting of such land or area and precautions against fire.

Noise nuisance.

382.—(1) A noise nuisance shall be liable to be dealt with summarily in the manner provided in Part II of the Public Health (Scotland) Act 1897 in the same way and to the same effect as in cases under subsection (6) of section 16 of that Act and the Corporation shall have all the powers and duties with reference to a noise nuisance which a local authority has with reference to a nuisance under the said Act.

(2) For the purposes of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case. Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it have been adopted.

(3) Nothing contained in this section shall apply to the Transport Commission or their servants exercising statutory powers in relation to any railway vested in them.

Provision of public conveniences.

383.—(1) The Corporation may from time to time continue erect provide and maintain or may discontinue public conveniences lavatories water-closets urinals waiting-rooms cloak-rooms and other similar accommodation in or under any street or in any other suitable place for the use and accommodation of the public and may use the solum of any street for those purposes.

(2) The Corporation may in relation to any public conveniences lavatories water-closets urinals waiting-rooms cloak-rooms and other similar accommodation provided by them—

- (a) make byelaws as to the good and orderly conduct of persons using them; and
- (b) charge such fees for the use of any such conveniences other than urinals as they think fit.

(3) Nothing contained in this section shall empower the Corporation to interfere with the access of vehicular and pedestrian traffic to any railway station or depot or hotel of the Transport Commission or with the cables mains pipes or other equipment of any statutory undertakers except with the consent of such statutory undertakers which consent shall not be unreasonably withheld.

384.—(1) A person shall not carry or convey through any street in any vehicle or otherwise any waste food or swill intended for consumption by animals or any other article or thing which is liable to be offensive by reason of its odour or otherwise unless such waste food swill article or thing is enclosed in a suitable covered receptable. Conveyance of waste food etc.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

385.—(1) As from the first day of January nineteen hundred and fifty-eight a person shall not carry on the business of a hairdresser or barber in any premises unless such premises are registered by the Corporation. Hairdressers and barbers.

(2) Subject to the provisions of this section any premises in respect of which an application is made and in respect of which particulars are furnished to the Corporation shall be registered by the Corporation in a register kept for the purpose and on such premises being so registered the Corporation shall issue a certificate of registration in respect of such premises to the person by whom the application was made.

(3) The Corporation may charge a fee not exceeding ten shillings in respect of each certificate of registration issued by them.

(4) The following provisions shall apply and have effect in relation to any premises registered in pursuance of this section (that is to say):—

(a) Due cleanliness shall be observed by persons working or employed in such premises both in regard to such premises and the instruments towels materials and equipment used therein and in regard to themselves and their clothing ;

(b) There shall be provided in or within a reasonable distance of the premises suitable washing facilities including a sufficient supply of soap clean towels and clean water both hot and cold for the use of persons working or employed therein.

(5) A person shall not work or be employed in such premises if he is suffering from an infectious disease which is likely by reason of such person so working or being employed to cause any other person to be infected with such disease.

(6) The Corporation may make byelaws for the regulation of any premises used or to be used for the purpose of carrying on the business of a hairdresser or barber and the securing of cleanliness therein Provided that nothing in any such byelaws shall affect the operation of any of the provisions of subsection (4) of this section.

PART XXII
—cont.

(7) The medical officer the sanitary inspector or any other officer duly authorised by the Corporation in that behalf and showing his authority if required shall be entitled at all reasonable times to enter and inspect any premises in which he has reason to believe that the business of a hairdresser or barber is carried on or in which he suspects that there is any contravention of this section or of a byelaw made thereunder.

(8) If any person contravenes or fails to comply with any of the provisions of this section or of any byelaw made thereunder or obstructs any officer in the execution of his duty under this section such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and in any such case the sheriff or magistrate may in lieu of or in addition to imposing a penalty order the suspension of the registration of the premises in respect of which the contravention has occurred for such period not exceeding twelve months as the sheriff or magistrate thinks fit.

(9) Applications for registration in pursuance of this section may be made and such registration effected before the provisions of this section come into operation.

As to common
lodging-houses.

386. In Part V of the Public Health (Scotland) Act 1897 in its application to the city from and after the commencement of this Order—

(1) The expression “lodging-house” shall—

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

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

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

(3) The word “lodger” shall mean any person so lodged.

PART XXIII

CLEANSING

Vesting of
cleansing
undertaking.

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

Buildings and
works for
cleansing
undertaking.

388 The Corporation may—

(1) for the purposes of the cleansing undertaking continue erect construct provide maintain and alter depots stables garages incinerators destructors separators workshops works materials equipment and vehicles for the collection

disposal or treatment of domestic refuse or trade refuse or manure or other refuse with all necessary plant machinery and apparatus ; and

PART XXIII
—cont.

- (2) do all such acts as may be appropriate for or in connection with the collection treatment disposal or sale in any form of domestic refuse or trade refuse or manure or otherwise Provided that the Corporation shall not under the powers of this section manufacture any motor vehicles.

389.—(1) The Corporation may from time to time as they think fit by agreement purchase or feu or lease or arrange for the use of any lands or other property situated within or beyond the city for the purposes of the cleansing undertaking.

Lands for
cleansing
undertaking.

(2) The Secretary of State may authorise the Corporation to purchase compulsorily any land which they require for any of the purposes of the cleansing undertaking and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to any such compulsory purchase as if this Order had been in force immediately before the commencement of that Act.

(3) Nothing in this Part of this Order shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired or feued under the provisions of this section.

390. Subject to the provisions of this Order the Corporation shall make or cause to be made provision—

Collection
and disposal
of refuse.

- (1) for the effectual scavenging of the city in a suitable manner ;
(2) for keeping the streets clean ; and
(3) for the collection and the disposal or treatment of domestic refuse ;

but the Corporation shall not be bound to collect and remove manure or soot or trade refuse otherwise than as provided in this Part of this Order.

391. The Corporation may cause all or any of the streets to be watered as often as the Corporation think proper.

Watering
of streets.

392.—(1) All private courts yards areas and other places and roofs of outbuildings therein shall be kept clean to the satisfaction of the Corporation by or at the expense of the occupiers of such courts yards areas or other places or outbuildings respectively and if such courts yards areas or other places or roofs are not so kept clean the occupiers thereof or such of them as may be in default shall be guilty of an offence and shall in addition to the expense of cleaning the same be liable on summary conviction to a penalty not exceeding forty shillings for every such offence.

Areas etc. to
be cleansed by
occupier.

(2) The word "occupier" in this section shall include all persons having a right to use such courts yards areas or other places or outbuildings for any purpose.

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

PART XXIII

—cont.

Removal of
ashpits and
provision
of ashbins.

393.—(1) The Corporation may require the owner or occupier of any new or existing building used as a dwelling-house to remove or shut up the ashpits in rear of or connected with such building.

(2) The Corporation may require the owner or occupier of any building within the city to provide for the reception of domestic refuse such number of covered ashbins of such material size and construction as may be approved by the Corporation.

(3) If any person fails—

(a) to comply with any requirement under the preceding subsection; or

(b) to maintain in good order and condition any ashbin which under that subsection he has been required to provide; or

(c) to replace any such ashbin when worn out by a new ashbin of a material size and construction approved by the Corporation;

the Corporation may—

(i) provide such ashbin or such new ashbin as may be required; and

(ii) recover the expenses reasonably incurred by them in so doing from the person in default;

and without prejudice to the right of the Corporation to exercise that power such person shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

(4) Any question arising between the Corporation and any such person as to whether the amount of any such expenses incurred by the Corporation as aforesaid is reasonable shall be determined by the sheriff whose decision shall be final.

(5) The Corporation may—

(a) undertake to maintain and from time to time renew ashbins for the reception of domestic refuse provided in accordance with the provisions of this section; and

(b) so long as such an undertaking is in force make in respect of each ashbin so to be maintained or renewed by them such annual charge not exceeding ten shillings as they think proper.

394.—(1) A person shall not deposit in any ashbin—

(a) any waste water or oil or other liquid or faecal matter; or

(b) any smouldering burning or hot ashes or material so as to mix the same with domestic refuse intended for removal by or on behalf of the Corporation; or

(c) any explosive material or ammunition.

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Restrictions as
to use of
ashbins.

395. The Corporation may provide—

PART XXIII

—cont.

- (1) receptacles for litter and refuse in streets and public places and with the consent of the owners on any other lands within the city to which the public have access ; and

Receptacles for refuse and litter in streets etc.

- (2) places for the deposit of refuse.

396. The Corporation may make arrangements with—

Trade refuse etc.

- (1) warehousemen shopkeepers and other traders ;
(2) occupiers of factories or office or business premises ;
(3) occupiers of places of public entertainment ;
(4) occupiers of gardens ; and
(5) other persons ;

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

397.—(1) The whole domestic refuse trade refuse and manure soot street sweepings litter and other materials collected by the Corporation shall be vested in and be the property of the Corporation.

Refuse etc. vested in Corporation.

(2) The Corporation may dispose of or use in such manner or may sell the same on such terms and conditions as they think fit.

398. The Corporation may from time to time make byelaws for any of the purposes following (that is to say):—

Cleansing byelaws.

- (1) (a) for prohibiting or regulating the accumulation of domestic refuse or trade refuse or manure or other refuse in midden steads ashpits or other receptacles ;
(b) for removing the contents of such receptacles at such intervals and during such times as may be prescribed ; and
(c) for cleansing spraying with insecticide or disinfecting such receptacles and their stances and keeping them in a seemly manner free from nuisance annoyance or objection ;
(2) for regulating the time and mode of removal of domestic refuse and other offensive matters or things ;
(3) for regulating the collection of trade refuse.

399.—(1) Any person who throws or lays or causes or suffers or permits to be thrown or laid any waste water dirt litter paper ashes soil refuse carrion fish offal rubbish or any offensive matter or thing of whatever description—

Penalty for throwing refuse etc. on streets etc.

- (a) on any street (except for the purpose of immediate removal or in accordance with any byelaws made under the provisions of the section of this Order of which the marginal note is “Cleansing byelaws” or in pursuance of arrangements made under the section of this Order of which the marginal note is “Trade refuse etc.”) ; or
(b) on any area back court common stair common passage or in any water-closet ; or

PART XXIII

—cont.

- (c) on the roof of any cellar or outhouse ; or
- (d) in any public park or public open space ; or
- (e) on the seashore down to low-water mark or the strand adjoining such seashore ; or
- (f) into the channel or on the banks of any river stream or ditch ; or
- (g) into any harbour ;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

(2) It shall not be deemed an offence to lay in any street—

- (a) sand or other similar materials in time of frost or at other times if required to prevent accidents ; or
- (b) suitable materials to prevent the freezing of pipes or in case of illness to prevent noise ;

if the person laying any such things causes them to be removed as soon as the occasion for such use ceases.

(3) In the event of any matter or thing of the description mentioned in subsection (1) of this section being thrown or laid on any street or court and not immediately removed the cleansing superintendent or other authorised officer of the Corporation may remove such matter or thing at the expense of the person causing or permitting it to be thrown or laid down and the cost of the removal thereof shall be recoverable by the Corporation from such person as a debt.

Penalty for leaving litter in streets.

400. Any person who—

- (1) in connection with the loading or unloading of goods or articles of any description causes or permits straw or paper or packing material or debris from any crate or package to be thrown or laid on any street and does not immediately remove such straw or paper or packing material or debris ; or
- (2) throws or lays or causes or suffers to be thrown or laid any bill notice or pamphlet on any street ; or
- (3) in any way litters any street ;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Penalty for allowing offensive matter or thing to run into street.

401. Any person who causes or permits any foul water oil dirt filth or other offensive matter or thing to run into or be discharged upon any street or into any gulley-pot provided for the surface drainage of any street shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Prevention of leakage of liquids etc. from vehicles on to streets.

402. Any person who conveys or causes or permits to be conveyed on any vehicle in any street—

- (a) any obnoxious or foul liquid or material from which obnoxious or foul liquid may leak or spill ; or

(b) any straw paper packing material sand coke or ashes ;
and fails to take adequate precautions to prevent such liquid from
leaking or spilling or such straw paper packing material sand coke
or ashes from falling on to the street shall be guilty of an offence
and shall be liable on summary conviction to a penalty not
exceeding five pounds.

403.—(1) Any person who in on or over any street common stair
or common passage beats or shakes any soot-bag or soot-sheet
shall be guilty of an offence and shall be liable on summary con-
viction to a penalty not exceeding five pounds.

Offences in
relation to soot
disposal.

For the purpose of this subsection "street" includes any harbour
railway station canal depot wharf towing-path public park links
common or open area or space the seashore down to low-water
mark and the strand adjoining the same and all public places within
the city.

(2) Any person who deposits soot on any land within the city
without the consent of the owner or occupier thereof shall be guilty
of an offence and shall be liable on summary conviction to a penalty
not exceeding five pounds.

404.—(1) Any person who for the purpose of removing dung or
manure or hay or straw or other material or refuse lays or causes
such dung or manure or hay or straw or other material or refuse
to be laid on any street and allows such dung or manure or hay or
straw or other material or refuse to remain on the street for a
longer period than two hours shall be guilty of an offence and
shall be liable on summary conviction—

As to removal
of dung etc.

(a) to a penalty not exceeding forty shillings for each offence ;
and

(b) to the forfeiture of the dung or manure or hay or straw or
other material or refuse which after the expiry of the said
period of two hours may be removed and disposed of by
the cleansing superintendent or other authorised officer of
the Corporation.

(2) The cost of such removal shall be recoverable as a debt by the
Corporation from such person.

405.—(1) Nothing in this Part of this Order shall have the effect
of prohibiting any person laying down dung or other refuse on any
field or nursery or garden ground for the purpose of manuring such
field or nursery or garden ground Provided that if the medical
officer is of opinion that any dung or other refuse so laid down in
any place within the city is offensive or prejudicial to health the
magistrate may on a report by the medical officer order it to be
removed or otherwise disposed of forthwith.

Exception as to
dung or other
refuse on fields.

(2) Any person failing to comply with such order shall be guilty
of an offence and shall be liable on summary conviction to a penalty
not exceeding five pounds and the magistrate may order the
forfeiture of such dung or other refuse if he sees fit.

PART XXIII

—cont.

Penalty for obstructing cleansing employees etc.

406. Any person who obstructs any employee of the Corporation engaged in connection with the cleansing undertaking and any person (other than any such employee while engaged in cleansing duties) who—

- (1) collects or carries away any domestic refuse or street sweepings or any trade refuse or manure or soot in respect of the collection removal or disposal of which the Corporation have made arrangements ; or
- (2) searches through or interferes with domestic refuse or street sweepings or trade refuse or manure or soot when deposited on the street ; or
- (3) interferes with any dustbins or other receptacles for domestic refuse or street sweepings or for trade refuse or manure or soot or their contents ;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Penalty for interference with refuse etc.

407. Any person who without authority—

- (1) searches amongst the refuse on any dump or land used for or in connection with the disposal or treatment of refuse for materials for salvage or otherwise ; or
- (2) collects or carries away any articles or things from such refuse ; or
- (3) interferes with such refuse in any way

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

PART XXIV

LIGHTING

Vesting of lighting undertaking.

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

Streets to be lighted.

409. Subject to the provisions of this Order the Corporation shall make provision for lighting in a suitable manner the streets of the city which in their judgment should be lighted at the public expense.

Works for lighting streets.

410.—(1) The Corporation shall provide erect and maintain such lamps lamp-posts standards lamp-brackets cables pipes wires and other apparatus as they think necessary for lighting the streets.

(2) The Corporation may fix brackets electric conductors wires lamp-irons lamp and gas tubes or any other apparatus required for lighting the streets either upon the footways or on the railings or upon the houses or other buildings on the sides of the streets or in such other manner as they deem necessary without being liable to any claim for compensation thereanent.

(3) Before exercising the powers conferred upon them by the foregoing subsection in relation to any house or other building the Corporation shall give not less than fourteen days' written notice to the owner or reputed owner or to his known agent or factor.

(4) Any person aggrieved by such notice may appeal to the sheriff.

411.—(1) If the Corporation have given permission to any person to erect any lamps lamp-posts lamp-brackets gas or electric fittings or other apparatus in any street or place under their control and such person does not fulfil the conditions (if any) attached to such permission or does not remove any such lamps lamp-posts lamp-brackets fittings or other apparatus when called upon to do so (which the Corporation are hereby empowered to do) within a reasonable time to be specified in the notice calling for such removal the Corporation may—

PART XXIV
—cont.

Removal of
lamp-posts etc.

- (a) take possession of or remove such lamps lamp-posts lamp-brackets fittings or other apparatus without compensation being made therefor; and
- (b) recover the cost of such removal from the owner thereof.

(2) Any lamps lamp-posts lamp brackets fittings or other apparatus so removed shall be delivered up to the owner thereof in the event of his claiming the same within six weeks after such removal and paying all costs and expenses attending the removal and preservation of the same.

412.—(1) Any person who—

- (a) takes away or wilfully breaks or throws down or damages any lamp-post lamp bracket lamp or lighting apparatus belonging to or set up by the Corporation; or
- (b) wilfully damages the appurtenances of any such lamp or lighting apparatus; or
- (c) without lawful authority extinguishes the light thereof;

Penalty for
wilfully
breaking
lamps etc.

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

(2) Any person so convicted shall in addition pay such further sum as the sheriff or magistrate may assess as the amount of the damage done by him and the payment of such further sum shall be enforced in the same way as if it were an additional penalty.

413. Any person who through negligence or accident breaks or throws down or damages any lamp-post or lamp-bracket or lamp or the appurtenances of the same belonging to or set up by the Corporation and does not upon demand make satisfaction for such damage upon complaint thereof being established in a court of summary jurisdiction shall be ordered to pay such sum of money as is proved to be the amount of such damage which sum shall be recoverable as a debt.

Procedure
where lamps
etc. accidentally
broken.

414.—(1) The owners of common stairs or passages or private courts or of houses or buildings in or entering or having a right of access by any common stair or passage or private court shall provide and fit up and maintain and renew in such common stairs passages or private courts all necessary lamps brackets and other means of lighting and all necessary means of extinguishing the light all to the satisfaction of the Corporation.

Lighting of
common
stairs etc.

(2) Such owners shall—

- (a) within seven days after the service by the Corporation of a notice for that purpose provide and fit up in such common stairs or passages or private courts such number

PART XXIV
—cont.

of lamps and brackets and other means of lighting and all such means of extinguishing the light as the Corporation may require ;

- (b) within the said seven days arrange for the provision of the necessary supply of electricity or gas or other light ; and
- (c) maintain alter repair and renew such lamps and brackets and other means of lighting to the satisfaction of the Corporation.

(3) Any owner who fails to comply with any notice or requirement of the Corporation made under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Such owners as are referred to in subsection (1) of this section shall be entitled to recover the amount expended in providing such supply from the occupiers of every such house or building in or entering or having access by the common stair or passage or court.

(5) Each such occupier shall be liable to pay his proportionate part of such amount according to the rent payable by each such occupier respectively.

(6) The occupiers shall in all cases clean and light and extinguish the lights at such times as are ordered by the Corporation by any resolution passed by them and published once weekly for at least two weeks in some newspaper published or circulating in the city.

(7) Any occupier failing to comply with any such order or resolution shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Power to
Corporation to
supply light and
charge owner.

415.—(1) The Corporation may at any time and from time to time as they think fit—

- (a) provide and fit up and maintain and renew in such common stairs or passages or private courts as they may consider to be insufficiently lighted all necessary lamps and brackets and other means of lighting and all necessary means of extinguishing the light ; and
- (b) arrange with the appropriate supply authorities for the provision of the necessary supply of electricity or gas or other light therefor.

(2) Any officer or servant of the Corporation duly appointed for the purpose may clean any lamps and brackets and other means of lighting and may light and extinguish the same.

(3) For all purposes aforesaid any such officer or servant of the Corporation shall have access to and from all such common stairs passages or private courts at all times.

(4) The Corporation may in such cases as they think fit recover the expense they may incur as aforesaid as a debt from the owner or if there are more owners than one then proportionately from each owner according to the rateable value of the properties of each owner in any house or building or part thereof to which access is obtained by such common stair or passage or private court.

(5) Such owners shall be entitled to recover the amount expended in providing the supply of electricity or gas or other light from the occupiers.

PART XXIV
—cont.

(6) Each such occupier shall be liable to pay his proportionate part of such amount according to the rent payable by him.

PART XXV

THEATRES AND PLACES OF PUBLIC AMUSEMENT

416.—(1) A person shall not without a licence from the Corporation (which the Corporation are hereby authorised to grant if they think fit) have keep or use—

- (a) any premises for the performance of stage plays or other theatrical representations ;
- (b) any place for entertainments in the nature of dramatic entertainments or exhibitions ;
- (c) any skating rink ; or
- (d) any other place of public resort used for public dancing music or other entertainment ;

into which the public are invited or permitted and admission is obtained by payment of money or for money consideration (the purchase of any article as a condition of admission being deemed to be a money consideration) (any of which is hereinafter in this Part of this Order shortly described or referred to as a "theatre or place of public amusement").

(2) The Corporation may attach to any licence granted under the provisions of this section such conditions as they think fit.

(3) Every licence granted under the provisions of this section shall specify the period for which such licence is granted.

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

417.—(1) The Corporation may charge for the grant of a licence in respect of a theatre or place of public amusement such fee as they may determine not exceeding five pounds. Terms of licence.

(2) A licence shall not be granted to any person except the actual and responsible manager in charge of such theatre or place of public amusement.

(3) During the continuance of such licence there shall be affixed in some conspicuous place over the door or entrance of such theatre or place of public amusement and on the outside of the premises specified in the licence the words "Licensed pursuant to the Dundee Corporation (Consolidated Powers) Order 1957" and the name and place of abode of such manager shall be printed on every playbill or other public notice announcing a performance or entertainment at such theatre or place of public amusement.

PART XXV
—cont.

(4) Any person who keeps or on any occasion uses or knowingly lets any premises as a theatre or place of public amusement which are unlicensed as aforesaid shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding one hundred pounds.

Public shows
and other like
places.

418.—(1) A person shall not open or set up without a permit from the Corporation (which the Corporation are hereby authorised to grant if they think fit)—

(a) any public show of any description whatever whether in open ground or in any house or building or caravan or tent;

(b) any circus;

(c) any swings hobby horses roundabouts switchback railways or other devices of a similar nature for affording amusement;

(d) any shooting gallery bowling alley place for playing skittles;
or

(e) any other place of a like nature;

(each of which is hereinafter in this Part of this Order shortly described or referred to as a "public show.") Provided that a permit shall not be required in the case of any public show in respect of which a licence granted under the provisions of the section of this Order of which the marginal note is "Theatres etc. to be licensed" is for the time being in force.

(2) The Corporation may attach to any permit under the provisions of this section such conditions as they may think fit.

(3) The fee to be paid for each such permit shall not exceed ten shillings.

(4) Any person who—

(a) opens or sets up or is concerned in opening or setting up any public show without a permit from the Corporation;
or

(b) contravenes any condition attached to any permit from the Corporation;

shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty of twenty pounds and to a daily penalty of ten pounds.

Byelaws as to
theatres etc.

419.—(1) The Corporation may make byelaws for the regulation and conduct of—

(a) theatres or places of public amusement; and

(b) public shows.

(2) Without prejudice to the generality of the last foregoing subsection such byelaws may in particular provide—

(a) for the safety and comfort of the public;

(b) for the maintenance of decency;

(c) for the suppression of riots and disorderly conduct;

(d) for the prevention of smoking within theatres or places of public amusement or public shows ; and

(e) for regulating the days and times at and during which the same shall severally be allowed to remain open.

(3) Any person contravening any byelaw made under this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding twenty pounds.

(4) Nothing in the preceding section of this Order or in any byelaws made under this section for the regulation and conduct of public shows shall apply to—

(a) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or

(b) any entertainment the profits whereof are devoted to a religious or charitable purpose.

420.—(1) In the case of any disturbance or of the breach of any byelaws made by the Corporation under this Part of this Order taking place in any theatre or place of public amusement or public show the Corporation may—

Power to close
theatres etc. and
to suspend
licences.

(a) order such theatre or place of public amusement or public show to be closed ; or

(b) suspend the licence or permit thereof for any period they think fit.

(2) During such period as aforesaid such theatre or place of public amusement or public show shall be deemed to be unlicensed or set up without a permit as the case may be and the manager thereof shall in addition to any other penalty he may incur be liable on summary conviction in a sheriff court to a penalty not exceeding fifty pounds for each day on which he continues to contravene or offend against any order of the Corporation closing or suspending the licence or permit of such theatre or place of public amusement or public show.

421.—(1) A person shall not—

Billiard rooms
to be licensed.

(a) without a licence from the Corporation (which the Corporation are hereby authorised to grant if they think fit)—

(i) keep or suffer to be kept or used or use any premises for public billiard playing ; or

(ii) keep a public billiard table or bagatelle board or other table or instrument used in any game of the like kind at which persons are admitted to play except in any premises duly licensed as an inn and hotel in terms of the Licensing (Scotland) Acts 1903 to 1949 ; or

(b) being a person who has obtained a licence under this section fail during the continuance of such licence to put and keep up the words "Licensed for Billiards" legibly printed in some conspicuous place on or near the door and on the outside of the premises specified in the licence.

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding twenty pounds and to a daily penalty of ten pounds.

PART XXV

—cont.

Regulating hours
of play at
billiard tables
etc.

422.—(1) A person licensed to keep any public billiard table or bagatelle board or other table or instrument used in any game of the like kind under the provisions of the immediately preceding section of this Order shall not allow any person to play at such table board or instrument except—

- (a) during the hours between eight of the clock in the morning and eleven of the clock at night on any lawful day; or
- (b) at such extended hour at night as the Corporation may by special regulation in particular cases for reasons assigned permit.

(2) A person holding an inn and hotel certificate in terms of the Licensing (Scotland) Acts 1903 to 1949 shall not allow any person except bona fide residents in such inn or hotel to play at such table board or other instrument kept on the premises specified in such certificate at any time other than during the permitted hours as defined by the Licensing Act 1921 or any Act amending the same.

(3) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding twenty pounds and to a daily penalty of ten pounds.

Further
provisions as to
billiard rooms
etc.

423. Where any premises occupied as a club or in use for the purposes of a club (whether or not such club is a company incorporated under the Companies Act 1948 or any other enactment) are used for the playing of billiards or bagatelle then such playing of billiards or bagatelle or any game of the like kind in such premises shall be deemed to be the public playing of billiards or bagatelle for the purposes and within the meaning of the section of this Order of which the marginal note is "Billiard rooms to be licensed" unless adequate provision is made—

- (a) to ensure that a person shall not be admitted to such club with a view to the taking part in the playing of billiards or bagatelle therein unless he is a bona fide member of such club or is accompanied by a bona fide member of such club; and
- (b) to preclude the admission of persons who present themselves for admission to membership of such club solely or mainly with a view to taking part in the playing of billiards or bagatelle therein.

Byelaws
regulating
billiard rooms
etc.

424.—(1) The Corporation may make byelaws—

- (a) for the safety and comfort of the public and for maintaining order in premises licensed under the provisions of the section of this Order of which the marginal note is "Billiard rooms to be licensed";
- (b) for the suppression of disorderly conduct in such premises;
- (c) for prohibiting or regulating the admission to such premises of persons under the age of seventeen years.

(2) Any person contravening any byelaw made under this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding twenty pounds.

PART XXV

—cont.

425. Nothing in this Part of this Order shall apply to any premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

Saving for
cinematograph
theatres.

426.—(1) An officer authorised by the Corporation or a constable shall on showing if so required his authorisation have a right at all reasonable hours to enter and inspect any premises (not used solely for the purposes of a private dwelling) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of any provision of this Part of this Order or of byelaws or regulations made thereunder or of any condition of a licence or permit granted thereunder and generally for the purpose of the enforcement of any such provision or condition.

Powers of entry
and inspection.

(2) If a sheriff or magistrate on sworn information is satisfied that there is reasonable ground for entering any premises for any such purpose and is also satisfied that admission to the premises has been refused or that a refusal is apprehended or that the case is one of urgency or that the premises are unoccupied or that the occupier is temporarily absent the sheriff or magistrate may by warrant under his hand authorise such an officer or a constable to enter the premises if need be by force and to remove any person found therein without lawful excuse and the validity of such warrant shall continue for a period of one month.

(3) Any person who is found in such premises without lawful excuse shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding ten pounds.

(4) Any officer or constable entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secure against trespassers as he found them.

(5) Any person who wilfully obstructs any person in the exercise of any powers conferred on him by this section shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding ten pounds.

(6) The holder of any licence or permit or exemption granted under this Part of this Order shall on being so required by any such officer as is mentioned in subsection (1) of this section or by any constable produce the licence permit or exemption as the case may be for inspection and if he fails to do so within a reasonable time on being so required he shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding ten pounds.

PART XXVI

STREET TRAFFIC ETC.

427.—(1) The magistrates may from time to time make regulations or orders—

Regulations as
to traffic on
special
occasions.

(a) diverting temporarily out of any street traffic of every kind or traffic of any particular kind and prescribing the route to be observed by all vehicles and other traffic or vehicles and other traffic of different classes on occasions of

PART XXVI
—cont.

ceremonies processions rejoicings shows exhibitions entertainments sports races or on any occasions when the streets are liable to be thronged or the traffic likely to be abnormal and for keeping order and preventing obstruction on such occasions ;

(b) for keeping order and preventing the obstruction of streets in the neighbourhood of theatres and other places of public resort.

(2) Any person who contravenes any regulation or order of the magistrates under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in such manner as unreasonably to obstruct or interfere with the access to or exit from any railway station or depot belonging to the Transport Commission.

Regulations as
to driving of
cattle.

428.—(1) The magistrates may from time to time make regulations or orders for controlling the driving of cattle through the streets and prescribing the streets through which and the hours during which cattle may be driven.

(2) Any person who contravenes any regulation or order of the magistrates under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

As to barriers
in streets.

429.—(1) (a) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected across or along any of the streets of the city and to retain the same for such time as may be deemed reasonably necessary.

(b) Any person who wilfully removes or damages or interferes with any such barricade or any part thereof shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(2) For the purposes of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the city such sockets or slots as may in their opinion be necessary or convenient.

(3) The Corporation shall not exercise the powers of this section in such manner as to cause obstruction to the access to or egress from any station or depot of the Transport Commission or any quay wharf or similar work belonging to the trustees of the harbour of Dundee except with the consent of the Transport Commission or the said trustees as the case may be which consent shall not in either case be unreasonably withheld.

(4) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Secretary of State.

(5) Nothing in this section shall authorise interference with the cables mains pipes or other equipment of any statutory undertakers except with the consent of such statutory undertakers which consent shall not be unreasonably withheld.

430. The Corporation may if they think fit let on hire for use in places other than streets in the city barriers for the control of crowds and may make such charges therefor as they think fit.

As to hire of
crush barriers.

431.—(1) The Corporation may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations and may for that purpose construct or place and maintain in and under the surface of any such street such sockets or slots as may in their opinion be necessary or convenient.

Decorations in
streets.

(2) Any person who wilfully removes or damages any flag-pole pylon socket or slot erected or provided under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Secretary of State.

PART XXVII

CABS

432. For the purposes of this Part of this Order—

Definitions for
Part XXVII of
Order.

(1) (a) a vehicle shall be deemed to be operated as a cab—

(i) when in any public place it is made available for hire with the services of the driver for the carriage of passengers and their effects; and

(ii) while it is under a contract resulting from its being so offered or made available;

(b) without prejudice to the generality of the foregoing paragraph a vehicle whether standing or moving shall be deemed to be made available for hire as aforesaid if there is exhibited thereon a notice indicating that it is so made available;

(c) a reference to a cab shall be construed as a reference to a vehicle while it is being operated as a cab;

(d) “hirer” in relation to a vehicle operated as a cab means any person who takes the vehicle on hire as a cab; and

(e) “proper fare” and “agreed fare” in relation to any hire of a cab mean respectively the fare and other consideration calculated in accordance with the maximum rates fixed in byelaws made under the section of this Order of which the marginal note is “Byelaws with respect to cabs and drivers of cabs” or such less fare and other consideration as may be agreed upon between the hirer and the driver or other person in charge of the cab;

(2) “cab” does not include a public service vehicle;

(3) “cab-operator’s licence” means a licence in respect of a cab granted (a) by the Corporation in pursuance of the section of this Order of which the marginal note is “Licensing of cabs” or (b) by another local authority in pursuance of any powers vested in them in that behalf;

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PART XXVII
—cont.

- (4) “cab-driver’s licence” means a licence to drive a cab
(a) granted by the Corporation in pursuance of the section of this Order of which the marginal note is “Licensing of drivers of cabs” or (b) granted by another local authority in pursuance of any powers vested in them in that behalf.

Licensing of
cabs.

433.—(1) Subject to the provisions of this Part of this Order the Corporation may grant a licence to any person whom they think fit to operate as a cab such vehicle as may be specified in the licence.

(2) Without prejudice to any other ground on which a cab-operator’s licence may be refused the Corporation—

(a) shall not grant a cab-operator’s licence in respect of any vehicle unless they are satisfied that the vehicle is properly constructed and equipped for use as a cab and is in a fit state of repair; and

(b) may refuse to grant a cab-operator’s licence in respect of a vehicle if—

(i) in their opinion there is already a sufficient number of vehicles licensed under this section to meet the needs of the city; and

(ii) the grant is not offset by the expiry or revocation of a cab-operator’s licence held by the same person in respect of the same or another vehicle.

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

(4) A cab-operator’s licence granted in respect of any vehicle shall be subject to a condition that the vehicle shall not be used for carrying more passengers than such number as may be specified in the licence.

(5) Subject to the provisions of the next following subsection a person—

(a) who within the city operates as a cab any vehicle in respect of which there is not in force a cab-operator’s licence granted 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 be liable on summary conviction to a fine not exceeding in the case of an offence under paragraph (a) hereof twenty-five pounds and in the case of an offence under paragraph (b) hereof ten pounds.

(6) Nothing in this section shall render any person liable to a penalty in respect of the operation of a vehicle as a cab within the city if there is in force in respect of it a cab-operator’s licence granted by another local authority and if such use is in pursuance of a contract entered into at a place within the area of such other local authority.

Occasional
cab-operator’s
licences.

434. The Corporation may in their discretion grant occasional cab-operator’s licences to be in force in respect of such vehicle or vehicles and for such day or days as may be specified in such licences.

435.—(1) A person shall not within the city act as the driver of a cab unless he is licensed to do so by the Corporation or by the local authority of another area by whom the cab-operator's licence in respect of the cab was granted.

PART XXVII
—cont.
Licensing of
drivers of cabs.

(2) A licence under this section shall not be granted to any person under the age of eighteen years.

(3) A person who is the holder of a cab-operator's licence granted in respect of a vehicle shall not drive or cause or permit any other person to drive the vehicle as a cab within the city unless that person is licensed under this section.

(4) Any person who contravenes any provision of this section or who being the holder of a licence granted under this section contravenes or permits a contravention of any condition to which the licence is subject shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding ten pounds.

436. A licence granted in pursuance of this Part of this Order shall be in such form as the Corporation may determine and shall be subject to such terms and conditions (including without prejudice to that generality conditions restricting its validity to specified localities or periods) as may be specified in the licence.

Form and
conditions of
licences.

437. Save as otherwise expressly provided in this Part of this Order or as may be specified in any licence granted in pursuance of this Part of this Order every such licence shall be in force for one year only from the day of the date of such licence or until the next general licensing day in case any such general licensing day be appointed by the Corporation as they are hereby authorised to do or until such licence is revoked or suspended or otherwise ceases to have effect.

Duration of
licences.

438. For every licence granted in pursuance of this Part of this Order and for every renewal thereof there shall be paid to the Corporation such sum not exceeding ten shillings as the Corporation direct.

Fees to be paid
for licences.

439. Without prejudice to any other provisions of this Part of this Order the Corporation may if they think fit refuse to grant or renew a licence in pursuance of this Part of this Order.

Power to refuse
licences.

440. Any person aggrieved by the refusal to grant or renew a licence under the provisions of this Part of this Order or by the revocation of a licence may appeal to the sheriff within fourteen days of the notice intimating such refusal or revocation and the sheriff shall have power to make such order as he may think fit.

Appeal against
refusal etc. of
licence.

441.—(1) If the holder of a licence granted in pursuance of this Part of this Order changes his address during the currency of the licence he shall give notice of such change of address in writing to the town clerk within seven days of such change specifying in such notice his new address and shall at the same time send or deliver such licence to the town clerk who shall endorse thereon the particulars of such change.

Notification of
change of
address.

PART XXVII
—cont.

(2) A holder of a licence granted in pursuance of this Part of this Order who changes his address and fails to give notice of such change or to send or deliver such licence to the town clerk in accordance with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Suspension or
revocation of
licence on
conviction.

442. A licence granted in pursuance of this Part of this Order may be suspended or revoked by any magistrate or court before whom the holder of the licence is convicted of any offence which in the opinion of the magistrate or court renders it expedient that such licence should be suspended or revoked.

Byelaws with
respect to cabs
and drivers of
cabs.

443.—(1) Subject to the provisions of this section the Corporation may make byelaws as to vehicles and the operation as cabs of vehicles in respect of which cab-operators' licences are granted by them and as to the conduct while acting as drivers of cabs of persons in respect of whom cab-driver's licences are granted by them.

(2) Without prejudice to the generality of the last foregoing subsection such byelaws may in particular—

- (a) regulate all matters affecting or relating to the safety comfort or convenience of persons hiring or using cabs and of the public ;
- (b) regulate the type construction equipment cleanliness maintenance examination inspection and operation as cabs of such vehicles as aforesaid ;
- (c) regulate the numbering of cabs and the issue and display of plates indicating such numbers and fixing the charges for the use of such plates ;
- (d) provide for the suspension or revocation of the licence in respect of a cab which at any time fails in any way to comply with the requirements of the byelaws ;
- (e) regulate the duties of drivers of cabs while acting as such in relation to the conveyance of passengers' luggage ;
- (f) appoint stances for cabs and regulate or prohibit the use of such stances and of any shelters thereat ;

Provided that byelaws made under the powers of this paragraph shall not empower the Corporation to appoint and regulate or prohibit the use of stances and of any shelters thereat for cabs standing or plying for hire in any railway station or railway premises or in any yard belonging to the Transport Commission except with the consent of the Transport Commission ;

- (g) specify limits within which the hirer of a cab shall be entitled to be conveyed ;
- (h) secure that the hirer of a cab may have conveyed with him such number of other passengers as he wishes so however that the total number of passengers does not exceed the number which the vehicle is licensed to carry ;
- (i) secure that a passenger is not conveyed without the consent of the hirer ;

(j) fix the maximum rates of fares and other consideration which may be demanded and provide for the notification thereof to passengers whether by means of taxi-meters or by means of notices or otherwise ;

(k) provide for the safe custody and redelivery of any property which while not in proper custody is found in any such vehicle and in particular—

(i) provide for requiring charges to be paid in respect of any such property before it is redelivered ;

(ii) provide for authorising the disposal of any such property if it is not redelivered before the expiration of such period as may be specified in the byelaws ;

(l) provide for the display of badges by drivers of cabs while acting as such and for matters relating to the design loan by the Corporation and return to them of such badges including the taking of a deposit not exceeding five shillings for each badge on the loan thereof and the refund of the deposit on the badge being returned ;

(m) provide for the custody by the holder of a cab-operator's licence of the cab-driver's licence applicable to any person employed by him to drive as a cab any vehicle to which the cab-operator's licence relates ;

(n) provide for every holder of a licence in respect of a cab 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 cab at any specified time within seven days before the request was made ; and

(o) prohibit or regulate the display of advertising matter in or on cabs.

(3) Any byelaws made by the Corporation under this section (other than byelaws regulating the use of stances) shall have effect in relation to any vehicle or person licensed under this Part of this Order by the Corporation while such vehicle or person is for the purpose or in consequence of a particular contract temporarily outwith the city but shall not have effect in relation to any vehicle or person licensed by another local authority while such vehicle or person is for the purposes or in consequence of a particular contract temporarily within the city.

(4) Any person who contravenes any byelaw made under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(5) Nothing in this section shall authorise the Corporation to make a byelaw appointing a stance for vehicles on any private ground without the consent of the person in control thereof.

444.—(1) The holder of a cab-operator's licence shall cause to be conspicuously displayed on a prominent part of the vehicle to which the licence relates—

Miscellaneous
provisions as to
cabs and drivers

(a) his name and address ;

(b) the serial number of the licence ; and

PART XXVII
—cont.

(c) a notice of such size and description as may be specified in byelaws made by the Corporation under the section of this Order of which the marginal note is "Byelaws with respect to cabs and drivers of cabs" indicating the number of passengers which the vehicle is licensed to carry.

(2) The driver of a cab hired within the city shall not without reasonable cause refuse to drive the cab to any place within such limits as may be specified in any byelaws made under the section of this Order of which the marginal note is "Byelaws with respect to cabs and drivers of cabs" to which he may be required by the hirer thereof to drive.

(3) It shall not be lawful for the driver or other person in charge of a cab hired within the city to demand from the hirer thereof more than the proper fare or the agreed fare and any agreement by the hirer to pay more than the proper fare shall be of no effect in relation to the excess.

(4) The hirer of a cab hired within the city shall on completion of the journey contracted for pay to the driver thereof the proper fare or the agreed fare as the case may be.

(5) Any person who contravenes any provision of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) Any person who has paid more than the proper fare or the agreed fare as the case may be in respect of the hire of a cab shall be entitled to recover the excess from the person to whom the payment was made and in any proceedings charging the driver of a cab or other person with a contravention of subsection (3) of this section the court may in the event of the offence being proved and on being satisfied that a sum in excess of the proper fare or the agreed fare as the case may be has been paid make an order against the offender for repayment of the excess sum so paid.

(7) In any proceedings charging a person with a contravention of subsection (4) of this section the court may in the event of the offence being proved make an order requiring the offender to make payment of the fare and other consideration due by him to the driver or other person entitled thereto and also of such sum as is reasonable in respect of compensation to such driver or other person for financial loss in attending the court or otherwise in connection with the refusal to pay.

(8) The provisions of this section empowering a court in criminal proceedings to make orders for the payment of money other than a fine shall be without prejudice to any other remedy competent to any person in whose favour such orders might be made.

Penalties for offences as to cabs and drivers.

445. Any person who fraudulently or with intent to deceive—

- (1) affixes or places on any cab any figure or number which resembles any figure or number appointed by the Corporation to be affixed to any cab licensed by them under this Part of this Order ; or

- (2) affixes or carries on his person any badge figure or number which resembles any badge figure or number appointed by the Corporation to be displayed by a person who is licensed by them under this Part of this Order to be the driver of a cab ;

PART XXVII
—cont.

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

PART XXVIII

STREET TRADING

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

Definition for
Part XXVIII of
Order.

“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 and includes any person offering or exposing for sale any article or thing as aforesaid.

447.—(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.

Regulation of
street traders.

(2) An application for a permit under this section shall be in such form as the Corporation from time to time require 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 ; and
- (c) the streets or area in which and the days on which the applicant intends to sell or expose or offer for sale or to deal or offer to deal in such articles or things.

(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 in which and the position or place in any such streets or area at which the holder of such permit may sell or expose or offer for sale or deal or offer to deal in articles or things as aforesaid ;

PART XXVIII
—cont.

(b) the classes of articles or things which may be sold or exposed or offered for sale or dealt in under such permit:

Provided that an article of food shall not be classed with any other commodity; and

(c) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of the permit

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

(6) For every such permit and for every renewal thereof there shall be paid to the Corporation such sum not exceeding five shillings as the Corporation direct and every holder of such permit shall be provided by the Corporation with a badge for which he shall pay a sum not exceeding five shillings which latter sum shall be returnable when the permit is withdrawn or given up and the badge returned to the Corporation.

(7) 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.

(8) 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 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 summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Notice of refusal
or revocation
of permit.

448.—(1) If the Corporation refuse to grant or renew a permit or revoke or vary a permit under this Part 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 revocation or variation.

(2) Any person aggrieved by such refusal revocation or variation or by any prescription made by the Corporation under subsection (5) of the section of this Order of which the marginal note is "Regulation of street traders" may appeal to the sheriff.

Byelaws as to
street trading.

449. In addition to the power to make byelaws conferred upon the Corporation by this Order or any other enactment the Corporation may make byelaws for regulating the carrying on of the business of a street trader.

Savings in
respect of
Part XXVIII.

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

(1) 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

- PART XXVIII
—cont.
- (2) 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
 - (3) restrict the dealing or offering to deal in any article or thing for charitable or other purposes from which profit is not derived ; or
 - (4) 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
 - (5) 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 ; or
 - (6) 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 of any article or thing to such premises ; or
 - (7) apply to the sale of ice cream by any person registered under any regulations made under any enactment relating to food and drugs ; or
 - (8) 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 ; or
 - (9) apply to any person who holds a licence granted under the section of this Order of which the marginal note is "Licensing of brokers" ; or
 - (10) restrict the dealing or offering to deal in any article or thing in any market place or fair ground in the city appointed by the Corporation for the holding of any market or fair.

PART XXIX

STREET PORTERS

451. The Corporation may—

- (1) from time to time license to ply for hire such number of street porters as they think fit ;
- (2) cause a register to be kept of such persons so licensed ; and
- (3) from time to time suspend or revoke such licences as they shall see cause.

Street porters to be licensed.

452.—(1) A licence granted in pursuance of this Part of this Order shall be in such form as the Corporation may determine and shall be in force for one year only from the day of the date of such licence or until the next general licensing day in case any such general licensing day is appointed by the Corporation as they are hereby authorised to do or until such licence is revoked or suspended or otherwise ceases to have effect.

Form and conditions of licences.

(2) Any such licence shall be subject to such terms and conditions as may be prescribed therein and without prejudice to that generality

PART XXIX
—cont.

may prescribe the hours within which and the places at which the holder thereof may exercise his calling as a street porter and on any occasion of the renewal of a licence the Corporation may vary such prescriptions.

(3) For every such licence and for every renewal thereof there shall be paid to the Corporation such sum not exceeding ten shillings as the Corporation direct and every holder of such a licence may be provided by the Corporation if they think fit with a badge for which he shall pay a sum not exceeding ten shillings which latter sum shall be returnable when the licence is withdrawn or given up and the badge returned to the Corporation.

Penalty for plying without licence.

453. Any person who—

(a) plies for hire as a street porter within the city—

(i) without first obtaining a licence from the Corporation ;

(ii) contrary to any prescription of such licence ;

(iii) during the time his licence is suspended ; or

(iv) after his licence has been revoked or has ceased to be in force ; or

(b) obtains a licence or the renewal of a licence by wilful misrepresentation ;

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

As to porters' rates and non-payment thereof.

454.—(1) The Corporation may from time to time fix the rates as well for time as distance to be paid to street porters.

(2) Any person who refuses to pay on completion of the hire or service of any street porter the rate due to such street porter for such hire or service shall be liable by way of penalty to pay such sum in addition to such rate as the magistrate shall determine as compensation to such street porter for loss or inconvenience arising from such refusal.

PART XXX

CHIMNEY SWEEPS AND WINDOW CLEANERS

Commencement of Part XXX.

455. The provisions of this Part of this Order shall come into force on the first day of January nineteen hundred and fifty-eight Provided that applications for licences in pursuance of this Part of this Order may be made and such licences granted before the provisions of this Part of this Order come into operation.

Chimney sweeps and window cleaners to be licensed.

456. The Corporation may—

(1) from time to time license such numbers of persons as they think fit—

(a) as chimney sweeps ; and

(b) as window cleaners ;

(2) cause registers to be kept of such persons so licensed ;

(3) from time to time suspend or revoke such licences as they shall see cause ; and

(4) from time to time fix the charges to be made by—

(a) chimney sweeps; and

(b) window cleaners.

PART XXX
—cont.

457.—(1) A licence granted in pursuance of this Part of this Order shall be in such form as the Corporation may determine and shall be in force for one year only from the day of the date of such licence or until the next general licensing day in case any such general licensing day is appointed by the Corporation as they are hereby authorised to do or until such licence is revoked or suspended or otherwise ceases to have effect.

Form and
conditions of
licences.

(2) Any such licence shall be subject to such terms and conditions as may be prescribed therein and without prejudice to that generality may make provision for the safety of persons engaged in chimney sweeping and window cleaning and of members of the public and on any occasion of the renewal of a licence the Corporation may vary such prescriptions.

(3) For every such licence and for every renewal thereof there shall be paid to the Corporation such sum not exceeding ten shillings as the Corporation direct and every holder of such a licence may be provided by the Corporation if they think fit with a badge for which he shall pay a sum not exceeding ten shillings which latter sum shall be returnable when the licence is withdrawn or given up and the badge returned to the Corporation.

458. A person who—

(a) by way of trade or employment sweeps chimneys or cleans windows within the city—

(i) without first obtaining a licence from the Corporation;

(ii) contrary to any prescription of such licence;

(iii) during the time his licence is suspended; or

(iv) after his licence has been revoked or has ceased to be in force; or

(b) in the course of trade carried on by him as a chimney sweep or window cleaner causes or permits another person to act as a chimney sweep or window cleaner unless that other person is licensed for the purpose under this Part of this Order; or

(c) obtains a licence or the renewal of a licence under the provisions of this Part of this Order by wilful misrepresentation;

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

Penalty for
sweeping
chimneys or
cleaning
windows without
licence.

PART XXXI

BROKERS AND PAWNBROKERS

Licensing of
brokers.

459.—(1) A person shall not carry on business as a broker within the city unless he is licensed to do so by the Corporation.

(2) A licence under this section shall specify the premises in which the business is to be carried on including all cellars closets and other places used or proposed to be used in the course of the business.

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

(4) Any person who—

(a) contravenes any provision of this section; or

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

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding in the case of an offence under paragraph (a) of this subsection twenty-five pounds and in the case of an offence under paragraph (b) of this subsection ten pounds.

Offences by
brokers.

460.—(1) A broker shall not—

(a) carry on business as a retailer of exciseable liquor;

(b) receive or take any goods in pledge;

(c) receive or take a pawn ticket issued by a pawnbroker for any article which has been pawned or negotiate in any manner with the holder of any such pawn ticket or any person on his behalf for the purchase of any article to which the pawn ticket refers;

(d) acquire in the course of business—

(i) any voucher note or other document issued by or under the authority of any local or public authority or any charitable institution by virtue of which a person may receive any assistance whatsoever; or

(ii) any article of clothing issued by or on behalf of any such authority or institution and legibly marked as being so issued or known by the broker to be so issued;

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

(f) dispose of goods to or acquire goods from any person who appears to be under sixteen years of age whether such person is acting on his own behalf or on behalf of some other person;

(g) purchase goods from or have any other business transaction with any person between the hours of ten at night on a Saturday and eight in the morning of the following Monday or between the hours of ten on any other night and eight on the following morning; or

(h) keep or permit to be kept in or on his premises any smelting pot or implement for melting altering or defacing gold silver lead or other metals.

PART XXXI
—cont.

(2) Any person who contravenes any provision of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

461.—(1) Every broker—

Miscellaneous
provisions as
to brokers.

(a) shall keep a book in such form as may be prescribed by the Corporation recording such particulars of the transactions relating to each article dealt with in the course of his business as may be so determined ;

(b) shall provide means whereby every article in his possession for business purposes can be identified with the record of the transaction relating thereto ;

(c) shall keep at the place specified in his licence under the section of this Order of which the marginal note is "Licensing of brokers" for a period of not less than fourteen days from the day on which it was acquired every article acquired by him in the course of his business ;

(d) on being required at any reasonable time by a constable (who if not in uniform shall exhibit his authority on request) shall produce for inspection by the constable—

(i) every article in his possession which he has acquired in the course of his business ; and

(ii) the book referred to in paragraph (a) of this subsection ;

(e) if at any time he has in his possession an article of any description and is aware that an article of a corresponding description is alleged to have been stolen embezzled or otherwise unlawfully appropriated shall forthwith—

(i) deliver the first-mentioned article to a constable at a police station ; and

(ii) state to the constable the name and address if any given to him by the person from whom he received the first-mentioned article.

(2) A person who contravenes any provision of the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) If—

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

(b) the article in his possession was stolen embezzled or otherwise unlawfully appropriated ;

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

PART XXXI
—cont.

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

Pawnbrokers.

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

paragraphs (a) (d) and (h) of subsection (1) and subsection (2) of the section of this Order of which the marginal note is “Offences by brokers”;

paragraphs (d) and (e) of subsection (1) and subsections (2) (3) and (4) of the section of this Order of which the marginal note is “Miscellaneous provisions as to brokers” with the substitution in the said paragraph (d) of a reference to the records which he is required to keep under any enactment for the reference to the book referred to in paragraph (a) of the said subsection (1).

(2) A pawnbroker shall not—

(a) carry on business as a broker; or

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

(3) Any person who contravenes any of the provisions of subsection (2) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Duty to detain
persons offering
stolen property.

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

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

(2) A person shall not be entitled to reparation in respect of any loss injury or damage resulting from a purported exercise of any duty imposed or power conferred by the last foregoing subsection unless it is proved that the purported exercise was malicious.

PART XXXII

SUPPRESSION OF VAGRANTS

464.—(1) Any person who in any public place or from door to door begs or acts in any way for the purpose of inducing the giving of alms shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment without the option of a fine for a term not exceeding thirty days: Begging
vagrancy etc.

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

(2) Any person who conducts himself as a vagrant shall unless it is proved that he has a fixed place of residence and a lawful means of getting his livelihood be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment without the option of a fine for a term not exceeding thirty days.

(3) Any person who having been convicted of an offence under the last foregoing subsection or of any of the crimes specified in the next following subsection—

- (a) has in his possession any picklock key crowbar jack bit or other implement usually employed in house breaking;
- (b) is found in any public place with intent to commit any of the crimes specified in the next following subsection; or
- (c) has in his possession any article of value or substantial sum of money which is not proved to be in his possession lawfully:

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment without the option of a fine for a term not exceeding sixty days.

(4) The crimes referred to in the last foregoing subsection are robbery theft reset of theft housebreaking with intent to steal and any other crime inferring dishonest appropriation of property and any attempt to commit any of those crimes.

(5) Any person guilty of an offence under this section shall on summary conviction be liable in addition to a fine or imprisonment as aforesaid and without prejudice to the provisions of any enactment dealing with the forfeiture of implements to forfeit any article or money forming the subject matter of the offence.

(6) Any article or money forfeited in pursuance of this section shall if not claimed within six months by the owner thereof vest in the Corporation and be applied for police purposes.

465.—(1) Any person who being a known or reputed thief or an associate of known or reputed thieves— Offences by
known thieves
etc.

- (a) is found in or on any premises or loitering in any public place with intent to commit any of the crimes specified in subsection (6) of this section;
- (b) has in his possession any picklock key crowbar jack bit or other implement usually employed in housebreaking; or

PART XXXII
—cont.

(c) has in his possession any money or article which is not proved to be in his possession lawfully

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding sixty days.

(2) Any person guilty of an offence under this section shall on summary conviction be liable in addition to such imprisonment and without prejudice to the provisions of any enactment dealing with the forfeiture of implements to forfeit any money or article found in his possession at the time of his apprehension.

(3) Any money or article forfeited in pursuance of this section shall if not claimed by the owner thereof vest in the Corporation and be applied for police purposes.

(4) It shall not be necessary for the purpose of proving the commission of an offence under paragraph (a) of subsection (1) of this section to show that the accused did any particular act tending to indicate his intention and he may be convicted of such offence if from the circumstances of the case and from his known character as proved to the court it appears to the court that his intention was to commit any of the crimes specified in subsection (6) of this section.

(5) Any constable may take into custody without warrant any person who has committed or whom he believes with reasonable cause to have committed an offence under this section.

(6) The crimes referred to in paragraph (a) of subsection (1) of this section are robbery theft reset of theft housebreaking with intent to steal and any other crime inferring dishonest appropriation of property.

Definition of
public place.

466. For the purposes of this Part of this Order "public place" means (a) any place (whether a thoroughfare or not) to which the public have unrestricted access and includes any common passage close court stair garden or yard pertaining to any tenement or group of separately occupied houses and (b) any tramcar omnibus or trolley vehicle.

PART XXXIII

OFFENCES AND PENALTIES

Penalties for
offences.

467. Any person who is guilty of any of the following acts or omissions within the city shall in respect thereof be liable on summary conviction to a penalty not exceeding the respective amounts or to imprisonment for a period not exceeding the respective periods hereinafter mentioned (that is to say):—

To a penalty not exceeding ten pounds or to imprisonment without the option of a fine for a period not exceeding sixty days every person who—

(1) Wilfully or indecently exposes his person;

(2) (a) Occupies a building or part of a building and suffers any breach of the peace or riotous or disorderly conduct within the same; or

(b) Occupies a building or part of a building or other place of public resort for the sale or consumption of

provisions or refreshments of any kind and knowingly harbours prostitutes or suffers persons of notoriously bad fame or dissolute boys or girls to assemble therein ;

(3) (a) Publishes prints or offers for sale or distribution or sells distributes or exhibits to view or causes to be published printed exhibited to view or distributed any indecent or obscene book paper print photograph drawing painting representation model or figure ; or

(b) Publicly exhibits any disgusting or indecent object ; or

(c) Writes or draws any indecent or obscene word figure or representation in or on any place where it can be seen by the public ; or

(d) Sings or recites in public any obscene song or ballad :

To a penalty not exceeding five pounds every person who—

(4) Affixes or causes to be affixed to or on any place where it can be seen by the public or delivers or exhibits or causes to be delivered or exhibited to any inhabitant or passenger in or near any street or sends or causes to be sent through the post office any bill or printed or written paper of an obscene or indecent nature :

To a penalty not exceeding forty shillings every person who—

(5) Behaves in a riotous violent or indecent manner ;

(6) (a) Commits a nuisance ; or

(b) Uses any obscene abusive or indecent language to the annoyance of any person ;

(7) Uses any threatening abusive or insulting words or behaviour with intent or calculated to provoke a breach of the peace ;

(8) Destroys pulls down injures or defaces any board or convenience for the reception or exhibition of advertisements or any advertisement placard or bill affixed thereto or any placard or notice issued and put up by or under the direction of any lawful authority or any notice of the position of a fire-plug or hydrant or any board on which any byelaw or part of a byelaw of any lawful authority is painted or placed ;

(9) (a) Pollutes or makes unfit for drinking by man or animal the water in any drinking fountain or trough ; or

(b) Washes in or permits any dog or other animal under his charge or accompanying him to enter the water in any such fountain or trough.

468. Any person who in any street (and for the purposes of this section "street" shall include any harbour railway station canal depot wharf towing-path public park links common or open area or space the strand and sea beach down to low-water mark and

Penalties for certain police offences.

PART XXXIII
—cont.

all public places within the city) commits any of the following offences shall be liable on summary conviction to a penalty not exceeding forty shillings for each offence (that is to say):—

- (1) Exposes for show hire or sale (except in a market or market place or fair or other place lawfully appointed by the Corporation for that purpose) any horse or other animal ;
- (2) Turns loose or suffers to be at large any bull or other dangerous animal without the same being secured by means of a rope attached to a ring through the nose of such bull or other animal or otherwise ;
- (3) Sets on or urges any dog or other animal to attack worry or put in fear any person or animal ;
- (4) Slaughters any cattle or dresses any part thereof except in the case of any cattle overdriven or which may have met with any accident and which for the public safety or other reasonable cause ought to be killed on the spot ;
- (5) Rides any horse or rides or drives any vehicle not being a motor vehicle within the meaning of sections eleven and twelve of the Road Traffic Act 1930 (which relate respectively to reckless or dangerous driving and careless driving of motor vehicles)—
 - (i) recklessly or in a manner which is dangerous to the public having regard to all the circumstances of the case ; or
 - (ii) without due care and attention or without reasonable consideration for other persons ;
- (6) (a) At the same time drives more than two vehicles drawn by horses or other animals ; or
(b) while driving two such vehicles has not the halter of the horse or other animal in the last vehicle securely fastened to the back of the first vehicle or has such halter of a greater length from such fastening to the horse's or other animal's head than four feet or does not otherwise securely retain control by means of a halter over the horse or other animal in the second vehicle ;
- (7) Rides or drives furiously recklessly or carelessly any horse or any horse attached to a vehicle or drives furiously recklessly or carelessly any animal ;
- (8) While in charge of any vehicle drawn by any horse or other animal and used for the conveyance of goods or otherwise for slow traffic does not draw his vehicle to the near or left side of the road when required by any person in charge of a cab or other vehicle used for swift traffic so as to allow the swift vehicle to pass the slow vehicle ;
- (9) Causes any vehicle to stand longer than is necessary for loading or unloading goods or for taking up or setting down passengers (except cabs standing for hire in any place appointed for that purpose by the Corporation or other lawful authority) or by any means wilfully interrupts any public crossing or by any means wilfully causes any obstruction in any public street ;

- (10) Without proper precautions and in such manner as to be dangerous to the safety of any person conveys or causes to be conveyed any long large or heavy keen-edged or sharp-pointed article ;
- (11) Conveys or causes to be conveyed on any vehicle any load and does not sufficiently secure such load by chains or ropes or otherwise to protect the public against the risk of injury ;
- (12) Leads drives or rides any horse or other animal or draws or drives any vehicle upon any footway or fastens or places any horse or other animal or any vehicle so that it stands across or upon any footway ;
- (13) Places or leaves and does not remove immediately therefrom any furniture goods or other articles on any footway of any street or places any shade awning or other projection over or along any such footway unless the same is eight feet in height at least (or such less height as the Corporation may allow) in every part thereof from the ground ;
- (14) Places hangs up or exposes for sale any goods wares merchandise or articles whatsoever so that the same project into or over any footway or beyond the line of any house shop or building at which the same are so exposed ;
- (15) To the annoyance or danger of the residents or passengers hangs or places any linen or clothes or other such article on any rail or fence of any premises ;
- (16) (a) Writes on or soils defaces or marks any wall fence hoarding door gate pavement or building otherwise than for any necessary purpose ;
(b) wilfully breaks destroys or damages any part of such wall fence hoarding door gate or building or any tree shrub seat or other thing ;
- (17) Carries rolls or drives any cask tub hoop or wheel or any ladder plank pole timber log of wood basket board or tray upon any footway except for the purpose of loading or unloading any vehicle or of crossing the footway ;
- (18) (a) Places any line cord or pole across upon or over any part of any street ; or
(b) hangs or places any clothes on any such line cord or pole or on the outside of any window fronting any street or on the outside of any other window so as to hang down in front of the window of any other person ; or
(c) from any window facing on to any street or public place shakes or beats any carpet rug mat bedding soot bag or soot sheet ;
- (19) Being a common prostitute loiters or importunes passengers for the purpose of prostitution ;
- (20) Habitually or persistently importunes or solicits or loiters for the purpose of importuning or soliciting women or children for immoral purposes ;

- (21) To the danger or annoyance of the residents or passengers—
- (a) wantonly discharges any firearms ;
 - (b) recklessly makes use of any sling or catapult or similar article ;
 - (c) throws or discharges any stone or other missile ;
 - (d) makes any bonfire ; or
 - (e) sets fire to and throws any firework ;
- (22) To the danger or annoyance of the residents or passengers—
- (a) plays at any game ;
 - (b) throws any snowball ;
 - (c) makes or uses any slide upon ice or snow ;
 - (d) flies any kite :
- Provided that games may subject to the provisions of this Order or of any byelaws or regulations made thereunder be played on any rinks links common or public park ;
- (23) Throws or lays down any stones coals slate shells lime bricks timber iron or glaziers' chips or the sweepings of any house shop warehouse or other premises or other materials (except building materials so enclosed as to prevent mischief to passengers) except for the purpose of housing or removing the same or suffers such material to remain for a longer period than is necessary ;
- (24) Fixes or places any flower pot or box or other heavy article at any upper window without sufficiently guarding the same to prevent it from falling ;
- (25) Unnecessarily or without taking due precaution to prevent accidents throws from the roof or any part of any house or building any slate brick wood rubbish snow or other thing ;
- (26) Wilfully jostles or annoys any person ;
- (27) (a) Leaves open any vault or cellar or the entrance from any street to any cellar or room underground without a sufficient fence or handrail or leaves defective the door window or other covering of any vault or cellar ; or
- (b) does not sufficiently fence any area pit or sewer left open or leaves any such open area pit or sewer without a sufficient light after sunset to warn and prevent persons from falling into the same ;
- (28) Causes or allows any offensive matter solid or liquid to fall or run on any street area or court ;
- (29) Keeps any swine near any dwelling-house so as to be a nuisance or an annoyance to the residents or passengers ;
- (30) Being a baker or employed by a baker carries any board or basket or being a chimney sweep or employed by a chimney sweep carries any ladder besom or sack on any footway except for the purpose of crossing the same ;

- (31) Carries any basket creel or other burden so as to obstruct or annoy any passenger on any footway except for the purpose of crossing the same ;
- (32) Conducts any wheeled vehicle on any footway except a perambulator or invalid carriage ;
- (33) In vending coals or other articles shouts or calls out or uses any bell or horn or other instrument to the annoyance of any person after being requested by a constable to cease ;
- (34) Places or throws upon any footway any orange rind or peel or other thing likely to cause danger to passengers ;
- (35) (a) Wilfully and wantonly disturbs or annoys any inhabitant by pulling or ringing any door-bell or knocking at any door ; or
(b) wilfully and unlawfully extinguishes the light of any stair lighting ;
- (36) While in charge of any horse or horse drawn vehicle—
(a) falls asleep ;
(b) leads or drives any such vehicle under his charge abreast of another or not in line ;
(c) when required by any constable or other person refuses to allow a free space between every two such vehicles for the purpose of crossing ; or
(d) does not give his name and address when required by any person reasonably apprehending danger ;
- (37) In raising or lowering or causing to be raised or lowered any article to or from any building by means of a chain or rope or otherwise does not sufficiently secure such article and provide and use means for protecting the public against the risk of injury ;
- (38) Rides on or hangs from the back of any vehicle without authority from the owner or person in charge thereof ;
- (39) (a) Being the owner of any horse-drawn vehicle permits the same to be driven by any person who is not of the full age of fourteen years ; or
(b) puts a vehicle and the animal yoked to the same temporarily under the charge or care of a person who is not of the full age of fourteen years ;
- (40) On being authorised to open the carriageway or footway of any street neglects sufficiently to protect such opening at all times and to light the same at night ;
- (41) Stands sits loiters or lies to the obstruction or annoyance of the residents or passengers on the carriageway or footway or on or in any close stair entry or doorway ;
- (42) Throws or lays down glass pottery nails wire thorns or other articles having sharp edges or points.

469. If any matter or thing whatsoever is placed or allowed to remain in any street to the obstruction annoyance or danger of the residents or passengers any constable may—

Power to
remove articles
placed in streets.

- (a) remove or cause the same to be immediately removed to any place of safety there to remain at the risk of the owner and person offending ;

PART XXXIII
—cont.

- (b) detain the same until the expenses of removal and detention are paid; and
- (c) if such expenses are not paid within seven days sell or dispose of the same and apply the proceeds as the magistrate shall direct.

Power to
impound stray
animals etc.

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

(2) A person allowing such animals to be at large in any street without any person having the charge thereof shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

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

(4) The money obtained from such sale after deducting all expenses attending the impounding advertising keeping and sale of any such animals so impounded and any penalties incurred under this section shall be paid to the Corporation and shall be paid by them on demand to the owner of the animals so sold.

Removal of
furniture.

471. Any constable may stop and convey to any police office and there detain until due inquiry can be made (a) any vehicle and any person in charge thereof or connected therewith found within the city employed in removing furniture or (b) any person carrying furniture between the hours of eight in the evening and six in the morning except at the usual terms of removing observed within the city.

Dogs or other
animals if a
nuisance or
annoyance to be
removed etc.

472.—(1) A person who keeps or suffers to be kept within any house building cellar court or area or other premises any dog or any other animal or any fowl which is a nuisance or an annoyance to the inhabitants in the neighbourhood and does not remove the cause of such nuisance or annoyance within such time as the magistrate shall determine which he is hereby authorised to do in a summary manner shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

(2) Any constable may seize and take possession of any dog or other animal being a nuisance or an annoyance as aforesaid and not removed if so ordered.

(3) The chief constable may cause to be destroyed any dog seized under the provisions of the foregoing subsection.

473.—(1) A householder personally or by his servant or by a constable may require any street musician or singer or performer to depart from the neighbourhood of the house of such householder on account of the illness of any inmate of such house or for other reasonable cause. PART XXXIII
—cont.
Street
musicians.

(2) Any person who continues to sound or play any instrument or sing or perform after being so required to depart shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings.

474.—(1) Any person who wilfully sets or causes to be set on fire any chimney shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds. Penalties for
chimneys on fire.

(2) When any chimney has been on fire the person occupying or using the house or building of which such chimney is part shall unless he proves that such fire was not due to omission neglect or carelessness of himself or any servant of his be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten shillings.

475. Any person who—

- (1) persists in going upon the ice on any skating pond or place belonging to or under the charge of the Corporation at any time when placards or other signals or warnings are exhibited intimating that it is in a dangerous state;
- (2) wilfully breaks the ice on any such pond or place; or
- (3) goes beyond the ropes or danger signals at any open bathing place under the charge of the Corporation;

Precautions in
skating and
bathing.

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

476. Any person who has or keeps any place of public resort which is used for indecent exhibitions or representations shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding sixty days. Places of public
resort not to be
used for
improper
purposes.

477. Any person in charge of a dog and having the dog on a lead who allows or permits such dog to deposit its excrement upon the foot pavement of any street shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings. Nuisance
by dogs.

PART XXXIV

ARTICLES FOUND OR STOLEN OR FRAUDULENTLY OBTAINED

478.—(1) Any person finding any goods articles or money shall report the fact to and deposit such goods articles or money with the chief constable or other officer acting for him within forty-eight hours after the same have been found by such person. Goods etc.
found to be
reported to
police office.

(2) Any person who fails so to report and deposit shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

PART XXXIV
—cont.

(3) If the owner of any such goods articles or money does not claim the same and prove his ownership to the satisfaction of the magistrate within six months from the date of such report and deposit the magistrate may award the same to the finder under deduction of the expenses incurred for advertising for the owner.

(4) Where the owner appears and proves his ownership as aforesaid the magistrate shall order such goods articles or money to be delivered to such owner under deduction of such expenses and of such reward to the finder as in the circumstances the magistrate shall determine.

(5) If the owner does not prove his ownership and the finder cannot within six months and after notice be found the magistrate may order such goods or articles to be sold and the proceeds thereof or if the subject be money such money to be applied to the purposes of the burgh fund.

(6) Nothing in this section shall apply to any goods articles or money accidentally left in a public service vehicle.

Goods stolen or fraudulently disposed of to be delivered up to owner.

479.—(1) If any goods or articles are stolen or unlawfully obtained from any person or being lawfully obtained are unlawfully pawned pledged sold or exchanged and complaint is made thereof and if such goods or articles are found in the possession of any broker or other dealer in second-hand property or of any person who has advanced money upon the credit of such goods or articles any magistrate may issue a summons or warrant for the appearance of such broker dealer or other person and for the production of such goods or articles.

(2) If the ownership of such goods or articles is established to the satisfaction of the magistrate he shall order such goods or articles to be delivered up to the owner thereof either with or without payment of any sum and at such time as the magistrate thinks fit.

(3) Any broker dealer or other person who being so ordered refuses or neglects to deliver up such goods or articles or who disposes of or makes away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid or unlawfully pawned pledged sold or exchanged shall forfeit to the owner of the goods the full value thereof to be determined by the magistrate.

(4) An order of the magistrate as aforesaid shall not prevent any broker or dealer from bringing an action in any competent court to recover possession of such goods from the person into whose possession they have come by such order provided that such action is commenced within three months after the making of such order.

How stolen or unclaimed goods to be kept.

480. Where any stolen or unclaimed goods or effects are brought to a police office the chief constable or other officer of police shall forthwith make an entry in a book to be kept in the police office for that purpose of—

- (1) the said goods or effects ;
- (2) the names of the parties from whom the same have been taken or by whom the same have been pledged or brought to the police office ;
- (3) the date on which such goods or effects are brought to the police office ; and

(4) the manner in which such stolen or unclaimed goods are to be retained till disposed of. PART XXXIV
—cont.

481.—(1) All goods articles or money known or alleged to have been stolen or unlawfully obtained and of which the owner is unknown or which are unclaimed shall be taken possession of by the chief constable. Unclaimed
stolen property
etc. to be
disposed of.

(2) If after the expiration of twelve months or in the case of perishable articles after the expiration of such period as the magistrate thinks fit no owner has claimed such goods articles or money the magistrate shall grant warrant for the sale or disposal of such goods articles or money.

(3) The proceeds of such sale or disposal shall be applied to the purposes of the burgh fund.

(4) Except in the case of perishable articles notice of sale shall be given in two or more newspapers published or circulating in the city as the magistrate may direct.

(5) It shall not be necessary before such goods articles or money can be so sold or disposed of that any apprehension has taken place or that any formal charge before the magistrate has been made against any person for having stolen or unlawfully obtained the same.

PART XXXV

DISORDERLY HOUSES ETC.

482.—(1) Any magistrate may on a complaint by the burgh prosecutor grant warrant to enter and search from time to time during any period not exceeding thirty days from the date of such warrant any house or building or part of a house or building or other place which on examination of the chief constable or of a superintendent or inspector of police and at least one other person not being a police officer and not holding any office or situation under this Order or any other enactment applicable within the city the magistrate is satisfied there is reasonable ground for believing to be kept managed or used or suffered to be used as a brothel. Suppression of
brothels.

(2) Any constable acting under the authority of any such warrant may take into custody and convey to a police office the occupier of such house or building or part of a house or building or place or any person found therein who either temporarily or permanently manages or assists in the management of such brothel.

(3) Any such person shall be liable on summary conviction of being the occupier of or of temporarily or permanently managing or assisting in the management of such brothel to a penalty not exceeding twenty pounds or to imprisonment without the option of a fine for any period not exceeding sixty days.

(4) The conviction of any such person as aforesaid shall ipso facto void and terminate any lease or any arrangement to let such house or building or part of a house or building from and after the date of such conviction.

(5) Notwithstanding such voidance or termination all legal rights of the owner of such house or building or part of a house or building

PART XXXV
—cont.

for rent or otherwise, for the year current at the date of such conviction and consequent voidance or termination of lease or let or arrangement to let shall remain unaffected and may be enforced as if such voidance or termination had not followed such conviction.

Remedy where room used for meetings becomes a nuisance.

483.—(1) The magistrates on their being satisfied on the complaint of two or more householders residing in any tenement that any house room or apartment therein is used for entertainments in such manner as to be a nuisance may order the person having or keeping the same to discontinue the use thereof till the nuisance is abated.

(2) Any person continuing to use any such house room or apartment as aforesaid while any such order is in force shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

Penalty against practising games of hazard etc.

484.—(1) Any person who—

(a) is found in possession of or exhibits implements or articles for practising games of hazard in order to induce or entice any person to play at any game of hazard; or

(b) induces or entices any person to play at any game of hazard; or

(c) by any fraudulent act or device cozens or cheats or attempts to cozen or cheat any person out of any money or property;

shall be guilty of an offence and on summary conviction shall be imprisoned for a period not exceeding sixty days.

(2) Any such person shall also at the same time be sentenced to repay any money or restore any property which he has obtained by means of any such offence and failing such payment or restoration any such person may under the same procedure be committed to or detained in prison for any further period not exceeding sixty days.

Gaming and betting houses.

485.—(1) Any constable having good grounds for believing that any house room or place is kept or used as a gaming or betting house may—

(a) enter such house room or place;

(b) if needful use force for the purpose of effecting such entry;

(c) take into custody all persons who are found therein; and

(d) seize all tables for and instruments of gaming and all lists cards or other documents relating to betting found in such house room or place and all moneys and securities for money found therein.

(2) The owner or keeper of any house room or place kept or used as a gaming or betting house or other person having the care or management thereof and also any person who acts in any manner in conducting gaming or betting in any such house room or place shall be guilty of an offence and shall be liable on summary conviction in a sheriff court to a penalty not exceeding fifty pounds.

(3) Upon conviction of any such offender all tables for and instruments of gaming and all lists cards or other documents relating to betting found in any such house room or place shall be destroyed

and all the moneys and securities for money which have been seized as aforesaid shall be paid and applied in the same way and manner as penalties under this Order are directed to be paid and applied.

PART XXXV
—cont.

(4) Any person found within a gaming or betting house without lawful excuse shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5) It shall not be necessary in support of any prosecution under this section for gaming in or suffering any game or gaming in any house room or place kept or used as a gaming or betting house or for keeping or using or being concerned in the management or conduct of any such house room or place to prove that any person found playing at any game was playing for any money wager or stake.

(6) Nothing in this section shall be in derogation of the provisions of the Small Lotteries and Gaming Act 1956.

PART XXXVI

JURISDICTION AND RECOVERY OF PENALTIES

486.—(1) Subject to the provisions of the Summary Jurisdiction (Scotland) Act 1954 the magistrates or any one or more of such magistrates except where otherwise provided in this Order including any stipendiary magistrate and any sheriff acting in the police court shall within the city have jurisdiction and power to take cognizance of all crimes and offences specified or referred to in this Order or in any byelaws made in pursuance of this Order or in any other enactment applicable to the city and of all other crimes and offences and all jurisdiction to try offences and award punishment conferred on any justice of the peace or two justices of the peace or any magistrate by any enactment in force or to be in force in the city.

Jurisdiction of
magistrates.

(2) Notwithstanding the provisions of the foregoing subsection such jurisdiction shall not extend to the trial of offences against any of the Inland Revenue or Customs Acts.

(3) The sheriff shall have power to sit and act in the police court on any special occasion or under any continuing arrangement at the request of the magistrates or any one of them or if no magistrate is available of the town clerk.

487. For the avoidance of doubt it is hereby declared—

(1) that the concurrent jurisdiction of the sheriff with every other court within his sheriffdom in regard to all offences competent for trial in such court conferred by section 7 of the Summary Jurisdiction (Scotland) Act 1954 extends to all prosecutions and proceedings for offences under this Order or any other enactment applicable to the Corporation competent in any such court; and

(2) without prejudice to the foregoing generality that all incidental powers exercisable by any such court in prosecutions and proceedings for offences under this Order or any other enactment applicable to the Corporation whether by way of suspension or revocation of licence or otherwise are exercisable by the sheriff as well as by any such court.

As to jurisdiction
of sheriff in
relation to
certain offences.

PART XXXVI
—cont.Offences under
Cattle Sheds in
Burghs Act.

488. All proceedings in respect of offences committed within the city against the provisions of the Cattle Sheds in Burghs (Scotland) Act 1866 and for the recovery of penalties thereunder shall be instituted and conducted under and in conformity with the Summary Jurisdiction (Scotland) Act 1954.

Constables may
enter certain
premises.

489.—(1) Any constable being in uniform or not being in uniform on production of his warrant card signed by the town clerk or by the chief constable may by virtue of his office at any time enter any premises or other place of the following description and every part thereof (that is to say):—

(a) Any house or building or brothel for the reception of prostitutes or usually frequented by thieves or loose and disorderly persons :

(b) Any ship or other vessel not being employed in Her Majesty's service.

(2) Any occupier or keeper of any such premises or other place or other person having the charge thereof who does not admit such constable when required in accordance with the provisions of the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds.

Officers or
owners of
property on
which offences
are committed
may take
offenders into
custody.

490.—(1) Any person found committing any offence punishable on indictment or on summary complaint under this Order or any other enactment under which the magistrate has jurisdiction may without a warrant—

(a) be taken into custody by any constable ; or

(b) be apprehended by the owner of the property on or with respect to which the offence is committed or by his servant or any person authorised by the owner or his servant.

(2) Any person so taken into custody or apprehended may be detained until he can be delivered into the custody of a constable.

(3) The person so arrested shall be taken as soon as conveniently may be before a magistrate to be examined and dealt with according to law but the chief constable or officer in charge at any police office or police station to which such person may be brought may liberate such person if satisfied that there is not sufficient proof of guilt.

(4) Any constable may—

(a) search any premises ; and

(b) stop search and detain any vessel boat cart or carriage ; in or upon which there is reason to suspect that anything stolen or unlawfully obtained or fraudulently carried away may be found ;

(c) stop search and detain any person who may be reasonably suspected of having or carrying in any manner anything stolen or fraudulently obtained or carried away ; and

(d) seize anything stolen or unlawfully obtained or fraudulently carried away.

Horse vehicle
etc. of persons
taken into
custody may be
secured.

491.—(1) When any person having charge of any horse vehicle animal or thing is taken into the custody of any constable under the provisions of this Order or of any other enactment any constable

may take charge of such horse vehicle animal or thing and deposit the same in some place of safe custody as a security for payment of any expenses which may be necessarily incurred for taking charge of and keeping the same (if the same cannot conveniently and safely be given up to the owner if known).

PART XXXVI
—cont.

(2) Unless any such horse vehicle animal or thing is claimed by the owner and all expenses incurred thereon are paid within four days after such detention a magistrate may after notice to the owner (if known) order the same to be sold and the proceeds of such sale to be applied towards the necessary expenses incurred and the balance (if any) to be paid to the owner if he can be found and if he cannot be found to be applied in the same way as fines.

492.—(1) Where any constable on duty discovers that the window or door of any house shop warehouse factory or other premises within the city has been left open or unlocked or is otherwise insecure he may put a watchman in immediate charge thereof at the expense of the tenant or person occupying such premises.

Watchmen
may be placed
in charge of
shops etc. left
open.

(2) Any expense so incurred shall be recoverable by way of penalty before the magistrate summarily at the instance of the burgh prosecutor provided that the magistrate considers the charge to be reasonable.

493. Any magistrate though out of his jurisdiction may sign any conviction judgment or warrant under this Order or any other enactment applicable to the city provided the evidence and every other proceeding necessary to support such conviction judgment or warrant has been before him when within his jurisdiction.

As to signing of
convictions and
warrants.

494.—(1) When any money or other article is deposited by any person as a security for his appearance and such person fails to appear it shall be competent for the magistrate to declare such deposit to be forfeited.

Deposits as
security for
appearances.

(2) If such deposit is money it shall be forthwith ordered by the magistrate to be paid to the clerk.

(3) If such deposit is not money such article so deposited shall be ordered by the magistrate to be sold by public auction then or at some periodical sale and the free proceeds of the sale of such article shall be paid to the clerk.

(4) Such money deposited as aforesaid or proceeds of sale as the case may be shall be accounted for along with the forfeitures penalties and fines by the clerk to the city chamberlain and applied in the same manner as forfeitures penalties and fines are applicable.

495. Except as otherwise provided in this Order or in any other enactment all forfeitures penalties fines and expenses imposed by the magistrates and recovered shall be paid to the clerk or such other person as the magistrate may direct and shall be accounted for by him once every month or at such other time as the Corporation may direct to the city chamberlain to be disposed of in accordance with the provisions of this Order.

Fines to be
paid to
clerk or
other person.

496. All forfeitures penalties and fines imposed by the magistrate and paid to the clerk or other person in accordance with the provisions of this Order shall be paid into the burgh fund and shall be dealt with in the manner provided by this Order.

Application
of penalties.

PART XXXVI
—cont.

Proceedings
subsequent
to conviction.

497. Where in consequence of the requirements of this Order or of any other enactment it is necessary that any warrant of imprisonment or other warrant should be granted subsequent to the conviction or judgment or where any other ulterior proceeding is enjoined all such warrants or ulterior proceedings may be taken without the presence of the respondent.

Provisions as
to proceedings
brought against
burgh
prosecutor.

498.—(1) Where any order or sentence following on an application by the burgh prosecutor is brought under review or where any action is brought against the burgh prosecutor or against any officer or constable in consequence of anything done in pursuance of this Order or of any other enactment applicable to the Corporation or of such order or sentence the burgh prosecutor shall immediately make a report of the facts and circumstances to the Corporation.

(2) The Corporation shall thereupon resolve either that such order or sentence so brought under review or such action shall be defended at the expense of the Corporation or that it shall not be so defended.

(3) If the Corporation resolve that such order or sentence or action shall be so defended the Corporation shall thenceforth take the superintendence and control of the case and shall relieve the burgh prosecutor or other defender from liability for all or any of the conclusions thereof.

(4) If the Corporation resolve that such order or sentence or action shall not be so defended they may if they see cause agree that they shall relieve the burgh prosecutor or other defender from the consequence of not defending the same and the Corporation shall in such case relieve the burgh prosecutor or other defender accordingly.

Parties entitled
to prosecute
may do so.

499. All prosecutions authorised by this Order shall be without prejudice to complaints at the instance of any parties who are entitled to make the same.

Form when sum
recoverable
as debt.

500.—(1) Where under this Order or any other enactment applicable to the Corporation a sum is awarded which is declared by this Order or such other enactment to be recoverable as a debt the forms to be followed in the recovery thereof shall subject to the provisions of subsection (2) hereof be those provided for enforcing decrees pronounced in the small debt courts of the sheriff.

(2) There shall be added to the finding of the magistrate in such cases a warrant for execution in the following form “and the magistrate decerns and ordains instant execution by arrestment and also execution to pass hereon by poinding and sale after a charge of “ten free days”.

(3) Any officer authorised by this Order or any other enactment applicable to the Corporation to execute the warrant of a magistrate may carry out the procedure authorised by this section.

Proceedings may
be either in
writing or
printed.

501.—(1) The several forms of proceedings prescribed by this Order or by any other enactment applicable to the Corporation may be either in writing or printed or may be partly written and partly printed.

(2) All such forms as bear reference to any antecedent form may be either on the same sheet of paper therewith or on a separate sheet attached thereto.

502. Except where otherwise provided byelaws made or to be made by the Corporation under this Order shall be deemed to provide for penalties on offenders against such byelaws not exceeding five pounds for each offence and in cases where the offence continues a daily penalty not exceeding twenty shillings.

PART XXXVI
—cont.

Penalties
for breach
of byelaws.

503. Where the doing of any act or thing is made punishable by this Order or by any byelaw thereunder the causing procuring aiding abetting or wilfully permitting or suffering such act or thing to be done shall be punishable in like manner if the nature of the case permits and if an intention to the contrary does not appear in this Order.

Punishment of
abettors.

PART XXXVII

FINANCE

A. Preliminary

504. In this Part of this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Definitions for
Part XXXVII
of Order.

“city collector” means and includes the collector for the time being appointed by the Corporation for the collection of rates and assessments under the enactments applicable to the Corporation and such other officer as the Corporation may from time to time appoint to collect such rates and assessments;

“statutory borrowing power” means and includes any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or creating or continuing payment of or in respect of any mortgage stock annuity or other security of or loan to the Corporation under any enactment applicable to the Corporation or under any Order or sanction of any government department.

505. This Part of this Order shall be deemed to have come into operation on the sixteenth day of May one thousand nine hundred and fifty-seven.

Commencement
of Part XXXVII
of Order.

506.—(1) The Corporation may if they think fit and on and subject to such terms and conditions not inconsistent with any provision of this Order as they think expedient from time to time appoint and keep appointed an officer of the Corporation as registrar for all or any of the purposes of this Order and of the Act of 1947 so far as applicable to the city (in this Order referred to as “the registrar”).

Appointment
of registrar.

(2) The Corporation in relation to the provisions of this Order and the registrar shall respectively be deemed a banker within the Bankers' Books Evidence Act 1879.

507. In its application to the city the Act of 1947 shall be read and have effect as if for the words “town chamberlain” and “burgh collector” wherever they occur there were substituted the words “city chamberlain” and “city collector” respectively.

Designation
of city
chamberlain and
city collector.

PART XXXVII

B. *Accounts funds and expenses of the Corporation*

—cont.

Burgh fund.

508.—(1) The Corporation shall continue to maintain and administer the fund called “the burgh fund” established in pursuance of the repealed Acts.

Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation on revenue account including (but without prejudice to the generality of this provision) the produce of the city rates Government grants contributions in lieu of rates all money received on account of revenue including receipts for services and commodities fees for education fees for hospital sanatorium convalescent home and any other institutional service or treatment or aliment charges for street work and materials fees for inspection and licences and all rents feu duties ground annuals interest and other annual proceeds received from any investments including investments forming part of any reserve or any equalisation depreciation insurance or renewal or superannuation fund shall be carried to and form part of the burgh fund and there shall be paid or transferred out of the burgh fund all payments and expenses made and incurred by the Corporation in respect of any public utility undertaking or in carrying out or into execution the powers and provisions of this or any other Act or Order including all annuities interest on moneys borrowed by the Corporation and sums equivalent to any amount required by law to be paid or transferred or which the Corporation may determine to pay or transfer to the loans fund or to any such fund as is referred to in this section.

(2) The Corporation may out of the burgh fund transfer into any reserve depreciation accident or renewal funds established by them such amounts as from time to time shall seem to the Corporation to be necessary or desirable.

(3) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable or to carry into the burgh fund any moneys forming part of any superannuation fund within the meaning of section 379 of the Income Tax Act 1952 or any moneys belonging to the Corporation as a trustee.

(4) Save as expressly provided in the section of this Order of which the marginal note is “Surplus from common good” this section shall not apply to the revenues or expenditure of the common good.

Annual estimates.

509.—(1) The Corporation shall annually on or before the fifteenth day of September in each year estimate and fix for the financial year then current namely from the sixteenth day of May preceding to the fifteenth day of May succeeding (a) the expenditure on revenue account and all other charges and expenses chargeable against revenue for any of the purposes of this Order (except those relating to any of the public utility undertakings) or of any other Act or Order of or relating to the Corporation as the local authority or for carrying out the provisions of any public general Act in operation within the city for the time being which imposes or confers upon the Corporation powers duties or obligations and (b) the expenditure on revenue account and all other charges and expenses chargeable against revenue of the public utility undertakings.

(2) Upon these estimates the Corporation shall after taking into account all sums receivable on revenue account estimate the deficiency of the burgh fund and thereafter determine the assessments rates and charges authorised and required to be levied or imposed to make good the deficiency.

PART XXXVII
—cont.

510.—(1) (a) If a surplus on account of the burgh fund remains at the end of any year after provision has been made for the whole deficiency for which the city rates were imposed and levied such surplus shall be retained in the burgh fund and subject to the provisions of this Order be taken into account in estimating for the city rates for the following year.

Disposal of
surpluses
and treatment
of deficiencies.

(b) If the city rates for any year are not sufficient for the purpose for which they were imposed and levied the Corporation shall and they are hereby authorised and required to make provision for the payment of such deficiency in the following and subsequent years until the same is fully paid.

(2) If the Corporation think fit any such surplus or deficiency may be adjusted in so far as that is practicable through the medium of a rate reserve account but the amount standing at the credit of such account which is used as a working balance shall not at any time exceed the sum of one hundred thousand pounds.

511.—(1) If at any time in the future the Corporation desire to alter the date of commencement of their financial year from the sixteenth day of May they may after such advertisement in a newspaper circulating in the city as may be prescribed by him request the Secretary of State to make such alteration as they may deem expedient and the Secretary of State may by order make such alteration and make such incidental consequential and supplementary provisions as he thinks necessary or expedient for the purpose of giving effect to such alteration.

As to alteration
of date of
financial year.

(2) The power to make orders conferred on the Secretary of State by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

512.—(1) (a) The Corporation shall keep separate accounts and balance sheets in respect of each of the public utility undertakings so as to show the financial position of the said undertakings respectively.

As to accounts
of public
utility
undertakings.

(b) Such accounts shall distinguish capital from revenue and as to revenue shall show under a separate heading or division on the one side all receipts and on the other side all payments and expenses in respect of each public utility undertaking such payments and expenses being divided so as also to show in the case of each public utility undertaking the amounts representing—

- (i) the working and establishment expenses and cost of maintenance thereof;
- (ii) the annuities (if any) payable in respect thereof;
- (iii) the interest on moneys borrowed by the Corporation for the purposes thereof or connected therewith;
- (iv) the amounts appropriated to the loans fund for the extinction of debt during the year;
- (v) all other expenses (if any) properly chargeable to revenue in respect of each undertaking including any sums appropriated to any reserve or any other fund of the undertaking.

PART XXXVII
—cont.

(2) 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.

Application of
surplus revenue
of undertakings.

513. If in any year moneys received by the Corporation on account of the revenue of any public utility undertaking shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of that undertaking for the several purposes mentioned in sub-paragraphs (i) (ii) (iii) (iv) and (v) of paragraph (b) of subsection (1) of the section of this Order of which the marginal note is "As to accounts of public utility undertakings" then a sum equivalent to the amount of such excess may be credited to the revenue account of the undertaking for the next succeeding year Provided that the Corporation shall in fixing the rates or charges for water and the fares and charges in connection with the transport undertaking so fix the same respectively that the revenue shall as nearly as possible meet the expenditure for each year.

Trust funds
under
management of
Corporation.

514.—(1) In every case where the Corporation or the magistrates or any number of them are the sole trustees for any charity foundation or mortification the accounts relative to such charity foundation or mortification shall be kept distinct from the other accounts kept by the Corporation.

(2) The Corporation shall yearly cause to be made out from their books accounts relative to every such charity foundation or mortification and all the statutory provisions relative to the preparation audit submission to the Corporation and inspection of the accounts and right of appeal in respect thereof shall apply to the accounts of every such charity foundation or mortification.

Account of
common good.

515. The Corporation shall keep a separate account of the common good and in such account shall distinguish capital from revenue and as to revenue shall show under a separate heading or division on the one side all receipts and on the other side all payments and expenses.

Surplus from
common good.

516.—(1) If in any year the city and royal burgh of Dundee are possessed of any free revenue arising from the common good after deduction of (a) the interest on any debt due by the common good to the loans fund and (b) the necessary annual expenditure of such burgh from such free annual revenue there shall be contributed annually to the burgh fund such reasonable proportion as the Corporation in their discretion think fit.

(2) It shall not be lawful to contribute any sum from the common good to the burgh fund unless the contribution for the liquidation of the debt (if any) due by the common good to the loans fund in the same year amounts to not less than one-twentieth part of that debt.

Reserve or
renewal funds.

517.—(1) Subject to the provisions of this Order the Corporation may continue establish administer and maintain such reserve depreciation or renewal funds in connection with 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 depreciation or renewal funds shall not at any time exceed one-tenth of the aggregate capital expenditure of such departments and undertakings. PART XXXVII
—cont.

(2) The Corporation may (unless the amounts so set aside are used under the provisions of the section of this Order of which the marginal note is "Power to use sinking fund etc. instead of borrowing") invest any reserve depreciation or renewal funds in Government securities or in any other securities in which trustees by the law of Scotland are for the time being authorised to invest.

(3) Any reserve depreciation or renewal fund 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 fund and of any reserve depreciation or renewal fund 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 rates or any other rate which the Corporation have 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 depreciation or renewal fund provided in respect of the transport undertaking shall not be applied by the Corporation for any purposes other than those of the transport undertaking.

(4) Resort may be had to a reserve depreciation or renewal fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

518.—(1) The Corporation may if they think fit continue to maintain the insurance fund established by them in pursuance of the repealed Acts (in this section called "the insurance fund") for the purpose of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say) :— Insurance fund.

- (a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging to or on loan to or under the care custody or control of the Corporation ;
- (b) Risk of accident and claims by third parties in respect of omnibuses tramways trolley vehicles scavenging vehicles motor-cars and motor transport vehicles ;
- (c) Risk of explosion in respect of boilers ;
- (d) Risks under the common law or any enactment or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties ;
- (e) Risks of mechanical or electrical breakdown at or in connection with any works of the Corporation :

PART XXXVII
—cont.

- (f) Risks of loss due to infidelity of officials of the Corporation ;
(g) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The provisions of this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide or from continuing any non-statutory fund already in existence in connection with any department of the Corporation.

(3) The whole or any part of the funds stock and securities of the accident funds of any department of the Corporation may at any time in the discretion of the Corporation be transferred to and become part of the insurance fund and on such transfer such funds shall become part of the insurance fund and shall be subject to the provisions of this section.

(4) In each year the Corporation shall pay into the insurance fund either—

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide or continued any non-statutory fund already in existence ; or
(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance and any sum appropriated to any non-statutory fund be equal to the aggregate amount aforesaid.

(5) When the insurance fund amounts to one hundred and fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below one hundred and fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (4) of this section until the fund is restored to the sum of one hundred and fifty thousand pounds.

(6) The Corporation shall provide the yearly payments aforesaid by contributions from the burgh fund and any of the undertakings and the common good of the Corporation and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(7) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be required to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Order) be invested in statutory securities and the interest

and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of one hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the burgh fund.

(8) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Secretary of State borrow at interest under and subject to the provisions of this Order such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the burgh fund or out of the revenue of such undertaking of the Corporation as is liable and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportion as the Secretary of State may direct having regard to the risks through which such deficiencies arise.

(9) In this section "insurance office" means an insurance company or an underwriter being a member of an association of underwriters.

519.—(1) The Corporation may maintain a slum property equalisation fund (in this section called "the fund") which shall be used in the acquisition and demolition of old properties and the clearing and laying out of the sites thereof where deemed advisable under the Housing (Scotland) Act 1950 or any Acts extending or amending the same or any of such purposes under the said Act or Acts and may make contributions to the fund out of the burgh fund under such head of expenditure as the Corporation may determine Provided that such contributions shall cease to be made whenever the fund amounts to the sum of fifty thousand pounds.

Equalisation
fund for slum
clearances.

(2) The Corporation may in addition accept and apply towards the purposes of the fund any sum which may be contributed to them by gift for the purpose and immediately upon receipt thereof such sum shall become part of the fund and be dealt with accordingly but any such sum or the interest thereon or on investments for the time being representing the same shall not be taken into account in arriving at the sum of fifty thousand pounds referred to in this section.

(3) Resort may be had to the fund although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) If the fund is at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

PART XXXVII
—cont.

(5) Except so far as the fund and proceeds of sale of securities in which the fund is invested may be required for the purposes of the fund all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Order) be invested in statutory securities or used in manner provided in the section of this Order of which the marginal note is "Power to use sinking fund etc. instead of borrowing" and the interest and annual proceeds arising therefrom shall be invested and accumulated until the fund amounts to the sum of fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be paid into the burgh fund.

Power to Corporation to pay expenses of clerk to lieutenancy.

520. The Corporation may as part of the general expenses of the Corporation pay expenditure reasonably incurred by the clerk to the lieutenancy of the county of the city of Dundee and liberties thereof in relation to the duties of such lieutenancy.

Power to subscribe to hospitals etc. and pay expenses of public ceremonies.

521.—(1) (a) The Corporation may—

- (i) pay reasonable subscriptions whether annually or otherwise not exceeding in the whole five hundred pounds in any one year to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said association or any of them and of purchasing reports and contributing towards the expenses of any such conferences or meetings ;
- (ii) pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the city and on the conferring of the freedom of the city on any persons and in providing suitable addresses and gifts on such occasions ;
- (iii) pay reasonable subscriptions not exceeding in the whole five hundred pounds in any one year in aid of local units of the territorial forces rifle clubs and other institutions established in or connected with the city for the purposes of rendering national or public services ;
- (iv) make reasonable contributions 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.

(b) Payments made by the Corporation by virtue of this subsection may be defrayed as part of such branch or branches of expenditure as the Corporation deem appropriate.

(2) (a) The Corporation may pay 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 society for benefit of boys girls men women soldiers and sailors or other institute of a similar character or of any home which is established in the city for the care of such classes of persons or any of them and which is mainly supported by voluntary subscriptions.

PART XXXVII
—cont.

(b) Payments made by the Corporation by virtue of this subsection may be defrayed as part of such branch or branches of expenditure as the Corporation deem appropriate.

C. Levy and collection of rates

522.—(1) On or before the fifteenth day of September in each year the Corporation shall impose a consolidated rate to be called the “city rates” sufficient to provide the sums of money necessary to be levied during the financial year then current estimated in accordance with the provisions of the section of this Order of which the marginal note is “Annual estimates”.

Imposing of
city rates.

(2) Subject to any statutory provision for exemption or abatement the city rates shall except as otherwise provided in terms of the House Letting and Rating (Scotland) Acts 1911 and 1920 and the Act of 1947 be imposed upon the occupiers of the lands and heritages within the city according to the rateable value thereof as determined in accordance with any enactment affecting the same.

(3) In imposing the city rates the Corporation shall not be bound to fix any rate of assessment which includes a fractional part of a penny.

(4) Subject to any alteration in the date of the financial year under the provisions of this Order the city rates shall be imposed as from the sixteenth day of May in any one year to the fifteenth day of May in the following year except in the case of lands and heritages entered in the supplementary valuation roll in which case the city rates shall be imposed in respect of the period from the date when such lands and heritages came into existence and occupancy to the fifteenth day of May next ensuing.

523.—(1) Any agent or person acting for or in name or on behalf of a proprietor or tenant or occupier of lands and heritages who knowingly or wilfully presents or causes to be presented to the assessor under the Lands Valuation Acts a false statement of the yearly rent of any such lands and heritages within the city belonging to or occupied by the proprietor or tenant or occupier for or in name or on behalf of whom he acts shall be guilty of an offence and shall be liable on summary conviction to the penalty imposed by the said Acts upon proprietors tenants or occupiers of lands and heritages presenting or causing to be presented false statements to such assessor.

Penalty for
making false
returns.

(2) Such penalty shall be recovered and applied in the way and manner provided by the said Acts and shall be in addition to any penalty already imposed upon any other person by the said Acts.

524.—(1) The Corporation shall in each year cause to be made up from the valuation roll an assessment roll showing the rateable value of the lands and heritages liable to be assessed for the city rates

Assessment
roll to be
made up.

PART XXXVII and the total amount of assessment payable in respect of such lands
—cont. and heritages Provided that—

- (a) There shall not be entered in the assessment roll any fractional part of a pound of rateable value other than shillings and when such fractional part shall not amount to ten shillings the same shall not be entered in the assessment roll and when such fractional part shall amount to ten shillings the same shall be entered as ten shillings and when it exceeds ten shillings it shall be entered as one pound of rateable value in addition to the actual number of pounds of rateable value and shall be assessed accordingly ;
- (b) The assessment roll shall be open to the inspection of any person interested in or liable to pay the city rates at all reasonable times and any such person may take extracts therefrom of the assessment in which he is interested or for which he is liable without paying anything for the same ;
- (c) The Corporation shall have power to rectify any error which may be found in the assessment roll ;
- (d) The Corporation in their discretion may cause the assessment roll to be made up so as to show therein either in cumulo or separately the appropriate entries for the city rates and for any other rates or assessments which the Corporation are or may be authorised to collect along with the city rates or the Corporation in their discretion may instead of making up a separate assessment roll make the appropriate entries on a copy of the valuation roll which shall then be deemed to be equivalent to the assessment roll ;
- (e) For the purpose of this section the expression " valuation roll " shall include any supplementary valuation roll made up under any statutory provision during the year and the provisions of this section applicable to the assessment roll made up from the principal valuation roll shall apply to any supplementary assessment roll made up from the supplementary valuation roll ;
- (f) The production of the assessment roll (or its equivalent) made up in accordance with the provisions of this section shall without any other evidence be received as prima facie evidence of the making and validity of the assessments therein mentioned.

(2) Paragraph (a) of subsection (1) of this section shall cease to have effect on the sixteenth day of May one thousand nine hundred and sixty-one.

Deduction
for partial
occupation.

525. The Corporation may if they think fit allow a deduction proportionate to the period during which the lands and heritages are unlet from the city rates and any other rates or assessments which the Corporation are or may be authorised to collect along with the city rates in respect of any period during which any lands and heritages are not let retained for occupation or occupied for not less than three months consecutively in any one financial year.

526.—(1) There shall be imposed on any person who on the thirty-first day of March in any year is in arrear of the city rates or any part thereof by way of penalty for neglect or failure in payment one penny upon each complete pound of rateable value of the lands and heritages in respect of which such person is so in arrear in addition to the amount of the rates then due.

PART XXXVII
—cont.

Penalty for
non-payment.

(2) The Corporation and the city collector are hereby empowered and required to levy and collect such penalty.

527.—(1) If any person liable for the payment of the city rates refuses or neglects to pay the city rates or any portion thereof on or before the expiry of one month after such city rates or any instalment thereof or any part thereof are due and payable the city collector may make an attestation setting forth that the said person has failed to pay such city rates or any portion thereof notwithstanding that such city rates or portion thereof have been demanded from him by a notice or demand note delivered to or left for him on the premises in respect of which such city rates are paid or at his dwelling-house or place of business ;

Recovery of
city rates.

- (a) When such attestation has been made it shall be lawful for the city collector to make application to the sheriff who upon such application and the production therewith of such attestation shall grant summary warrant for recovery of the said city rates or the portion thereof remaining unpaid and for recovery of any penalty which may have been incurred under the provisions of the section of this Order of which the marginal note is "Penalty for non-payment" with the addition in each case of ten per centum of the sum due and unpaid ;
- (b) Such warrant shall authorise recovery of the amounts unpaid as aforesaid by poinding and arrestment and shall further authorise the city collector or officers of court to enter into any premises in the occupancy of any person so in arrear and to open shut and lockfast places and to poind seize remove or secure any goods and effects therein belonging to such person or so much thereof as will satisfy the arrears due by him with the said penalty the said addition of ten per centum and expenses ;
- (c) Such warrant shall also authorise the city collector or officers of court or licensed auctioneer after the lapse of four days in the event of non-payment of the said arrears penalty the said addition of ten per centum and expenses to sell and dispose of the said goods and effects by public auction on three days' notice and apply the price in payment of the said arrears penalty the said addition of ten per centum and expenses due by such person and the balance shall be paid to such person and the aforesaid attestation application and warrant shall be in the form as near as may be to that contained in the Fourth Schedule to this Order :

Provided always that nothing herein contained shall prejudice the right of the city collector at any time after the city rates are payable and that either before or after such warrant has been obtained to prosecute as he is hereby empowered to prosecute for and

PART XXXVII
—cont.

recover in the small debt court or by any other legal form of proceeding all or any part of such city rates in arrear with the addition of any penalty which may have been incurred as aforesaid. Provided further that the city collector shall be bound to preserve the warrants of all seizures or sales made under and in virtue hereof and shall enter in a book to be kept for that purpose the names of the parties proceeded against the city rates penalty and additional sum due the expenses of the proceedings and the true proceeds of each sale which book shall be open to the inspection (without any fee) of all parties interested for three months after the date of each sale respectively and at any time within that period it shall be competent to any person considering himself aggrieved to complain to the sheriff of anything done unjustly or oppressively in regard to such seizure or sale such complaint being made in the form of a petition subscribed by the complainer and the decision of the sheriff shall be final.

(2) The provisions of the immediately preceding subsection shall also apply in respect of any other rates and assessments which are or may be included along with the city rates and which appear or may appear on the same demand note.

(3) When any city rates are payable or in arrear movable goods and effects belonging to any persons within the city whose rates are so payable or in arrear shall not be liable to be taken by virtue of any poinding sequestration or diligence whatever or by any assignation unless the person proceeding to take the goods and effects pays the equivalent of the city rates so payable or in arrear. Provided that such city rates shall not be payable for more than one financial year. Provided further that nothing in this subsection shall authorise the recovery from the person who has taken the goods and effects of any sum exceeding the amount recovered by that person under deduction of the expenses of and incidental to the taking of such goods and effects and their preservation and sale.

(4) The provisions of the immediately preceding subsection shall also apply in respect of any water rates or rents or charges for water supplied by the Corporation within their limits of supply whether within or outside the city.

Recovery of city rates etc. in cases of persons resident beyond city.

528. If any person liable in payment of the city rates or of any other rates or assessments or charges or expenses authorised to be levied or recovered under the provisions of this Order or any other enactment applicable to the Corporation removes to any place beyond the city the Corporation and the city collector or other officer may put the decrees and warrants which may be granted for the recovery of such rates charges or expenses in manner before mentioned into execution in the same manner as if such person had continued to reside within the city such decree or warrant being first endorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which it is to be put into execution.

Recovery of rates from persons removing.

529. If any person quits or is about to quit any rated property before he has paid all city rates and other rates or assessments which the Corporation are or may be authorised to collect along with the city rates due by him and fails to pay the same on demand the city collector or any officer of court may by warrant under the hand of a magistrate (which warrant a magistrate is hereby authorised and required to grant without issuing any previous summons to such

person upon proof to his satisfaction of such removal or intended removal or that there is reason to suspect the same) point and distrain the goods and effects of such person and sell the same returning the overplus (if any) to the owner of such goods and effects upon demand after having deducted the reasonable expenses attending such pointing distress and sale together with the city rates and other rates or assessments so due.

PART XXXVII
—cont.

530. Any misnomer mistake or informality committed in any proceedings for recovery of the city rates or any other rates or assessments or charges or expenses under the provisions of this Order or any other enactment applicable to the Corporation shall not prejudice the recovery thereof nor shall such proceedings fall lapse cease or abate by the death resignation or removal of the city collector instituting the same but the city collector for the time being may prosecute and follow further procedure commenced and carried on in the name of any previous city collector in all respects as if such procedure had been taken by himself. Provided that it shall not be competent for any person to sue nor for any court of law to entertain any action or proceeding against the Corporation or the city collector or officers or other persons employed in executing any decree or warrant in reference to such city rates or other rates or assessments or charges or expenses by reason of any misnomer mistake or informality if the goods or other effects seized or sold under such warrant were bona fide the property or in the lawful possession of the person actually liable in payment thereof.

Misnomers not to affect proceedings for recovery of city rates etc.

531.—(1) In respect that the trustees of the harbour of Dundee are themselves to pave light watch and cleanse all the streets quays piers jetties docks and other places within the harbour and docks or precincts thereof and that the Corporation will thereby be benefited the Corporation shall pay to the said trustees year by year a sum equivalent to six twenty-fifths of the ordinary revenue expenditure incurred by the said trustees for the said purposes in the year concerned.

Payment to trustees of harbour of Dundee in respect of certain services.

(2) Any difference which may arise between the Corporation and the said trustees as to the proper amount of the said ordinary revenue expenditure in any year shall be referred to and determined by an arbiter to be mutually agreed upon between the Corporation and the said trustees and failing such agreement such difference shall be determined on the application of either party by the sheriff.

532.—(1) Whenever the Corporation consider that payment of any deficiency in respect of any periodical sums required to be set aside for the redemption or repayment of advances made from the loans fund to any department of the Corporation or to any of the public bodies or authorities to which the Corporation are authorised under this Order or any other enactment or any statutory instrument to make advances by way of loan should be made to the loans fund out of moneys to be raised by means of the guarantee rate hereinafter mentioned a meeting shall be specially called with notice of this object.

Guarantee rate.

(2) If at such special meeting the Corporation resolve so to pay any such deficiency the Corporation may and they are hereby empowered to impose assess and levy upon and from all lands and heritages situated within the city such annual assessment as they

PART XXXVII may consider necessary for the purpose of paying any such deficiency which assessment shall be called the guarantee rate and the several sums so imposed assessed and levied shall be carried to and form part of the loans fund and be applied as herein provided with respect to contributory payments.

—cont.

(3) When the Corporation require to exercise the powers of this section any sum imposed assessed and levied as a guarantee rate shall be deemed to be a debt due from the fund assessment or account in aid of which the guarantee rate was applied together with interest thereon at a rate to be determined upon by the Corporation until repayment and the same debt and interest thereon shall (as soon as in the judgment of the Corporation may be) be raised and paid out of the revenue of the fund assessment or account from which the debt is due and be applied in relief of the city rates.

(4) The guarantee rate shall be levied and recovered in the same manner and along with and subject to the same provisions and exemptions as are provided with respect to the assessments leviable under this Order and shall be collected by the city collector or by a collector appointed for that purpose and such collector shall keep a separate and distinct account of the guarantee rate and shall pay over the amount of the said rate when collected to the Corporation or to any officer to be appointed by them for that purpose.

Limitation of expenditure out of rates etc.

533.—(1) Notwithstanding anything in this Order or in any other enactment the expenditure incurred or payable by the Corporation in respect of any year out of the city rates and grants under Part III of the Local Government Act 1948 the Local Government (Financial Provisions) (Scotland) Act 1954 or that Act as amended by the Valuation and Rating (Scotland) Act 1956 (in this subsection referred to as “net expenditure”) shall in the case of the expenditure hereinafter mentioned be limited to an amount equal to the produce of a rate of the amount per pound hereinafter mentioned with respect to the matters hereinafter mentioned respectively calculated on the gross annual valuation of the city according to the year corresponding as nearly as may be to the financial year immediately preceding that to which the expenditure relates (that is to say):—

(a) The net expenditure for the following purposes (namely):—

1. Police and police court ;
2. Lighting ;
3. Cleansing ;
4. Baths and wash-houses ;
5. Markets ;
6. Slaughterhouses ;
7. Public clocks ;
8. Public weighbridges ;
9. Weights and measures administration ;
10. Fatal Accidents Inquiry (Scotland) Act 1895 ;
11. Explosives Acts 1875 to 1923 ;

shall be restricted to the produce of a rate of four shillings and sixpence per pound calculated as aforesaid :

Provided that where the Secretary of State is satisfied that the produce of a rate of four shillings and sixpence

per pound calculated as aforesaid will not be sufficient to meet the net expenditure mentioned in this paragraph incurred or likely to be incurred by the Corporation in any year or years the Corporation may with the consent of the Secretary of State defray such expenditure for that year or those years as if for the limit of four shillings and sixpence per pound there were substituted such increased limits as may be specified by the Secretary of State;

- (b) The net expenditure for carrying into effect the provisions of the section of this Order of which the marginal note is "Equalisation fund for slum clearances" shall be restricted to the produce of a rate of twopence per pound calculated as aforesaid;
- (c) The net expenditure in respect of payments made in pursuance of subsection (1) of the section of this Order of which the marginal note is "Power to subscribe to hospitals etc. and pay expenses of public ceremonies" shall be restricted to the produce of a rate of one penny per pound calculated as aforesaid;
- (d) The net expenditure in respect of city improvements shall be restricted to the produce of a rate of one shilling per pound calculated as aforesaid;
- (e) The net expenditure in respect of Camperdown Estate shall be restricted to the produce of a rate of one penny per pound calculated as aforesaid;
- (f) The net expenditure for the purposes of the section of this Order of which the marginal note is "Powers as to Belmont Estate and mansion house" shall be restricted to the produce of a rate of three farthings per pound calculated as aforesaid.

(2) Where the Secretary of State is satisfied that any of the rate limitations hereinbefore mentioned are inadequate for the purpose stated he may by order increase any such rate limitation.

(3) On and after the sixteenth day of May nineteen hundred and sixty-one for the reference in this section to "gross annual valuation" there shall be substituted a reference to "net annual valuation".

(4) The power to make orders conferred on the Secretary of State by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

D. *Borrowing by Corporation*

534. All borrowing powers of the Corporation granted before the commencement of this Order under or in accordance with the provisions of the repealed Acts and every consent given by a sanctioning authority before the commencement of this Order to the exercise of any of such borrowing powers shall notwithstanding the repeal of the repealed Acts continue to be in force as fully and effectually as if the Act confirming this Order had not been passed but only in so far as the amounts borrowed are outstanding and not paid off or the borrowing powers are unexhausted at the commencement of this Order.

Existing
borrowing
powers
continued.

PART XXXVII
—cont.Power to borrow
money.

535. Subject to the provisions of this Order the Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow or raise—

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

such money as may be necessary for those purposes respectively in the same way and manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947 and the provisions of Part XII of the Act of 1947 shall extend and apply with respect to the borrowing of money under this section. Provided that notwithstanding anything contained in section 262 of the Act of 1947 any money borrowed for the purposes (a) above mentioned shall be repaid within forty years from the date or dates of borrowing the same and any money borrowed for the purpose (b) above mentioned shall be repaid within five years from the date of the passing of the Act confirming this Order.

Saving for
control on
borrowing.

536. 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.

Further
borrowing
powers in
respect of water
undertaking.

537.—(1) The Corporation may from time to time borrow such sums as may be necessary for the purposes of the water undertaking to meet any expenditure of a capital nature on the same.

(2) Without prejudice to the generality of the last preceding subsection the Corporation may with the consent of the Secretary of State borrow such sums as they may require for the maintenance alteration improvement enlargement extension or renewal of their waterworks or the construction or maintenance of such other works as they have power to construct or maintain for the purposes of the water undertaking where having regard to the nature of the works the cost ought to be spread over a term of years.

(3) Without prejudice to any powers vested in them under any other enactment the Corporation may for the purposes of the water undertaking borrow on temporary loan from time to time such additional sums of money as may be necessary to meet expenditure (other than expenditure of a capital nature) incurred by the Corporation in providing stocks and other equipment.

Repayment
of money
borrowed for
purposes
of water
undertaking.

538. Notwithstanding anything contained in this Order any sums borrowed by the Corporation after the commencement of this Order for the purposes of the water undertaking shall be deemed for the purposes of section 262 of the Act of 1947 to be borrowed for the purposes of the Water (Scotland) Acts 1946 and 1949.

As to
borrowing in
respect of
transport
undertaking.

539. Notwithstanding anything in this Order any sums borrowed by the Corporation after the commencement of this Order for the purposes of the transport undertaking to meet any expenditure of

a capital nature shall be so borrowed only with the sanction of and subject to such conditions as to period for repayment as may be prescribed by the Secretary of State. PART XXXVII
—cont.

540. If the Corporation pay off any money borrowed under the powers of this Order or any money borrowed under the repealed Acts or any part thereof otherwise than by instalments or by means of a sinking fund as in this Head of this Part of this Order prescribed or out of the proceeds of the sale of lands or other moneys received by them on capital account (not being borrowed money) they may reborrow the same and so on from time to time. Provided that all moneys so reborrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in place of which such reborrowing has been made. Reborrowing
of money
paid off.

541.—(1) Notwithstanding anything contained in any other enactment all mortgages stock annuities or other securities of and loans to the Corporation whether granted created issued or made before or after the commencement of this Order and all annuities dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority and all such annuities dividends and interest shall be the first charges on the revenues aforesaid and shall be paid out of the burgh fund. As to ranking of
securities of
Corporation.

(2) For the purposes of this section the revenues of the Corporation include the revenues of the Corporation from time to time arising from any land undertaking investment or other property for the time being of the Corporation other than the common good and from any government grants fees receipts for services and commodities and the rates or contributions leviable or receivable by the Corporation.

542. All Corporation securities purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation such securities and all dividends and interest thereon (not already accrued) shall be and the same are by virtue of this Order extinguished. Extinction of
securities
redeemed or
purchased.

543.—(1) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this Part of this Order the Corporation may from time to time by resolution exercise the power by creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price and to bear such half-yearly or other dividends as the Corporation by resolution direct. Creation of
Corporation
redeemable
stock.

(2) Stock so created under the provisions of this Order shall be designated "Dundee Corporation Redeemable Stock" and is comprised in the term "Corporation stock" when hereafter used in this Part of this Order.

(3) The resolution for the first creation of any class of redeemable stock shall provide that such stock shall be redeemed by the Corporation at par at the expiration of a period to be fixed by the resolution not exceeding sixty years from the first creation of each class of redeemable stock.

PART XXXVII

—cont.

Statutory borrowing power to be exercisable for actual sum raisable.

544. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment of or redemption by the Corporation of any mortgage bond debenture debenture stock annuity rent rentcharge or other security granted or created by the Corporation.

Payment off or substitution for existing securities.

545.—(1) Where any mortgage bond debenture debenture stock annuity rent or rentcharge or other security granted or created before or after the commencement of this Order under any statutory borrowing power or other power conferred by any enactment or sanction of any government department is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2) The Corporation may in every such case make such reasonable payment as they think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power or other power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment off or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(5) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

546. On the issue of any portion of Corporation stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows (namely) :—

PART XXXVII
—cont.

Extinction or suspension of power.

(a) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rent rentcharge or other security granted or created by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Order extinguished ; but

(b) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be reborrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

547. Money raised by Corporation stock shall be employed by the Corporation for the purposes of their several statutory borrowing powers and not for any other purpose.

General application of money from Corporation stock.

548.—(1) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Corporation securities and the amounts held by them (in this Part of this Order referred to as the "Corporation securities registers").

Corporation securities registers.

(2) The Corporation securities registers shall be prima facie evidence of any matter entered therein in accordance with this Part of this Order and of the title of the persons entered therein as holders.

549.—(1) On demand of a holder of any Corporation stock or annuity the Corporation shall give him a certificate of the proprietorship thereof specifying the amount of Corporation stock or annuity to which he is entitled (in this Part of this Order referred to as a "stock or annuity certificate").

Certificates of proprietorship of stock and annuities.

(2) A stock or annuity certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assignees to the stock or annuity therein specified but the want of a stock or annuity certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock or annuity from disposing of and transferring the same.

(3) If a stock or annuity certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock or annuity certificate to the party in whom the property in the stock or annuity certificate and in the stock or annuity therein specified is then vested.

(4) If a stock or annuity certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock or annuity certificate to the party entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock or annuity certificate or a substituted certificate as the case may be shall be made in the Corporation stock or annuity register.

PART XXXVII

—cont.

Power for
stockholder or
annuitant
to transfer.Transfer of
stock or annuity
by deed.

550. Subject to the provisions of this Part of this Order any Corporation stockholder or annuitant may transfer all or any part of his stock or annuity.

551.—(1) The provisions of this section shall apply and have effect in relation to Corporation stock and in relation to Corporation annuities.

(2) Every transfer of Corporation stock and every transfer of a Corporation annuity shall be by deed.

(3) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(4) The deed of transfer when duly executed shall be delivered to the Corporation or the registrar and the Corporation or the registrar shall cause the deed of transfer to be preserved in a book to be called "the register of transfers".

(5) The Corporation or the registrar shall on demand and on delivery up of the old stock or annuity certificate or on proof satisfactory to the Corporation of its absence deliver a new stock or annuity certificate to the purchaser or shall at the option of the Corporation make an indorsement of the transfer on the existing stock or annuity certificate which indorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock or annuity certificate.

(6) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock or annuity shall not be entitled to receive any dividend on such stock or instalment of such annuity.

Closing of
transfer books.

552.—(1) The Corporation or the registrar with the approval of the Corporation may as regards any portion of Corporation stock or annuities close the register of transfers of Corporation stock or annuities (as the case may be) on any day in the month next before that on which dividends on such portion of Corporation stock or instalments of such Corporation annuities are payable but so that the books be not at any time kept closed for more than one month.

(2) The persons who on the day of such closing are inscribed as Corporation stockholders or annuitants shall as between them and their transferees of Corporation stock or annuities be entitled to the dividend next payable thereon or the instalment next payable thereof as the case may be.

Stamp duty on
transfers.

553. Unless the Corporation have compounded for stamp duty every deed of transfer of Corporation stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Payment of
dividends etc.

554. The Corporation may pay by the registrar the dividends or interest on Corporation stock and the instalments of Corporation annuities and such payments may be made by warrant.

555. Notwithstanding anything in this Part of this Order the Corporation may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the Corporation if and as far as the same has not been acted on by the issue of stock thereunder.

PART XXXVII
—cont.
Saving for
power of
revocation.

556. Corporation stock shall be deemed capital stock of a body corporate within the Forgery Act 1861 as amended and extended to Scotland by the Forgery Act 1870.

Forgery.

557. The forms given in the Fifth Schedule to this Order may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Forms.

558. Fees not exceeding those specified in the Sixth Schedule to this Order may be taken by or on behalf of the Corporation in the cases therein mentioned.

Fees.

559.—(1) Where the Corporation are authorised by any statutory power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed and charged upon all the revenues of the Corporation.

Power to use
sinking fund etc.
instead of
borrowing.

(2) The Corporation may also instead of exercising such borrowing power as aforesaid by the issue of any fresh security exercise the said power and raise the said moneys either wholly or partially by using any reserve depreciation renewal superannuation or other funds belonging to and held by them on account of or in connection with any of the departments administered by them or under their control or any of their undertakings.

(3) The employment of such money or funds shall be deemed to be an exercise of the borrowing power in respect of which such money or funds is so used and the Corporation shall make the same annual payments or contributions to the loans fund of the Corporation for interest and redemption as would have been payable under the Act or Order giving such borrowing power if the money had been raised by the issue of stock or borrowed otherwise.

560. For the purpose of dealing with all moneys borrowed or to be borrowed by the Corporation and the redemption or repayment thereof and the payment of interest or dividends thereon the fund called the "Dundee Corporation Loans Fund" established in pursuance of the repealed Acts shall continue to be applied and administered by the Corporation in accordance with the rules contained in the Seventh Schedule to this Order.

Continuation of
loans fund.

561. Nothing in or done under this Order shall affect any power of the Corporation to raise under any enactment or sanction of any government department otherwise than by Corporation stock any money which they do not think fit to raise by Corporation stock.

Saving for
power to borrow
otherwise.

PART XXXVII
—cont.Saving for other
obligations.

562.—(1) Except as in this Order expressly provided nothing in or done under this Order shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any enactment or sanction of any government department under or by which that power for the time being exists or is regulated.

(2) Nothing in or done under this Order shall prejudicially affect any power or duty of the Corporation acting in the execution of this Order or any other enactment or sanction of any government department or any of them to sell lease or otherwise dispose of any land or property belonging to or vested in them or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of Corporation stock or any other charge under this Order or affect any claim of any person under such first-mentioned charge.

(3) Such land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other disposition be by virtue of this Order absolutely freed from the charge of Corporation stock or any other charge under this Order and he shall not be concerned to see to the application of the purchase money or other money or be answerable for any loss or misapplication thereof.

Expenses.

563. The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation stock including any sums paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raiseable under the statutory borrowing power in exercise whereof that portion of stock is issued.

Power to
borrow on
promissory
notes.

564.—(1) For the purpose of providing temporarily for the current expenses between the commencement of any financial year and the date when any assessment for that year is received it shall be lawful for the Corporation to raise temporarily by the issue and renewal of Dundee Corporation promissory notes any money which the Corporation are or may be authorised to borrow for current expenses provided that the total sum of such promissory notes which are issued by the Corporation and outstanding shall not at any time exceed the sum of two hundred thousand pounds except promissory notes issued in order to pay off other promissory notes matured:

Provided always that the money so borrowed shall be repaid not later than nine months after the borrowing out of the revenue raised by the assessments of such year and that a promissory note shall not be issued during the last three months of the financial year.

(2) A register of the promissory notes shall be kept by the registrar and such register shall show the amount of each promissory note the names of the persons by whom it is signed the date of issue the date when the same falls due and the date of payment.

(3) The Corporation shall from time to time make regulations with respect to the form preparation mode of issue and signing and of payment discharge and cancellation of promissory notes issued or renewed under the powers of this section.

(4) Moneys borrowed by Dundee Corporation promissory notes shall have the same charge and security as Corporation stock.

(5) Each promissory note shall be for the amount directed by the Corporation not being less than five hundred pounds. PART XXXVII
—cont.

(6) The amount of money received by the Corporation in respect of a promissory note shall be deemed to be principal money raised by means of such promissory note and the difference between the amount payable in respect of a promissory note and the amount received in respect thereof shall be deemed to be interest on the principal money so raised.

565. Any mortgage made and granted by the Corporation shall be and be deemed to be validly executed notwithstanding any law or practice to the contrary if such mortgage is sealed with the common seal of the Corporation and signed on behalf of the Corporation by one member of the Corporation and by the town clerk or a depute town clerk without the necessity of witnesses and a minute of renewal of a mortgage shall be held to be validly executed on behalf of the Corporation if such minute is signed on behalf of the Corporation by the registrar or a depute registrar without the necessity of witnesses. Execution of mortgages.

566.—(1) The Dundee gas annuities the Broughty Ferry gas annuities and the water annuities shall continue to be called and referred to indifferently as “the Dundee Corporation annuities”. As to Corporation annuities.

(2) Subject to the provisions of this Order all enactments applicable to Corporation stock shall apply with all necessary modifications and adaptations to the said annuities.

567. The Corporation may at any time by resolution passed at an ordinary or special meeting of the Corporation determine to pay off and redeem the Dundee Corporation annuities or the balance thereof remaining unredeemed for the time or any part of such annuities or of such balance and on such resolution being passed such annuities shall be redeemable by the Corporation by the method and on the terms following (that is to say) upon transfer to the registered holders of such annuities of such an amount of two and a half per centum consolidated stock of the United Kingdom that the interest thereon will equal the amount of the annuity held by them or upon consignment in bank in the names of the registered holders of such annuities of a sum equal to the price of such stock in accordance with the provisions of this Order. Redemption of Corporation annuities.

568. In the event of the Corporation resolving in terms of the immediately preceding section to redeem the Dundee Corporation annuities or the balance thereof remaining unredeemed for the time or any part of such annuities or of such balance the following provisions shall have effect:— Provisions for carrying out redemption of Corporation annuities.

(1) The Corporation shall as soon as may be after passing such resolution publish a notice of the same in the Edinburgh Gazette and once in each of two consecutive weeks in one or more newspapers circulating in the city and they shall also cause a notice (in this section referred to as “the notice of redemption”) to be given to every holder of any such annuities by sending the same by post in a registered letter to the address of such holder as entered in the register or to his last known address ;

PART XXXVII
—cont.

- (2) The notice of redemption shall set forth the terms of such resolution and shall state the method and the terms of the redemption prescribed in the immediately preceding section and this section:
- (3) On or before a day (in this section referred to as "the transfer day") to be named in the notice of redemption every holder of any such annuities shall transmit or deliver to the Corporation or to a nominee of the Corporation to be named in the notice of redemption the annuity certificate registered in his name and the Corporation shall thereupon transmit or deliver to him an acknowledgment in writing of the receipt of such annuity certificate and an obligation to register in his name or in the name of his nominee consolidated stock of the amount and in the manner hereinafter in this section mentioned:
- (4) The transfer day shall be a date not less than three months from the date of the notice of redemption:
- (5) In the event of the loss of any certificate for any such annuity the production of proof of such loss shall be held to be equivalent to the delivery to the Corporation or their nominee of such certificate:
- (6) Where in terms of this section a holder of any such annuity has on or before the transfer day transmitted or delivered to the Corporation or to the nominee of the Corporation the annuity certificate registered in his name or has produced proof of the loss of the same as aforesaid the Corporation shall as soon as may be after the transfer day transfer or cause to be transferred to the name of such holder or to the name of any nominee whom he may appoint by writing transmitted or delivered to the Corporation before the transfer day such an amount of two and a half per centum consolidated stock of the United Kingdom that the interest thereon will equal the amount of the annuity held by him and the Corporation shall also pay to such holder the amount of annuity accrued in respect of the certificate delivered up to the Corporation less the amount of any accrued interest on such stock:
- (7) In the event of the registered holder of any certificate for any such annuity failing to deliver such certificate to the Corporation or their nominee or to produce proof of its loss as aforesaid on or before the transfer day the Corporation shall as soon as may be after the transfer day consign in any bank in Scotland incorporated by royal charter or by or under Act of Parliament in the name or to the credit of such holder a sum sufficient to purchase such an amount of two and a half per centum consolidated stock of the United Kingdom that the interest thereon will equal the amount of the annuity held by him and that at the closing official selling price of such stock mentioned in the official list of the London Stock Exchange for the day for which that list is issued last preceding the transfer day such sum to be paid to him on production and delivery to such bank of such certificate or on production to such bank of proof of the loss

of the same and the Corporation shall also cause a notice to be sent by post in a registered letter to such holder stating that such sum has been placed to his credit as aforesaid and specifying the name of the bank in which the same is placed. Provided always that the sum lodged in any such bank as aforesaid for the redemption of the annuity named in such notice shall be at the risk of the Corporation for six months only from the date of such notice and after the expiry of such six months such sum if allowed to remain in such bank shall remain there at the risk of the person entitled to the annuity referred to in such notice and for the redemption of which such sum has been so lodged in the bank as hereinbefore provided:

PART XXXVII
—cont.

- (8) The delivery to the Corporation or their nominee of the annuity certificate or the production of proof of the loss of the same in terms of this section or in the case of any annuity certificate which has not been delivered or proof of the loss of the same has not been produced as aforesaid the receipt of the bank for the payment or deposit of the sum referred to in the immediately preceding subsection shall be sufficient discharge to the Corporation and thereupon the said annuity shall whether the annuity certificate has or has not been produced and delivered up as aforesaid be deemed to be and shall be redeemed and an entry of the redemption of such annuity shall be made in the register of annuities and such annuity shall be wholly extinguished and thereupon the liability of the Corporation to pay or provide for the payment of such annuity shall cease and determine and the whole lands estates properties undertakings and revenues of the Corporation shall be freed and discharged thereof.

569. The Corporation may from time to time by agreement with any annuitant purchase or redeem all or any of his Dundee Corporation annuities at a rate not higher than the market price at the time and when any annuity is so redeemed an entry of the redemption thereof shall be made in the register of Dundee Corporation annuities and thereupon the redeemed annuity shall be wholly extinguished.

Power to
redeem
annuities by
agreement.

570. Notwithstanding anything contained in any enactment relating to the redemption of debt and sinking fund the following provisions shall continue to have effect namely:—

Sinking funds
in water
department.

- (1) The Corporation shall annually out of the revenues of the water undertaking set apart as sinking fund and pay into the loans fund—

(a) a sum equal to not less than one-fortieth part of the amount represented by the capital value of the annuities created by the Dundee Water Act 1869 outstanding at the fifteenth day of May one thousand nine hundred and twenty-six. Provided that the annuities aforesaid shall be capitalised at twenty-eight years' purchase less any sinking fund accumulated for the redemption thereof or applied towards the redemption of mortgages;

PART XXXVII
—cont.

(b) a sum equal to not less than one-fortieth part of the amount represented by the debenture stock created under the provisions of the Dundee Water Act 1882 outstanding at the fifteenth day of May one thousand nine hundred and twenty-six. Provided that for the purposes of this subsection the debenture stock outstanding as aforesaid shall be taken to be the total amount of such stock unredeemed less any sinking fund accumulated for the redemption thereof or applied towards the redemption of mortgages:

- (2) For the purposes of this section the expression "amount borrowed on mortgage" shall mean the amount borrowed on mortgage plus the amount of any sinking fund effecting to water annuities or water debenture stock which sinking fund has been applied towards the extinction of mortgages.

Application of sinking fund in water department.

571. The Corporation may at any time and from time to time apply the whole or any part of the sinking fund referred to in the immediately preceding section of this Order including any unapplied balance of the moneys set apart as a sinking fund before the commencement of the Dundee Water Order 1911 in or towards redeeming or paying off the water annuities and the mortgages or bonds or other securities granted under the repealed Acts or any of them or the securities from time to time representing the same and not to any other purpose.

As to loans to Fleming Trustees.

572.—(1) Subject to the provisions of this Order the Corporation may from time to time advance by way of loan to the lord provost magistrates and councillors of the city and royal burgh of Dundee as trustees for the Fleming Trust (hereinafter referred to as "the trustees") and the trustees may borrow such sums of money as the trustees are desirous of borrowing from the Corporation not exceeding in the whole the sum of twenty-five thousand pounds and that upon the security of any property rents revenues or funds belonging to the trustees.

(2) Any sums which the Corporation resolve to lend as aforesaid may be lent from the loans fund according to the rules and regulations applicable to the loans fund as contained in the Seventh Schedule to this Order Part II paragraphs 11 and 12.

(3) The following provisions shall apply to moneys raised by the Corporation for the purpose of this section and as to the payments of interest and principal in respect thereof:—

- (a) the sum shall be advanced by the Corporation to the trustees for a period not exceeding forty years with a provision for repayment by equal yearly or half-yearly instalments of principal or otherwise as the Corporation and the trustees may agree in terms of paragraph 2 (B) (iii) of the Seventh Schedule to this Order;
- (b) all sums received for principal shall be applied in the manner directed in paragraph 3 of the Seventh Schedule to this Order the marginal note whereof is "Capital moneys paid into the loans fund";

- (c) if any sum payable to the Corporation for principal has not been received within six months of the time appointed for the payment thereof a like sum shall be raised by means of the city rates and applied or invested in place thereof by the Corporation and if after such application or investment the sum or any part thereof is received by the Corporation the same shall be carried to the credit of the city rates.

PART XXXVII
—cont.

PART XXXVIII

WEIGHTS AND MEASURES AND SALE OF COAL

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

Definitions for
Part XXXVIII
of Order.

“inspector of weights and measures” means an inspector appointed under and by virtue of the Weights and Measures Acts;

“vehicle” means any carriage cart lorry wagon truck barrow or other means of carrying materials by land in whatever manner the same may be drawn or propelled but does not include a railway truck or wagon;

“weighing instrument” means and includes scales with the weights belonging thereto scale beams balances spring balances steelyards weighing machines and other instruments for weighing;

“Weights and Measures Acts” means the Weights and Measures Act 1878 and any Act amending or extending the same.

Words and expressions to which by the Weights and Measures Acts meanings are assigned have the same respective meanings.

574.—(1) Notwithstanding anything contained in the Weights and Measures Acts the Corporation shall for the purposes of those Acts be the local authority.

Local authority
and trial of
offences under
Weights and
Measures Acts.

(2) The Fourth Schedule to the Weights and Measures Act 1878 in its application to the city shall be read and have effect as if the words “the Corporation” were substituted for the words “the magistrates” in the second column of that schedule and as if the words “city rates” were substituted for the words “the police assessment” in the third column of that schedule.

(3) All offences committed within the city under the Weights and Measures Acts may be prosecuted in the police court on a complaint by the burgh prosecutor and the penalties may be recovered and applied in the same way as penalties for offences under this Order.

575.—(1) In this section the expression “personal weighing machine” means any weighing machine which is used or exposed for use in the city for the purpose of ascertaining the weight of a person—

Personal
weighing
machines.

(a) for the use of which a charge is made; or

(b) which is kept in any shop or premises or place in the city to which the public have access.

PART XXXVIII
—cont.

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings in the case of a first offence and in the case of a second or any subsequent offence to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector.

(4) (a) Any person who forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(b) Any person who knowingly exposes for use any personal weighing machine without such mark or with such forged or counterfeit mark thereon shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(5) (a) Any inspector of weights and measures of the Corporation may—

- (i) at all reasonable times inspect and examine any personal weighing machine in the city;
- (ii) seize and detain any personal weighing machine which is liable to be forfeited under the provisions of this section; and
- (iii) for the purpose of such inspection and examination or seizure enter any place (whether open or enclosed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine or seize.

(b) Any person who—

- (i) neglects or refuses to produce for such inspection and examination any personal weighing machine in his possession or on his premises; or
- (ii) refuses to permit such inspector of weights and measures to inspect and examine the same or obstructs or hinders him from acting under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds in the case of a first offence or in the case of a second offence to a penalty not exceeding ten pounds.

Corporation
may provide
weighing
instruments.

576. The Corporation may provide and maintain weighing instruments for weighing persons in any premises belonging to them and may charge for the use thereof.

Public weighing
instruments.

577.—(1) The Corporation may—

- (a) continue provide erect and maintain upon or adjacent to any street or at any other convenient place (not being upon any land or property of the trustees of the harbour

of Dundee or of the Scottish Gas Board) fixed weighing instruments and offices in connection therewith for the use of the public and houses for the accommodation of the persons in charge thereof as they think necessary;

PART XXXVIII
—cont.

(b) provide furnish and maintain such and so many portable weighing instruments as they think necessary; and

(c) appoint persons to keep and attend any such instruments.

(2) The Corporation shall not under the powers of this section (without the consent in writing of the Transport Commission which consent shall not be unreasonably withheld) provide or erect any weighing instrument office or house—

(a) in or upon any street maintainable by the Transport Commission; or

(b) upon any land or property of the Transport Commission; or

(c) so as to obstruct the access to or exit from any station or depot of the Transport Commission.

(3) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any weighing instruments provided or maintained by them under the powers of this section.

(4) The keeper of any such fixed weighing instrument shall during such hours as may be fixed by the Corporation weigh or reweigh any vehicle or the contents or load of any vehicle presented to him for that purpose capable of being weighed on such weighing instrument and shall enter in a book and also give to the person in charge of the vehicle a ticket or note stating—

(a) the contents or load of such vehicle;

(b) the gross weight of such vehicle;

(c) the tare weight of such vehicle if ascertainable;

(d) the number of such vehicle if marked thereon; and

(e) the date and time of weighing such vehicle.

(5) Such keeper may exact for every such ticket or note from the person in charge of the vehicle such fee as may be fixed by the Corporation under the provisions of this Part of this Order.

(6) Such fees shall be repaid to the person in charge of the vehicle by the person receiving delivery of the contents of such vehicle.

(7) If the keeper of any such fixed weighing instrument—

(a) refuses without reasonable excuse to weigh or reweigh any vehicle or the contents or load of any vehicle; or

(b) wilfully gives a ticket or note specifying untruly or incorrectly any of the particulars hereinbefore in this section mentioned; or

(c) so weighs any vehicle or the contents or load of any vehicle as wilfully to defraud any person;

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

PART XXXVIII
—cont.

(8) The Corporation shall not under the powers of this section provide or erect any weighing instrument office or house upon any land or property of any statutory undertakers or so as to interfere with the cables mains pipes or other equipment of any statutory undertakers without the consent of such statutory undertakers which consent shall not be unreasonably withheld.

Penalties for
committing
frauds in
weighing.

578. Any person who in regard to the weighing of any vehicle at any weighing instrument—

- (1) at or before the time of weighing any such vehicle places or knowingly leaves any matter or thing in or about the same other than the proper loading thereof;
- (2) alters any ticket denoting the weight of any such vehicle or of the loading of the same;
- (3) makes or uses or is privy to the making or using of any false or fraudulent ticket or knowingly tenders a false statement to a weighing instrument keeper respecting the weight of any such vehicle or the loading thereof;
- (4) after the weighing of such vehicle with the loading of the same removes any part of such loading and afterwards disposes or attempts to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (5) after the same and the loading thereof have been so weighed substitutes any vehicle with or without the loading thereof or changes the wheels thereof or makes any alteration on or does any other act to such vehicle before such vehicle is brought back to the instrument to be again weighed without the loading thereof or attempts to do any of such things;
- (6) is guilty of any other fraud or fraudulent contrivance touching the weight of any such vehicle or of the loading thereof; or
- (7) after being requested by any person who keeps or who acts as a keeper of the weighing instrument to give his name and address and the names and addresses of the consignor and consignee of the load refuses to give such names and addresses or wilfully gives an incorrect name or address;

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

Reweighing
may be
required.

579.—(1) An inspector of weights and measures or constable or other officer appointed for the purpose by the Corporation who suspects that part of the load of any vehicle has been removed after weighing may require the person in charge of the vehicle to deliver to him the ticket or note of weighing and may cause the said vehicle and its load to be reweighed at the expense of the Corporation.

(2) Any person in charge of a vehicle who does not deliver such ticket or note or does not allow the vehicle to be reweighed at the nearest and most convenient weighing instrument maintained by the Corporation shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

580.—(1) A person who sells any goods or materials by load and who employs a vehicle to deliver an entire load thereof or any person who receives such load may require that the load be weighed at such one of the weighing instruments maintained by the Corporation as is nearest and most convenient to the person in charge of the vehicle.

PART XXXVIII
—cont.

Articles in bulk
may be required
to be weighed.

(2) If the person in charge of the vehicle does not immediately get the load weighed on the cost of the ticket or note of weighing being tendered to him he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) The provisions of this section shall not apply to a vehicle employed in the delivery of any articles by a person whose only interest in such articles is that of a common carrier.

581.—(1) If any person in the city—

(a) sells or delivers or makes up or exposes for sale or delivery by weight or measure; or

(b) sells or delivers or sets apart keeps or exposes for sale or delivery in numbers;

Deficient
weight
measure
or number.

any articles of which the weight measure or number (as the case may be) is less than the weight measure or number thereof which has been represented by such person he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

(2) An inspector of weights and measures on production if required of his authority may at all reasonable times—

(a) enter any building or other place in the city in which he has reasonable cause to believe that any article is sold or is made up or exposed for sale by weight or measure or that any articles are sold or are set apart or kept or exposed for sale in numbers; or

(b) inspect any vehicle which he has reasonable cause to believe is carrying articles for sale or delivery by weight or measure or in numbers in the city; or

(c) stop any person who he has reasonable cause to believe is carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery in the city;

and weigh measure or number any such articles or require any such articles to be weighed measured or numbered in his presence.

(3) If the inspector of weights and measures has reasonable cause to believe that the weight measure or number of any such articles is less than the weight measure or number thereof which has been represented by the person who has sold delivered or made up set apart kept or exposed the same for sale or delivery he may for the purposes of proceedings under subsection (1) of this section seize impound and convey such articles to an office provided for the purpose by the Corporation.

(4) Action wilfully taken by the driver or person in charge of any vehicle to avoid inspection of the vehicle by an inspector of weights and measures under this section by driving away or increasing

PART XXXVIII speed when approached by such inspector shall be deemed to be
—cont. obstruction and such driver or person shall be guilty of an offence
and shall be liable on summary conviction to a penalty not exceeding
five pounds.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any prepacked article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the accused or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a defence for the accused to prove to the satisfaction of the court either—

(a) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency; or

(b) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency; or

(c) in case of a prepacked article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being contravened.

(7) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered post to the accused nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the articles in respect of which such allegation is made.

(8) A prosecution under this section shall not be instituted except by or on behalf of the procurator-fiscal or the Corporation.

(9) The provisions of this section shall not apply to the sale of coal coke or wood fuel nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

(10) In this section the expression "prepacked article" means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be prepacked unless the contrary is proved.

582.—(1) All coal shall be sold by weight only except where by the written consent of the purchaser it is sold by boatload or by wagons or tubs delivered from the colliery into the works of the purchaser.

PART XXXVIII
—cont.
Coal to be sold
by weight.

(2) Any person who sells coal otherwise than is required by the immediately preceding subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds for every such sale.

583.—(1) Where any quantity of coal exceeding two hundredweight is delivered by means of any vehicle to a purchaser the seller of the coal shall therewith deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before any part of the coal is unloaded a ticket or note in the form contained in the Eighth Schedule to this Order or as near thereto as circumstances admit.

Delivery of coal
over two
hundredweight.

(2) If there is default in complying with the requirements of the immediately preceding subsection of this section with respect to the delivery or sending of a ticket or note or if the quantity of coal delivered is less than the quantity expressed in the ticket or note the seller of the coal shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) Any person in charge of any such vehicle who has received any such ticket or note for delivery to the purchaser and refuses or neglects—

(a) to deliver it as required by this section ; or

(b) on being requested so to do to exhibit it to any inspector of weights and measures or any other officer appointed for the purpose by the Corporation ;

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

584.—(1) (a) Where any quantity of coal exceeding two hundredweight is carried by means of any one vehicle on any one journey for delivery in the city to more than one purchaser ;
or

As to sale in
sacks of coal in
quantities
exceeding two
hundredweight.

(b) Where any person sells or exposes or offers for sale or carries for sale or delivery on sale in the city coal from or on any vehicle in quantities exceeding two hundredweight ;

and such coal is carried on such vehicle in sacks the net weight of coal in any one sack shall be equal to one hundredweight or one-half of a hundredweight and each sack shall be legibly marked so as to show the net weight of coal carried in such sack.

(2) In addition to the matters which in accordance with the section of this Order of which the marginal note is "Delivery of coal over two hundredweight" and the Eighth Schedule to this Order are required to be stated on the ticket or note referred to in that section there shall in cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal in each of such sacks.

PART XXXVIII
—cont.

(3) If default is made in complying with any of the requirements of subsection (1) of this section the seller of the coal and the person responsible for loading the coal on such vehicle shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and if the net weight of coal in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in the section of this Order of which the marginal note is "Delivery of coal over two hundredweight" the said persons and the person in charge of such vehicle shall be guilty of an offence and shall be severally liable on summary conviction to a penalty not exceeding five pounds.

Coal sold in
bulk.

585.—(1) Where any quantity of coal exceeding two hundredweight is conveyed for delivery on sale in a vehicle in bulk the seller of the coal shall cause the weight of the vehicle (unless the vehicle is provided by the purchaser) as well as of the coal contained therein to be previously ascertained by a weighing instrument stamped by an inspector of weights and measures and on or near to the place from which the coal is brought.

(2) In any such case the seller of the coal shall insert or cause to be inserted in the ticket or note required by this Part of this Order to be given by him a statement of the correct weight of the vehicle or of the vehicle and of the animal drawing it where both are weighed together with the load as well as of the correct weight of the coal contained in the vehicle.

(3) Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Fraud by
drivers of coal
vehicles.

586. Any person in charge of any vehicle in which coal is carried who—

- (1) wilfully makes any false statement as to the tare weight of the vehicle ; or
- (2) wilfully does any act by which either the seller or the purchaser of the coal is defrauded ;

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

Deficient
weight of
coal on
small sales.

587. Any person who on the sale of coal in any quantity not exceeding two hundredweight fraudulently delivers to the purchaser a less quantity of coal than is agreed to be sold shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Weighing
instrument
to be kept
where coal
sold by retail.

588.—(1) Where coal is sold by retail for delivery at the place where it is kept for sale and there is not at or near such place any weighing instrument stamped by an inspector of weights and measures at which the coal can be weighed the seller shall—

- (a) keep at that place a weighing instrument stamped as aforesaid ; and
- (b) if so required by any purchaser or by an inspector of weights and measures or any other officer appointed for the purpose by the Corporation weigh any coal before the sale or delivery thereof.

(2) Any person who fails to comply with the requirements of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two pounds in the case of a first offence and in the case of any subsequent offence five pounds. PART XXXVIII
—cont.

589.—(1) Any seller or purchaser of coal or person in charge of a vehicle in which coal is carried or inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coal or any vehicle used for the carriage of coal in bulk be weighed or reweighed by any weighing instrument stamped by an inspector of weights and measures. Weighment
of coal or
vehicle. Provided as follows:—

- (a) a seller of coal or person in charge of a vehicle in which coal is carried shall not be required under this section to carry coal beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation;
- (b) where any such coal or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coal or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(2) Any person who obstructs any weighing or re-weighing authorised by this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

590.—(1) Any inspector of weights and measures or other officer appointed for the purpose by the Corporation may at all reasonable times— Weighment of
coal in shops
or vehicle.

- (a) enter any building or other place in which coal is sold or kept or exposed for sale;
- (b) stop any vehicle carrying coal for sale or for delivery to a purchaser;
- (c) test any weights and weighing instruments found in any such building or place or vehicle; and
- (d) weigh any load sack or other less quantity of coal found in any such building or place or vehicle or which is in course of delivery to any purchaser.

(2) If it appears to the magistrate that any load sack or less quantity so weighed is of less weight than that represented by the seller the person selling or keeping or exposing the coal for sale or the person in charge of the vehicle as the case may be shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) Any person who obstructs or hinders any inspector of weights and measures or officer acting under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds in the case of a first offence and in the case of any subsequent offence ten pounds.

PART XXXVIII
—cont.

591.—(1) The Corporation may make byelaws for all or any of the following purposes (that is to say):—

- (a) regulating for the purposes of this Part of this Order the sale of coal in quantities not exceeding two hundredweight;
- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which coal is carried for sale or delivery to a purchaser;
- (c) prescribing the distance beyond which coal is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of this Part of this Order;
- (d) fixing fees to be paid for the use of any weighing instrument maintained by the Corporation;
- (e) regulating charges to be made for the cartage and delivery of coal;
- (f) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed on personal weighing machines under this Part of this Order and the circumstances and conditions under which such marks may be affixed or cancelled;
- (g) with respect to tests to be applied for the purpose of ascertaining the accuracy and the efficiency of personal weighing machines;
- (h) for fixing fees to be paid to the Corporation for examination approval and marking of personal weighing machines under this Part of this Order or for examination of such personal weighing machines as are found to be incorrect.
- (i) for fixing limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this Part of this Order.

(2) The Corporation by any such byelaws may provide for the imposition of penalties not exceeding five pounds for each offence committed against any of such byelaws.

592.—(1) Any seller of fuel to which this section applies or any person in charge of any vehicle from which such fuel is being sold or offered or exposed for sale who—

- (a) wilfully makes any false statement as to the weight of such fuel;
- (b) wilfully increases such weight by damping such fuel;
- (c) wilfully does any other act by which the purchaser of such fuel shall be defrauded;

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds in the case of a first offence and in the case of any subsequent offence ten pounds.

(2) This section shall apply with respect to coke char and any other fuel of which coal or coke is a constituent and to wood fuel and to peat fuel.

Byelaws as to sale of coal and as to personal weighing machines.

Prohibition of fraud in connection with sale of fuel.

593.—(1) The provisions of this Part of this Order relating to coal and of any byelaws made thereunder shall apply to coke char and any other fuel of which coal or coke is a constituent as if it were coal.

PART XXXVIII
—cont.

As to sale
of coke
char etc.

(2) Any byelaws in force at the commencement of this Order and continued in force in pursuance of the section of this Order of which the marginal note is "General saving from effect of repeal" shall continue to apply to coke char and any other fuel of which coal or coke is a constituent as if it were coal until such byelaws are rescinded or revoked.

(3) The provisions of this Part of this Order so far as relating to coal and of any byelaws made thereunder shall also apply to the sale of wood fuel and peat fuel in quantities of fourteen pounds or over within the city.

PART XXXIX

MISCELLANEOUS AND GENERAL

594. All parishes and parts of parishes lying within the city as such parishes and parts thereof existed immediately before the fourth day of June one thousand nine hundred and fifty-four shall continue to constitute a parish which shall be known as "the City Parish of Dundee".

As to
parishes.

595. Whereas following a railway disaster which took place in the year one thousand eight hundred and seventy-nine caused by the collapse of the Tay Bridge a fund known as the "Tay Bridge Disaster Fund" (hereinafter called "the fund") was raised by public subscription for the benefit of the dependants of persons who lost their lives in the said disaster and the fund is administered by the Corporation:

As to Tay
Bridge Disaster
Fund.

And whereas the purposes for which the fund was raised have become obsolete and payments have not been made from the fund for many years and the unapplied balance of the fund amounted as at the fifteenth day of May one thousand nine hundred and fifty-six to the sum of one thousand one hundred and four pounds one shilling and one penny:

And whereas it is expedient that provision should be made as to the future application of the fund:

Be it therefore enacted that the fund as it exists at the commencement of this Order shall continue to be vested in the Corporation and shall be held upon trust by the Corporation to apply the same together with the income thereof and any accumulations thereof for the purpose of providing such grants awards benefits facilities and services as the Corporation may think fit for persons who have given meritorious service or suffered bereavement or injury in or in consequence of any accident or disaster occurring in or affecting the city or any area adjacent thereto and for the purpose of making contributions to the funds of any voluntary organisations providing or proposing to provide such grants awards benefits facilities or services for such persons as aforesaid or any of them.

PART XXXIX
—cont.

596.—(1) The City war memorial situated on the Law shall continue to be vested in the Corporation.

(2) The Corporation shall maintain and manage the said war memorial for the purpose for which it was erected.

(3) The Corporation may do all such things as may be necessary or requisite in connection therewith.

City war memorial to continue to be vested in Corporation.

Power to Corporation to provide public clocks.

597. The Corporation may from time to time—

(1) provide such clocks as they consider necessary ;

(2) cause the same to be fixed in upon or against any building belonging to the Corporation or (with the consent of the owner) in upon or against any other building the situation of which may be convenient for that purpose ;

(3) cause the dials thereof to be lighted at night ;

(4) maintain regulate repair renew alter or remove any such clocks ; and

(5) arrange with the owners of clocks to maintain and light any clocks which in their opinion are convenient for the use of the public.

Power to provide illuminations floodlighting etc.

598. The Corporation may in on over or in proximity to any of the parks the foreshore or the beach or any building or premises belonging to the Corporation or (with the consent of the owner) any other building or premises provide or arrange on such terms and conditions as they may think fit for the provision of floodlights flashlights or other illuminations and may for such purposes provide fit up maintain and operate all such lamps fittings and apparatus and appurtenances and do all such things as may be necessary or requisite in connection therewith:

Provided that the Corporation shall not continue any illumination under this section which in the opinion of the Transport Commission hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway.

Power to generate and supply heat.

599.—(1) The Corporation may in addition and without prejudice to any other powers competent to them at common law or under any enactment generate heat or may enter into agreements with any persons able to supply heat for the purchase of a supply of heat by the Corporation and may supply heat to any premises in the city owned or occupied by them or to any premises adjacent to any premises owned or occupied by them and that upon such terms and conditions as they may think fit or as may be agreed upon between them and the owners or occupiers of such premises and may provide instal erect and maintain and from time to time replace renew or repair such buildings plant machinery mains pipes meters valves and works as may be required by them for the purposes of generating and supplying heat.

(2) The provisions of Part I of the Third Schedule to the Water (Scotland) Act 1946 as amended by the Public Utilities Street Works Act 1950 with respect to the breaking open of streets shall with any necessary adaptations and modifications extend and apply to the Corporation for the purpose of the exercise of the powers conferred upon them by this section.

600. The Corporation may from the burgh fund as part of the expenditure in respect of such undertakings or services of the Corporation as the Corporation may deem appropriate pay or contribute to the cost of—

PART XXXIX
—cont.

Power to
advertise
concerts
entertainments
etc.

- (1) providing and maintaining advertisements at railway stations and public places in the city and on tramcars and public service vehicles plying in the city or between the city and other places and in newspapers published in Scotland of any band performances concerts sports or other entertainments exhibitions swimming contests athletic meetings regattas or amusements provided given or carried on by or in connection with the Corporation or in buildings or premises belonging to or leased by them ;
- (2) advertising the general amenities advantages and attractions of the city and adjoining areas.

601. The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

Dwelling-houses
for persons in
Corporation's
employment.

602.—(1) Where any person or group of persons (hereinafter in this section referred to as "such person") is the owner or occupier of or is under obligation to maintain any grass plot or shrubbery or ornamental or other area (hereinafter in this section referred to as "the area") such person shall keep and maintain the area in a clean and tidy condition and so as not to affect detrimentally the amenity of the neighbourhood.

As to
maintaining
certain open
spaces.

(2) Where such person neglects or refuses to maintain the area as aforesaid the Corporation may after giving seven days' notice to such person of their intention so to do cause such area to be cleaned and tidied and to be put in such condition as shall not affect detrimentally the amenity of the neighbourhood and the expenses incurred by the Corporation in respect thereof shall be refunded to them by such person and shall be recoverable from such person as damages.

(3) This section shall not apply to a garden used exclusively in connection with and as an appurtenance to a dwelling-house.

603.—(1) The Corporation may—

- (a) authorise or provide suitable erections for the use convenience and shelter of drivers of cabs to be placed in any street or other place in the city as they may think fit ; and
- (b) make regulations for the management and use of such places and the conduct of persons resorting thereto.

Shelters for
drivers of cabs.

(2) Nothing in this section shall authorise interference with the cables mains pipes or other equipment of any statutory undertakers without the consent of such statutory undertakers which consent shall not be unreasonably withheld.

604. The Corporation may—

- (1) authorise suitable movable stands for the purpose of enabling persons to follow the occupation of shoeblocks to be placed in such streets as they may think fit ; and
- (2) make regulations for the conduct of such persons and the use by them or the public of such stands.

Shoeblock
stands.

PART XXXIX
—cont.Statues and
drinking
fountains.

605.—(1) The Corporation may from time to time erect place and maintain or permit to be erected placed and maintained in any street or public place any ornamental drinking fountain or trough as they think fit.

(2) Any person who damages defaces or makes any mark on the same or on any work appurtenant thereto shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

Derelict
petrol tanks.

606.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such vessels including any steps which may be considered advisable for that purpose by the Corporation or a duly authorised officer.

(2) A duly authorised officer may require the occupier of any premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) Any person who fails to comply after due warning with the provisions of subsection (1) of this section and any person who obstructs any duly authorised officer in carrying out his duty under subsection (2) thereof shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section—

(a) the expression “petroleum spirit” has the meaning assigned to it by the Petroleum (Consolidation) Act 1928 ; and

(b) the expression “duly authorised officer” means any officer of the Corporation duly authorised by the Corporation and producing if required a copy of his authority purporting to be signed by the town clerk.

Retention by
police of
premises in
which fire
has occurred.

607. The chief constable or any officer of police authorised by him may retain possession of any premises in which a fire has occurred until twenty-four hours after the circumstances of the fire have been reported to the procurator-fiscal and during that time may at his discretion exclude all and any persons therefrom.

Byelaws as to
loud-speakers.

608.—(1) The Corporation may make byelaws for regulating and controlling the use in any premises of loud-speakers which are audible in any street or in any other premises and for prohibiting the use of loud-speakers 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 loud-speaker 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

and shall be liable on summary conviction to a penalty not exceeding forty shillings.

PART XXXIX
—cont.

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

(a) the use of a loud-speaker by the Transport Commission for the purpose of announcements to their passengers or staff at any station or depot of the commission; or

(b) the use of a loud-speaker in any premises occupied as a station or depot by any operators of public service vehicles for the purpose of announcements to their passengers or communications between their staff within such station or depot; or

(c) the use at any football ground or premises on which races of any description athletic sports or other sporting events take place of a loud-speaker 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; or

(d) any loud-speakers for the transmission of sound to the auditorium of any cinematograph theatre (including any ancillary loud-speaker in the projection room of such theatre) in connection with the entertainment provided in such premises.

(5) For the purposes of this section “loud-speaker” means any device for the reproduction and amplification of sound.

609.—(1) Any person who keeps or uses or suffers to be kept or used any house building part of a building or other premises as a place for public refreshment at any time between the hours of eight of the clock in the afternoon and five of the clock in the forenoon or at any time on Sunday without being registered in a register to be kept by the Corporation for the purpose of this subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Places of public
refreshment to
be registered.

(2) The Corporation shall keep a register for the purpose of the foregoing subsection and shall enter therein without charge the name of any person applying to be so registered.

(3) The Corporation may make byelaws—

(a) in regard to the hours of opening and closing of premises registered under this section the hours for business not being more restricted than fifteen hours daily except on Sunday when the byelaws may provide for closing throughout the day or for any specified hours;

(b) regulating the internal construction lighting and arrangement of such premises with a view to the orderly conduct and control thereof.

PART XXXIX
—cont.

(4) Any officer duly authorised by the Corporation in that behalf and producing his authority if and when required and any constable may enter any house building part of a building or other premises used or suspected of being used as a place for public refreshment at any time between the hours of eight of the clock in the afternoon and five of the clock in the forenoon or at any time on Sunday for the purpose of examining whether there is any contravention of the provisions of this section.

(5) Any person who refuses to permit any such officer or any constable to enter any such premises or make any inspection under the provisions of this section or obstructs any such officer or constable in the execution of his duty shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty-five pounds.

(6) Nothing contained in this section shall extend to any public house certificated under the Licensing (Scotland) Acts 1903 to 1949 during the hours when exciseable liquor may be consumed on sale therein or any hotel certificated under the said Acts.

Reservation of
servitudes etc.

610. The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or servitudes belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Form and
service of
notices etc.

611. Unless otherwise expressly provided in this Order the following provisions shall apply to the making giving delivering or service of any notice order resolution requisition demand or other instrument under this Order or any byelaws in force thereunder:—

- (1) It may be authenticated by the name of the town clerk or other proper officer being affixed thereto in print or writing;
- (2) It shall be sufficiently given to any owner or occupier of any property if addressed simply to the "owner" or "occupier" of the premises (naming them) to which it relates;
- (3) It may be served upon the person to whom it relates—
 - (a) personally; or
 - (b) through the post office addressed to him at his usual or last known place of abode or business or by delivering the same to some inmate there; or
 - (c) in case of an occupier by delivering the same to an inmate of the building to which the document relates; or
 - (d) if the building to which the document relates is unoccupied and the place of abode or business of the person to whom the document relates after due inquiry cannot be found by affixing the same or a copy thereof upon some conspicuous part of such building; or
 - (e) in the case of a person employed in any ship or vessel by leaving it in the hands of a person on board thereof and connected therewith;

- (4) Where the owner of the premises to which the document relates resides beyond the city— PART XXXIX
—cont.

(a) such owner may be cited by delivering the citation to his known factor agent or person drawing the rents of such premises ; or

(b) if there is no factor agent or person drawing such rents the occupier of the premises or any of them may be cited and shall take burden for the owner and have right of relief against him.

612. It shall be lawful for the person giving any notice under the provisions of this Order to cancel such notice or to give a new notice to the person to whom such first notice was given or to any other person in respect of the matter or for the enforcement of the obligation therein referred to: Power to cancel
or vary notice.

Provided that nothing herein contained shall authorise the withdrawal or cancelling of a notice given under the Lands Clauses Acts unless and except in so far as allowed by such Acts.

613.—(1) The estates known as Dudhope Linlathen West Kirkton Wester Clepington Mid Craigie and Scotsraig shall continue to be vested in the Corporation as the local authority under the Housing (Scotland) Act 1950 (hereinafter in this section called “the Housing Act”) and the indebtedness due thereon as existing at the commencement of this Order shall be discharged by the Corporation as non state aided liabilities under the Housing Act are discharged. Conveyance
of estates.

(2) The Corporation shall have and may exercise in connection with the said estates all the powers competent to them under the Housing Act as if the said estates had been acquired for the purposes of the Housing Act.

(3) The Corporation shall while treating all receipts and payments in respect of the said estates as non state aided receipts and expenditure under the Housing Act account for the same under a separate head.

614. In respect that it is desirable that the watching of the harbour of Dundee so far as within the city (in this section referred to as “the harbour”) should continue to be undertaken by the Corporation on behalf of the trustees of the harbour of Dundee (in this section of this Order referred to as “the harbour trustees”) the following provisions shall have effect:— Watching of
harbour.

(1) The harbour trustees shall fix the number of constables which they judge necessary for the watching of the harbour and the appointment of the constables shall rest with the chief constable of the city who shall have the full control over them and direct their distribution within the harbour and their duties and have power to remove them at pleasure:

(2) The Corporation shall annually render to the harbour trustees an account of the cost for wages and cost of clothing of these constables which shall be paid by the harbour trustees to the Corporation. In addition the harbour trustees shall pay to the Corporation a rateable

PART XXXIX

—cont.

proportion of the salaries of the general officers of the Corporation which shall include the chief constable surgeon lieutenants inspectors detective officers clerks in the police office turnkeys and turnkeys' assistants in the ratio of the number of constables employed for the harbour trustees to the total number of constables in the whole city inclusive of those employed for the harbour trustees also a similar rateable proportion of the disbursements by the Corporation for general charges in connection with the watching department under which head shall be embraced all charges other than salaries and wages and clothing similar to those which have been debited to that department in the watching head of the Corporation's accounts before the commencement of this Order:

- (3) The harbour trustees also agree to pay to the Corporation and the Corporation agree to accept from the harbour trustees the sum of one hundred and fifty pounds per annum in full of all claims at the instance of the Corporation against the harbour trustees for the expense of trying cases and the use of the cells or lock-up houses belonging to the Corporation and all other claims of every kind in connection with the watching of the harbour:
- (4) In the event of any difference arising between the Corporation and the harbour trustees as to the aforesaid payments or of the Corporation being of opinion that the number of constables fixed on by the harbour trustees is insufficient any such difference shall be referred to the decision of the sheriff whose decision shall be final:
- (5) The watching of the harbour provided for in this section is hereby agreed between the Corporation and the harbour trustees as due fulfilment of the obligation on the harbour trustees so far as the watching is concerned to entitle them to obtain the deductions from the city rates referred to in the section of this Order of which the marginal note is "Payment to trustees of harbour of Dundee in respect of certain services".

Saving rights of
magistrates and
Corporation.

615. Subject to the powers and provisions of this Order and except as by this Order otherwise provided nothing herein contained shall extend or be construed to extend to take away impeach diminish or affect any rights titles dues duties and payments powers privileges jurisdictions or authorities of the magistrates or of the Corporation for behoof of the community under or by virtue of the rights and charters of the city or any of them.

Payment of
damages
occasioned by
mobs.

616. The Corporation may defray to such extent as they think proper such claims as may be established to their satisfaction for damages sustained in consequence of any riot or tumult within the city.

Recovery of
damages under
Order.

617. All damages debts forfeitures and expenses directed to be paid or imposed by this Order of which the recovery is not otherwise in this Order specially provided for may be sued for and recovered along with the expenses of the action in the same manner as any debt may be sued for and recovered by the law and practice of Scotland.

618.—(1) Subject to the provisions of this Order any appeal to PART XXXIX the sheriff which is competent to any person under this Order shall —cont. be made by such person lodging with the sheriff clerk at Dundee a Appeal to sheriff note of appeal within fourteen days after the commission or com- etc. mencement of the act complained of or the intimation to such person of the resolution or order complained of as the case may be.

(2) Such note of appeal shall—

- (a) state the grounds of such appeal ;
- (b) be signed by the appellant or his counsel or agent ; and
- (c) be intimated by the appellant to the town clerk within seven days of lodging the same as aforesaid.

(3) Upon due proof of such intimation the sheriff—

- (a) shall hear parties or their counsel or agents and may require them to submit evidence ;
- (b) shall make an order confirming recalling varying or redressing the act or resolution or order complained of ; and
- (c) may award such expenses as he thinks just.

(4) The decision of the sheriff-substitute shall be subject to review by the sheriff.

(5) Any party to the appeal who is dissatisfied with the decision of the sheriff or the sheriff-substitute in point of law may appeal against the same to the Court of Session within seven days of such decision of the sheriff or sheriff-substitute.

(6) The decision of the Court of Session on such an appeal shall not be subject to review.

619. Nothing in this Order shall prejudice or affect any jurisdiction now competent to the dean of guild in preventing encroachments upon the property of the public or upon the property of any proprietor within the city or in entertaining and disposing of possessory questions but where no question of possessory right or disputed boundaries is or may be raised or involved and subject to appeal as allowed by this Order it shall not be necessary for any proprietor or person to apply for or to obtain any other approval or warrant than that of the Corporation before erecting or altering any building within the city or taking or using any part of any street temporarily for or in connection with any erection or alteration of any such building. Jurisdiction of dean of guild etc.

620. 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 rates under the appropriate head. As to expenditure for purposes of Order.

621. 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 Ninth Schedule to this Order the confirming authority for the purposes of section 301 (Procedure etc. for making byelaws) 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.

PART XXXIX
—cont.

As to penalties
and recovery
thereof.

622. All proceedings for the recovery of penalties imposed or authorised to be imposed by or under the provisions of this Order or any byelaws made under this Order shall be instituted and conducted under and in conformity with the Summary Jurisdiction (Scotland) Act 1954.

Penalty where
no penalty is
otherwise
stated.

623. Any provision of this Order to the contravention of which a penalty is not attached shall be read and construed as if it were thereby provided that any person contravening the same shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

Repeal of
Acts.

624.—(1) Subject to the provisions of this Order the Acts and Orders specified in the Tenth Schedule to this Order are (so far as not already repealed) hereby repealed to the extent mentioned in the third column of that schedule and on and after the commencement of this Order all references to the repealed Acts or any of them in any Acts and Orders shall be read and have effect as if this Order or this Order as amended by any subsequent Act or Order were mentioned therein instead of the repealed Acts or any of them.

(2) Where any provision of this Order comes into effect at a date other than the date of the commencement of this Order any corresponding provision of the repealed Acts shall be deemed to be repealed as from such date in place of the date of the commencement of this Order.

Saving for
existing powers
of hydro-
electric and
gas boards.

625. Notwithstanding the repeal of the repealed Acts any provisions contained therein which under section 57 of the Electricity Act 1947 or section 56 of the Gas Act 1948 have effect at the commencement of this Order in relation to the Hydro-Electric Board or the Scottish Gas Board as the case may be in substitution for the Corporation shall subject to the provisions of the said sections respectively continue to be valid and available for all purposes for and against all parties and on the same terms and conditions as if the Act confirming this Order had not been passed.

Rescission of
adoption of
Burgh Police
(Scotland) Acts.

626. The adoption by the Corporation before the commencement of this Order of any of the provisions of the Burgh Police (Scotland) Acts 1892 to 1911 shall (so far as not already rescinded) from the commencement of this Order be deemed to be rescinded and such provisions shall not in virtue of such adoption apply to the city.

Saving for
Dundee
Harbour.

627. Subject to the provisions of this Order nothing contained in this Order shall alter diminish or affect any rights powers and privileges of the trustees of the harbour of Dundee secured under any statutes of and relating to the said trustees and their harbour undertaking.

Crown rights.

628. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of Her Majesty's Government except to such extent as Her Majesty or such department may voluntarily agree. 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 Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

629. Nothing in this Order shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as before such works are commenced have been approved by the Minister of Transport and Civil Aviation. Works below high-water mark.

630. Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts or anything contained in the sections of this Order of which the marginal notes are "Saving for Dundee Harbour" and "Crown rights"— General saving from effect of repeal.

- (1) all existing agreements made by the Corporation or their predecessors being agreements made under or confirmed by any of the repealed Acts shall so far as subsisting and in force at the commencement of this Order be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed ;
- (2) all property vested in the Corporation at the commencement of this Order shall continue vested in the Corporation to the same effect and extent and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if the Act confirming this Order had not been passed ;
- (3) 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 ;
- (4) all existing byelaws rules regulations orders licences registrations consents sanctions permissions and approvals and things done in execution of or in relation to or granted in pursuance of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or otherwise or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order ;

PART XXXIX
—cont.

- (5) all assessments rates rent 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;
- (6) 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.

Saving for town
and country
planning.

631. 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.

Costs of Order.

632. The costs charges and expenses of and incidental to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corporation and charged to the various departments of the Corporation in such proportions as the Corporation shall hereafter decide.

SCHEDULES

FIRST SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Boundaries of the city")

DESCRIPTION OF THE BOUNDARIES OF THE CITY

Commencing at a point at low water-mark on the shore of the Firth of Tay due south of the intersection of the centre line of Kingsway West and the prolongation of the line of the west side of the road leading from Kingsway West to Liff Road thence northward in a straight line to the said point in the centre of Kingsway West thence to and along the west side of the said road leading from Kingsway West to Liff Road and in continuation to the north side of Liff Road thence westward along the north side of Liff Road to the south-west corner of the demesne of Camperdown Estate thence northward along the west boundary of the demesne of Camperdown Estate to its north-west corner at the junction of Gourdie Brae with the Coupar Angus Road thence south-eastward along the south side of Coupar Angus Road to a point therein opposite the east side of the road known as Templeton Road thence northward across the Coupar Angus Road to the east side of the said road known as Templeton Road thence northward along the east side of the last-mentioned road to the south side of the service road leading to South Auchray Farm thence eastward along the south side of the said service road and in continuation eastward to the north-west corner of the enclosure of Clatto reservoir thence northward in continuation of the west boundary of the enclosure of Clatto reservoir to the north boundary of Baldragon Wood thence eastward along the north boundary of Baldragon Wood and in continuation eastward along the north side of the service road to Baldragon Farm and in continuation eastward to the west side of the Dundee and Newtyle branch of the Transport Commission's railway thence south-eastward along the said west side of the said railway to the point therein sixty feet south-east from the point in the said west side of the said railway where a prolongation in a straight line eastward of the line of the south side of Bracken Road would intersect the said west side of the said railway thence proceeding in a straight line in an easterly direction to a point in the centre of the Dighty Water on the west side of the bridge carrying the Baldovan Road over the Dighty Water thence in an easterly north-easterly and south-easterly direction following the course and along the centre of the Dighty Water to a point in the centre of the Dighty Water 45 yards or thereby north-east of the east-side of the bridge carrying the Old Glamis Road over the Dighty Water thence proceeding in a straight line in an easterly direction to a point situated on the fence between the enclosures No. 610 and No. 701 as shown on the ordnance survey sheet (1/2500 scale) of Forfarshire sheet L.14 (Edition of 1922) at a distance of 190 yards or thereby east of the centre line of the public road leading from Dundee to Forfar thence in an easterly direction for a distance of 190 yards or thereby to a point on the last-mentioned fence at the north-east corner of enclosure No. 701 as shown on the said ordnance survey sheet thence in a straight line in an easterly direction to a point

1ST SCH.
—cont.

on the south side of the public road leading from Baldovie cross-roads to Kingennie railway station at the north-west corner of enclosure No. 368 as shown on the ordnance survey sheet (1/2500 scale) of Forfarshire sheet L.16 (Edition of 1922) thence in a straight line in an easterly direction to a point on the south side of the public road leading from Dundee to Arbroath 13 yards or thereby east of the centre line of the Dundee/Forfar branch of the Transport Commission's railway thence along the boundary fence on the east side of the said railway to a point on the west side of North Balmossie Street thence proceeding in a south-easterly direction along the west side of North Balmossie Street to Dalhousie Road thence eastward across the width of North Balmossie Street to a point in the north side of Dalhousie Road thence across Dalhousie Road and along the east side of South Balmossie Street and continuing southwards in a prolongation in a straight line southwards to low-water mark on the shore of the Firth of Tay thence in a westerly direction along the line of low-water mark on the said shore to the point first described.

SECOND SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Division into wards")

DESCRIPTION OF THE BOUNDARIES OF THE WARDS OF THE CITY

(1) WARD FIRST OR HARBOUR WARD

Commencing at a point in the foreshore of the river Tay opposite the continuation southwards of the centre line of Margaret Crescent thence northwards along the centre line of Margaret Crescent Belsize Road Gardyne Road and its prolongation in a straight line to Arbroath Road thence westwards along the centre line of Arbroath Road Victoria Street Victoria Road to King's Road thence southwards along the centre line of King's Road King Street Cowgate Murraygate High Street Castle Street to Dock Street thence southwards to the Royal Arch at the harbour of Dundee thence through the centre of the said arch in a straight line south-eastwards to the Firth of Tay thence along the southern boundary of the city to the point of commencement.

(2) WARD SECOND OR RIVERSIDE WARD

Commencing at a point in the western boundary of the city at its junction with the foreshore of the river Tay thence northwards along the said boundary to Perth Road thence eastwards along the centre line of Perth Road and Hawkhill to Hunter Street thence northwards along the centre line of Hunter Street to Brook Street thence eastwards along the centre line of Brook Street and West Port to Tay Street thence northwards along the centre line of North Tay Street and Lochee Road to West Bell Street thence eastwards along the centre line of West Bell Street Bell Street and Baltic Street to Wellgate thence southwards along the centre line of Wellgate Murraygate High Street and Castle Street to Dock Street thence southwards to the Royal Arch at the harbour of Dundee thence through the centre of the said arch in a straight line south-eastwards to the Firth of Tay thence along the southern boundary of the city to the point of commencement.

(3) WARD THIRD OR LOCHEE WARD

Commencing at a point in the western boundary of the city at its junction with the south boundary of the Dundee Newtyle Railway thence northwards and eastwards following the boundary of the city until it reaches a point thereon opposite the centre line of the farm road east of Baldragon Farm buildings thence southwards to and along the centre line of the said farm road and its prolongation to Laird Street at a point therein 211 yards or thereby west of the centre line of St. Boswells Terrace thence eastwards along the centre line of Laird Street to St. Boswells Terrace thence southwards along the centre line of St. Boswells Terrace and St. Leonard Road to Macalpine Road thence southwards along the centre line of Macalpine Road to Kingsway West and crossing Kingsway West thence southwards along the centre line of Clepington Road to Johnston Avenue thence southwards along the centre line of Johnston Avenue to Strathmore Avenue thence westwards along the centre line of Strathmore Avenue to Alpin Road thence southwards along the centre line of Alpin Road to Loons Road thence westwards along the centre line of Loons Road to the railway bridge at Lochee station thence continuing westwards along the southern boundary of the Dundee and Newtyle Railway to the point of commencement.

2ND SCH.
—cont.

(4) WARD FOURTH OR CRAIGIE WARD

Commencing at a point at the junction of the centre lines of Victoria Road and Forebank Road thence northwards along the centre line of Forebank Road to Ann Street thence eastwards along the centre line of Ann Street to Cotton Road thence southwards along the centre line of Cotton Road to Laing Street thence eastwards along the centre line of Laing Street to Dens Road thence northwards along the centre line of Dens Road to Dura Street thence in a north-easterly direction along the centre line of Dura Street and Pitkerro Road to Drumgeith Road thence eastwards along the centre line of Drumgeith Road to the junction of Drumgeith Road and the prolongation northwards of Douglas Road thence southwards along the centre line of the said prolongation of Douglas Road and Douglas Road to Arbroath Road thence westwards along the centre line of Arbroath Road Victoria Street and Victoria Road to the point of commencement.

(5) WARD FIFTH OR LINLATHEN WARD

Commencing at the junction of the centre line of Dens Road and Dura Street thence in a north-easterly direction along the centre line of Dura Street and Pitkerro Road to Longhaugh Road thence in a northerly direction along the centre line of Longhaugh Road to the northern boundary of the city thence in a westerly direction along the northern boundary of the city to its junction with Old Glamis Road thence in a southerly direction along the centre line of Old Glamis Road to Clepington Road thence in an easterly direction along the centre line of Clepington Road to Arklay Street thence in a southerly direction along the centre line of Arklay Street and Dens Road to the point of commencement.

(6) WARD SIXTH OR DUDHOPE WARD

Commencing at a point at the western termination of West Bell Street at its junction with Lochee Road and thence in a westerly direction along the centre line of Lochee Road to the western boundary

2ND SCH.
—cont.

of Dudhope Park thence in a northerly direction along that boundary to Dudhope Terrace thence eastwards along the centre line of Dudhope Terrace to Inverlaw Place thence northwards along the centre line of Inverlaw Place to Albany Terrace thence westwards along the centre line of Albany Terrace to Lawside Road thence northwards along the centre line of Lawside Road to Loons Road thence eastwards along the centre line of Loons Road to Alpin Road thence northwards along the centre line of Alpin Road to Strathmore Avenue thence eastwards along the centre line of Strathmore Avenue to Milton Street thence southwards along the centre line of Milton Street to Byron Street thence eastwards along the centre line of Byron Street to Bruce Street thence southwards along the centre line of Bruce Street and Carmichael Street to the centre line of McKinnon Street thence in a straight line southwards from the junction of McKinnon Street to Constitution Street at a point thereon 110 yards or thereby east of Upper Constitution Street thence eastwards along the centre line of Constitution Street to Hilltown thence southwards along the centre line of Hilltown to Ann Street thence eastwards along the centre line of Ann Street to Forebank Road thence southwards along the centre line of Forebank Road to Victoria Road thence eastwards along the centre line of Victoria Road to King's Road thence southwards along the centre line of King's Road King Street and Cowgate to Wellgate thence northwards along the centre line of Wellgate to Baltic Street thence westwards along the centre line of Baltic Street Bell Street and West Bell Street to the point of commencement.

(7) WARD SEVENTH OR DOWNFIELD WARD

Commencing at the junction of the centre lines of Strathmore Avenue and Johnston Avenue thence proceeding eastwards along the centre line of Strathmore Avenue and Moncur Crescent to Provost Road thence northwards along the centre line of Provost Road and Old Glamis Road to the northern boundary of the city thence westwards along the northern boundary of the city to a point thereon opposite the centre line of the farm road east of Baldragon Farm buildings thence southwards to and along the centre line of the said farm road and its prolongation to Laird Street to a point therein 211 yards or thereby west of St. Boswells Terrace thence eastwards along the centre line of Laird Street to St. Boswells Terrace thence southwards along the centre line of St. Boswells Terrace and St. Leonard Road to Macalpine Road thence southwards along the centre line of Macalpine Road to Kingsway West and crossing Kingsway West thence along the centre line of Clepington Road to Johnston Avenue thence southwards along the centre line of Johnston Avenue to the point of commencement.

(8) WARD EIGHTH OR BALGAY WARD

Commencing at a point in the common junction of North Tay Street and Overgate and proceeding thence in a northerly direction along the centre line of North Tay Street and Lochee Road to the western boundary of Dudhope Park thence in a northerly direction along that boundary to Dudhope Terrace thence eastwards along the centre line of Dudhope Terrace to Inverlaw Place thence northwards along the centre line of Inverlaw Place to Albany Terrace thence westwards along

the centre line of Albany Terrace to Lawside Road thence northwards along the centre line of Lawside Road to Loons Road thence in a westerly direction along the centre line of Loons Road to the railway bridge at Lochee Station thence continuing westwards along the southern boundary of the Dundee and Newtyle Railway to its junction with the western boundary of the city thence southwards along the said western boundary of the city to its junction with Menzieshill Farm Road thence eastwards along the centre line of Menzieshill Farm Road to the service road west of the farm buildings of Hillside of Balgay thence southwards and eastwards along the centre line of the said service road to Glamis Road thence southwards along the centre line of Glamis Road to the access road to the Western Necropolis thence eastwards along the centre line of the said access road and the southern main carriageway through the Western Necropolis and Balgay Park to Balgay Road thence continuing eastwards along the centre line of Scott Street Milnbank Road Polepark Road Brook Street and West Port to the point of commencement.

(9) WARD NINTH OR BLACKNESS WARD

Commencing at a point in the centre line of Hawkhill opposite Hunter Street and proceeding thence in a westerly direction along the centre line of Hawkhill and Perth Road to the western boundary of the city thence following the western boundary of the city northwards to its junction with Menzieshill Farm Road thence eastwards along the centre line of Menzieshill Farm Road to the service road west of the farm buildings of Hillside of Balgay thence southwards and eastwards along the centre line of the said service road to Glamis Road thence southwards along the centre line of Glamis Road to the access road to the Western Necropolis thence eastwards along the centre line of the said access road and the southern main carriageway through the Western Necropolis and Balgay Park to Balgay Road thence continuing eastwards along the centre line of Scott Street Milnbank Road Polepark Road Brook Street to Hunter Street thence southwards along the centre line of Hunter Street to the point of commencement.

(10) WARD TENTH OR BROUGHTY FERRY WARD

Commencing at a point in the foreshore of the river Tay opposite the continuation southwards of the centre line of Margaret Crescent thence northwards along the centre line of Margaret Crescent Belsize Road Gardyne Road and its prolongation in a straight line to Arbroath Road thence westwards along the centre line of Arbroath Road to Douglas Road thence northwards along the centre line of Douglas Road and its prolongation northwards to Drumgeith Road thence westwards along the centre line of Drumgeith Road to Longhaugh Road thence northwards along the centre line of Longhaugh Road to the northern boundary of the city thence eastwards along the northern boundary of the city to its junction with Kellas Road thence southwards along the centre line of Kellas Road Baldovie Road and Claypots Road to Camperdown Street thence eastwards along the centre line of Camperdown Street to Fort Street thence southwards along the centre line of Fort Street to the foreshore of the river Tay thence in a westerly direction along the southern boundary of the city to the point of commencement.

2ND SCH.
—cont.

(11) WARD ELEVENTH OR BARNHILL WARD

Commencing at a point in the foreshore of the river Tay opposite the continuation southwards of the centre line of Fort Street thence northwards along the centre line of Fort Street to Camperdown Street thence westwards along the centre line of Camperdown Street to Claypots Road thence northwards along the centre line of Claypots Road Baldovie Road and Kellas Road to the northern boundary of the city thence in a south-easterly and south-westerly and southerly direction along the boundary of the city to the foreshore of the river Tay thence in a westerly direction along the southern boundary of the city to the point of commencement.

(12) WARD TWELFTH OR HILLTOWN WARD

Commencing at a point in the centre line of Constitution Street 110 yards or thereby east of the centre line of Upper Constitution Street thence eastwards along the centre line of Constitution Street to Hilltown thence southwards along the centre line of Hilltown to Ann Street thence eastwards along the centre line of Ann Street to Cotton Road thence southwards along the centre line of Cotton Road to Laing Street thence along the centre line of Laing Street to Dens Road thence north-westwards along the centre line of Dens Road to Arklay Street thence northwards along the centre line of Arklay Street to Clepington Road thence westwards along the centre line of Clepington Road to Provost Road thence southwards along the centre line of Provost Road to Moncur Crescent thence westwards along the centre line of Moncur Crescent and Strathmore Avenue to Milton Street thence southwards along the centre line of Milton Street to Byron Street thence eastwards along the centre line of Byron Street to Bruce Street thence southwards along the centre line of Bruce Street and Carmichael Street to the centre line of McKinnon Street thence in a straight line southwards from the junction of McKinnon Street to Constitution Street to the point of commencement.

THIRD SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Limits of supply")

SECTION 33 OF THE DUNDEE WATER ACT 1869

"The limits of this Act shall commence on the east at the Frith of Tay at a point one thousand yards eastward from the eastmost point of the water of Dighty, and running thence in a straight line to a bench mark of the Ordnance Survey indicating altitude 142.8, situated on the Dundee and Arbroath turnpike road, between the fifth and sixth milestones from Dundee; and thence in a straight line to another bench mark indicating altitude 230.8, situated on the Dundee and Forfar turnpike road, between the second and third milestones from Dundee; thence in a straight line to a crest of the Ordnance Survey indicating altitude 527.4, situated on Gallowhill, on the estate of Strathmartine; thence in a straight line to a surface mark of the Ordnance Survey indicating altitude 554.5, situated near the farm of West Adamston, and at a point eight hundred and fifty yards or thereby north from the Burn of Dighty, where the said burn adjoins the counties of Perth and Forfar; thence southward in a straight line

to a point on the Burn of Dighty, where said burn ceases to be the boundary between the counties of Forfar and Perth and enters wholly into the county of Forfar; thence southward along the boundary of the county of Forfar to the public road running from north to south past the graveyard of Benvie; thence along that road to its junction with the county of Perth; and thence following the boundary of the county of Forfar to and terminating at the Frith of Tay, the said frith being the southern boundary”.

3RD SCH.
—cont.

EXTRACT FROM SECTION 26 OF THE DUNDEE WATER ACT 1891

“ The area embraced by a straight line drawn from the north-east corner of the present limits in the said parish (at Ordnance bench mark indicating altitude 142.8 on the Dundee and Arbroath public road within the parish of Monifieth, in the county of Forfar) in a north-easterly direction to the Ordnance bench mark indicating altitude 123.8 on Greystone Old Toll House, on said Dundee and Arbroath public road; and thence in a straight line south-eastward to the centre of the bridge carrying the Dundee and Arbroath Joint Railway over the Buddon Burn, in the said parish of Monifieth; and thence in continuation of said line south-eastward to the Firth of Tay, the southern boundary being the Firth of Tay from the said extended east boundary at said Firth west to the present limits at said Firth”.

EXTRACT FROM SECTION 21 OF THE DUNDEE WATER ORDER 1905

“ The area embraced by a line drawn from the north-east corner of the said existing limits at the junction of the public road leading from Dundee to Arbroath commonly called the Arbroath Road with the public road leading from Monifieth to Newbigging of Monikie to and thence in a north-easterly direction along the north side of the said Arbroath Road to a point thereon which would be intersected by the prolongation of the eastern side of the public road leading from Carlogie to Carnoustie commonly called Carlogie Road thence south-eastwards and southwards along the eastern side of the said Carlogie Road to the point of junction thereof with the present boundary of the burgh of Carnoustie thence following the eastern boundary of said burgh of Carnoustie to low-water mark of ordinary spring tides and thence southwards and westwards along low-water mark to the south-east corner of the said existing limits and thence along the eastern boundary of the said existing limits to the point of commencement”.

EXTRACT FROM SECTION 26 OF THE DUNDEE WATER ACT 1891

“ (4) Extension on the west, in the county of Fife, commencing by a junction with the south-west boundary of the said special water supply district of the parish of Forgan, at a point in said boundary six hundred and twenty yards or thereby (measured in a straight line eastward on and along said boundary) from the centre of the public road near Woodhaven; thence in a straight line south-westward to the north end of Flass Cottage, presently occupied by Henry Smith; thence south-westward and south-eastward along an imaginary line indicating altitude of two hundred feet Ordnance datum, to a point where said imaginary line would cross the road from Wormit to Wormithill at two hundred feet Ordnance datum; thence in a straight

3RD SCH.
—cont.

line south-westward to the junction of the public road to Leuchars with the road to and beyond Naughton; and thence north-westward in a straight line to Peashills Point on the Firth of Tay, the boundary on the north being the Firth of Tay, all partly in the parish of Forgan, and partly in the parish of Balmerino, both in the county of Fife”.

FOURTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is “ Recovery of city rates.”)

Authenticated extracts of part of the roll of assessment for the year
from

to

made up for the purposes and in terms of the Dundee Corporation (Consolidated Powers) Order 1957 the Local Government (Scotland) Act 1947 and any Acts amending or extending the same.

Lord Provost.

Treasurer.

Bailie.

I city collector of city rates and other rates and assessments for the city and royal burgh of Dundee do hereby certify that this volume is an authenticated extract of part of the roll of assessment according to which the city rates and others are leviable from the persons and others herein named for the year from
to that the said rates and others became due and payable on that certain of the persons and others assessed in the said books have failed to pay the said rates and others notwithstanding of the same having been demanded from them by printed notices from me delivered to or left for them on the premises assessed requiring them to make payment of the sum due by them within fourteen days which period of fourteen days has now expired and that the persons and others named in this volume who have so failed to pay the said rates and others are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged at this date.

City Collector.

(Place and date)
and Angus.

To the honourable the sheriff of Perth

The Petition of
royal burgh of Dundee.

city collector for the city and

Humbly sheweth

That by the Dundee Corporation (Consolidated Powers) Order 1957 the Local Government (Scotland) Act 1947 and any Acts amending or extending the same certain rates and assessments are authorised to be levied by the corporation of the city of Dundee.

That in terms of the said Acts authenticated extracts of the rolls of assessment for levying the said rates and others for the year from

to

were made up and delivered to the petitioner in order to his collecting the sums set opposite the names of the persons and others respectively therein entered of which authenticated extracts of the rolls of assessment this is volume

That the said rates and others became due and payable on _____ with the exception of those rates and others in respect of which one-half thereof had been paid on _____ in which case the remaining half became due and payable on or before _____

That by the attestation of the petitioner hereunto prefixed it appears that certain of the persons and others so assessed have failed to pay the said rates and others on or before the said _____ or in the case where half of the rates and others had been paid on _____ have failed to pay the remaining half on or before _____

notwithstanding of the same having been demanded from them by printed notices from the petitioner delivered to or left for them on the premises assessed requiring them to make payment of the sum due by them within fourteen days which period of fourteen days has now expired and that the persons and others named in this volume who have so failed to pay are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged at the date of the said attestation.

That on the thirty-first day of March _____ the said persons and others who have failed to pay the rates and others charged against them or any portions thereof have incurred in addition to the said rates and others a penalty of one penny upon each pound of the rental of the premises in respect of which they are assessed in terms of the said Dundee Corporation (Consolidated Powers) Order 1957.

That in these circumstances it becomes necessary to apply to your Lordship for warrant to the following effect:—

May it therefore please your Lordship to grant summary warrant against the persons and others who have failed in payment as aforesaid for recovery of the said rates and others so remaining unpaid and penalty foresaid with the addition in each case of ten per centum of the sum due and unpaid and to authorise the petitioner or officers of court to enter the houses or other premises of the persons and others who have failed in payment as aforesaid and to poind seize remove or secure any goods and effects therein belonging to or in the lawful possession of such persons and others or so much thereof as will fully satisfy the arrears of said rates and others due by them respectively and penalty and the said

4TH SCH.
—cont.

addition of ten per centum with the costs and charges incurred or to be incurred in carrying the said warrant into execution and warrant also to the petitioner or officers of court or any licensed auctioneer after the lapse of four days in the event of the non-payment of said arrears and penalty and the said addition of ten per centum together with said costs and charges to sell and dispose of said goods and effects by public auction on three days' notice of the sale either on the premises in or from which the same were so pointed seized removed or secured or at such other place as may be fixed by your Lordship and apply the proceeds in payment of the said arrears and penalty and the said addition of ten per centum and costs and charges incurred in carrying the said warrant into execution returning any balances to the owners and the petitioner further craves your Lordship to decern and ordain instant execution by arrestment of the goods debts and sums of money of the said persons and others in satisfaction of the said rates and others due by them and penalty and the said addition of ten per centum and costs and charges incurred in carrying the said warrant into execution and further to grant warrant to open shut and lockfast places.

City Collector.

(Place and date) The sheriff (or sheriff-substitute as the case may be) having considered the foregoing application and attestation grants warrant as craved and appoints all sales by virtue hereof to take place on the premises in which the goods and effects were seized or at Long Wynd Dundee and further grants warrant to open shut and lockfast places.

FIFTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Forms")

FORMS

(A)

RESOLUTIONS ON CREATION OF STOCK

At Dundee, the day of 19

At a meeting of the Corporation of the City of Dundee.

Present:

The Lord Provost (Chair).

(Here insert the names of Remanent Members of Council.)

Resolved first—

That under the authority and subject to the provisions of the Dundee Corporation (Consolidated Powers) Order 1957 the Corporation do hereby in exercise of their several statutory powers create stock to be called "Dundee Corporation Redeemable Stock" and to be issued to

an amount which shall be employed for the following purposes for which the Corporation are authorised to borrow but not exceeding pounds:—

5TH SCH.
—cont.

A. For raising the following sums (amounting in the aggregate to the sum of _____ pounds which has not been raised) that is to say:—

(1) The sum of _____ pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the _____ Acts for (here specify object);

(2) The sum of _____ pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the _____ Acts for (here specify object).

B. For raising by means of Dundee Corporation Redeemable Stock instead of reborrowing on other securities the sum of _____ pounds required by the Corporation for the purpose of paying off when due sums amounting to _____ pounds which will fall due before the (insert date) being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to reborrow.

C. For raising by means of Dundee Corporation Redeemable Stock the sum of _____ pounds for repaying an amount temporarily borrowed by the Corporation such amount having been temporarily borrowed in order to enable the Corporation to meet sums which amount to _____ pounds being a portion of their debt secured on outstanding securities granted by the Corporation for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to reborrow.

D. For raising by means of Dundee Corporation Redeemable Stock the sum of _____ pounds for paying off or redeeming securities granted by the Corporation under the following Acts and now outstanding, or which will be outstanding on (insert date) (that is to say):—

(B)

5TH SCH. —cont.

CORPORATION STOCK CERTIFICATE

DUNDEE CORPORATION (PER CENT.) REDEEMABLE STOCK

(Here insert redemption date or period during which redemption may be made at the option of the Corporation.)

No. City and Royal Burgh of Dundee.

This is to certify that A.B. of () is the proprietor of pounds of Dundee Corporation Redeemable Stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the City and Royal Burgh of Dundee and subscribed by and with authority of the Lord Provost Magistrates and Councillors of the said City this day of

A.B. Member of the Corporation of the City of Dundee.

B.C. Registrar or Chamberlain.

(C)

CORPORATION ANNUITY CERTIFICATE

Certificate No.....

CORPORATION OF THE CITY OF DUNDEE ANNUITY CERTIFICATE

THIS IS TO CERTIFY that

entitled to receive of an ANNUITY from the Corporation of the City of Dundee under the Dundee Corporation (Consolidated Powers) Order 1957 and which Annuity is payable by equal half-yearly portions on the Fifteenth day of May and the Eleventh day of November in each year beginning the first payment thereof on the day of One thousand nine hundred and for the half-year preceding and so forth thereafter.

DATED this day of One thousand nine hundred and

Amount £

(To be signed by two members of the Corporation and the City Chamberlain.)

5TH SCH. —cont.

(D)

DEED OF TRANSFER OF ANNUITY

DUNDEE CORPORATION

TRANSFER OF ANNUITY

Certificate No.....withdrawn. Transfer No.....

Do. No..... issued.

in consideration of the sum of

paid to

by

do hereby transfer to the said

(hereinafter called the Transferee) the Dundee Corporation Annuity of to hold unto the

Transferee

Executors Administrators and

Assignees subject to the several conditions on which

hold the same at the time of the execution hereof and

the Transferee do hereby agree to take the said Annuity subject to the same conditions.

As Witness our hands this day of in the year One thousand nine hundred and

(To be signed by each party before two witnesses.)

THE SIXTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Fees")

FEEES

			s.	d.
On original issue of stock or annuity certificate	...	...	2	6
On any new stock or annuity certificate	...	...	2	6
On transfer or transmission including certificate	...	...	5	0

SEVENTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is
"Continuation of loans fund")

RULES AND REGULATIONS FOR THE OPERATION OF THE LOANS FUND

INTRODUCTORY

1. The fund called the loans fund shall be kept in two parts viz.:— Keeping of fund.

Part I.—Being a record of all assets and liabilities of the fund shewing under—

(A) Assets—

- (1) Advances to Corporation departments;
- (2) Advances to "borrowing authorities" and others to whom advances may be made under statutory authority;
- (3) Investments;
- (4) Any other assets.

Assets and liabilities.

(B) Liabilities—

- (1) Capitalised value of annuities;
- (2) Corporation stock;
- (3) Mortgages;
- (4) Any other liabilities.

Part II.—Revenue transactions showing as—

(A) Income—

- (1) Interest from Corporation departments—
 - (a) in respect of advances on capital account;
 - (b) in respect of interest on advances for ordinary expenditure;
- (2) Interest from "borrowing authorities" and others;
- (3) Income from investments;
- (4) Other income.

Income and expenditure.

(B) Expenditure—

- (1) Annuities;
- (2) Interest on stock mortgages and other loans;
- (3) General expenses of loans including stamp duties.

PART I OF THE FUND

2.—(A) Subject to the conditions contained in this Order all the secured and unsecured debt and balances of any other loans funds or accounts of a capital nature (including sinking or redemption funds) shall be deemed to form part of the loans fund. Capital accounts.

(B) There shall be paid to the loans fund as and when they are received or in the case of the sums specified in sub-clause (iii) of this paragraph when they are due— Payments to loans fund.

- (i) All moneys borrowed by the Corporation whether by issue of stock or otherwise in connection with the exercise of statutory borrowing powers;
- (ii) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are properly applied to another capital purpose; and

7TH SCH.
—cont.

(iii) The appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation or to any borrowing authority or person provided that subject to the provisions of this Order such appropriate sums shall be set aside in all cases upon like yearly or half-yearly dates and may at the discretion of the Corporation be either equal yearly or half-yearly instalments of principal or the amounts of the principal moneys set out in a schedule prepared at the inception of the advance where such advance is repaid on the annuity system or in the case of loans current at the date of establishment of the loans fund settled at the date of such establishment.

Capital
moneys paid
into the
loans fund.

3. Whenever capital moneys are paid into the loans fund otherwise than on loan the periodical repayment instalments in respect of the advance or advances affected or if no such advance is affected then the repayment instalments in respect of some other advance for a like purpose or if there be no such advance for a like purpose then the repayment instalments in respect of such other advance as the Corporation may determine shall be adjusted.

Payments
from loans
fund.

4. All receipts of a capital nature and included in Part I of the loans fund shall be used or applied—

(A) In the exercise of any duly authorised borrowing power by advance of the required amount to the appropriate department of the Corporation and the making of advances to other authorities or persons where such advances are authorised Such advances shall ordinarily be effected on the fifteenth day of May in each year which date shall for purposes of repayment be regarded as the borrowing date Nothing however shall prevent the Corporation from making any such advance during the year in which event interest shall be charged in accordance with the provisions of clause 11 hereof the marginal note whereof is “Revenue balances and apportionment of interest” The amount advanced in exercise of a borrowing power shall be regarded as due or owing to the loans fund by the appropriate department charged with the repayment of that amount and such amount shall be diminished each year by the amount paid into the fund during the year (including capital moneys if any) in respect of such borrowing power;

(B) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; and the said moneys not used or applied in these ways may be invested in government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest and the sums realised by the sale of such securities shall on receipt be paid into the loans fund and the moneys forming Part I of the said fund shall not be used or applied otherwise than as herein stated Provided always that no investment in or sale of the said securities shall be made unless and until it has been approved by a resolution of the finance committee of the Corporation.

5.—(A) All discounts on stock issues or premiums to be met on the repayment of a stock shall be debited in the first instance to Part I of the loans fund account but shall be treated as capital expenditure on account of the various borrowing departments of the Corporation and shall be allocated between these departments in the same manner as is laid down in clause 12 hereof the marginal note whereof is “General expenses of loans”.

7TH SCH.
—cont.

Discounts on
stock issues etc

(B) The Corporation may advance out of the loans fund such amounts as may be necessary to defray the capital expenditure aforesaid provided that such advances shall be repaid to the loans fund by equal yearly or half-yearly instalments over such period as the Corporation may determine subject to the condition that in no case shall the period fixed for repayment extend beyond the date when the stock becomes redeemable at the option of the Corporation.

6. Expenses of stock issues shall be dealt with in the same manner as is in the immediately preceding clause provided for discounts on stock issues or premiums to be met on the repayment of a stock provided that the period for the repayment of any advances from the loans fund in respect of expenses of stock issues shall in no case exceed five years from the date of the advance.

Expenses of
stock issues.

7. All discounts on loans or premiums to be met on the repayment of loans and expenses of loan issues shall be dealt with in the same manner mutatis mutandis as is provided for discounts on stock issues or premiums to be met on the repayment of a stock and expenses of stock issues.

Discounts on
loans etc.

8. Net losses on the realisation of loans fund investments in any year shall be dealt with in the same manner mutatis mutandis as is provided in clause 6 hereof the marginal note whereof is “Expenses of stock issues” For the purpose of this clause net losses on the realisation of loans fund investments means the total losses incurred in any year on the sale or realisation of such investments less—

Net losses on
the realisation
of loans fund
investments etc.

- (A) the total gains accruing to the Corporation from the sale of loans fund investments;
- (B) any sum transferred from the loans fund reserve account in terms of clause 9 (A) hereof the marginal note whereof is “Loans fund reserve account”;
- (C) the total gains accruing to the Corporation from the purchase of stock or loans below redemption price or nominal value;
- (D) the total premiums on stock issues.

Provided that where the gains transfers or premiums referred to in (A) (B) (C) and (D) above exceed the total losses incurred on the sale or realisation of loans fund investments the Corporation may in their option direct either that—

- (1) the excess in whole or in part be carried to the credit of the general expenses of loans account referred to in clause 12 hereof the marginal note whereof is “General expenses of loans”;

7TH SCH
—cont.

- (2) the excess in whole or in part be allocated among the borrowing departments in the same manner as is provided for in clause 12 hereof the marginal note whereof is "General expenses of loans" such excess to be credited to the capital accounts of the borrowing department; or
- (3) the excess in whole or in part be credited to the loans fund reserve account referred to in clause 9 hereof the marginal note whereof is "Loans fund reserve account."

Loans fund
reserve
account.

9. The Corporation may establish a loans fund reserve account to which shall be credited any excess which in terms of the immediately preceding clause hereof the marginal note whereof is "Net losses on the realisation of loans fund investments etc." the Corporation have directed to be so credited provided that the moneys at the credit of the loans fund reserve account shall only be available—

- (A) for meeting any losses sustained in the realisation or sale of loans fund investments in any year subsequent to the year in which the transfer to the reserve fund is made; or
- (B) in reduction of the periodical repayments by the borrowing departments to the loans fund over such period of years as the Corporation may determine provided that in effecting any reduction of such periodical repayments the Corporation shall allocate the total annual amount to be applied towards such reduction over the borrowing accounts in the same manner as is provided for the allocation of other expenses referred to in clause 12 hereof the marginal note whereof is "General expenses of loans".

PART II OF THE FUND

Income and
expenditure.

10. In arriving at the income and expenditure of the loans fund and in the apportionment of the excess of expenditure over income effect shall be given to the provisions of clauses 11 and 12 hereof the marginal notes whereof are respectively "Revenue balances and apportionment of interest" and "General expenses of loans."

Revenue
balances and
apportionment
of interest.

11.—(A) All balances of any loans accounts of a revenue nature shall be carried to the loans fund and shall be deemed to form part of that fund.

(B) To each department which has from time to time during any year invested any revenue balances in the loans fund there shall be credited interest at a rate to be determined by the Corporation.

(C) To each department which has made any special repayment of an advance during any year there shall be credited interest from the date of such repayment to the end of the accounting year at the average rate payable by the Corporation on moneys borrowed on loans fund account.

(D) To each department which has provided a capital sum (not used for the reduction of its indebtedness to the loans fund) there shall be credited interest at a rate to be determined by the Corporation provided that such rate shall be equal as nearly as may be to the rate of interest which would be payable on loans raised during the year of account under a statutory borrowing power.

(E) Interest at the average rate payable by the Corporation on moneys borrowed on loans fund account shall be charged in respect of all broken periods where new advances have been made during the year.

7TH SCH.
—cont.

(F) Interest on the debt enumerated in the appendix to this schedule shall be charged to the department liable for the payment of interest on such debt and where special circumstances exist the Corporation may in respect of any advance not included in the appendix make such special charge as they think equitable to any department provided that in the case of any advance for a purpose in respect of which any government grant-in-aid is receivable such special charge shall if required be subject to the approval of the government department concerned.

(G) To each department which has from time to time during any year received temporary advances of moneys from the loans fund for current or other expenses there shall be debited interest at a rate to be determined by the Corporation.

(H) The amount of the expenditure on the debt enumerated in the appendix interest on stock and other loans shall be ascertained and after allowing for the foregoing adjustments shall be apportioned among the departments of the Corporation in proportion to the respective advances outstanding and due by them to the loans fund at the commencement of the year of account except any advances in respect of which interest is charged as authorised in paragraph (F) hereof.

12. The general expenses of loans account referred to in clause 1 of this schedule and which includes all expenses in connection with the management of the loans fund (other than expenses in connection with the debt enumerated in the appendix hereto) shall be credited with fees received on the transfer of stock or loans and any other revenue receipts There shall also be credited to this account any sums received from any persons or borrowing authority in respect of their proportion of management expenses The balance on the account shall thereafter be apportioned to the borrowing departments of the Corporation at the end of each year ending 15th May in the ratio which the total outstanding advances to each borrowing department bear to the total outstanding advances of all the borrowing departments of the Corporation but such apportionment to departments may be adjusted where circumstances render it desirable from the point of view of maintaining equity as between the various borrowing departments.

General expenses of loans.

GENERAL AND TRANSITORY PROVISIONS

13. Subject as hereinafter provided, nothing contained in this schedule shall affect the debt appearing in the appendix to this schedule or the charges in respect thereof but in order that the loans fund may contain a complete record of all loan transactions such debt shall nevertheless as provided for in clause 2 hereof the marginal note whereof is "Capital accounts" form part of the loans fund.

Appended debt not affected.

14. The Corporation may at any time cease to treat the appended debt as subject to the special provisions of clauses 11 (F) and 12 hereof the marginal notes whereof are respectively "Revenue balances

Cessation of special provisions for appended debt.

7TH SCH.
—cont.

and apportionment of interest” and “General expenses of loans” provided that the Corporation in order to maintain equity between the borrowing departments of the Corporation may make such adjustments between the loans fund and the departments to which the special provisions apply as they think necessary.

Accounts and
balance sheet.

15. The Corporation shall keep a separate set of accounts and prepare a separate balance sheet of the loans fund and in addition to the requisite mortgage and securities registers they shall also keep a register of advances out of the loans fund to the borrowing departments of the Corporation or to any other local authorities or persons to whom the Corporation may be authorised to advance money setting out all arrangements in regard to repayment provided that the register shall shew the relation of the total advances to any borrowing department of the Corporation to the total borrowing powers exercisable by that department.

Bank accounts.

16. The Corporation may make such regulations regarding their banking account or accounts as they may think fit.

Certification of
accounts and
returns.

17.—(1) The accounts relating to the loans fund shall be certified as to correctness by the Corporation’s chief financial officer and the Corporation shall at least once in every year require the auditor of the Corporation accounts to make a report setting forth—

(A) the borrowing and other Acts under which advances have been made and whether the Corporation have duly paid into the loans fund the interest due by the borrowing accounts of the Corporation and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund to any borrowing department of the Corporation; and

(B) that the terms of the proviso to clause 4 hereof the marginal note whereof is “Payments from loans fund” have been duly complied with.

(2) The said report shall be published annually along with the accounts of the Corporation, and shall be open to the inspection of every person interested and a copy of such report shall every year within seven days of such publication be transmitted by the Corporation to the Secretary of State for Scotland.

(3) In the event of such report by the auditor at any time shewing that the Corporation have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the loans fund as aforesaid it shall be competent for the Secretary of State for Scotland to apply summarily to the Court of Session to compel the Corporation to make such payments and the said Court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

Investigation of
loans fund.

18. It shall be in the discretion of the Secretary of State for Scotland to investigate the administration of the loans fund from time to time as he may decide.

19. The accounts relating to the loans fund shall be in such form as may be prescribed by the Secretary of State for Scotland.

Form of accounts.

20. The Secretary of State for Scotland may from time to time at the request of the Corporation by order make such additions to or alterations in this schedule as may be found to be necessary or desirable.

Revision of scheme.

21. The power to make orders conferred on the Secretary of State by paragraph 20 of this schedule shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

As to making of orders.

LOANS FUND

APPENDIX TO RULES AND REGULATIONS

Debt which is to receive special treatment—
Dundee Corporation annuities.

EIGHTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Delivery of coal over two hundredweight")

WEIGHT TICKET OR NOTE ON DELIVERY OF COAL OVER TWO HUNDREDWEIGHT

.....(here insert the name of the buyer)

Take notice that you are to receive herewith.....tons

.....cwts.....lbs. of coal.
(When sold in sack add)

in.....sacks each containing.....cwt.
(When sold in bulk add)

	tons	cwts.	lbs.
Weight of coal and vehicle
Tare weight of vehicle

Net weight of coal herewith delivered to purchaser

.....(here insert the name of the seller)

.....(here insert the name of the person in charge of the vehicle).

Where coal is delivered by means of a vehicle the seller must deliver or send by post or otherwise to the purchaser or his servant before any part of the coal is unloaded a ticket or note in this form.

Any seller of coal who delivers a less quantity than is stated in this ticket or note is liable to a fine.

Any person in charge of a vehicle used for the delivery of coal who having received a ticket or note for delivery to the purchaser refuses or neglects to deliver it to the purchaser or his servant is liable to a fine.

NINTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirming authority for byelaws")

CONFIRMING AUTHORITY FOR BYELAWS

1 Number and marginal note of section	2 Confirming authority
Section 61 (Byelaws for preventing pollution of water).	Secretary of State.
Section 73 (Byelaws as to premises held in connection with omnibuses).	The Sheriff.
Section 89 (Power to require intending passengers to wait in lines or queues).	Minister of Transport and Civil Aviation.
Section 97 (Power to reserve omnibuses tramcars and trolley vehicles for special purposes).	Minister of Transport and Civil Aviation.
Section 255 (Byelaws relating to works)	Secretary of State.
Section 264 (Byelaws as to parks)	Secretary of State.
Section 269 (Power to provide landing ground for aircraft).	Minister of Transport and Civil Aviation.
Section 275 (As to parks outside city)	Secretary of State.
Section 298 (Byelaws for cemeteries and crematoria)	Secretary of State.
Section 303 (Jurisdiction of Corporation over foreshore and beach).	Secretary of State.
Section 304 (Protection of foreshore)	Secretary of State.
Section 306 (Byelaws as to bathing etc.)	The Sheriff.
Section 314 (Power to make byelaws for halls) ...	The Sheriff.
Section 315 (Byelaws as to city square)	The Sheriff.
Section 328 (Byelaws as to art galleries museums and libraries).	The Sheriff.
Section 343 (Byelaws as to markets)	Secretary of State.
Section 371 (Byelaws for public baths and wash-houses).	The Sheriff.
Section 381 (Byelaws as to tents vans etc.)	Secretary of State.
Section 383 (Provision of public conveniences) ...	The Sheriff.
Section 385 (Hairdressers and barbers)	Secretary of State.
Section 398 (Cleansing byelaws).	The Sheriff.
Section 419 (Byelaws as to theatres etc.)	The Sheriff.
Section 424 (Byelaws regulating billiard rooms etc.)	The Sheriff.
Section 443 (Byelaws with respect to cabs and drivers of cabs).	Secretary of State.
Section 449 (Byelaws as to street trading)	Secretary of State.
Section 591 (Byelaws as to sale of coal and as to personal weighing machines).	The Board of Trade.
Section 608 (Byelaws as to loudspeakers)	Secretary of State.
Section 609 (Places of public refreshment to be registered).	Secretary of State.

TENTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Repeal of Acts")

ACTS AND ORDERS REPEALED

Session and chapter	Title of Act or Order	Extent of repeal
31 & 32 Vict. c. xciv.	Dundee Gas Act 1868.	The whole Act so far as not already repealed.
35 & 36 Vict. c. xvii.	Dundee Gas Amendment Act 1872.	The whole Act so far as not already repealed.
40 & 41 Vict. c. xliii.	Dundee Gas (Additional Powers) Act 1877.	The whole Act so far as not already repealed.
41 & 42 Vict. c. xciv.	Dundee Street Tramways Turnpike Roads and Police Act 1878.	The whole Act so far as not already repealed.
45 & 46 Vict. c. clxxxv.	Dundee Police and Improvement Consolidation Act 1882.	The whole Act so far as not already repealed.
45 & 46 Vict. c. clxxxiv.	Dundee Gas (Debenture Stock) Act 1882.	The whole Act so far as not already repealed.
	Dundee Electric Lighting Order 1883.	The whole Order so far as not already repealed.
50 & 51 Vict. c. lxxii.	Dundee Street Tramways Recreation Grounds Police and Improvement Act 1887.	The whole Act so far as not already repealed.
53 & 54 Vict. c. cxcix.	Dundee Electric Lighting Order 1890.	The whole Order so far as not already repealed.
55 & 56 Vict. c. ccxxxv.	Dundee Extension and Improvement Act 1892.	The whole Act so far as not already repealed.
57 & 58 Vict. c. lxxiv.	Dundee Corporation Act 1894.	The whole Act so far as not already repealed.
60 & 61 Vict. c. cxcvii.	Dundee Corporation Act 1897.	The whole Act so far as not already repealed.
62 & 63 Vict. c. lxxvi.	Dundee Gas Street Improvements and Tramways Act 1899.	The whole Act so far as not already repealed.
1 Edw. 7. c. clxi.	Dundee Corporation Order Confirmation Act 1901.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
7 Edw. 7 c. lxii.	Dundee Corporation Order Confirmation Act 1907.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
8 Edw. 7 c. cxvi.	Dundee (Electric Lighting) Extension Order 1908.	The whole Order so far as not already repealed.
	Dundee Gas Commissioners Order Confirmation Act 1910.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
3 & 4 Geo. 5 c. xi.	Dundee Corporation (Improvements and Tramways) Act 1913.	The whole Act so far as not already repealed.
3 & 4 Geo. 5 c. lxxx.	Dundee Boundaries Act 1913.	The whole Act so far as not already repealed.
4 & 5 Geo. 5 c. lxix.	Dundee Boundaries Extension and Gas Order Confirmation Act 1914.	The whole of the Act and the Order scheduled thereto so far as not already repealed.

10TH SCH.
—cont.

Session and chapter	Title of Act or Order	Extent of repeal
5 & 6 Geo. 5 c. cvi.	Dundee Corporation Order Confirmation Act 1915.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
10 & 11 Geo. 5 c. cviii.	Dundee Corporation Order Confirmation Act 1920. Dundee Gas Order 1921.	The whole of the Act and the Order scheduled thereto so far as not already repealed. The whole Order so far as not already repealed.
11 & 12 Geo. 5 c. cxxix.	Dundee Corporation Order Confirmation Act 1921.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
15 Geo. 5 c. viii.	Dundee Corporation and Water and Gas Order Confirmation Act 1925.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
17 & 18 Geo. 5 c. cxix.	Dundee Corporation Order Confirmation Act 1927.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
20 Geo. 5 c. xlvi.	Dundee Corporation (General Powers) Order Confirmation Act 1930. Dundee Electricity (Extension) Special Order 1931.	The whole of the Act and the Order scheduled thereto so far as not already repealed. The whole Order so far as not already repealed.
22 & 23 Geo. 5 c. xlvi.	Dundee Corporation Order Confirmation Act 1932.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
26 Geo. 5 c. v.	Dundee Corporation Order Confirmation Act 1935.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
2 & 3 Geo. 6 c. xxxii.	Dundee Corporation Order Confirmation Act 1939. Dundee Corporation Order 1939 (Extension of Time) Order 1942. Dundee Corporation (Extension of Time) Order 1946.	The whole of the Act and the Order scheduled thereto so far as not already repealed. The whole Order so far as not already repealed. The whole Order so far as not already repealed.
9 & 10 Geo. 6 c. xxv.	Dundee Corporation Order Confirmation Act 1946.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
10 & 11 Geo. 6 c. xvii.	Dundee Corporation Order Confirmation Act 1947. Dundee Corporation (Extension of Time) Order 1947.	The whole of the Act and the Order scheduled thereto so far as not already repealed. The whole Order so far as not already repealed.
12 & 13 Geo. 6 c. ii.	Dundee Corporation Order Confirmation Act 1948.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
14 Geo. 6 c. i.	Dundee Corporation (Administration and General Powers) Order Confirmation Act 1950.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
1953 No. 1325.	Local Government (Scotland) (Dundee Wards) Order 1953.	The whole Order.

Session and chapter.	Title of Act or Order	Extent of repeal
2 & 3 Eliz. 2 c. ix.	Dundee Corporation (Water Transport Finance &c.) Order Confirmation Act 1954.	The whole of the Act and the Order scheduled thereto so far as not already repealed.
4 & 5 Eliz. 2 c. xxxiv.	Dundee Corporation Act 1956.	The whole Act.

10TH SCH.
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Table of Statutes referred to in this Act other than those referred to in the Tenth Schedule to this Act.

Short title	Session and chapter
Lands Clauses Consolidation (Scotland) Act 1845...	8 & 9 Vict. c. 19.
Railways Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 20.
Markets and Fairs Clauses Act 1847	10 & 11 Vict. c. 14.
Burial Grounds (Scotland) Act 1855	18 & 19 Vict. c. 68.
Forgery Act 1861	24 & 25 Vict. c. 98.
Cattle Sheds in Burghs (Scotland) Act 1866 ...	29 & 30 Vict. c. 18.
Regulation of Railways Act 1868	31 & 32 Vict. c. 119.
Dundee Sea Wall Esplanade and Street Act 1868 ...	31 & 32 Vict. c. cxii.
Dundee Water Act 1869	32 & 33 Vict. c. xlvi.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Forgery Act 1870	33 & 34 Vict. c. 58.
Tramways Act 1870	33 & 34 Vict. c. 78.
Dundee Water Amendment Act 1872	35 Vict. c. x.
Pawnbrokers Act 1872	35 & 36 Vict. c. 93.
Public Parks (Scotland) Act 1878	41 & 42 Vict. c. 8.
Weights and Measures Act 1878	41 & 42 Vict. c. 49.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Bankers' Books Evidence Act 1879	42 & 43 Vict. c. 11.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Dundee Water Act 1882	45 & 46 Vict. c. xliii.
Infectious Disease (Notification) Act 1889 ...	52 & 53 Vict. c. 72.
Dundee Water Act 1891	54 & 55 Vict. c. xciv.
Fatal Accidents Inquiry (Scotland) Act 1895 ...	58 & 59 Vict. c. 36.
Public Health (Scotland) Act 1897	60 & 61 Vict. c. 38.
Licensing (Scotland) Act 1903	3 Edw. 7 c. 25.
House Letting and Rating (Scotland) Act 1911 ...	1 & 2 Geo. 5. c. 53.
Milk and Dairies (Scotland) Act 1914	4 & 5 Geo. 5 c. 49.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5 c. 57.
House Letting and Rating (Scotland) Act 1920	10 & 11 Geo. 5. c. 8.
Licensing Act 1921	11 & 12 Geo. 5 c. 42.
Sale of Food (Weights and Measures) Act 1926 ...	16 & 17 Geo. 5 c. 63.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Road Traffic Act 1934	24 & 25 Geo. 5 c. 50.
Private Legislation Procedure (Scotland) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Children and Young Persons (Scotland) Act 1937	1 Edw. 8 & 1 Geo. 6 c. 37.
Hydro-Electric Development (Scotland) Act 1943	6 & 7 Geo. 6 c. 32.
Statutory Orders (Special Procedure) Act 1945 ...	9 & 10 Geo. 6 c. 18.

Short title	Session and chapter
Water (Scotland) Act 1946	9 & 10 Geo. 6 c. 42.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6 c. 58.
Acquisition of Land (Authorisation Procedure) 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.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
Companies Act 1948	11 & 12 Geo. 6 c. 38.
Gas Act 1948	11 & 12 Geo. 6 c. 67.
Water (Scotland) Act 1949	12 & 13 Geo. 6 c. 31.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Housing (Scotland) Act 1950	14 Geo. 6 c. 34.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
Local Government (Scotland) Act 1951	14 & 15 Geo. 6 c. 15.
Income Tax Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 10.
Post Office Act 1953	1 & 2 Eliz. 2 c. 36.
Local Government (Financial Provisions) (Scotland) Act 1954.	2 & 3 Eliz. 2 c. 13.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Slaughterhouses Act 1954	2 & 3 Eliz. 2 c. 42.
Summary Jurisdiction (Scotland) Act 1954 ...	2 & 3 Eliz. 2 c. 48.
Transport Charges &c. (Miscellaneous Provisions) Act 1954.	2 & 3 Eliz. 2 c. 64.
Public Service Vehicles (Travel Concessions) Act 1955.	3 & 4 Eliz. 2 c. 26.
Public Libraries (Scotland) Act 1955	3 & 4 Eliz. 2 c. 27.
Small Lotteries and Gaming Act 1956	4 & 5 Eliz. 2 c. 45.
Valuation and Rating (Scotland) Act 1956... ..	4 & 5 Eliz. 2 c. 60.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.

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